

Mayor
Ed Tidwell

Mayor Pro-Tem
Arch Davila



Council Members
David Williams
Kevin Sullivan
Chelaine Marion
Dick Weatherly
Paul Prince

**AMENDED AGENDA
CITY COUNCIL
REGULAR MEETING**

NOTICE IS HEREBY GIVEN that the Lago Vista City Council will hold a regular meeting on Thursday, September 2, 2021, beginning at 5:30 p.m. with Executive Session, as prescribed by V.T.C.A., Government Code Section §551.041 to consider the following agenda items.

THIS MEETING WILL BE HELD IN CITY COUNCIL CHAMBERS AT 5803 THUNDERBIRD, LAGO VISTA TEXAS AND UTILIZING THE GOTOMEETING VIDEOCONFERENCING TOOL.

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CALL TO ORDER, CALL OF ROLL

EXECUTIVE SESSION

1. Convene into a closed Executive Session pursuant to Sections 551.071 (Advice of Counsel), 551.072 (Real Property), 551.074 (Personnel), Section 551.087 (Economic Development), Texas Government Code and Section 1.05 Texas Disciplinary Rules of Professional Conduct regarding:
 - A. Consultation with Legal Counsel and possible action concerning any regular meeting agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said item (as needed).
 - B. Update on pending litigation *Alicie Reed vs. City of Lago Vista, Robert Mercado and Doyce Smith*: Civil Action No. 21- 464 (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct)

- C. Update on pending litigation *Brittany Henry vs. City of Lago*: Vista, EEOC Charge 451-2020-0181. (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
- D. Update on pending litigation *David Stewart v City of Lago Vista*: Cause No. D-1-GN-20-007701 in the 459th Judicial District Court; Travis County (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
- E. Consultation with City Attorney regarding sale of property at 2805 Bonanza (Sections 551.071 Consultations with Attorney and 551.072 deliberations about Real Property, and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
- F. Consultation with Legal Counsel and possible action concerning any regular meeting agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said item (as needed). (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct)

ACTION ITEMS (action and/or a vote may be taken on the following agenda items):

- 2. Reconvene from Executive Session into open session to act as deemed appropriate in City Council's discretion regarding:
 - A. To take any necessary action regarding any regular meeting agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said item (as needed).
 - B. To take any necessary action regarding update on pending litigation *Alicie Reed vs. City of Lago Vista, Robert Mercado and Doyce Smith*: Civil Action No. 21- 464 (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
 - C. To take any necessary action regarding update on pending litigation *Brittany Henry vs. City of Lago*: Vista, EEOC Charge 451-2020-0181. (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
 - D. To take any necessary action regarding update on pending litigation *David Stewart v City of Lago Vista*: Cause No. D-1-GN-20-007701 in the 459th Judicial District Court; Travis County (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
 - E. To take any necessary action regarding sale of property at 2805 Bonanza (Sections 551.071 Consultations with Attorney and 551.072 deliberations about Real Property, and Section 1.05 Texas Disciplinary Rules of Professional Conduct)
 - F. To take any necessary action concerning any regular meeting agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said item (as needed). (Section 551.071 Consultations with Attorney and Section 1.05 Texas Disciplinary Rules of Professional Conduct)

To participate in the citizens comment portion of the meeting, please submit your questions or comment 10 minutes prior to the beginning of the meeting utilizing the online form found on the City's web page and the link below. Your questions or comments will be read aloud and entered into the minutes of the meeting. The virtual conference meeting will start approximately 10 minutes prior to the meeting which will begin at 6:30 p.m.

<http://www.lagovistatexas.org/Citizen%20Participation%20Form%20-%20City%20Council.pdf>

PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG

CITIZEN COMMENTS: In accordance with the Open Meetings Act, Council is prohibited from acting or discussing (other than factual responses to specific questions) any items not on the agenda.

ITEMS OF COMMUNITY INTEREST: Pursuant to Texas Government Code Section 551.0415, the City Council may report on any of the following items:

- a. Expressions of thanks, gratitude, and condolences.
- b. Information regarding holiday schedules.
- c. Recognition of individuals, i.e., Proclamations
- d. Reminders regarding City Council events.
- e. Reminders regarding community events.
- f. Health and safety announcements.

CONSENT AGENDA

All matters listed under Consent Agenda, are to be considered routine by the City Council and will be enacted by one motion. There will not be separate discussion on these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

3. Approval of the July 22, 2021, and July 29, 2021, special called meeting minutes.
4. Acceptance of an easement from Brohn Homes and authorize the Mayor to sign the documents.

DISCUSSION ITEM

5. Discussion of golf carts on city streets, and a possible creation of a City Ordinance to address unlawful operation of golf carts within the Lago Vista city limits by unlicensed persons.

PUBLIC HEARING AND POSSIBLE ACTION (FIRST CONSIDERATION)

6. The Lago Vista City Council will hold a public hearing and consider an Ordinance of the City Council of Lago Vista, Texas amending the official zoning map regarding the current "Planned Development District" (PDD) known as "Firefly Cove" and previously described as "Tusikanni Cove" in Ordinance Number 07-10-04-04, to approve an amended concept plan for the entire development consisting of approximately 281.45 acres and to approve a detail plan for everything except the area designated as the location of approximately 45 estate lots; and providing for related matters.

- Open public hearing
 - Mayor's presentation
 - Applicant's presentation
 - Close public hearing
 - Council discussion and possible decision (continue public hearing if no decision results)
7. The Lago Vista City Council will hold a public hearing and consider an Ordinance of the City Council of Lago Vista, Texas amending the official zoning map by changing the zoning district for approximately 2.183 acres of land that is not platted, but located within the boundaries of Lago Vista Travis Plaza, a subdivision of record in Book 39, Page 50 of the Plat Records of Travis County, Texas and generally described as being located at 20806 Bonanza Street, from P-2 ("Park and Greenbelt District, Passive") to R-4 ("Multifamily Residential District"); and providing for related matters.
- Open public hearing
 - Mayor's presentation
 - Applicant's presentation
 - Close public hearing
 - Council discussion and possible decision (continue public hearing if no decision results)

ACTION ITEMS

8. Discussion, consideration, and possible action regarding Resolution No. 21-1897; A Resolution by the City Council of the City of Lago Vista, Texas cancelling the regular City Council meeting scheduled for October 7, 2021.
9. Discussion, consideration and possible action regarding the taps and line extension construction contract award and authorize the City Manager to execute the contract.
10. Discussion, consideration, and possible action regarding a Complaint alleging Ethics Policy violations by Charter Review Committee Chairman, Robert Durbin.

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board located at all times in City Hall in said City at 2:10 p.m. on the 27th day of August 2021.

_____/s/_____
Sandra Barton, City Secretary

THIS MEETING SHALL BE CONDUCTED PURSUANT TO THE TEXAS GOVERNMENT CODE SECTION 551.001 ET SEQ. AT ANY TIME DURING THE MEETING THE COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION ON ANY OF THE ABOVE POSTED AGENDA ITEMS IN ACCORDANCE WITH THE SECTIONS 551.071, 551.072, 551.073, 551.074, 551.075 OR 551.076.

THE CITY OF LAGO VISTA IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.

AT THIS MEETING AT THE STATED LOCATION, A QUORUM OF THE CITY COUNCIL WILL BE PHYSICALLY PRESENT, AND THIS NOTICE SPECIFIES THE INTENT TO HAVE A QUORUM PRESENT THERE, AND THE MEMBER OF THE CITY COUNCIL PRESIDING OVER THE MEETING WILL BE PHYSICALLY PRESENT AT THAT LOCATION. ONE OR MORE MEMBERS OF THE CITY COUNCIL MAY PARTICIPATE IN THIS MEETING REMOTELY, AND IF SO, VIDEOCONFERENCE EQUIPMENT PROVIDING TWO-WAY AUDIO AND VIDEO DISPLAY AND COMMUNICATION WITH EACH MEMBER WHO IS PARTICIPATING BY VIDEOCONFERENCE CALL WILL BE MADE AVAILABLE.

MEETING DATE: September 2, 2021

CALL TO ORDER:

**AGENDA ITEM: CALL TO ORDER, CALL OF ROLL, PLEDGE OF ALLEGIANCE,
INVOCATION**

Comments:

ADJOURN:

TURN RECORDER OFF

Motion by: _____

Seconded by: _____

Content of Motion: _____

Vote: Williams _____ **; Sullivan** _____ **; Davila** _____ **; Marion** _____ **;**

Tidwell _____ **; Weatherly** _____ **; Prince** _____

Motion Carried: Yes _____ **; No** _____

MEETING DATE: September 2, 2021

AGENDA ITEM: CITIZEN COMMENTS

Comments:



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: September 2, 2021

From: Mayor Tidwell/Council

Subject: Items of Community Interest

Request: Other

Legal Document: Other

Legal Review: ☐

EXECUTIVE SUMMARY:

This is a new section that we are adding to the Council Agenda.

For this agenda, we have included the items that can be communicated under this section.
Those items are:

- a. Expressions of thanks, gratitude, and condolences
- b. Information regarding holiday schedules
- c. Recognition of individuals, including Proclamations
- d. Reminders regarding City Council Events
- e. Reminders regarding community events
- f. Health and Safety Announcements.

No action is required for these items.

Impact if Approved:

N/A

Impact if Denied:

N/A

Is Funding Required? ☐ Yes ☒ No If Yes, Is it Budgeted? ☐ Yes ☐ No ☐ N/A

Indicate Funding Source:

Suggested Motion/Recommendation/Action

Motion to - -

Motion to - -

Motion to - -

Known as:

Agenda Item Approved by City Manager

MEETING DATE: September 2, 2021

AGENDA ITEM: CONSENT AGENDA

Comments:

CONSENT AGENDA

Approval of the following Council meeting minutes:

July 22, 2021, special called meeting minutes and
July 29, 2021, special called meeting minutes

**OFFICIAL MINUTES OF THE CITY COUNCIL
SPECIAL CALLED MEETING
THURSDAY, JULY 22, 2021**

BE IT REMEMBERED that on the 22nd day of July, A.D., 2021, the City Council held a special called meeting at 5:32 p.m. via Go to Meeting, there being present via videoconferencing and acting the following:

Ed Tidwell	Mayor	Chelaine Marion	Council Member
Arch Davila	Mayor Pro Tem	Dick Weatherly	Council Member
David Williams	Council Member	Paul Prince	Council Member
Kevin Sullivan	Council Member		

CALL TO ORDER, CALL OF ROLL, PLEDGE OF ALLEGIANCE, INVOCATION

Mayor Tidwell called the special called meeting to order at 5:32 p.m. and announced that all Councilmembers were present as well as the chairperson for the Charter Review Committee.

CITIZEN COMMENTS: In accordance with the Open Meetings Act, Council is prohibited from acting or discussing (other than factual responses to specific questions) any items not on the agenda.

Paul Roberts made comments regarding the Delta Virus.

ACTION ITEM

**19:37 – 2:59:43 Council recessed from 2:59:44 – 3:10:49
3:11-05 – 4:30:35**

1. Discussion, consideration, and possible action regarding Charter Review Committee recommendations.

No action was taken by Council.

ADJOURNMENT

Mayor Tidwell adjourned the meeting at 10:02 p.m.

Respectfully submitted,

Ed Tidwell, Mayor

ATTEST:

Sandra Barton, City Secretary

On a motion by _____, seconded by _____, the above and foregoing instrument was passed and approved this 2nd day of September 2021.

**OFFICIAL MINUTES OF THE CITY COUNCIL
SPECIAL CALLED MEETING
THURSDAY, JULY 29, 2021**

BE IT REMEMBERED that on the 29th day of July, A.D., 2021, the City Council held a special called meeting at 5:32 p.m. via Go to Meeting, there being present via videoconferencing and acting the following:

Ed Tidwell	Mayor	Chelaine Marion	Council Member
Arch Davila	Mayor Pro Tem	Dick Weatherly	Council Member
		Paul Prince	Council Member
Kevin Sullivan	Council Member		

CALL TO ORDER, CALL OF ROLL, PLEDGE OF ALLEGIANCE, INVOCATION

Mayor Tidwell called the special called meeting to order at 5:32 p.m. and announced that all Councilmembers were present except Councilmember Williams. Mayor Tidwell led the Pledge of Allegiance and Pledge to the Texas Flag.

CITIZEN COMMENTS: In accordance with the Open Meetings Act, Council is prohibited from acting or discussing (other than factual responses to specific questions) any items not on the agenda.

None

ACTION ITEM

2:25 -

1. Discussion, consideration, and possible action regarding Charter Review Committee recommendations.

3:27: - 25:00

Mayor Tidwell's proposed item regarding changing the fiscal year from 1 October to either 1 December or 1 January.

Mayor Tidwell made a motion that we adopt the change to the Charter that would change the fiscal year from 1 October to 1 December. There was no second, so the motion fails.

25:00 – 35.15

Section 3.01 Non substantive, Mayor Pro Term to Mayor Pro Tem

Section 3.08 Non substantive, Mayor Pro Term to Mayor Pro Tem

Section 3.16 Non substantive, paragraph two, Mayor Pro Term to Mayor Pro Tem

Section 4.01(j) Non substantive, error whereby (j) somehow became G.

Section 5.01 Non substantive, correction of typos from conversion

On a motion by Councilmember Sullivan, seconded by Councilmember Marion, Council voted unanimously that we approve the non-substantive items to be put onto the ballot in one section and those non-substantive changes would be in Section 3.01, 3.08, 3.16 paragraph 2, 4.01(j), and 5.01, again only the non-substantive changes in those sections.

35:15 – 49:51

Section 3.16¶1

On a motion by Councilmember Sullivan, seconded by Councilmember Prince, Council voted unanimously that we approve a change to Section 3.16¶1 and the change would be in the first

sentence it ends clearly summarized and fully descriptive title or caption, that should be changed to and caption and then the next sentence the reading aloud of the title or caption should be the title or should be struck and descriptive of put in front of caption. Motion carries.

49:53 – 56:05 and

Section 4.03

On a motion by Councilmember Prince, seconded by Councilmember Marion, Council voted unanimously

56:10 – 1:03:14

Section 8.10

On a motion by Councilmember Sullivan, seconded by Councilmember Prince, Council voted unanimously (5-0) that we request that City staff draft language for Sections 8.10 and 8.11 ¶3 around the petition so that its consistent with State Law and bring that back to us at our next Charter review meeting. Motion carries. Mayor Pro Tem Davila was not present for the vote.

1:03:16 – 1:16:21

Section 1.04

On a motion by Councilmember Prince, seconded by Councilmember Sullivan, Council voted unanimously that in Section 1.04 ¶a, we strike the words adjacent property. Motion carries.

1:16:25 – 1:22:10

Section 3.03

On a motion by Councilmember Sullivan, seconded by Councilmember Prince, Council voted unanimously that we accept the suggested change to Section 3.03 for it to read the City Secretary shall be the judge of the qualifications of all candidates for elected office. Motion carries.

1:22:12 – 1:29:43

Section 4.01¶3

On a motion by Councilmember Marion, seconded by Councilmember Sullivan, Council voted unanimously that we accept the edit to Section 4.01¶3 to replace the subchapter with Charter. Councilmember Sullivan asked if it would be okay to change, to amend that it's not subchapter but subsection to Charter. Motion carries.

1:30:23 – 1:33:44

Section 10.07

On a motion by Councilmember Prince, seconded by Councilmember Marion, Council voted unanimously that we accept the committee's recommendation to change in Section 10.07 to change the word connection to correction and that we bundle that change with the other non-substantive changes that we've passed a motion on earlier. Motion carries.

1:33:45 – 2:26:55

Section 3.08 Change from Executive to open session

On a motion by Councilmember Sullivan, seconded by Mayor Pro Tem Davila, Council voted four (4) ayes (Sullivan, Davila, Weatherly, Mayor) to two (2) nays (Marion, Prince), that we decline to take any action on this particular item in Section 3.08 around open in Executive Session. Motion passed 4-2.

Councilor Marion made a motion that we amend that to modify the language of last sentence of the first paragraph if the majority of the Council finds the complaint alleges a violation that is grounds for removal it shall set a time and date in open session for a hearing to occur in Executive Session on the complaint.

Councilmember Sullivan rejects the amendment to his motion.

2:26:56 – 2:30:40

Section 4.03.1

On a motion by Councilmember Sullivan, seconded by Mayor Pro Tem Davila, Council voted unanimously that we decline to move forward with the item in Section 4.03.1. Motion carries.

2:30:42 – 2:31:53 Council took a recess at 8:03 p.m. – 8:16 p.m.

2:44:49 – 2:46:55

Section 1.01

On a motion by Councilmember Sullivan, seconded by Mayor Pro Tem Davila, Council voted unanimously that we decline to move forward with the discretionary change about the City name in Section 1.01. Motion carries.

2:46:56 – 2:51:12

Section 2.01, 2.02, 2.03, 2.06

On a motion by Councilmember Sullivan, seconded by Mayor Pro Tem Davila, Council voted unanimously that decline to move forward with the discretionary blue shaded items in Section 2. Motion carries.

2:51:13 – 3:04:11

Section 3.05

On a motion by Councilmember Sullivan, seconded by Mayor Pro Tem Davila, Council voted unanimously that we decline to move forward with 3.05 the discretionary change about pay. Motion carries.

3:04:12 – 3:13:42

Section 3.06(g)

On a motion by Councilmember Sullivan, seconded by Mayor Pro Tem Davila, Council voted unanimously that we decline to move forward with the discretionary item in 3.06(g). Motion carries.

3:13:43 – 3:20:57

Section 3.09

On a motion by Councilmember Sullivan, seconded by Councilmember Prince, Council voted unanimously that we decline to move forward with the discretionary change in Section 3.09. Motion carries.

3:20:58 – 3:23:23

Section 3.13

On a motion by Councilmember Prince, seconded by Councilmember Marion, Council voted unanimously that we decline to accept the proposal for the change to Section 3.13 as given to us by the committee. Motion carries.

3:23:24 – 3:25:54

Section 3.15

On a motion by Councilmember Sullivan, seconded by Councilmember Marion, Council voted unanimously that we move forward with the substantive change in Section 3.15 with regard to a person's property or both. Motion carries.

3:25:55 – 3:37:12

Section 3.17

On a motion by Councilmember Sullivan, seconded by Mayor Pro Tem Davila, Council voted unanimously that we decline to move forward with the discretionary change in Section 3.17. Motion carries.

3:37:13 – 3:45:24

Section 3.19

On a motion by Councilmember Prince, seconded by Councilmember Marion, Council voted unanimously that we accept Section 3.19 changes as proposed by the committee with one

exception, that we do not accept the change of the word may to shall; the City may adopt by ordinance would remain in the updated version. Motion carries.

3:45:26 – 3:52:37

Section 3.21

On a motion by Councilmember Sullivan, seconded by Councilmember Prince, Council voted unanimously that we decline to move forward with the discretionary change in Section 3.21. Motion carries.

3:52:38 – 4:07:53

Section 3.23

On a motion by Councilmember Sullivan, seconded by Mayor Pro Tem Davila, Council voted unanimously that we decline to move forward with the discretionary change in Section 3.23. Motion carries.

4:07:54 – 4:25:06 4:25:30 – 4:27:08

Section 4.01

On a motion by Councilmember Prince, seconded by Councilmember Marion, Council voted unanimously that we accept the proposal from the committee for changes to Section 4.01. Motion carries.

Councilmember Prince made a motion to reconsider that last motion. Mayor Pro Tem Davila seconded by the motion. Council voted unanimously to reconsider.

On a motion by Councilmember Prince, seconded by Councilmember Marion, Council voted unanimously that we accept the proposed changes for Section 4.01 in the first paragraph. Motion carries.

4:27:09 – 4:36:23

Section 4.01(b)

On a motion by Councilmember Sullivan, seconded by Mayor Pro Tem Davila, Council voted unanimously that we decline to move forward with the discretionary change in Section 4.01(b). Motion carries.

4:36:24 – 4:53:53

Section 4.02 and Section 4.05

On a motion by Councilmember Sullivan, seconded by Councilmember Marion, Council voted unanimously that we decline to move forward with the discretionary changes in Section 4.02 and 4.05. Motion carries.

4:53:53 – 4:56:12

Section 4.03

On a motion by Councilmember Prince, seconded by Councilmember Marion, Council voted unanimously that we not accept the proposed changes from the committee for Section 4.03 but instead we instruct City Staff to prepare language that changes the appointment process for Judges to be in compliance with State Law. Motion carries.

4:56:13 – 4:58:06

Section 4.06

On a motion by Councilmember Sullivan, seconded by Councilmember Marion, Council voted unanimously that we decline to move forward with the discretionary change in 4.06. Motion carries.

4:58:07 – 5:02:37

Section 5.01

On a motion by Councilmember Prince, seconded by Councilmember Marion, Council voted five (5) ayes (Davila, Marion, Weatherly, Prince, Tidwell) to one (1) nay (Sullivan) that we accept the

change from Section 5.01 from the committee to strike the sentence that begins the member of the Council for Place 2, 4 and 6. Motion carries 5-1.

5:02:40 – 5:04:29

Section 5.01(f)

On a motion by Councilmember Sullivan, seconded by Mayor Pro Tem Davila, Council voted unanimously that the discretionary change in Section 5.01(f) not move forward. Motion carries.

5:04:32 – 5:07:02

Section 5.04

On a motion by Councilmember Sullivan, seconded by Councilmember Prince, Council voted unanimously that we decline to move forward with the discretionary change in Section 5.04. Motion carries.

5:07:05 – 5:11:33

Section 6.08

On a motion by Councilmember Prince, seconded by Councilmember Marion, Council voted five (5) ayes (Davila, Marion, Weatherly, Prince, Tidwell) to one (1) nay (Sullivan) that we accept the committee's proposed change to Section 6.08 to reduce the number from 20% to 10%. Motion carries 5-1.

5:11:36 – 5:13:59

Section 6.11

On a motion by Councilmember Sullivan, seconded by Councilmember Marion, Council voted unanimously that we accept the substantive discretionary change in Section 6.11. Motion carries.

5:14:00 – 5:16:26

Section 6.12

On a motion by Councilmember Sullivan, seconded by Councilmember Prince, Council voted unanimously that we decline to move forward with discretionary change in 6.12. Motion carries.

5:16:27 – 5:19:04

Section 7.01

On a motion by Councilmember Sullivan, seconded by Councilmember Marion, Council voted unanimously that we decline to move forward with the discretionary change in 7.01. Motion carries

5:19:06 – 5:21:15

Section 8.04

On a motion by Councilmember Sullivan, seconded by Councilmember Prince, Council voted unanimously that we decline to move forward with the discretionary change in 8.04. Motion carries.

5:21:16 – 5:24:05

Section 8.09

On a motion by Councilmember Sullivan, seconded by Councilmember Prince, Council voted unanimously that we decline to move forward with the discretionary change in Section 8.09. Motion carries.

5:24:06 – 5:28:46

Section 8.10

On a motion by Councilmember Sullivan, seconded by Councilmember Marion, Council voted unanimously that we accept the change in Section 8.10 with regard to requiring two readings that change, with regard to financial instruments. Motion carries.

5:28:46 – 5:31:48

Section 8.10(d)

On a motion by Councilmember Sullivan, seconded by Mayor Pro Tem Davila, Council voted unanimously that we decline to move forward with the item 8.10(d) delta. Motion carries.

5:31:54 – 5:33:34

Section 8.11¶1

On a motion by Councilmember Sullivan, seconded by Mayor Pro Tem Davila, Council voted unanimously that we decline to move forward with the discretionary change in Section 8.11¶1. Motion carries.

5:33:35 – 5:42:19 and 5:42:23 – 5:44:07

Section 8.12

On a motion by Councilmember Sullivan, seconded by Councilmember Marion, Council voted unanimously that the discretionary change in Section 8.12 does not move forward. Motion carries. On a motion by Councilmember Prince, seconded by Councilmember Marion, Council voted unanimously that for Section 8.12 that we accept the proposed non-substantive change of foml to form, form of any purchase agreement. Motion carries.

5:44:08 – 5:45:47

Section 8.16

On a motion by Councilmember Sullivan, seconded by Councilmember Weatherly, Council voted unanimously that the discretionary change in Section 8.16 be declined. Motion carries.

5:45:47 – 5:47:00

Section 9.04

On a motion by Councilmember Sullivan, seconded by Councilmember Weatherly, Council voted unanimously that we decline to move forward with the discretionary change in Section 9.04. Motion carries.

5:47:02 – 5:50:10

Section 10.01, 10.04 and 10.05

On a motion by Councilmember Sullivan, seconded by Councilmember Prince, Council voted unanimously that we decline to move forward with the discretionary changes in Section 10.01, 10.04 and 10.05. Motion carries.

5:50:12 – 5:52:03

Section 11.03

On a motion by Councilmember Sullivan, seconded by Councilmember Marion, Council voted unanimously that we decline the discretionary change in Section 11.03. Motion carries.

5:52:04 – 5:57:32

Section 11.07

On a motion by Councilmember Sullivan, seconded by Councilmember Prince, Council voted unanimously that we decline to move forward with the discretionary change in 11.07 but that we do include the non-substantive change from 11.07 Section c should be renamed to b appropriately. Motion carries.

5:57:33 – 6:02:29

Section 11.18

On a motion by Councilmember Sullivan, seconded by Councilmember Weatherly, Council voted unanimously that we decline to move forward with the discretionary change in Section 11.18. Motion carries.

6:02:31 – 6:05:58

On a motion by Councilmember Sullivan, seconded by Councilmember Weatherly, Council voted unanimously that we add to the list of non-substantive changes, the change in Section 10.06, subparagraph i. Motion carries.

ADJOURNMENT

Mayor Tidwell adjourned the meeting at 11:45 p.m.

Respectfully submitted,

Ed Tidwell, Mayor

ATTEST:

Sandra Barton, City Secretary

On a motion by _____, seconded by _____, the above
and foregoing instrument was passed and approved this 2nd day of September 2021.



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: 9/2/21

From: Eric Belaj, PE, CFM

Subject: Acceptance of an easement from Brohn Homes, and authorize the Mayor to sign the documents.

Request: Consent Agenda

Legal Document: Other

Legal Review:



EXECUTIVE SUMMARY:

The builder is conveying to the City a strip of land as easement to construct mailboxes. T

After approval the documents will be recorded with Travis County.

This easement conveyance is as a result of engineering design review comments to provide the City adequate storm water property protection from future development.

See attached the easement documents and exhibits. The builder is sending the City originals for signature.

City staff has reviewed the easements and determined that they are sufficient to address design comments, and recommend approval.

Impact if Approved:

After approval the documents will be recorded with Travis County. City will then notify the post office to begin install of mailboxes.

Impact if Denied:

City council will have to give staff direction on alternative solution.

Is Funding Required? ☐ Yes ☒ No If Yes, Is it Budgeted? ☐ Yes ☐ No ☒ N/A

Indicate Funding Source:**Suggested Motion/Recommendation/Action**

Motion to - -

Motion to - -

Motion to - -

Known as:

Accept Easement from Brohn Homes, and authorize the Mayor to sign the documents.

Agenda Item Approved by City Manager

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.

UTILITY AND ACCESS EASEMENT DEDICATION

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

DATE: August 11, 2021

GRANTOR: CLAYTON PROPERTIES GROUP, INC., a Tennessee corporation doing business in Texas as BROHN HOMES

GRANTOR'S MAILING ADDRESS: 6720 Vaught Ranch Road, Suite 200
 Austin, Texas 78730
 Attn: Greg Barber

GRANTEE: THE CITY OF LAGO VISTA, TEXAS

GRANTEE'S MAILING ADDRESS: 5803 Thunderbird Drive
 Lago Vista, Texas 78645
 Attn: Eric Belaj

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

DEDICATION PROPERTY: That certain tract of land consisting of approximately 1838 square feet of land, more or less, more particularly described on the attached Exhibit "A".

PROJECT: The PROJECT shall consist of a roadway, related street and drainage improvements, and a cluster mailboxes, as more particularly described on the attached Exhibit "B".

GRANTOR, for the CONSIDERATION, the covenants and agreements set forth herein, and other good and valuable consideration paid to GRANTOR, hereby grants, sells, and conveys to GRANTEE an exclusive UTILITY AND surface ACCESS easement ("EASEMENT") in, upon and across the DEDICATION PROPERTY, together with all and singular the rights and appurtenances to have and hold to GRANTEE and GRANTEE'S successors and assigns forever.

The EASEMENT, rights, and privileges will be used exclusively for the purposes of excavating for, laying, constructing, placing, operating, maintaining, reconstructing, replacing, rebuilding, upgrading, renewing, removing, inspecting, patrolling, changing, modifying, or repairing the PROJECT, or any part of the PROJECT.

GRANTOR will not place any permanent structure in or on or use the DEDICATION PROPERTY in any manner that may endanger or may interfere with the safe, efficient, or convenient operation, or maintenance of the PROJECT or GRANTEE's rights to use the DEDICATION PROPERTY.

GRANTOR will not use nor grant any other person or entity the right to use the DEDICATION PROPERTY for any purpose inconsistent with the exclusive EASEMENT granted to GRANTEE.

The EASEMENT granted hereby is further made and accepted subject to any and all easements, covenants, restrictions, reservations, conditions and other encumbrances related to the DEDICATION PROPERTY to the extent, but only to the extent, the same may still be in force and effect and shown of record in the Real Property Records of Travis County, Texas, or that may be apparent on the DEDICATION PROPERTY.

Subject to the conditions and exceptions set forth herein, GRANTOR warrants and shall forever defend the EASEMENT to GRANTEE against anyone lawfully claiming or to claim the EASEMENT or any part thereof, by, through or under GRANTOR, but not otherwise.

When the context requires, singular nouns and pronouns include the plural. When appropriate, the term "GRANTEE" includes the employees, agents, subsidiaries, officers, servants, contractors, successors and assigns of GRANTEE.

[SIGNATURE PAGES FOLLOW]

SIGNATURE PAGE TO RIGHT-OF-WAY DEDICATION

GRANTOR:

CLAYTON PROPERTIES GROUP, INC.,
a Tennessee corporation doing business in Texas
as BROHN HOMES

By: _____

Adam B. Boenig, Vice President

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2021, by Adam B. Boenig, Vice President of Clayton Properties Group, Inc., a Tennessee corporation doing business in Texas as Brohn Homes, on behalf of said corporation.

(SEAL)

Notary Public Signature

SIGNATURE PAGE TO RIGHT-OF-WAY DEDICATION

RECEIVED, ACCEPTED AND AGREED
TO BY GRANTEE:

THE CITY OF LAGO VISTA, TEXAS

By: _____
Ed Tidwell, Mayor

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2021, by Ed Tidwell, Mayor of the City of Lago Vista, Texas, on behalf of said city.

(SEAL)

Notary Public Signature

EXHIBIT “A”

Dedication Property

[insert]

EXHIBIT "B"

Construction, improvement, expansion, and maintenance of: drainage channels and pipes, drainage headwalls, underground utility lines with above ground appurtenances, sidewalks or walkways, concrete slabs for public access, bollards and fencing, mailbox structures, electrical wiring, lighting and associated appurtenances, driveways, curb and gutter, landscaping and irrigation

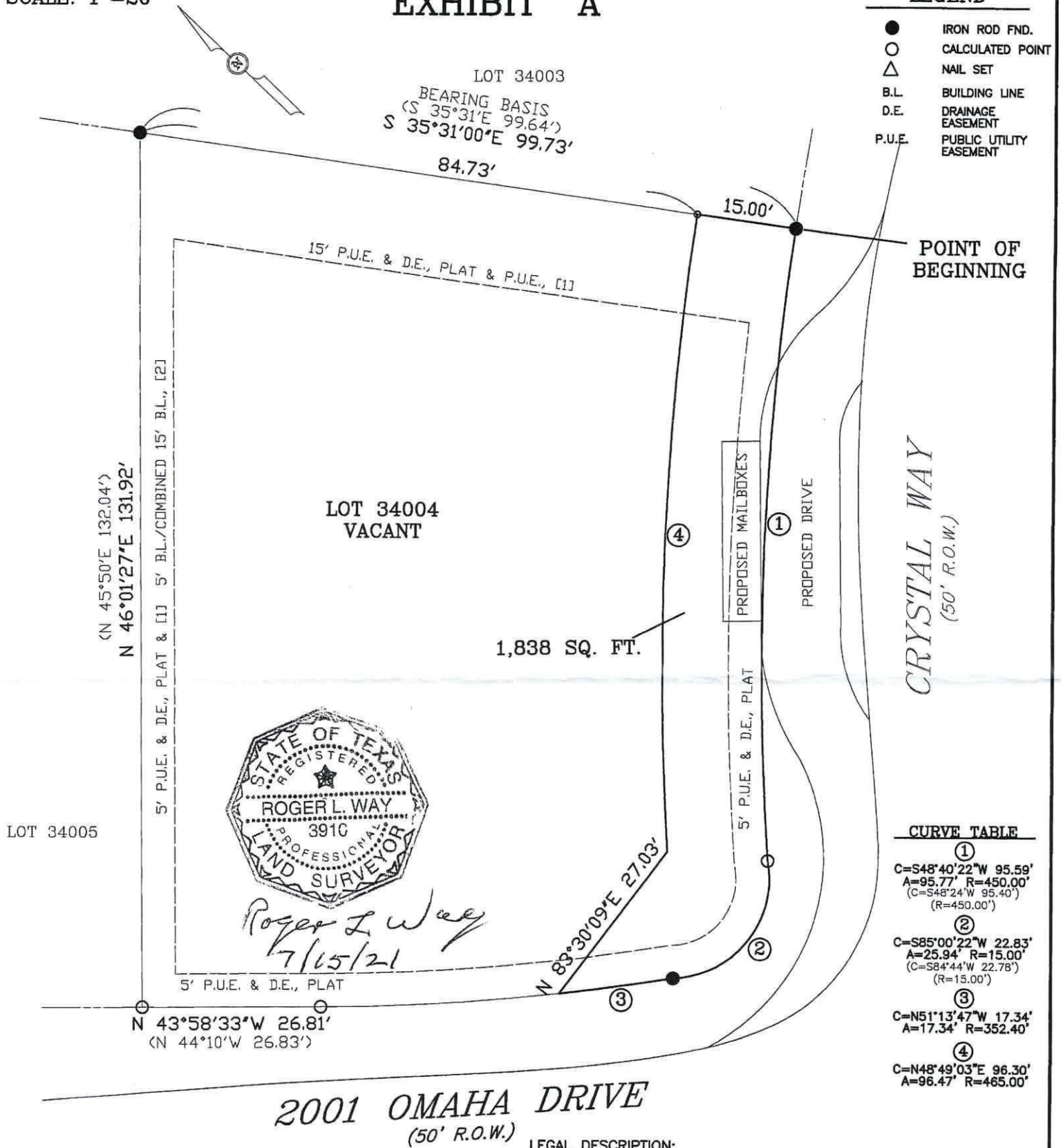
[insert]

SCALE: 1"=20'

EXHIBIT "A"

LEGEND

- IRON ROD FND.
- CALCULATED POINT
- △ NAIL SET
- B.L. BUILDING LINE
- D.E. DRAINAGE EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT



CURVE TABLE

- ①
C=S48°40'22"W 95.59'
A=95.77' R=450.00'
(C=S48°24'W 95.40')
(R=450.00')
- ②
C=S85°00'22"W 22.83'
A=25.94' R=15.00'
(C=S84°44'W 22.78')
(R=15.00')
- ③
C=N51°13'47"W 17.34'
A=17.34' R=352.40'
- ④
C=N48°49'03"E 96.30'
A=96.47' R=465.00'

LEGAL DESCRIPTION:

LOT 34004, HIGHLAND LAKE ESTATES, SECTION THIRTY-FOUR, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN VOL. 79, PG. 139, PLAT RECORDS, TRAVIS COUNTY, TEXAS.

REFERENCE: CLAYTON PROPERTIES GROUP, INC. DBA BROHN HOMES



ALL POINTS SURVEYING

1714 FORTVIEW ROAD - SUITE 200
AUSTIN TX. 78704

TELE.: (512) 440-0071 - FAX: (512) 440-0199

FIRM REGISTRATION # 10118900

Job No. 07B06921

FIELD NOTES
UTILITY AND ACCESS EASEMENT- 2001 OMAHA DRIVE, 78645

BEING 1838 SQUARE FEET OF LAND, MORE OR LESS, OUT OF AND A PORTION OF LOT 34004 OF HIGHLAND LAKE ESTATES, SECTION THIRTY-FOUR, IN THE CITY OF LAGO VISTA AS RECORDED IN VOLUME 79, PAGE 139 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS SAID LOT 34004 BEING CONVEYED BY DEED TO CLAYTON PROPERTIES GROUP INC. AS RECORDED IN DOCUMENT NUMBER 2019142615 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 1838 SQUARE OF LAND FOR A RIGHT-OF-WAY EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

BEGINNING at a ½" rod found on the northwest right-of-way line of Crystal Way (50' ROW) for the east corner of said Lot 34004, same being the south corner of lot 34003 of said subdivision, from this point a ½" iron rod found for the north corner of Lot 34004 same being the east corner of Lot 34005 of said subdivision bears N 35° 31' 00" W (basis of Bearings), along the common dividing line between said lots, a distance of 99.73 feet;

THENCE along said right-of-way line, same being the southeast line of this right-of-way easement, the following two (2) courses and distances to ½" iron rod at the terminus of each course"

- 1) along a curve to the left (concave to the southeast) having the following elements, a central angle of 12° 11' 38", a radius 450.00 and an arc length of 95.77 feet, the chord of which bears S 48° 40' 22" W a distance of 95.59 feet to the beginning of a return curve to the right (concave to the north) to the northeast right-of-way line of Omaha Drive (50' ROW), and.
- 2) along said return curve having the following elements, a central angle of 99° 05' 39" an a radius of 15.00 feet and an arc length of 25.94 feet, the chord of which bears S 85° 00' 22" W a distance of 22.83 feet to said ½" iron rod found at the terminus of said return curve on the northeast right-of-way line of Omaha Drive;

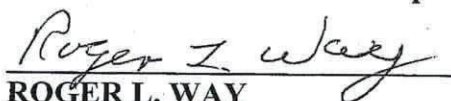
THENCE along said Omaha Drive right-of-way along a curve to the right (concave to the northeast) with the following elements a central angle of 2° 49' 10" a radius of 352.40 feet and an arc length of 17.34 feet, the chord of which bears N 51° 13' 47" W a distance of 17.34 feet to a calculated point;

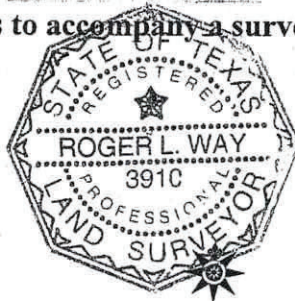
THENCE through said Lot 34004 the following two (2) courses and distances to a calculated point at the terminus of each course

- 1) N 83° 30' 09" E a distance of 33.21 feet to a calculated point, and
- 2) along a curve to the right (concave to the southeast), parallel to and 15.00 feet radially distant from said Crystal Way right-of-way line having the following elements, a central angle of 11° 53' 13" a radius of 465.00 feet and an arc length of 96.47 feet the chord of which bears N 48° 49' 03" E a distance of 96.30 feet to the point of intersect with common dividing line between Lots 34004 and 34003;

THENCE S 25° 31' 00" E, along said common dividing line, a distance of 15.00 feet to the **POINT OF BEGINNING** for this right-of-way easement and containing 1838 square feet of land, more or less.

This metes and bounds description is to accompany a survey map of same date.


ROGER L. WAY
R.P.L.S. No. 3910
JOB No. 07B06921-2



7/25/21
Date



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: 2 September 2021

From: Councilor Arch Davila

Subject: Discussion of golf carts on city streets, and a possible creation of a City Ordinance to address unlawful operation of golf carts within the Lago Vista city limits by unlicensed persons.

Request: Other

Legal Document: Other

Legal Review: ☐

EXECUTIVE SUMMARY:

As the operation of golf cart on city streets has increased over the last few years, the increase has become a hazard to persons and property of the residents of Lago Vista. Namely, the operation by unlicensed and at times under-aged children. This is a growing concern for both the residents and governments in many cities in Texas, including Lago Vista.

Cities have resorted to requiring licensing, or at a minimum, the registration of these vehicles. Those quasi-restrictions on street operations have resulted in cities controlling the hours of operation, as well as, the areas in which those motorized vehicles may be used. One such city is Galveston, Texas, where golf cart rentals abound.

The proposition to be discussed and possibly acted upon is to require minimum safety standards of golf carts to have headlights, turn-signals and horns. But more importantly, requiring the registration and possible insurance coverage on golf carts.

There are several cities with model ordinances that may be studied before enacting and enforcing our own set of requirements. One such city is Jamaica Beach, Texas. In a short 2019 discussion with Police Chief Smith, that city's ordinance and street signage was introduced and an agreement made to follow up with further review by our City Manager. However, that discussion failed to materialize and no further review was made.

Today's more frequent use of golf carts in Lago Vista requires this city's attention and possible action.

Impact if Approved:

N/A

Impact if Denied:

N/A

Is Funding Required? ☐ Yes ☒ No If Yes, Is it Budgeted? ☐ Yes ☐ No ☐ N/A

Indicate Funding Source:

Suggested Motion/Recommendation/Action

Motion to - -

Motion to - -

Motion to - -

Known as:

Agenda Item Approved by City Manager



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: 02 September, 2021

From: Roy Jambor, AICP / PA (Development Services Director)

Subject: The Lago Vista City Council will hold a public hearing and consider an Ordinance of the City Council of Lago Vista, Texas amending the official zoning map regarding the current "Planned Development District" (PDD) known as "Firefly Cove" and previously described as "Tusikanni Cove" in Ordinance Number 07-10-04-04, to approve an amended concept plan for the entire development consisting of approximately 281.45 acres and to approve a detail plan for everything except the area designated as the location of approximately 45 estate lots; and providing for related matters.

Request: Public Hearing

Legal Document: Ordinance

Legal Review: ☐

EXECUTIVE SUMMARY:

Following this cover sheet and summary is an attached "Staff Land Use Report" specifically prepared for the City Council for considering this application. It precedes the packet that included a very similar "Staff Land Use Report" that was presented to the Planning and Zoning Commission for use in formulating their recommendation at their August 12, 2021 meeting.

That recommendation followed a clarification by the staff, confirmed by the applicant, that there was never an intent to seek detail plan approval for the estate lots. Instead they were seeking a concept plan approval for the entire development, knowing that a future detail plan approval would be required prior to the development of the anticipated 45 estate lots. They also explained that the reference in their narrative about street design that led to confusion in the Planning and Zoning Commission version of the "Staff Land Use Report" was a simple typographic error. As the Council can well imagine, the Development Services Director welcomes any occasion when he is not the source of a confusing typing error.

The Planning and Zoning Commission, with six of the seven members in attendance, unanimously recommended approval of the zoning district change contingent upon a number of conditions that clarify the need to seek detail plan approval for the estate lots in a future application. There was also a condition related to the fact that there are still a small number of very minor outstanding comments from the City Engineer and a third-party consultant engaged to assist with the review of the required traffic impact analysis (TIA). These outstanding comments are not out of a substantive nature and all of the improvements required by the TIA are clearly identified to the satisfaction of the City Engineer.

Impact if Approved:

The development can proceed to seek approval for the various required plats and construction plans for all phases, with the exception of the estate lots, which will require a future application seeking "detail plan" approval for those estimated 45 additional lots.

Impact if Denied:

The desired new development will be limited to Phase 1A approved by the Lago Vista City Council in Ordinance Number 20-11-19-01. However, the balance of the property will remain approved for development consistent with Ordinance Number 07-10-04-04, which includes entitlements for both commercial and multifamily components as well as a larger number of single-family residences.

Is Funding Required? ☐ Yes ☒ No If Yes, Is it Budgeted? ☐ Yes ☐ No ☒ N/A

Indicate Funding Source:**Suggested Motion/Recommendation/Action**

Motion to	Enact Ordinance	N/A	-	N/A	-	N/A
Motion to	Deny Ordinance	N/A	-	N/A	-	N/A
Motion to	Table Ordinance	N/A	-	N/A	-	N/A

Known as:

"Firefly Cove PDD" (all phases except except estate lots)

Agenda Item Approved by City Manager

ORDINANCE NO. 21-09-02-0 🍷

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE OFFICIAL ZONING MAP REGARDING THE CURRENT “PLANNED DEVELOPMENT DISTRICT” (PDD) KNOWN AS “FIREFLY COVE” AND PREVIOUSLY DESCRIBED AS “TUSIKANNI COVE” IN ORDINANCE NUMBER 07-10-04-04, TO APPROVE AN AMENDED CONCEPT PLAN FOR THE ENTIRE DEVELOPMENT CONSISTING OF APPROXIMATELY 281.45 ACRES AND TO APPROVE A DETAIL PLAN FOR EVERYTHING EXCEPT THE AREA DESIGNATED AS THE LOCATION OF APPROXIMATELY 45 ESTATE LOTS; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, Firefly Cove, LLC, the owner of approximately 281.45 acres of land, as more particularly described in the attached **Exhibit “A”** (described hereinafter as the “Property”), have requested that the Property be zoned as a PDD to be known as the “Firefly Cove Planned Development District,” and

WHEREAS, the Property currently resides within the corporate limits of the City of Lago Vista;

WHEREAS, the conceptual and detail plans for the Property is set forth in this “Firefly Cove Planned Development District” Zoning Ordinance (the “Ordinance”) and in **Exhibit “C”** attached hereto (the “Land Use Plan”), which identifies and designates various land uses for the Property as further described below;

WHEREAS, after giving ten (10) days written notice to the owners of land in and within 200-feet of the area being rezoned, as well as having published notice to the public at least fifteen (15) days prior to the date of such hearings, the Planning and Zoning Commission and City Council each held separate public hearings on the proposed rezoning of the Property included in this Ordinance; and

WHEREAS, the Planning and Zoning Commission at its public hearing held on August 12, 2021 and the City Council at its public hearing held on September 2, 2021, have both reviewed the request and the circumstances of the Property, and find that a substantial change in the circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired; and

WHEREAS, the City, by and through its legislative discretion, has adopted a comprehensive plan for the City of Lago Vista, and having considered and reviewed such comprehensive plan, the City Council finds the rezoning approved herein is consistent with the comprehensive plan which shall not be interpreted as inconsistent with this rezoning; and

WHEREAS, the City desires that development within its corporate limits occur in an orderly manner in order to protect the health, safety, and welfare of its present and future citizens, protect property values and provide for the growth of the City’s tax base; and

WHEREAS, the City desires to control the development standards for the Property, protect third party property owners in the City, and to ensure the benefits of planned development and an enhanced tax base that are achieved through rezoning the Property; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to zone and rezone property; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Lago Vista to adopt this Ordinance.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The Planning and Zoning Commission and City Council find that this Ordinance satisfies the requirements of Section 6.105, Section 10 and Section 13 of the City of Lago Vista Zoning Ordinance, codified under Ordinance No. 98-04-27-03, as amended (the “Zoning Code”).

Section 2. Enactment. The Zoning Code and other applicable ordinances are hereby modified and amended by rezoning the Property as set forth in Section 3.

Section 3. Rezoned Property. The Zoning Code is hereby amended by zoning the Property being the approximately 281.45-acre tract of land described in **Exhibit “A”** attached to this Ordinance, as a PDD zoning district. The Property is hereby zoned as the “Firefly Cove Point Planned Development District” with the uses of individual land areas as set forth in this Ordinance.

Section 4. Amendment of Applicable Zoning Ordinances. The zoning requirements established in this Ordinance shall apply to the Property. The comprehensive zoning requirements of the Zoning Code and all other applicable ordinances, as they may be amended by this Ordinance, shall apply to the Property. Should any conflict appear between the requirements of the zoning and development ordinances of the City of Lago Vista as compared with the requirements for the Property set forth in this Ordinance, the requirements set forth in this Ordinance shall control.

Section 5. Phasing within the PDD. The Property shall be developed in three phases in accordance with the Land Use Plans in **Exhibit “C”** attached hereto and incorporated herein for all purposes. The phases were created largely based on their location within the development relative to project infrastructure requirements and the topography of the Property. However, at the discretion of the owner, the Property may be developed in fewer phases, or any of the phases depicted within the Land Use Plans may be further divided into smaller segments within any phase, provided the infrastructure required for each phase or segment of a phase is sufficient for the lots being developed. Connectivity requirements to the limits of the Property for any specific phase

and all proposed future phases shall be determined and approved in accordance with the required subdivision construction plans.

Section 6. Zoning Requirements. The following use and development requirements established herein shall apply to the Property:

1. **Zoning.** The use and development of the Property shall comply with the zoning requirements and development standards of the City of Lago Vista, except as specifically described below.
 - A. Use and development of the Property designated as “SF-A” within the Land Use Plans in **Exhibit “C”** shall consist of a maximum of 280 single-family residential lots and comply with the zoning requirements and development standards for “R-1D Single-Family Residential” zoning district, except as hereinafter modified.
 - i. The minimum width of any “SF-A” single-family residential lot shall be forty feet, except those that front on cul-de-sacs. The minimum width of any “SF-A” single-family residential lot fronting on a cul-de-sac shall be 33 feet at the property line and 40 feet at the front building line (setback).
 - ii. The impervious surfaces on any individual “SF-A” single-family residential lot shall not exceed 65 percent, while the total cumulative impervious surfaces for all “SF-A” single-family residential lots shall not exceed 38 percent.
 - iii. The minimum living area for any “SF-A” single-family residence shall be 1,100 square feet.
 - iv. The minimum setbacks for any “SF-A” single-family residential lot shall be as follows:
 - a. The minimum front or corner lot side yard setback for residences that include a garage facing a right-of-way is 20 feet.
 - b. The minimum front or corner lot side yard setback for residences that do not include a garage facing a right-of-way is 15 feet.
 - c. Covered porches (columns and overhangs) are allowed to encroach up to 5 feet into a front yard setback.
 - d. The minimum rear yard setback is 15 feet.
 - e. Covered porches or patios (columns and overhangs) are allowed to encroach up to 8 feet into a rear yard setback.
 - f. The minimum side yard setback is 5 feet (10 feet cumulative).

- g. A maximum encroachment of 6 inches shall be allowed in all setbacks to accommodate exterior wall finish changes (i.e. siding to masonry).
 - h. Below grade foundation elements (such as spread footings or counter forts) may encroach into required setbacks, but not dedicated easements.
 - i. Notwithstanding the provisions above, no building line shall allow an encroachment that obstructs a minimum 15 foot vision triangle adjacent to any garage or driveway.
- B. Use and development of the Property designated as “SF-Estate” within the Land Use Plans in **Exhibit “C”** shall consist of a maximum of 45 single-family residential lots and comply with the zoning requirements and development standards for “R-1G Single-Family Residential” zoning district, except as hereinafter modified.
 - i. The minimum width of any “SF-Estate” single-family residential lot shall be eighty feet, except those that front on cul-de-sacs. The minimum width of any “SF-Estate” single-family residential lot fronting on a cul-de-sac shall be 30 feet at the property line and 45 feet at the front building line (setback).
 - ii. The minimum area of any “SF-Estate” lot shall be 11,000 square feet.
 - iii. The impervious surfaces on any individual “SF-Estate” single-family residential lot shall not exceed 60 percent.
 - iv. The minimum living area for any “SF-Estate” single-family residence shall be 1,800 square feet.
 - v. The minimum setbacks for any “SF-A” single-family residential lot shall be as follows:
 - a. The minimum front or corner lot side yard setback for residences that include a garage facing a right-of-way is 25 feet.
 - b. The minimum front or corner lot side yard setback for residences that do not include a garage facing a right-of-way is 15 feet.
 - c. Covered porches (columns and overhangs) are allowed to encroach up to 15 feet into a front yard setback, but shall maintain a minimum front yard setback of 10 feet.
 - d. The minimum rear yard setback is 15 feet.

- e. Covered porches or patios (columns and overhangs) are allowed to encroach up to 8 feet into a rear yard setback.
 - f. The minimum side yard setback is 5 feet (10 feet cumulative).
 - g. A maximum encroachment of 6 inches shall be allowed in all setbacks to accommodate exterior wall finish changes (i.e. siding to masonry).
 - h. Below grade foundation elements (such as spread footings or counter forts) may encroach into required setbacks, but not dedicated easements.
 - i. Notwithstanding the provisions above, no building line shall allow an encroachment that obstructs a minimum 15 foot vision triangle adjacent to any garage or driveway.
- C. Use and development of the Property designated as “Open Space” within the Land Use Plans in **Exhibit “C”** shall consist of land reserved for the benefit and use of the residents of the development and that meets the parkland requirements of the Lago Vista subdivision regulations, a portion of which shall be publicly dedicated to meet that obligation. This area shall comply with the zoning requirements and development standards for “P-2 Park and Greenbelt District (Passive)” zoning district, except that it may include, but not be limited to the following types of uses and similar structures: restroom facilities, sports courts, public utility easements, public utilities, mountain bike trails, nature trails, detention facilities and water quality facilities.
- D. Use and development of the Property designated as the “Amenities Area” within the Land Use Plans in **Exhibit “C”** (the areas formerly designated as CA-2 and CA-3 in Ordinance Number 07-10-04-04) shall consist of land reserved for the benefit and use of the residents of the development, except in accordance with a private agreement between the owner and others. This area shall comply with the zoning requirements and development standards for “P-1B Developed Park District (Active)” zoning district, except that it shall be limited to the following types of uses and similar structures: playground structures, a community beach, a community boat ramp, a community swimming pool, bathrooms and/or locker rooms, covered pavilions, sports courts, public utility easements, public utilities, mountain bike trails, nature trails, detention facilities and water quality facilities.
2. Other Development Standards and Provisions.
- A. Streets / Traffic Improvements / Subdivision Design.
- i. The owner shall be responsible from the improvements identified as their responsibility in the approved final version of the Traffic Impact

Analysis (TIA) issued by Alliance Transportation Group, and initially dated February 2021.

- ii. Except as required to improve the intersection at Boggy Ford Road to AASHTO and local ordinance prescribed design standards, Drapers Cove Road shall substantially follow the existing alignment remain classified as a local street. Even after the improvements to comply with local design standards, some portions of Drapers Cove Road may remain a private street at the discretion of the owner and designated on the approved subdivision plats. Lots in Phase 3 of the development shall be permitted to have single-family driveway access directly onto Drapers Cove Road in accordance with local design requirements.
- iii. Driveway Connections at Boggy Ford Road. Connections to Boggy Ford Road shall be publicly dedicated streets to the intersection of the first local street or a minimum of 150 linear feet with code-compliant emergency vehicle provisions, whichever is less and meet the design criteria for a “collector.” The locations shall be limited as depicted within the Land Use Plans in **Exhibit “C”** and as follows:
 - a. the main entry drive, shall be located near the northeast corner of the property and as described in the approved traffic impact analysis (TIA);
 - b. the secondary entry drive shall be located at the intersection of Drapers Cove Road, as realigned to comply with local design standards;
 - c. the remaining two driveways connecting to Boggy Ford Road between these two that are located near the east and west extremes of the Property shall be designated for emergency use only. The portion within the existing Boggy Ford Road right-of-way shall be constructed to local standards, but the portion between the Boggy Ford Road right-of-way and the first intersecting local street may be constructed using any approved all-weather forms of construction including those that do not consist of asphalt or concrete surfaces. At the discretion of the owners, an emergency access gate in accordance with local emergency services requirements may be installed at these locations.
- iv. Traffic Calming. The owner will design and construct streets to calm traffic and reduce vehicle speeds in a manner that is compatible with the natural features and topography of the Property and conserves unique environmental assets such as protected trees and desirable open space. Permissible design and construction elements or parameters shall include:
 - a. except as provided for elsewhere herein, streets that are completely within the interior of the developments shall be classified as “local

streets” and may be designed on the basis of a speed as low as 20 miles-per-hour;

- b. “local streets” completely within the interior of the development may include a sustained grade of up to a maximum of twelve percent; and
- c. “local street” intersections completely within the interior of the development may be designed as “stop-controlled intersections” with intersection curb returns not to exceed a starting slope of eight percent.

v. Subdivision Design Criteria.

- a. The maximum permitted length of a cul-de-sac shall be 750 feet when complaint when all applicable requirements of the locally adopted version of the International Fire Code.
 - b. Block lengths may be interrupted open space to provide access to trails and other similar uses permitted in that designated area of the development.
- B. Sidewalks. Sidewalks are not required anywhere on the property, except as otherwise required by the Americans with Disabilities Act. Other sidewalks shall be provided throughout the Property at the discretion of the owner.
- C. Impervious Cover. The impervious area shall comply with requirements of the Highland Lakes Watershed Ordinance and shall not exceed thirty-eight (38) percent of the gross area of the Property.
- D. Parkland Dedication. Parkland dedication will occur intermittently throughout the life of the project in accordance with the requirements of the subdivision regulations. Dedicated parklands may include land used to meet the mitigation requirements of the Endangered Species Act, specifically included the habitat of the golden-cheeked warbler.
- E. Exterior Lighting. Street lights shall not be required and the owner may instead provide alternate types of exterior and outdoor lighting consistent with minimum best safety practices and compliant with Article 3.800, the Lago Vista “dark sky” ordinance.
- F. Maximum Building Heights. The height of any building or residence within the Property shall be limited to a maximum of 35 feet measured from the highest existing nature grade on the property to the peak or ridge line of the roof, exclusive of chimneys or other similar appurtenances.
- G. Exterior Finishes. In accordance with Texas HB 2439 of 2019, there are no minimum requirements related to exterior finishes except as otherwise required by the current Building Codes adopted by the City of Lago Vista.

- H. Signage. All signage shall be in accordance with the applicable requirements (including lighting) of the City of Lago Vista, except as follows:
- i. The owner will be permitted to have three monument subdivision signs at the following locations:
 - a. at the entry designated as Driveway 1 within the Land Use Plans (**Exhibit “C”**);
 - b. at the modified intersection of Drapers Cove Road and Boggy Ford Road; and
 - c. at the northeast corner of the property along the Boggy Ford Road right-of-way.
 - ii. The owner will be permitted up to ten additional freestanding wayfinding signs within the subdivision to facilitate individuals seeking the location of the community sales offices and amenities.
3. The appropriate departments of the City, the Planning & Zoning Commission and the City Council hereby find and agree that this Ordinance and the project contemplated herein complies with and satisfies the requirements of Section 6.105, Section 10.20, and Section 13.20 of the Zoning Ordinance as well as the Comprehensive Master Plan of the City of Lago Vista. The City Council finds that this Ordinance serves as both a concept plan and a detail plan approval, except as it relates to the development of the SF-Estate lots (See **Exhibit “B”**) and that no additional detail plans are required by the Section 10.20(e) of the Zoning Ordinance for the remaining portions of the Property.
4. Land Use Plan. The depiction of the “Firefly Cove Planned Development District” in **Exhibit “C”** is not intended to reflect the level of detail and finality associated with construction permit documents. Non-substantive changes which do not alter the basic relationship of the proposed development to adjacent property, which do not alter the uses permitted, increase the density, height, or impervious surface coverage of the site, which do not decrease the off-street parking ratio or reduce the required setbacks within the boundary of the site and which do not decrease any buffers shown on the approved detail plan shall be administratively authorized in writing by the Development Services Director. Conversely, substantive changes in the detail plan shall be considered in accordance with the requirements of Section 10 of the Zoning Ordinance.

Section 7. Repealer. The Zoning Ordinance and all other applicable portions of the Lago Vista Code of Ordinances are amended as required to incorporate the “Nature’s Point Planned Development District” as described herein. Any portion of the Zoning Ordinance, Comprehensive Master Plan or any applicable ordinance in conflict with this Ordinance is hereby repealed or amended to the extent of such conflict only.

Section 8. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining

portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

Section 9. Penalty. Any person, firm or corporation violating any of the provisions or terms of this Ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances, Section 1.109 General Penalty for Violations of Code; Continuing Violations of the City of Lago Vista, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

Section 10. Publication Clause. The City Secretary of the City of Lago Vista is hereby directed to publish in the Official Newspaper of the City of Lago Vista the Caption, and Effective Date Clause of this Ordinance as required by Section 52.013 of the *Texas Local Government Code*.

Section 11. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below in accordance with the provisions of the *Texas Local Government Code* and the City's Charter.

Section 12. Change of Zoning Map. The City Manager is hereby authorized to and shall promptly note the zoning change on the official Zoning Map of the City of Lago Vista, Texas.

Section 13. Proper Notice and Meeting. 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, *Chapter 551, Texas Local Government Code*.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this ____ day of ____, 2021.

—Ed Tidwell, Mayor—

ATTEST:

—Sandra Barton, City Secretary—

On a motion by Councilman _____, seconded by Councilman _____, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"

Legal Description

METES AND BOUNDS DESCRIPTION OF 286.85 ACRES, MORE OR LESS, SAVE AND EXCEPT 2.504 ACRES AND 2.899 ACRES, LEAVING 281.45 ACRES, MORE OR LESS,

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 286.85 ACRES OF LAND, MORE OR LESS, A PORTION OF THE FOLLOWING SURVEYS: D. & W. R.R. CO. SURVEY NO. 99, ABSTRACT NO. 246; RICHARD CRAIG SURVEY NO. 1867, ABSTRACT NO. 2754; C.E.P.I. & M. CO. SURVEY NO. 173, ABSTRACT NO. 2191; MALINDA SETTLE SURVEY NO. 49, ABSTRACT NO. 2126; W. A. COOK SURVEY NO. 141, ABSTRACT NO. 2587; LEWIS LINDSAY SURVEY NO. 265, ABSTRACT NO. 2171; AND THE W. A. COOK SURVEY NO. 100, ABSTRACT NO. 2605, IN TRAVIS COUNTY, TEXAS, SAID 286.85 ACRES OF LAND, MORE OR LESS, BEING A PORTION OF THAT 289.40 ACRE TRACT OF LAND, A PORTION OF THE SAID D. & W. R.R. CO. SURVEY NO. 99, AND OTHERS IN TRAVIS COUNTY, TEXAS, AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO TRAVIS MEADOW, LP IN DOCUMENT NO. 2006125525, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 286.85 ACRES OF LAND, MORE OR LESS, BEING ALL OR A PORTION OF THE FOLLOWING TRACTS OF LAND, ALL BEING IN TRAVIS COUNTY, TEXAS: BEING ALL OF THAT 0.413 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID C. E. P. I. & M. CO. SURVEY NO. 173, AS DESCRIBED IN A WARRANTY DEED TO GEORGE L. VINSON AND WIFE, JEAN VINSON IN VOLUME 2714, PAGE 315, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.44 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID C. E. P. I. & M. CO. SURVEY NO. 173, AS DESCRIBED IN A WARRANTY DEED TO GEORGE L. VINSON AND WIFE, JEAN VINSON IN VOLUME 3223, PAGE 513, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING A PORTION OF THAT TRACT OF LAND CALLED TO BE 278.36 ACRES, SAVE AND EXCEPT 19.27 ACRES OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AND OTHERS, DESIGNATED AS TRACT 1 AND DESCRIBED IN A WARRANTY DEED TO G. L. VINSON IN VOLUME 5554, PAGE 1469, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 22.97 ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 100 AND A PORTION OF THE SAID D. & W. R.R. CO. SURVEY NO. 99, AS DESCRIBED IN A WARRANTY DEED TO GEORGE LARRY VINSON AND WIFE, JEAN VINSON IN VOLUME 6021, PAGE 178, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 16.08 ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AND A PORTION OF THE SAID LEWIS LINDSAY SURVEY NO. 265, AS DESCRIBED IN A WARRANTY DEED TO G. L. VINSON IN VOLUME 6561, PAGE 242, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 785 SQUARE FOOT TRACT OF LAND OR 0.018 OF ONE ACRE OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 100, AS DESCRIBED IN A SPECIAL WARRANTY DEED TO G. L. VINSON IN VOLUME 10321, PAGE 422, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING A PORTION OF THAT 12.611 ACRE TRACT OF LAND, MORE OR LESS, A PORTION OF THE SAID MALINDA SETTLE SURVEY NO. 49, AS DESCRIBED IN A SPECIAL WARRANTY DEED TO G. L. VINSON IN VOLUME 11949, PAGE 88, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 2.393 ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 100 AND A PORTION OF THE SAID D. & W. R.R. CO. SURVEY NO. 99, AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO GEORGE L. VINSON AND WIFE, JEAN VINSON IN VOLUME 12092, PAGE 1825, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 23.276 ACRE TRACT OF LAND, A PORTION OF THE SAID D. & W. R.R. CO. SURVEY NO. 99, AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO G. L. VINSON AND WIFE, JEAN VINSON IN VOLUME 12627, PAGE 676, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.337 OF ONE

ACRE OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN A WARRANTY DEED TO G. L. VINSON IN VOLUME 12667, PAGE 479, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; AND BEING ALL OF THAT 2.036 ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 100, AS DESCRIBED IN A SPECIAL WARRANTY DEED TO G. L. VINSON IN VOLUME 12717, PAGE 693, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; AS PREPARED FOR TRAVIS MEADOW, LP BY METCALFE & SANDERS, INC., LAND SURVEYORS, 4800 SOUTH CONGRESS AVENUE, AUSTIN, TEXAS, SAID 286.85 ACRES OF LAND, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a 1/2" steel pin with plastic cap set in rock in the south line of Boggy Ford Road for the northeast corner of that 2.393 acre tract of land, a portion of the W. A. Cook Survey No. 100, Abstract No. 2605 and a portion of the D. & W. R.R. Co. Survey No. 99, Abstract No. 246, in Travis County, Texas, as described in a Warranty Deed to George L. Vinson and wife, Jean Vinson in Volume 12092, Page 1825, Real Property Records of Travis County, Texas, for the POINT OF BEGINNING and northeast corner of the herein described tract;

(1) THENCE with the east line of the said Vinson 2.393 acre tract, S 29°17'38" W 115.71 feet to a 1/2" steel pin found at the southeast corner of the said Vinson 2.393 acre tract and the northeast corner of that 22.97 acre tract of land, a portion of the said W. A. Cook Survey No. 100 and a portion of the said D. & W. R.R. Co. Survey No. 99, as described in a Warranty Deed to George Larry Vinson and wife, Jean Vinson in Volume 6021, Page 178, Deed Records of Travis County, Texas, said 1/2" steel pin found being also an angle point in the west line of that 169.54 acre tract, a portion of the said D. & W. R.R. Co. Survey No. 99 and a portion of the Richard Craig Survey No. 1867, Abstract No. 2754, in Travis County, Texas, as described in Special Warranty Deed to Luna Groseclose, Ltd. in Volume 13237, Page 1233, Real Property Records of Travis County, Texas, said 1/2" steel pin found being also a corner of that approximately 100 acres of land, a portion of the said D. & W. R.R. Co. Survey No. 99, and others in Travis County, Texas, as conveyed in a Special Warranty Deed to Linda L. Groseclose, Trustee of the Linda Groseclose 1998 Intervives Trust in Document No. 2002229115, Official Public Records of Travis County, Texas;

(2) THENCE with the east line of the said Vinson 22.97 acre tract and along or near the west line of the said Luna Groseclose, Ltd. 169.54 acre tract, S 28°30'09" W 715.19 feet to a 1/2" steel pin found at the southeast corner of the said Vinson 22.97 acre tract and the northeast corner of that 23.276 acre tract of land, a portion of the said D. & W. R.R. Co. Survey No. 99, in Travis County, Texas, as described in a Warranty Deed With Vendor's Lien to G. L. Vinson in Volume I2627, Page 676, Real Property Records of Travis County, Texas;

THENCE with the east line of the said Vinson 23.276 acre tract and being along or near the west line of the said Luna-Groseclose, Ltd. 169.54 acre tract, courses numbered 3 through 6 inclusive as follows:

(3) S 28°20'51" W 1360.82 feet to a 5/8" steel pin found;
(4) S 29°00'46" W 290.69 feet to a 1/2" steel pin found;
(5) S 27°42'20" W 622.13 feet to a cedar hub and rock mound found (cedar hub replaced with a 1/2" steel pin with plastic cap) at the southeast corner of the said Vinson 23.276 acre tract and in an east line of that 278.36 acre tract of land, save and except 19.27 acres of land, a portion of the said W. A. Cook Survey No. 100, and others, in Travis County, Texas, designated as Tract 1 and described in a Warranty Deed to G. L. Vinson in Volume 5554, Page I469, Deed Records of Travis County, Texas;

THENCE with the east line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and being along or near the west line of the said Luna Groseclose Ltd. 169.54 acre tract, courses numbered 6 through 8 inclusive as follows:

(6) S 27°42'20" W 36.85 feet to a 1/2" steel pin with plastic cap set in rock;
 (7) S 29°28'32" W 349.04 feet to a 60d nail found in rock;
 (8) S 27°59'05" W 335.17 feet to a 3/4" iron pipe found in or near the south line of the said Richard Craig Survey No. 1867 and in or near the north line of the C. E. P. I. & M. Co. Survey No. 173, Abstract No. 2191, at an interior corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and being at or near the southwest corner of the said Luna Groseclose, Ltd. 169.54 acre tract, for an interior corner of the herein described tract;

(9) THENCE along or near the south line of the said Richard Craig Survey No. 1867 and along or near the north line of the said C. E. P. I. & M Co. Survey No. 173, and being also with a north line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and being along or near the south line of the said Luna Groseclose Ltd. 169.54 acre tract, S 62°03'05"E 43.51 feet to a calculated point in the center of Cox Hollow, for a northeast corner of the herein described tract;

THENCE with the centerline of Cox Hollow, said centerline being the thread of the stream when dry, and being along or near the east line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and along the west line of that 68.20 acre tract of land, a portion of the said C. E. P. I. & M. Co. Survey No. 173, as described in a deed to Old Farm Development Corporation in Volume 3779, Page 2098, Deed Records of Travis County, Texas, courses numbered 10 through 27 inclusive as follows:

(10) S 17°08'50" E 103.86 feet to a calculated point;
 (11) S 23°47'44" W 130.00 feet to a 100d nail set;
 (12) S 37°06'25"W 143.81 feet to a 100d nail set;
 (13) S 23°35'56"W 177.70 feet to a 100d nail set;
 (14) S 24°31'28" W 206.37 feet to a calculated point, now submerged by the waters of Lake Travis;
 (15) S 7°46'47" W 92.45 feet to a calculated point, now submerged by the waters of Lake Travis;
 (16) S 0°54'56" E 72.78 feet a calculated point, now submerged by the waters of Lake Travis;
 (17) S 13°18'04" W 138.43 feet to a calculated point, now submerged by the waters of Lake Travis;
 (18) S 6°48'27" W 128.00 feet to a calculated point, now submerged by the waters of Lake Travis;
 (19) S 10°17'54" W 62.36 feet to a calculated point, now submerged by the waters of Lake Travis;
 (20) S 29°06'52"W 65.69 feet to a calculated point, now submerged by the waters of Lake Travis;
 (21) S 4°52'46" E 45.22 feet to a calculated point, now submerged by the waters of Lake Travis;
 (22) S 28°47'39"E 51.37 feet to a calculated point, now submerged by the waters of Lake Travis;
 (23) S 38°38'14"E 99.83 feet to a calculated point, now submerged by the waters of Lake Travis;
 (24) S 46°39'26" E 38.86 feet to a calculated point, now submerged by the waters of Lake Travis;
 (25) S 31°33'27" E 56.88 feet to a calculated point, now submerged by the waters of Lake Travis;
 (26) S 19°46'23" W 70.23 feet to a calculated point, now submerged by the waters of Lake Travis;
 (27) S 50°06'51" W 226.38 feet to a calculated point, now submerged by the waters of Lake Travis, in the west line of the said C. E. P. I. & M. Co. Survey No. 173 and the east line of the Malinda Settle Survey No. 49, Abstract No. 2126, said calculated point being a southwest corner of the said Vinson

278.36 acre tract of land, save and except 19.27 acres of land and in the east line of that 100 acre tract of land, a portion of the said Malinda Settle Survey No. 49, in Travis County, Texas, designated as First Tract and described in a deed to the Lower Colorado River Authority in Volume 630, Page 91, Deed Records of Travis County, Texas, for a south corner of the herein described tract;

(28) THENCE with the west line of the said C. E. P. I. & M. Co. Survey No. 173 and the east line of the said Malinda Settle Survey No. 49, and being also with a west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and the east line of the said Lower Colorado River Authority First Tract of 100 acres, N 1°23'48" W 202.69 feet to a 1/2" steel pin with plastic cap set in the 670 mean sea level contour line for the southeast corner of that 12.611 acre tract, more or less, a portion of the said Malinda Settle Survey No. 49, in Travis County, Texas, as described in a Special Warranty Deed to G. L. Vinson in Volume 11949, Page 88, Real Property Records of Travis County, Texas, for an interior corner of the herein described tract;

THENCE with the south line of the said Vinson 12.611 acre tract, more or less, said line being the 670 mean sea level contour line, courses numbered 29 through 45 inclusive as follows:

(29) S 53°56'05" W 39.99 feet to a 1/2" steel pin with plastic cap set;
(30) S 70°14'23" W 26.18 feet to a 1/2" steel pin with plastic cap set;
(31) S 74°58'16" W 55.31 feet to a 1/2" steel pin with plastic cap set;
(32) S 82°39'15" W 86.13 feet to a 1/2" steel pin with plastic cap set;
(33) N 74°05'46" W 127.57 feet to a 1/2" steel pin with plastic cap set;
(34) N 81°46'22" W 131.95 feet to a 1/2" steel pin with plastic cap set;
(35) N 49°10'30" W 32.48 feet to a 1/2" steel pin with plastic cap set;
(36) N 37°33'32" W 201.96 feet to a 1/2" steel pin with plastic cap set;
(37) N 16°31'49" W 41.94 feet to a 1/2" steel pin with plastic cap set;
(38) N 24°31'07" W 82.63 feet to a 1/2" steel pin with plastic cap set;
(39) N 1°48'54" E 50.84 feet to a 1/2" steel pin with plastic cap set;
(40) S 66°09'31" W 39.52 feet to a 1/2" steel pin with plastic cap set;
(41) N 77°35'09" W 36.64 feet to a 1/2" steel pin with plastic cap set;
(42) N 88°48'29" W 39.29 feet to a 1/2" steel pin with plastic cap set;
(43) N 51°26'09" W 26.84 feet to a 1/2" steel pin with plastic cap set;
(44) N 24°38'44" W 23.04 feet to a 1/2" steel pin with plastic cap set;
(45) N 62°20'22" W 48.41 feet to a 1/2" steel pin with plastic cap set in the centerline of Drapers Cove, said centerline being the thread of the stream when dry, for the southwest corner of the said Vinson 12.611 acre tract, more or less, and in an east line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land;

THENCE with the centerline of Drapers Cove and with an east line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, courses numbered 46 through 53 inclusive as follows:

(46) S 48°19'25" E 25.38 feet to a calculated point;
(47) S 20°39'30" E 51.32 feet to a calculated point;
(48) S 40°07'29" E 40.37 feet to a calculated point;
(49) S 86°55'38" E 84.58 feet to a calculated point, now submerged by the waters of Lake Travis;
(50) S 12°50'07" E 64.32 feet to a calculated point, now submerged by the waters of Lake Travis;
(51) S 16°08'21" E 95.68 feet to a calculated point, now submerged by the waters of Lake Travis;
(52) S 3°50'31" E 104.89 feet to a calculated point, now submerged by the waters of Lake

Travis;

(53) S 19°56'11" E 83.45 feet to a calculated point, now submerged by the waters of Lake Travis, for a southeast corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land;

(54) THENCE with a south line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, S 88°47'25" W at 80.44 feet passing a 1/2" steel pin with plastic cap set, in all 149.40 feet to a 1/2" steel pin with plastic cap set in the 670 mean sea level contour line for an interior corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, for an interior corner of the herein described tract;

THENCE with an east and south line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, said line being the 670 mean sea level contour line, courses numbered 55 through 59 inclusive as follows:

(55) S 10°10'52"E 28.02 feet to a 1/2" steel pin with plastic cap set;
(56) S 86°28'21" W 116.94 feet to a 1/2" steel pin with plastic cap set;
(57) S 79°18'44" W 153.36 feet to a 1/2" steel pin with plastic cap set;
(58) S 38°14'07" W 57.81 feet to a 1/2" steel pin with plastic cap set;
(59) S 71°13'56" W 90.90 feet to a calculated point at the intersection of the southerly extension of the east line of that 0.29 of one acre tract, a portion of the said Malinda Settle Survey No. 49, in Travis County, Texas, as described in a Warranty Deed to Robert L. Bullock and Debra M. Bullock in Document No. 2002181885, Official Public Records of Travis County, Texas, for a southwest corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, for a southwest corner of the herein described tract;

THENCE with the southerly extension of the east line of the said Bullock 0.29 of one acre tract and with the east line of the said Bullock 0.29 of one acre tract, and being also with a west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, courses numbered 60 through 61 inclusive as follows:

(60) N 0°47'42" W at 13.99 feet passing a 1/2" iron pipe found, in all 244.09 feet to a 5/8" steel pin found;
(61) N 0°19'50" W 261.39 feet to a 1/2" steel pin with plastic cap set for the northeast corner of the said Bullock 0.29 of one acre tract, for an interior corner of the herein described tract;

THENCE with the northeast line of the said Bullock 0.29 of one acre tract and the northeast line of that 0.974 of one acre tract, a portion of the said Malinda Settle Survey No. 49, as described in a Warranty Deed to Dianne E. Greig in Document No. 2002095894, Official Public Records of Travis County, Texas, and being also with a northeast line of that 0.86 of one acre tract, a portion of the said Malinda Settle Survey No. 49, as described in a Warranty Deed With Vendor's Lien to Gary L. Lipscomb in Volume 12492, Page 886, Real Property Records of Travis County, Texas, and with a southwest line of the Vinson 278.36 acre tract of land, save and except 19.27 acres of land, courses numbered 62 through 64 inclusive as follows:

(62) N 55°27'12" W 30.61 feet to a 1/2" steel pin with plastic cap found (B:MI) at the north or northwest corner of the said Bullock 0.29 of one acre tract and the northeast corner of the said Greig 0.974 of one acre tract;

(63) N 49°59'45" W 100.40 feet to a PK nail set in concrete in a southwest line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, for the north or northwest corner of the said Greig 0.974 of one acre tract and the northeast corner of the said Lipscomb 0.86 of one acre tract;

(64) N 57°05'48" W 90.63 feet to a 3/4" iron pipe found in a southeast line of a private street,

locally known as Drapers Cove at the north corner of the said Lipscomb 0.86 of one acre tract and an interior corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, for a west corner of the herein described tract;

(65) THENCE crossing the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, with an east line of Drapers Cove, N 19°06'38"E 43.84 feet to a PK nail set in concrete for the west corner of that 1.43 acre tract, a portion of the said Malinda Settle Survey No. 49, in Travis County, Texas, as described in a General Warranty Deed With Vendor's Lien to Robert L. Bullock et ux, Debra M. Bullock in Volume 12698, Page 3161, Real Property Records of Travis County, Texas, for a north corner of the herein described tract;

THENCE with the southwest and south line of the said Bullock 1.43 acre tract, courses numbered 66 through 68 inclusive as follows:

(66) S 50°13'56" E 234.77 feet to a 3/4" steel pin found;
(67) N 81°39'34" E 100.80 feet to a 1/2" iron pipe found;
(68) N 76°19'43" E 190.91 feet to a 1/2" steel pin found in or near the centerline of Draper Cove at the southeast corner of the said Bullock 1.43 acre tract, for an interior corner of the herein described tract;

(69) THENCE crossing the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, N 20°16'36"W 168.19 feet to a 1/2" steel pin found at the south corner of that 0.403 of one acre tract of land, a portion of the said W. A. Cook Survey No. 141 and a portion of the said Malinda Settle Survey No. 49, in Travis County, Texas, as described in a Warranty Deed to Andrea Claire Williams Scott, et al in Volume 8644, Page 666, Deed Records of Travis County, Texas;

(70) THENCE with the east line of the said Scott et al 0.403 of one acre tract, N 5°39'06" W at 70.92 passing the intersection of the east line of the said Scott, et al 0.403 of one acre tract with the west line of the said Vinson 12.611 acre tract, at 77.09 passing a 3/4" iron pipe found 0.13 of one foot west of line, in all 163.86 feet to a 3/4" iron pipe in concrete found in the north line of the said Vinson 12.611 acre tract, said 3/4" iron pipe found in concrete being in or near the south line of the said W. A. Cook Survey No. 141 and in or near the north line of the said Malinda Settle Survey No. 49;

(71) THENCE with the east line of the said Scott, et al 0.403 of one acre tract and the northerly extension of the east line of the said Scott, et al 0.403 of one acre tract, N 5°38'12" W at 48.35 feet passing a 1/2" steel pin found at the northeast corner of the said Scott, et al 0.403 of one acre tract, in all 58.40 feet to 1/2" steel pin with plastic cap set for at the intersection of a line thirty (30) feet southwest of the occupied northeast line of Drapers Cove;

THENCE with said line thirty (30) feet west and southwest of the occupied east line of Drapers Cove, courses numbered 72 through 77 inclusive as follows:

(72) N 47°40'45" W 21.11 feet to a 1/2" steel pin with plastic cap set;
(73) N 37°59'27" W 35.85 feet to a 1/2" steel pin with plastic cap set;
(74) N 34°34'18" W 65.60 feet to a 1/2" steel pin with plastic cap set;
(75) N 27°02'45" W 64.76 feet to a 1/2" steel pin with plastic cap set;
(76) N 23°52'32" W 22.26 feet to a 1/2" steel pin with plastic cap set;
(77) N 36°08'40" W 13.08 feet to a 1/2" steel pin with plastic cap set in the east line of that 0.384 of one acre tract of land, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to G. L. Vinson in Volume 10591, Page 503, Real Property Records of Travis County, Texas;

(78) THENCE with the east line of the said Vinson 0.384 of one acre tract, N 7°08'31" W 6.39 to a 1/2" steel pin found in a southwest line of Drapers Cove at the northeast corner of the said Vinson 0.384 of one acre tract, for an interior corner of the herein described tract;

(79) THENCE with the south line of Drapers Cove and the north line of the said Vinson 0.384 of one acre tract, N 57°38'24" W 61.01 feet to a 1 1/2" steel pin with plastic cap set for the northwest corner of the said Vinson 0.384 of one acre tract and the northeast corner of that 0.366 of one acre tract of land, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to James Burnett and wife, Margie Burnett in Volume 4185, Page 157, Deed Records of Travis County, Texas, said tract now shown by the Travis Central Appraisal District to be in the name of Travis Duncan and Nikki Perrotta by virtue of a Contract of Sale;

(80) THENCE with the south line of Drapers Cove and the north line of the said Burnett 0.366 of one acre tract, N 69°34'19" W 102.62 feet to a 5/8" steel pin found at the northwest corner of the said Burnett 0.366 of one acre tract, for an interior corner of the herein described tract;

(81) THENCE with the west line of the said Burnett 0.366 of one acre tract, S 16°07'25" W 171.81 feet to a 5/8" steel pin found leaning west at the southwest corner of the said Burnett 0.366 of one acre tract and at a corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land;

(82) THENCE with a southwest line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, S 37°05'29"E 5.09 feet to a 1/2" steel pin with plastic cap set for the northeast corner of that 0.583 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a General Warranty Deed With Vendor's Lien to Michael David O'Cooley in Volume 13367, Page 1876, Real Property Records of Travis County, Texas, for a southeast corner of the herein described tract;

(83) THENCE with the north line of the said O'Cooley 0.583 of one acre tract, N 72°46'09" W 145.42 feet to a 1/2" steel pin found in an east line of Drapers Cove at the northwest corner of the said O'Cooley 0.583 of one acre tract, for a southwest corner of the herein described tract;

THENCE with an east and south line of Drapers Cove, courses numbered 84 through 87 inclusive as follows:

(84) N 25°44'52" W 154.57 feet to a 1/2" steel pin found;

(85) N 10°42'26" W 52.06 feet to a calculated point at a non-tangent point of curve;

(86) with a curve to the right an arc distance of 26.06 feet, said curve having a radius of 30.41 feet, a central angle of 49°06'20", and a chord of which bears N 12°51'30" E 25.27 feet to a calculated point at a non-tangent point of compound curve;

(87) with a curve to the right an arc distance of 48.12 feet, said curve having a radius of 42.26 feet, a central angle of 65°14'01", and a chord of which bears N 70°00'00" E 45.56 feet to a calculated point, for an interior corner of the herein described tract;

(88) THENCE crossing Drapers Cove N 12°37'00"E 30.00 feet to 1/2" steel pin found in the curving north line of Drapers Cove at the most northerly southeast corner of that 7.63 acre tract of land, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed with Vendor's Lien to Herbert J. Wasson and Emilie V. Harris in Document No. 1999081472, Official Public Records of Travis County, Texas;

THENCE with the east, northeast and east line of the said Wasson and Harris 7.63 acre tract, courses numbered 89 through 93 inclusive as follows:

(89) N 21°37'12"W 153.07 feet to a 1/2" steel pin found;

(90) N 50°48'26"W 110.62 feet to a 1/2" steel pin found;
(91) N 50°47'24"W 183.14 feet to a 1/2" steel pin found;
(92) N 50°52'55" W 200.07 feet to a 1/2" steel pin with plastic cap found (RPLS1847);
(93) N 4°53'49" W 90.39 feet to a cotton gin spindle found at the southwest corner of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as Second Tract and described in a General Warranty Deed to Betty A Melcher in Volume 13009, Page 2433, Real Property Records of Travis County, Texas, for a northwest corner of the herein described tract;

THENCE with the south line of the said Melcher Second Tract of 0.34 of one acre and being also with the south line of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as First Tract and described in said General Warranty Deed to Betty A Melcher in Volume 13009, Page 2433, Real Property Records of Travis County, Texas, and being also with the south line of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to Betty A Melcher in Volume 11067, Page 480, Real Property Records of Travis County, Texas, courses numbered 94 through 96 inclusive as follows:

(94) S 79°18'15" E 99.97 feet to a 1/2" steel pin found at the southeast corner of the said Melcher Second Tract of 0.34 of one acre and the southwest corner of the said Melcher First Tract of 0.34 of one acre;

(95) S 55°24'46"E 100.05 feet to a 1/2" steel pin with plastic cap set for the southeast corner of the said Melcher First Tract of 0.34 of one acre and the southwest corner of the said Melcher 0.34 of one acre tract of record in Volume 11067, Page 480, Real Property Records of Travis County, Texas;

(96) S 64°50'42" E 99.98 feet to a 1/2" steel pin found in concrete at the southeast corner of the said Melcher 0.34 of one acre tract of record in Volume 11067, Page 480, Real Property Records of Travis County, Texas, for an interior corner of the herein described tract;

(97) THENCE with the east line of the said Melcher 0.34 of one acre tract of record in Volume 11067, Page 480, Real Property Records of Travis County, Texas, N 4°34'46" E 149.70 feet to a 1/2" steel pin found in the south line of a private street, locally known as Draper Mountain Trail at the northeast corner of the said Melcher 0.34 of one acre tract of record in Volume 11067, Page 480, Real Property Records of Travis County, Texas, for a northwest corner of the herein described tract;

(98) THENCE with a south line of Draper Mountain Trail, S 68°33'57" E 199.43 feet to a 1/2" steel pin found at the northwest corner of that 0.33 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to Helen E. Melcher in Document No. 2002101212, Official Public Records of Travis County, Texas, for a northeast corner of the herein described tract;

(99) THENCE with the west line of the said Helen E. Melcher 0.33 of one acre tract, S 4°33'00" W 149.18 feet to a 5/8" steel pin found at the southwest corner of the said Helen E. Melcher 0.33 of one acre tract, for an interior corner of the herein described tract;

THENCE with the south line of the said Helen E. Melcher 0.33 of one acre and the south line of that 0.33 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed With Vendor's Lien to J. E. Laird and wife, Ruby Lee Laird in Volume 9709, Page 693, Real Property Records of Travis County, Texas, courses numbered 100 through 101 inclusive as follows:

(100) S 68°48'30"E 99.46 feet to a 5/8" steel pin found at the southeast corner of the said Helen Melcher 0.34 of one acre tract and the southwest corner of the said Laird 0.33 of one acre tract of record in Volume 9709, Page 693, Real Property Records of Travis County, Texas;

(101) S 66°52'33"E 97.19 feet to a 5/8" steel pin found at the southeast corner of the said Laird 0.33 of one acre tract of record in Volume 9709, Page 693, Real Property Records of Travis County, Texas, and the southwest corner of the said 0.17 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in Exhibit C in an Owner Finance Warranty Deed With Vendor's Lien to Joseph Edgar Laird and wife, Ruby Lee Laird in Volume 8402, Page 362, Deed Records of Travis County, Texas;

THENCE with the south line of the said Laird 0.17 of one acre tract as described in Exhibit C and with the south line of that 0.17 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in Exhibit Bin said deed of record in Volume 8402, Page 362, Deed Records of Travis County, Texas, and being also with the south line of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in Exhibit A in said deed to Laird of record in Volume 8402, Page 362, Deed Records of Travis County, Texas, and with the south line of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in Exhibit Din said deed to Laird of record in Volume 8402, Page 362, Deed Records of Travis County, Texas, courses numbered 102 through 105 inclusive as follows:

(102) S 72°37'18" E 50.11 feet to a 5/8" steel pin found at the southeast corner of the said Laird 0.17 of one acre tract as described in Exhibit C and the southwest corner of the said Laird 0.17 of one acre tract as described in Exhibit B;

(103) S 78°57'21" E 52.29 feet to a 1/2" steel pin found at the southeast corner of the said Laird 0.17 of one acre tract as described in Exhibit C and the southwest corner of the said Laird 0.34 of one acre tract as described in Exhibit A;

(104) S 73°16'24" E 99.86 feet to a 1/2" steel pin with plastic cap set for the southeast corner of the said Laird 0.34 of one acre tract as described in Exhibit A and the southwest corner of the said Laird 0.34 of one acre tract as described in Exhibit D;

(105) S 80°03'24" E 100.14 feet to a 1/2" steel pin with plastic cap set for the southeast corner of the said Laird 0.34 of one acre tract as described in Exhibit D and the southwest corner of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as Second Tract and described in a Warranty Deed to Joseph Edgar Laird and wife, Ruby Lee Laird in Volume 10897, Page 889, Real Property Records of Travis County, Texas;

THENCE with the south line of the said Laird Second Tract of 0.34 of one acre and with the southwest line of that 0.31 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as First Tract and described in said Warranty Deed to Laird of record in Volume 10897, Page 889, Real Property Records of Travis County, Texas, courses numbered 106 through 107 inclusive as follows;

(106) S 68°03'24" E 99.72 feet to a 1 1/2" steel pin with plastic cap set for the southeast corner of the said Laird Second Tract of 0.34 of one acre and the southwest corner of the said Laird First Tract of 0.31 of one acre;

(107) S 57°28'24" E 100.07 feet to a 3/4" steel pin found at the southeast corner of the said Laird First Tract of 0.31 of one acre and the southwest corner of that 0.30 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a General Warranty Deed With Vendor's Lien to Harold J. Nelson and Ann Marie Gibbs St. Martin in Document No. 2003123239, Official Public Records of Travis County, Texas;

(108) THENCE with the south or southwest line of the said Nelson and St. Martin 0.30 of one acre tract, S 53°34'00" E 100.52 feet to a 3/4" steel pin found in the west line of that 1.002 acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a General Warranty

Deed to Stephen K. Nagl and Gay F. Nagl in Document No. 2004187346, Official Public Records of Travis County, Texas, and at the southeast corner of the said Nelson and St. Martin 0.30 of one acre tract, for a northeast corner of the herein described tract;

(109) THENCE with the west line of the said Nagl 1.002 acre tract, S 4°56'14" W 99.70 feet to a 1/2" steel pin with plastic cap set for the southwest corner of the said Nagl 1.002 acre tract, for an interior corner of the herein described tract;

(110) THENCE with the south line of the said Nagl 1.002 acre tract, S 77°09'46" E 192.14 feet to a 1/2" steel pin found in the west line of that 1.462 acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in an Assumption Warranty Deed With Vendor's Lien to Michael K. Temple and Marcia Temple in Volume 10505, Page 588, Real Property Records of Travis County, Texas, and at the southeast corner of the said Nagl 1.002 acre tract, for a northeast corner of the herein described tract;

(111) THENCE with the west line of the said Temple 1.462 acre tract, S 4°54'33" W 95.90 feet to a 1/2" steel pin found at the southwest corner of the said Temple 1.462 acre tract, for an interior corner of the herein described tract;

(112) THENCE with the south line of the said Temple 1.462 acre tract, S 85°06'26" E 199.92 feet to a 1/2" steel pin found at the southeast corner of the said Temple 1.462 of one acre tract, for an interior corner of the herein described tract;

(113) THENCE with the east line of the said Temple 1.462 acre tract, N 4°55'09" E 318.00 feet to a 1/2" steel pin found in the south line of Draper Mountain Trail at the northeast corner of the said Temple 1.462 acre tract;

(114) THENCE crossing Draper Mountain Trail and the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, N 36°27'01" W 155.00 feet to a calculated point on the north side of Draper Mountain Trail, for an interior corner of the herein described tract;

THENCE crossing the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, and being along or near the north line of Draper Mountain Trail, courses numbered 115 through 118 inclusive as follows:

(115) S 62°21'16" W 116.00 to a calculated point;

(116) S 89°19'49" W 88.20 to a calculated point;

(117) N 62°35'36" W 95.48 to a calculated point;

(118) N 54°41'26" W 49.09 to a 1/2" steel pin with plastic cap set for the southeast corner of that 2,512 square foot tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to Harold Nelson in Volume 12603, Page 162, Real Property Records of Travis County, Texas, for a southwest corner of the herein described tract;

THENCE with the east line of the said Nelson 2,512 square foot tract and the east line of the 0.32 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as Tract 1 and described in a Corrected Warranty Deed to Harold J. Nelson in Volume 12059, Page 75, Real Property Records of Travis County, Texas, courses numbered 119 through 120 inclusive as follows:

(119) N 2°21'38" E 41.40 feet to a 1/2" steel pin found at the northeast corner of the said Nelson 2,512 square foot tract and the southeast corner of the said Nelson Tract I of 0.32 of one acre;

(120) N 2°21'38" E 62.09 feet to a calculated point for a northwest corner of the herein described

tract;

THENCE crossing the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, courses numbered 121 through 123 inclusive as follows:

(121) S 87°38'22"E 86.44 feet to a calculated point for an interior corner of the herein described tract;

(122) N 8°25'55"E 58.35 feet to a calculated point for an interior corner of the herein described tract;

(123) N 69°50'17" W 97.27 feet to a 1/2" steel pin found at the northeast corner of the said Nelson Tract I of 0.32 of one acre;

THENCE with the north line of the said Nelson Tract I of 0.32 of one acre and the north line of that 0.32 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as Tract II and described in a said Corrected Warranty Deed to Harold J. Nelson in Volume 12059, Page 75 Real Property Records of Travis County, Texas, and being also with the north line of that 0.33 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to Harold Nelson in Volume 12666, Page 143, Real Property Records of Travis County, Texas, courses numbered 124 through 126 inclusive as follows:

(124) N 69°50'17" W 99.93 feet to a 1/2" steel pin found at the northwest corner of the said Nelson Tract I of 0.32 of one acre and the northeast corner of the said Nelson Tract II of 0.32 of one acre;

(125) N 69°49'01" W 99.75 feet to a 1/2" steel pin found at the northwest corner of the said Nelson Tract I of 0.32 of one acre and the northeast corner of the said Nelson 0.33 of one acre;

(126) N 69°49'32" W 99.96 feet to a 1/2" steel pin found at the northwest corner of the said Nelson 0.33 of one acre and the northeast corner of that 0.337 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to G. L. Vinson in Volume 12667, Page 479, Real Property Records of Travis County, Texas, for an interior corner of the herein described tract;

(127) THENCE with the west line of the said Nelson 0.33 of one acre and the east line of the said Vinson 0.337 of one acre, S 2°25'41" W 149.75 feet to a 1/2" steel pin found in the north line of Draper Mountain Trail at the southwest corner of the said Nelson 0.33 of one acre and the southeast corner of the said Vinson 0.337 of one acre, for a southeast corner of the herein described tract;

THENCE along or near the north line of Draper Mountain Trail, courses numbered 128 through 130 inclusive as follows:

(128) N 73°11'01" W 99.95 feet to a 1/2" steel pin found;

(129) N 73°13'38" W 99.89 feet to a 1/2" steel pin found;

(130) N 72°29'39" W 299.84 feet to a 1/2" iron pipe found in the north line of Draper Mountain Trail at the southeast corner of that 0.689 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed With Vendor's Lien to Jeffrey Press and wife, Kimberly Press in Document No. 2005052503, Official Public Records of Travis County, Texas, for a southwest corner of the herein described tract;

THENCE with the east, north and west line of the said Press 0.689 of one acre, courses numbered 131 through 133 inclusive as follows:

(131) N 3°38'16"E 310.87 feet to a 1/2" steel pin found at the northeast corner of the said Press 0.689 of one acre, for an interior corner of the herein described tract;

(132) N 72°00'09"W 99.95 feet to a 1/2" steel pin found at the northwest corner of the said Press 0.689 of one acre, for an interior corner of the herein described tract;

(133) S 3°34'26" W 309.22 feet to a 1/2" steel pin found at the southwest corner of the said Press 0.689 of one acre, for a southeast corner of the herein described tract

THENCE along or near the north line of Draper Mountain Trail, courses numbered 134 through 136 inclusive as follows:

(134) N 64°43'09"W 132.92 feet to a calculated point;

(135) N 53°40'31" W 93.64 feet to a 1/2" steel pin found;

(136) N 80°04'01" W 71.03 feet to a 1/2" steel pin found in the north line of Draper Mountain Trail at the southeast corner of that 6.908 acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Special Warranty Deed to Jeffrey C. Nieland in Volume 12456, Page 1740, Real Property Records of Travis County, Texas, for a southwest corner of the herein described tract;

(137) THENCE with a west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and the east line of the said Nieland 6.908 acre tract, N 22°25'20" W 509.97 feet to a 112" steel pin found in the east line of the said Nieland 6.908 acre tract at a northwest corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, said 112" steel pin found being also the southwest corner of that 10.26 acre tract, a portion of the said W. A. Cook Survey No. 141 and the Lewis Lindsey Survey No. 265, Abstract No. 2171, in Travis County, Texas, as described in a Warranty Deed With Vendor's Lien to William G. McHugh in Document No. 2002035207, Official Public Records of Travis County, Texas, for a northwest corner of the herein described tract;

(138) THENCE with a north line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and with the south line of the said McHugh 10.26 acre tract, N 73°24'11"E 388.72 feet to a 112" steel pin found at the southeast corner of the said McHugh 10.26 acre tract and a southwest or west corner of that 16.08 acre tract, a portion of the said W. A. Cook Survey No. 141 and the said Lewis Lindsey Survey No. 265, in Travis County, Texas, as described in a Warranty Deed to G. L. Vinson in Volume 6561, Page 242, Deed Records of Travis County, Texas, for an interior corner of the herein described tract;

THENCE with the west line of the said Vinson 16.08 acre tract and the east line of the said McHugh 10.26 acre tract, courses numbered 139 through 140 inclusive as follows:

(139) N 28°15'50" E 176.77 feet to a 1/2" steel pin found;

(140) N 22°33'24" W 990.27 feet to a 1/2" steel pin found at the northwest corner of the said Vinson 16.08 acre tract and a northeast corner of the said McHugh 10.26 acre tract, said 1/2" steel pin found being the southwest corner of that 12.28 acre tract, a portion of the said Lewis Lindsey Survey No. 265, in Travis County, Texas, as described in a Warranty Deed to Charles D. Van Cleave and wife, Gloria J. Van Cleave in Volume 3483, Page 1915, Deed Records of Travis County, Texas, for a northwest corner of the herein described tract;

THENCE with the north line of the said Vinson 16.08 acre tract and the south line of the said Van Cleave 12.28 acre tract, courses numbered 141 through 143 inclusive as follows:

(141) S 60°43'10" E 10.08 feet to a 112" steel pin found;

(142) S 62°17'30" E 243.12 feet to a 1/2" steel pin found;

(143) S 66°41'16" E 892.77 feet to a 1/2" steel pin found in a west line of a private road, locally known as Drapers Cove and in a west line of the said Vinson 278.36 acre tract of land, save and except

19.27 acres of land, said 1/2" steel pin found being the northeast corner of the said Vinson 16.08 acre tract and the southeast corner of the said Van Cleave 12.28 acre tract, for an interior corner of the herein described tract;

THENCE with the west, southwest and south line of Drapers Cove and a west, southwest and south line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and being also with the east, northeast and north line of the said Van Cleave 12.28 acre tract, courses numbered 144 through 149 inclusive as follows;

(144) N 3°51'52" E 360.05 feet to a 1/2" steel pin found;
(145) N 3°57'18" W 99.86 feet to a 1/2" steel pin found;
(146) N 32°37'26" W 99.98 feet to a 1/2" steel pin found;
(147) N 58°16'12" W 229.98 feet to a 1/2" steel pin found;
(148) N 64°47'35" W 359.96 feet to a 1/2" steel pin found;
(149) N 58°26'35" W 64.23 feet to a 1/2" steel pin with plastic cap set in asphalt for a southwest corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and a southeast corner of that unplatted tract of land, a portion of the said Lewis Lindsey Survey No. 265 and the said W. A. Cook Survey No. 100, in Travis County, Texas, designated as Other and conveyed in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas, for a southwest corner of the herein described tract;

THENCE with the west line of Drapers Cove and the west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, and being also along or near the unplatted tract designated as Other in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas, courses numbered 150 through 152 inclusive as follows:

(150) N 15°13'35" W 8.15 feet to a 1/2" steel pin found;
(151) N 15°22'02" W 46.75 feet to a 1/2" steel pin found;
(152) N 7°16'06" E 37.39 feet to a 1/2" steel pin found near corner offence at an angle point in the west line of Drapers Cove and at an angle point in the west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, said 1/2" steel pin found being also in or near the east line of the unplatted tract designated as Other in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas;

THENCE with the west line of Drapers Cove and crossing the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, and being also along or near the east line of the unplatted tract designated as Other in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas, courses numbered 153 through 154 inclusive as follows:

(153) N 27°22'59" E 41.77 feet to a 1/2" steel pin with plastic cap set near corner of fence;
(154) N 44°25'04" E 255.79 feet to a 1/2" steel pin found near corner offence in the west line of Drapers Cove and at an angle point in the west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, said 1/2" steel pin found being also in or near the east line of the unplatted tract designated as Other in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas;

THENCE with the west line of Drapers Cove and the west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, and being also along or near the unplatted tract designated as Other in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas, courses numbered 155 through 175 inclusive as follows:

(155) N 42°31'20" E 71.53 feet to a 1/2" steel pin found;

(156) N 30°29'16" E 138.99 feet to a 3/4" steel pin found;
 (157) N 23°45'46" E 31.51 feet to a 3/4" steel pin found;
 (158) N 9°35'18"E 66.85 feet to a 3/4" steel pin found;
 (159) N 0°26'11" E 77.65 feet to a 3/4" steel pin found;
 (160) N 12°19'05" W 48.11 feet to a 1/2" steel pin found;
 (161) N 20°19'58"W 53.72 feet to a 1/2" steel pin found;
 (162) N 25°57'16"W 142.29 feet to a mag nail in concrete found;
 (163) N 30°27'22"W 168.99 feet to a 1/2" steel pin found;
 (164) N 9°59'50" W 46.13 feet to a 1/2" steel pin found;
 (165) N 12°16'16"E 53.36 feet to a 1/2" steel pin found;
 (166) N 33°12'28" E 86.45 feet to a 1 1/2" steel pin found;
 (167) N 39°14'08" E 61.65 feet to a 1/2" steel pin found;
 (168) N 46°15'39" E 125.89 feet to a 1/2" steel pin found;
 (169) N 49°18'43" E 172.95 feet to a 1/2" steel pin found;
 (170) N 40°09'23"E 67.97 feet to a 1/2" steel pin found;
 (171) N 35°08'07" E 76.10 feet to a 1/2" steel pin found;
 (172) N 30°26'05" E 75.81 feet to a 1/2" steel pin found;
 (173) N 22°03'18" E 54.10 feet to a 1/2" steel pin found;
 (174) N 16°46'39" E 441.15 feet to a 1/2" steel pin found;
 (175) N 1°34'56"W 35.01 feet to a 1/2" steel pin with plastic cap set in or near the east line of that 4.349 acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Substitute Trustee's Deed to Hugh Beadles in Volume 13019, Page 990, Real Property Records of Travis County, Texas, for the northwest corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, said 1/2" steel pin with plastic cap set being at or near the north corner of the said unplatted tract designated as Other in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas, for the northwest corner of the herein described tract;

THENCE crossing Drapers Cove with the north line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, and with the south line of that 2.399 acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Warranty Deed to Robert S. Blackburn and Ruth S. Blackburn, Trustees in Document No. 2002024812, Official Public Records of Travis County, Texas, and being also with the south line of that 1.055 acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Warranty Deed to the Christian Science Society in Volume 9086, Page 678, Real Property Records of Travis County, Texas, courses numbered 176 through 179 inclusive as follows:

(176) N 86°39'51"E 156.01 feet to a PK nail found in top of a wood fence post;
 (177) S 61°15'09" E 485.79 feet to a 1/2" steel pin with plastic cap found (RPLS 1847);
 (178) S 63°02'26" E 51.54 feet to a 1/2" steel pin found at the southeast corner of the said Blackburn 2.399 acre tract and at the southwest corner of the said Christian Science Society 1.055 acre tract;

(179) S 62°57'16" E 241.25 feet to a 1/2" steel pin found at the southeast corner of the said Christian Science Society 1.055 acre tract and at the southwest corner of that 2.036 acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Special Warranty Deed to G. L. Vinson in Volume 12717, Page 693, Real Property Records of Travis County, Texas, for an interior corner of the herein described tract;

(180) THENCE with the west line of the said Vinson 2.036 acre tract and with the east line of the said Christian Science Society 1.055 acre tract, N 31°28'45"E 196.07 feet to a 1/2" steel pin found in the south line of Boggy Ford Road at the northwest corner of the said Vinson 2.036 acre tract and the

northeast corner of the said Christian Science Society 1.055 acre tract, for a northwest corner of the herein described tract;

THENCE with south and southwest line of Boggy Ford Road and with the north and northeast line of the said Vinson 2.035 acre tract, courses numbered 181 through 182 inclusive as follows:

(181) S 65°33'05"E 316.18 feet to a 1/2" steel pin with plastic cap set at point of curve;

(182) with a curve to the right, an arc distance of 175.77 feet, said curve having a radius of 291.06 feet, a central angle of 34°36'02" and a chord of which bears S 48°15'27" E 173.11 feet to a 1/2" steel pin found at the east corner of the said Vinson 2.035 acre tract and the north corner of that 1.00 acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a General Warranty Deed to Travis Oaks Baptist Church in Volume 4788, Page 1033, Deed Records of Travis County, Texas, for an east corner of the herein described tract;

(183) THENCE with the south line of the said Vinson 2.035 acre tract and the north line of the said Travis Oaks Baptist Church 1.00 acre tract, S 63°09'53"W 205.60 feet to a 1/2" steel pin with plastic cap set in a north line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land for the southeast corner of the said Vinson 2.035 acre tract and the west corner of the said Travis Oaks Baptist Church 1.00 acre tract, said a 1/2" steel pin with plastic cap set being also set for the north corner of that 1.712 acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Warranty Deed to Travis Oaks Baptist Church in Document No. 2000050175, Official Public Records of Travis County, Texas, and the northwest corner of that 2.00 acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Warranty Deed With Vendor's Lien to Travis Oaks Baptist Church in Volume 9007, Page 882, Real Property Records of Travis County, Texas;

(184) THENCE with the north line of the said Travis Oaks Baptist Church 1.712 acre tract, S 63°01'58" W 464.04 feet to a 1/2" steel pin found at the west corner of the said 1.712 acre tract, for an interior corner of the herein described tract;

THENCE with the south line of the said Travis Oaks Baptist Church 1.712 acre tract and the south line of the said Travis Oaks Baptist Church 2.000 acre tract, courses numbered 185 through 186 inclusive as follows:

(185) S 57°24'26" E 373.77 feet to a 1/2" steel pin found at the southeast corner of the said Travis Oaks 1.712 acre tract and the southwest corner of the said Travis Oaks 2.000 acre tract;

(186) S 57°24'03" E 160.48 feet to a 1/2" steel pin with plastic cap set for the northwest corner of a 2.000 acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Warranty Deed to Susan Montana in Document No. 2006113603, Official Public Records of Travis County, Texas, for a northeast corner of the herein described tract;

THENCE with the west and southwest line of the said Montana 2.000 acre tract, courses numbered 187 through 191 inclusive as follows:

(187) S 35°12'33"W 181.07 feet to a 1/2" steel pin with plastic cap set;

(188) S 21°39'36" W 154.09 feet to a 1/2" steel pin with plastic cap set;

(189) S 11°48'20" E 85.36 feet to a 1/2" steel pin with plastic cap set;

(190) S 33°00'20" E 72.52 feet to a 1/2" steel pin with plastic cap set in rock;

(191) S 53°37'26"E 260.49 feet to a 1/2" steel pin with plastic cap set in the west line of that 1.479 acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, designated as Tract 1 and described in a Warranty Deed to Jack Montana and wife, Susan Koerner in Document No. I999084833, Official Public Records of Travis County, Texas;

THENCE with the west line of the said Montana Tract I of 1.479 acres and the west line of that 0.400 of one acre of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, designated as Tract I and described in a Warranty Deed to Michael Brasel and Kathleen Brasel in Document No. 2004038445, Official Public Records of Travis County, Texas, courses numbered 192 through 193 inclusive as follows:

(192) S 23°25'28"E 145.00 feet to a 1/2" steel pin with plastic cap found (West 4188) at the southwest corner of the said Montana Tract 1 of 1.479 acres and the northwest corner of the said Brasel Tract I of 0.400 of one acre;

(193) S 34°32'32"E 217.75 feet to a cotton gin spindle found at the southwest corner of the said Brasel Tract 1 of 0.400 of one acre, for an interior corner of the herein described tract;

(194) THENCE with the south line of the said Brasel Tract 1 of 0.400 of one acre, N 55°26'29"E 80.15 feet to a 1/2" steel pin found at the southeast corner of the said Brasel Tract 1 of 0.400 of one acre and the southwest corner of that 0.500 of one acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, designated as Tract 1 and described in a General Warranty Deed to Michael D. Brasel and spouse, Kathleen D. Brasel in Volume 11866, Page 1344, Real Property Records of Travis County, Texas, and being also the west corner of that 0.099 of one acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, designated as Tract 2 and described in said Warranty Deed to Brasel in Document No. 2004038445, Official Public Records of Travis County, Texas;

(195) THENCE with the south line of the said Brasel Tract 2 of 0.099 of one acre, S 83°35'51"E 132.11 feet to a 1/2" steel pin found at the southeast corner of the said Brasel Tract 2 of 0.099 of one acre, for an interior corner of the herein described tract;

THENCE with the east line of the said Brasel Tract 2 of 0.099 of one acre and the east line of the said Brasel Tract 1 of 0.500 of one acre, and being also with the east line of the said Montana Tract I of 1.479 acres and the east line of that 1.142 acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, designated as Tract 1 and described in a Warranty Deed to Jack L. Koerner (Montana) and wife, Susan Koerner in Volume 11798, Page 1397, Real Property Records of Travis County, Texas, courses numbered 196 through 199 inclusive as follows:

(196) N 34°31'57"W 86.57 feet to a 1/2" steel pin with plastic cap found (West 4188) at the northeast corner of the said Brasel Tract 2 of 0.099 of one acre and the southeast corner of the said Brasel Tract 1 of 0.500 of one acre;

(197) N 34°29'31"W 343.45 feet to a 1/2" steel pin found at an angle point in the east line of the said Montana Tract 1 of 1.479 acres;

(198) N 13°14'52"E 187.34 feet to a 1/2" steel pin found at northeast corner of the said Montana Tract 1 of 1.479 acres and the southeast corner of the said Koerner Tract 1 of 1.142 acres;

(199) N 13°20'20"E 137.24 feet to a 1" iron pipe found at the northeast corner of the said Koerner Tract 1 of 1.142 acres and the southeast corner of that 0.986 of one acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Warranty Deed to Travis Oaks Baptist Church in Volume 12105, Page 295, Real Property Records of Travis County, Texas;

THENCE with the east line of the said Travis Oaks Baptist Church 0.986 of one acre tract and the east line of that 0.945 of one acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Deed of Gift to Travis Oaks Baptist Church in Volume 4649, Page 1788, Deed Records of Travis County, Texas, and being also with a west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, courses numbered 200 through 201 inclusive as follows:

(200) N 13°34'51"E 217.53 feet to a 1/2" steel pin with plastic cap set at the northeast corner of

the said Travis Oaks Baptist Church 0.986 of one acre tract and the southeast corner of the said Travis Oaks Baptist Church 0.945 of one acre tract, said 1" iron pipe found being also an interior corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land;

(201) N 13°32'39" E 208.70 feet to a 1/2" steel pin set (no plastic cap) for the northeast corner of the said Travis Oaks Baptist Church 0.945 of one acre tract and the southeast corner of that 1.00 acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a General Warranty Deed to Travis Oaks Baptist Church in Volume 4788, Page 1033, Deed Records of Travis County, Texas, said 1/2" steel pin set (no plastic cap) being also set for a northwest corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, and the southwest corner of that 0.018 of one acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Special Warranty Deed to G. L. Vinson in Volume 10321, Page 422, Real Property Records of Travis County, Texas;

(202) THENCE with the east line of the said Travis Oaks Baptist Church 1.00 acre tract and the west line of the said Vinson 0.018 of one acre tract, N 13°32'39" E 30.72 feet to a cotton gin spindle set in asphalt in the curving south line of Boggy Ford Road for the northeast corner of the said Travis Oaks Baptist Church 1.00 acre tract and the northwest corner of the said Vinson 0.018 of one acre tract, for a northwest corner of the herein described tract;

THENCE with the south line of Boggy Ford Road and the north line of the said Vinson 0.018 of one acre tract and with the north line of the said Vinson 2.393 acre tract, courses numbered 203 through 208 inclusive as follows:

(203) with a curve to the left, an arc distance of 26.25 feet, said curve having a radius of 510.06 feet, a central angle of 2°56'56" and a chord of which bears S 60°52'15" E 26.25 feet to a 1/2" steel pin with plastic cap set for the northeast corner of the said Vinson 0.018 of one acre tract and the northwest corner of the said Vinson 2.393 acre tract;

(204) with a curve to the left, an arc distance of 135.29 feet, said curve having a radius of 510.06 feet, a central angle of 15°11'49" and a chord of which bears S 69°56'38" E 134.89 feet to a 60d nail set in top of a wood fence post at point of tangency;

(205) S 76°43'38" E 226.75 feet to a 1/2" steel pin with plastic cap set;

(206) S 72°05'38" E 746.24 feet to a 1/2" steel pin found;

(207) S 69°16'12" E 112.32 feet to a 1/2" steel pin with plastic cap set at point of curve;

(208) with a curve to the left, an arc distance of 109.03 feet, said curve having a radius of 348.81 feet, a central angle of 17°54'31" and a chord of which bears S 78°10'37" E 108.58 feet to the POINT OF BEGINNING of the herein described tract, containing 286.85 acres of land, more or less, SAVE AND EXCEPT the following tracts of land located within the boundaries of the above 286.85 acre metes and bounds description: 2.504 acres and 2.899 acres as described in the accompanying metes and bounds descriptions, leaving 281.45 acres of land, more or less.

Note: The plastic caps on the 1/2" steel pins set are inscribed with "M & S 1838."

DESCRIPTION FOR 2.504 ACRES - SAVE AND EXCEPT TRACT

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 2.504 ACRES OF LAND, A PORTION OF THE W. A. COOK SURVEY NO. 141, ABSTRACT NO. 2587, AND A PORTION OF THE C. E. P. I. & M. CO. SURVEY NO. 173, ABSTRACT NO. 2191, BOTH BEING IN TRAVIS COUNTY, TEXAS, SAID 2.504 ACRES OF LAND BEING ALL OR A PORTION OF THE FOLLOWING TRACTS OF LAND, ALL BEING IN TRAVIS COUNTY, TEXAS: , BEING ALL OF THAT 18,184 SQUARE FOOT TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN

A WARRANTY DEED TO RUTH OLIVER IN VOLUME 7727, PAGE 752, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.34 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AND A PORTION OF THE SAID C. E. P. I. & M. CO. SURVEY NO. 173, AS DESCRIBED IN A WARRANTY DEED TO CAROL LOU TREAT IN VOLUME 4892, PAGE 260, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.34 OF ONE ACRE TRACT, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141 AND A PORTION OF THE SAID C. E. P. I. & M. CO. SURVEY NO. 173, AS CONVEYED IN A WARRANTY DEED TO MARK T. ALGER IN DOCUMENT NO. 2001126699, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.415 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID C. E. P. I. & M. CO. SURVEY NO. 173, AS CONVEYED IN A ONE-HALF INTEREST GIFT DEED TO VERNON G. HAFERNIK IN DOCUMENT NO. 2001171314, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.397 OF ONE ACRE OF LAND, A PORTION OF THE SAID C. E. P. I. & M. CO. SURVEY NO. 173, AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO JEROME URBANEK IN DOCUMENT NO. 1999050669, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; AND BEING A PORTION OF THAT TRACT OF LAND CALLED TO BE 278.36 ACRES, SAVE AND EXCEPT 19.27 ACRES OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AND OTHERS, DESIGNATED AS TRACT 1 AND DESCRIBED IN A WARRANTY DEED TO G. L. VINSON IN VOLUME 5554, PAGE 1469, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AS SURVEYED FOR G. L. VINSON AND REVISED FOR TRAVIS MEADOW, LP BY METCALFE & SANDERS, INC., LAND SURVEYORS, 4800 SOUTH CONGRESS AVENUE, AUSTIN, TEXAS, SAID 2.504 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a 5/8" steel pin found in the east line of a private street, locally known as Treat Trail, at the southwest corner of that 0.34 of one acre tract, a portion of the W. A. Cook Survey No. 141, Abstract No. 2587 and a portion of the said C. E. P. I. & M. Co. Survey No. 173, Abstract No. 2191, in Travis County, Texas, as described in a Warranty Deed to Carol Lou Treat in Volume 4892, Page 260, Deed Records of Travis County, Texas, for the POINT OF BEGINNING for an interior corner of the herein described tract, and from which 5/8" steel pin found, a 1/2" steel pin found at an angle point in Treat Trail at the southeast corner of that 18,184 square foot tract of land, a portion of the said W. A. Cook Survey No. 141, as described in a Warranty Deed to Ruth Oliver in Volume 7727, Page 752, Deed Records of Travis County, Texas, bears N 87°20'53" W 60.73 feet;

(1) THENCE crossing Treat Trail and a portion of that tract of land called to be 278.36 acres, save and except 19.27 acres of land, a portion of the said W. A. Cook Survey No. 141, and others, designated as Tract 1 and described in a Warranty Deed to G. L. Vinson in Volume 5554, Page 1469, Deed Records of Travis County, Texas, S 2°15'09" E 31.24 feet to a calculated point in a south line of the said Vinson 278.36 acres, save and except 19.27 acres of land and in the north line of that 12.611 acre tract of land, a portion of the Malinda Settle Survey No. 49, Abstract No. 2126, in Travis County, Texas, as described in a Special Warranty Deed to G. L. Vinson in Volume 11949, Page 88, Real Property Records of Travis County, Texas, said calculated point being in or near the south line of the said W. A. Cook Survey No. 141 and the north line of the said Malinda Settle Survey No. 49, for a southeast corner of the herein described tract;

(2) THENCE with the south line of Treat Trail and a south line of the said Vinson 278.36 acres, save and except 19.27 acres of land, and being also with the north line of the said Vinson 12.611 acre tract and being along or near the south line of the said W. A. Cook Survey No. 141 and the north line of the said Malinda Settle Survey No. 49, S 87°44'51" W 229.80 feet to a calculated point, for the southwest corner of the herein described tract;

(3) THENCE crossing Treat Trail with the southerly extension of the west line of the said Oliver 18,184 square foot tract of land and also crossing a portion of the said Vinson 278.36 acres, save and except 19.27 acres of land, N 30°25'48"E 35.56 feet to a 1/2" steel pin found at the intersection of the north line of Treat Trail and the east line of private street, locally known as Drapers Cove, said 1/2" steel pin found being the southwest corner of the said Oliver 18,184 square foot tract;

(4) THENCE with the east line of Drapers Cove and the west line of the said Oliver 18,184 square foot tract, N 30°25'48" E 187.84 feet to a 1/2" steel pin found at the northwest corner of the said Oliver 18,184 square foot tract, for the most southerly northwest corner of the herein described tract, and from which 1/2" steel pin found, a 1/2" steel pin found at the southeast corner of that 1.462 acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in an Assumption Warranty Deed With Vendor's Lien to Michael K. Temple and Marcia Temple in Volume 10505, Page 588, Real Property Records of Travis County, Texas, bears N 62°55'35"W 86.37 feet;

(5) THENCE with the north line of the said Oliver 18,184 square foot tract, S 56°46'12"E 127.22 feet to a 1/2" steel pin found in the west line of Treat Trail at the northeast corner of the said Oliver 18,184 square foot tract, for an interior corner of the herein described tract;

THENCE crossing a portion of the said Vinson 278.36 acres, save and except 19.27 acres of land and being along or near the west line of Treat Trail, courses numbered 6 through 8 inclusive as follows:

(6) N 25°38'44" E 148.00 feet to a 1/2" steel pin found;
(7) N 24°20'53" E 107.77 feet to a calculated point;
(8) N 19°43'42" E 95.35 feet to a calculated point at the intersection of the west line of Treat Trail with the westerly prolongation of the north line of that 0.397 of one acre tract, a portion of the said C. E. P. I. & M. Co. Survey No. 173, in Travis County, Texas, as conveyed in a Warranty Deed With Vendor's Lien to Jerome Urbanek in Document No. 1999050669, Official Public Records of Travis County, Texas, and the westerly prolongation of the south line of that 0.413 of one acre tract, a portion of the said C. E. P. I. & M. Co. Survey No. 173, in Travis County, Texas, as described in a Warranty Deed to George L. Vinson and wife, Jean Vinson in Volume 2714, Page 315, Deed Records of Travis County, Texas, for the most northerly northwest corner of the herein described tract;

(9) THENCE crossing Treat Trail with the westerly prolongation of the north line of the said Urbanek 0.397 of one acre tract and the westerly prolongation of the said Vinson 0.413 of one acre tract, N 88°16'47"E 32.23 feet to a 1/2" iron pipe found in the east line of Treat Trail at the northwest corner of the said Urbanek 0.397 of one acre tract and the southwest corner of the said Vinson 0.413 of one acre tract;

(10) THENCE with the north line of the said Urbanek 0.397 of one acre tract and the south line of the said Vinson 0.413 of one acre tract, N 88°16'47"E 167.26 feet to a 1/2" steel pin found at the northeast corner of the said Urbanek 0.397 of one acre tract and the southeast corner of the said Vinson 0.413 of one acre tract, for the northeast corner of the herein described tract;

THENCE with the east line of the said Urbanek 0.397 of one acre tract and the east line of that 0.415 of one acre tract, a portion of the said C. E. P. I. & M. Co. Survey No. 173, in Travis County, Texas, as conveyed in a One-Half Interest Gift Deed to Vernon G. Hafemik in Document No. 2001171314, Official Public Records of Travis County, Texas, and being also with the east line of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141 and a portion of the said C. E. P. I. & M. Co. Survey No. 173, in Travis County, Texas, as conveyed in a Warranty Deed to Mark T. Alger in Document No. 2001126699, Official Public Records of Travis County, Texas, and the east line of the said Treat 0.34 of one acre tract, courses numbered 11 through 14 inclusive as follows:

- (11) S 14°18'30"W 104.29 feet to a 5/8" steel pin found at the southeast corner of the said Urbanek 0.397 of one acre tract and the northeast corner of the said Hafernik 0.415 of one acre tract;
- (12) S 21°56'55"W 108.72 feet to a 5/8" steel pin found at the southeast corner of the said Hafemik 0.415 of one acre tract and the northeast corner of the said Alger 0.34 of one acre tract;
- (13) S 28°38'34"W 115.84 feet to a 5/8" steel pin found at the southeast corner of the said Alger 0.34 of one acre tract and the northeast corner of the said Treat 0.34 of one acre tract;
- (14) S 29°40'52" W 117.63 feet to a 5/8" steel pin found at the southeast corner of the said Treat 0.34 of one acre tract, for the most easterly southeast corner of the herein described tract;
- (15) THENCE with the south line of the said Treat 0.34 of one acre tract, S 88°23'07" W 151.13 feet to the POINT OF BEGINNING of the herein described tract, containing 2.504 acres of land.

DESCRIPTION FOR 2.899 ACRES - SAVE AND EXCEPT TRACT

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 2.899 ACRES OF LAND, A PORTION OF THE W. A. COOK SURVEY NO. 141, ABSTRACT NO. 2587, IN TRAVIS COUNTY, TEXAS, SAID 2.899 ACRES OF LAND BEING A PORTION OF THE FOLLOWING TRACTS OF LAND, ALL BEING IN TRAVIS COUNTY, TEXAS: BEING ALL OF THAT 0.30 OF ONE ACRE TRACT OF LAND DESIGNATED AS TRACT 1 AND ALL OF THAT 0.29 OF ONE ACRE TRACT OF LAND DESIGNATED AS TRACT 2, BOTH BEING A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AND BOTH BEING DESCRIBED IN A WARRANTY DEED TO KATHERAN ACMORSONI IN VOLUME 11592, PAGE 982, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO DAVID N. McCREA AND WIFE, ARLIS J. McCREA IN VOLUME 5257, PAGE 1283, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.36 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN A SPECIAL WARRANTY DEED TO THERESA S. WILSON IN VOLUME 6802, PAGE 41, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING A PORTION OF THAT 0.37 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS CONVEYED IN A SPECIAL WARRANTY DEED TO ANN MARIE ST. MARTIN IN VOLUME 11225, PAGE 885, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.03 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN DEED TO PATRICK G. ST. MARTIN AND WIFE ANN M. ST. MARTIN IN VOLUME 10270, PAGE 851, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.32 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN GENERAL WARRANTY DEED WITH VENDOR'S LIEN IN FAVOR OF THIRD PARTY TO JOSEPH K. MOXLEY IN VOLUME 13360, PAGE 528, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.36 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN A GENERAL WARRANTY DEED WITH VENDOR'S LIEN TO JOSEPH K. MOXLEY IN DOCUMENT NO. 2003029501, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; AND BEING ALL OF THAT 0.296 OF ONE ACRE TRACT OF LAND DESIGNATED AS FIRST TRACT AND ALL OF THAT 0.282 OF ONE ACRE TRACT OF LAND DESIGNATED AS SECOND TRACT, BOTH BEING A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AND BOTH BEING DESCRIBED IN A WARRANTY DEED TO TRAVIS DUNCAN AND SPOUSE, NIKKI DUNCAN IN DOCUMENT NO. 2003203432, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; AS SURVEYED FOR G. L. VINSON AND REVISED FOR TRAVIS MEADOW, LP BY METCALFE & SANDERS, INC., LAND SURVEYORS, 4800 SOUTH CONGRESS AVENUE, AUSTIN, TEXAS, SAID 2.899 ACRES OF LAND BEING MORE

PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a 1/2" steel pin found at an angle point in a north line of a private street, locally known as Drapers Cove, at the southeast corner of that 0.29 of one acre tract, a portion of the W. A. Cook Survey No. 141, Abstract No. 2587, in Travis County, Texas, designated as Tract 2 and described in a Warranty Deed to Katheran Acmorsoni in Volume 11592, Page 982, Real Property Records of Travis County, Texas, for the POINT OF BEGINNING and most easterly southeast corner of the herein described tract, and from which 1/2" steel pin found, a 1/2" steel pin found at the intersection of the southeast line of Drapers Cove and the north line of a private street, locally known as Treat Trail, at the southwest corner of that 18,184 square foot tract of land, a portion of the W. A. Cook Survey No. 141, Abstract No. 2587, in Travis County, Texas, as described in a Warranty Deed to Ruth Oliver in Volume 7727, Page 752, Deed Records of Travis County, Texas, bears S 81°46'41"E 119.70 feet;

(1) THENCE with the north line of Drapers Cove and the south line of the said Acmorsoni Tract 2 of 0.29 of one acre of land and with the south line of that 0.30 of one acre tract, a portion of the said W. A. Cook Survey No. 141, Abstract No. 2587, in Travis County, Texas, designated as Tract 1 and described in said Warranty Deed to Katheran Acmorsoni in Volume 11592, Page 982, Real Property Records of Travis County, Texas, and being also with the south line of that tract of land, a portion of the said W. A. Cook Survey No. 141, Abstract No. 2587, in Travis County, Texas, as described in a Warranty Deed With Vendor's Lien to David N. McCrea and wife, Arlis J. McCrea in Volume 5257, Page 1283, Deed Records of Travis County, Texas, S 87°57'47" W 299.23 feet to a 1/2" steel pin with plastic cap set in the east line of that 0.36 of one acre tract, a portion of the said W. A. Cook Survey No. 141, Abstract No. 2587, in Travis County, Texas, as described in a Warranty Deed to Theresa S. Wilson in Volume 6802, Page 41, Deed Records of Travis County, Texas, for an angle point in the north line of Drapers Cove, for the southwest corner of the said McCrea tract of land, and for an interior corner of the herein described tract;

(2) THENCE with a line of Drapers Cove and the east line of the said Wilson 0.36 of one acre tract, S 1°59'59"E 20.00 feet to a 1/2" steel pin found at an angle point in the north line of Drapers Cove and at the occupied southeast corner of the said Wilson 0.36 of one acre tract, for a southeast corner of the herein described tract;

(3) THENCE with the north line of Drapers Cove and the south line of the said Wilson 0.36 of one acre tract as occupied on the ground, courses numbered 3 through 4 inclusive as follows:

(4) S 89°20'22"W 79.47 feet to a hilti nail set in rock found;

(5) N 85°14'22"W 37.84 feet to a 1/2" steel pin found in concrete at an angle point in the north line of Drapers Cove and at the southwest corner of the said Wilson 0.36 of one acre tract, for a southwest corner of the herein described tract;

(6) THENCE with a line of Drapers Cove and the west line of the said Wilson 0.36 of one acre tract, N 5°38'51" E 11.96 feet to a 1/2" steel pin with plastic cap set for an angle point in the north line of Drapers Cove and the southeast corner of that 0.37 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as conveyed in that Special Warranty Deed to Ann Marie St. Martin in Volume 11225, Page 885, Real Property Records of Travis County, Texas, for an interior corner of the herein described tract;

THENCE with the north, northeast and east line of Drapers Cove and with the south, southwest and west line of the said Ann Marie St. Martin 0.37 of one acre tract and being also with the west line of that 0.32 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as

conveyed in that General Warranty Deed With Vendor's Lien in Favor of Third Party to Joseph K. Moxley in Volume 13360, Page 528, Real Property Records of Travis County, Texas, and being also with the west line of that 0.36 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in that Warranty Deed With Vendor's Lien to Joseph K. Moxley in Document No. 2003029501, Official Public Records of Travis County, Texas, courses numbered 6 through 12 inclusive as follows:

(6) S 86°51'15" W 36.50 feet to a 5/8" steel pin found, and from which 5/8" steel pin found, a 3/4" iron pipe found in concrete in the south line of Drapers Cove and in the north line of that 12.611 acre tract, a portion of the said Malinda Settle Survey No. 49, as described in a Special Warranty Deed to G. L. Vinson in Volume 11919, Page 88, Real Property Records of Travis County, Texas, and being also in or near the south line of the said W. A. Cook Survey No. 141 and the north line of the said Malinda Settle Survey No. 49, bears S 40°18'53"W 69.15 feet;

(7) N 47°40'45" W 59.52 feet to a 1/2" steel pin found in rock;

(8) N 37°59'26"W 32.41 feet to a 1/2" steel pin with plastic cap set;

(9) N 34°34'18"W 62.74 feet to a 1/2" steel pin found in the west line of the said Moxley 0.32 of one acre tract;

(10) N 27°02'45" W 61.96 feet to a 1/2" steel pin found;

(11) N 23°52'32" W 24.66 feet to a 1/2" steel pin found at the west or northwest corner of the said Moxley 0.32 of one acre tract and the southwest or south corner of the said Moxley 0.36 of one acre tract;

(12) N 36°08'40" W 59.68 feet to 1 1/2" steel pin found at the west or southwest corner of the said Moxley 0.36 of one acre and the south or southeast corner of that 0.296 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as First Tract and described in a Warranty Deed to Travis Duncan and spouse, Nikki Duncan in Document No. 2003203432, Official Public Records of Travis County, Texas;

THENCE with the north line of Drapers Cove and the south line of the said Duncan First Tract of 0.296 of one acre and being also with the south line of that 0.282 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as Second Tract and described in said Warranty Deed to Travis Duncan and spouse, Nikki Duncan in Document No. 2003203432, Official Public Records of Travis County, Texas, courses numbered 13 through 14 inclusive as follows:

(13) N 70°18'29" W 144.77 feet to a 1/2" steel pin found;

(14) N 63°41'32"W 34.74 feet to a 1/2" steel pin found at the southwest corner of the said Duncan Second Tract of 0.282 of one acre, for the most westerly southwest corner of the herein described tract;

(15) THENCE with the west line of the said Duncan Second Tract of 0.282 of one acre, N 26°35'08" E 129.88 feet to a hilti nail found set in rock at the northwest corner of the said Duncan Second Tract of 0.282 of one acre, for the northwest corner of the herein described tract;

THENCE with the north line of the said Duncan Second Tract of 0.282 of one acre and the north line of the said Duncan First Tract of 0.296 of one acre, courses numbered 16 through 17 inclusive as follows:

(16) S 76°33'10" E 89.67 feet to a 3/8" steel pin found at the northeast corner of the said Duncan Second Tract of 0.282 of one acre and the northwest corner of the said Duncan First Tract of 0.296 of one acre;

(17) S 76°51'39"E 86.61 feet to a 1/2" steel pin found at the northeast corner of the said Duncan First Tract of 0.296 of one acre and the northwest or north corner of the said Moxley 0.36 of one acre tract;

THENCE with the northeast and east line of the said Moxley 0.36 of one acre tract and the east line of the said Moxley 0.32 of one acre tract, courses numbered 18 through 22 inclusive as follows:

- (18) S 52°51'17" E 73.98 feet to a 1/2" steel pin found;
- (19) S 39°20'17" E 24.61 feet to a 1/2" steel pin with plastic cap set;
- (20) S 26°19'35"E 50.05 feet to a 1/2" steel pin found at the east or southeast corner of the said Moxley 0.36 of one acre tract and the northeast corner of the said Moxley 0.32 of one acre tract;
- (21) S 20°27'58"E 60.43 feet to a cotton gin spindle found;
- (22) S 27°31'15"E 15.02 feet to a 1/2" steel pin found at the southeast corner of the said Moxley 0.32 of one acre tract and the north or northeast corner of that 0.03 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a deed to Patrick G. St. Martin and wife, Ann M. St. Martin in Volume 10270, Page 851, Real Property Records of Travis County, Texas;

THENCE with the east line of the said St. Martin 0.03 of one acre tract and the east and northeast line of the said Ann Marie St. Martin 0.37 of one acre tract, courses numbered 23 through 24 inclusive as follows:

- (23) S 27°19'51" E 32.44 feet to a 1 1/2" steel pin found at the southeast corner of the said St. Martin 0.03 of one acre tract and the northeast corner of the said Ann Marie St. Martin 0.37 of one acre tract;
- (24) S 43°26'50" E 32.34 feet to a 1/2" steel pin found at the northeast corner of the said Ann Marie St. Martin 0.37 of one acre tract and the northwest corner of the said Wilson 0.36 of one acre tract;

THENCE with the north line of the said Wilson 0.36 of one acre tract and the north line of the said McCrea tract of land, and being also with the north line of the said Acmorsoni Tract 1 of 0.30 of one acre and being also with the north line of the said Acmorsoni Tract 2 of 0.29 of one acre, courses numbered 25 through 28 inclusive as follows:

- (25) S 73°25'35" E 32.24 feet to a 1 1/2" steel pin with plastic cap set;
- (26) S 89°55'40" E 64.83 feet to a 1/2" steel pin found at the northeast corner of the said Wilson 0.36 of one acre tract and the northwest corner of the said McCrea tract of land;
- (27) S 89°59'25" E 99.86 feet to a 1/2" steel pin found at the northeast corner of the said McCrea tract of land and the northwest corner of the said Acmorsoni Tract 1 of 0.30 of one acre;
- (28) S 89°47'42" E 200.20 feet to a 1/2" steel pin found at the northeast corner of the said Acmorsoni Tract 2 of 0.29 of one acre, for the northeast corner of the herein described tract of land;

- (29) THENCE with the east line of the said Acmorsoni Tract 2 of 0.29 of one acre, S 1°42'50" E 123.73 feet to the POINT OF BEGINNING of the herein described tract, containing 2.899 acres of land.

Note: The plastic caps on the 1/2" steel pins set are inscribed with "M & S 1838."

EXHIBIT “B”

Conditions

The Property shall be included in the “Firefly Cove Planned Development District,” subject to compliance with the following conditions:

1. that all portions of the application be deemed to meet the requirements of a concept approval;
2. that all portions of the application except the SF-Estate Lots be deemed to meet the requirements of a detail plan approval;
3. development standards for SF-Estate Lots are subject to modification for consistency as part of the future required detail plan approval; and
4. the approval incorporates by reference a satisfactory resolution to the remaining minor comments of the City Engineer related to the required traffic impact analysis (TIA).

EXHIBIT "C"

Land Use Plan

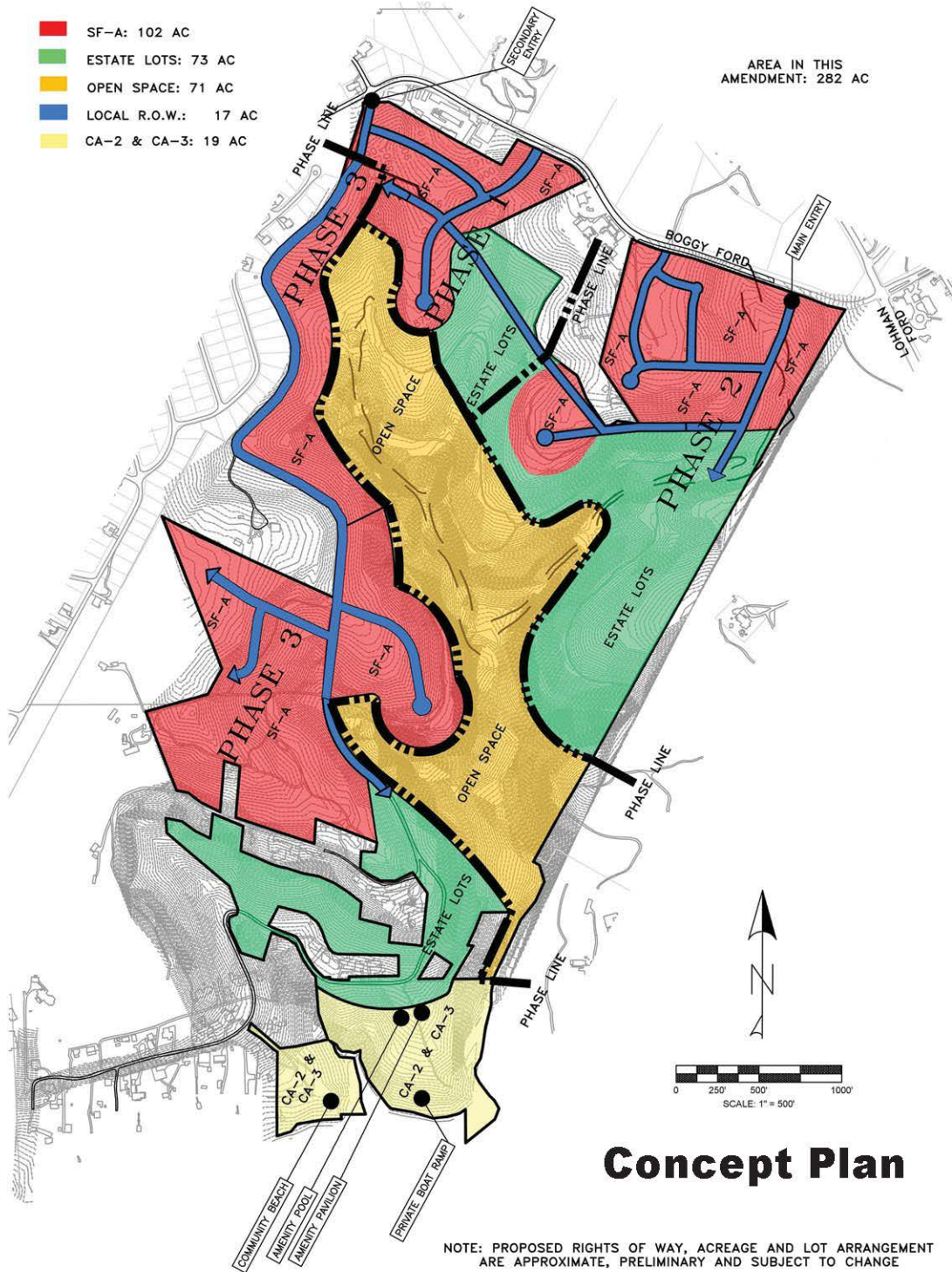
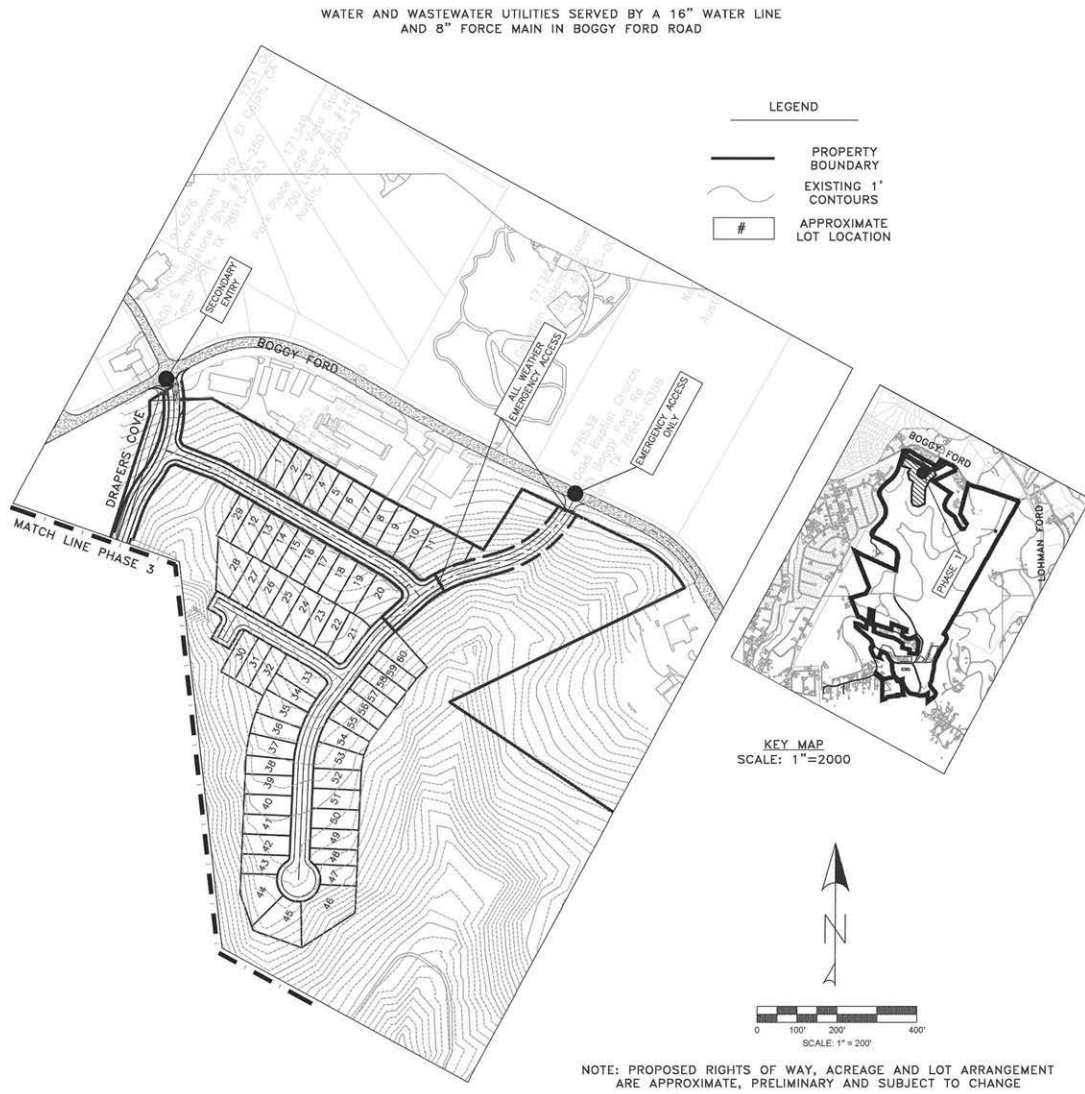


EXHIBIT "C"

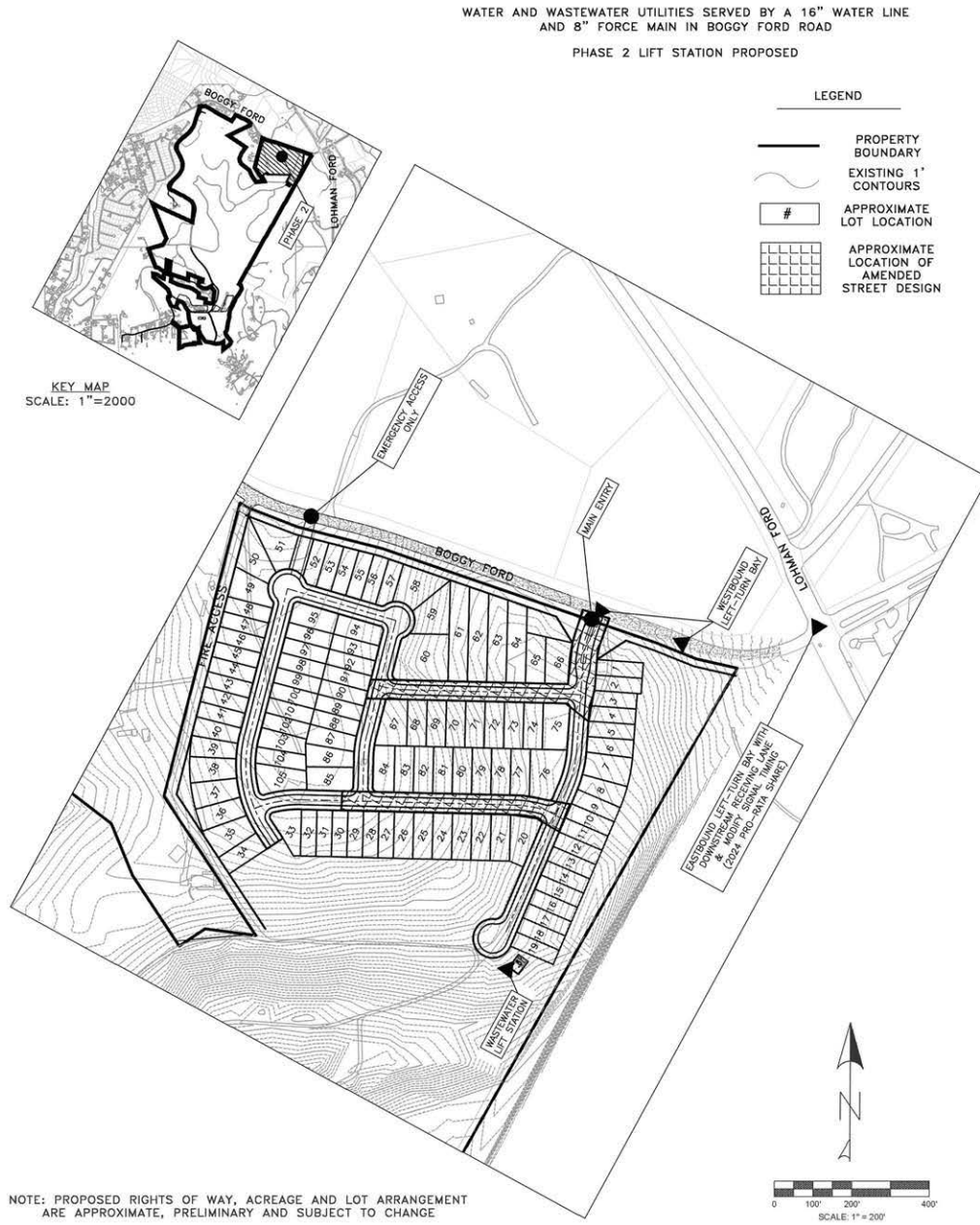
Land Use Plan



Phase 1 Detail Plan

EXHIBIT "C"

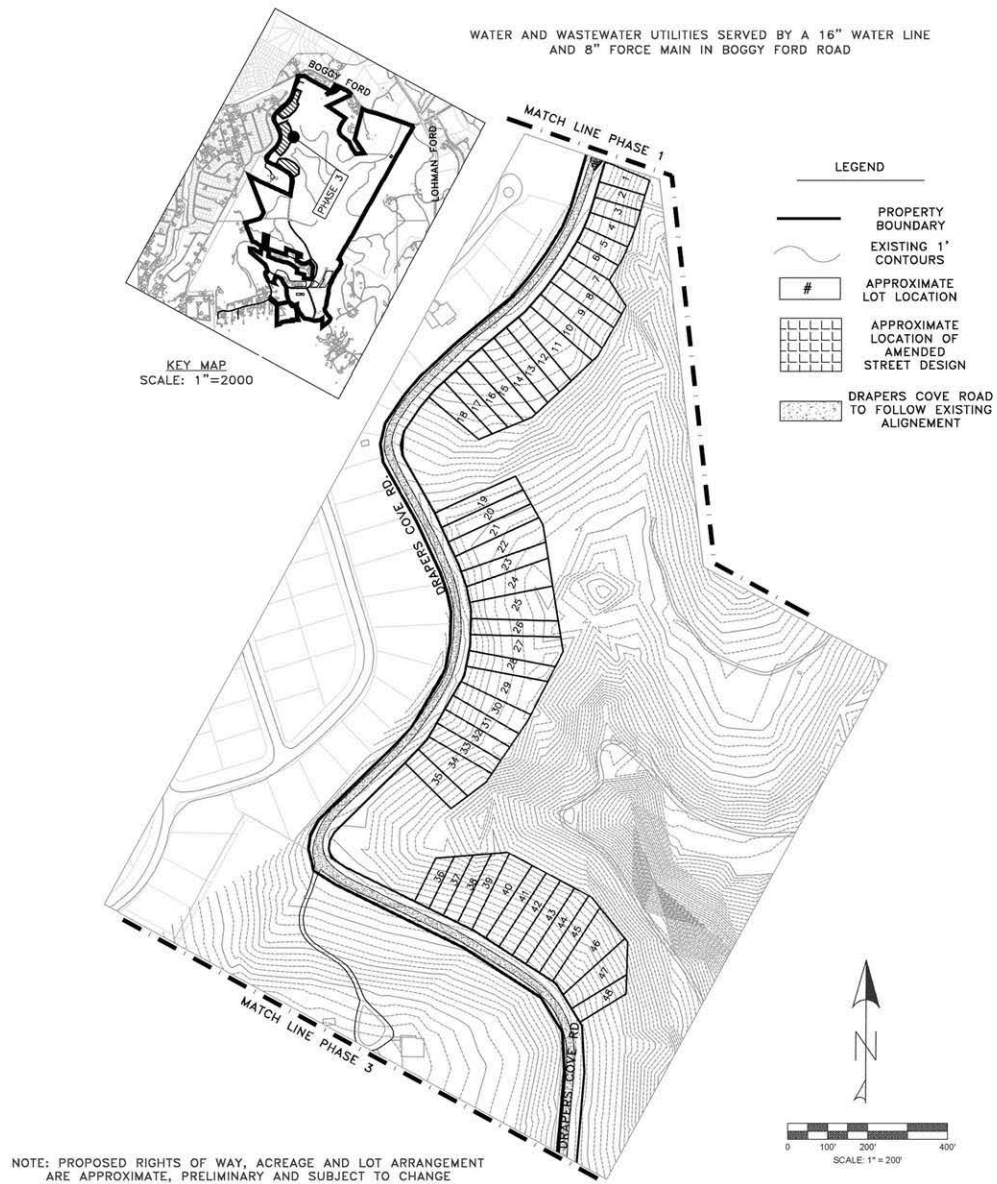
Land Use Plan



Phase 2 Detail Plan

EXHIBIT "C"

Land Use Plan



Phase 3 Detail Plan (1 of 2)

EXHIBIT "C"
Land Use Plan

**Phase 3 Detail Plan
(2 of 2)**

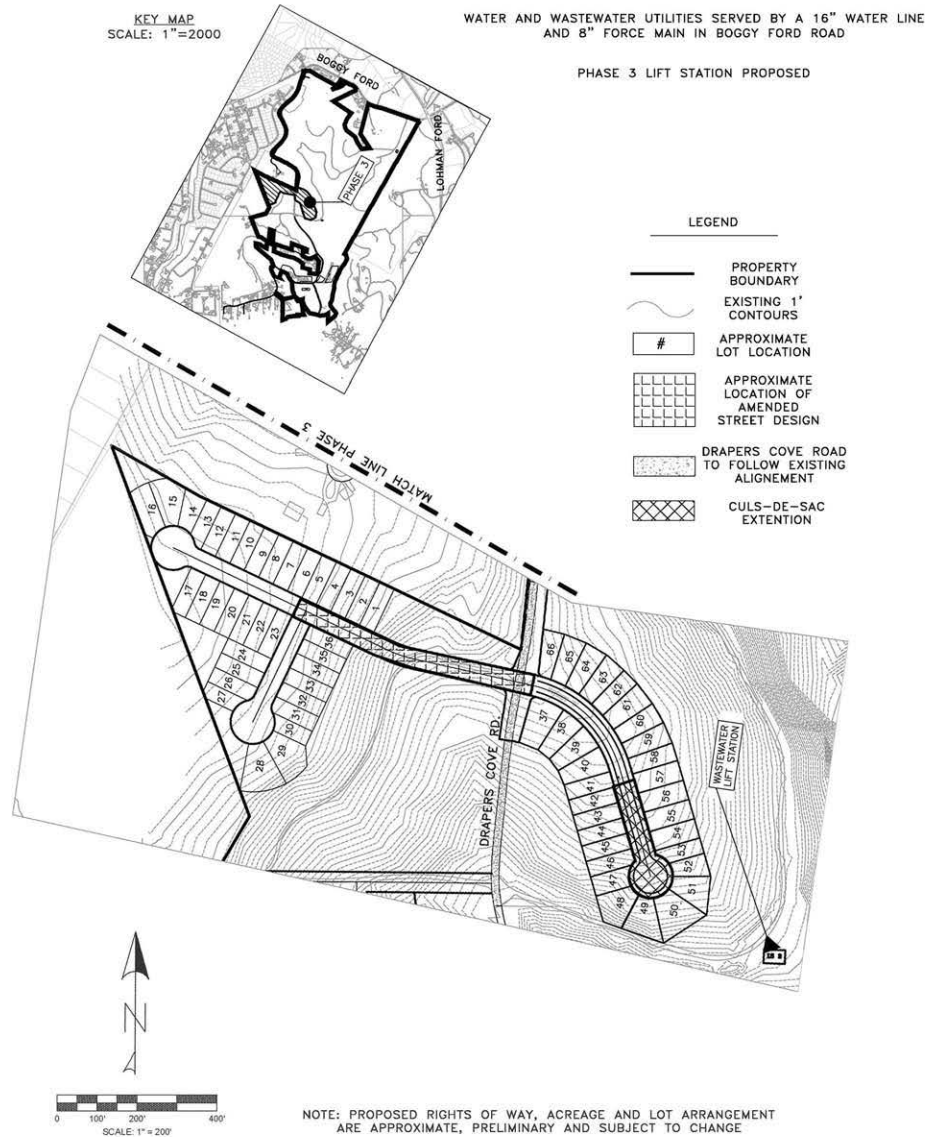
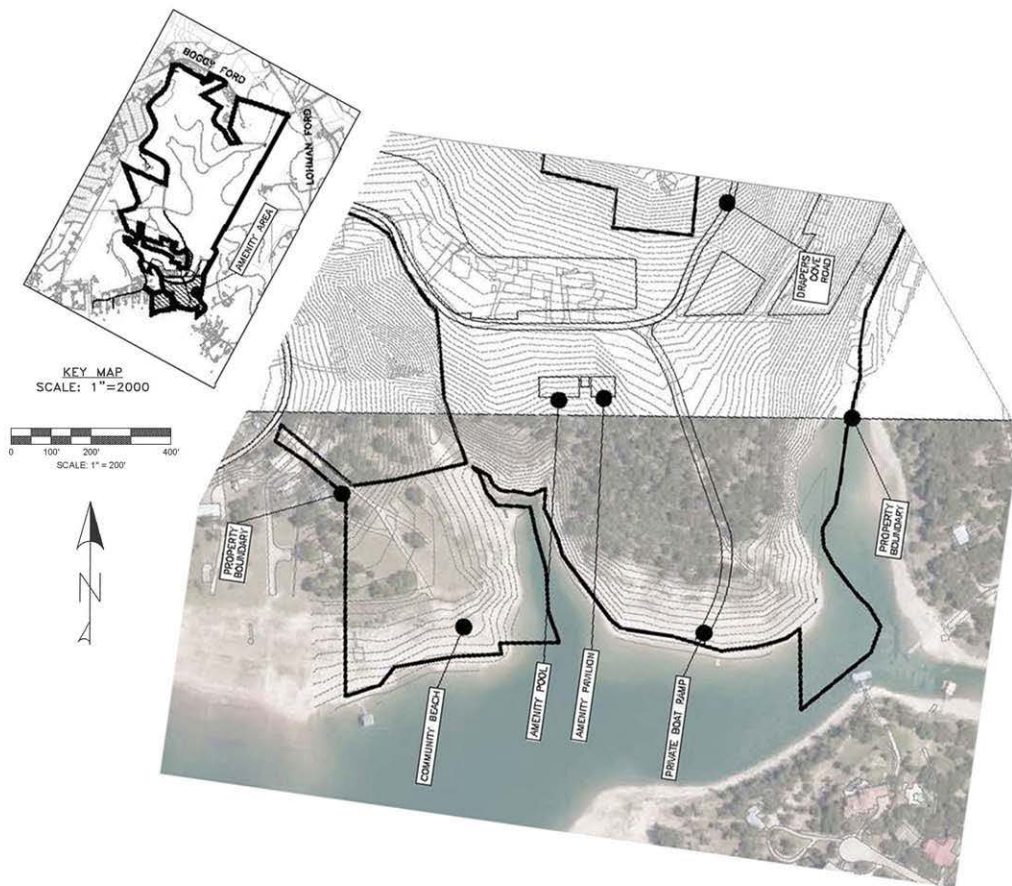


EXHIBIT "C"
Land Use Plan



**Amenities Area
Detail Plan**

EXHIBIT “C”
Land Use Plan

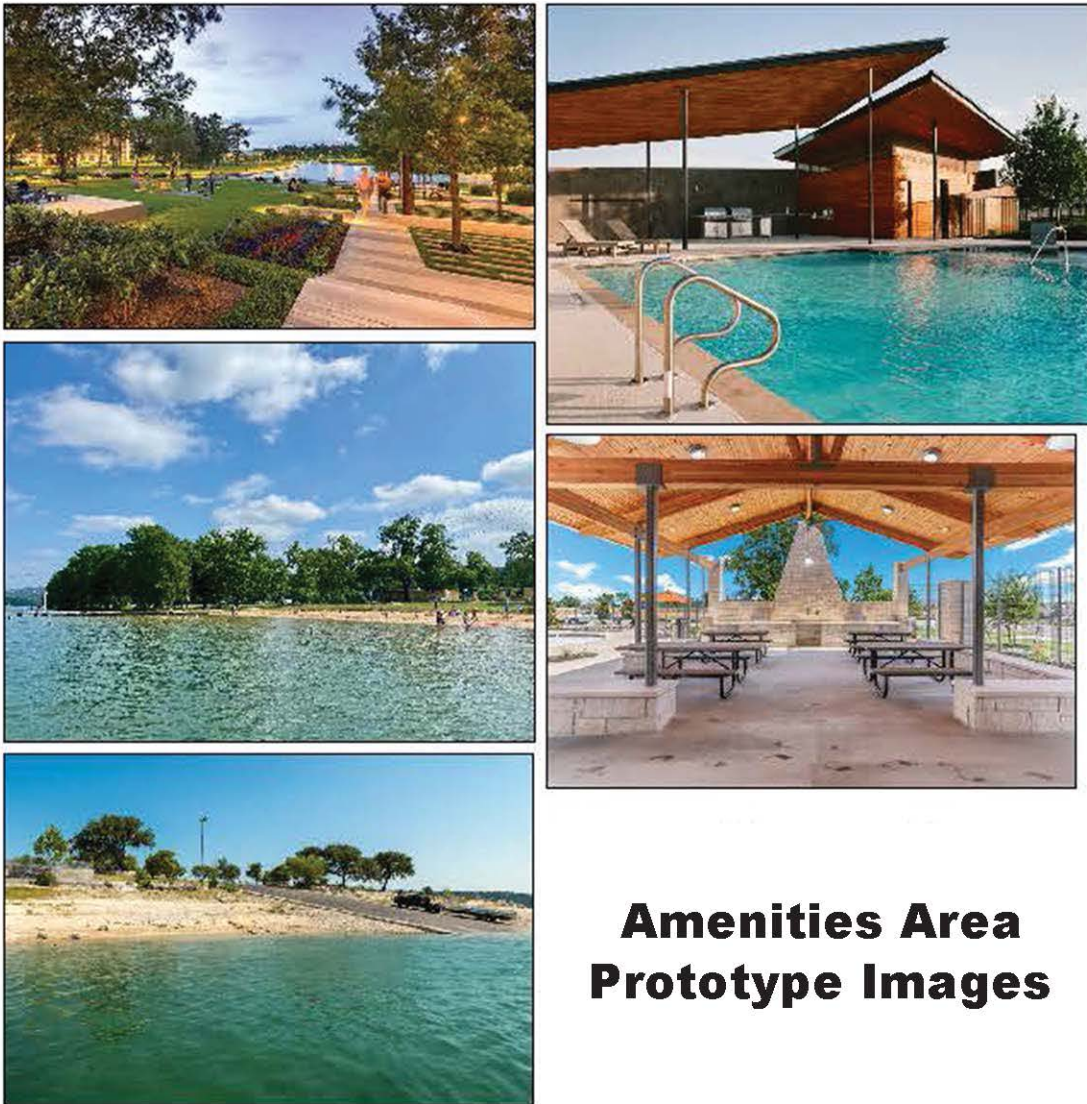
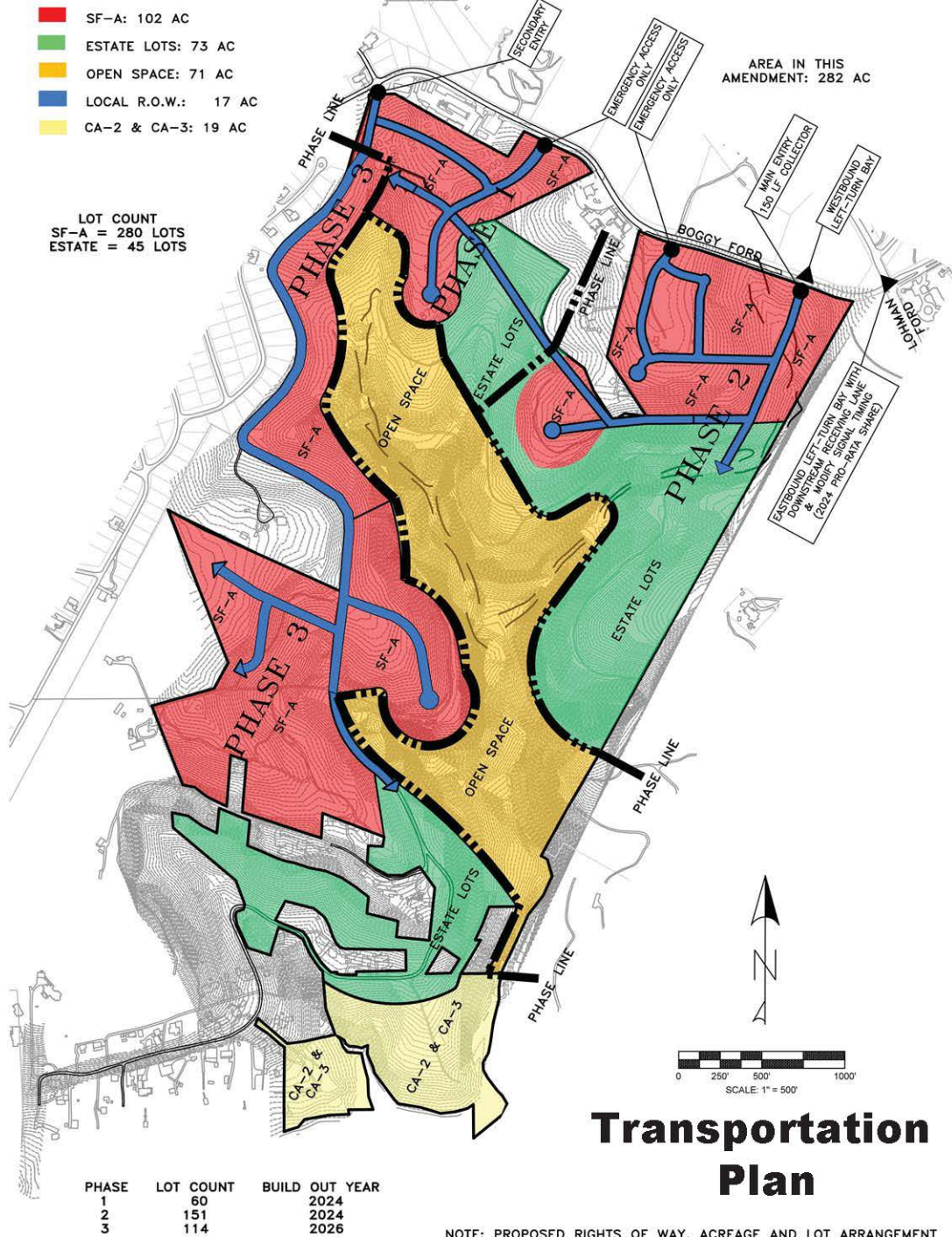


EXHIBIT "C"

Land Use Plan



**LAGO VISTA CITY COUNCIL
STAFF LAND USE REPORT – SEPTEMBER 2, 2021**



P&Z CASE NO:	21-1878-PDD-MOD: 19517 Boggy Ford Road
APPLICANT:	Sandlin Services, LLC (Nick Sandlin, PE)
LANDOWNER:	Firefly Cove LLC (Dirk Gosda)
LOCATION:	South side of street approx. 725' east of Draper's Cove Road
ZONING:	Modification to existing mixed-use PDD
PROPOSED USE:	Update remaining phases of new "Firefly Cove" PDD

GENERAL INFORMATION / LOCATION:

- The Lago Vista City Council recently adopted Ordinance Number 20-11-19-01 which amended approximately 12 acres of the existing "Tusikanni Cove PDD" and rebranded the development as the "Firefly Cove PDD." That amendment was intended to serve as Phase 1A, which consisted of 20 lots to be accessed from a publicly dedicated portion of Draper's Cove after it was improved to comply with current Lago Vista design standards. Unfortunately, that was more difficult than the developer originally anticipated, compounded by the fact that they did not own the land required to comply with those design standards. An acceptable solution required a portion of the land in the development known as American Storage, located at 19801 Boggy Ford Road.
- In addition, progress on the Traffic Impact Analysis (TIA) required by that ordinance as a prerequisite to any additional phases began to reveal some significant cost factors that would dictate which new connections to Boggy Ford Road were designated as primary entries, secondary entries or emergency access only. Along with the recent volatility of construction material prices, this need to complete the TIA has caused the applicant to seek approval for the balance of the development while continuing that will allow work to begin on Phase 1A.
- As such, the desire is to seek both concept plan and detail plan approval for the entire tract of approximately 282 acres that was originally designated as the "Tusikanni Cove PDD" and would now be completely replaced by the "Firefly Cove PDD." The previous mixed-use development approval would now exist solely as a single-family residential community supported by typical amenities that include trails and Lake Travis frontage.

SITE PLAN / CONTEXT CONSIDERATIONS:

- As depicted in the current concept and detail plans the 282-acre development will consist of approximately 175 acres of single-family residential lots, 71 acres of "passive" dedicated open space, 19 acres of lakefront amenities, and 17 acres to be dedicated as public right-of-way. The single-family residential lots include two distinct types or density designations. The SF-A Lots and associated development standards approved in Phase 1A will continue to be used in the subsequent phases. When complete, the development is proposed to include a maximum of 280 SF-A Lots within a designated area consisting of 102 acres. The Estate Lots ("SF-Estate Lots" in the narrative), with development standards seeking approval in this application, are proposed to consist of a maximum of 45 lots within 73 acres. All uses appear to be significantly less impactful than the existing approvals for the "Tusikanni Cove PDD."
- The applicant's narrative and their various plans all make references to as many as three phases of development, with an acceptable level of flexibility reserved to the discretion of the property owner. However, many of the documents are not completely consistent with each other. The "concept plan" indicates that are Estate Lots included in Phase 1, 2 and 3. At the same time, none of the multiple "detail plans" (organized by phases) includes any Estate Lots. Moreover, these "detail plans" don't even include the area that the "concept plan" describes as including Estate Lots.
- While the submitted marketing brochure was presumably not intended for inclusion in the ordinance, it contributes to the minor confusion involving phases as it relates to Estate Lots. The Estate Lots in Phase 1 and 2 are segregated from the SF-A Lots in those same phases and are

instead labeled as “Future Estates Lots” on the marketing brochure. However, the Estate Lots that are identified as being in Phase 3 on the “concept plan” are depicted in the same way as SF-A Lots on the marketing brochure.

- Nonetheless, it seems logical to conclude that the “concept plan” (rather than the marketing brochure) accurately describes the intended phases. While the “detail plans” are otherwise organized by phases, they don’t yet include the Estate Lots in any of the three phases because that work has not yet been undertaken.
- While there are a handful of staff and third-party reviewer comments to the applicant’s TIA that remain outstanding or otherwise unresolved, they seem to involve details that are not significant enough to jeopardize or warrant a delay in a recommendation from the Planning and Zoning Commission. If a satisfactory response to those comments are not complete when a draft ordinance is required, it is very like that adequate conditions can be included that adequately cover those contingencies.
- The “concept plan” includes a maximum of 45 Estate Lots carved from a total land area of 73 acres which equates to an average lot size of at least 1.62 acres or approximately 70,713 square feet. That is certainly an average lot size that would be commonly described as “estate lot.”
- Conversely the narrative includes the development standards for these same Estate (SF-Estate) Lots. It proposes a minimum lot size of 11,000 square feet with a minimum width of 80 feet, except at cul-de-sacs where it can be reduced to 30 feet. Moreover, the setbacks requested for the SF-Estate Lots is seemingly identical to setbacks established for the SF-A Lots, which commonly includes rectangular lots with widths of 40 feet or slightly less.
- The mathematical discrepancy between the description and average size depicted on the “concept plan” and the development standards proposed to be included in an ordinance call the accuracy of the SF-Estate Lot label into question. With a “detail plan” that indeed depicts lots that would commonly be considered to be estate, these development standards might not be considered significant. In the complete absence of a “detail plan” depicting these Estate Lots, the discrepancy instead becomes glaring.

RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:

- Moreover, it would seem impossible to approve the application as meeting the requirements for a “detail plan” covering the Estate Lots when one doesn’t actually exist. Moreover, a deferral that results in the inclusion of the Estate Lots in the Phase 1, 2 and 3 “detail plan might assist in determining whether the label itself is accurate or instead misleading. Since that term appears in both the current Comprehensive Plan and its Future Land Use Map, it would be best if we made sure that any use of that same label in a zoning ordinance was reasonably consistent.
- As originally published by the consultant and adopted by the City Council on May 5, 2016, the Lago Vista 2030 Comprehensive Plan defines “estate residential” as a land use consisting of between 0.5 and 2 units per acre. That equates to a lot size range of between 21,795 square feet (half an acre) and 87,180 square feet (2 acres).
- However, on April 20, 2017 the City Council amended several of the density definitions contained within the Lago Vista 2030 Comprehensive Plan, including “estate residential.” Thereafter that land use was defined as consisting of between 0.3 and 1 unit per acre. That equates to a lot size range of between 43,590 square feet (1 acre) and 145,300 square feet (3.33 acres).
- However, that same amendment to the Lago Vista 2030 Comprehensive Plan clarified that these definitions are intended to be calculated before property is removed to meet drainage and water quality requirements. As such, the average density of the entire development as defined by the current Comprehensive Plan is 1.32 units per acre which equates to an average lot size of 32,994

square feet or approximately three-fourths of an acre. Similarly, the average density of the Estate Lots as defined by the 2030 Lago Vista Comprehensive Plan is 0.44 units per acre which equates to an average lot size of 99,973 square feet or approximately 2.29 acres.

- Another item of note proposed for inclusion in the ordinance that represents a seemingly reasonable departure from the existing subdivision regulations is located in Paragraph 3.d. and titled Traffic Calming Design. While the staff has no objection to the inclusion of that ordinance provision, some clarification might be required. Presumably the proposal to use “local street” design criteria is a reference to the AASHTO design guidelines. However, that same sentence begins with the following language: “Except as noted in paragraph 2(c).” The staff is not exactly sure what that language might be a reference to.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

- There was nothing that can be considered opposition that was present at the public hearing conducted by the Planning and Zoning Commission of August 12, 2021. Instead those that spoke were residents of property within the Lago Vista ETJ known as “Drapers Estates.” Their concerns were not specifically relevant to this approval and instead related primarily to their current use of the applicant’s property that will accommodate the amenities depicted in the detail plan submitted for approval. There was also concern that the improvements and upgrades to the existing private drives owned by the applicant that they currently use for access to their residences would be phased in a manner that would maintain their convenience. The applicant provided assurances to those property owners and committed to meeting with them to formally address their concerns.
- Pursuant to the staff clarification that detail plan approval for the estate lots was not intended, the Planning and Zoning Commission unanimously recommended the first potential alternative decision (Alternative ‘A’) described immediately below. Six of the seven members were present. Earlier in the meeting, all seven members were present but one had suffered internet connection issues by the time this application was considered.

POTENTIAL ALTERNATIVE DECISIONS:

- A. Approve the application in accordance with the following conditions (documented in the draft ordinance within an attached exhibit):
 1. that all portions of the application be deemed to meet the requirements of a concept approval;
 2. that all portions of the application except the SF-Estate Lots be deemed to meet the requirements of a detail plan approval;
 3. development standards for SF-Estate Lots are subject to modification for consistency as part of the future required detail plan approval; and
 4. the approval incorporates by reference a satisfactory response to all pending TIA comments.
 - B. Deny the application.
-

**LAGO VISTA PLANNING AND ZONING COMMISSION
STAFF LAND USE REPORT – AUGUST 12, 2021**



P&Z CASE NO:	21-1878-PDD-MOD: 19517 Boggy Ford Road
APPLICANT:	Sandlin Services, LLC (Nick Sandlin, PE)
LANDOWNER:	Firefly Cove LLC (Dirk Gosda)
LOCATION:	South side of street approx. 725' east of Draper's Cove Road
ZONING:	Modification to existing mixed-use PDD
PROPOSED USE:	Update remaining phases of new "Firefly Cove" PDD

GENERAL INFORMATION / LOCATION:

- The Lago Vista City Council recently adopted Ordinance Number 20-11-19-01 which amended approximately 12 acres of the existing "Tusikanni Cove PDD" and rebranded the development as the "Firefly Cove PDD." That amendment was intended to serve as Phase 1A, which consisted of 20 lots to be accessed from a publicly dedicated portion of Draper's Cove after it was improved to comply with current Lago Vista design standards. Unfortunately, that was more difficult than the developer originally anticipated, compounded by the fact that they did not own the land required to comply with those design standards. An acceptable solution required a portion of the land in the development known as American Storage, located at 19801 Boggy Ford Road.
- In addition, progress on the Traffic Impact Analysis (TIA) required by that ordinance as a prerequisite to any additional phases began to reveal some significant cost factors that would dictate which new connections to Boggy Ford Road were designated as primary entries, secondary entries or emergency access only. Along with the recent volatility of construction material prices, this need to complete the TIA has caused the applicant to seek approval for the balance of the development while continuing that will allow work to begin on Phase 1A.
- As such, the desire is to seek both concept plan and detail plan approval for the entire tract of approximately 282 acres that was originally designated as the "Tusikanni Cove PDD" and would now be completely replaced by the "Firefly Cove PDD." The previous mixed-use development approval would now exist solely as a single-family residential community supported by typical amenities that include trails and Lake Travis frontage.

SITE PLAN / CONTEXT CONSIDERATIONS:

- As depicted in the current concept and detail plans the 282-acre development will consist of approximately 175 acres of single-family residential lots, 71 acres of "passive" dedicated open space, 19 acres of lakefront amenities, and 17 acres to be dedicated as public right-of-way. The single-family residential lots include two distinct types or density designations. The SF-A Lots and associated development standards approved in Phase 1A will continue to be used in the subsequent phases. When complete, the development is proposed to include a maximum of 280 SF-A Lots within a designated area consisting of 102 acres. The Estate Lots ("SF-Estate Lots" in the narrative), with development standards seeking approval in this application, are proposed to consist of a maximum of 45 lots within 73 acres. All uses appear to be significantly less impactful than the existing approvals for the "Tusikanni Cove PDD."
- The applicant's narrative and their various plans all make references to as many as three phases of development, with an acceptable level of flexibility reserved to the discretion of the property owner. However, many of the documents are not completely consistent with each other. The "concept plan" indicates that are Estate Lots included in Phase 1, 2 and 3. At the same time, none of the multiple "detail plans" (organized by phases) includes any Estate Lots. Moreover, these "detail plans" don't even include the area that the "concept plan" describes as including Estate Lots.
- While the submitted marketing brochure was presumably not intended for inclusion in the ordinance, it contributes to the minor confusion involving phases as it relates to Estate Lots. The Estate Lots in Phase 1 and 2 are segregated from the SF-A Lots in those same phases and are

instead labeled as “Future Estates Lots” on the marketing brochure. However, the Estate Lots that are identified as being in Phase 3 on the “concept plan” are depicted in the same way as SF-A Lots on the marketing brochure.

- Nonetheless, it seems logical to conclude that the “concept plan” (rather than the marketing brochure) accurately describes the intended phases. While the “detail plans” are otherwise organized by phases, they don’t yet include the Estate Lots in any of the three phases because that work has not yet been undertaken.
- While there are a handful of staff and third-party reviewer comments to the applicant’s TIA that remain outstanding or otherwise unresolved, they seem to involve details that are not significant enough to jeopardize or warrant a delay in a recommendation from the Planning and Zoning Commission. If a satisfactory response to those comments are not complete when a draft ordinance is required, it is very like that adequate conditions can be included that adequately cover those contingencies.
- The “concept plan” includes a maximum of 45 Estate Lots carved from a total land area of 73 acres which equates to an average lot size of at least 1.62 acres or approximately 70,713 square feet. That is certainly an average lot size that would be commonly described as “estate lot.”
- Conversely the narrative includes the development standards for these same Estate (SF-Estate) Lots. It proposes a minimum lot size of 11,000 square feet with a minimum width of 80 feet, except at cul-de-sacs where it can be reduced to 30 feet. Moreover, the setbacks requested for the SF-Estate Lots is seemingly identical to setbacks established for the SF-A Lots, which commonly includes rectangular lots with widths of 40 feet or slightly less.
- The mathematical discrepancy between the description and average size depicted on the “concept plan” and the development standards proposed to be included in an ordinance call the accuracy of the SF-Estate Lot label into question. With a “detail plan” that indeed depicts lots that would commonly be considered to be estate, these development standards might not be considered significant. In the complete absence of a “detail plan” depicting these Estate Lots, the discrepancy instead becomes glaring.

RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:

- Moreover, it would seem impossible to approve the application as meeting the requirements for a “detail plan” covering the Estate Lots when one doesn’t actually exist. Moreover, a deferral that results in the inclusion of the Estate Lots in the Phase 1, 2 and 3 “detail plan might assist in determining whether the label itself is accurate or instead misleading. Since that term appears in both the current Comprehensive Plan and its Future Land Use Map, it would be best if we made sure that any use of that same label in a zoning ordinance was reasonably consistent.
- As originally published by the consultant and adopted by the City Council on May 5, 2016, the Lago Vista 2030 Comprehensive Plan defines “estate residential” as a land use consisting of between 0.5 and 2 units per acre. That equates to a lot size range of between 21,795 square feet (half an acre) and 87,180 square feet (2 acres).
- However, on April 20, 2017 the City Council amended several of the density definitions contained within the Lago Vista 2030 Comprehensive Plan, including “estate residential.” Thereafter that land use was defined as consisting of between 0.3 and 1 unit per acre. That equates to a lot size range of between 43,590 square feet (1 acre) and 145,300 square feet (3.33 acres).
- However, that same amendment to the Lago Vista 2030 Comprehensive Plan clarified that these definitions are intended to be calculated before property is removed to meet drainage and water quality requirements. As such, the average density of the entire development as defined by the current Comprehensive Plan is 1.32 units per acre which equates to an average lot size of 32,994

square feet or approximately three-fourths of an acre. Similarly, the average density of the Estate Lots as defined by the 2030 Lago Vista Comprehensive Plan is 0.44 units per acre which equates to an average lot size of 99,973 square feet or approximately 2.29 acres.

- Another item of note proposed for inclusion in the ordinance that represents a seemingly reasonable departure from the existing subdivision regulations is located in Paragraph 3.d. and titled Traffic Calming Design. While the staff has no objection to the inclusion of that ordinance provision, some clarification might be required. Presumably the proposal to use “local street” design criteria is a reference to the AASHTO design guidelines. However, that same sentence begins with the following language: “Except as noted in paragraph 2(c).” The staff is not exactly sure what that language might be a reference to.

POTENTIAL ALTERNATIVE RECOMMENDATIONS:

- A. Defer the application as required to:
 - 1. satisfactorily respond to all pending TIA comments;
 - 2. submit detail plans for the SF-Estate Lot areas; and
 - 3. to modify the proposed development standards for the SF-Estate Lots as required to maintain consistency with those detail plans.
 - B. Recommend approval of the application in accordance with the following conditions:
 - 1. that all portions of the application be deemed to meet the requirements of a concept approval;
 - 2. that all portions of the application except the SF-Estate Lots be deemed to meet the requirements of a detail plan approval;
 - 3. development standards for SF-Estate Lots are subject to modification for consistency as part of the future required detail plan approval; and
 - 4. the approval incorporates by reference a satisfactory response to all pending TIA comments.
 - C. Recommend approval of the application as meeting the requirements of both a concept plan and detail for all phases.
 - D. Recommend denial of the application.
-

21-1878-PDD-MOD
19517 Boggy Ford Road

Attachment 1

Application



CITY OF LAGO VISTA • DEVELOPMENT SERVICES
5803 THUNDERBIRD STREET • P.O. BOX 4727 • LAGO VISTA, TX 78645

Tel. (512) 267-5259

Fax (512) 267-5265

NOTE: Applicants should seek legal advice concerning the applicability of any existing private covenants or deed restrictions and their ability to be enforced or waived by other specific property owners.

APPLICATION FOR ZONING DISTRICT CHANGE

Contact Person: Nicholas Sandlin **Fee:** See Ordinance Appendix A (non-refundable)
Contact Phone: 806-679-7303 **Contact Email:** Nick@sandlinservices.com
Property Owner(s):* Firefly Cove LLC
Owner's mailing address: PO Box 2570 Austin, TX 78768

COMPLETE LEGAL DESCRIPTION OF SUBJECT PROPERTY

Subdivision, Section and Lot Number(s) if platted. Attach metes & bounds or equal description otherwise*
Doc. 2006125525 see M&B.

Municipal Address(es)* if applicable: 19517 Boggy Ford Road

NATURE OF REQUEST

Current Zoning District(s): PDD **Requested District:** Amended PDD

Purpose or Basis of Request* (if PDD, include whether concept and/or detail plan approval is sought):
PDD Amendment with new Concept Plan Approval

Additional individual(s) authorized to act on behalf of the property owner(s)* regarding this application:

Name of Agent: Nicholas Sandlin **Email:** Nick@Sandlinservices.com

Mailing Address: 4501 Whispering Valley Dr. Unit 27, Austin, TX 78727 **Phone:** 8066797303

NOTE: Applications must be complete including all applicable portions of this form, payment of fees and all required drawings or documentation. All applications are accepted provisionally pending a completion review. **PLEASE TAKE SPECIFIC NOTICE AND INCORPORATE OR ADDRESS ALL LOCAL ORDINANCE REQUIREMENTS IN YOUR APPLICATION.**

Firefly Cove LLC, Dirk Gooda, Mgr

06/28/2021

Property Owner's signature(s)*

Date

***Attach additional sheets as required**



Sandlin Services, LLC
P: (806)679-7303
TBPELS Firm # 21356

June 28, 2021

Agent Authorization Regarding the Firefly Cove Development

To whom it may concern:

Please accept this letter as verification that Sandlin Services, LLC and its representatives are hereby authorized to act as my agent(s) for the purposes of filing Preliminary Plans, Subdivision Plats, Construction plans, and all other necessary applications to City of Lago Vista or any required entity for Firefly Cove, LLC.

Mr. Dirk Gosda Signed: Firefly Cove LLC, Dirk Gosda, Mgr

Firefly Cove, LLC

Please feel free to contact me with any questions.

Sincerely,

Nick Sandlin, P.E.
President & Principal
TBPELS Firm# 21356

METES AND BOUNDS DESCRIPTION OF 286.85 ACRES, MORE OR LESS, SAVE AND EXCEPT 2.504 ACRES AND 2.899 ACRES, LEAVING 281.45 ACRES, MORE OR LESS,

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 286.85 ACRES OF LAND, MORE OR LESS, A PORTION OF THE FOLLOWING SURVEYS: D. & W. R.R. CO. SURVEY NO. 99, ABSTRACT NO. 246; RICHARD CRAIG SURVEY NO. 1867, ABSTRACT NO. 2754; C.E.P.I. & M. CO. SURVEY NO. 173, ABSTRACT NO. 2191; MALINDA SETTLE SURVEY NO. 49, ABSTRACT NO. 2126; W. A. COOK SURVEY NO. 141, ABSTRACT NO. 2587; LEWIS LINDSAY SURVEY NO. 265, ABSTRACT NO. 2171; AND THE W. A. COOK SURVEY NO. 100, ABSTRACT NO. 2605, IN TRAVIS COUNTY, TEXAS, SAID 286.85 ACRES OF LAND, MORE OR LESS, BEING A PORTION OF THAT 289.40 ACRE TRACT OF LAND, A PORTION OF THE SAID D. & W. R.R. CO. SURVEY NO. 99, AND OTHERS IN TRAVIS COUNTY, TEXAS, AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO TRAVIS MEADOW, LP IN DOCUMENT NO. 2006125525, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 286.85 ACRES OF LAND, MORE OR LESS, BEING ALL OR A PORTION OF THE FOLLOWING TRACTS OF LAND, ALL BEING IN TRAVIS COUNTY, TEXAS: BEING ALL OF THAT 0.413 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID C. E. P. I. & M. CO. SURVEY NO. 173, AS DESCRIBED IN A WARRANTY DEED TO GEORGE L. VINSON AND WIFE, JEAN VINSON IN VOLUME 2714, PAGE 315, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.44 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID C. E. P. I. & M. CO. SURVEY NO. 173, AS DESCRIBED IN A WARRANTY DEED TO GEORGE L. VINSON AND WIFE, JEAN VINSON IN VOLUME 3223, PAGE 513, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING A PORTION OF THAT TRACT OF LAND CALLED TO BE 278.36 ACRES, SAVE AND EXCEPT 19.27 ACRES OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AND OTHERS, DESIGNATED AS TRACT 1 AND DESCRIBED IN A WARRANTY DEED TO G. L. VINSON IN VOLUME 5554, PAGE 1469, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 22.97 ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 100 AND A PORTION OF THE SAID D. & W. R.R. CO. SURVEY NO. 99, AS DESCRIBED IN A WARRANTY DEED TO GEORGE LARRY VINSON AND WIFE, JEAN VINSON IN VOLUME 6021, PAGE 178, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 16.08 ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AND A PORTION OF THE SAID LEWIS LINDSAY SURVEY NO. 265, AS DESCRIBED IN A WARRANTY DEED TO G. L. VINSON IN VOLUME 6561, PAGE 242, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 785 SQUARE FOOT TRACT OF LAND OR 0.018 OF ONE ACRE OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 100, AS DESCRIBED IN A SPECIAL WARRANTY DEED TO G. L. VINSON IN VOLUME 10321, PAGE 422, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING A PORTION OF THAT 12.611 ACRE TRACT OF LAND, MORE OR LESS, A PORTION OF THE SAID MALINDA SETTLE SURVEY NO. 49, AS DESCRIBED IN A SPECIAL WARRANTY DEED TO G. L. VINSON IN VOLUME 11949, PAGE 88, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 2.393 ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 100 AND A PORTION OF THE SAID D. & W. R.R. CO. SURVEY NO. 99, AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO GEORGE L. VINSON AND WIFE, JEAN VINSON IN VOLUME 12092, PAGE 1825, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 23.276 ACRE TRACT OF LAND, A PORTION OF THE SAID D. & W. R.R. CO. SURVEY NO. 99, AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO G. L. VINSON AND WIFE, JEAN VINSON IN VOLUME 12627, PAGE 676, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.337 OF ONE ACRE OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN A WARRANTY DEED TO G. L. VINSON IN VOLUME 12667, PAGE 479, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; AND BEING ALL OF THAT 2.036 ACRE TRACT OF LAND, A

PORTION OF THE SAID W. A. COOK SURVEY NO. 100, AS DESCRIBED IN A SPECIAL WARRANTY DEED TO G. L. VINSON IN VOLUME 12717, PAGE 693, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; AS PREPARED FOR TRAVIS MEADOW, LP BY METCALFE & SANDERS, INC., LAND SURVEYORS, 4800 SOUTH CONGRESS AVENUE, AUSTIN, TEXAS, SAID 286.85 ACRES OF LAND, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a 1/2" steel pin with plastic cap set in rock in the south line of Boggy Ford Road for the northeast corner of that 2.393 acre tract of land, a portion of the W. A. Cook Survey No. 100, Abstract No. 2605 and a portion of the D. & W. R.R. Co. Survey No. 99, Abstract No. 246, in Travis County, Texas, as described in a Warranty Deed to George L. Vinson and wife, Jean Vinson in Volume 12092, Page 1825, Real Property Records of Travis County, Texas, for the POINT OF BEGINNING and northeast corner of the herein described tract;

(1) THENCE with the east line of the said Vinson 2.393 acre tract, S 29°17'38" W 115.71 feet to a 1/2" steel pin found at the southeast corner of the said Vinson 2.393 acre tract and the northeast corner of that 22.97 acre tract of land, a portion of the said W. A. Cook Survey No. 100 and a portion of the said D. & W. RR. Co. Survey No. 99, as described in a Warranty Deed to George Larry Vinson and wife, Jean Vinson in Volume 6021, Page 178, Deed Records of Travis County, Texas, said 1/2" steel pin found being also an angle point in the west line of that 169.54 acre tract, a portion of the said D. & W. R.R. Co. Survey No. 99 and a portion of the Richard Craig Survey No. 1867, Abstract No. 2754, in Travis County, Texas, as described in Special Warranty Deed to Luna Groseclose, Ltd. in Volume 13237, Page 1233, Real Property Records of Travis County, Texas, said 1/2" steel pin found being also a corner of that approximately 100 acres of land, a portion of the said D. & W. R.R. Co. Survey No. 99, and others in Travis County, Texas, as conveyed in a Special Warranty Deed to Linda L. Groseclose, Trustee of the Linda Groseclose 1998 Intervives Trust in Document No. 2002229115, Official Public Records of Travis County, Texas;

(2) THENCE with the east line of the said Vinson 22.97 acre tract and along or near the west line of the said Luna Groseclose, Ltd. 169.54 acre tract, S 28°30'09" W 715.19 feet to a 1/2" steel pin found at the southeast corner of the said Vinson 22.97 acre tract and the northeast corner of that 23.276 acre tract of land, a portion of the said D. & W. RR Co. Survey No. 99, in Travis County, Texas, as described in a Warranty Deed With Vendor's Lien to G. L. Vinson in Volume 12627, Page 676, Real Property Records of Travis County, Texas;

THENCE with the east line of the said Vinson 23.276 acre tract and being along or near the west line of the said Luna-Groseclose, Ltd. 169.54 acre tract, courses numbered 3 through 6 inclusive as follows:

(3) S 28°20'51" W 1360.82 feet to a 5/8" steel pin found;
(4) S 29°00'46" W 290.69 feet to a 1/2" steel pin found;
(5) S 27°42'20" W 622.13 feet to a cedar hub and rock mound found (cedar hub replaced with a 1/2" steel pin with plastic cap) at the southeast corner of the said Vinson 23.276 acre tract and in an east line of that 278.36 acre tract of land, save and except 19.27 acres of land, a portion of the said W. A. Cook Survey No. 100, and others, in Travis County, Texas, designated as Tract 1 and described in a Warranty Deed to G. L. Vinson in Volume 5554, Page 1469, Deed Records of Travis County, Texas;

THENCE with the east line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and being along or near the west line of the said Luna Groseclose Ltd. 169.54 acre tract, courses numbered 6 through 8 inclusive as follows:

(6) S 27°42'20" W 36.85 feet to a 1/2" steel pin with plastic cap set in rock;
 (7) S 29°28'32" W 349.04 feet to a 60d nail found in rock;
 (8) S 27°59'05" W 335.17 feet to a 3/4" iron pipe found in or near the south line of the said Richard Craig Survey No. 1867 and in or near the north line of the C. E. P. I. & M. Co. Survey No. 173, Abstract No. 2191, at an interior corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and being at or near the southwest corner of the said Luna Groseclose, Ltd. 169.54 acre tract, for an interior corner of the herein described tract;

(9) THENCE along or near the south line of the said Richard Craig Survey No. 1867 and along or near the north line of the said C. E. P. I. & M Co. Survey No. 173, and being also with a north line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and being along or near the south line of the said Luna Groseclose Ltd. 169.54 acre tract, S 62°03'05"E 43.51 feet to a calculated point in the center of Cox Hollow, for a northeast corner of the herein described tract;

THENCE with the centerline of Cox Hollow, said centerline being the thread of the stream when dry, and being along or near the east line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and along the west line of that 68.20 acre tract of land, a portion of the said C. E. P. I. & M. Co. Survey No. 173, as described in a deed to Old Farm Development Corporation in Volume 3779, Page 2098, Deed Records of Travis County, Texas, courses numbered 10 through 27 inclusive as follows:

(10) S 17°08'50" E 103.86 feet to a calculated point;
 (11) S 23°47'44" W 130.00 feet to a 100d nail set;
 (12) S 37°06'25" W 143.81 feet to a 100d nail set;
 (13) S 23°35'56" W 177.70 feet to a 100d nail set;
 (14) S 24°31'28" W 206.37 feet to a calculated point, now submerged by the waters of Lake Travis;
 (15) S 7°46'47" W 92.45 feet to a calculated point, now submerged by the waters of Lake Travis;
 (16) S 0°54'56" E 72.78 feet to a calculated point, now submerged by the waters of Lake Travis;
 (17) S 13°18'04" W 138.43 feet to a calculated point, now submerged by the waters of Lake Travis;
 (18) S 6°48'27" W 128.00 feet to a calculated point, now submerged by the waters of Lake Travis;
 (19) S 10°17'54" W 62.36 feet to a calculated point, now submerged by the waters of Lake Travis;
 (20) S 29°06'52" W 65.69 feet to a calculated point, now submerged by the waters of Lake Travis;
 (21) S 4°52'46" E 45.22 feet to a calculated point, now submerged by the waters of Lake Travis;
 (22) S 28°47'39" E 51.37 feet to a calculated point, now submerged by the waters of Lake Travis;
 (23) S 38°38'14" E 99.83 feet to a calculated point, now submerged by the waters of Lake Travis;
 (24) S 46°39'26" E 38.86 feet to a calculated point, now submerged by the waters of Lake Travis;
 (25) S 31°33'27" E 56.88 feet to a calculated point, now submerged by the waters of Lake Travis;
 (26) S 19°46'23" W 70.23 feet to a calculated point, now submerged by the waters of Lake Travis;
 (27) S 50°06'51" W 226.38 feet to a calculated point, now submerged by the waters of Lake Travis, in the west line of the said C. E. P. I. & M. Co. Survey No. 173 and the east line of the Malinda

Settle Survey No. 49, Abstract No. 2126, said calculated point being a southwest corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and in the east line of that 100 acre tract of land, a portion of the said Malinda Settle Survey No. 49, in Travis County, Texas, designated as First Tract and described in a deed to the Lower Colorado River Authority in Volume 630, Page 91, Deed Records of Travis County, Texas, for a south corner of the herein described tract;

(28) THENCE with the west line of the said C. E. P. I. & M. Co. Survey No. 173 and the east line of the said Malinda Settle Survey No. 49, and being also with a west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and the east line of the said Lower Colorado River Authority First Tract of 100 acres, N 1°23'48" W 202.69 feet to a 1/2" steel pin with plastic cap set in the 670 mean sea level contour line for the southeast corner of that 12.611 acre tract, more or less, a portion of the said Malinda Settle Survey No. 49, in Travis County, Texas, as described in a Special Warranty Deed to G. L. Vinson in Volume 11949, Page 88, Real Property Records of Travis County, Texas, for an interior corner of the herein described tract;

THENCE with the south line of the said Vinson 12.611 acre tract, more or less, said line being the 670 mean sea level contour line, courses numbered 29 through 45 inclusive as follows:

(29) S 53°56'05" W 39.99 feet to a 1/2" steel pin with plastic cap set;
(30) S 70°14'23" W 26.18 feet to a 1/2" steel pin with plastic cap set;
(31) S 74°58'16" W 55.31 feet to a 1/2" steel pin with plastic cap set;
(32) S 82°39'15" W 86.13 feet to a 1/2" steel pin with plastic cap set;
(33) N 74°05'46" W 127.57 feet to a 1/2" steel pin with plastic cap set;
(34) N 81°46'22" W 131.95 feet to a 1/2" steel pin with plastic cap set;
(35) N 49°10'30" W 32.48 feet to a 1/2" steel pin with plastic cap set;
(36) N 37°33'32" W 201.96 feet to a 1/2" steel pin with plastic cap set;
(37) N 16°31'49" W 41.94 feet to a 1/2" steel pin with plastic cap set;
(38) N 24°31'07" W 82.63 feet to a 1/2" steel pin with plastic cap set;
(39) N 1°48'54" E 50.84 feet to a 1/2" steel pin with plastic cap set;
(40) S 66°09'31" W 39.52 feet to a 1/2" steel pin with plastic cap set;
(41) N 77°35'09" W 36.64 feet to a 1/2" steel pin with plastic cap set;
(42) N 88°48'29" W 39.29 feet to a 1/2" steel pin with plastic cap set;
(43) N 51°26'09" W 26.84 feet to a 1/2" steel pin with plastic cap set;
(44) N 24°38'44" W 23.04 feet to a 1/2" steel pin with plastic cap set;
(45) N 62°20'22" W 48.41 feet to a 1/2" steel pin with plastic cap set in the centerline of Drapers Cove, said centerline being the thread of the stream when dry, for the southwest corner of the said Vinson 12.611 acre tract, more or less, and in an east line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land;

THENCE with the centerline of Drapers Cove and with an east line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, courses numbered 46 through 53 inclusive as follows:

(46) S 48°19'25" E 25.38 feet to a calculated point;
(47) S 20°39'30" E 51.32 feet to a calculated point;
(48) S 40°07'29" E 40.37 feet to a calculated point;
(49) S 86°55'38" E 84.58 feet to a calculated point, now submerged by the waters of Lake Travis;
(50) S 12°50'07" E 64.32 feet to a calculated point, now submerged by the waters of Lake Travis;
(51) S 16°08'21" E 95.68 feet to a calculated point, now submerged by the waters of Lake Travis;

(52) S 3°50'31" E 104.89 feet to a calculated point, now submerged by the waters of Lake Travis;

(53) S 19°56'11" E 83.45 feet to a calculated point, now submerged by the waters of Lake Travis, for a southeast corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land;

(54) THENCE with a south line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, S 88°47'25" W at 80.44 feet passing a 1/2" steel pin with plastic cap set, in all 149.40 feet to a 1/2" steel pin with plastic cap set in the 670 mean sea level contour line for an interior corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, for an interior corner of the herein described tract;

THENCE with an east and south line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, said line being the 670 mean sea level contour line, courses numbered 55 through 59 inclusive as follows:

(55) S 10°10'52"E 28.02 feet to a 1/2" steel pin with plastic cap set;

(56) S 86°28'21" W 116.94 feet to a 1/2" steel pin with plastic cap set;

(57) S 79°18'44" W 153.36 feet to a 1/2" steel pin with plastic cap set;

(58) S 38°14'07" W 57.81 feet to a 1/2" steel pin with plastic cap set;

(59) S 71°13'56" W 90.90 feet to a calculated point at the intersection of the southerly extension of the east line of that 0.29 of one acre tract, a portion of the said Malinda Settle Survey No. 49, in Travis County, Texas, as described in a Warranty Deed to Robert L. Bullock and Debra M. Bullock in Document No. 2002181885, Official Public Records of Travis County, Texas, for a southwest corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, for a southwest corner of the herein described tract;

THENCE with the southerly extension of the east line of the said Bullock 0.29 of one acre tract and with the east line of the said Bullock 0.29 of one acre tract, and being also with a west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, courses numbered 60 through 61 inclusive as follows:

(60) N 0°47'42" W at 13.99 feet passing a 1/2" iron pipe found, in all 244.09 feet to a 5/8" steel pin found;

(61) N 0°19'50" W 261.39 feet to a 1/2" steel pin with plastic cap set for the northeast corner of the said Bullock 0.29 of one acre tract, for an interior corner of the herein described tract;

THENCE with the northeast line of the said Bullock 0.29 of one acre tract and the northeast line of that 0.974 of one acre tract, a portion of the said Malinda Settle Survey No. 49, as described in a Warranty Deed to Dianne E. Greig in Document No. 2002095894, Official Public Records of Travis County, Texas, and being also with a northeast line of that 0.86 of one acre tract, a portion of the said Malinda Settle Survey No. 49, as described in a Warranty Deed With Vendor's Lien to Gary L. Lipscomb in Volume 12492, Page 886, Real Property Records of Travis County, Texas, and with a southwest line of the Vinson 278.36 acre tract of land, save and except 19.27 acres of land, courses numbered 62 through 64 inclusive as follows:

(62) N 55°27'12" W 30.61 feet to a 1/2" steel pin with plastic cap found (B:MI) at the north or northwest corner of the said Bullock 0.29 of one acre tract and the northeast corner of the said Greig 0.974 of one acre tract;

(63) N 49°59'45" W 100.40 feet to a PK nail set in concrete in a southwest line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, for the north or northwest corner of

the said Greig 0.974 of one acre tract and the northeast corner of the said Lipscomb 0.86 of one acre tract;

(64) N 57°05'48" W 90.63 feet to a 3/4" iron pipe found in a southeast line of a private street, locally known as Drapers Cove at the north corner of the said Lipscomb 0.86 of one acre tract and an interior corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, for a west corner of the herein described tract;

(65) THENCE crossing the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, with an east line of Drapers Cove, N 19°06'38"E 43.84 feet to a PK nail set in concrete for the west corner of that 1.43 acre tract, a portion of the said Malinda Settle Survey No. 49, in Travis County, Texas, as described in a General Warranty Deed With Vendor's Lien to Robert L. Bullock et ux, Debra M. Bullock in Volume 12698, Page 3161, Real Property Records of Travis County, Texas, for a north corner of the herein described tract;

THENCE with the southwest and south line of the said Bullock 1.43 acre tract, courses numbered 66 through 68 inclusive as follows:

(66) S 50°13'56" E 234.77 feet to a 3/4" steel pin found;

(67) N 81°39'34" E 100.80 feet to a 1/2" iron pipe found;

(68) N 76°19'43" E 190.91 feet to a 1/2" steel pin found in or near the centerline of Draper Cove at the southeast corner of the said Bullock 1.43 acre tract, for an interior corner of the herein described tract;

(69) THENCE crossing the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, N 20°16'36"W 168.19 feet to a 1/2" steel pin found at the south corner of that 0.403 of one acre tract of land, a portion of the said W. A. Cook Survey No. 141 and a portion of the said Malinda Settle Survey No. 49, in Travis County, Texas, as described in a Warranty Deed to Andrea Claire Williams Scott, et al in Volume 8644, Page 666, Deed Records of Travis County, Texas;

(70) THENCE with the east line of the said Scott et al 0.403 of one acre tract, N 5°39'06" W at 70.92 passing the intersection of the east line of the said Scott, et al 0.403 of one acre tract with the west line of the said Vinson 12.611 acre tract, at 77.09 passing a 3/4" iron pipe found 0.13 of one foot west of line, in all 163.86 feet to a 3/4" iron pipe in concrete found in the north line of the said Vinson 12.611 acre tract, said 3/4" iron pipe found in concrete being in or near the south line of the said W. A. Cook Survey No. 141 and in or near the north line of the said Malinda Settle Survey No. 49;

(71) THENCE with the east line of the said Scott, et al 0.403 of one acre tract and the northerly extension of the east line of the said Scott, et al 0.403 of one acre tract, N 5°38'12" W at 48.35 feet passing a 1/2" steel pin found at the northeast corner of the said Scott, et al 0.403 of one acre tract, in all 58.40 feet to 1/2" steel pin with plastic cap set for at the intersection of a line thirty (30) feet southwest of the occupied northeast line of Drapers Cove;

THENCE with said line thirty (30) feet west and southwest of the occupied east line of Drapers Cove, courses numbered 72 through 77 inclusive as follows:

(72) N 47°40'45" W 21.11 feet to a 1/2" steel pin with plastic cap set;

(73) N 37°59'27" W 35.85 feet to a 1/2" steel pin with plastic cap set;

(74) N 34°34'18" W 65.60 feet to a 1/2" steel pin with plastic cap set;

(75) N 27°02'45" W 64.76 feet to a 1/2" steel pin with plastic cap set;

(76) N 23°52'32" W 22.26 feet to a 1/2" steel pin with plastic cap set;

(77) N 36°08'40" W 13.08 feet to a 1/2" steel pin with plastic cap set in the east line of that 0.384 of one acre tract of land, a portion of the said W. A. Cook Survey No. 141, in Travis County,

Texas, as described in a Warranty Deed to G. L. Vinson in Volume 10591, Page 503, Real Property Records of Travis County, Texas;

(78) THENCE with the east line of the said Vinson 0.384 of one acre tract, N 7°08'31" W 6.39 to a 1/2" steel pin found in a southwest line of Drapers Cove at the northeast corner of the said Vinson 0.384 of one acre tract, for an interior corner of the herein described tract;

(79) THENCE with the south line of Drapers Cove and the north line of the said Vinson 0.384 of one acre tract, N 57°38'24" W 61.01 feet to a 1/2" steel pin with plastic cap set for the northwest corner of the said Vinson 0.384 of one acre tract and the northeast corner of that 0.366 of one acre tract of land, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to James Burnett and wife, Margie Burnett in Volume 4185, Page 157, Deed Records of Travis County, Texas, said tract now shown by the Travis Central Appraisal District to be in the name of Travis Duncan and Nikki Perrotta by virtue of a Contract of Sale;

(80) THENCE with the south line of Drapers Cove and the north line of the said Burnett 0.366 of one acre tract, N 69°34'19" W 102.62 feet to a 5/8" steel pin found at the northwest corner of the said Burnett 0.366 of one acre tract, for an interior corner of the herein described tract;

(81) THENCE with the west line of the said Burnett 0.366 of one acre tract, S 16°07'25" W 171.81 feet to a 5/8" steel pin found leaning west at the southwest corner of the said Burnett 0.366 of one acre tract and at a corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land;

(82) THENCE with a southwest line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, S 37°05'29"E 5.09 feet to a 1/2" steel pin with plastic cap set for the northeast corner of that 0.583 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a General Warranty Deed With Vendor's Lien to Michael David O'Cooley in Volume 13367, Page 1876, Real Property Records of Travis County, Texas, for a southeast corner of the herein described tract;

(83) THENCE with the north line of the said O'Cooley 0.583 of one acre tract, N 72°46'09" W 145.42 feet to a 1/2" steel pin found in an east line of Drapers Cove at the northwest corner of the said O'Cooley 0.583 of one acre tract, for a southwest corner of the herein described tract;

THENCE with an east and south line of Drapers Cove, courses numbered 84 through 87 inclusive as follows:

(84) N 25°44'52" W 154.57 feet to a 1/2" steel pin found;

(85) N 10°42'26" W 52.06 feet to a calculated point at a non-tangent point of curve;

(86) with a curve to the right an arc distance of 26.06 feet, said curve having a radius of 30.41 feet, a central angle of 49°06'20", and a chord of which bears N 12°51'30" E 25.27 feet to a calculated point at a non-tangent point of compound curve;

(87) with a curve to the right an arc distance of 48.12 feet, said curve having a radius of 42.26 feet, a central angle of 65°14'01", and a chord of which bears N 70°00'00" E 45.56 feet to a calculated point, for an interior corner of the herein described tract;

(88) THENCE crossing Drapers Cove N 12°37'00"E 30.00 feet to 1/2" steel pin found in the curving north line of Drapers Cove at the most northerly southeast corner of that 7.63 acre tract of land, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed with Vendor's Lien to Herbert J. Wasson and Emilie V. Harris in Document No. 1999081472, Official Public Records of Travis County, Texas;

THENCE with the east, northeast and east line of the said Wasson and Harris 7.63 acre tract, courses numbered 89 through 93 inclusive as follows:

(89) N 21°37'12"W 153.07 feet to a 1/2" steel pin found;
(90) N 50°48'26"W 110.62 feet to a 1/2" steel pin found;
(91) N 50°47'24"W 183.14 feet to a 1/2" steel pin found;
(92) N 50°52'55" W 200.07 feet to a 1/2" steel pin with plastic cap found (RPLS1847);
(93) N 4°53'49" W 90.39 feet to a cotton gin spindle found at the southwest corner of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as Second Tract and described in a General Warranty Deed to Betty A Melcher in Volume 13009, Page 2433, Real Property Records of Travis County, Texas, for a northwest corner of the herein described tract;

THENCE with the south line of the said Melcher Second Tract of 0.34 of one acre and being also with the south line of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as First Tract and described in said General Warranty Deed to Betty A Melcher in Volume 13009, Page 2433, Real Property Records of Travis County, Texas, and being also with the south line of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to Betty A Melcher in Volume 11067, Page 480, Real Property Records of Travis County, Texas, courses numbered 94 through 96 inclusive as follows:

(94) S 79°18'15" E 99.97 feet to a 1/2" steel pin found at the southeast corner of the said Melcher Second Tract of 0.34 of one acre and the southwest corner of the said Melcher First Tract of 0.34 of one acre;

(95) S 55°24'46"E 100.05 feet to a 1/2" steel pin with plastic cap set for the southeast corner of the said Melcher First Tract of 0.34 of one acre and the southwest corner of the said Melcher 0.34 of one acre tract of record in Volume 11067, Page 480, Real Property Records of Travis County, Texas;

(96) S 64°50'42" E 99.98 feet to a 1/2" steel pin found in concrete at the southeast corner of the said Melcher 0.34 of one acre tract of record in Volume 11067, Page 480, Real Property Records of Travis County, Texas, for an interior corner of the herein described tract;

(97) THENCE with the east line of the said Melcher 0.34 of one acre tract of record in Volume 11067, Page 480, Real Property Records of Travis County, Texas, N 4°34'46" E 149.70 feet to a 1/2" steel pin found in the south line of a private street, locally known as Draper Mountain Trail at the northeast corner of the said Melcher 0.34 of one acre tract of record in Volume 11067, Page 480, Real Property Records of Travis County, Texas, for a northwest corner of the herein described tract;

(98) THENCE with a south line of Draper Mountain Trail, S 68°33'57" E 199.43 feet to a 1/2" steel pin found at the northwest corner of that 0.33 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to Helen E. Melcher in Document No. 2002101212, Official Public Records of Travis County, Texas, for a northeast corner of the herein described tract;

(99) THENCE with the west line of the said Helen E. Melcher 0.33 of one acre tract, S 4°33'00" W 149.18 feet to a 5/8" steel pin found at the southwest corner of the said Helen E. Melcher 0.33 of one acre tract, for an interior corner of the herein described tract;

THENCE with the south line of the said Helen E. Melcher 0.33 of one acre and the south line of that 0.33 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed With Vendor's Lien to J. E. Laird and wife, Ruby Lee Laird in Volume

9709, Page 693, Real Property Records of Travis County, Texas, courses numbered 100 through 101 inclusive as follows:

(100) S 68°48'30"E 99.46 feet to a 5/8" steel pin found at the southeast corner of the said Helen Melcher 0.34 of one acre tract and the southwest corner of the said Laird 0.33 of one acre tract of record in Volume 9709, Page 693, Real Property Records of Travis County, Texas;

(101) S 66°52'33"E 97.19 feet to a 5/8" steel pin found at the southeast corner of the said Laird 0.33 of one acre tract of record in Volume 9709, Page 693, Real Property Records of Travis County, Texas, and the southwest corner of the said 0.17 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in Exhibit C in an Owner Finance Warranty Deed With Vendor's Lien to Joseph Edgar Laird and wife, Ruby Lee Laird in Volume 8402, Page 362, Deed Records of Travis County, Texas;

THENCE with the south line of the said Laird 0.17 of one acre tract as described in Exhibit C and with the south line of that 0.17 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in Exhibit B in said deed of record in Volume 8402, Page 362, Deed Records of Travis County, Texas, and being also with the south line of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in Exhibit A in said deed to Laird of record in Volume 8402, Page 362, Deed Records of Travis County, Texas, and with the south line of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in Exhibit D in said deed to Laird of record in Volume 8402, Page 362, Deed Records of Travis County, Texas, courses numbered 102 through 105 inclusive as follows:

(102) S 72°37'18" E 50.11 feet to a 5/8" steel pin found at the southeast corner of the said Laird 0.17 of one acre tract as described in Exhibit C and the southwest corner of the said Laird 0.17 of one acre tract as described in Exhibit B;

(103) S 78°57'22" E 52.29 feet to a 1/2" steel pin found at the southeast corner of the said Laird 0.17 of one acre tract as described in Exhibit C and the southwest corner of the said Laird 0.34 of one acre tract as described in Exhibit A;

(104) S 73°16'24" E 99.86 feet to a 1/2" steel pin with plastic cap set for the southeast corner of the said Laird 0.34 of one acre tract as described in Exhibit A and the southwest corner of the said Laird 0.34 of one acre tract as described in Exhibit D;

(105) S 80°03'24" E 100.14 feet to a 1/2" steel pin with plastic cap set for the southeast corner of the said Laird 0.34 of one acre tract as described in Exhibit D and the southwest corner of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as Second Tract and described in a Warranty Deed to Joseph Edgar Laird and wife, Ruby Lee Laird in Volume 10897, Page 889, Real Property Records of Travis County, Texas;

THENCE with the south line of the said Laird Second Tract of 0.34 of one acre and with the southwest line of that 0.31 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as First Tract and described in said Warranty Deed to Laird of record in Volume 10897, Page 889, Real Property Records of Travis County, Texas, courses numbered 106 through 107 inclusive as follows;

(106) S 68°03'24" E 99.72 feet to a 1 1/2" steel pin with plastic cap set for the southeast corner of the said Laird Second Tract of 0.34 of one acre and the southwest corner of the said Laird First Tract of 0.31 of one acre;

(107) S 57°28'24" E 100.07 feet to a 3/4" steel pin found at the southeast corner of the said Laird First Tract of 0.31 of one acre and the southwest corner of that 0.30 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a General Warranty Deed With Vendor's Lien to Harold J. Nelson and Ann Marie Gibbs St. Martin in Document No. 2003123239,

Official Public Records of Travis County, Texas;

(108) THENCE with the south or southwest line of the said Nelson and St. Martin 0.30 of one acre tract, S 53°34'00"E 100.52 feet to a 3/4" steel pin found in the west line of that 1.002 acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a General Warranty Deed to Stephen K. Nagl and Gay F. Nagl in Document No. 2004187346, Official Public Records of Travis County, Texas, and at the southeast corner of the said Nelson and St. Martin 0.30 of one acre tract, for a northeast corner of the herein described tract;

(109) THENCE with the west line of the said Nagl 1.002 acre tract, S 4°56'14" W 99.70 feet to a 1/2" steel pin with plastic cap set for the southwest corner of the said Nagl 1.002 acre tract, for an interior corner of the herein described tract;

(110) THENCE with the south line of the said Nagl 1.002 acre tract, S 77°09'46"E 192.14 feet to a 1/2" steel pin found in the west line of that 1.462 acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in an Assumption Warranty Deed With Vendor's Lien to Michael K. Temple and Marcia Temple in Volume 10505, Page 588, Real Property Records of Travis County, Texas, and at the southeast corner of the said Nagl 1.002 acre tract, for a northeast corner of the herein described tract;

(111) THENCE with the west line of the said Temple 1.462 acre tract, S 4°54'33" W 95.90 feet to a 1/2" steel pin found at the southwest corner of the said Temple 1.462 acre tract, for an interior corner of the herein described tract;

(112) THENCE with the south line of the said Temple 1.462 acre tract, S 85°06'26" E 199.92 feet to a 1/2" steel pin found at the southeast corner of the said Temple 1.462 of one acre tract, for an interior corner of the herein described tract;

(113) THENCE with the east line of the said Temple 1.462 acre tract, N 4°55'09" E 318.00 feet to a 1/2" steel pin found in the south line of Draper Mountain Trail at the northeast corner of the said Temple 1.462 acre tract;

(114) THENCE crossing Draper Mountain Trail and the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, N 36°27'01" W 155.00 feet to a calculated point on the north side of Draper Mountain Trail, for an interior corner of the herein described tract;

THENCE crossing the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, and being along or near the north line of Draper Mountain Trail, courses numbered 115 through 118 inclusive as follows:

(115) S 62°21'16" W 116.00 to a calculated point;

(116) S 89°19'49" W 88.20 to a calculated point;

(117) N 62°35'36" W 95.48 to a calculated point;

(118) N 54°41'26" W 49.09 to a 1/2" steel pin with plastic cap set for the southeast corner of that 2,512 square foot tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to Harold Nelson in Volume 12603, Page 162, Real Property Records of Travis County, Texas, for a southwest corner of the herein described tract;

THENCE with the east line of the said Nelson 2,512 square foot tract and the east line of the 0.32 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as Tract 1 and described in a Corrected Warranty Deed to Harold J. Nelson in Volume 12059, Page 75,

Real Property Records of Travis County, Texas, courses numbered 119 through 120 inclusive as follows:

(119) N 2°21'38" E 41.40 feet to a 1/2" steel pin found at the northeast corner of the said Nelson 2,512 square foot tract and the southeast corner of the said Nelson Tract I of 0.32 of one acre;

(120) N 2°21'38" E 62.09 feet to a calculated point for a northwest corner of the herein described tract;

THENCE crossing the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, courses numbered 121 through 123 inclusive as follows:

(121) S 87°38'22"E 86.44 feet to a calculated point for an interior corner of the herein described tract;

(122) N 8°25'55"E 58.35 feet to a calculated point for an interior corner of the herein described tract;

(123) N 69°50'17" W 97.27 feet to a 1/2" steel pin found at the northeast corner of the said Nelson Tract I of 0.32 of one acre;

THENCE with the north line of the said Nelson Tract I of 0.32 of one acre and the north line of that 0.32 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as Tract II and described in a said Corrected Warranty Deed to Harold J. Nelson in Volume 12059, Page 75 Real Property Records of Travis County, Texas, and being also with the north line of that 0.33 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to Harold Nelson in Volume 12666, Page 143, Real Property Records of Travis County, Texas, courses numbered 124 through 126 inclusive as follows:

(124) N 69°50'17" W 99.93 feet to a 1/2" steel pin found at the northwest corner of the said Nelson Tract I of 0.32 of one acre and the northeast corner of the said Nelson Tract II of 0.32 of one acre;

(125) N 69°49'01" W 99.75 feet to a 1/2" steel pin found at the northwest corner of the said Nelson Tract II of 0.32 of one acre and the northeast corner of the said Nelson 0.33 of one acre;

(126) N 69°49'32" W 99.96 feet to a 1/2" steel pin found at the northwest corner of the said Nelson 0.33 of one acre and the northeast corner of that 0.337 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to G. L. Vinson in Volume 12667, Page 479, Real Property Records of Travis County, Texas, for an interior corner of the herein described tract;

(127) THENCE with the west line of the said Nelson 0.33 of one acre and the east line of the said Vinson 0.337 of one acre, S 2°25'41" W 149.75 feet to a 1/2" steel pin found in the north line of Draper Mountain Trail at the southwest corner of the said Nelson 0.33 of one acre and the southeast corner of the said Vinson 0.337 of one acre, for a southeast corner of the herein described tract;

THENCE along or near the north line of Draper Mountain Trail, courses numbered 128 through 130 inclusive as follows:

(128) N 73°11'01" W 99.95 feet to a 1/2" steel pin found;

(129) N 73°13'38" W 99.89 feet to a 1/2" steel pin found;

(130) N 72°29'39" W 299.84 feet to a 1/2" iron pipe found in the north line of Draper Mountain Trail at the southeast corner of that 0.689 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed With Vendor's Lien to Jeffrey Press and wife, Kimberly Press in Document No. 2005052503, Official Public Records of Travis County, Texas, for a southwest corner of the herein described tract;

THENCE with the east, north and west line of the said Press 0.689 of one acre, courses numbered 131 through 133 inclusive as follows:

(131) N 3°38'16"E 310.87 feet to a 1/2" steel pin found at the northeast corner of the said Press 0.689 of one acre, for an interior corner of the herein described tract;

(132) N 72°00'09"W 99.95 feet to a 1/2" steel pin found at the northwest corner of the said Press 0.689 of one acre, for an interior corner of the herein described tract;

(133) S 3°34'26" W 309.22 feet to a 1/2" steel pin found at the southwest corner of the said Press 0.689 of one acre, for a southeast corner of the herein described tract

THENCE along or near the north line of Draper Mountain Trail, courses numbered 134 through 136 inclusive as follows:

(134) N 64°43'09"W 132.92 feet to a calculated point;

(135) N 53°40'31" W 93.64 feet to a 1/2" steel pin found;

(136) N 80°04'01" W 71.03 feet to a 1/2" steel pin found in the north line of Draper Mountain Trail at the southeast corner of that 6.908 acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Special Warranty Deed to Jeffrey C. Nieland in Volume 12456, Page 1740, Real Property Records of Travis County, Texas, for a southwest corner of the herein described tract;

(137) THENCE with a west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and the east line of the said Nieland 6.908 acre tract, N 22°25'20" W 509.97 feet to a 112" steel pin found in the east line of the said Nieland 6.908 acre tract at a northwest corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, said 112" steel pin found being also the southwest corner of that 10.26 acre tract, a portion of the said W. A. Cook Survey No. 141 and the Lewis Lindsey Survey No. 265, Abstract No. 2171, in Travis County, Texas, as described in a Warranty Deed With Vendor's Lien to William G. McHugh in Document No. 2002035207, Official Public Records of Travis County, Texas, for a northwest corner of the herein described tract;

(138) THENCE with a north line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and with the south line of the said McHugh 10.26 acre tract, N 73°24'11"E 388.72 feet to a 112" steel pin found at the southeast corner of the said McHugh 10.26 acre tract and a southwest or west corner of that 16.08 acre tract, a portion of the said W. A. Cook Survey No. 141 and the said Lewis Lindsey Survey No. 265, in Travis County, Texas, as described in a Warranty Deed to G. L. Vinson in Volume 6561, Page 242, Deed Records of Travis County, Texas, for an interior corner of the herein described tract;

THENCE with the west line of the said Vinson 16.08 acre tract and the east line of the said McHugh 10.26 acre tract, courses numbered 139 through 140 inclusive as follows:

(139) N 28°15'50" E 176.77 feet to a 1/2" steel pin found;

(140) N 22°33'24" W 990.27 feet to a 1/2" steel pin found at the northwest corner of the said Vinson 16.08 acre tract and a northeast corner of the said McHugh 10.26 acre tract, said 1/2" steel pin found being the southwest corner of that 12.28 acre tract, a portion of the said Lewis Lindsey Survey No. 265, in Travis County, Texas, as described in a Warranty Deed to Charles D. Van Cleave and wife, Gloria J. Van Cleave in Volume 3483, Page 1915, Deed Records of Travis County, Texas, for a northwest corner of the herein described tract;

THENCE with the north line of the said Vinson 16.08 acre tract and the south line of the said Van Cleave 12.28 acre tract, courses numbered 141 through 143 inclusive as follows:

(141) S 60°43'10" E 10.08 feet to a 1/2" steel pin found;
(142) S 62°17'30" E 243.12 feet to a 1/2" steel pin found;
(143) S 66°41'16" E 892.77 feet to a 1/2" steel pin found in a west line of a private road, locally known as Drapers Cove and in a west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, said 1/2" steel pin found being the northeast corner of the said Vinson 16.08 acre tract and the southeast corner of the said Van Cleave 12.28 acre tract, for an interior corner of the herein described tract;

THENCE with the west, southwest and south line of Drapers Cove and a west, southwest and south line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and being also with the east, northeast and north line of the said Van Cleave 12.28 acre tract, courses numbered 144 through 149 inclusive as follows;

(144) N 3°51'52" E 360.05 feet to a 1/2" steel pin found;
(145) N 3°57'18" W 99.86 feet to a 1/2" steel pin found;
(146) N 32°37'26" W 99.98 feet to a 1/2" steel pin found;
(147) N 58°16'12" W 229.98 feet to a 1/2" steel pin found;
(148) N 64°47'35" W 359.96 feet to a 1/2" steel pin found;
(149) N 58°26'35" W 64.23 feet to a 1/2" steel pin with plastic cap set in asphalt for a southwest corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and a southeast corner of that unplatted tract of land, a portion of the said Lewis Lindsey Survey No. 265 and the said W. A. Cook Survey No. 100, in Travis County, Texas, designated as Other and conveyed in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas, for a southwest corner of the herein described tract;

THENCE with the west line of Drapers Cove and the west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, and being also along or near the unplatted tract designated as Other in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas, courses numbered 150 through 152 inclusive as follows:

(150) N 15°13'35" W 8.15 feet to a 1/2" steel pin found;
(151) N 15°22'02" W 46.75 feet to a 1/2" steel pin found;
(152) N 7°16'06" E 37.39 feet to a 1/2" steel pin found near corner offence at an angle point in the west line of Drapers Cove and at an angle point in the west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, said 1/2" steel pin found being also in or near the east line of the unplatted tract designated as Other in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas;

THENCE with the west line of Drapers Cove and crossing the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, and being also along or near the east line of the unplatted tract designated as Other in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas, courses numbered 153 through 154 inclusive as follows:

(153) N 27°22'59" E 41.77 feet to a 1/2" steel pin with plastic cap set near corner of fence;
(154) N 44°25'04" E 255.79 feet to a 1/2" steel pin found near corner offence in the west line of Drapers Cove and at an angle point in the west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, said 1/2" steel pin found being also in or near the east line of the unplatted tract designated as Other in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas;

THENCE with the west line of Drapers Cove and the west line of the said Vinson 278.36 acre

tract of land, save and except 19.27 acres of land, and being also along or near the unplatted tract designated as Other in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas, courses numbered 155 through 175 inclusive as follows:

(155) N 42°31'20" E 71.53 feet to a 1/2" steel pin found;
(156) N 30°29'16" E 138.99 feet to a 3/4" steel pin found;
(157) N 23°45'46" E 31.51 feet to a 3/4" steel pin found;
(158) N 9°35'18" E 66.85 feet to a 3/4" steel pin found;
(159) N 0°26'11" E 77.65 feet to a 3/4" steel pin found;
(160) N 12°19'05" W 48.11 feet to a 1/2" steel pin found;
(161) N 20°19'58" W 53.72 feet to a 1/2" steel pin found;
(162) N 25°57'16" W 142.29 feet to a mag nail in concrete found;
(163) N 30°27'22" W 168.99 feet to a 1/2" steel pin found;
(164) N 9°59'50" W 46.13 feet to a 1/2" steel pin found;
(165) N 12°16'16" E 53.36 feet to a 1/2" steel pin found;
(166) N 33°12'28" E 86.45 feet to a 1/2" steel pin found;
(167) N 39°14'08" E 61.65 feet to a 1/2" steel pin found;
(168) N 46°15'39" E 125.89 feet to a 1/2" steel pin found;
(169) N 49°18'43" E 172.95 feet to a 1/2" steel pin found;
(170) N 40°09'23" E 67.97 feet to a 1/2" steel pin found;
(171) N 35°08'07" E 76.10 feet to a 1/2" steel pin found;
(172) N 30°26'05" E 75.81 feet to a 1/2" steel pin found;
(173) N 22°03'18" E 54.10 feet to a 1/2" steel pin found;
(174) N 16°46'39" E 441.15 feet to a 1/2" steel pin found;
(175) N 1°34'56" W 35.01 feet to a 1/2" steel pin with plastic cap set in or near the east line of that 4.349 acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Substitute Trustee's Deed to Hugh Beadles in Volume 13019, Page 990, Real Property Records of Travis County, Texas, for the northwest corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, said 1/2" steel pin with plastic cap set being at or near the north corner of the said unplatted tract designated as Other in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas, for the northwest corner of the herein described tract;

THENCE crossing Drapers Cove with the north line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, and with the south line of that 2.399 acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Warranty Deed to Robert S. Blackburn and Ruth S. Blackburn, Trustees in Document No. 2002024812, Official Public Records of Travis County, Texas, and being also with the south line of that 1.055 acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Warranty Deed to the Christian Science Society in Volume 9086, Page 678, Real Property Records of Travis County, Texas, courses numbered 176 through 179 inclusive as follows:

(176) N 86°39'51" E 156.01 feet to a PK nail found in top of a wood fence post;
(177) S 61°15'09" E 485.79 feet to a 1/2" steel pin with plastic cap found (RPLS 1847);
(178) S 63°02'26" E 51.54 feet to a 1/2" steel pin found at the southeast corner of the said Blackburn 2.399 acre tract and at the southwest corner of the said Christian Science Society 1.055 acre tract;
(179) S 62°57'16" E 241.25 feet to a 1/2" steel pin found at the southeast corner of the said Christian Science Society 1.055 acre tract and at the southwest corner of that 2.036 acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Special Warranty Deed to G. L. Vinson in Volume 12717, Page 693, Real Property Records of Travis County, Texas, for an

interior comer of the herein described tract;

(180) THENCE with the west line of the said Vinson 2.036 acre tract and with the east line of the said Christian Science Society 1.055 acre tract, N 31°28'45"E 196.07 feet to a 1/2" steel pin found in the south line of Boggy Ford Road at the northwest corner of the said Vinson 2.036 acre tract and the northeast corner of the said Christian Science Society 1.055 acre tract, for a northwest corner of the herein described tract;

THENCE with south and southwest line of Boggy Ford Road and with the north and northeast line of the said Vinson 2.035 acre tract, courses numbered 181 through 182 inclusive as follows:

(181) S 65°33'05"E 316.18 feet to a 1/2" steel pin with plastic cap set at point of curve;

(182) with a curve to the right, an arc distance of 175.77 feet, said curve having a radius of 291.06 feet, a central angle of 34°36'02" and a chord of which bears S 48°15'27" E 173:11 feet to a 1/2" steel pin found at the east corner of the said Vinson 2.035 acre tract and the north corner of that 1.00 acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a General Warranty Deed to Travis Oaks Baptist Church in Volume 4788, Page 1033, Deed Records of Travis County, Texas, for an east corner of the herein described tract;

(183) THENCE with the south line of the said Vinson 2.035 acre tract and the north line of the said Travis Oaks Baptist Church 1.00 acre tract, S 63°09'53"W 205.60 feet to a 1/2" steel pin with plastic cap set in a north line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land for the southeast corner of the said Vinson 2.035 acre tract and the west corner of the said Travis Oaks Baptist Church 1.00 acre tract, said a 1/2" steel pin with plastic cap set being also set for the north corner of that 1.712 acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Warranty Deed to Travis Oaks Baptist Church in Document No. 2000050175, Official Public Records of Travis County, Texas, and the northwest corner of that 2.00 acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Warranty Deed With Vendor's Lien to Travis Oaks Baptist Church in Volume 9007, Page 882, Real Property Records of Travis County, Texas;

(184) THENCE with the north line of the said Travis Oaks Baptist Church 1.712 acre tract, S 63°01'58" W 464.04 feet to a 1/2" steel pin found at the west corner of the said 1.712 acre tract, for an interior corner of the herein described tract;

THENCE with the south line of the said Travis Oaks Baptist Church 1.712 acre tract and the south line of the said Travis Oaks Baptist Church 2.000 acre tract, courses numbered 185 through 186 inclusive as follows:

(185) S 57°24'26" E 373.77 feet to a 1/2" steel pin found at the southeast corner of the said Travis Oaks 1.712 acre tract and the southwest corner of the said Travis Oaks 2.000 acre tract;

(186) S 57°24'03" E 160.48 feet to a 1/2" steel pin with plastic cap set for the northwest corner of a 2.000 acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Warranty Deed to Susan Montana in Document No. 2006113603, Official Public Records of Travis County, Texas, for a northeast corner of the herein described tract;

THENCE with the west and southwest line of the said Montana 2.000 acre tract, courses numbered 187 through 191 inclusive as follows:

(187) S 35°12'33"W 181.07 feet to a 1/2" steel pin with plastic cap set;

(188) S 21°39'36" W 154.09 feet to a 1/2" steel pin with plastic cap set;

(189) S 11°48'20" E 85.36 feet to a 1/2" steel pin with plastic cap set;
(190) S 33°00'20" E 72.52 feet to a 1/2" steel pin with plastic cap set in rock;
(191) S 53°37'26"E 260.49 feet to a 1/2" steel pin with plastic cap set in the west line of that 1.479 acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, designated as Tract 1 and described in a Warranty Deed to Jack Montana and wife, Susan Koerner in Document No. I999084833, Official Public Records of Travis County, Texas;

THENCE with the west line of the said Montana Tract I of 1.479 acres and the west line of that 0.400 of one acre of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, designated as Tract I and described in a Warranty Deed to Michael Brasel and Kathleen Brasel in Document No. 2004038445, Official Public Records of Travis County, Texas, courses numbered 192 through 193 inclusive as follows:

(192) S 23°25'28"E 145.00 feet to a 1/2" steel pin with plastic cap found (West 4188) at the southwest corner of the said Montana Tract 1 of 1.479 acres and the northwest corner of the said Brasel Tract I of 0.400 of one acre;

(193) S 34°32'32" E 217.75 feet to a cotton gin spindle found at the southwest corner of the said Brasel Tract 1 of 0.400 of one acre, for an interior corner of the herein described tract;

(194) THENCE with the south line of the said Brasel Tract 1 of 0.400 of one acre, N 55°26'29" E 80.15 feet to a 1/2" steel pin found at the southeast corner of the said Brasel Tract 1 of 0.400 of one acre and the southwest corner of that 0.500 of one acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, designated as Tract 1 and described in a General Warranty Deed to Michael D. Brasel and spouse, Kathleen D. Brasel in Volume 11866, Page 1344, Real Property Records of Travis County, Texas, and being also the west corner of that 0.099 of one acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, designated as Tract 2 and described in said Warranty Deed to Brasel in Document No. 2004038445, Official Public Records of Travis County, Texas;

(195) THENCE with the south line of the said Brasel Tract 2 of 0.099 of one acre, S 83°35'51"E 132.11 feet to a 1/2" steel pin found at the southeast corner of the said Brasel Tract 2 of 0.099 of one acre, for an interior corner of the herein described tract;

THENCE with the east line of the said Brasel Tract 2 of 0.099 of one acre and the east line of the said Brasel Tract 1 of 0.500 of one acre, and being also with the east line of the said Montana Tract I of 1.479 acres and the east line of that 1.142 acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, designated as Tract 1 and described in a Warranty Deed to Jack L. Koerner (Montana) and wife, Susan Koerner in Volume 11798, Page 1397, Real Property Records of Travis County, Texas, courses numbered 196 through 199 inclusive as follows:

(196) N 34°31'57" W 86.57 feet to a 1/2" steel pin with plastic cap found (West 4188) at the northeast corner of the said Brasel Tract 2 of 0.099 of one acre and the southeast corner of the said Brasel Tract 1 of 0.500 of one acre;

(197) N 34°29'31"W 343.45 feet to a 1/2" steel pin found at an angle point in the east line of the said Montana Tract 1 of 1.479 acres;

(198) N 13°14'52"E 187.34 feet to a 1/2" steel pin found at northeast corner of the said Montana Tract 1 of 1.479 acres and the southeast corner of the said Koerner Tract 1 of 1.142 acres;

(199) N 13°20'20"E 137.24 feet to a 1" iron pipe found at the northeast corner of the said Koerner Tract 1 of 1.142 acres and the southeast corner of that 0.986 of one acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Warranty Deed to Travis Oaks Baptist Church in Volume 12105, Page 295, Real Property Records of Travis County, Texas;

THENCE with the east line of the said Travis Oaks Baptist Church 0.986 of one acre tract and the east line of that 0.945 of one acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Deed of Gift to Travis Oaks Baptist Church in Volume 4649, Page 1788, Deed Records of Travis County, Texas, and being also with a west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, courses numbered 200 through 201 inclusive as follows:

(200) N 13°34'51"E 217.53 feet to a 1/2" steel pin with plastic cap set at the northeast corner of the said Travis Oaks Baptist Church 0.986 of one acre tract and the southeast corner of the said Travis Oaks Baptist Church 0.945 of one acre tract, said 1" iron pipe found being also an interior -corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land;

(201) N 13°32'39" E 208.70 feet to a 1/2" steel pin set (no plastic cap) for the northeast corner of the said Travis Oaks Baptist Church 0.945 of one acre tract and the southeast corner of that 1.00 acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a General Warranty Deed to Travis Oaks Baptist Church in Volume 4788, Page 1033, Deed Records of Travis County, Texas, said 1/2" steel pin set (no plastic cap) being also set for a northwest corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, and the southwest corner of that 0.018 of one acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Special Warranty Deed to G. L. Vinson in Volume 10321, Page 422, Real Property Records of Travis County, Texas;

(202) THENCE with the east line of the said Travis Oaks Baptist Church 1.00 acre tract and the west line of the said Vinson 0.018 of one acre tract, N 13°32'39" E 30.72 feet to a cotton gin spindle set in asphalt in the curving south line of Boggy Ford Road for the northeast corner of the said Travis Oaks Baptist Church 1.00 acre tract and the northwest corner of the said Vinson 0.018 of one acre tract, for a northwest corner of the herein described tract;

THENCE with the south line of Boggy Ford Road and the north line of the said Vinson 0.018 of one acre tract and with the north line of the said Vinson 2.393 acre tract, courses numbered 203 through 208 inclusive as follows:

(203) with a curve to the left, an arc distance of 26.25 feet, said curve having a radius of 510.06 feet, a central angle of 2°56'56" and a chord of which bears S 60°52'15" E 26.25 feet to a 1/2" steel pin with plastic cap set for the northeast corner of the said Vinson 0.018 of one acre tract and the northwest corner of the said Vinson 2.393 acre tract;

(204) with a curve to the left, an arc distance of 135.29 feet, said curve having a radius of 510.06 feet, a central angle of 15°11'49" and a chord of which bears S 69°56'38" E 134.89 feet to a 60d nail set in top of a wood fence post at point of tangency;

(205) S 76°43'38" E 226.75 feet to a 1/2" steel pin with plastic cap set;

(206) S 72°05'38" E 746.24 feet to a 1/2" steel pin found;

(207) S 69°16'12" E 112.32 feet to a 1/2" steel pin with plastic cap set at point of curve;

(208) with a curve to the left, an arc distance of 109.03 feet, said curve having a radius of 348.81 feet, a central angle of 17°54'31" and a chord of which bears S 78°10'37" E 108.58 feet to the POINT OF BEGINNING of the herein described tract, containing 286.85 acres of land, more or less, SAVE AND EXCEPT the following tracts of land located within the boundaries of the above 286.85 acre metes and bounds description: 2.504 acres and 2.899 acres as described in the accompanying metes and bounds descriptions, leaving 281.45 acres of land, more or less.

Note: The plastic caps on the 1/2" steel pins set are inscribed with "M & S 1838."

DESCRIPTION FOR 2.504 ACRES - SAVE AND EXCEPT TRACT

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 2.504 ACRES OF LAND, A PORTION OF THE W. A. COOK SURVEY NO. 141, ABSTRACT NO. 2587, AND A PORTION OF THE C. E. P. I. & M. CO. SURVEY NO. 173, ABSTRACT NO. 2191, BOTH BEING IN TRAVIS COUNTY, TEXAS, SAID 2.504 ACRES OF LAND BEING ALL OR A PORTION OF THE FOLLOWING TRACTS OF LAND, ALL BEING IN TRAVIS COUNTY, TEXAS: , BEING ALL OF THAT 18,184 SQUARE FOOT TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN A WARRANTY DEED TO RUTH OLIVER IN VOLUME 7727, PAGE 752, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.34 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AND A PORTION OF THE SAID C. E. P. I. & M. CO. SURVEY NO. 173, AS DESCRIBED IN A WARRANTY DEED TO CAROL LOU TREAT IN VOLUME 4892, PAGE 260, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.34 OF ONE ACRE TRACT, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141 AND A PORTION OF THE SAID C. E. P. I. & M. CO. SURVEY NO. 173, AS CONVEYED IN A WARRANTY DEED TO MARK T. ALGER IN DOCUMENT NO. 2001126699, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.415 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID C. E. P. I. & M. CO. SURVEY NO. 173, AS CONVEYED IN A ONE-HALF INTEREST GIFT DEED TO VERNON G. HAFERNIK IN DOCUMENT NO. 2001171314, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.397 OF ONE ACRE OF LAND, A PORTION OF THE SAID C. E. P. I. & M. CO. SURVEY NO. 173, AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO JEROME URBANEK IN DOCUMENT NO. 1999050669, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; AND BEING A PORTION OF THAT TRACT OF LAND CALLED TO BE 278.36 ACRES, SAVE AND EXCEPT 19.27 ACRES OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AND OTHERS, DESIGNATED AS TRACT 1 AND DESCRIBED IN A WARRANTY DEED TO G. L. VINSON IN VOLUME 5554, PAGE 1469, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AS SURVEYED FOR G. L. VINSON AND REVISED FOR TRAVIS MEADOW, LP BY METCALFE & SANDERS, INC., LAND SURVEYORS, 4800 SOUTH CONGRESS AVENUE, AUSTIN, TEXAS, SAID 2.504 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a 5/8" steel pin found in the east line of a private street, locally known as Treat Trail, at the southwest corner of that 0.34 of one acre tract, a portion of the W. A. Cook Survey No. 141, Abstract No. 2587 and a portion of the said C. E. P. I. & M. Co. Survey No. 173, Abstract No. 2191, in Travis County, Texas, as described in a Warranty Deed to Carol Lou Treat in Volume 4892, Page 260, Deed Records of Travis County, Texas, for the POINT OF BEGINNING for an interior corner of the herein described tract, and from which 5/8" steel pin found, a 1/2" steel pin found at an angle point in Treat Trail at the southeast corner of that 18,184 square foot tract of land, a portion of the said W. A. Cook Survey No. 141, as described in a Warranty Deed to Ruth Oliver in Volume 7727, Page 752, Deed Records of Travis County, Texas, bears N 87°20'53" W 60.73 feet;

(1) THENCE crossing Treat Trail and a portion of that tract of land called to be 278.36 acres, save and except 19.27 acres of land, a portion of the said W. A. Cook Survey No. 141, and others, designated as Tract 1 and described in a Warranty Deed to G. L. Vinson in Volume 5554, Page 1469, Deed Records of Travis County, Texas, S 2°15'09" E 31.24 feet to a calculated point in a south line of the said Vinson 278.36 acres, save and except 19.27 acres of land and in the north line of that 12.611 acre tract of land, a portion of the Malinda Settle Survey No. 49, Abstract No. 2126, in Travis County, Texas, as described in a Special Warranty Deed to G. L. Vinson in Volume 11949, Page 88, Real Property Records of Travis County, Texas, said calculated point being in or near the south line of the said W. A. Cook Survey No. 141 and the north line of the said Malinda Settle Survey No. 49, for a southeast corner

of the herein described tract;

(2) THENCE with the south line of Treat Trail and a south line of the said Vinson 278.36 acres, save and except 19.27 acres of land, and being also with the north line of the said Vinson 12.611 acre tract and being along or near the south line of the said W. A. Cook Survey No. 141 and the north line of the said Malinda Settle Survey No. 49, S 87°44'51"W 229.80 feet to a calculated point, for the southwest corner of the herein described tract;

(3) THENCE crossing Treat Trail with the southerly extension of the west line of the said Oliver 18,184 square foot tract of land and also crossing a portion of the said Vinson 278.36 acres, save and except 19.27 acres of land, N 30°25'48"E 35.56 feet to a 1/2" steel pin found at the intersection of the north line of Treat Trail and the east line of private street, locally known as Drapers Cove, said 1/2" steel pin found being the southwest corner of the said Oliver 18,184 square foot tract;

(4) THENCE with the east line of Drapers Cove and the west line of the said Oliver 18,184 square foot tract, N 30°25'48" E 187.84 feet to a 1/2" steel pin found at the northwest corner of the said Oliver 18,184 square foot tract, for the most southerly northwest corner of the herein described tract, and from which 1/2" steel pin found, a 1/2" steel pin found at the southeast corner of that 1.462 acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in an Assumption Warranty Deed With Vendor's Lien to Michael K. Temple and Marcia Temple in Volume 10505, Page 588, Real Property Records of Travis County, Texas, bears N 62°55'35"W 86.37 feet;

(5) THENCE with the north line of the said Oliver 18,184 square foot tract, S 56°46'12"E 127.22 feet to a 1/2" steel pin found in the west line of Treat Trail at the northeast corner of the said Oliver 18,184 square foot tract, for an interior corner of the herein described tract;

THENCE crossing a portion of the said Vinson 278.36 acres, save and except 19.27 acres of land and being along or near the west line of Treat Trail, courses numbered 6 through 8 inclusive as follows:

(6) N 25°38'44" E 148.00 feet to a 1/2" steel pin found;

(7) N 24°20'53" E 107.77 feet to a calculated point;

(8) N 19°43'42" E 95.35 feet to a calculated point at the intersection of the west line of Treat Trail with the westerly prolongation of the north line of that 0.397 of one acre tract, a portion of the said C. E. P. I. & M. Co. Survey No. 173, in Travis County, Texas, as conveyed in a Warranty Deed With Vendor's Lien to Jerome Urbanek in Document No. 1999050669, Official Public Records of Travis County, Texas, and the westerly prolongation of the south line of that 0.413 of one acre tract, a portion of the said C. E. P. I. & M. Co. Survey No. 173, in Travis County, Texas, as described in a Warranty Deed to George L. Vinson and wife, Jean Vinson in Volume 2714, Page 315, Deed Records of Travis County, Texas, for the most northerly northwest corner of the herein described tract;

(9) THENCE crossing Treat Trail with the westerly prolongation of the north line of the said Urbanek 0.397 of one acre tract and the westerly prolongation of the said Vinson 0.413 of one acre tract, N 88°16'47"E 32.23 feet to a 1/2" iron pipe found in the east line of Treat Trail at the northwest corner of the said Urbanek 0.397 of one acre tract and the southwest corner of the said Vinson 0.413 of one acre tract;

(10) THENCE with the north line of the said Urbanek 0.397 of one acre tract and the south line of the said Vinson 0.413 of one acre tract, N 88°16'47"E 167.26 feet to a 1/2" steel pin found at the northeast corner of the said Urbanek 0.397 of one acre tract and the southeast corner of the said Vinson 0.413 of one acre tract, for the northeast corner of the herein described tract;

THENCE with the east line of the said Urbanek 0.397 of one acre tract and the east line of that 0.415 of one acre tract, a portion of the said C. E. P. I. & M. Co. Survey No. 173, in Travis County, Texas, as conveyed in a One-Half Interest Gift Deed to Vernon G. Hafemik in Document No. 2001171314, Official Public Records of Travis County, Texas, and being also with the east line of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141 and a portion of the said C. E. P. I. & M. Co. Survey No. 173, in Travis County, Texas, as conveyed in a Warranty Deed to Mark T. Alger in Document No. 2001126699, Official Public Records of Travis County, Texas, and the east line of the said Treat 0.34 of one acre tract, courses numbered 11 through 14 inclusive as follows:

(11) S 14°18'30"W 104.29 feet to a 5/8" steel pin found at the southeast corner of the said Urbanek 0.397 of one acre tract and the northeast corner of the said Hafemik 0.415 of one acre tract;

(12) S 21°56'55"W 108.72 feet to a 5/8" steel pin found at the southeast corner of the said Hafemik 0.415 of one acre tract and the northeast corner of the said Alger 0.34 of one acre tract;

(13) S 28°38'34"W 115.84 feet to a 5/8" steel pin found at the southeast corner of the said Alger 0.34 of one acre tract and the northeast corner of the said Treat 0.34 of one acre tract;

(14) S 29°40'52" W 117.63 feet to a 5/8" steel pin found at the southeast corner of the said Treat 0.34 of one acre tract, for the most easterly southeast corner of the herein described tract;

(15) THENCE with the south line of the said Treat 0.34 of one acre tract, S 88°23'07" W 151.13 feet to the POINT OF BEGINNING of the herein described tract, containing 2.504 acres of land.

DESCRIPTION FOR 2.899 ACRES - SAVE AND EXCEPT TRACT

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 2.899 ACRES OF LAND, A PORTION OF THE W. A. COOK SURVEY NO. 141, ABSTRACT NO. 2587, IN TRAVIS COUNTY, TEXAS, SAID 2.899 ACRES OF LAND BEING A PORTION OF THE FOLLOWING TRACTS OF LAND, ALL BEING IN TRAVIS COUNTY, TEXAS: BEING ALL OF THAT 0.30 OF ONE ACRE TRACT OF LAND DESIGNATED AS TRACT 1 AND ALL OF THAT 0.29 OF ONE ACRE TRACT OF LAND DESIGNATED AS TRACT 2, BOTH BEING A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AND BOTH BEING DESCRIBED IN A WARRANTY DEED TO KATHERAN ACMORSONI IN VOLUME 11592, PAGE 982, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO DAVID N. McCREA AND WIFE, ARLIS J. McCREA IN VOLUME 5257, PAGE 1283, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.36 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN A SPECIAL WARRANTY DEED TO THERESA S. WILSON IN VOLUME 6802, PAGE 41, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING A PORTION OF THAT 0.37 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS CONVEYED IN A SPECIAL WARRANTY DEED TO ANN MARIE ST. MARTIN IN VOLUME 11225, PAGE 885, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.03 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN DEED TO PATRICK G. ST. MARTIN AND WIFE ANN M. ST. MARTIN IN VOLUME 10270, PAGE 851, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.32 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN GENERAL WARRANTY DEED WITH VENDOR'S LIEN IN FAVOR OF THIRD PARTY TO JOSEPH K. MOXLEY IN VOLUME 13360, PAGE 528, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.36 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN A GENERAL WARRANTY DEED WITH VENDOR'S LIEN TO JOSEPH K. MOXLEY IN

DOCUMENT NO. 2003029501, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; AND BEING ALL OF THAT 0.296 OF ONE ACRE TRACT OF LAND DESIGNATED AS FIRST TRACT AND ALL OF THAT 0.282 OF ONE ACRE TRACT OF LAND DESIGNATED AS SECOND TRACT, BOTH BEING A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AND BOTH BEING DESCRIBED IN A WARRANTY DEED TO TRAVIS DUNCAN AND SPOUSE, NIKKI DUNCAN IN DOCUMENT NO. 2003203432, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; AS SURVEYED FOR G. L. VINSON AND REVISED FOR TRAVIS MEADOW, LP BY METCALFE & SANDERS, INC., LAND SURVEYORS, 4800 SOUTH CONGRESS AVENUE, AUSTIN, TEXAS, SAID 2.899 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a 1/2" steel pin found at an angle point in a north line of a private street, locally known as Drapers Cove, at the southeast corner of that 0.29 of one acre tract, a portion of the W. A. Cook Survey No. 141, Abstract No. 2587, in Travis County, Texas, designated as Tract 2 and described in a Warranty Deed to Katheran Acmorsoni in Volume 11592, Page 982, Real Property Records of Travis County, Texas, for the POINT OF BEGINNING and most easterly southeast corner of the herein described tract, and from which 1/2" steel pin found, a 1/2" steel pin found at the intersection of the southeast line of Drapers Cove and the north line of a private street, locally known as Treat Trail, at the southwest corner of that 18,184 square foot tract of land, a portion of the W. A. Cook Survey No. 141, Abstract No. 2587, in Travis County, Texas, as described in a Warranty Deed to Ruth Oliver in Volume 7727, Page 752, Deed Records of Travis County, Texas, bears S 81°46'41"E 119.70 feet;

(1) THENCE with the north line of Drapers Cove and the south line of the said Acmorsoni Tract 2 of 0.29 of one acre of land and with the south line of that 0.30 of one acre tract, a portion of the said W. A. Cook Survey No. 141, Abstract No. 2587, in Travis County, Texas, designated as Tract 1 and described in said Warranty Deed to Katheran Acmorsoni in Volume 11592, Page 982, Real Property Records of Travis County, Texas, and being also with the south line of that tract of land, a portion of the said W. A. Cook Survey No. 141, Abstract No. 2587, in Travis County, Texas, as described in a Warranty Deed With Vendor's Lien to David N. McCrea and wife, Arlis J. McCrea in Volume 5257, Page 1283, Deed Records of Travis County, Texas, S 87°57'47" W 299.23 feet to a 1/2" steel pin with plastic cap set in the east line of that 0.36 of one acre tract, a portion of the said W. A. Cook Survey No. 141, Abstract No. 2587, in Travis County, Texas, as described in a Warranty Deed to Theresa S. Wilson in Volume 6802, Page 41, Deed Records of Travis County, Texas, for an angle point in the north line of Drapers Cove, for the southwest corner of the said McCrea tract of land, and for an interior corner of the herein described tract;

(2) THENCE with a line of Drapers Cove and the east line of the said Wilson 0.36 of one acre tract, S 1°59'59"E 20.00 feet to a 1/2" steel pin found at an angle point in the north line of Drapers Cove and at the occupied southeast corner of the said Wilson 0.36 of one acre tract, for a southeast corner of the herein described tract;

(3) THENCE with the north line of Drapers Cove and the south line of the said Wilson 0.36 of one acre tract as occupied on the ground, courses numbered 3 through 4 inclusive as follows:

(4) S 89°20'22"W 79.47 feet to a hilti nail set in rock found;

(5) N 85°14'22"W 37.84 feet to a 1/2" steel pin found in concrete at an angle point in the north line of Drapers Cove and at the southwest corner of the said Wilson 0.36 of one acre tract, for a southwest corner of the herein described tract;

(6) THENCE with a line of Drapers Cove and the west line of the said Wilson 0.36 of one

acre tract, N 5°38'51" E 11.96 feet to a 1/2" steel pin with plastic cap set for an angle point in the north line of Drapers Cove and the southeast corner of that 0.37 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as conveyed in that Special Warranty Deed to Ann Marie St. Martin in Volume 11225, Page 885, Real Property Records of Travis County, Texas, for an interior corner of the herein described tract;

THENCE with the north, northeast and east line of Drapers Cove and with the south, southwest and west line of the said Ann Marie St. Martin 0.37 of one acre tract and being also with the west line of that 0.32 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as conveyed in that General Warranty Deed With Vendor's Lien in Favor of Third Party to Joseph K. Moxley in Volume 13360, Page 528, Real Property Records of Travis County, Texas, and being also with the west line of that 0.36 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in that Warranty Deed With Vendor's Lien to Joseph K. Moxley in Document No. 2003029501, Official Public Records of Travis County, Texas, courses numbered 6 through 12 inclusive as follows:

(6) S 86°51'15" W 36.50 feet to a 5/8" steel pin found, and from which 5/8" steel pin found, a 3/4" iron pipe found in concrete in the south line of Drapers Cove and in the north line of that 12.611 acre tract, a portion of the said Malinda Settle Survey No. 49, as described in a Special Warranty Deed to G. L. Vinson in Volume 11919, Page 88, Real Property Records of Travis County, Texas, and being also in or near the south line of the said W. A. Cook Survey No. 141 and the north line of the said Malinda Settle Survey No. 49, bears S 40°18'53"W 69.15 feet;

(7) N 47°40'45" W 59.52 feet to a 1/2" steel pin found in rock;

(8) N 37°59'26"W 32.41 feet to a 1/2" steel pin with plastic cap set;

(9) N 34°34'18"W 62.74 feet to a 1/2" steel pin found in the west line of the said Moxley 0.32 of one acre tract;

(10) N 27°02'45" W 61.96 feet to a 1/2" steel pin found;

(11) N 23°52'32" W 24.66 feet to a 1/2" steel pin found at the west or northwest corner of the said Moxley 0.32 of one acre tract and the southwest or south corner of the said Moxley 0.36 of one acre tract;

(12) N 36°08'40" W 59.68 feet to 112" steel pin found at the west or southwest corner of the said Moxley 0.36 of one acre and the south or southeast corner of that 0.296 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as First Tract and described in a Warranty Deed to Travis Duncan and spouse, Nikki Duncan in Document No. 2003203432, Official Public Records of Travis County, Texas;

THENCE with the north line of Drapers Cove and the south line of the said Duncan First Tract of 0.296 of one acre and being also with the south line of that 0.282 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as Second Tract and described in said Warranty Deed to Travis Duncan and spouse, Nikki Duncan in Document No. 2003203432, Official Public Records of Travis County, Texas, courses numbered 13 through 14 inclusive as follows:

(13) N 70°18'29" W 144.77 feet to a 1/2" steel pin found;

(14) N 63°41'32"W 34.74 feet to a 1/2" steel pin found at the southwest corner of the said Duncan Second Tract of 0.282 of one acre, for the most westerly southwest corner of the herein described tract;

(15) THENCE with the west line of the said Duncan Second Tract of 0.282 of one acre, N 26°35'08" E 129.88 feet to a hilti nail found set in rock at the northwest corner of the said Duncan Second Tract of 0.282 of one acre, for the northwest corner of the herein described tract;

THENCE with the north line of the said Duncan Second Tract of 0.282 of one acre and the north

line of the said Duncan First Tract of 0.296 of one acre, courses numbered 16 through 17 inclusive as follows:

(16) S 76°33'10" E 89.67 feet to a 3/8" steel pin found at the northeast corner of the said Duncan Second Tract of 0.282 of one acre and the northwest corner of the said Duncan First Tract of 0.296 of one acre;

(17) S 76°51'39" E 86.61 feet to a 1/2" steel pin found at the northeast corner of the said Duncan First Tract of 0.296 of one acre and the northwest or north corner of the said Moxley 0.36 of one acre tract;

THENCE with the northeast and east line of the said Moxley 0.36 of one acre tract and the east line of the said Moxley 0.32 of one acre tract, courses numbered 18 through 22 inclusive as follows:

(18) S 52°51'17" E 73.98 feet to a 1/2" steel pin found;

(19) S 39°20'17" E 24.61 feet to a 1/2" steel pin with plastic cap set;

(20) S 26°19'35" E 50.05 feet to a 1/2" steel pin found at the east or southeast corner of the said Moxley 0.36 of one acre tract and the northeast corner of the said Moxley 0.32 of one acre tract;

(21) S 20°27'58" E 60.43 feet to a cotton gin spindle found;

(22) S 27°31'15" E 15.02 feet to a 1/2" steel pin found at the southeast corner of the said Moxley 0.32 of one acre tract and the north or northeast corner of that 0.03 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a deed to Patrick G. St. Martin and wife, Ann M. St. Martin in Volume 10270, Page 851, Real Property Records of Travis County, Texas;

THENCE with the east line of the said St. Martin 0.03 of one acre tract and the east and northeast line of the said Ann Marie St. Martin 0.37 of one acre tract, courses numbered 23 through 24 inclusive as follows:

(23) S 27°19'51" E 32.44 feet to a 1 1/2" steel pin found at the southeast corner of the said St. Martin 0.03 of one acre tract and the northeast corner of the said Ann Marie St. Martin 0.37 of one acre tract;

(24) S 43°26'50" E 32.34 feet to a 1/2" steel pin found at the northeast corner of the said Ann Marie St. Martin 0.37 of one acre tract and the northwest corner of the said Wilson 0.36 of one acre tract;

THENCE with the north line of the said Wilson 0.36 of one acre tract and the north line of the said McCrea tract of land, and being also with the north line of the said Acmorsoni Tract 1 of 0.30 of one acre and being also with the north line of the said Acmorsoni Tract 2 of 0.29 of one acre, courses numbered 25 through 28 inclusive as follows:

(25) S 73°25'35" E 32.24 feet to a 1 1/2" steel pin with plastic cap set;

(26) S 89°55'40" E 64.83 feet to a 1/2" steel pin found at the northeast corner of the said Wilson 0.36 of one acre tract and the northwest corner of the said McCrea tract of land;

(27) S 89°59'25" E 99.86 feet to a 1/2" steel pin found at the northeast corner of the said McCrea tract of land and the northwest corner of the said Acmorsoni Tract 1 of 0.30 of one acre;

(28) S 89°47'42" E 200.20 feet to a 1/2" steel pin found at the northeast corner of the said Acmorsoni Tract 2 of 0.29 of one acre, for the northeast corner of the herein described tract of land;

(29) THENCE with the east line of the said Acmorsoni Tract 2 of 0.29 of one acre, S 1°42'50" E 123.73 feet to the POINT OF BEGINNING of the herein described tract, containing 2.899 acres of land.

21-1878-PDD-MOD
19517 Boggy Ford Road

Attachment 2
Proposed PDD Plans / Traffic Analysis / Ordinance Narrative



June 28, 2021

RE: Pending Zoning Amendment Application & Project #:21-1878-PDD-MOD

Mr. Roy Jambor,

Firefly Cove, LLC as (“Owner”, “Developer” and “Homebuilder”) hereby submits this Zoning Application for consideration and approval by the City as an amendment to the existing PDD. To aide in this amendment, Firefly Cove has attached the following exhibits:

Exhibits:

- A – Firefly Cove Masterplan*
- B – PDD Concept Plan*
- C – PDD Detailed Plans and Representative Imagery*
- D – Traffic Impact Analysis & Comment Response Letter*
- E – PDD Transportation Exhibit*
- F – Survey and Legal Description of Property*

Our vision is to create a holistic community that encompasses what it means to live in Lago Vista, Texas. We envision a place that our residents proudly call home. A neighborhood where families choose to walk the streets, to socialize from porch to porch, and safely walk or bike from each home to the amenities in lieu of getting in a vehicle. Firefly Cove will be a haven for children to carelessly ride their bikes and congregate outdoors amongst each other and the natural environment. Firefly Cove will seamlessly integrate the residences into the topography of the Hill County, providing walking, hiking, and biking trails between our neighborhood and our amenities. Residents who live and guests who choose to visit Firefly will immediately recognize the energy of the community, and through smart planning and design, will be encouraged to drive calmly in respect for its stakeholders. In simpler terms, we envision Firefly to be much like Lago Vista.

To achieve this vision, it is imperative that we design the subdivision in a way that preserves the natural environment, fosters traffic calming, and promotes safe pedestrian circulation. As the owner of the property identified in Ordinance No. 07-10-04-04 (the “Property”), we are requesting this PDD amendment to enable us to develop the land efficiently and respectfully by minimizing grading, preserving heritage trees and open space, designing smaller street networks and utility infrastructure, and establish zoning that allows us to meet existing market demand. The combination of these key development factors will ultimately lower the cost of development and maintenance of the community, increase the financial attainability of the houses for our residents, and enable Firefly Cove to be a prestigious community that brings long term value to Lago Vista.

Firefly Cove, LLC is requesting an amendment to the PDD Ordinance No. 07-10-04-04, also known as the Tusikanni Cove PDD and herein referred to as Firefly Cove PDD. We would like the scope of this amendment to include the following:

1. Zoning

a. Deletion of Zoning Uses.

i. The following zoning uses are removed from the PDD:

1. SF Area Type I
2. SF Area Type II
3. SF Area Type III
4. Community Amenity – Entry Feature

a. We anticipate having an entry monumentation as well as mailboxes in the community. These will be included in the construction documents.

5. Retail/Community Village

b. Amendment to Common Area – OS Zoning. Amend Common Area-OS to allow those uses necessary to construct family-friendly amenities for the benefit of the community, which may include but not limited to, playground structures, bathrooms, sports courts, pools, public utility easements, public utilities, boat ramp, mountain bike trails, nature trails, detention facilities and water quality facilities.

c. Amendment to SF-A Zoning. Amend SF-A Zoning to limit the number of lots to no more than 280.

d. Create SF-Estate Zoning. Creation of SF-Estate with the following development standards:

- i. The total number of SF-Estates lots shall not exceed 45.
- ii. Development shall comply with the zoning requirements and development standards for Single Family Zoning “R1-G” except as modified herein.
- iii. Minimum lot frontage shall be 80’ in width along the front property line, except for cul-de-sacs, which shall have a minimum lot width of 30’ at the front property line and 45’ at the front building setback.
- iv. Minimum lot size shall be 11,000 SF.
- v. Lot coverage or impervious cover will not exceed 60%.
- vi. Minimum living area square footage will be 1,800 SF.
- vii. All buildings will be set back to ensure a fifteen-foot (15’) vision triangle remains intact for vehicular circulation. Adjustments to setbacks will be as follows:
 1. Front of house/garage to property line: twenty feet (25’)
 - a. Front edge of patio/porch to front property line: ten feet (10’)
 2. Front of side load garage to property line: fifteen feet (15’)
 3. Rear property line: fifteen feet (15’)

- a. Front edge of patio/porch to rear property line: seven feet (7')
- 4. Minimum side yard setback: five feet (5') for common courtyard area between lots (one side of lot only).
- 5. Total minimum side yard setback: ten feet (10') between foundations.
- 6. All setbacks will allow a maximum encroachment of 6 inches (6") to accommodate variations in exterior wall finishes (i.e., siding to masonry).
- viii. Below-grade foundation elements (such as spread footings and counter forts) may encroach into required setbacks, but not into dedicated easements.

2. Phasing of Development

- a. Phases. The Property is planned to be developed in three phases as shown on the Firefly Cove Concept Plan and Transportation Impact Analysis. The phases were created largely based on their location in the community relative to project infrastructure requirements and the topography of the Property. However, at the discretion of the Owner, the Property may alternatively be developed in one single phase, or each phase depicted on the Concept Plan may be segmented into smaller increments within such phase, provided the infrastructure for each phase is sufficient for the lots being developed.
- b. Connectivity. Connectivity requirements may be achieved for approval of each site plan for a particular phase of the development by showing connection to future phases or to the limits of the PDD. Additional access will be provided to the limits of the PDD to enable adjacent future access points.

3. Subdivision Infrastructure:

- a. TIA Recommendations and Commitments. Based on the Traffic Impact Analysis issued by Alliance Transportation Group, dated February 2021, and amended and revised in June 2021 ("TIA"), Developer will construct and pay for the following improvements:
 - i. Prior to the issuance of a Certificate of Occupancy on the 211th Unit, Owner shall construct a westbound left-turn bay on Boggy Ford Road into Phase 2 (Driveway 1) of the subdivision. The dedicated left-turn lane into the subdivision will be 225 feet in length ("Left-Turn Lane").
 - 1. The City acknowledges there will exist a public necessity for the Left-Turn Lane. City agrees to use its power of eminent domain to acquire lands or easements as may be necessary for the construction of the Left-Turn Lane. The reasonable costs and expenses of the City obtaining any easements and land required for the Left-Turn Lane only and located outside the boundaries of the Property shall be paid by Owner, subject to the Owner's right established through the PIA, as defined elsewhere in this request.
 - ii. Prior to the issuance of a Certificate of Occupancy on the 211th Unit, Owner will pay into the City's Transportation Fund a total of thirty-eight

thousand dollars (\$38,000) which shall constitute its proportional share as established by the TIA for the following offsite improvements:

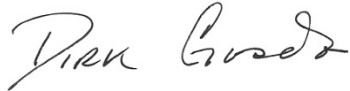
1. Modification of signal timings at the intersection of Boggy Ford Road, Shoreline Ranch Drive and Lohman Ford Road.
 2. Construction of an eastbound left-turn bay (225 feet in length) with an acceleration lane (950 feet in length) at the intersection of Boggy Ford Road, Shoreline Ranch Drive and Lohman Ford Road.
 3. In the event private property must be acquired, the Owner shall be obligated to pay an additional amount of eleven thousand dollars (\$11,000), equal to the Owner's proportional share of 11% for the purchase price to the acquire the property. This value is based on current commercial property market values of approximately seven dollars (\$7) per square foot.
- b. Drapers Cove. Drapers Cove shall be classified as a local street and shall substantially follow the existing alignment, except for modifications necessary to accommodate the improvements at the intersection of Drapers Cove and Boggy Ford Road. The section of Drapers Cove south of Driveway 4/Street B, as depicted on the Transportation Plan, will remain a private roadway. Lots in Phase 3 of the development will be permitted to have single family driveway access directly onto Drapers Cove.
- c. Driveways on Boggy Ford.
- i. Owner will connect to Boggy Ford Road with public sections of collector designed roadways (60' ROW) at the following locations, and as depicted on the Transportation Plan:
 1. Main Entry at Driveway 1 on Boggy Ford Road to the first local street or 150 linear feet, whichever is less.
 2. Intersection at Drapers Cove and Boggy Ford Road to first local street.
 - ii. Driveways 2 and 3 on Boggy Ford Road will be for emergency purposes only with a paved driveway within the right-of-way and then an all-weather access connected to a local street within the project. Owner may choose to install an emergency access gate for Driveways 2 and 3. For purposes of this PDD, "all-weather access" shall mean a load rated access roadway constructed in accordance with the geotechnical pavement design that allows for concrete and asphalt to be excluded. Geotechnical pavement recommendations are 18" of road base only or 6" of road base with Tensar TX-5 Geogrid below the base.
- d. Traffic Calming Design. The Owner will provide traffic calming and street design that integrates with the natural features and topography of the Property and conserves its unique environmental assets such as protected trees and open space. To achieve this vision, the Owner will:
- i. Except as noted in paragraph 2(c), classify internal streets as "Local Streets" with a design speed of 20MPH for all related street design criteria.

- ii. Design Local Streets to have an allowed sustained grade of 12%.
 - iii. Design stop-controlled intersections with Local Streets and intersection curb returns to not exceed a starting slope of 8%.
 - e. Subdivision Planning Design.
 - i. Maximum length of cul-de-sacs may be increased from 600 feet to 750 feet but shall not exceed applicable regulations in the City Fire Code.
 - ii. Block lengths may be broken by pedestrian access easements to open space.
 - f. Water Quality and Detention.
 - i. Detention is not required per conveyance to the existing Lake Travis inundation easement. Conveyance will be provided by easement or dedication by the Owner to the City of Lago Vista.
 - ii. Any required drainage or water quality infrastructure will be dedicated to and maintained by the City of Lago Vista.
 - iii. Total impervious cover for the project shall not exceed 38% of the Property.
 - iv. Water quality controls will be provided via Highland Lakes Watershed ("HLWO") Alternative Standards. Dedicated parkland acreage will be included in the calculation to achieve HLWO Alternative Compliance in Firefly Cove (15% impervious cover).
 - g. Erosion Controls.
 - i. 95% grass coverage is not required for public infrastructure acceptance and construction commencement provided that Owner provides temporary measures and posts a bond for the final improvements.
 - ii. Erosion controls for public infrastructure and construction will be maintained throughout by the Owner until Certificate of Occupancy is issued for each residence.
 - h. Signage:
 - i. Owner will be permitted to have three on-premises monumentation subdivision signs:
 - 1. One at each entrance to the subdivision (Driveway 1 and Drapers Cove), and
 - 2. One at the northeast corner of the Property.
 - ii. Additionally, Owner will be permitted up to ten freestanding signs within the subdivision to depict the marketing trail and wayfinding to the community sales office and amenities.
 - i. Parkland Dedication:
 - i. Parkland dedication will occur intermittently throughout the life of the project to achieve the total parkland requirements under current Code which, in aggregate, is no less than 31 acres.
 - ii. Dedication of parkland can include Golden Cheek Warbler habitat mitigation land.
- 4. Public Infrastructure Agreement.** Under Texas Local Government Code 212.071, Owner and City may elect to negotiate and enter a Public Infrastructure Agreement ("PIA") to

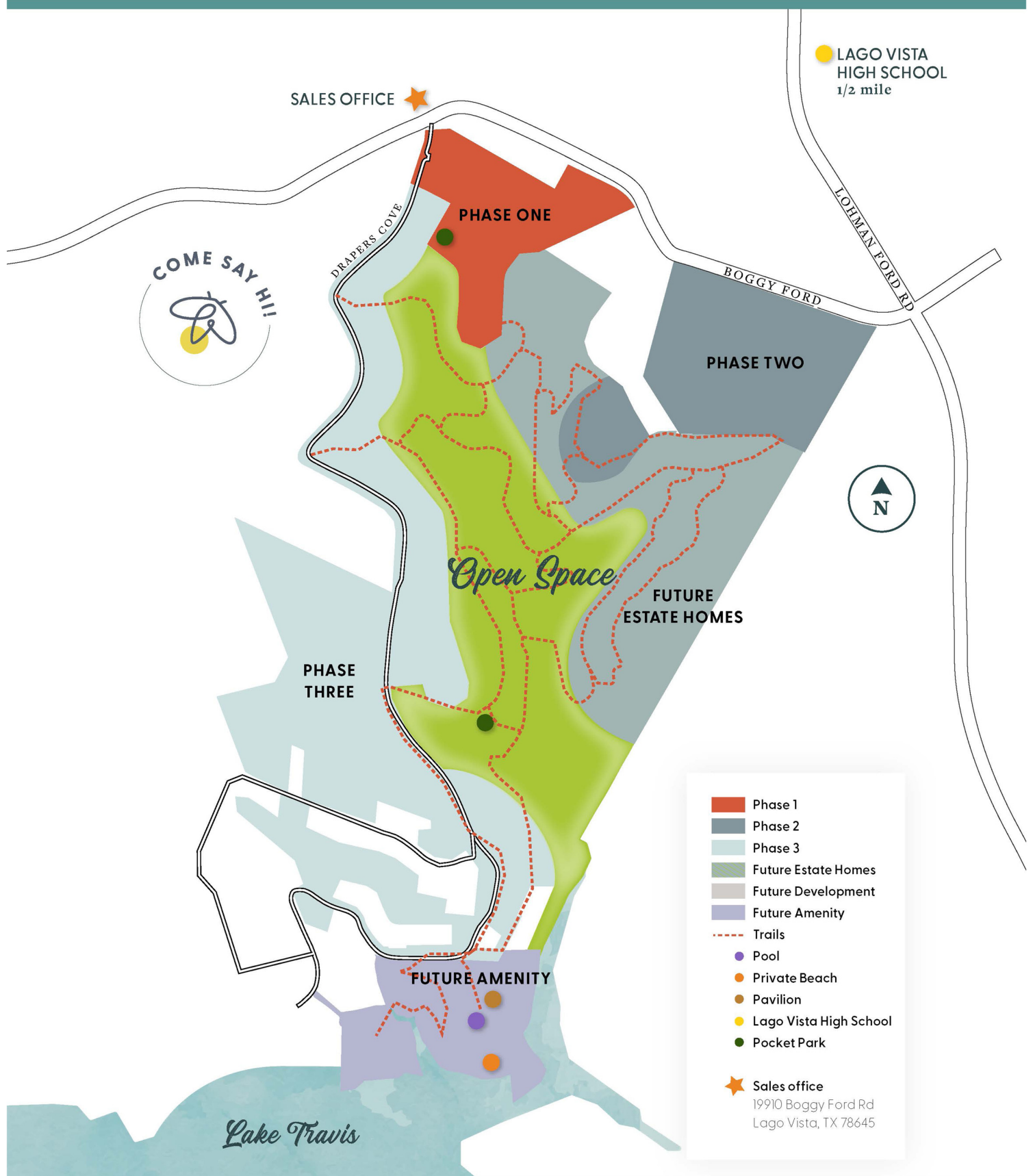
address transportation related infrastructure. The PIA will contemplate offsite improvements impacted (directly or indirectly) by the Firefly Cove project, including terms related to construction, financing, and design. These improvements include, but are not limited to:

- a. The intersection of Drapers Cove and Boggy Ford Road
- b. The intersection of Boggy Ford Road and Lohman Ford Road
- c. Traffic Safety Recommendations along Boggy Ford Road
- d. Drapers Estates Water System

Sincerely,

A handwritten signature in blue ink that reads "Dirk Gosda". The signature is fluid and cursive, with the first name "Dirk" and last name "Gosda" clearly distinguishable.

Dirk Gosda
President
970.948.9911
Dirk.Gosda@sunriseco.com



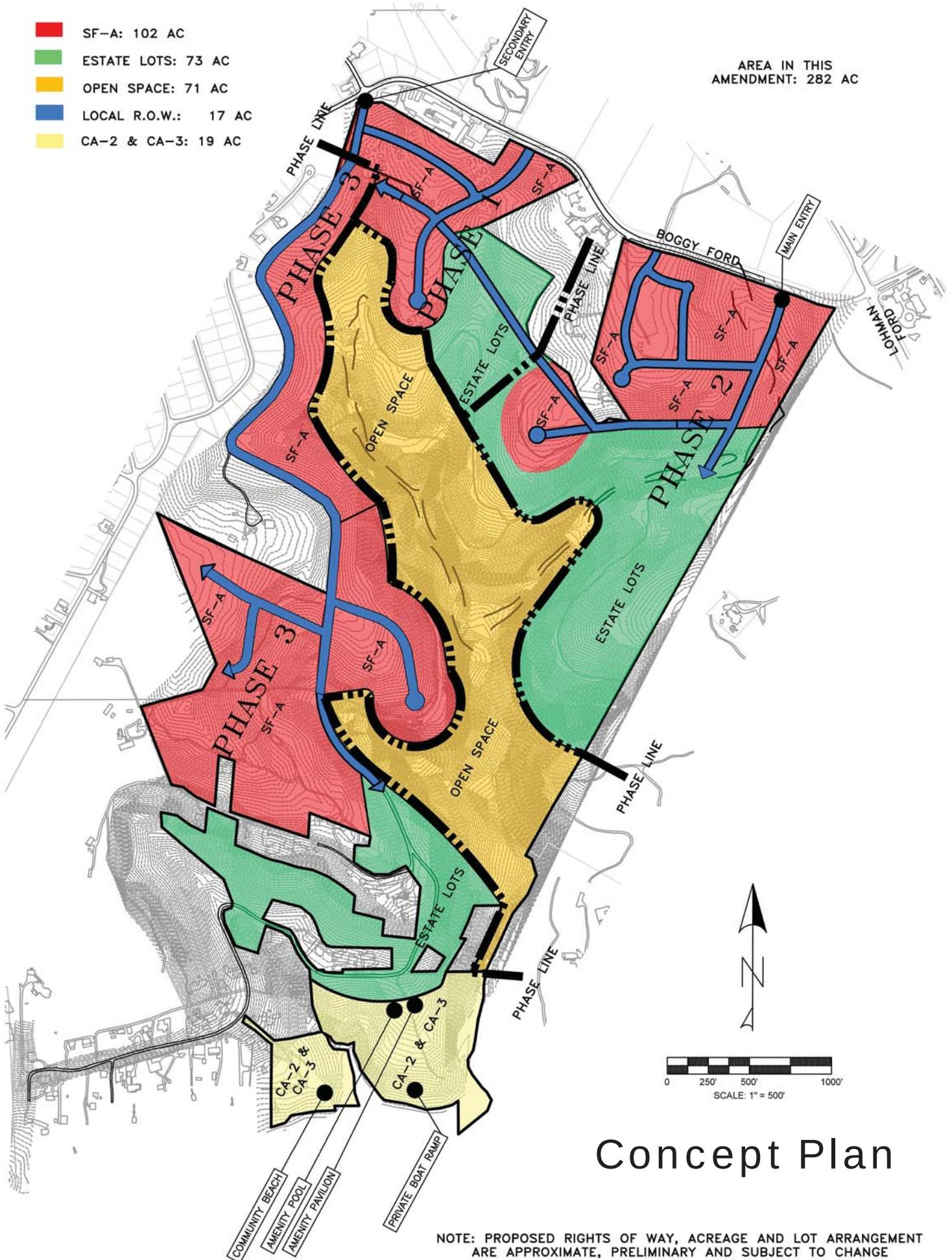
737.203.8981
info@fireflycove.com

Firefly Cove and its affiliates reserve the right to make modifications to homesites, floorplans, design, pricing, specifications, dimensions, materials, and elevations, without prior notice or obligation. All footages and dimensions are approximations and not intended for final reference as plans are not to scale. Window location, roofline, porches, and square footage may vary by plan. The total number, design, layout, and location of lots, landscaping, residences, and the location and design of recreational facilities may be changed due to a number of circumstances, including governmental requirements, market demand and cost constraints. All photographs, renderings, and other depictions are conceptual in nature, for illustration purposes only, and are merely an artist's rendition and may not reflect the final product.

FIREFLY
COVE

- SF-A: 102 AC
- ESTATE LOTS: 73 AC
- OPEN SPACE: 71 AC
- LOCAL R.O.W.: 17 AC
- CA-2 & CA-3: 19 AC

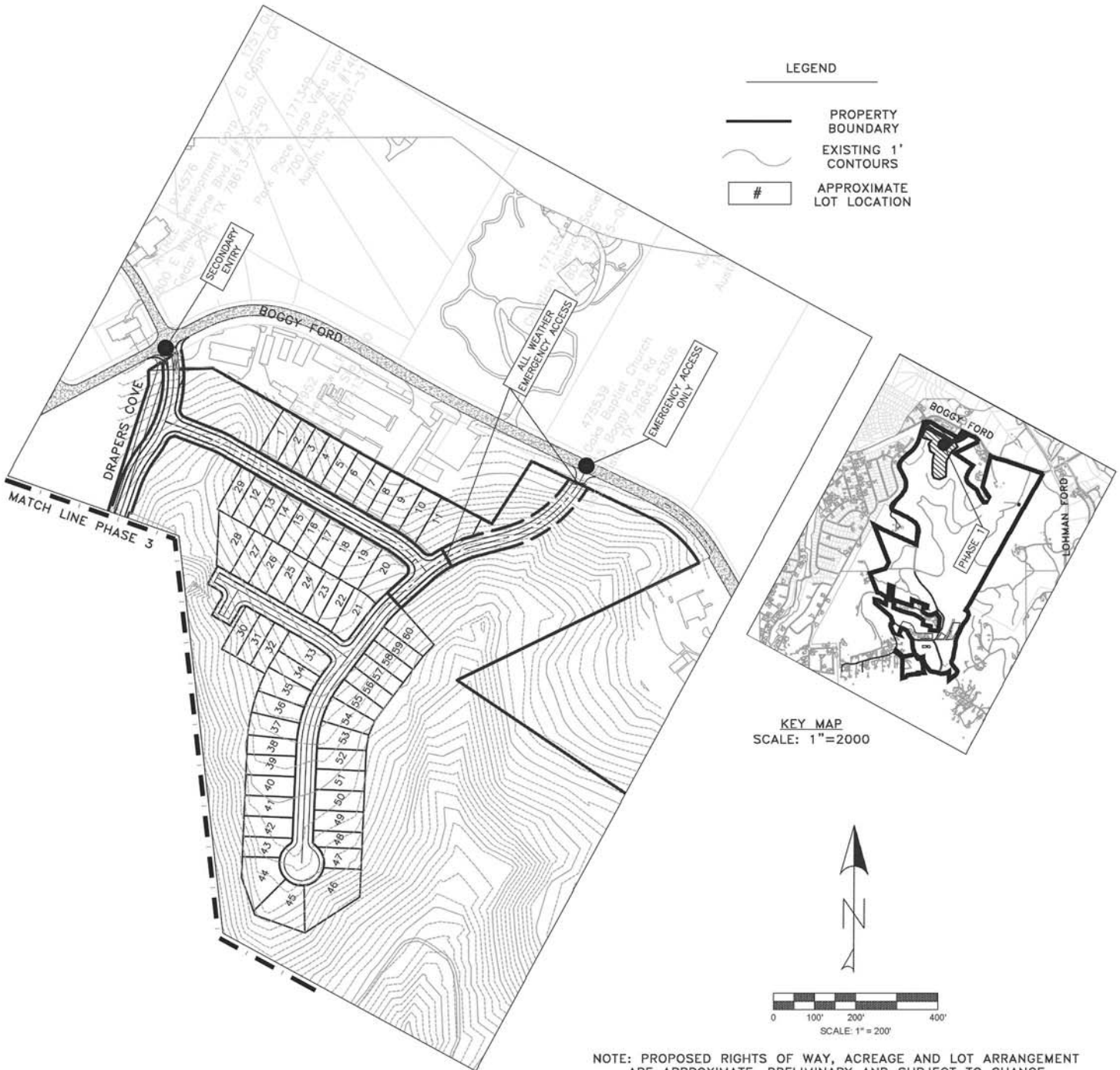
AREA IN THIS
AMENDMENT: 282 AC



Concept Plan

NOTE: PROPOSED RIGHTS OF WAY, ACREAGE AND LOT ARRANGEMENT
ARE APPROXIMATE, PRELIMINARY AND SUBJECT TO CHANGE

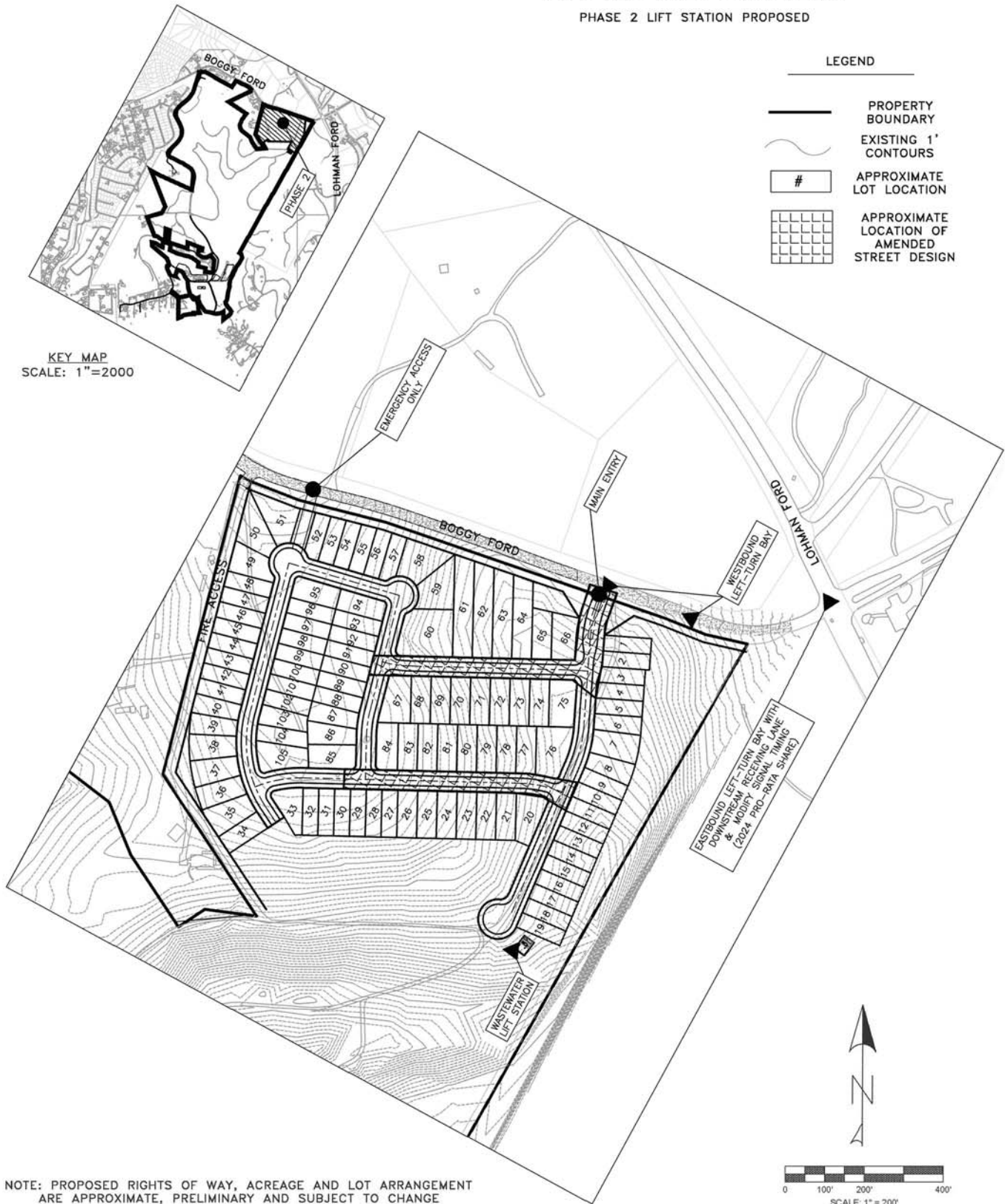
WATER AND WASTEWATER UTILITIES SERVED BY A 16" WATER LINE
AND 8" FORCE MAIN IN BOGGY FORD ROAD



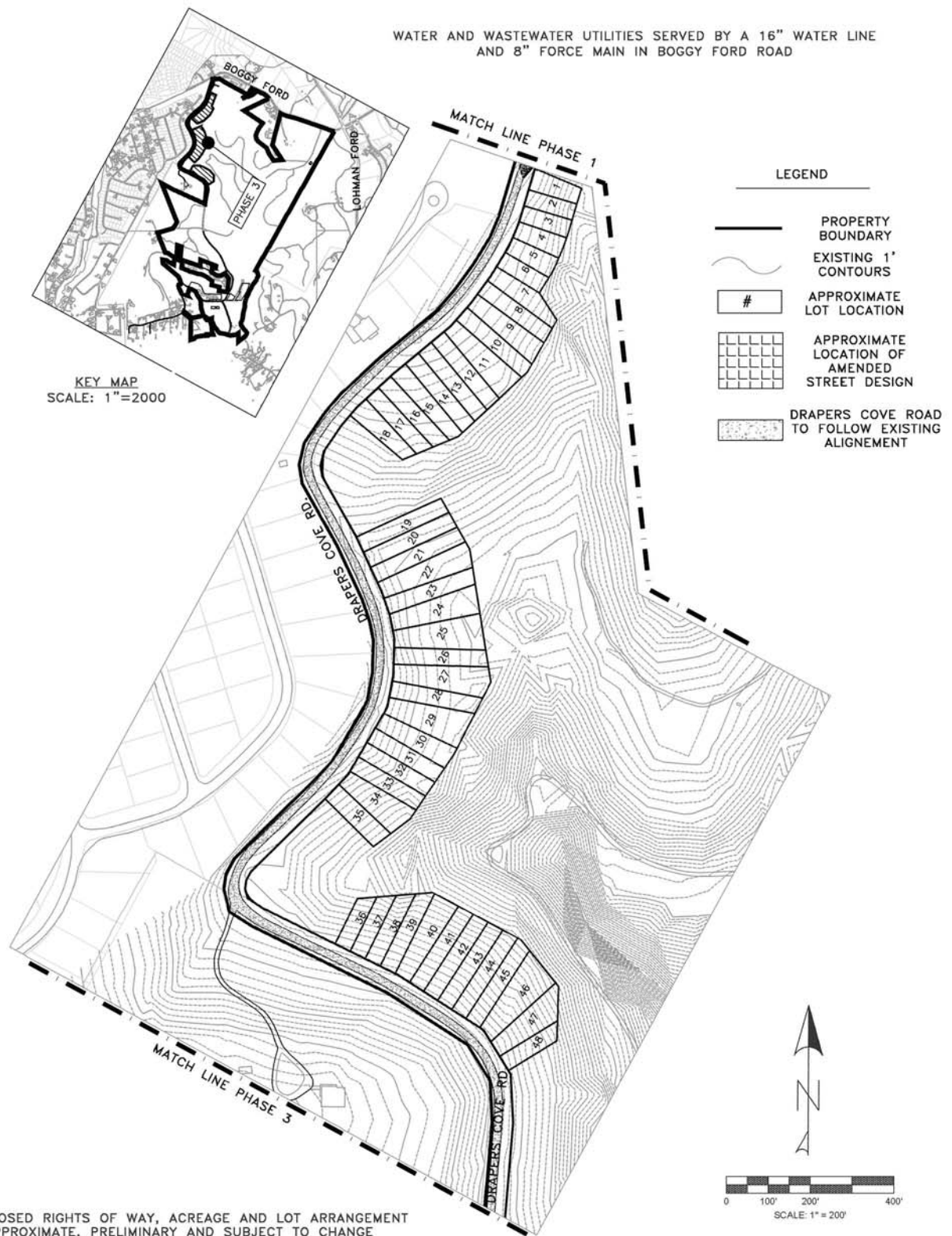
Phase 1 Detail Plan

WATER AND WASTEWATER UTILITIES SERVED BY A 16" WATER LINE
AND 8" FORCE MAIN IN BOGGY FORD ROAD

PHASE 2 LIFT STATION PROPOSED

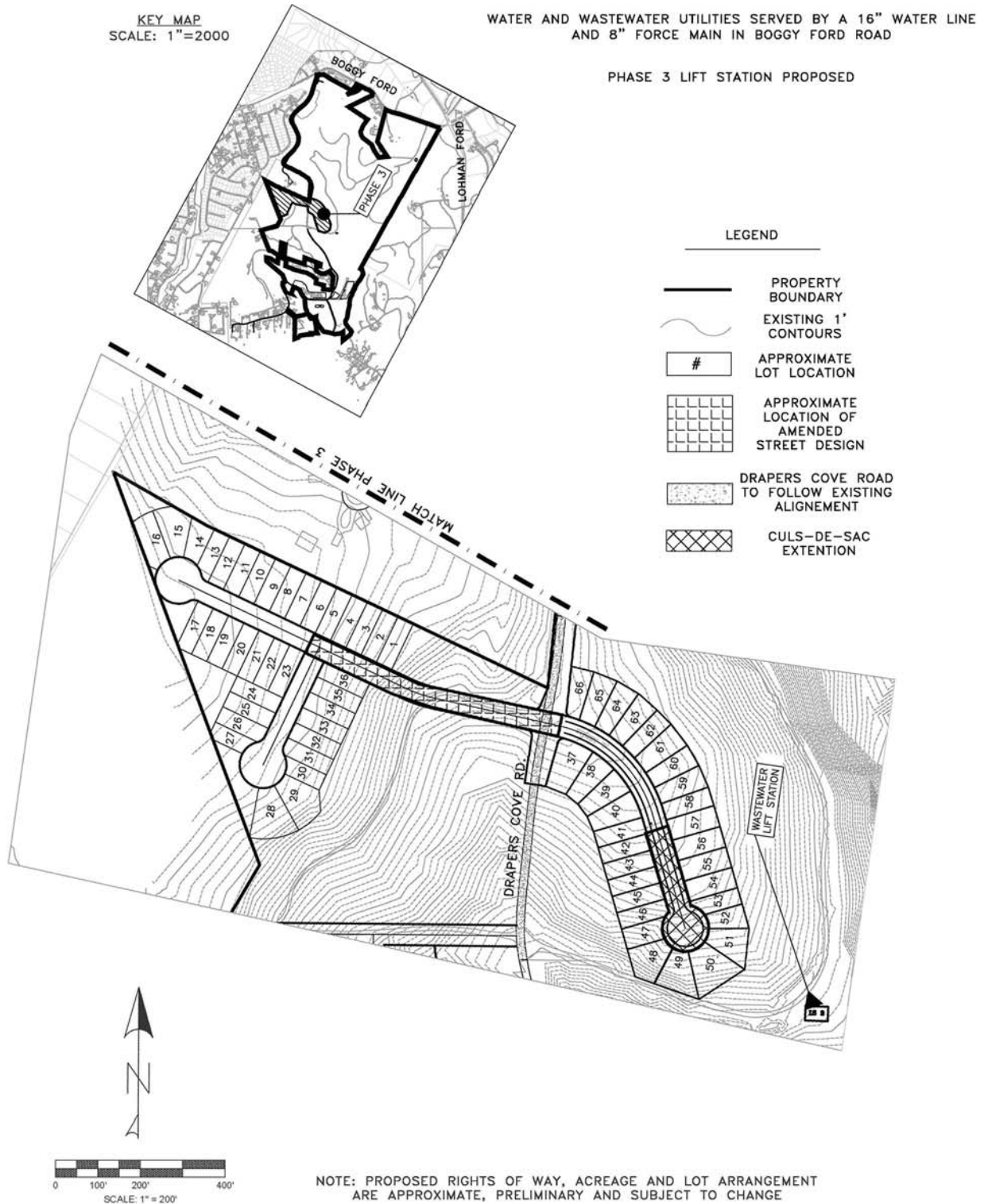


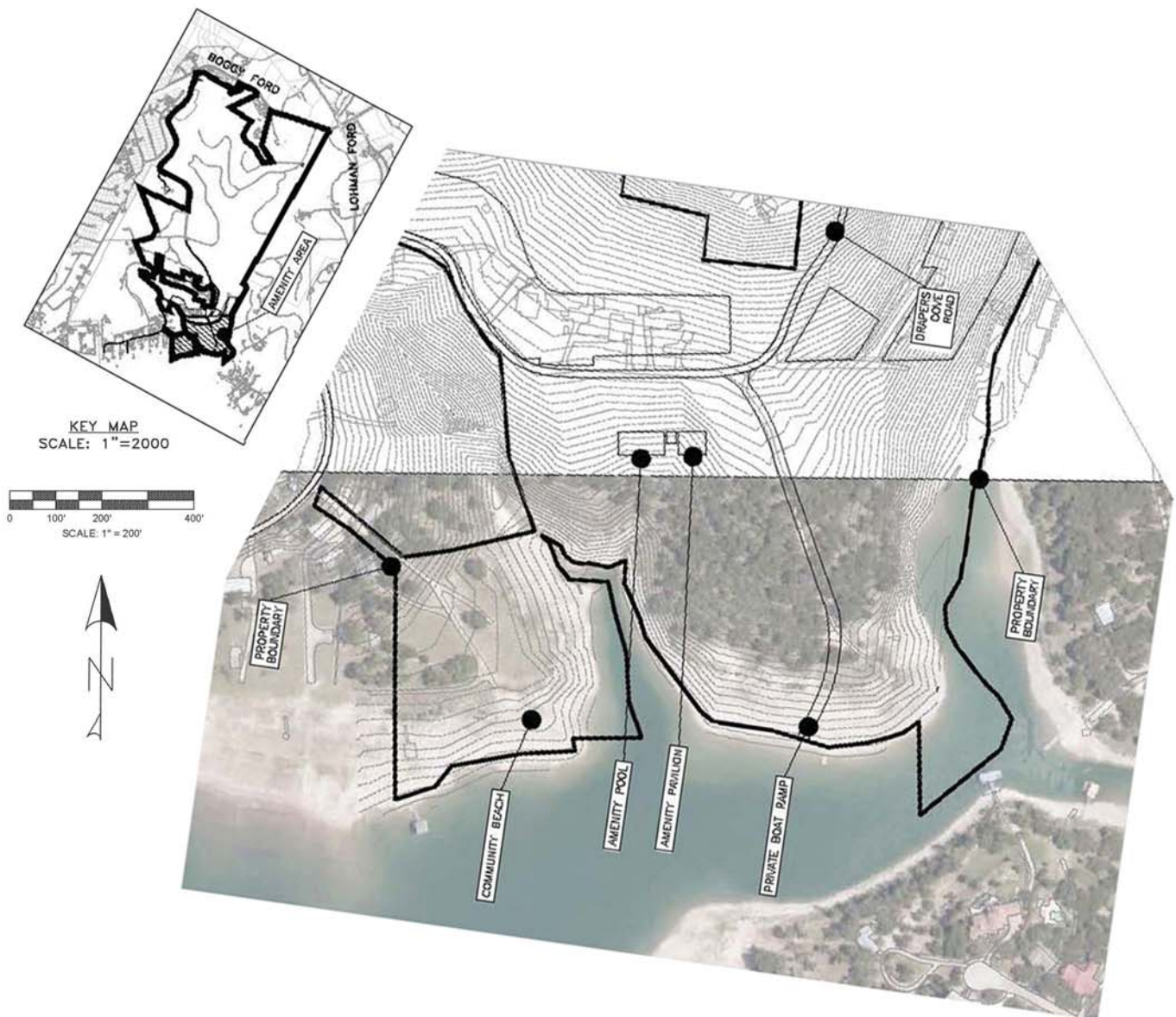
Phase 2 Detail Plan



Phase 3 Detail Plan (1 of 2)

Phase 3 Detail Plan (2 of 2)





Amenities Area Detail Plan

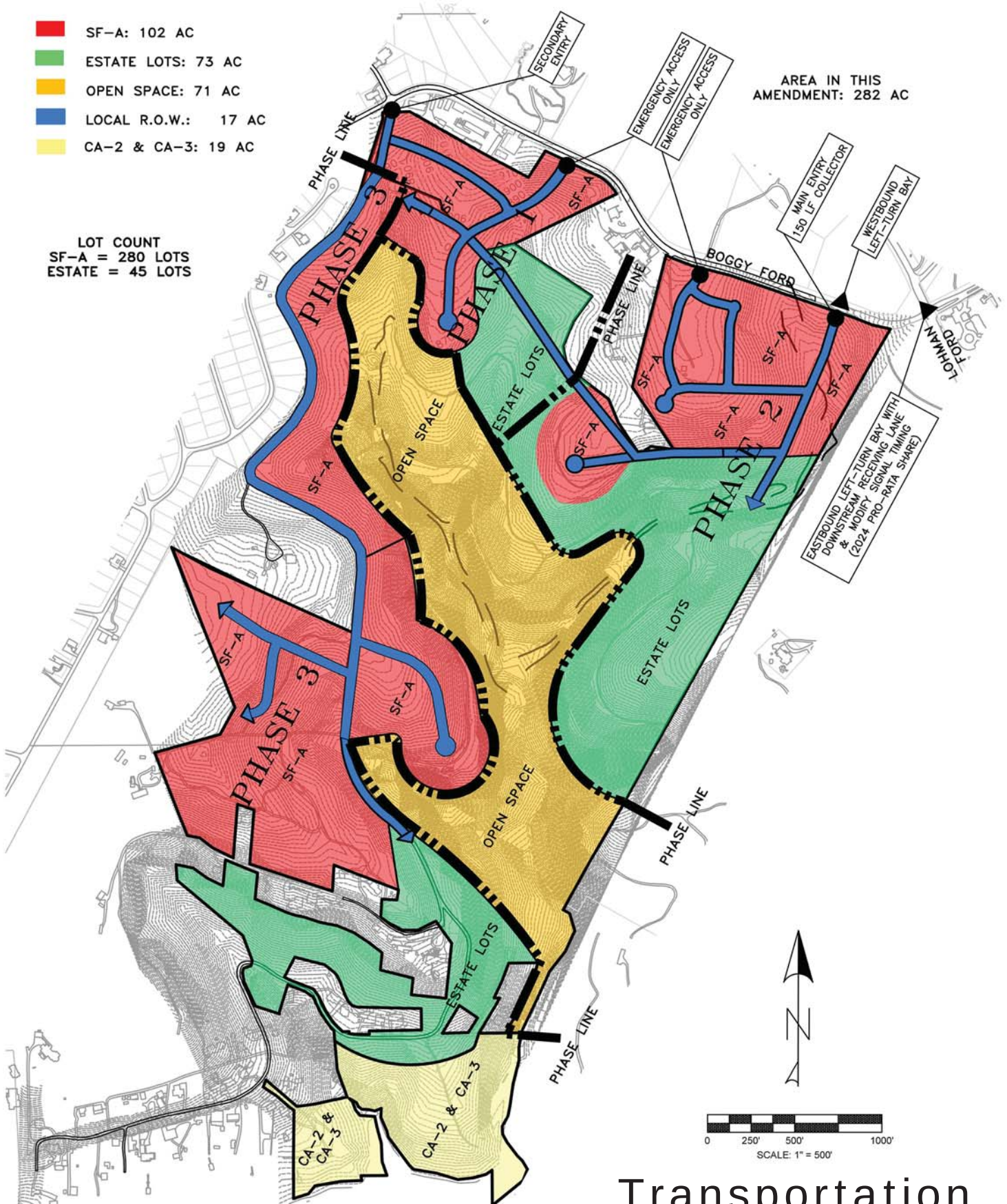


Amenities Area Prototype Images

- SF-A: 102 AC
- ESTATE LOTS: 73 AC
- OPEN SPACE: 71 AC
- LOCAL R.O.W.: 17 AC
- CA-2 & CA-3: 19 AC

LOT COUNT
 SF-A = 280 LOTS
 ESTATE = 45 LOTS

AREA IN THIS
 AMENDMENT: 282 AC



PHASE	LOT COUNT	BUILD OUT YEAR
1	60	2024
2	151	2024
3	114	2026

Transportation Plan

NOTE: PROPOSED RIGHTS OF WAY, ACREAGE AND LOT ARRANGEMENT ARE APPROXIMATE, PRELIMINARY AND SUBJECT TO CHANGE



Traffic Impact Analysis

FIREFLY COVE

June 2021

AGENCY REVIEW

This document is released for the purposes of AGENCY REVIEW by City of Lago Vista under the authority of Julia Colman, P.E. #134015 on June 25, 2021. It is not to be used as a FINAL document for construction, bidding, recordation, conveyance, sales, or as the basis for the issuance of a permit. Upon resolution of review comments, this agency review block will be removed, and a sealed FINAL version of this document will be submitted to City of Lago Vista for recordation and permitting.

Prepared by:
Alliance Transportation Group, Inc.
11701 Stonehollow Drive, Ste 100
Austin, TX 78758
Office 512.821.2081
T.B.P.E. Firm Registration No. 812

EXECUTIVE SUMMARY

This Traffic Impact analysis (TIA) evaluates the traffic impact on the adjacent roadway network from the proposed Firefly Cove development in the southwest quadrant of the intersection of Lohman Ford Road with Boggy Ford Road/Shoreline Ranch Drive in Lago Vista, Texas. The proposed development is a 282-acre residential development. Access to the development is anticipated from one (1) driveway on Boggy Ford Road and three (3) driveways on Draper's Cove, with two (2) additional driveways on Boggy Ford Road that will be gated and for emergency use only. This report summarizes the evaluation of impacted intersections and the site's expected access points under the following conditions:

- Existing, 2020 (Existing lane configurations and traffic volumes)
- Background, 2024 (Phase 1 and 2 background traffic only, no-build)
- Background + Site (B+S), 2024 (Phase 1 and 2 traffic, build-out)
- Background, 2026 (Build-out year background traffic only, no-build)
- Background + Site (B+S), 2026 (Full build-out year traffic, build-out)
- Background + Site + Improvements (B+S+I), 2026

Based on analysis results, mitigation recommendations will be identified to ensure that the intersections within the study area operate at the existing level of service (LOS) or better in both the 2024 and 2026 Build-Out years.

Methodology

Peak period traffic counts were collected at two study intersections in November 2020. Due to the COVID-19 pandemic, traffic patterns were anticipated to be of lesser magnitude than they would have been without the pandemic. Therefore, a COVID-19 factor was developed by comparing traffic counts to historical TxDOT data within the study area. The COVID-adjusted volumes and existing roadway geometry were analyzed using Synchro^(TM) Version 10⁽³⁾ to provide a baseline for comparison for future year scenarios. A growth rate was then developed and applied to the COVID-adjusted volumes to represent the growth of traffic from other developments within the project area. These grown volumes without the Lago Vista Site represented the projected Background (2024 and 2026) conditions. Projected site trips from the Firefly Cove Development were then routed through the study network and added to the Background (2024 and 2026) volumes to create the Background + Site (2024 and 2026) scenarios. Based on the analysis of the Background + Site scenario, improvements were identified to maintain existing (2020) LOS. This methodology was then repeated for the 2026 Build-Out condition.

Recommendations

The proposed development will have a total of four (4) access points, one on Boggy Ford Road and the other three on Draper's Cove. All driveways are expected to operate with an acceptable level of service (LOS) during the peak hours.

Site traffic from the proposed development will utilize two intersections within the study area. The following improvements are recommended to meet LOS criteria and to improve safety:

Phase 1 and Phase 2 Improvements (2024):

- Construct a westbound left-turn bay at Driveway 1

Phase 3 Improvements (2026):

- Add an eastbound left-turn bay at the intersection of Lohman Ford Road and Boggy Ford Road/Shoreline Ranch Drive
- Modify signal timings at the intersection of Lohman Ford Road and Boggy Ford Road/Shoreline Ranch Drive
 - Increase cycle length to 90 seconds
 - Add protected eastbound left-turn phase (phase 7)
 - Modified eastbound/westbound approaches to have split phase timings

#	Comment (5/20/2021 - Eric Belaj)	Response
i.	Revise and resubmit the entire TIA with below corrections. You may submit a separate analysis for sight distance or within the TIA.	Noted. Sight distance analysis for driveways along Boggy Ford are included as a separate memorandum. The sight distance analysis for Driveway 4 will be included in a future submittal.
ii.	Master Plan shows more than 3 phases. Please create consistent phasing matching the master plan of the proposed PDD	The site plan has been updated to show the 3 phases of development.
iii.	Executive Summary: In the methodology section, there is reference to Lago Vista Brewery. This appears to be an error. Please update the text.	Text has been updated.
iv.	Executive Summary: In the recommendations section, - Please provide implementation timeline of recommended improvements -The first recommendations refers to addition of left-turn bay, but does not specify which approach. -The recommended left-turn bay at Driveway 1 is not included in the list -Please describe the recommended signal timing changes at the intersection of Lohman Ford Road and Boggy Ford Road/Shoreline Ranch	The executive summary has been updated to show the phases in which each improvement is recommended. Based on the analysis, the turn-lane into the driveway is warranted immediately, as the grown through traffic exceeds the threshold for any number of turning vehicles into Firefly Cove. The improvements at the intersection of Lohman Ford and Boggy Ford Road are need after Phase 2 of the development is complete. The increased background traffic between 2024 and 2026 causes the intersection to have an unacceptable LOS.

v.	Figure 3: The existing 2020 traffic volumes accessing Draper's Cove is significantly lower than expected considering the number of single-family homes (about 40) that use Draper's Cove as their only access road to Boggy Ford Road. The low existing counts are especially notable for the exiting peak hour traffic shown at the northbound Draper's Cove approach at Boggy Ford Road which shows 3 exiting vehicles in the AM peak from about 40 homes. The low counts could be due to the effect of Covid-19 related travel patterns or other factors. Since there are no other roadway outlets, a reasonable recommended approach would be to estimate the existing traffic demand from the existing homes using the ITE trip generation rates.	This is the same comment as previously made. Previous response: <i>The TIA exhibits are showing single peak hour values. These values were adjusted using the approved (December 2020) factor. Trip Gen for 40 homes shows a maximum of 25 and 16 vehicles exiting during the AM and PM peak hour, respectively. Local knowledge suggests only a fraction (25% of the homes are resided in regularly and it is likely these residents are not leaving during the peak hour). Assuming 25% are resided in daily and ALL leave the development, the collected data reflects the trip generation.</i> Adding exiting trips generated from 40 homes on Draper's Cove results in the northbound approach of intersection 101 having 14 left-turns and 98 right-turns in the AM, and 15 left-turns and 66 right-turns in the PM. For the northbound approach, these volumes result in a LOS "A" in the AM with 9.5 seconds of delay, and a LOS "B" with 12.7 seconds of delay in the PM.
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vi.	Figure 3 & 4: Verify growth between 2020 Existing (Figure 3) and 2024 Background (Figure 4) traffic. For example, at the intersection of Draper's Cove at Boggy Ford Rd, applying 8% linear growth for four years to EB through traffic of 497 vehicles in AM peak should give a 2024 traffic of 656. However, Figure 4 shows the 2024 traffic of 636.	The growth rates developed for the study, which are described on page 8 of the report and shown in Table 4, reflect an 8 percent growth rate through 2023 and a 3.5% growth rate from 2023-2026. (<i>Text from report: Lago Vista has been growing rapidly in the past 3 years, so an 8% growth rate was used to grow traffic volumes from 2020 to 2023, while the 3.5% growth rate was used to grow traffic for the remaining years to 2026</i>). This results in the following growth factors: 2023: 1.24 2024: 1.2834 2026: 1.37481 497*1.28=636, which is the value shown.
vii.	Figure 2: The site plan does not show the division of the development into phase 1, 2 and 3. Please show phased site layout with respect to the proposed access driveways to help evaluate the distribution of site traffic onto various driveways.	The site plan has been updated to show the 3 phases of development. Phase 1 and Phase 2 will utilize Driveways 1 and 4, while Phase 3 will utilize driveways 5 and 6 as well as take direct access to Draper's.
viii.	Figure 4: Site Trip distribution % assumptions at driveway intersections are not provided. Please update Figure 4 to show distribution % as turning movements at each roadway and driveway intersection to better clarify assumptions.	Figure 4 has been updated to reflect driveway distribution percentages. The percentages will not sum to 100% as it is expected a small portion of homes will take direct access to Draper's Cove rather than via an internal roadway.

ix.	Figure 6: please check calculations for inbound and outbound site traffic for 2024 AM. For example, the EBL (outbound) traffic at Intersection 102 in AM should be 113 ($90\% \times 126$) but is shown as 108.	The total AM exiting trips (102 EBL + 102 EBR + 101 WBT + 101 NBR) add up to the correct total of 126. Figure 4 has been updated to reflect the correct exiting distributions in the AM peak hour. This will resolve all driveway volume discrepancies.
x.	Figure 9: Intersection of Driveway 6 at Draper's Cove shows 2026 site traffic for the northbound through movement. Please clarify the source of this traffic. As per site plan, there are no site driveways south of Driveway 6, so there should be no northbound site traffic at that intersection.	It is expected the majority of trips will utilize Driveways 1, 4, 5, and 6; however, it is also expected that a small number of homes will take direct access to Draper's Cove
xi.	Figure 9: In 2026, the sum of all exiting AM site traffic from Driveways 1 through 6 adds up to 177 vehicles. As per Trip Generation in Table 5, total AM exiting traffic should be 194. Similarly, PM exiting traffic is 115 instead of 125. Similar discrepancy is noted for total entering traffic in AM and PM as well. Please explain the discrepancy and make necessary correction.	Proposed single family lots are proposed to access Drapers Cove between Driveway 3 and Driveway 4 – specifically, 6 entering trips and 17 exiting trips in the AM and 20 entering trips and 11 exiting trips in the PM. The addition of these trips as site trips is reflected in and can be verified using the volume imbalance between Driveway 3 and Driveway 4 in Figure 9. This results in the correct total number of site trips (entering and exiting in both peak hours).

xii.	Figure 9: The 2026 site generated traffic along Draper's Cove between Driveway 4 and 5 intersections is not balanced. For example, 74 vehicles travel south from intersection 204 in PM, but only 54 vehicles show up at southbound approach of intersection 205. Similar imbalance is noted in the northbound direction between intersection 204 and 101. Please explain and correct the discrepancy.	See previous comment response - Proposed single family lots are proposed to access Drapers Cove between Driveway 3 and Driveway 4 – specifically, 6 entering trips and 17 exiting trips in the AM and 20 entering trips and 11 exiting trips in the PM. This accounts for the volume imbalance as well as the unaccounted for site trips.
xiii.	Please include a sight distance analysis for all proposed driveways to ensure traffic safety. Based on desktop review, there are vertical and horizontal curves on Boggy Ford Road especially near the proposed Driveway 2 location that could create sight distance issues.	A separate memorandum is provided which details the sight distance evaluation at all driveways along Boggy Ford Road. As discussed in the May 19th, 2021 meeting with the City, the proposed driveway on Draper's in close proximity to the Draper's at Boggy intersection will be analyzed using the proposed realignment. The will be included in a future submittal.
xiv.	Figure 2: The site plan shows Driveway 4 located along Draper's Cove close to the intersection of Draper's Cove at Boggy Ford Road. Please provide a diagram showing driveway spacing and demonstrate that driveway spacing criteria is met.	The location for Driveway 4 (on Draper's) has been confirmed with the City at the May 19th, 2021 meeting. This location was agreed to be split between the intersection of Draper's Cove at Boggy Ford and the proposed Driveway 4. The sight distance analysis will be provided in a future submittal.

xv.	Page 20: The study recommends addition of an eastbound receiving lane at the intersection of Boggy Ford Road and Draper's Cove/Lincoln Cove in year 2026. It is mentioned that this improvement allows for two-stage gap acceptance and improves LOS. However, since Boggy Ford Road is an undivided road, there is no median refuge to enable two-stage maneuver (Synchro analysis assumes one vehicle can be stored in the median, which is not possible in this case). Also, it is not clear how the southbound left turn would safely maneuver into the receiving lane and merge with the eastbound through traffic without the risk of angle or sideswipe collisions. Please discuss how the two-stage maneuver is intended, demonstrate how it would improve operations, and specific design improvements needed to enable safe maneuver.	After further review, it was determined the eastbound receiving lane wasn't both reasonable and feasible. The improvement would only serve 12 vehicles, which are not attributed to the site development. Additionally, the curvature of the roadway poses sight distance and safety concerns. At this location only a signal would be reasonable to mitigate; however, there are sight distance concerns. A signal warrant analysis should be performed when the development is constructed to verify the feasibility. In addition, a stopping sight distance analysis should be performed.
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TBPE Firm Registration No. 812

MEMORANDUM

DATE: August 1, 2021
TO: Eric Belaj, P.E., CFM, City of Lago Vista
Roy Jambor, P.E., City of Lago Vista
FROM: Julia Colman, P.E., ATG
RE: Firefly Cove Sight Distance Study

Firefly Cove Sight Distance Study Overview

1.0 Boggy Ford Road

Alliance Transportation Group (ATG) performed an intersection sight distance study to determine acceptable locations for proposed access points to the Firefly Cove residential development in Lago Vista, Texas. Field observations were conducted in support of the study to determine which locations along Boggy Ford Road meet the intersection sight distance criteria found in AASHTO's *A Policy on Geometric Design of Highways and Streets*, 7th Edition (Green Book). The current proposed driveway locations are shown in **Figure 1**.

2.0 Drapers Cove

Additional analysis was conducted on the proposed driveway design along Drapers Cove. The review was done using the proposed CAD geometrics, and the figures shown depict information corresponding to the 30 mph design speed for each case.

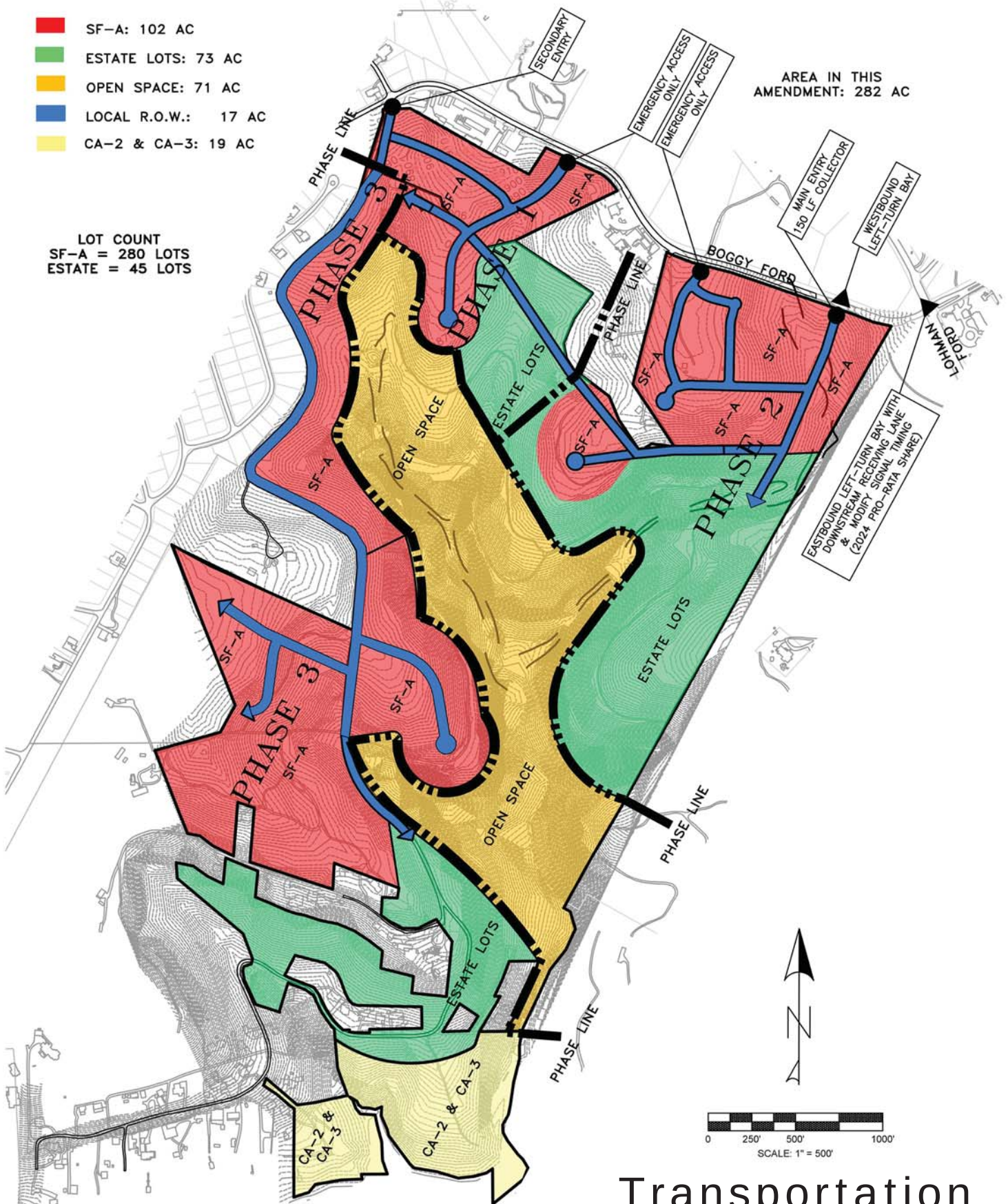
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- SF-A: 102 AC
- ESTATE LOTS: 73 AC
- OPEN SPACE: 71 AC
- LOCAL R.O.W.: 17 AC
- CA-2 & CA-3: 19 AC

LOT COUNT
 SF-A = 280 LOTS
 ESTATE = 45 LOTS

AREA IN THIS
 AMENDMENT: 282 AC



PHASE	LOT COUNT	BUILD OUT YEAR
1	60	2024
2	151	2024
3	114	2026

Transportation Plan

NOTE: PROPOSED RIGHTS OF WAY, ACREAGE AND LOT ARRANGEMENT ARE APPROXIMATE, PRELIMINARY AND SUBJECT TO CHANGE

1.1 Boggy Ford Road Sight Distance Analysis

There are several types of sight distance analyses relevant to different aspects of roadway design. Each type of sight distance is required to provide drivers the time to make a decision and maneuver the vehicle. The types of sight distance include stopping sight distance (required on all roads), passing sight distance (analyzed on two-lane highways to determine the locations of passing zones), and decision sight distance (required where drivers must make complex maneuvers). For the proposed driveways, an intersection sight distance analysis was performed.

Intersection sight distance is the minimum required line of sight for a driver approaching an intersection. On the major road, the driver should have an unobstructed view of the entire intersection for this distance. The driver on the minor street approach should have a line of sight along the intersecting roadway which permits the driver to anticipate and avoid a potential collision. Intersection sight distance was analyzed for vehicles turning from the minor roadway (the proposed driveways) onto Boggy Ford Road as well as for vehicles turning left from the major roadway to the minor roadway. AASHTO's Green Book criteria for intersection sight distance were used.

For this analysis, three intersection sight distance cases are applicable: left turns from the minor road (Case B1), right turns from the minor road (Case B2), and left turns from the major road (Case F). Cases B1 and B2 apply only at intersections with stop control on the minor road and no control on the major road.

According to the Green Book, intersection sight distance (ISD, ft) is determined by the design speed of the major road (V_{major} , mph) and the time gap required for minor road vehicles to enter the road (t_g , sec). Variable t_g is based on the type of design vehicle, presented in Tables 9-6, 9-8, and 9-16 (for Cases B1, B2, and F, respectively) in the Green Book.

$$ISD = 1.47V_{\text{major}}t_g$$

A passenger car was chosen as the design vehicle. This option is conservative because the height of the driver's eyes in a passenger car is much lower than other vehicles such as a truck driver's eyes; therefore, the sight line analyzed was much shorter along the major road than other vehicles that may exit the development. The passenger car design vehicle dictated the time gap for all three intersection sight distance cases.

The posted speed on Boggy Ford Road at the proposed site driveways is 40 mph. However, a design speed of 45 mph was assumed, where possible, to provide a conservative analysis. The time gap values and minimum sight distances of all cases are shown in **Table 1**.

Table 1: Intersection Sight Distance Analysis Criteria

<i>Intersection</i>	<i>Design Speed (mph)</i>	<i>Case</i>	<i>t_g (sec)</i>	<i>AASHTO Design Sight Distance (ft)</i>
Driveway 1 and Boggy Ford Road	45	B1 – Left turn from minor road	7.5	500
		B2 – Right turn from minor road	6.5	430
		F – Left turn from major road	5.5	365
Driveway 2 and Boggy Ford Road	40*	B1 – Left turn from minor road	7.5	445
		B2 – Right turn from minor road	6.5	385
		F – Left turn from major road	5.5	325
Driveway 3 and Boggy Ford Road	45	B1 – Left turn from minor road	7.5	500
		B2 – Right turn from minor road	6.5	430
		F – Left turn from major road	5.5	365

* This location did not meet the minimum sight distance criteria for a 45 mph design speed; therefore, the posted speed limit of 40 mph was used for analysis.

The criteria presented in **Table 1** were considered during field observations.

Field Observations

The methodology described in the Green Book was used to evaluate the sight distance criteria presented in **Table 1**. The sight distance criteria are also illustrated in **Figures 2, 3, and 4**. It should be noted that the sight distance evaluations consider both horizontal and vertical obstructions, assuming the driver of a passenger car cannot see over an object taller than 2 feet. Unmaintained vegetation was observed along Boggy Ford Road; it is recommended that vegetation along the property line be landscaped to a maximum height of 2 feet to maintain unobscured sight distance.

The proposed locations for Driveways 1 and 3 meet the minimum sight distance requirements presented in **Table 1** for a 45 mph design speed. Driveway 2 does not meet the minimum sight distance requirements for a 45 mph design speed, but meets the requirements for 40 mph, which is the posted speed limit. Additionally, a range of acceptable locations based on minimum sight distance requirements was considered for each driveway. Based on field observations, it was determined that Driveway 1 will still meet minimum sight distance criteria if located between the current proposed location and the eastern range limit approximately 185 feet west of the edge of pavement of Lohman Ford Road's north leg (measured along the centerline of Boggy Ford Road). Driveway 3 will also meet minimum sight distance criteria if located between the eastern range limit approximately 100 feet west of the edge of the Grace Fellowship parking lot and the western limit approximately 100 feet east of the Christian Science Society driveway (measured along the Boggy Ford Road edge of pavement). These acceptable ranges are illustrated in **Figures 2 and 4**. It was determined that there was no acceptable range of locations where Driveway 2 still met minimum sight distance requirements. Should Driveway 2 be constructed, it should be located as shown in **Figure 3**, as this was the only location observed to meet minimum sight distance requirements based on the 40 mph speed limit.

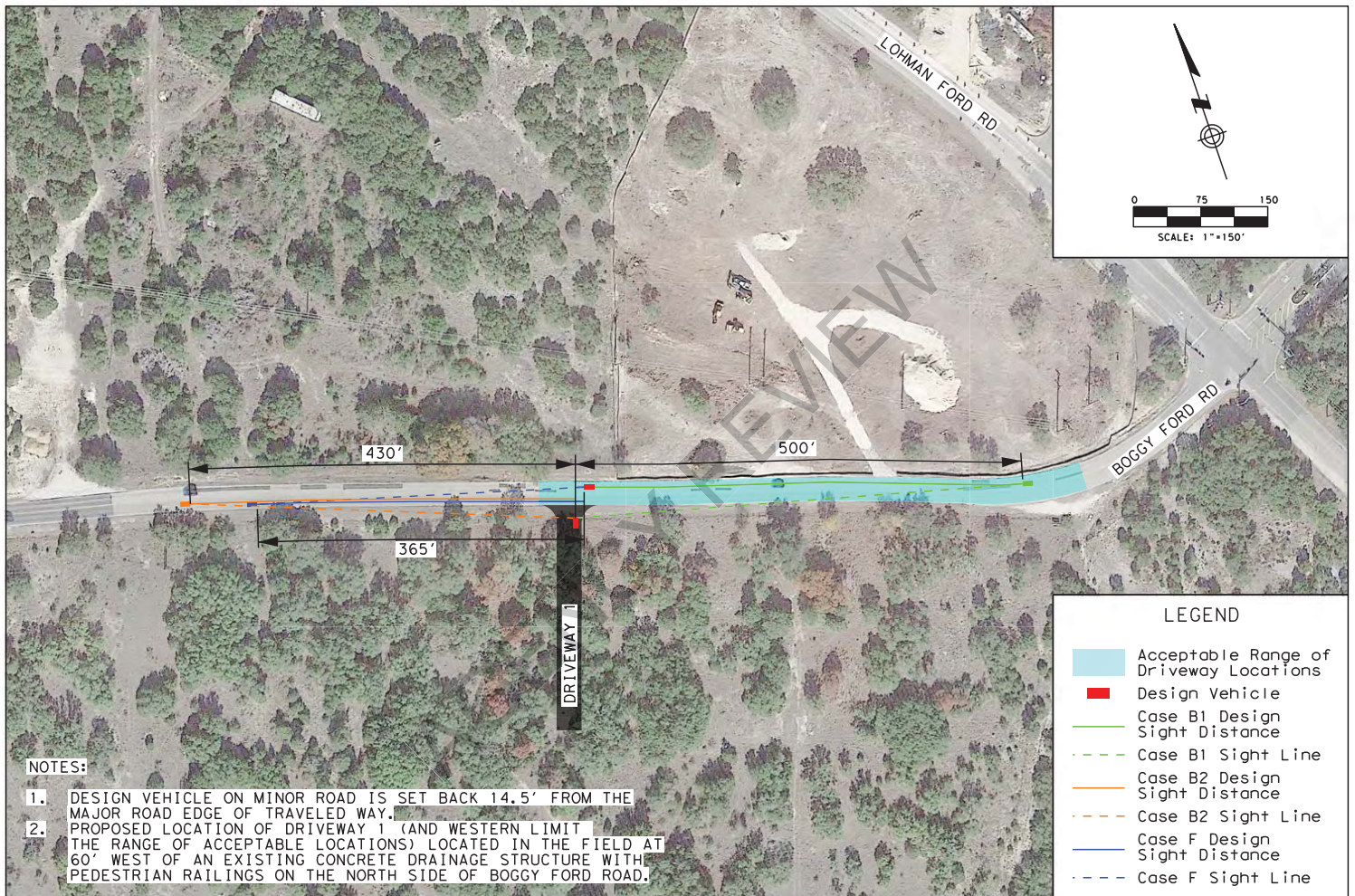


FIGURE 2: DRIVEWAY 1 SIGHT DISTANCE EVALUATION

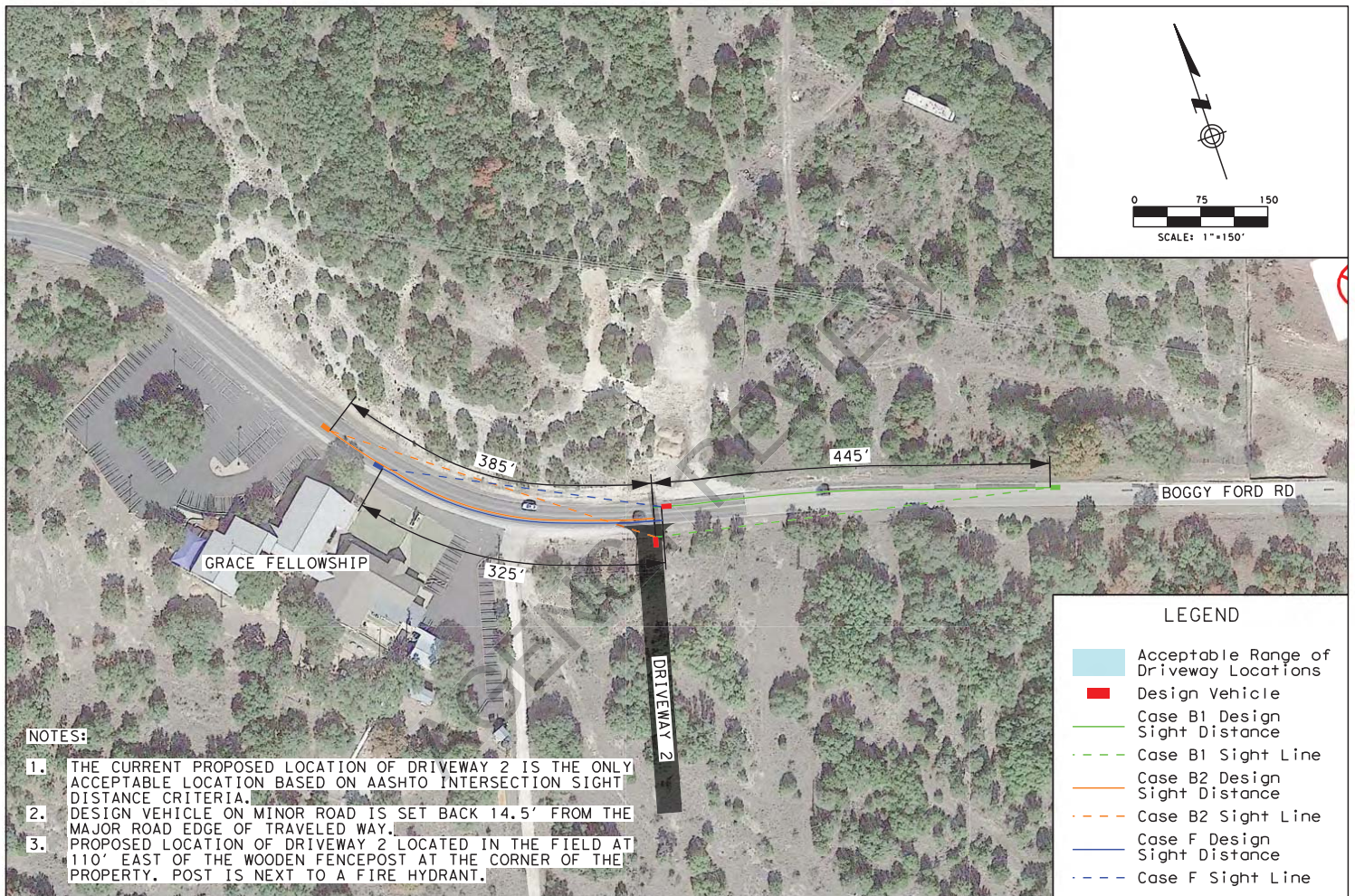


FIGURE 3: DRIVEWAY 2 SIGHT DISTANCE EVALUATION

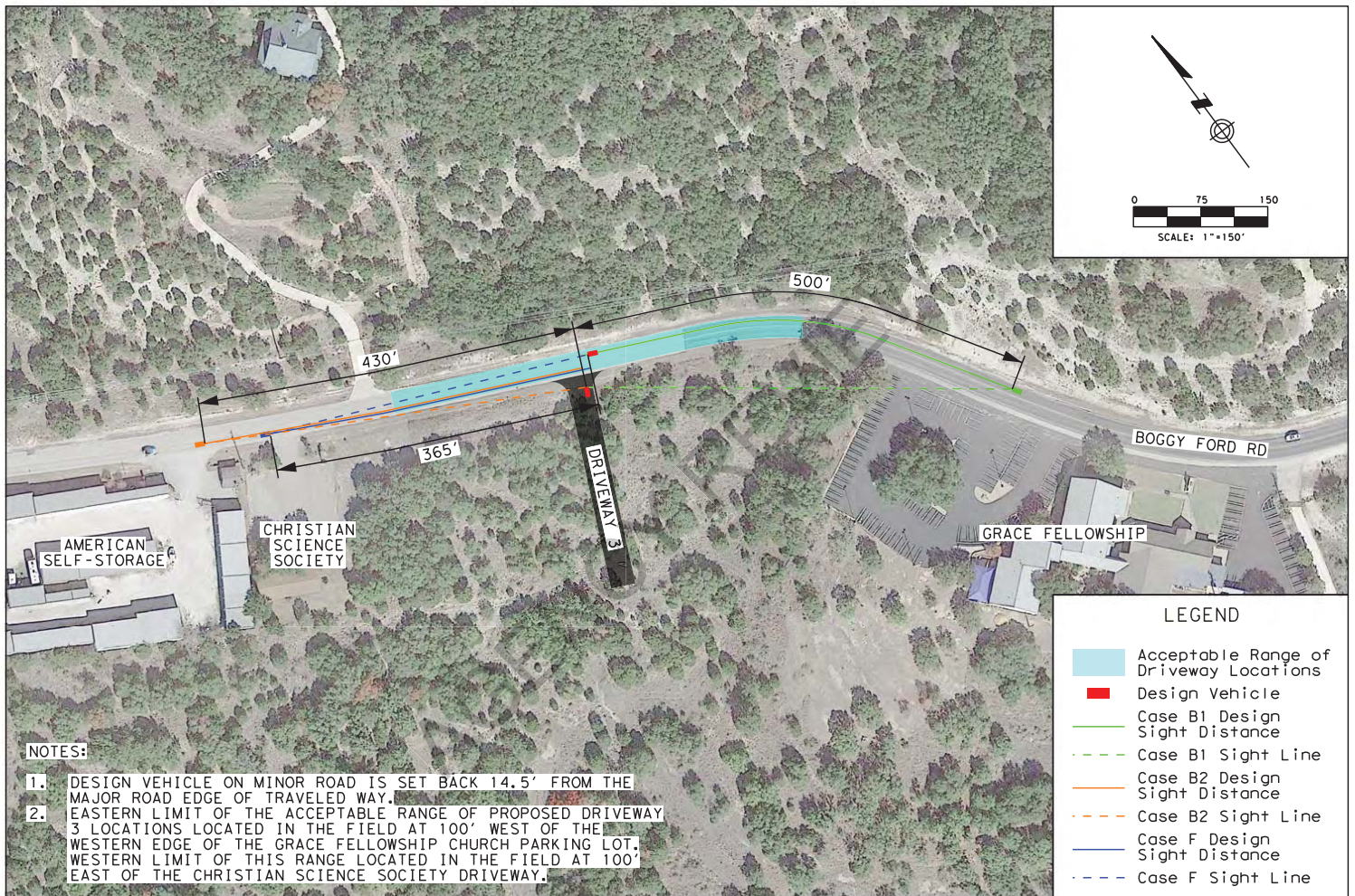


FIGURE 4: DRIVEWAY 3 SIGHT DISTANCE EVALUATION

1.2 Boggy Ford Road Conclusion

Based on AASHTO's Green Book intersection sight distance criteria and field observations, ATG determined acceptable locations for the proposed access points to the Firefly Cove residential development along Boggy Ford Road in Lago Vista, Texas. The current proposed locations of Driveways 1 and 3 are acceptable based on intersection sight distance criteria in the Green Book. Acceptable ranges of possible locations were also determined for Driveways 1 and 3, which are shown in **Figures 2 and 4**. Should Driveway 2 be constructed, it should take access to Boggy Ford Road at the location shown in **Figure 3**, as that is the only location that meets minimum sight distance requirements based on the 40 mph posted speed limit.

2.1 Draper's Cove Sight Distance Analysis

Draper's Cove is proposed to be realigned. A sight distance analysis was performed for Driveway 4, which intersects Draper's Cove on the portion proposed to be realigned. Below includes the analysis conducted for Draper's Cove, the results are summarized in **Tables 2 through 4** and depicted in **Figures 5 through 7**.

In the figures, the area between the dashed and solid lines shown is the clear sight triangle. Intersection sight distance is depicted in solid lines while sight line distance is depicted in dashed lines. Design vehicle and proposed grades are noted for each table when utilized.

Note: Figures are for diagrammatic purposes only.

Table 2 Case A – Intersections with No Control

CASE	Design Speed (mph)	Approach	Proposed Grade %	Adj. Factor	Length of Sight Triangle (FT)	Adjusted Sight Distance (FT)
A – Intersections with no Control	30	Minor (A1 ¹)	6.3	0.9	140	126
		Major (NB or B1)	7.38	0.9	140	126
		Major (SB or B2)	-7.38	1.1	140	154
	20	Minor (A1)	6.3	1	90	90
		Major (SB or B1)	7.38	1	90	90
		Major (NB or B2)	-7.38	1.1	90	99
Note: 1. $A2 = A1 + 12'$						

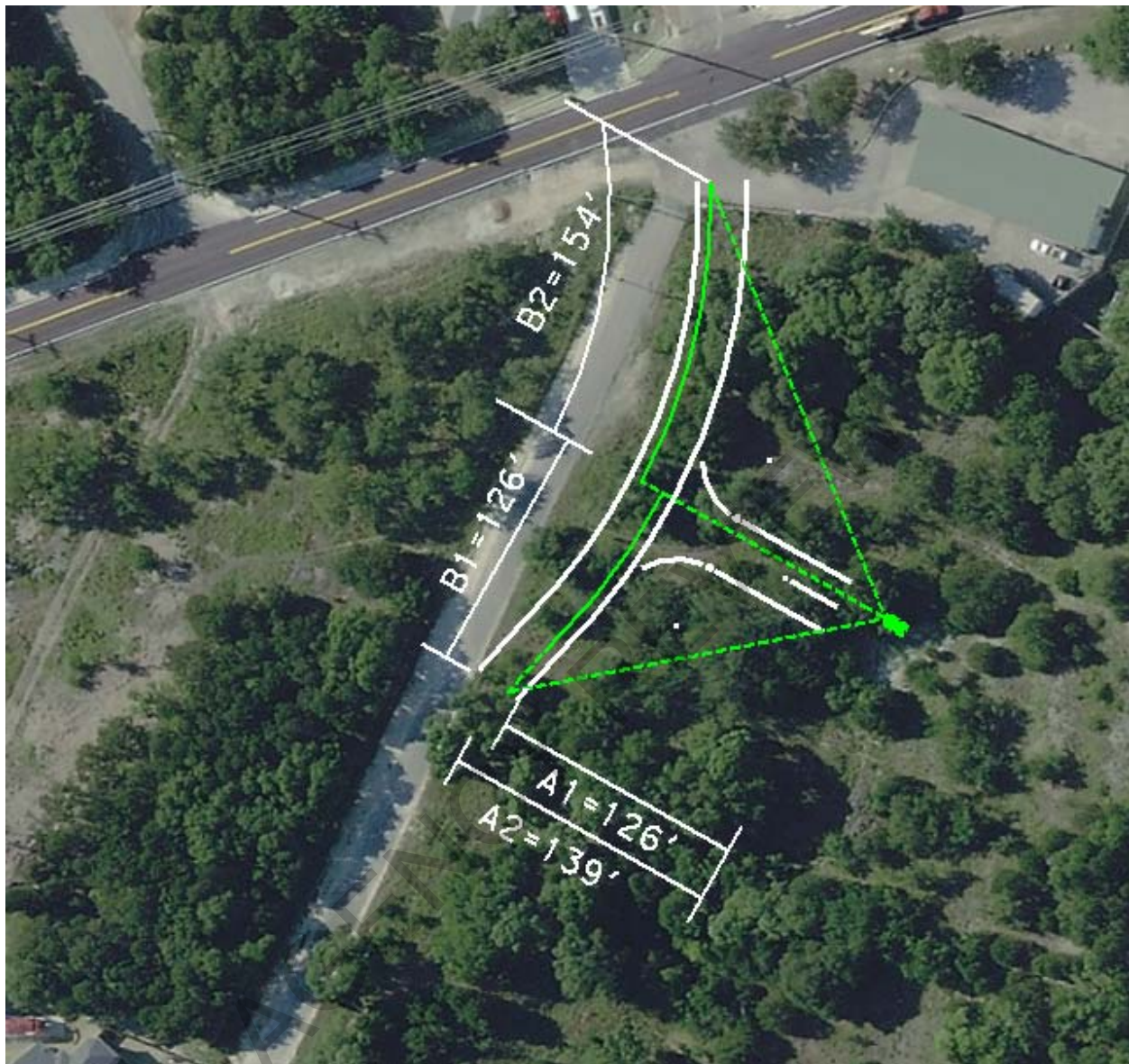


Figure 5: Case A (30 mph)

In Case A (**Figure 5**), the intersection sight distance (length of outer solid green lines) for the NB or B1 traffic is approximately 126 ft, and 154 ft for the SB or B1 traffic. Both lines of sight are unable to be achieved without tree removal.

Due to existing trees and the vertical profile of Drapers Cove, Case A is not recommended for intersection control of this proposed driveway.

21-1878-PDD-MOD
19517 Boggy Ford Road

Attachment 3
Previously Approved PDD Plans / Ordinances

CITY OF LAGO VISTA, TEXAS

ORDINANCE NO. 07-10-04-04

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 14, ZONING, REZONING 281 ACRES, MORE OR LESS FROM TEMPORARY ZONING TO ESTABLISH THE TUSIKANNI COVE PLANNED DEVELOPMENT DISTRICT (“PDD”); ESTABLISHING THE ZONING REQUIREMENTS FOR THE PLANNED DEVELOPMENT DISTRICT; MAKING FINDINGS OF FACT AND PROVIDING FOR RELATED MATTERS.

WHEREAS, Travis Meadows, L.P., owner of approximately 281 acres of land described by metes and bounds in the attached Exhibit “A” (the “Property”), has requested annexation and zoning of the Property that will authorize the development of 315 single-family lots, 54 multi-family units, community amenity centers and support facilities, a marina and a retail village (the “Project”), hereinafter referred to as the “Tusikanni Cove PDD”; and

WHEREAS, the City has completed the annexation of the Property and adopted temporary zoning thereon;

WHEREAS, after giving fifteen (15) days written notice to the owners of land within 200-feet of the Property, the Planning and Zoning Commission held a public hearing on the proposed re-zoning and forwarded its recommendations on the proposed Tusikanni Cove PDD Zoning Ordinance to the City Council; and

WHEREAS, after publishing notice to the public at least fifteen (15) days prior to the date of such hearing, the City Council at a public hearing has reviewed the requests and circumstances of the Property and finds that a substantial change in circumstances of the Property is sufficient to warrant a change in the zoning of the Property as provided below has transpired; and,

WHEREAS, the City, by and through its legislative discretion has adopted and may amend a comprehensive plan for the City of Lago Vista, and having considered and reviewed such comprehensive plan, the City Council finds the rezoning approved herein is consistent with the comprehensive plan which shall not be interpreted as inconsistent with this rezone; and

WHEREAS, the City desires that development within its corporate limits occur in an orderly manner in order to protect the health, safety and welfare of its present and future citizens, protect property values and provide for the growth of the City’s tax base; and

WHEREAS, the City desires to control the development standards for the Property and protect third party property owners in the city and/or abutting said Property,

and to ensure the benefits of planned development and enhanced tax base that are achieved through rezoning the Property.

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

Section 1. Findings: The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The Commission, City Manager and City Council find that the PDD in this Ordinance satisfies the requirements of Section 10.20 of the City of Lago Vista Zoning Ordinance, codified under Ordinance No. 98-04-27-03, as amended (“the Zoning Code”).

Section 2. Amendment of Zoning Ordinance. Ordinance No. 98-04-27-03, as amended, the City of Lago Vista Zoning Ordinance (the "Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3. Further, this Zoning Ordinance amends and replaces Ordinance No. 07-09-06-01, as amended, amending the zoning applicable to the Property and establishing permanent zoning. Provided, that should any conflict appear between the requirements in the comprehensive zoning ordinance and the requirements set forth herein and as depicted on the map exhibits attached hereto as Exhibit “B” and incorporated herein by reference, the requirements set forth herein shall control.

Section 3. Zoning Requirements: The zoning requirements established for the Property (hereinafter referred to as “Tusikanni Cove PDD”) shall be those as established and adopted by Ordinance No. 98-04-27-03, as amended, except as specifically set forth below.

1. Zoning for the Single-Family Area – Type I
 - A. The residential lot areas identified on The Tusikanni Cove PDD Map Exhibit “B” attached hereto and incorporated herein by reference, identified as “SF-I Lots” shall comply with the zoning requirements and development standards for Single Family Zoning “R-1(C)”, except as hereinafter modified.
 - B. Total number of SF-I Lots shall not exceed 180.
 - C. Minimum lot frontage: Each single family lot within SF-I shall have a minimum width of one hundred feet (100’) along the front property line, with the exception of cul-de-sac lots, which shall have a minimum width of sixty feet (60’) along the front property line and a minimum width of seventy-five feet (75’) at the front setback line.
 - D. Lot coverage shall not exceed 50%.
 - E. Minimum Living Area Square Footage: 1,800 square feet.
2. Zoning for the Single-Family Area – Type II
 - A. The residential lot areas identified on The Tusikanni Cove PDD Map

Exhibit “B” attached hereto and incorporated herein by reference, identified as “SF-II Lots” shall comply with the zoning requirements and development standards for Single Family Zoning “R-1(B)”, except as hereinafter modified

- B. Total number of SF-II Lots shall not exceed 50.
 - C. Minimum lot frontage: Each single family lot within SF-II shall have a minimum width of fifty feet (50’) along the front property line, with the exception of cul-de-sac lots, which shall have a minimum width of thirty-five feet (35’) along the front property line and a minimum width of forty-five feet (45’) at the front setback line.
 - D. Lot coverage shall not to exceed 70%.
 - E. Minimum Living Area Square Footage: 1,400 square feet.
 - F. Minimum side yard set back: zero feet (0’) for common courtyard area between lots (one side of lot only). Total side yard setback: five feet (5’) with a minimum ten feet (10’) between structures.
3. Zoning for the Single-Family Area – Type III
- A. The residential lot areas identified on The Tusikanni Cove PDD Map Exhibit “B” attached hereto and incorporated herein by reference, identified as “SF-III Lots” shall comply with the zoning requirements and development standards for Single Family Zoning “R-1(C)”, except as hereinafter modified.
 - B. Total number of SF-III Lots shall not exceed 85 lots.
 - C. Minimum lot frontage: Each single family lot within SF-III shall have a minimum width of seventy-five feet (75’) along the front property line, with the exception of cul-de-sac lots, which shall have a minimum width of fifty feet (50’) along the front property line and a minimum width of sixty-five feet (65’) at the front setback line.
 - D. Lot coverage shall not exceed 60%.
 - E. Minimum Living Area Square Footage: 1,700 square feet.
4. Zoning for the Community Amenity – Entry Feature
- A. The community amenity lot identified on The Tusikanni Cove PDD Map Exhibit “B” attached hereto and incorporated herein by reference, identified as “CA-1”, shall comply with the zoning requirements and development standards for Commercial Low Density “C-1C”, except as hereinafter modified.
 - B. Lot CA-1 uses shall serve as entry feature to community and house common community services. Lot CA-1 shall be used for such services as sales office, security office, community meeting, post office box center and similar uses; provided all community buildings and features shall be maintained on private property by a funded home owners association.
 - C. Lot coverage shall not exceed 60%.
 - D. Building Setbacks are as follows:
 - i. front yard setback is twenty feet (20’);
 - ii. rear yard setback is twenty feet (20’);
 - iii. side yard setback is ten feet (10’).

- E. Off-street parking for Lot CA-1 is to be 1 spot per every 300 square feet of gross floor area.
5. Zoning for the Community Amenity – Marina and Lake Access
- A. The community amenity lot identified on The Tusikanni Cove PDD Map Exhibit “B” attached hereto and incorporated herein by reference, identified as “CA-2”, shall comply with the zoning requirements and development standards for Commercial Marina “C-3”, except as hereinafter modified.
 - B. Lot CA-2 shall serve as a community amenity to provide access to Lake Travis. Uses permitted on Lot CA-2 include, but are not limited to: marina, day docks, courtesy slips, boat launch facilities and associated parking. In addition Lot CA-2 may include recreational uses such as outdoor barbeque grills, picnic enclosures, playground, and other similar uses.
 - C. The lot coverage shall not exceed 60%.
 - D. Off street parking shall be provided at the ratio of one (1) parking spot per two (2) slips.
 - E. Boat launch operations shall be restricted to times between the hours of 6:00 am and 10:00 pm
6. Zoning for the Community Amenity – Community Club and Recreation
- A. The community amenity lot identified on The Tusikanni Cove PDD Map Exhibit “B” attached hereto and incorporated herein by reference, identified as “CA-3”, shall comply with the zoning requirements and development standards for Commercial Low Density “C-1C”, except as hereinafter modified.
 - B. Lot CA-3 shall serve as a community amenity and provide for community recreational activities. Uses permitted on Lot CA-3 include, but are not limited to: community meeting rooms, exercise rooms, post office box center, banquet facilities, pool and spa facilities, dining areas, outdoor barbeque, picnic shelters, tennis courts, playground, other active / passive recreational uses, sales office, security office and other similar uses.
 - C. The lot coverage shall not exceed 60%.
 - D. Off street parking shall be provided at the following ratios:
 - i. one (1) parking spot per one hundred (100) square feet of restaurant / banquet facilities;
 - ii. one (1) parking spot per three hundred (300) square feet of all other air conditioned space.
7. Zoning for the Community Amenity – Lake Services
- A. The community amenity lot identified on The Tusikanni Cove PDD Map Exhibit “B” attached hereto and incorporated herein by reference, identified as “CA-4”, shall comply with the zoning requirements and development standards for Commercial Marina “C-3”, except as hereinafter modified.
 - B. Lot CA-4 shall serve as a community amenity and provide public services

in support of lake access and water recreation. Uses permitted on Lot CA-4 include, but are not limited to: watercraft storage, watercraft trailer storage, RV storage, watercraft sales and rentals, watercraft repair and service and other similar uses.

- C. Parking shall be determined at the time of site plan preparation considering exact use(s), access (public or private), and Lago Vista zoning ordinance parking requirement in effect at the time of site plan submittal.

8. Zoning for the Retail/Community Village

- A. The retail community village lot identified on The Tusikanni Cove PDD Map Exhibit "B" attached hereto and incorporated herein by reference, identified as "RV", shall comply with the zoning requirements and development standards for Commercial Intense "C-2", except as hereinafter modified.
- B. Lot RV shall serve as a community retail village and multi-family housing. Uses permitted on Lot RV include, but are not limited to: retail / shopping, services such as dry cleaners / florists / etc and multi-family housing in the form of condominiums (not to exceed 54 units) and other similar uses permitted under R-4 and C-2.
- C. Minimum average living square footage of condominiums: 1,200 square feet with absolute minimum of 1,000 square feet for any unit.
- D. Any sales of alcohol or liquor on this tract shall comply with all existing City of Lago Vista and Texas Alcoholic Beverage Commission rules for setback from churches, schools, etc.
- E. The lot coverage maximum is 70%.
- F. All structures will have a 75 foot setback from Boggy Ford Road.

9. Common Area-OS

- A. The open space lots identified on The Tusikanni Cove PDD Map Exhibit "B" attached hereto and incorporated herein by reference, identified as "OS", shall comply with the zoning requirements and development standards for Park and Greenbelt District "P-1A", except as hereinafter modified.
- B. Open Space shall serve as a community amenity and preserve open space. Uses permitted in the OS lots shall include, but are not limited to: walking / biking trails, picnic shelters, gazebos, scenic overlook pavilions, park benches, observation towers, etc.
- C. Home Owners Association must be funded to maintain the Open Space.

10. The aggregate impervious cover for the entire development shall not exceed 30% and shall be in accordance with the Highland Lakes Watershed Ordinance and the Technical Manual.

11. Building height for all zones within the Tusikanni Cove PDD is limited to a maximum of 35 ft as measured from the highest existing ground elevation on the lot.

12. The City of Lago Vista shall have a public safety and utility easement over all private streets and roadways and all easements and green belts dedicated for general community use by the Tusikanni Cove Subdivision.
13. Each developed lot within the Tusikanni Cove PDD shall be served by the City of Lago Vista water and wastewater utility services. Wastewater utilities located within this Subdivision are public utilities up to the point of connection at each lot's lot line. Water utilities are part of the public system up to the point of construction to a private service meter.
14. No sidewalks shall be required for any lots.
15. All signage will comply with the City of Lago Vista Sign Ordinance.
16. Street lighting shall not be required. All exterior lighting to be installed in the subdivision or along the entrance to subdivision shall be low level, down casting lighting. Such lighting fixtures shall have dimming capabilities and will be dimmed to one-half (1/2) of its normal wattage after 11:00 PM.
17. All development shall be in compliance with the LCRA Highland Lakes Watershed Ordinance as adopted by the LCRA on the date this PDD is approved by this ordinance.
18. Cut and fill shall be limited to a maximum of four feet (4') from existing grade. Staff may approve variances from this requirement allowing up to eight feet (8') cut or fill if the cut or fill is sloped or is terraced to control erosion and sedimentation or retaining wall as provided. Exception: this standard shall not apply to roadway construction within ROW or slope easements for street / utility construction or features to create lake access (i.e. boat launch facilities, marinas, etc).
19. No oil drilling, extraction or removal of stone, gravel, caliche, minerals, earth or other natural material for commercial purposes shall be permitted.
20. Use and development of all lots in the Tusikanni Cove PDD shall be in accordance with all applicable provisions of the Water Utility Agreement executed effective _____, 2007 by and between the City of Lago Vista and LV Water, LLC, a Texas limited partnership and the Wastewater Utility Agreement executed effective _____, 2007 by and between the City of Lago Vista and LV Water, LLC, a Texas limited partnership.
21. No building or other structure, except a marina facility structure including a boat launch ramp necessary access and appurtenances, may be constructed below the CWQZ.
22. Except for conditions specifically set forth in this ordinance, the Zoning

Ordinance 98-04-27-03 and other City ordinances, as amended from time to time, shall apply.

23. Residential structures shall have exterior facades constructed of 75% masonry. Masonry shall be defined herein to include stone, brick, stucco and similar materials approved by the City.
24. Commercial structures shall have exterior facades constructed of a minimum 75% masonry.
25. Cul-de-sac length will be allowed up to a maximum of 2,000 lineal feet with “turn-a-rounds bubbles” having a radius of 60’ shall be provided at intervals not to exceed every 1,000 linear feet.
26. Private street rights-of-way classified as “minor” shall be allowed to be fifty feet (50’) wide and have a minimum paved width of twenty-four feet (24’) with eighteen inch (18”) concrete ribbon curb each side.
27. Shared access private driveways and alleys serving a maximum of three single-family homes shall have a minimum 30-ft easement and pavement width of at least twenty feet (20’) wide. Withstanding provisions of other sections, flag lots served by shared access driveways shall have a minimum frontage to a Right of Way of thirty feet (30’). Minimum lot widths at the building line shall be per respective single family lot type above.
28. The Project, as part of its first phase of lot development, will construct a dedicated left turn lane on Boggy Ford Road into the subdivision. This dedicated left turn lane shall include not more than 75-ft of queuing length and 350-ft deceleration lane / taper. [Dimensions to be updated based upon recommendations from traffic consultant]
29. Fences will comply with fencing provisions of the Zoning ordinance except chain link or barbed wire fences shall be prohibited.
30. No boats or recreational vehicles may be parked on any residential lots in the Tusikanni Cove PDD unless fully enclosed and not visible from the street.
31. The Property within the Tusikanni Cove PDD shall be platted subject to compliance with City subdivision and development regulations.
32. The Developer agrees to convey to the City of Lago Vista fifteen feet (15’) Right of Way along Boggy Ford Road.
33. Residential lots shall contain a building site of at least two thousand square feet (2000 sq. ft.) of contiguous land with a slope not greater than 35%. The minimum building site area shall not include any utility easements, drainage easements, ponds / detention basins, land within the CWQZ or land within the building

setback line.

34. The Property, as a condition of approval of plats, must have a funded Home Owners Association obligated to maintain within the boundaries of the Property all open space, roads and community amenities.
35. It is the intention of both parties, the City of Lago Vista and Travis Meadows, that overlap areas of the Draper Estate CCN and the Tusikanni Cove PDD be released from the Draper Estate CCN. The City of Lago Vista will not extend any water or wastewater service into areas covered by the Draper Estate CCN until such time as the area to be served is released from the Draper Estate CCN.

Section 5. Special Exception and Variance. To the extent any authorization or approval of this Tusikanni Cove PDD is in conflict with the water quality requirements of any agreement entered into between the City of Lago Vista and any other city, such authorization or approval shall be deemed to have been granted by special exception and variance by a finding of public necessity through the duly adopted governing body of the City of Lago Vista.

Section 6. Amendment of Ordinances. Ordinance number 98-04-27-03 is hereby amended to add the above described Tusikanni Cove Planned Development District. Any portion of the Zoning Code, Comprehensive Plan or any applicable ordinance in conflict herewith is hereby repealed to the extent of such conflict only.

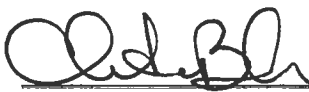
Section 7. Severability. Should any section of part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section of part shall in no way affect, impair or invalidate the remaining portion of portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

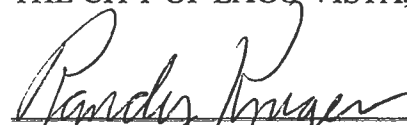
Section 8. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Tex. Gov't. Code.

PASSED AND APPROVED on this 4th day of October, 2007.

ATTEST:

THE CITY OF LAGO VISTA, TEXAS

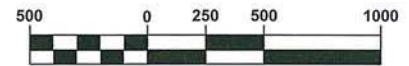
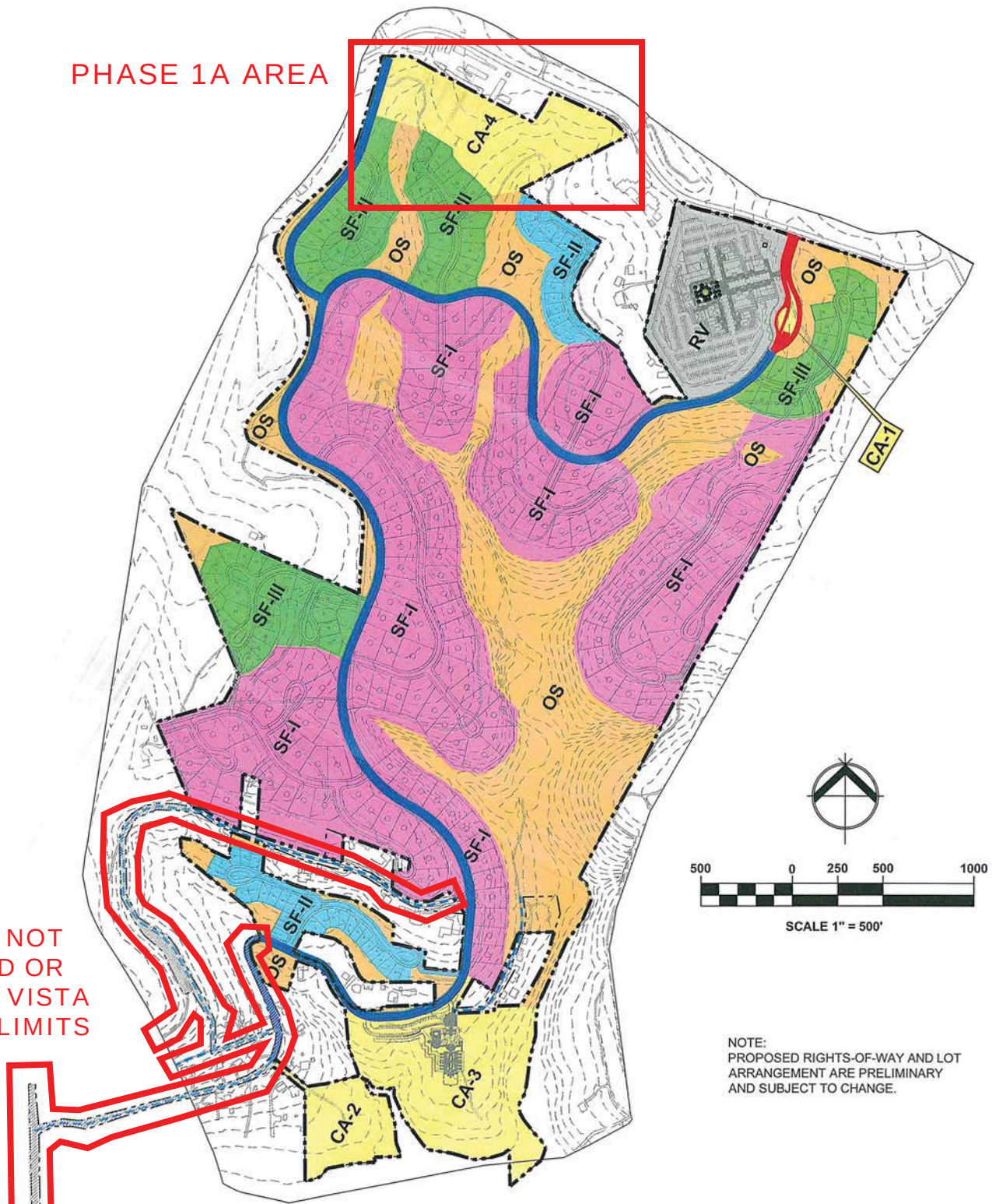

Christina Buckner, City Secretary


Randy Kruger, Mayor

On a motion by Mike Thornton, seconded by Susan Euresti, the above and foregoing instrument was passed and approved.

PHASE 1A AREA

AREA NOT
IN PDD OR
LAGO VISTA
CITY LIMITS



SCALE 1" = 500'

NOTE:
PROPOSED RIGHTS-OF-WAY AND LOT
ARRANGEMENT ARE PRELIMINARY
AND SUBJECT TO CHANGE.

TUSIKANNI COVE PDD ZONING MAP

- TOTAL ANNEX AREA: APPROX. 281 AC
- SINGLE FAMILY (SF-I): 115 AC, 180 UNITS
- SINGLE FAMILY (SF-II): 12 AC, 50 UNITS
- SINGLE FAMILY (SF-III): 30 AC, 85 UNITS
- COMMUNITY AMENITIES (CA): 33 AC
- OPEN SPACE: 62 AC
- RETAIL VILLAGE (RV): 15 AC
- COLLECTOR ST. & ENTRY RD: 14 AC

- ANNEX BOUNDARY
- GATED ENTRY
- COLLECTOR STREET
- EXISTING PRIVATE ROADS TO REMAIN

ORDINANCE NO. 20-11-19-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE OFFICIAL ZONING MAP FOR THE PROPERTY COMMONLY REFERRED TO AS 19517 BOGGY FORD ROAD AND CONSISTING OF AN APPROXIMATELY 12.137-ACRE PORTION OF THE CURRENT “TUSIKANNI COVE PLANNED DEVELOPMENT DISTRICT” (PDD) AND HEREINAFTER REFERRED TO AS “PHASE 1A OF THE FIREFLY COVE PLANNED DEVELOPMENT DISTRICT” (PDD) BY CHANGING VARIOUS GENERAL PROVISIONS OF ORDINANCE 07-10-04-04, TO MODIFY THE USES AND DEVELOPMENT REGULATIONS SPECIFICALLY APPLICABLE TO THE TRACT FORMERLY DESIGNATED AS “CA-4” AND TO PROVIDE FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; SEVERABILITY; REPEALER; PENALTY; PUBLICATION; EFFECTIVE DATE; AUTHORIZING THE CITY MANAGER TO NOTE THE CHANGE ON THE OFFICIAL ZONING MAP OF THE CITY; PROPER NOTICE AND MEETING.

WHEREAS, Travis Meadows L.P., acting by and through their authorized representative Dirk Gosda, the owner of approximately 12.137 acres of land in the W.A. Cook Survey, Abstract Number 2605, Travis County, Texas, as more particularly described on the attached **Exhibit “A”** (described hereinafter as the “Property”), have requested that the Property be zoned as a Planned Development District (PDD) to be known as “Phase 1A of the Firefly Cove Planned Development District” (PDD); and

WHEREAS, the Property currently resides within the corporate limits of the City of Lago Vista;

WHEREAS, the conceptual plan for the Property is set forth in this “Phase 1A of the Firefly Cove Planned Development District” (PDD) zoning ordinance (the “Ordinance”) and in **Exhibit “B”** attached hereto (the “Phase 1A Land Use Plan”), which designates the land use for the Property as further described in Section 5 below;

WHEREAS, after giving ten (10) days written notice to the owners of land in and within 200-feet of the area being rezoned, as well as having published notice to the public at least fifteen (15) days prior to the date of such hearings, the Planning and Zoning Commission and City Council each held separate public hearings on the proposed rezoning of the Property included in this Ordinance; and

WHEREAS, the Planning and Zoning Commission at its public hearing held on October 8, 2020 and the City Council at its public hearings held on November 5, 2020 and November 19, 2020, have both reviewed the request and the circumstances of the Property, and find that a substantial change in the circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired; and

WHEREAS, the City, by and through its legislative discretion, has adopted a comprehensive plan for the City of Lago Vista, and having considered and reviewed such comprehensive plan, the City Council finds the rezoning approved herein is consistent with the comprehensive plan which shall not be interpreted as inconsistent with this rezoning; and

WHEREAS, the City desires that development within its corporate limits occur in an orderly manner in order to protect the health, safety, and welfare of its present and future citizens, protect property values and provide for the growth of the City's tax base; and

WHEREAS, the City desires to control the development standards for the Property, protect third party property owners in the City, and to ensure the benefits of planned development and an enhanced tax base that are achieved through rezoning the Property; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to zone and rezone property; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Lago Vista to adopt this Ordinance.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The Planning and Zoning Commission and City Council find that this Ordinance satisfies the requirements of Section 10 and Section 13 of the City of Lago Vista Zoning Ordinance, codified under Ordinance No. 98-04-27-03, as amended (the "Zoning Code").

Section 2. Enactment. The Zoning Code and other applicable ordinances are hereby modified and amended by rezoning the Property as set forth in Section 3.

Section 3. Rezoned Property. The Zoning Code is hereby amended by zoning the Property being the 12.137-acre tract of land described on **Exhibit "A"** attached to this Ordinance, as a Planned Development (PDD) zoning district. The Property is hereby zoned as "Phase 1A of the Firefly Cove Planned Development District" (PDD) with the uses of individual land areas as set forth in this Ordinance.

Section 4. Amendment of Applicable Zoning Ordinances. The zoning requirements established in this Ordinance shall apply to the Property. The comprehensive zoning requirements of the Zoning Code and all other applicable ordinances, as they may be amended by this Ordinance, shall apply to the Property. Should any conflict appear between the requirements of the zoning and development ordinances of the City of Lago Vista as compared

with the requirements for the Property set forth in this Ordinance, the requirements set forth in this Ordinance shall control.

Section 5. Identification of Parcels within the PDD. The Property, formerly designated as tract “CA-4” in Ordinance No. 07-10-04-04, consists of the following land use areas as depicted in **Exhibit “B”** attached hereto and incorporated herein for all purposes:

1. “SF-A” limited to 20 single-family residential lots in Phase 1A;
2. “Future Development” in accordance with subsequent phase approvals; and,
3. Open space consisting of both parkland dedications and stormwater accommodations, such as detention and water quality improvements.

Section 6. Zoning Requirements. The following use and site development requirements established herein shall apply to the Property or revise general provisions of the existing approval:

1. **Zoning.** The requirements for the Single-Family Residential area type “SF-A” shall be added to the list of uses and development standards.
 - A. Use and development of the Property designated as “SF-A” shall comply with the zoning requirements and development standards for “R-1D Single-Family Residential” zoning district, except as hereinafter modified.
 - B. The minimum width of any “SF-A” single-family residential lot shall be forty feet, except those that front on cul-de-sacs. The minimum width of any “SF-A” single-family residential lot fronting on a cul-de-sac shall be 33 feet at the property line and 40 feet at the front building line (setback).
 - C. The impervious surfaces on any individual “SF-A” single-family residential lot shall not exceed 65 percent, while the total cumulative impervious surfaces for all “SF-A” single-family residential lots shall not exceed 38 percent.
 - D. The minimum living area for any “SF-A” single-family residence shall be 1,100 square feet.
 - E. The minimum setbacks for any “SF-A” single-family residential lot shall be as follows:
 - i. The minimum front or corner lot side yard setback for residences that include a garage facing a right-of-way is 20 feet.
 - ii. The minimum front or corner lot side yard setback for residences that do not include a garage facing a right-of-way is 15 feet.

- iii. Covered porches (columns and overhangs) are allowed to encroach up to 5 feet into a front yard setback.
- iv. The minimum rear yard setback is 15 feet.
- v. Covered porches or patios (columns and overhangs) are allowed to encroach up to 8 feet into a rear yard setback.
- vi. The minimum side yard setback is 5 feet (10 feet cumulative).
- vii. A maximum encroachment of 6 inches shall be allowed in all setbacks to accommodate exterior wall finish changes (i.e. siding to masonry).
- viii. Below grade foundation elements (such as spread footings or counter forts) may encroach into required setbacks, but not dedicated easements.
- ix. Notwithstanding the provisions above, no building line shall allow an encroachment that obstructs a minimum 15 foot vision triangle adjacent to any garage or driveway.

2. Revisions to general provisions of the existing approval. The following general provisions of Ordinance 07-10-04-04 are modified as indicated.

- A. Provision 7 of Section 3 (Zoning Requirements) “Zoning for the Community Amenity – Lake Services” relating to the tract formerly designated as “CA-4” is repealed in its entirety.
- B. Provision 11 of Section 3 (Zoning Requirements) relating to building heights shall be applicable to all new use designations (including the Single-Family Residential area type “SF-A”) unless specifically stated otherwise.
- C. Provision 20 of Section 3 (Zoning Requirements) relating to an agreement that was never executed between the City of Lago Vista and an unknown limited partnership referred to as LV Water, LLC is repealed in its entirety.
- D. In accordance with HB 2439 of 2019, provision 23 and provision 24 of Section 3 (Zoning Requirements) requiring the use of masonry are each repealed in their entirety.
- E. Provision 28 of Section 3 (Zoning Requirements) relating to the design and construction of the main entry to the development from Boggy Ford Road shall be repealed and reenacted as follows:

Any application that includes more than the 20 single-family residential lots approved herein as Phase 1A and any subsequent amendments to the “Firefly Cove Planned Development District” (PDD) shall be accompanied by an approved traffic impact analysis identifying all improvements that shall be

the responsibility of the developer to accommodate traffic volume increases caused by the proposed uses.

- F. Provision 30 of Section 3 (Zoning Requirements) relating to the parking of boats or recreational vehicles on residential lots shall be repealed in its entirety and the default provisions of the “R-1D Single-Family Residential” zoning district shall instead be applicable.
- G. Provision 32 of Section 3 (Zoning Requirements) relating to the dedication of additional Boggy Ford Road right-of-way shall be repealed and reenacted as follows:

The developer shall, at no cost to the City of Lago Vista, dedicate any additional right of way along Boggy Ford Road identified in the required traffic impact analysis.

- H. Provision 35 of Section 3 (Zoning Requirements) relating to the boundaries of the Draper Estate CCN (certificate of convenience and necessity) shall be repealed and reenacted as follows:

The developer confirms and will provide documentation from a Texas registered professional land survey prior to any subsequent applications or approvals that the boundaries of the current Draper Estate CCN (certificate of convenience and necessity) are outside of the current municipal limits of the City of Lago Vista.

- 3. The appropriate departments of the City, the Planning & Zoning Commission and the City Council hereby find and agree that this Ordinance and Phase 1A of the development described herein complies with and satisfies the requirements of Section 10.20 and 13.20 of the Zoning Ordinance and the Comprehensive Master Plan of the City of Lago Vista. The City Council finds that this Ordinance serves as both a concept plan and a detail plan approval and that no additional detail plans are required by the Zoning Ordinance and thus the requirements of Section 10.20(e) have been met.

Section 7. Repealer. The Zoning Ordinance and all other applicable portions of the Lago Vista Code of Ordinances are amended as required to incorporate the “Lakeshore Boulevard PDD” as described herein. Any portion of the Zoning Ordinance, Comprehensive Master Pan or any applicable ordinance in conflict with this Ordinance is hereby repealed or amended to the extent of such conflict only.

Section 8. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

Section 9. Penalty. Any person, firm or corporation violating any of the provisions or terms of this Ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances, Section 1.109 General Penalty for Violations of Code; Continuing Violations of the City of Lago Vista, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

Section 10. Publication Clause. The City Secretary of the City of Lago Vista is hereby directed to publish in the Official Newspaper of the City of Lago Vista the Caption, and Effective Date Clause of this Ordinance as required by Section 52.013 of the *Texas Local Government Code*.

Section 11. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below in accordance with the provisions of the *Texas Local Government Code* and the City's Charter.

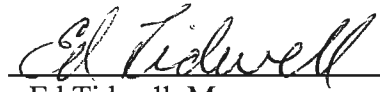
Section 12. Change of Zoning Map. The City Manager is hereby authorized to and shall promptly note the zoning change on the official Zoning Map of the City of Lago Vista, Texas.

Section 13. Proper Notice and Meeting. 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, *Chapter 551, Texas Local Government Code*.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 19th day of November 2020.




Ed Tidwell, Mayor

ATTEST:


Sandra Barton, City Secretary

On a motion by Mayor Pro Tem Weatherly, seconded by Councilman Williams, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"

Phase 1A Legal Description

In Re: 12.137 Acres
Part of a called 289.40 Acre tract
W.A. Cook Survey
Abstract No. 2605
Travis County, Texas

All that certain tract or parcel of land situated in Travis County, Texas, being a part of the W.A. Cook Survey, Abstract No. 2605, being a part of a called 289.40 Acre tract conveyed from Legacy Partners, Inc. to Travis Meadows, LP by deed recorded in Document Number 2006125525 of the Official Public Records of Travis County, Texas and being more particularly described by metes and bounds as follows to wit:

BEGINNING at a found ½" iron rod on the south Right-of-Way line of Boggy Ford Road (Variable Width – No Recording Information Found), at the northeast corner of Boggy Ford Estates recorded in Document Number 201800298 of the Plat Records of Travis County, for the common northwest corner of the said 289.40 Acre tract, the apparent end of Drapers Cove (Private Road) and of this tract;

THENCE N 86°40'38" E - 156.06' partially along the said end of Drapers Cove, along the common line between the said south Right-of-Way line of Boggy Ford Road and a called 2.408 Acre tract conveyed to Park Place Lago Vista Storage, LLC in Document Number 2018002737 and corrected in Document Number 2018009141 of the said Official Public Records of Travis County, Texas, respectively, and the said 289.40 Acre tract to a found mag nail in the top of an 8" creosote fence post at an interior ell corner of the said 2.408 Acre tract, for a common exterior ell corner of the said 289.40 Acre tract and of this tract;

THENCE along the common lines between the said 2.408 Acre tract and a called 1.055 Acre tract conveyed to the Christian Science Society in Volume 9086, Page 078 of the Deed Records of Travis County, respectively, and the said 289.40 Acre tract for the following courses and distances:

S 61°15'35" E - 485.71' to a found ½" iron rod with red cap (illegible) for an interior ell corner of this tract;

S 63°02'29" E - 100.43' to a set ½" iron rod with red plastic cap marked "TRIAD RPLS 5952" for an exterior ell corner of this tract;

S 62°57'16" E - 50.02' to a set ½" iron rod with red plastic cap marked "TRIAD RPLS 5952" for an exterior ell corner of this tract;

S 62°56'17" E - 142.19' to a found 5/8" iron rod at the southeast corner of the said 1.055 Acre tract, for an interior ell corner of this tract;

N 31°30'45" E - 180.91' to a set ½" iron rod with red plastic cap marked "TRIAD RPLS 5952" for an exterior ell corner of this tract;

THENCE entering the said 289.40 Acre tract for division for the following courses and distances:

S 65°33'35" E - 317.94' to a set ½" iron rod with red plastic cap marked "TRIAD RPLS 5952" for an exterior ell corner of this tract;

Along the arc of a curve turning to the right with an arc length of 165.71', a radius of 276.06', a chord bearing of S 48°21'49" E, and a chord length of 163.23' to a set ½" iron rod with red plastic cap marked "TRIAD RPLS 5952" on the common line between the said 289.40 Acre tract and a called 1.00 Acre tract conveyed to Travis Oaks Baptist Church in Volume 4788, Page 1033 of the said Deed Records of Travis County, for the northeast corner of this tract;

EXHIBIT "A"

Phase 1A Legal Description

THENCE S 63°09'52" W - 190.58' along the said common line between the 1.00 Acre tract and the said 289.40 Acre tract to a found ½" iron rod with yellow cap (Illegible) at the southwest corner of the said 1.00 Acre tract, at the northwest corner of a called 2.000 Acre tract conveyed to the Travis Oaks Baptist Church in Volume 9007, Page 882 of the said Deed Records of Travis County, at the north corner of a called 1.712 Acre tract conveyed to the Travis Oaks Baptist Church in Document Number 20000050175 of the said Official Public Records of Travis County, Texas, for a common interior ell corner of the said 289.40 Acre tract and of this tract;

THENCE S 63°01'23" W - 463.87' along the common line between the said 1.712 Acre tract and the said 289.40 Acre tract to a found 5/8" iron rod at the southwest corner of the said 1.712 Acre tract, at an interior ell corner of the said 289.40 Acre tract, for the southeast corner of this tract;

THENCE re-entering the said 289.40 Acre tract for division for the following courses and distances:

S 80°33'01" W - 170.36' to a set ½" iron rod with red plastic cap marked "TRIAD RPLS 5952" for an exterior ell corner of this tract;

N 49°16'33" W - 284.22' to a set ½" iron rod with red plastic cap marked "TRIAD RPLS 5952" for an exterior ell corner of this tract;

N 38°58'08" W - 49.14' to a set ½" iron rod with red plastic cap marked "TRIAD RPLS 5952" for an exterior ell corner of this tract;

N 16°04'17" W - 48.99' to a set ½" iron rod with red plastic cap marked "TRIAD RPLS 5952" for an interior ell corner of this tract;

N 68°07'33" W - 456.73' to a set ½" iron rod with red plastic cap marked "TRIAD RPLS 5952" on the common line between the said 289.40 Acre tract and Highland Lakes Estates Subdivision – Section Three recorded in Volume 52, Page 99 of the said Plat Records, on the west Right-of-Way line of Drapers Cove, for the southwest corner of this tract;

THENCE along the common line between the said Highland Lake Estates – Section Three and the said Boggy Ford Estates, respectively, and the said 289.40 Acre tract, the west Right-of-Way line of Drapers Cove for the following courses and distances:

N 16°45'43" E - 304.84' to a found ½" iron rod for an interior ell corner of this tract;

N 01°45'34" W - 34.92' to the **POINT OF BEGINNING** containing within these metes and bounds 12.137 Acres of land.

Bearings are based on the Texas State Plane Coordinate System of 1983, Texas Central Zone.

I, Bradley L. Lipscomb, Registered Professional Land Surveyor No. 5952 in the State of Texas, do hereby certify that this survey was performed on the ground under my supervision and that the field notes hereon are true and correct to the best of my knowledge.

Given under my hand and seal this 7th day of September, 2020.

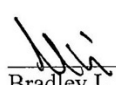
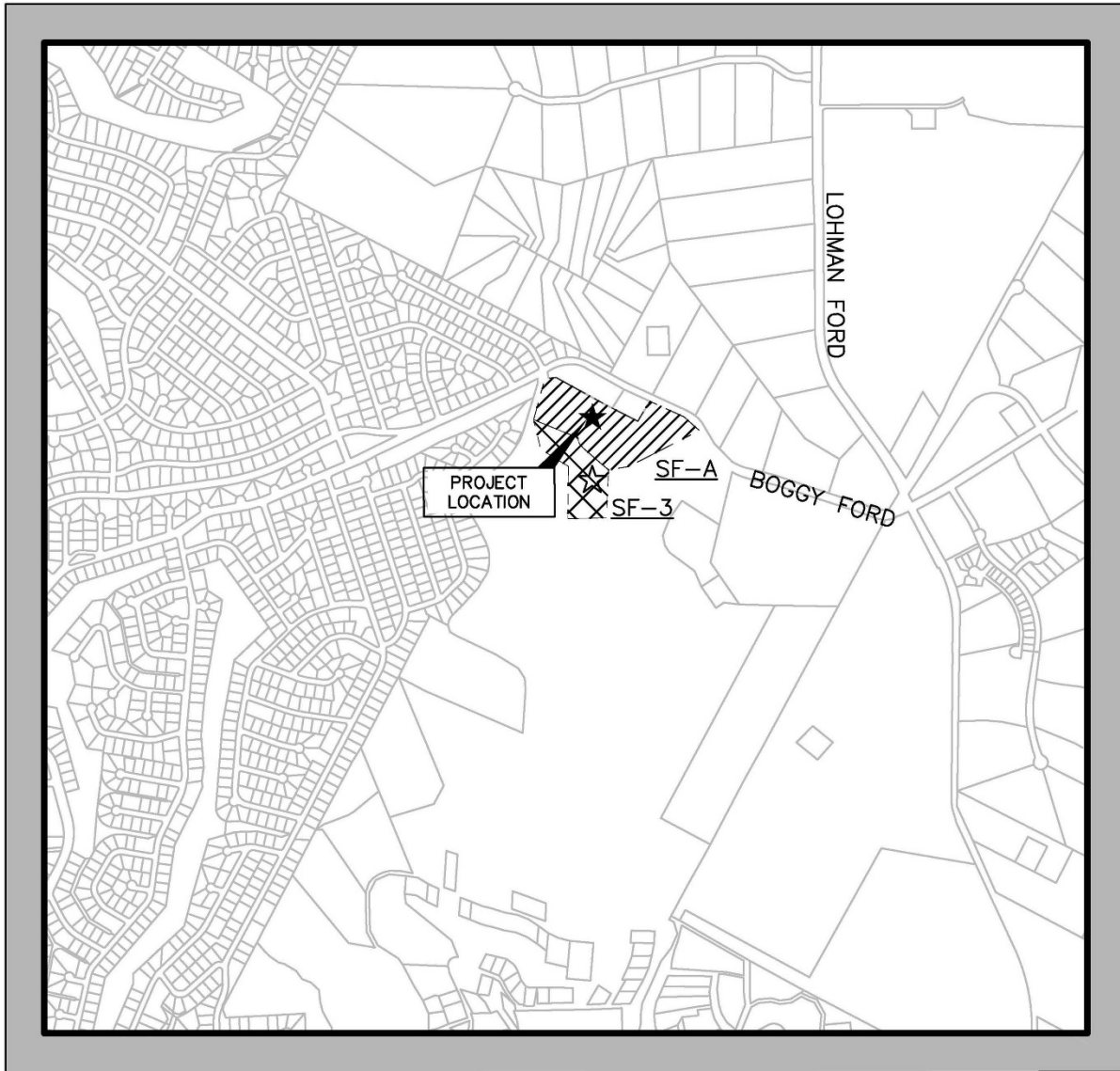

Bradley L. Lipscomb, RPLS

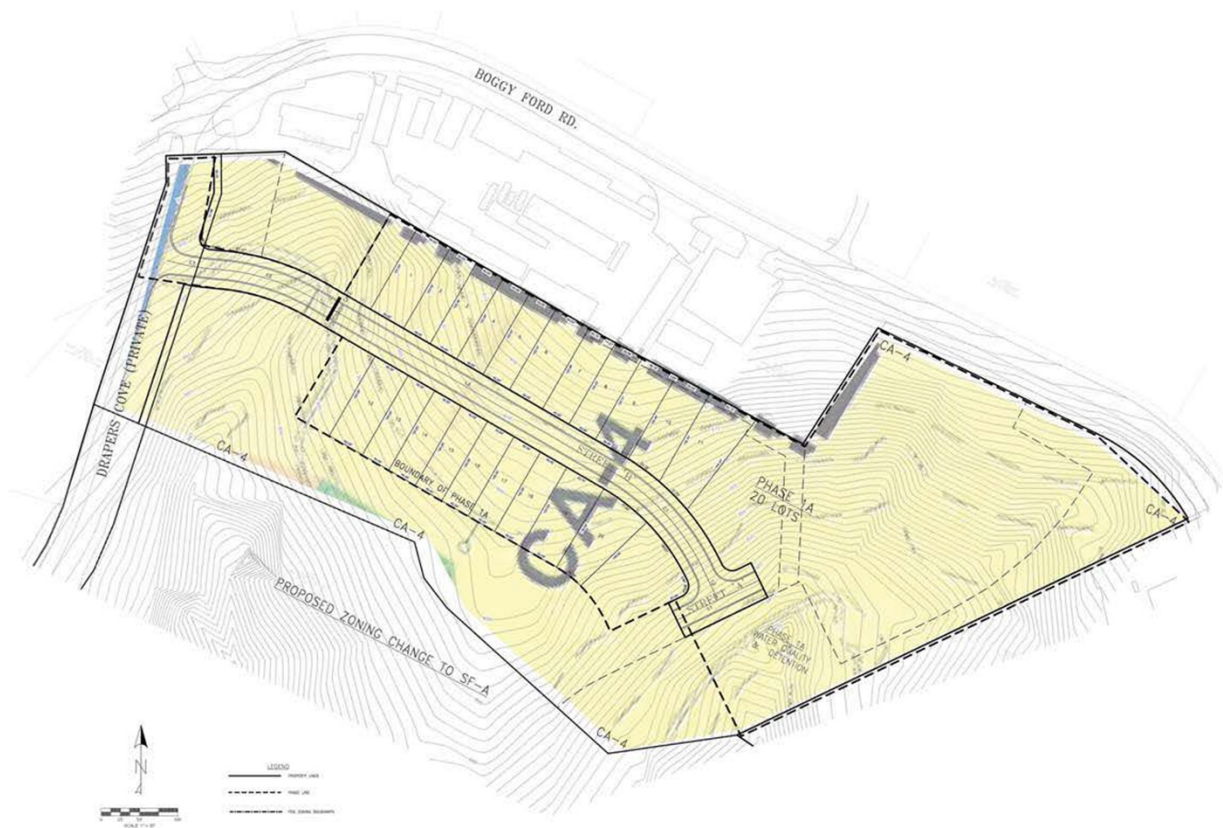


EXHIBIT “B”
Phase 1A Land Use Plan



PROJECT LOCATION MAP
N.T.S.

EXHIBIT "B"
Phase 1A Land Use Plan

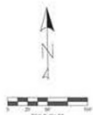
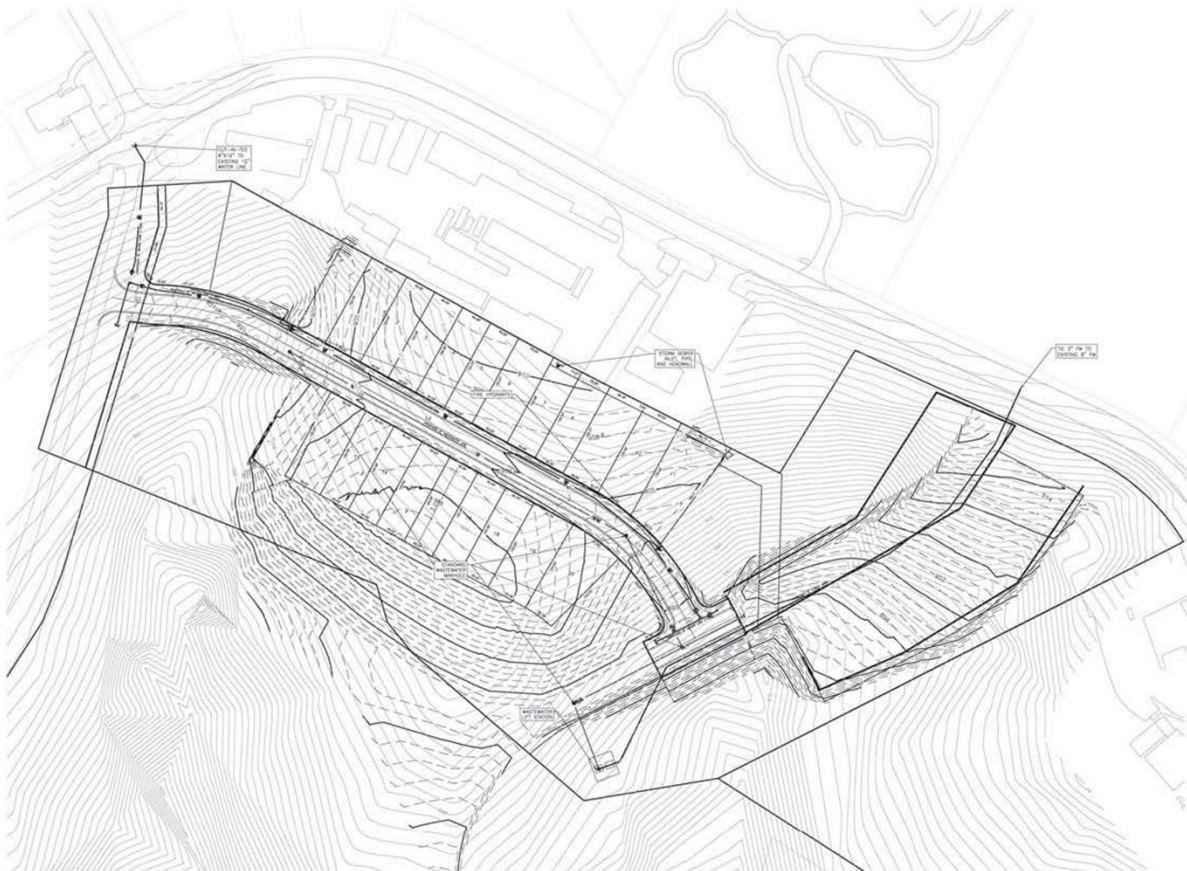


FIREFLY COVE - PHASE 1A
20 LOTS

[illegible]

160

EXHIBIT "B"
Phase 1A Land Use Plan



LEGEND	
	EXISTING BUILDING
	NEW BUILDING
	WATER MAIN
	SEWER
	GAS
	ELECTRIC
	FIRE HYDRANT
	FIRE ALARM BOX
	FIRE ALARM CALL BOX
	FIRE ALARM PULL STATION
	FIRE ALARM RESET BUTTON
	FIRE ALARM TEST BUTTON

FIREFLY COVE - PHASE 1A
UTILITY PLAN

EXHIBIT "B" **Phase 1A Land Use Plan**



FIREFLY COVE - PHASE 1A
EXISTING DRAINAGE AREA MAP

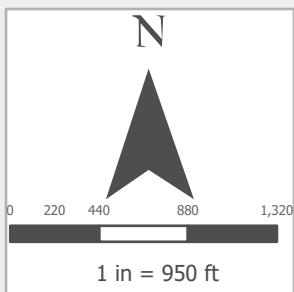
EXHIBIT "B"
Phase 1A Land Use Plan



SF-A (PHASE 1A)
PROTOTYPE SETBACKS
AND BUILDING FOOTPRINTS

21-1878-PDD-MOD
19517 Boggy Ford Road

Attachment 4
Maps

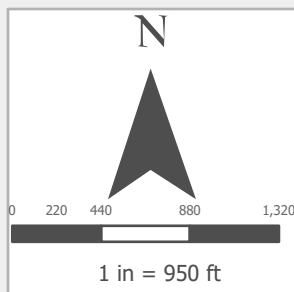
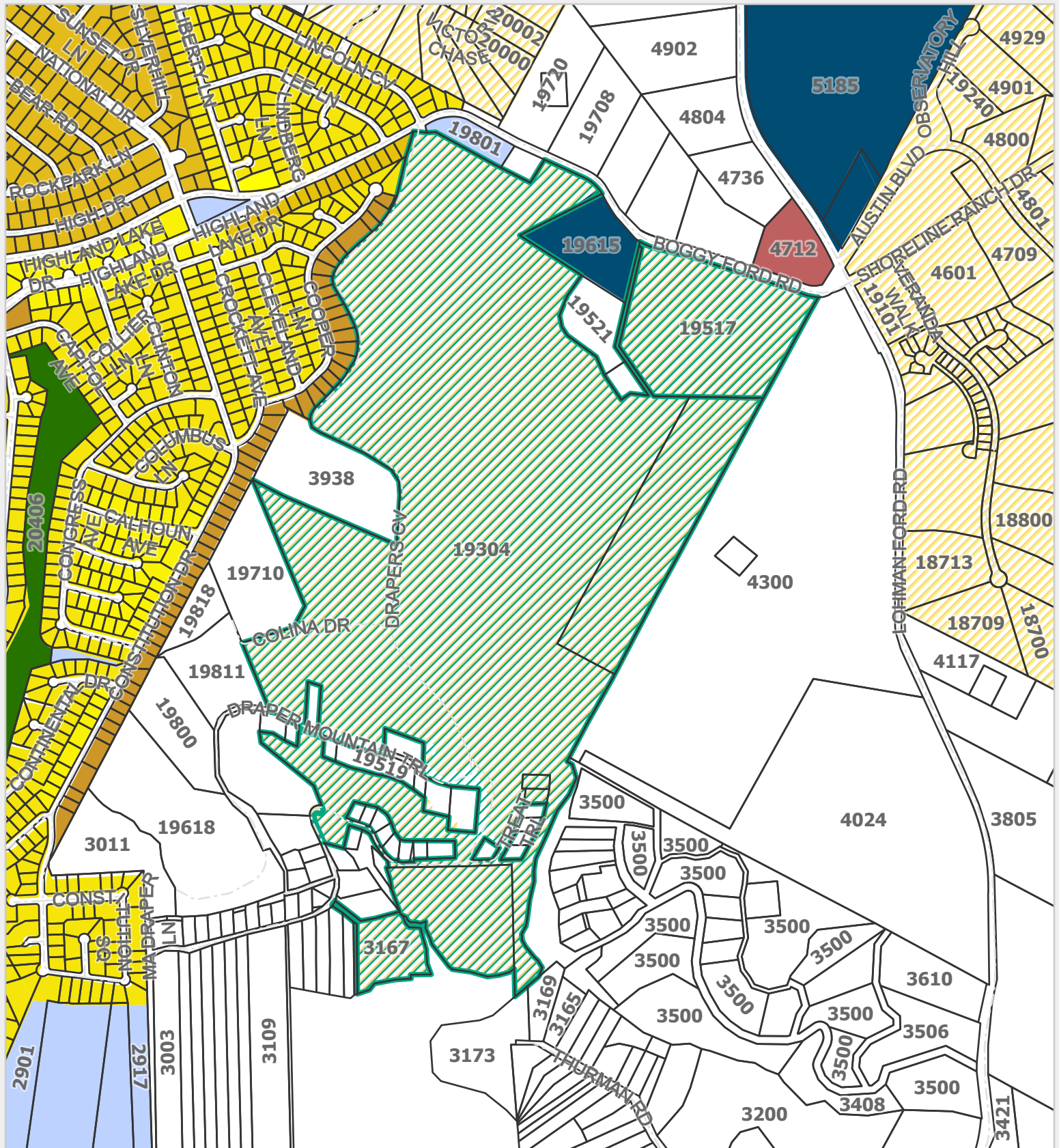


19517 Boggy Ford Road

Request Type	PDD Amendment	Project	21-1878-PDD-MOD
Change Requested	New concept	Date	8/2/2021
Map Purpose	Aerial & Topo Map	Drawn By	cmartinez

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

- Requestor Property
- Street
- Contours
 - 10 ft
 - 50 ft
- Tax Parcels (TCAD)

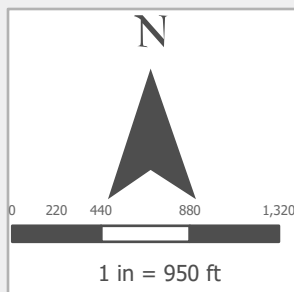


19517 Boggy Ford Road

Request Type	PDD Amendment	Project	21-1878-PDD-MOD
Change Requested	New concept	Date	8/2/2021
Map Purpose	Zoning Map	Drawn By	cmartinez

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

— Street	R-1A
□ Tax Parcels (TCAD)	R-1B
▨ Requestor Property	R-1C
Zoning Districts	R-1E
■ C-2	R-1G
■ G-1	R-2
▨ PDD	TR-1
	U-1



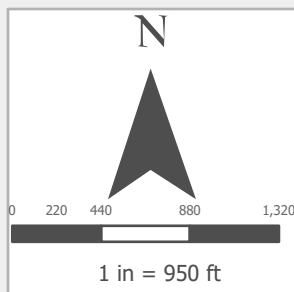
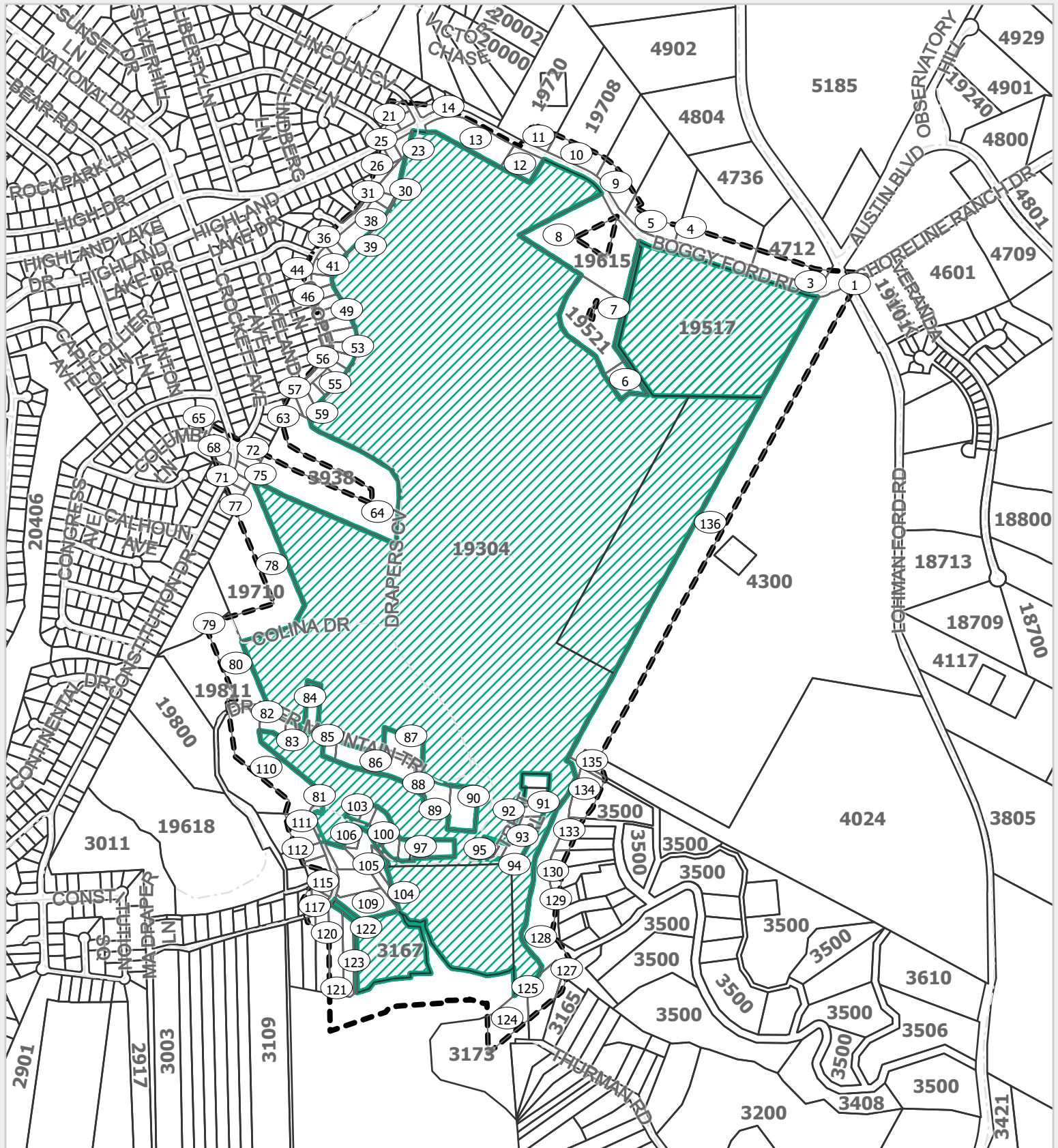
Request Type	PDD Amendment	Project	21-1878-PDD-MOD
Change Requested	New concept	Date	8/2/2021
Map Purpose	Future Land Use Map	Drawn By	cmartinez

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

- Street
- ▣ Tax Parcels (TCAD)
- Requestor Property
- City Park
- High Density Residential
- Low Density Residential
- Medium Density Residential
- Mixed Use
- Neighborhood Retail/Office/Commercial
- POA Park
- Public Semi-Public
- Regional Retail/Office/Commercial
- Rural Residential

21-1878-PDD-MOD
19517 Boggy Ford Road

Attachment 5
Notice Comments



19517 Boggy Ford Road			
Request Type	PDD Amendment	Project	21-1878-PDD-MOD
Change Requested	New concept	Date	8/2/2021
Map Purpose	Notification Boundary Map	Drawn By	cmartinez
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.			

Requestor Property

200ft Notice Boundary

Street

Tax Parcels (TCAD)

169



Notice of Public Hearing

Project #: 21-1878-PDD-MOD

Hearing Date: Thursday, August 12, 2021, at 7:00 P.M. utilizing an online videoconferencing tool. Planning and Zoning Commission members, staff and members of the public will participate in this manner only. Additional information, details and instructions on how to participate will be posted as part of the agenda on the City website (lagovistatexas.org) approximately seven days prior to the scheduled meeting date.

Project Property Location: 19517 Boggy Ford Road (A legal description of the entire tract under consideration is available upon request from the City of Lago Vista.)

200' Notification Mailing ID: 32

August 2, 2021

SESSUMS ROBERT L & JAMIE B
4304 COOPER LN
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a recommendation regarding a zoning change request to amend the balance of an approximately 282-acre portion of the previously approved "Tusikanni Cove Planned Development District" (PDD), subsequently referred to as the "Firefly Cove Planned Development District" (PDD), to approve a new concept and detail plan modifying the uses and development standards applicable to all remaining phases. The property is commonly referred to as 19517 Boggy Ford Road and a legal description of the entire tract under consideration is available upon request from the City of Lago Vista.

For additional information, please contact us as follows and include the above highlighted project # with all inquiries:

E-mail: development@lago-vista.org
Phone Number: 512-267-5259

Please return your comments as soon as possible. **Comments received at least seven calendar days prior to the scheduled public hearing will be included in the packets distributed to the members of the body listed above.** Individuals who do not own property within the notification boundary or those unable to deliver written comments within the required deadline must attend the public hearing to provide input. **Please note that unexplained support or opposition is less useful to the voting members than comments with context and a specific basis.**

☐ In Favor; ☒ Opposed

Comments:

After reviewing the Firefly Cove PDD-MOD, →

Signed:

Jamie B. Sessums

This whole page may be returned as follows:

E-mail: development@lago-vista.org
Fax: 512-267-5265
Postal Address: Development Services Dept., P.O. Box 4727
Lago Vista, TX, (U.S.A.) 78645
In Person at Front Counter: Development Services Dept., Lago Vista City Hall
5803 Thunderbird St.

there are some concerns.

- 1) Why is Phase 1 and 1a located off ~~Drapers~~ Cove and not the main entrance off Firefly Cove on Boggy Ford?
- 2) Sixty homes in Phase 1 and 1a off Drapers Cove creates possible traffic problems for Boggy Ford.
- 3) If buildout is reached for Phase 1, 1a, and 3 by 2026, that is a minimum of 174 cars added to the local traffic on Drapers Cove.
- 4) The intersection of Boggy Ford, Drapers Cove, and Lincoln has the potential for accidents in the future, due to the growth on Drapers Cove, especially with a 40mph westbound curve on Boggy Ford before this intersection.

Thanks for listening!



Notice of Public Hearing

Project #: 21-1878-PDD-MOD

Hearing Date: Thursday, August 12, 2021, at 7:00 P.M. utilizing an online videoconferencing tool. Planning and Zoning Commission members, staff and members of the public will participate in this manner only. Additional information, details and instructions on how to participate will be posted as part of the agenda on the City website (lagovistatexas.org) approximately seven days prior to the scheduled meeting date.

Project Property Location: 19517 Boggy Ford Road (A legal description of the entire tract under consideration is available upon request from the City of Lago Vista.)

200' Notification Mailing ID: 100, 101, 102, 103, 104

August 2, 2021

MOXLEY JOSEPH K & LAURA E
3342 DRAPERS CV
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a recommendation regarding a zoning change request to amend the balance of an approximately 282-acre portion of the previously approved "Tusikanni Cove Planned Development District" (PDD), subsequently referred to as the "Firefly Cove Planned Development District" (PDD), to approve a new concept and detail plan modifying the uses and development standards applicable to all remaining phases. The property is commonly referred to as 19517 Boggy Ford Road and a legal description of the entire tract under consideration is available upon request from the City of Lago Vista.

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Phone Number: 512-267-5259

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☐ In Favor; ☒ Opposed

Comments:

We are opposed due to safety concerns from the dramatic increase in traffic this will bring.

Signed: _____

This whole page may be returned as follows:

E-mail: development@lago-vista.org
Fax: 512-267-5265
Postal Address: Development Services Dept., P.O. Box 4727
Lago Vista, TX, (U.S.A.) 78645
In Person at Front Counter: Development Services Dept., Lago Vista City Hall
5803 Thunderbird St.



Notice of Public Hearing

Project #: 21-1878-PDD-MOD

Hearing Date: Thursday, August 12, 2021, at 7:00 P.M. utilizing an online videoconferencing tool. Planning and Zoning Commission members, staff and members of the public will participate in this manner only. Additional information, details and instructions on how to participate will be posted as part of the agenda on the City website (lagovistatexas.org) approximately seven days prior to the scheduled meeting date.

Project Property Location: 19517 Boggy Ford Road (A legal description of the entire tract under consideration is available upon request from the City of Lago Vista.)

200' Notification Mailing ID: 114

August 2, 2021

MCBRIDE LARRY JOE & LYDIA TAYLOR MCBRIDE
19504 PA DRAPER LN
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a recommendation regarding a zoning change request to amend the balance of an approximately 282-acre portion of the previously approved "Tusikanni Cove Planned Development District" (PDD), subsequently referred to as the "Firefly Cove Planned Development District" (PDD), to approve a new concept and detail plan modifying the uses and development standards applicable to all remaining phases. The property is commonly referred to as 19517 Boggy Ford Road and a legal description of the entire tract under consideration is available upon request from the City of Lago Vista.

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E-mail: development@lago-vista.org
Phone Number: 512-267-5259

Please return your comments as soon as possible. **Comments received at least seven calendar days prior to the scheduled public hearing will be included in the packets distributed to the members of the body listed above.** Individuals who do not own property within the notification boundary or those unable to deliver written comments within the required deadline must attend the public hearing to provide input. **Please note that unexplained support or opposition is less useful to the voting members than comments with context and a specific basis.**

☐ In Favor; ☒ Opposed

Comments:

The developers need to meet with Diapers property owners !!!

Signed: *Lydia McBride*

This whole page may be returned as follows:

E-mail: development@lago-vista.org
Fax: 512-267-5265
Postal Address: Development Services Dept., P.O. Box 4727
Lago Vista, TX, (U.S.A.) 78645
In Person at Front Counter: Development Services Dept., Lago Vista City Hall
5803 Thunderbird St.

Project 21-1878-PDD-MOD

Project Location—19517 Boggy Ford Road

First of all, I would like to point out that the hearing date is set for August 12th and the notice says it was to be sent out August 2, 2021 and we were to list any comments at least seven calendar days before the scheduled hearing. We received the letter the seventh of August, which puts us past the time to respond.

We own the land directly across the cove from CA-2 & CA-3. We feel the proposed amenities planned will directly affect our tranquility of the cove and our lives. Plus, will bring down our property values.

According to the attached drawings where the projected boat ramp will be located, it will come directly towards my existing boat dock and there will be no room to launch a boat safely from your side or ours, especially as the lake goes down. Please note, a few years ago the cove was complete dry (we even had a tractor mowing down there). We are attaching a photograph of what it looked like when dry.

We are also attaching a recent Google photo showing our dock location. Please note that the lake is very shallow on the other side from us, which could be a problem for your boat ramp.

Where you have your community beach is indeed dangerous as there is a shelf then a drop off where a man drowned a couple of years ago. It looks shallow and the drop off cannot be detected by children and adults until too late. Your liability would be great.

Also, the entrance to the cove is tricky as only a small portion of the lake is not shallow.

We will be out of the State on August 12th so will not be able to attend the hearing but would really appreciate meeting with you to discuss the above matters.

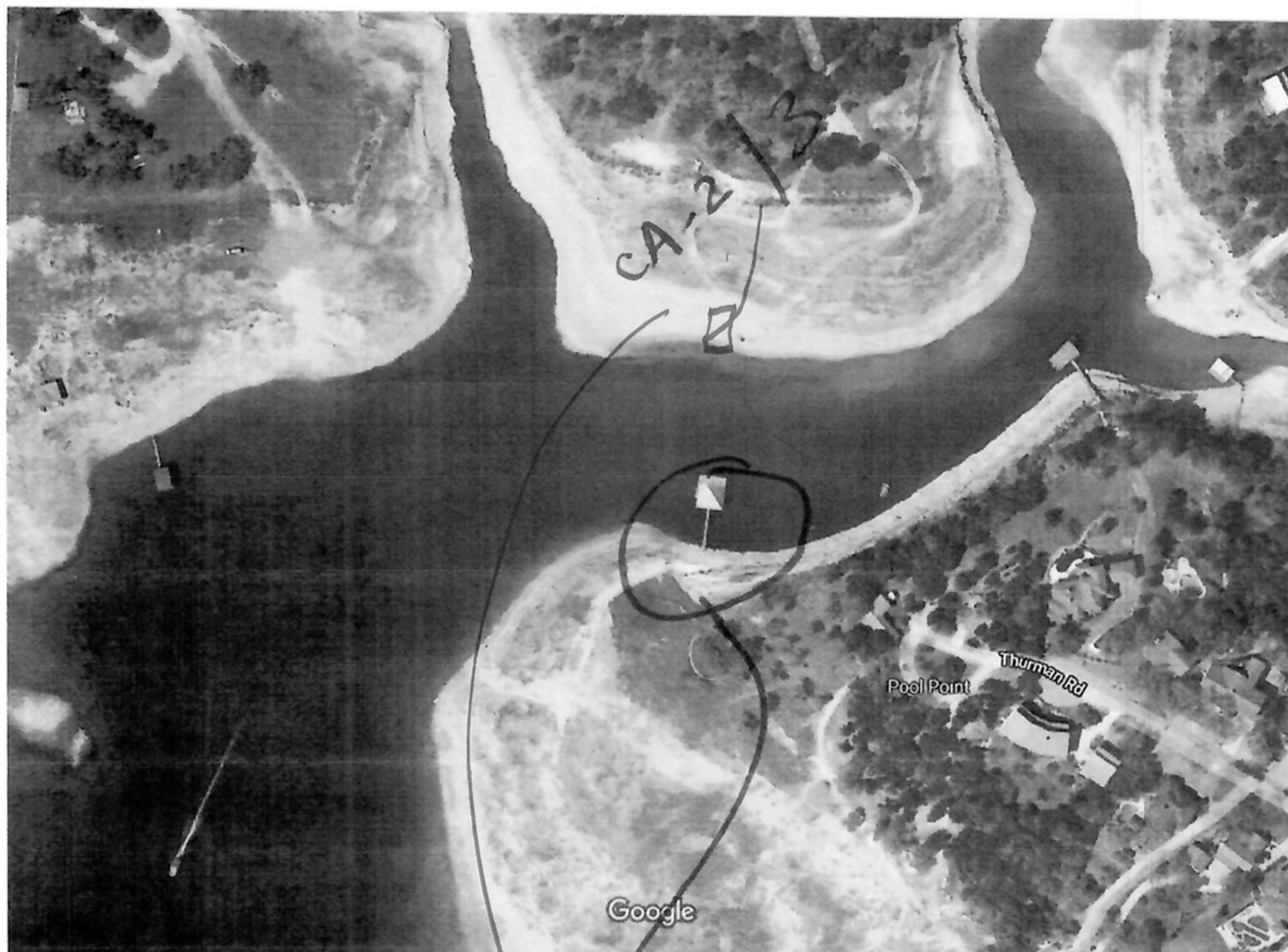
Darold R Cherry & Mary W. Cherry

Subject: 3173 Thurman Road

(mailing address: 3148 Thurman Road)

Lago Vista, Tx 78645-8001

Google Maps



Imagery ©2021 CAPCOG, Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2021 100 ft

- 3173 Thurman Road Lago Vista, TX
- 2255 Fort Hayes Drive Rapid City, SD

Home
Set location

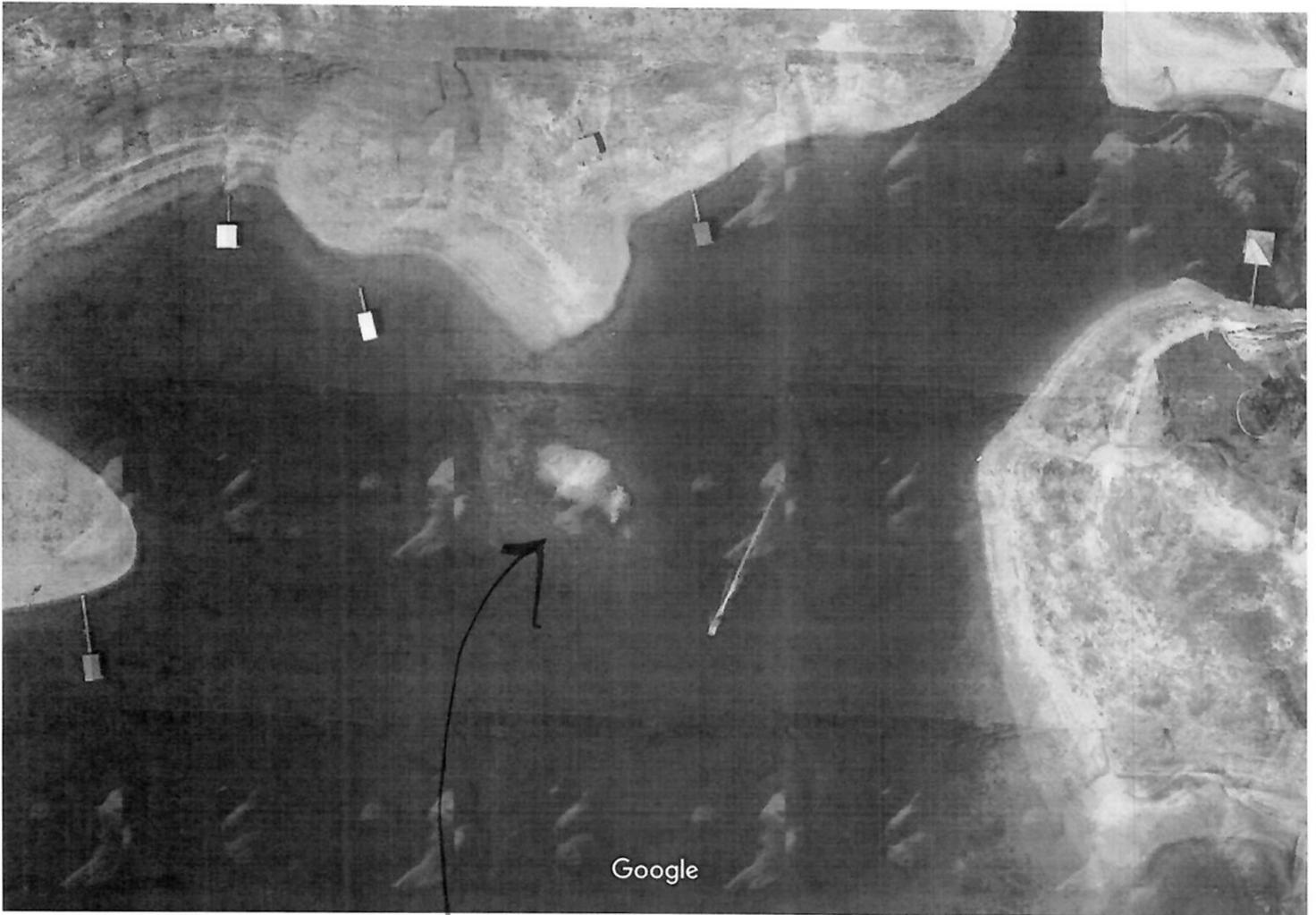
Work
Set location

No traffic information to display

Search this area

84°

Google Maps



Imagery ©2021 CAPCOG, Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2021 100 ft

SHOWS TERRAIN.
(TRICKY ENTRANCE)

6.290 acres

Property ID: 159512





Amenities Area Detail Plan

Roy Jambor

From: Dan Powers <dfpowers@gmail.com>
Sent: Thursday, August 12, 2021 5:57 PM
To: Roy Jambor
Subject: Re: 21-1878-PDD-MOD Speaker

Comments and concerns from Old Farm Property Association, 3500 Lohmans Ford and adjoining the Drapers Cove and Cox Hollow lake areas.

As President of the Old Farm POA association, I actively represent ten owners in the 200' boundary as well as common areas within the 200' boundary which are owned by an additional 30 landowners.

Cox Hollow which is the eastern boundary at the waterfront area for Firefly is a habitat for the Blue Heron.

The Amenity Pool and Pavilion is 500' from the Cox Hollow Great Blue Heron feeding and nesting area. The Blue Heron is a threatened species.

Volume of noise from the Pool and Pavilion area is a main concern for both wildlife and for our homeowners' peaceful enjoyment of their investment.

Concern with the safety of the community beach area for solo swimmers venturing into the narrow water passage which is the only access point for our neighborhood boat ramp and other neighboring boat docks.

The water level frequently drops to a point allowing only the narrowest of passage and then dries out completely. Obviously Lake Travis is not constant level and This is a shallow area right now. Not exactly a "beach" area. If the pool and pavilion areas proceed as planned, our member homeowners would request the city limit the addition of speakers or sound amplification in the areas where sound travels so easily. (Hillside and across water)

There is no mention of lot size, home size or home heights for the Estate lots above Cox Hollow.

Concerns over passage of FireFly guests walking across Cox Hollow into neighboring private land when the /cove is dry.

Thank you.

Dan Powers,
President, Old Farm POA
3500 Lohmans Ford Rd.



AGENDA ITEM

City of Lago Vista

To: Mayor & City Council

Council Meeting: 02 September, 2021

From: Roy Jambor, AICP / PA (Development Services Director)

Subject: The Lago Vista City Council will hold a public hearing and consider an Ordinance of the City Council of Lago Vista, Texas amending the official zoning map by changing the zoning district for approximately 2.183 acres of land that is not platted, but located within the boundaries of Lago Vista Travis Plaza, a subdivision of record in Book 39, Page 50 of the Plat Records of Travis County, Texas and generally described as being located at 20806 Bonanza Street, from P-2 ("Park and Greenbelt District, Passive") to R-4 ("Multifamily Residential District"); and providing for related matters.

Request: Public Hearing

Legal Document: Ordinance

Legal Review: ☐

EXECUTIVE SUMMARY:

The Lago Vista City Council remanded this application back to the Planning and Zoning Commission at their meeting on July 15, 2021 for specific findings in accordance with Section 13.20(d) of Chapter 14 of the Lago Vista Code of Ordinances.

It was placed on the next available meeting of the Planning and Zoning Commission which was held on August 12, 2021. The item was introduced by the City Attorney.

Six of the seven members were present for the discussion. Another member was absent from this portion of the agenda because of internet connection issues.

Five of those six members approved a motion finding that the application met all three specific requirements of Section 13.20(d) of Chapter 14, specially including the finding that "significant and unanticipated changes have occurred in the area of the affected parcel since the classification on the land use map was adopted."

Impact if Approved:

The property will now be located in the R-4 zoning district.

Impact if Denied:

The City of Lago Vista will continue to own the property and it will remain in the P-2 zoning district.

Is Funding Required? ☐ Yes ☒ No If Yes, Is it Budgeted? ☐ Yes ☐ No ☒ N/A

Indicate Funding Source:**Suggested Motion/Recommendation/Action**

Motion to - -

Motion to - -

Motion to - -

Known as:

20806 Bonanza Street (vacant property owned by the City of Lago Vista) zoning district change.

Agenda Item Approved by City Manager

ORDINANCE NO. 21-09-02-0 🍌

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DISTRICT FOR APPROXIMATELY 2.183 ACRES OF LAND THAT IS NOT PLATTED, BUT LOCATED WITHIN THE BOUNDARIES OF LAGO VISTA TRAVIS PLAZA, A SUBDIVISION OF RECORD IN BOOK 39, PAGE 50 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND GENERALLY DESCRIBED AS BEING LOCATED AT 20806 BONANZA STREET, FROM P2 (“PARK AND GREENBELT DISTRICT, PASSIVE”) TO R-4 (“MULTIFAMILY RESIDENTIAL DISTRICT”); AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the owners of an approximately 2.183 acre tract of land that is not platted, but located within the boundaries of Lago Vista Travis Plaza, a subdivision of record in Book 39, Page 50 of the Plat Records of Travis County, Texas, as more particularly described in the attached **Exhibit “A”** and generally described as being located at 20806 Bonanza Street, have filed an application requesting the change in zoning of this property from P2 (“Park and Greenbelt District, Passive”) to R-4 (“Multifamily Residential District”); and

WHEREAS, the Property currently resides within the corporate limits of the City of Lago Vista;

WHEREAS, after giving ten (10) days written notice to the owners of land in and within 200-feet of the area being rezoned, as well as having published notice to the public at least fifteen (15) days prior to the date of such hearings, the Planning and Zoning Commission and City Council each held separate public hearings on the proposed rezoning of the Property included in this Ordinance; and

WHEREAS, the Planning and Zoning Commission at its public hearing held on June 10, 2021 and the City Council at its public hearing held on July 1, 2021, have both reviewed the request and the circumstances of the Property, and find that a substantial change in the circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired; and

WHEREAS, the City, by and through its legislative discretion, has adopted a comprehensive plan for the City of Lago Vista, and having considered and reviewed such comprehensive plan, the City Council finds the rezoning approved herein is consistent with the comprehensive plan which shall not be interpreted as inconsistent with this rezoning; and

WHEREAS, the City desires that development within its corporate limits occur in an orderly manner in order to protect the health, safety, and welfare of its present and future citizens, protect property values and provide for the growth of the City’s tax base; and

WHEREAS, the City desires to control the development standards for the Property, protect third party property owners in the City, and to ensure the benefits of planned development and an enhanced tax base that are achieved through rezoning the Property; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to zone and rezone property; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Lago Vista to adopt this Ordinance.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The Planning and Zoning Commission and City Council find that this Ordinance satisfies the requirements of Section 13 of the City of Lago Vista Zoning Ordinance, codified under Ordinance No. 98-04-27-03, as amended (the “Zoning Code”).

Section 2. Enactment. The Zoning Ordinance and the Official Zoning Map and other applicable ordinances are hereby modified and amended by rezoning an approximately 2.183 acre tract of land that is not platted, but located within the boundaries of Lago Vista Travis Plaza, a subdivision of record in Book 39, Page 50 of the Plat Records of Travis County, Texas, as more particularly described in the attached **Exhibit “A”** and generally described as being located at 20806 Bonanza Street from P2 (“Park and Greenbelt District, Passive”) to R-4 (“Multifamily Residential District”).

Section 3. Repealer. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

Section 4. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

Section 5. Penalty. Any person, firm or corporation violating any of the provisions or terms of this Ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances, Section 1.109 General Penalty for Violations of Code; Continuing Violations of the City of Lago Vista, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

Section 6. Publication Clause. The City Secretary of the City of Lago Vista is hereby directed to publish in the Official Newspaper of the City of Lago Vista the Caption, and Effective Date Clause of this Ordinance as required by Section 52.013 of the *Texas Local Government Code*.

Section 7. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below in accordance with the provisions of the *Texas Local Government Code* and the City's Charter.

Section 8. Change of Zoning Map. The City Manager is hereby authorized to and shall promptly note the zoning change on the official Zoning Map of the City of Lago Vista, Texas.

Section 9. Proper Notice and Meeting. 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, *Chapter 551, Texas Local Government Code*.

AND IT IS SO ORDERED.

PASSED AND APPROVED this ____ day of _____, 2021.

Ed Tidwell, Mayor

ATTEST:

Sandra Barton, City Secretary

On a motion by Councilman _____, seconded by Councilman _____, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"

Legal Description

FIELD NOTES FOR 2.183 ACRES OF UNPLATTED AND UN-NUMBERED LAND WHOLLY WITHIN LAGO VISTA, TRAVIS PLAZA, A SUBDIVISION OF RECORD IN BOOK 39, PAGE 50, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID 2.183 ACRES BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at the intersection of the Northern Right of Way line of Bonanza and the Eastern Right of Way line of Club House Drive, for the Westernmost corner hereof;

THENCE with the Eastern Right of Way line of said Club House Drive and the Western boundary line hereof, the following courses and distances:

1. N 11°04'57" E, a distance of 61.85 feet to a 1/2" iron rod found at the Point of Curvature of a curve to the left,
2. Along said curve to the left with radius of 238.83 feet, a delta angle of 27°17'19", and a chord of 112.68 feet bearing N 02°12'47" W, an arc distance of 113.75 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" at the Point of Reverse Curvature of a curve to the right,
3. Along said curve to the right with radius of 124.80 feet, a delta angle of 43°10'21", and a chord of 91.83 feet bearing N 06°08'53" E, an arc distance of 94.04 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" for the Point of Tangency of same,
4. N 27°32'30" E, a distance of 135.96 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" at the Point of Curvature of a curve to the left,
5. Along said curve to the left with radius of 193.14 feet, a delta angle of 45°13'59", and a chord of 148.55 feet bearing N 05°12'52" E, an arc distance of 152.48 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" at the Point of Tangency of same,
6. N 17°19'13" W, a distance of 50.02 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" at the Point of Curvature of a curve to the right, and
7. Along said curve to the right with radius of 108.64 feet, a delta angle of 44°36'03", and a chord of 82.45 feet bearing N 04°41'13" E, an arc distance of 84.57 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" at the Southwest corner of a 20 foot wide un-numbered tract for the Northwest corner hereof, WHENCE a 1/2" iron rod found at the Southwest corner of Lot 4C of said Lago Vista, Travis Plaza bears N 27°38'06"E, a distance of 20 feet;

THENCE S 62°25'30" E, with the Southern boundary line of said 20 foot wide tract, a distance of 250.08 feet to a 1/2" iron rod found in the Western Right of Way line of Canyon Drive, for the Northeast corner hereof;

THENCE with the Western Right of Way line of said Canyon Drive and the Eastern boundary line hereof, the following courses and distances:

1. S 27°34'30" W, a distance of 227.00 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" at the Point of Curvature of a curve to the left,
2. Along said curve to the left with radius of 412.13 feet, a delta angle of 34°34'15" , and a chord of 244.91 feet bearing S 10°22'50" W, an arc distance of 248.67 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" for the Point of Tangency of same,

3. S 06°59'15" E, a distance of 33.95 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" for an angle point hereof, and
4. S 27°09'45" W, a distance of 16.84 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" at the intersection of the Northern Right of Way line of said Bonanza and the Western Right of Way line of said Canyon Drive, for the Southeast corner hereof;

THENCE with the Northern Right of Way line of said Bonanza and the Southern boundary line hereof, the following courses and distances:

1. S 61°21'19" W, a distance of 150.88 feet to a disturbed 1/2" iron rod found for the Southernmost corner hereof, and
2. N 54°14'13" W, a distance of 27.20 feet to the POINT OF BEGINNING and calculated to contain 2.183 acres.

**LAGO VISTA CITY COUNCIL
STAFF LAND USE REPORT – JULY 1, 2021**



P&Z CASE NO:	21-1837-R-REZ: 20806 Bonanza Street
APPLICANT:	City of Lago Vista, Texas (sale pending)
LANDOWNER:	Same
LOCATION:	Northwest corner of Bonanza Street and Canyon Drive
ZONING:	P-2 to R-4 (multifamily) or R-2 (two-family) residential
PROPOSED USE:	Future subdivision for two-family residences

GENERAL INFORMATION / LOCATION:

- This property is located within the boundaries of the subdivision plat approved by Travis County and recorded as Lago Vista Travis Plaza in 1968, approximately 16 years before the City of Lago Vista was incorporated. However, this particular property along with another located at 5925 Lago Vista Way is shown on that document as a tract of land that is not approved or otherwise encumbered by that subdivision plat. Presumably, that is because these two properties had different ownership from the balance of the land within the boundaries of the plat that was owned by Lago Vista, Inc.
- The City of Lago Vista acquired this property from NRC, Inc. through a quit claim deed executed and recorded on August 3, 1988. However, there is no record of this property ever being dedicated or intended for use as a park. Moreover, public parks were typically initiatives of the various property owner associations and not NRC, Inc.
- The property has been formally declared surplus by the City Council and offered for sale. An offer was received and accepted that was contingent upon the City first adopting an ordinance amendment changing the zoning designation of the property to accommodate a subdivision into lots for two-family residences (duplexes). Both the R-4 ("multifamily") and R-2 ("two-family") residential zoning districts are alternatives acceptable to the potential future property owner, although they have a strong preference for the R-4 district in case the additional height proves necessary.

SITE PLAN / CONTEXT CONSIDERATIONS:

- The subject property shares all the same basic adjacency characteristics as the existing property in the R-4 ("multifamily") residential zoning district that surrounds it on the east and west. It is behind and adjacent to commercial property that fronts on Dawn Drive or that shares an access easement through a required parking lot similar to the Lago Vista city hall complex. It also shares a similar proximity to the single-family residential property in the R-1E zoning district on the opposite side of Bonanza Street.
- The future owner has no strong preference for either of the two alternative zoning district changes since both permit the intended use (two-family residences) by right. However, while a recommendation of a change to the R-4 zoning district would be consistent with the existing development pattern, there is currently no property in the R-2 zoning district in this general area. Moreover, the adjacent and nearby property in the R-4 zoning district includes a mixture of multifamily, two-family, and single-family residential development. As such, development of two-family residences on property in the R-4 district would also not represent a departure from the current use of the surrounding property. Curiously, the written comments opposing approval originate from a nearby property owner that enjoys the identical zoning rights sought by this application.
- As mentioned previously, those comments appear to be mistaken regarding any intent to develop this property into a park as no such record of that intent seems to exist. Moreover, that property owner references one of the several strong reasons that make this property unsuitable for that use. The steep slope that is mentioned represents a total change in grade of more than 55 feet. While the severe topography might add to the cost of any proposed construction, it tends to completely preclude its effective use as a park.

- Another element that makes this property unsuitable for use as a neighborhood pocket park is that it serves as the route for some high voltage PEC transmission lines that serve this general area. While they are relatively concealed on the subject property by the heavy vegetation, they tend to be more apparent as you travel south toward Bonanza Street on Club House Drive as that street curves to bring the transmission lines closer to the right-of-way. These lines are much more apparent as they cross the adjacent commercial property to the north that fronts on Dawn Drive. While there was originally some discussion by the prospective purchaser about relocating these lines, that effort would be quite expensive and cost prohibitive. Instead, the future subdivision will likely attempt to accommodate the existing route with utility easements along the new property lines, perhaps with minor route modifications when necessary.

RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:

- In addition to rationally accommodating the existing high voltage transmission lines, the future subdivision plat will likely have an impact on the resulting density. If limited to four lots or less that utilize existing public streets for access, the subdivision would likely qualify as an administratively reviewed "minor plat." Anything more would require a preliminary and final plat approved by the Planning and Zoning Commission, surrounded by administratively reviewed construction plans. To qualify for approval, those construction plans would require compliance with the Highland Lakes Watershed Ordinance (HLWO). As a result, there is a significant incentive to limit the development to a maximum of four duplex units, each on a separate lot. This would consequently avoid the introduction of a high percentage of new impervious surfaces, facilitate the preservation of protected trees and minimize the potential for any significant new problems with stormwater runoff.
- Similarly, the HLWO and the associated requirement for an administrative site development plan review for any multifamily or commercial development provides a moderate financial incentive for this property to be limited to one or two-family residences on separate lots only. That being the case, as a practical matter the primary difference between recommendations for approval of an R-4 district as opposed to an R-2 district involves the maximum permitted height of the residence. The R-4 district allows a maximum height of 25 feet for a one or two-family residence while the R-2 district is limited to 15 feet. However, the previously discussed topography would seemingly limit the adverse impact of any additional height employed on this property to this same owner.
- Notwithstanding the lack of any record of intent by the City to develop this property as a public park or for it to be formally dedicated as parkland, the Future Land Use Map within the Comprehensive Plan designates this property as a candidate for use as a Lago Vista POA park. However, a more careful review of that document will reveal that it is based on a recommendation for an agreement between the City and Lago Vista POA to convert all their amenities, including lake front facilities into publicly accessible property. All attempts for such agreements have repeatedly failed since that document was adopted and that recommendation was formally discounted and then removed as a priority pursuant to the last two annual Comprehensive Plan reviews. Moreover, the Lago Vista POA was certainly aware that they property was available for acquisition and made no offer or inquiry. As such, it would appear as if all the conditions within Section 13.20(d) have been met as required to justify a zoning district change recommendation.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

- There was no opposition present at the public hearing and the only comments were made by an individual representing the developer and potential future owner of the property. He expressed the potential need for the additional height afforded by the R-4 designation. He also expressed the intent to carefully examine the cost and benefits of additional lots and duplex units, notwithstanding the corresponding requirement for a more complex drainage solution requiring extensive services by a civil engineer. The staff would certainly prefer that approach and hope that it proves feasible.

- One of the Commission members was particularly familiar with the challenges presented by the site through his participation as a former member of KLVB (Keep Lago Vista Beautiful). They found it too challenging as a potential location for a community garden.
- The Commission members conducted a very thorough analysis and comparison of the potential benefits and risks between a recommendation for a change to the R-4 district rather than a change to the R-2 district. They found no potential detriment associated with the additional height given the presence of a significant amount of surrounding property already in the R-4 district. They were much more concerned about the introduction of an isolated amount of R-2 property that does not serve as a rational and necessary transition between distinct districts.
- The Planning and Zoning Commission unanimously voted to recommend approval of a zoning district change to the R-4 ("Multifamily Residential") district without any conditions or stipulations following a public hearing at their meeting on June 10, 2021. All seven members were in attendance.

POTENTIAL ALTERNATIVE DECISIONS:

- A. Approve a change to the R-4 ("multifamily residential") zoning district.
 - B. Approve a change to the R-2 ("two-family residential") zoning district.
 - C. Deny any zoning district change.
-

**LAGO VISTA PLANNING AND ZONING COMMISSION
STAFF LAND USE REPORT – JUNE 10, 2021**



P&Z CASE NO:	21-1837-R-REZ: 20806 Bonanza Street
APPLICANT:	City of Lago Vista, Texas (sale pending)
LANDOWNER:	Same
LOCATION:	Northwest corner of Bonanza Street and Canyon Drive
ZONING:	P-2 to R-4 (multifamily) or R-2 (two-family) residential
PROPOSED USE:	Future subdivision for two-family residences

GENERAL INFORMATION / LOCATION:

- This property is located within the boundaries of the subdivision plat approved by Travis County and recorded as Lago Vista Travis Plaza in 1968, approximately 16 years before the City of Lago Vista was incorporated. However, this particular property along with another located at 5925 Lago Vista Way is shown on that document as a tract of land that is not approved or otherwise encumbered by that subdivision plat. Presumably that is because these two properties had different ownership from the balance of the land within the boundaries of the plat that was owned by Lago Vista, Inc.
- The City of Lago Vista acquired this property from NRC, Inc. through a quit claim deed executed and recorded on August 3, 1988. However, there is no record of this property ever being dedicated or intended for use as a park. Moreover, public parks were typically initiatives of the various property owner associations and not NRC, Inc.
- The property has been formally declared surplus by the City Council and offered for sale. An offer was received and accepted that was contingent upon the City first adopting an ordinance amendment changing the zoning designation of the property to accommodate a subdivision into four or less lots that could include either single-family or two-family residences (duplexes). Both the R-4 (“multifamily”) and R-2 (“two-family”) residential zoning districts are alternatives acceptable to the potential future property owner.

SITE PLAN / CONTEXT CONSIDERATIONS:

- The subject property shares all the same basic adjacency characteristics as the existing property in the R-4 (“multifamily”) residential zoning district that surrounds it on the east and west. It is behind and adjacent to commercial property that fronts on Dawn Drive or that shares an access easement through a required parking lot similar to the Lago Vista city hall complex. It also shares a similar proximity to the single-family residential property in the R-1E zoning district on the opposite side of Bonanza Street.
- The future owner has no strong preference for either of the two alternative zoning district changes since both permit the intended use (two-family residences) by right. However, while a recommendation of a change to the R-4 zoning district would be consistent with the existing development pattern, there is currently no property in the R-2 zoning district in this general area. Moreover, the adjacent and nearby property in the R-4 zoning district includes a mixture of multifamily, two-family and single-family residential development. As such, development of two-family residences on property in the R-4 district would also not represent a departure from the current use of the surrounding property. Curiously, the written comments opposing approval originate from a nearby property owner that enjoys the identical zoning rights sought by this application.
- As mentioned previously, those comments appear to be mistaken regarding any intent to develop this property into a park as no such record of that intent seems to exist. Moreover, that property owner references one of the several strong reasons that make this property unsuitable for that use. The steep slope that is mentioned represents a total change in grade of more than 55 feet. While the severe topography might add to the cost of any proposed construction, it tends to completely preclude its effective use as a park.

- Another element that makes this property unsuitable for use as a neighborhood pocket park is that it serves as the route for some high voltage PEC transmission lines that serve this general area. While they are relatively concealed on the subject property by the heavy vegetation, they tend to be more apparent as you travel south toward Bonanza Street on Club House Drive as that street curves to bring the transmission lines closer to the right-of-way. These lines are much more apparent as they cross the adjacent commercial property to the north that fronts on Dawn Drive. While there was originally some discussion by the prospective purchaser about relocating these lines, that effort would be quite expensive and cost prohibitive. Instead the future subdivision will likely attempt to accommodate the existing route with utility easements along the new property lines, perhaps with minor route modifications when absolutely necessary.

RELEVANT ORDINANCE PROVISIONS / COMPREHENSIVE PLAN CONSIDERATIONS:

- In addition to rationally accommodating the existing high voltage transmission lines, the future subdivision plat will likely have an impact on the resulting density. If limited to four lots or less that utilize existing public streets for access, the subdivision would likely qualify as an administratively reviewed “minor plat.” Anything more would require a preliminary and final plat approved by the Planning and Zoning Commission, surrounded by administratively reviewed construction plans. In order to qualify for approval, those construction plans would require compliance with the Highland Lakes Watershed Ordinance (HLWO). As a result, there is a significant incentive to limit the development to a maximum of four duplex units, each on a separate lot. This would consequently avoid the introduction of a high percentage of new impervious surfaces, facilitate the preservation of protected trees and minimize the potential for any significant new problems with stormwater runoff.
- Similarly, the HLWO and the associated requirement for an administrative site development plan review for any multifamily or commercial development provides a moderate financial incentive for this property to be limited to one or two-family residences on separate lots only. That being the case, as a practical matter the primary difference between recommendations for approval of an R-4 district as opposed to an R-2 district involves the maximum permitted height of the residence. The R-4 district allows a maximum height of 25 feet for a one or two-family residence while the R-2 district is limited to 15 feet. However, the previously discussed topography would seemingly limit the adverse impact of any additional height employed on this property to this same owner.
- Notwithstanding the lack of any record of intent by the City to develop this property as a public park or for it to be formally dedicated as parkland, the Future Land Use Map within the Comprehensive Plan designates this property as a candidate for use as a Lago Vista POA park. However, a more careful review of that document will reveal that it is based on a recommendation for an agreement between the City and Lago Vista POA to convert all of their amenities, including lake front facilities into public accessible property. All attempts for such agreements have repeatedly failed since that document was adopted and that recommendation was formally discounted and then removed pursuant to the last two annual Comprehensive Plan reviews. Moreover, the Lago Vista POA was certainly aware that they property was available for acquisition and made no offer or inquiry. As such, it would appear as if all of the conditions within Section 13.20(d) have been met as required to justify a zoning district change recommendation.

POTENTIAL ALTERNATIVE RECOMMENDATIONS:

- A. Recommend approval of a change to the R-4 (“multifamily residential”) zoning district.
 - B. Recommend approval of a change to the R-2 (“two-family residential”) zoning district.
 - C. Recommend denial of the application for a zoning change.
-

21-1837-R-REZ
20806 Bonanza Street

Attachment 1

Application



CITY OF LAGO VISTA • DEVELOPMENT SERVICES
5803 THUNDERBIRD STREET • P.O. BOX 4727 • LAGO VISTA, TX 78645

Tel. (512) 267-5259

Fax (512) 267-5265

NOTE: Applicants should seek legal advice concerning the applicability of any existing private covenants or deed restrictions and their ability to be enforced or waived by other specific property owners.

APPLICATION FOR ZONING DISTRICT CHANGE

Contact Person: Mayor Ed Tidwell **Fee:** See Ordinance Appendix A (non-refundable)
Contact Phone: (512) 267-1155 ext. 123 **Contact Email:** mayor@lago-vista.org
Property Owner(s):* City of Lago Vista Texas
Owner's mailing address: PO Box 4727, Lago Vista, TX 78645

COMPLETE LEGAL DESCRIPTION OF SUBJECT PROPERTY

Subdivision, Section and Lot Number(s) if platted. Attach metes & bounds or equal description otherwise*
 see attached.

Municipal Address(es)* if applicable: 20806 Bonanza

NATURE OF REQUEST

Current Zoning District(s): P-2 **Requested District:** R-4

Purpose or Basis of Request* (if PDD, include whether concept and/or detail plan approval is sought):

To subdivide the lots for development of two-family residences by a third party who will purchase this lot if approved; while R-2 would be an acceptable alternative, R-4 is more consistent with the surrounding and nearby zoning designations.

Additional individual(s) authorized to act on behalf of the property owner(s)* regarding this application:

Name of Agent: **Email:**

Mailing Address: **Phone:**

NOTE: Applications must be complete including all applicable portions of this form, payment of fees and all required drawings or documentation. All applications are accepted provisionally pending a completion review. PLEASE TAKE SPECIFIC NOTICE AND INCORPORATE OR ADDRESS ALL LOCAL ORDINANCE REQUIREMENTS IN YOUR APPLICATION.

Ed Tidwell
 Property Owner's signature(s)*

4/26/21
 Date

*Attach additional sheets as required

FIELD NOTES FOR 2.183 ACRES OF UNPLATTED AND UN-NUMBERED LAND WHOLLY WITHIN LAGO VISTA, TRAVIS PLAZA, A SUBDIVISION OF RECORD IN BOOK 39, PAGE 50, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID 2.183 ACRES BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at the intersection of the Northern Right of Way line of Bonanza and the Eastern Right of Way line of Club House Drive, for the Westernmost corner hereof;

THENCE with the Eastern Right of Way line of said Club House Drive and the Western boundary line hereof, the following courses and distances:

1. N 11°04'57" E, a distance of 61.85 feet to a 1/2" iron rod found at the Point of Curvature of a curve to the left,
2. Along said curve to the left with radius of 238.83 feet, a delta angle of 27°17'19", and a chord of 112.68 feet bearing N 02°12'47" W, an arc distance of 113.75 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" at the Point of Reverse Curvature of a curve to the right,
3. Along said curve to the right with radius of 124.80 feet, a delta angle of 43°10'21", and a chord of 91.83 feet bearing N 06°08'53" E, an arc distance of 94.04 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" for the Point of Tangency of same,
4. N 27°32'30" E, a distance of 135.96 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" at the Point of Curvature of a curve to the left,
5. Along said curve to the left with radius of 193.14 feet, a delta angle of 45°13'59", and a chord of 148.55 feet bearing N 05°12'52" E, an arc distance of 152.48 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" at the Point of Tangency of same,
6. N 17°19'13" W, a distance of 50.02 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" at the Point of Curvature of a curve to the right, and
7. Along said curve to the right with radius of 108.64 feet, a delta angle of 44°36'03", and a chord of 82.45 feet bearing N 04°41'13" E, an arc distance of 84.57 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" at the Southwest corner of a 20 foot wide un-numbered tract for the Northwest corner hereof, WHENCE a 1/2" iron rod found at the Southwest corner of Lot 4C of said Lago Vista, Travis Plaza bears N 27°38'06"E, a distance of 20 feet;

THENCE S 62°25'30" E, with the Southern boundary line of said 20 foot wide tract, a distance of 250.08 feet to a 1/2" iron rod found in the Western Right of Way line of Canyon Drive, for the Northeast corner hereof;

THENCE with the Western Right of Way line of said Canyon Drive and the Eastern boundary line hereof, the following courses and distances:

1. S 27°34'30" W, a distance of 227.00 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" at the Point of Curvature of a curve to the left,
2. Along said curve to the left with radius of 412.13 feet, a delta angle of 34°34'15" , and a chord of 244.91 feet bearing S 10°22'50" W, an arc distance of 248.67 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" for the Point of Tangency of same,

3. S 06°59'15" E, a distance of 33.95 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" for an angle point hereof, and
4. S 27°09'45" W, a distance of 16.84 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" at the intersection of the Northern Right of Way line of said Bonanza and the Western Right of Way line of said Canyon Drive, for the Southeast corner hereof;

THENCE with the Northern Right of Way line of said Bonanza and the Southern boundary line hereof, the following courses and distances:

1. S 61°21'19" W, a distance of 150.88 feet to a disturbed 1/2" iron rod found for the Southernmost corner hereof, and
2. N 54°14'13" W, a distance of 27.20 feet to the POINT OF BEGINNING and calculated to contain 2.183 acres.

NOTE:

A Plat of Survey of even date was prepared and is intended to accompany the above described tract of land. Bearings are based on North American Datum of 1983, Texas Central Zone.

I HEREBY CERTIFY EXCLUSIVELY TO ROD CORDSEN, THAT THIS SURVEY WAS PERFORMED ON THE GROUND AND WAS SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION. CUPLIN & ASSOCIATES, INC. ACCEPTS NO RESPONSIBILITY FOR THE USE OF THIS SURVEY BY ANYONE OTHER THAN THE ABOVE REFERENCED PARTIES HEREBY CERTIFIED TO FOR THIS SPECIFIC TRANSACTION ONLY. COPYRIGHT 2021, CUPLIN & ASSOCIATES, INC. ©

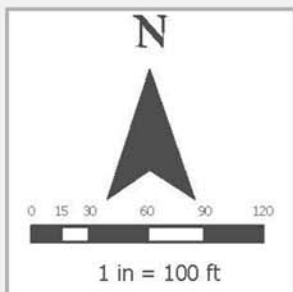
Dated: 4/1/2021

Danny J. Stark, Registered Professional Land Surveyor No. 5602



21-1837-R-REZ
20806 Bonanza Street

Attachment 2
Site Plan



PROPERTY SALE

20806 Bonanza St

Date : 1/27/2021

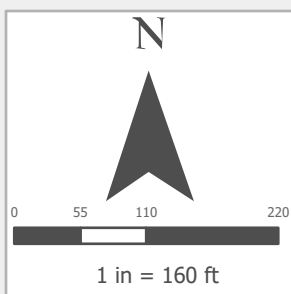
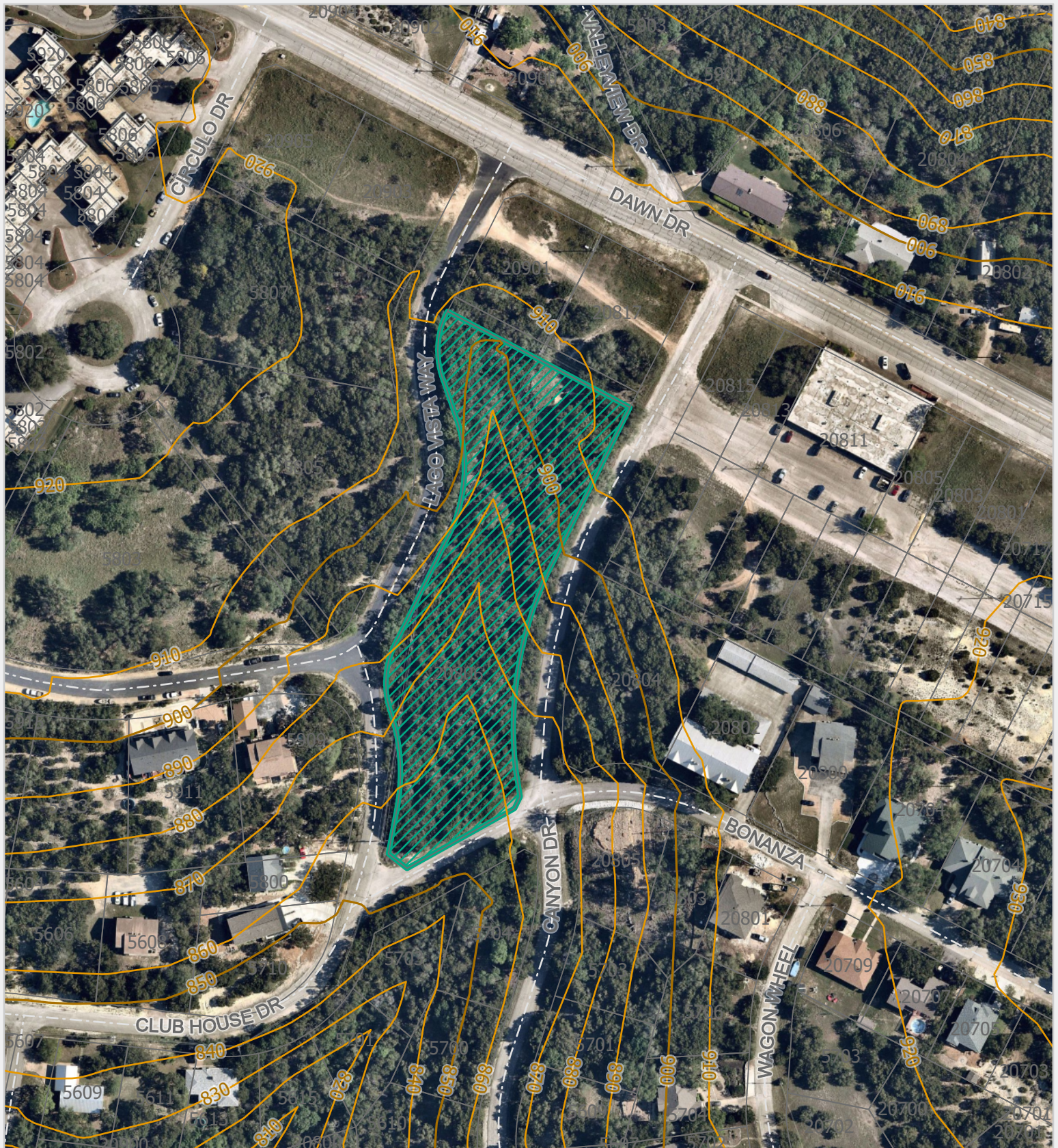
Drawn By : cmartinez

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

- C-1A
- C-1C
- P-2
- R-1E
- R-4
- TR-1
- TaxParcel

21-1837-R-REZ
20806 Bonanza Street

Attachment 3
Maps

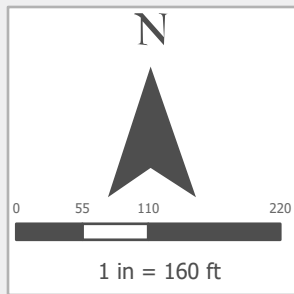


20806 BONANZA ST

Request Type	Zoning Change	Project	21-1837-R-REZ
Change Requested	P-2 to R-4	Date	6/3/2021
Map Purpose	Aerial & Topo Map	Drawn By	cmartinez

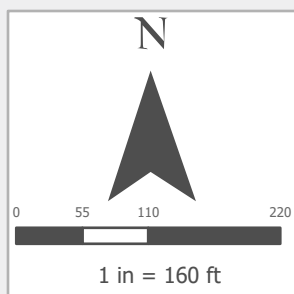
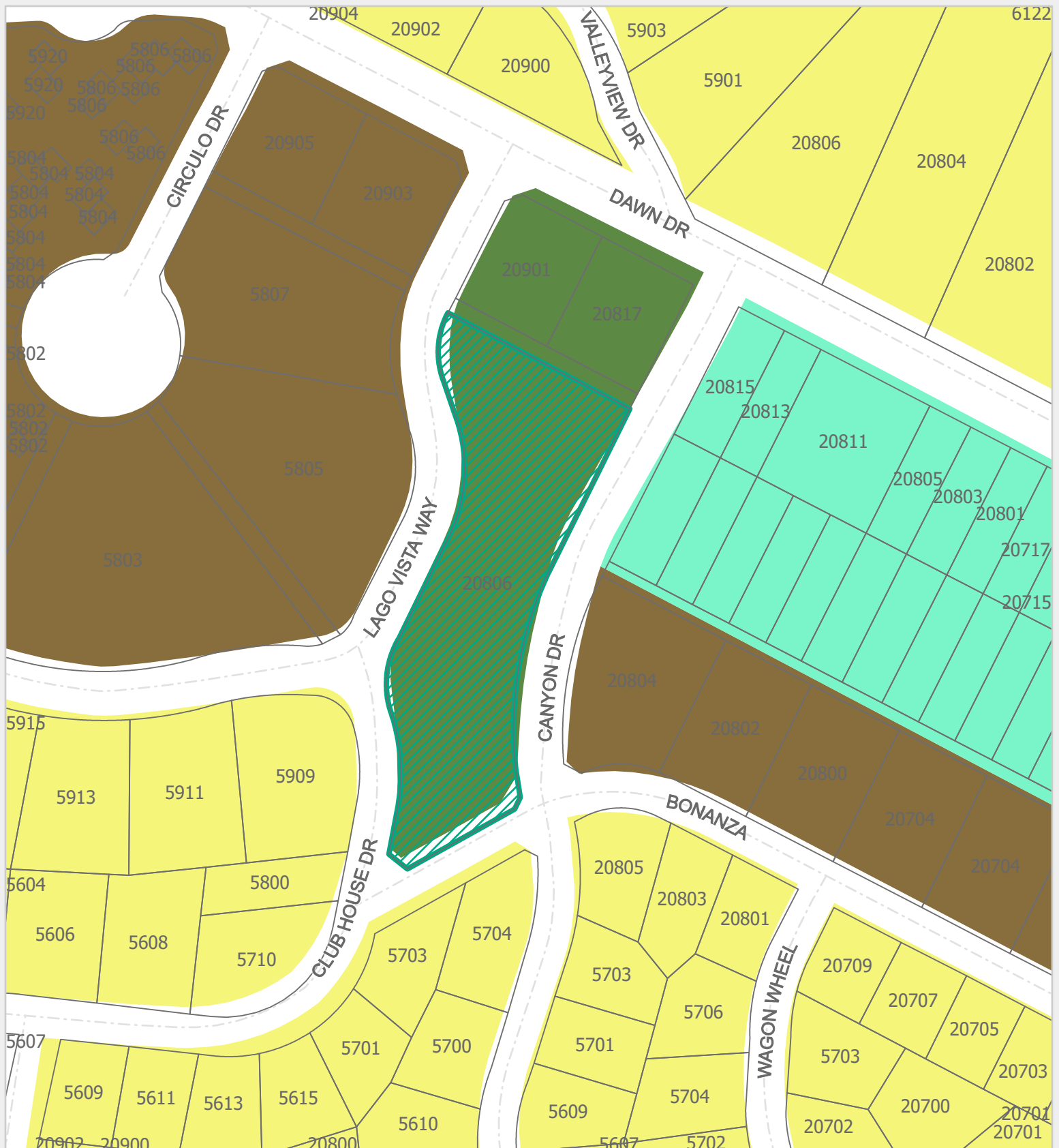
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

- Requestor Property
- Street
- Contours
 - 10 ft
 - 50 ft
- Tax Parcels (TCAD)



20806 BONANZA ST			
Request Type	Zoning Change	Project	21-1837-R-REZ
Change Requested	P-2 to R-4	Date	6/3/2021
Map Purpose	Zoning Map	Drawn By	cmartinez
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.			

	Requestor Property
	Street
	C-1A
	C-1C
	P-2
	R-1E
	R-4
	TR-1
	Tax Parcels (TCAD)



20806 BONANZA ST

Request Type	Zoning Change	Project	21-1837-R-REZ
Change Requested	P-2 to R-4	Date	6/3/2021
Map Purpose	Future Land Use Map	Drawn By	cmartinez

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

	Requestor Property
	Street
	High Density Residential
	Low Density Residential
	Mixed Use
	POA Park
	Tax Parcels (TCAD)

21-1837-R-REZ
20806 Bonanza Street

Attachment 4
Notice Comments

Roy Jambor

From: youssef pourmohammad <yousefiano@yahoo.com>
Sent: Thursday, June 10, 2021 6:05 PM
To: Roy Jambor
Subject: 06/10/2021 meeting at 7:00 PM

Hello,

The below statement may be read in favor regarding a zoning district change from P-2 to R-4 during the meeting.

Youssef Pourmohammad
In behalf of
Pourmohammad Family Trust
1821 Rhinevalley Dr.
Arlington, Texas 76012

200' Notification Mailing ID: 18

The zoning change to R-4 is a positive step so that more residential units are available for our growing community. This will increase the city tax base where services provided to our community can continue and improve where needed. This will also improve an area that has been sitting with no change for many years and will improve the safety of the entire neighborhood.



Notice of Public Hearing

Project #: 21-1837-R-REZ

Hearing Date: Thursday, June 10, 2021 at 7:00 P.M. utilizing an online videoconferencing tool. Planning and Zoning Commission members, staff and members of the public will participate in this manner only. Additional information, details and instructions on how to participate will be posted as part of the agenda on the City website (lagovistatexas.org) approximately seven days prior to the scheduled meeting date.

Project Property Location: 20806 Bonanza Street (an undesignated lot of approximately 2.17 acres within Lago Vista Travis Plaza with a metes and bounds legal description available upon request).

200' Notification Mailing ID: 23

May 26, 2021

BARRICK LINDA C
REVOCABLE LIVING TRUST
20802 BONANZA ST UNIT 4
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a recommendation regarding a zoning district change from P-2 ("Park and Greenbelt District, Passive") to R-4 ("Multifamily Residential") for the property located as 20806 Bonanza Street (an undesignated lot of approximately 2.17 acres within Lago Vista Travis Plaza with a metes and bounds legal description available upon request).

For additional information, please contact us as follows and include the above highlighted project # with all inquiries:

E-mail: development@lago-vista.org
Phone Number: 512-267-5259

Please return your comments as soon as possible. **Comments received at least seven calendar days prior to the scheduled public hearing will be included in the packets distributed to the members of the body listed above.** Individuals who do not own property within the notification boundary or those unable to deliver written comments within the required deadline must attend the public hearing to provide input. **Please note that unexplained support or opposition is less useful to the voting members than comments with context and a specific basis.**

☐ In Favor; ☒ Opposed

Comments: See attached

Signed: Linda Barrick, Trustee

This whole page may be returned as follows:

E-mail: development@lago-vista.org
Fax: 512-267-5265
Postal Address: Development Services Dept., P.O. Box 4727
Lago Vista, TX, (U.S.A.) 78645
In Person at Front Counter: Development Services Dept., Lago Vista City Hall
5803 Thunderbird St.

June 1, 2021

Planning and Zoning Commission

Project #: 21-1837-R-REZ

The City should have developed this property into a park/green space long ago. The areas around the property proposed for rezoning are in an already dense population center. The Overlook sits at the end of Dawn Drive. Thunderbird has Cape Lago and many duplexes. Bonanza has a number of 4-plexes and a 10 unit apartment complex. Many people walk the streets in the area with their pets as there is no nearby place to walk but the streets.

Canyon Drive, Lago Vista Way/Club House Drive and Bonanza already have significantly increased traffic. Construction of the duplexes recently built at Canyon and Club House drive took months to build, and with equipment, worker vehicles, and trash containers on parts of the streets presented serious traffic hazards at that curve. Visibility around the curve was clearly diminished and passage, sometimes down to one lane.

There are environmental issues to be considered as well. The lot is extremely steep. Unlike the lot at 20805 Bonanza that had only a single oak tree with the rest being junipers, there are many beautiful trees on the lot being considered for rezoning. With clearing of the lot, I have concerns about water run off. Heavy rainfalls may create pooling at Bonanza and Club House Drive. Canyon Drive already runs into the lower level of Bonanza.

All of the lots on Dawn Drive at the back of the Advent building are commercial. There are 32 lots from Canyon Drive to the police station. As These lots are developed (and likely that will happen in the near future) density in the area will increase. Please consider development of the lot into a park/green space as originally intended rather than creating more traffic and harming the environment. I speak for both properties after conversation with family members.



Notice of Public Hearing

Project #: 21-1837-R-REZ

Hearing Date: Thursday, June 10, 2021 at 7:00 P.M. utilizing an online videoconferencing tool. Planning and Zoning Commission members, staff and members of the public will participate in this manner only. Additional information, details and instructions on how to participate will be posted as part of the agenda on the City website (lagovistatexas.org) approximately seven days prior to the scheduled meeting date.

Project Property Location: 20806 Bonanza Street (an undesignated lot of approximately 2.17 acres within Lago Vista Travis Plaza with a metes and bounds legal description available upon request).

200' Notification Mailing ID: 25

May 26, 2021

DE LONG BARRICK LINDA
20802 BONANZA 4
LAGO VISTA, TX 78645

The Planning and Zoning Commission will make a consideration of a recommendation regarding a zoning district change from P-2 ("Park and Greenbelt District, Passive") to R-4 ("Multifamily Residential") for the property located as 20806 Bonanza Street (an undesignated lot of approximately 2.17 acres within Lago Vista Travis Plaza with a metes and bounds legal description available upon request).

For additional information, please contact us as follows and include the above highlighted project # with all inquiries:

E-mail: development@lago-vista.org
Phone Number: 512-267-5259

Please return your comments as soon as possible. Comments received at least seven calendar days prior to the scheduled public hearing will be included in the packets distributed to the members of the body listed above. Individuals who do not own property within the notification boundary or those unable to deliver written comments within the required deadline must attend the public hearing to provide input. Please note that unexplained support or opposition is less useful to the voting members than comments with context and a specific basis.

☐ In Favor; ☒ Opposed

Comments:

See attached

Signed: Linda Barrick

This whole page may be returned as follows:

E-mail: development@lago-vista.org
Fax: 512-267-5265
Postal Address: Development Services Dept., P.O. Box 4727
Lago Vista, TX, (U.S.A.) 78645
In Person at Front Counter: Development Services Dept., Lago Vista City Hall
5803 Thunderbird St.

June 1, 2021

Planning and Zoning Commission

Project #: 21-1837-R-REZ

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AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: September 2, 2021

From: Tracie Hlavinka, City Manager

Subject: Discussion, consideration, and possible action regarding Resolution No. 21-1897; A Resolution by the City Council of the City of Lago Vista, Texas cancelling the regular City Council meeting scheduled for October 7, 2021.

Request: Other

Legal Document: Resolution

Legal Review:



EXECUTIVE SUMMARY:

Each year the Texas Municipal League (TML) hosts a conference for elected officials and staff to attend in the State of Texas. This conference allows attendees to participate in learning sessions beneficial for changing dynamics in municipal government, networking with other municipal representatives and exposure to vendors with products specific to municipal government.

This year's TML Conference will take place in Houston, Texas beginning on October 6 and concluding on October 8, 2021. The consideration to cancel the Regular Council Meeting scheduled for October 7, 2021 is due to a lack of Council and staff to attend the meeting based on those attending the TML Conference.

Impact if Approved:

The regular scheduled Council Meeting on October 7, 2021, will be cancelled.

Impact if Denied:

Attendees of the conference will return early to conduct the Council Meeting.

Is Funding Required? ☐ Yes ☒ No If Yes, Is it Budgeted? ☐ Yes ☐ No ☐ N/A

Indicate Funding Source:**Suggested Motion/Recommendation/Action**

Motion to - -

Motion to - -

Motion to - -

Known as:**Agenda Item Approved by City Manager**

Tracie Hlavinka

 Digitally signed by Tracie Hlavinka
Date: 2021.08.26 13:55:37 -05'00'

CITY OF LAGO VISTA, TEXAS

RESOLUTION NO 21-1897

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS
CANCELLING THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR
OCTOBER 7, 2021**

WHEREAS, the City of Lago Vista, Texas has a regular City Council meeting scheduled for October 7, 2021, and

WHEREAS, the City Council members and staff will be attending the annual TML Conference in Houston, Texas on the same date; and

WHEREAS, the City Council's absence will make it impossible to have a quorum present at the location required to comply with the Texas Open Meetings Act; and

WHEREAS, the underlying goal of the City Council schedule is to maximize the participation of our elected officials, staff members and residents; and

WHEREAS, a City Council meeting conducted on October 7, 2021, is unlikely to achieve the underlying participation goals or comply with the Texas Open Meetings Act.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LAGO VISTA, TEXAS:**

THAT, the City Council of the City of Lago Vista, Texas hereby cancels the regular City Council meeting scheduled for October 7, 2021.

AND IT IS SO RESOLVED. PASSED AND APPROVED this 2nd day of September 2021.

ATTEST:

Ed Tidwell, Mayor

Sandra Barton, City Secretary

On a motion by _____, seconded by _____, the above and foregoing instrument was passed and approved.



AGENDA ITEM

City of Lago Vista

To: Mayor & City Council

Council Meeting: 9/2/21

From: Eric Belaj, PE, CFM

Subject: Discussion, consideration and possible action regarding the taps and line extension construction contract award and authorize the City Manager to execute the contract.

Request: Bid Award

Legal Document: Contract

Legal Review:



EXECUTIVE SUMMARY:

The City recently received five (5) bids from contractors willing to perform the line extensions and service taps for the City. The bids were turned in by 11 AM, on August 3rd, 2021.

The City currently has a contract with CTX Civil Constructors signed in 2018. That contract has not exceeded 3-years. The Auditors previously recommended a new revised bid be issued.

Bids: Staff has reviewed and tabulated five (5) bids. Summary of the bid tab is attached. The review of the tabulated costs indicates Cordsen Construction as the lowest bid. In addition, Cordsen was the only one that provide a valid bid bond. Neither Lantz Plumbing or CTX Civil Constructors provided bid bonds.

The bid documents were set up such that the contractor was provided an rough estimate of how many taps and possible extensions were anticipated in the coming year(s).

Funding: The City receives Tap and Line extension fees from builders. The fees are set up to cover the expenses incurred by installing new taps and pipe extensions.

Qualification: Cordsen Construction has demonstrated through the bid process that they are experienced and overall qualified to work with the City on utility infrastructure expansion.

Recommendation: Staff recommends awarding of a unit price 3-year contract to Cordsen Construction, as the primary contractor. After 3-years both parties have the option to extend the contract for an additional year for up to 5-years. City staff may request Council award a separate contract for a secondary contractor, should the workload exceed the capability of the primary contractor.

Impact if Approved:

The approval will begin the contractual paperwork process for this project. Once city staff has completed the paperwork, Mayor or CM will sign, and staff will arrange for the project to start construction. This will allow the City to get caught up on line extensions and taps, and for the utility staff to concentrate on maintenance and replacements. Contractor will be required to provide the City with insurance, and Payment & Performance bonds.

Impact if Denied:

The City will fall behind on taps and line extension requests. Currently, there is approximately a 2-month backlog. Staff is not able to keep up with demand unless a contractor is assisting.

Is Funding Required? ☐ Yes ☒ No If Yes, Is it Budgeted? ☒ Yes ☐ No ☐ N/A

Indicate Funding Source:

City collects fees for taps and line extensions

Suggested Motion/Recommendation/Action

Motion to - -

Motion to - -

Motion to - -

Known as:

Award the 3-year Unit Price Contract for the City's Taps and Line Extension to Cordsen Construction and Authorize the city Manager to Execute the Contract.

Agenda Item Approved by City Manager

Tracie Hlavinka

 Digitally signed by Tracie Hlavinka
Date: 2021.08.25 10:36:45 -05'00'

CONSTRUCTION UNIT COST FOR: <u>Lago Vista Utility Installation</u>													
The Pay Item reference indicates the controlling specification for each Pay Item. Payment for all items shall be based on Planned Quantity. Any non-authorised deviation from plans will not be Paid.													
PAY ITEM	DESCRIPTION	QUANTITY	UNIT	CEDAR HILLS		CORDSEN		CTX		HCS		LANITZ	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
GENERAL REQUIREMENTS													
1	TRAFFIC CONTROL (NOT A SEPARATE PAY ITEM)	0	LS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2	BONDS AND INSURANCE	1	LS	\$ 123,000.00	\$ 123,000.00	\$ 63,599.79	\$ 63,599.79	\$ 55,095.78	\$ 55,095.78	\$ 130,000.00	\$ 130,000.00	\$ -	\$ -
3	MOBILIZATION (FOR EACH PROJECT / TASK)	1	LS	\$ 5,500.00	\$ 5,500.00	\$ 575.00	\$ 575.00	\$ 1,500.00	\$ 1,500.00	\$ 5,000.00	\$ 5,000.00	\$ 500.00	\$ 500.00
ROADWAY IMPROVEMENTS (FOR LINE EXTENSIONS ONLY)													
4	ASPH PAVMT REPLACEMENT AND 6" BASE (10" WIDE OR LESS)	100	LF	\$ 54.00	\$ 5,400.00	\$ 12.50	\$ 1,250.00	\$ 13.00	\$ 1,300.00	\$ 80.00	\$ 8,000.00	\$ 18.00	\$ 1,800.00
5	ASPH PAVMT REPLACEMENT AND 6" BASE (11" TO 26" WIDE)	100	LF	\$ 65.00	\$ 6,500.00	\$ 27.35	\$ 2,735.00	\$ 26.00	\$ 2,600.00	\$ 100.00	\$ 10,000.00	\$ 21.00	\$ 2,100.00
6	CONC PAVMT REPLACEMENT (10" WIDE OR LESS)	1	LF	\$ 55.00	\$ 55.00	\$ 18.25	\$ 18.25	\$ 18.25	\$ 18.25	\$ 100.00	\$ 100.00	\$ 35.00	\$ 35.00
7	CONC PAVMT REPLACEMENT (11" TO 26" WIDE)	1	LF	\$ 78.00	\$ 78.00	\$ 35.25	\$ 35.25	\$ 35.25	\$ 35.25	\$ 125.00	\$ 125.00	\$ 50.00	\$ 50.00
WATER SYSTEM IMPROVEMENTS													
8	PIPE, HDPE, DR11 - 2"	50	LF	\$ 66.00	\$ 3,300.00	\$ 33.20	\$ 1,660.00	\$ 25.75	\$ 1,287.50	\$ 40.00	\$ 2,000.00	\$ 38.00	\$ 1,900.00
9	PIPE, HDPE, DR11 - 3"	1	LF	\$ 68.00	\$ 68.00	\$ 34.37	\$ 34.37	\$ 26.25	\$ 26.25	\$ 50.00	\$ 50.00	\$ 42.00	\$ 42.00
10	PIPE, HDPE, DR11 - 4"	1	LF	\$ 71.00	\$ 71.00	\$ 35.53	\$ 35.53	\$ 32.85	\$ 32.85	\$ 55.00	\$ 55.00	\$ 44.00	\$ 44.00
11	PIPE, HDPE, DR11 - 6"	1	LF	\$ 79.00	\$ 79.00	\$ 41.65	\$ 41.65	\$ 53.00	\$ 53.00	\$ 65.00	\$ 65.00	\$ 65.00	\$ 65.00
12	PIPE, HDPE, DR11 - 8"	1,000	LF	\$ 92.00	\$ 92,000.00	\$ 58.33	\$ 58,330.00	\$ 55.55	\$ 55,550.00	\$ 85.00	\$ 85,000.00	\$ 75.00	\$ 75,000.00
13	PIPE, HDPE, DR11 - 10"	1	LF	\$ 110.00	\$ 110.00	\$ 68.89	\$ 68.89	\$ 61.20	\$ 61.20	\$ 130.00	\$ 130.00	\$ 85.00	\$ 85.00
14	PIPE, HDPE, DR11 - 12"	1	LF	\$ 134.00	\$ 134.00	\$ 78.55	\$ 78.55	\$ 106.25	\$ 106.25	\$ 180.00	\$ 180.00	\$ 95.00	\$ 95.00
15	PIPE, HDPE, DR11 - 14"	1	LF	\$ 157.00	\$ 157.00	\$ 92.99	\$ 92.99	\$ 119.80	\$ 119.80	\$ 220.00	\$ 220.00	\$ 125.00	\$ 125.00
16	PIPE, HDPE, DR11 - 16"	1	LF	\$ 183.00	\$ 183.00	\$ 110.21	\$ 110.21	\$ 137.00	\$ 137.00	\$ 285.00	\$ 285.00	\$ 135.00	\$ 135.00
17	PIPE, HDPE, DR11 - 18"	1	LF	\$ 211.00	\$ 211.00	\$ 127.62	\$ 127.62	\$ 153.60	\$ 153.60	\$ 360.00	\$ 360.00	\$ 145.00	\$ 145.00
18	FIRE HYDRANT ASSEMBLY (VALVES, FITTINGS, VBOXES)	5	EA	\$ 8,285.00	\$ 41,425.00	\$ 3,746.75	\$ 18,733.75	\$ 4,227.60	\$ 21,138.00	\$ 8,600.00	\$ 43,000.00	\$ 7,500.00	\$ 37,500.00
19	GATE VALVE - 2"	5	EA	\$ 1,789.00	\$ 8,945.00	\$ 913.32	\$ 4,566.60	\$ 1,187.10	\$ 5,935.50	\$ 2,000.00	\$ 10,000.00	\$ 1,200.00	\$ 6,000.00
20	GATE VALVE - 3"	5	EA	\$ 2,168.00	\$ 10,840.00	\$ 1,125.90	\$ 5,629.50	\$ 1,389.15	\$ 6,945.75	\$ 2,500.00	\$ 12,500.00	\$ 1,400.00	\$ 7,000.00
21	GATE VALVE - 4"	1	EA	\$ 2,366.00	\$ 2,366.00	\$ 1,306.45	\$ 1,306.45	\$ 1,640.20	\$ 1,640.20	\$ 2,800.00	\$ 2,800.00	\$ 1,500.00	\$ 1,500.00
22	GATE VALVE - 6"	1	EA	\$ 2,581.00	\$ 2,581.00	\$ 1,611.58	\$ 1,611.58	\$ 1,894.35	\$ 1,894.35	\$ 3,000.00	\$ 3,000.00	\$ 1,700.00	\$ 1,700.00
23	GATE VALVE - 8"	10	EA	\$ 3,058.00	\$ 30,580.00	\$ 1,999.13	\$ 19,991.30	\$ 2,261.70	\$ 22,617.00	\$ 3,900.00	\$ 39,000.00	\$ 3,700.00	\$ 37,000.00
24	GATE VALVE - 10"	1	EA	\$ 4,015.00	\$ 4,015.00	\$ -	\$ -	\$ 3,025.00	\$ 3,025.00	\$ 6,500.00	\$ 6,500.00	\$ 5,800.00	\$ 5,800.00
25	GATE VALVE - 12"	1	EA	\$ 4,811.00	\$ 4,811.00	\$ 3,329.30	\$ 3,329.30	\$ 3,686.25	\$ 3,686.25	\$ 8,500.00	\$ 8,500.00	\$ 7,700.00	\$ 7,700.00
26	GATE VALVE - 16"	1	EA	\$ 10,859.00	\$ 10,859.00	\$ 8,383.17	\$ 8,383.17	\$ 9,230.60	\$ 9,230.60	\$ 26,000.00	\$ 26,000.00	\$ 21,000.00	\$ 21,000.00
27	GATE VALVE - 18"	1	EA	\$ 16,052.00	\$ 16,052.00	\$ 13,700.00	\$ 13,700.00	\$ 14,564.00	\$ 14,564.00	\$ 41,000.00	\$ 41,000.00	\$ 37,000.00	\$ 37,000.00
28	WT SERVICE (LONG) 1" HDPE (SINGLE) (INCLUDING PAVING)	10	EA	\$ 4,490.00	\$ 44,900.00	\$ 2,100.00	\$ 21,000.00	\$ 2,652.00	\$ 26,520.00	\$ 3,500.00	\$ 35,000.00	\$ 2,800.00	\$ 28,000.00
29	WT SERVICE (LONG) 1" HDPE (DOUBLE) (INCLUDING PAVING)	150	EA	\$ 4,953.00	\$ 742,950.00	\$ 2,200.00	\$ 330,000.00	\$ 2,725.00	\$ 408,750.00	\$ 3,800.00	\$ 570,000.00	\$ 3,200.00	\$ 480,000.00
30	WT SERVICE (LONG) 1" HDPE (SINGLE) VIA BORE (INCLUDING CASING)	10	EA	\$ 9,043.00	\$ 90,430.00	\$ 3,600.00	\$ 36,000.00	\$ 4,685.00	\$ 46,850.00	\$ 3,500.00	\$ 35,000.00	\$ 4,200.00	\$ 42,000.00
31	WT SERVICE (LONG) 1" HDPE (DOUBLE) VIA BORE (INCLUDING CASING)	10	EA	\$ 9,161.00	\$ 91,610.00	\$ 3,700.00	\$ 37,000.00	\$ 4,755.00	\$ 47,550.00	\$ 3,800.00	\$ 38,000.00	\$ 4,400.00	\$ 44,000.00
32	WT SERVICE (SHORT) 1" HDPE (SINGLE)	10	EA	\$ 2,441.00	\$ 24,410.00	\$ 2,000.00	\$ 20,000.00	\$ 2,083.00	\$ 20,830.00	\$ 2,400.00	\$ 24,000.00	\$ 1,200.00	\$ 12,000.00
33	WT SERVICE (SHORT) 1" HDPE (DOUBLE)	150	EA	\$ 2,560.00	\$ 384,000.00	\$ 2,100.00	\$ 315,000.00	\$ 2,150.00	\$ 322,500.00	\$ 2,800.00	\$ 420,000.00	\$ 1,400.00	\$ 210,000.00

CONSTRUCTION UNIT COST FOR: Lago Vista Utility Installation													
The Pay Item reference indicates the controlling specification for each Pay Item. Payment for all items shall be based on Planned Quantity. Any non-authorized deviation from plans will not be Paid.													
PAY ITEM	DESCRIPTION	QUANTITY	UNIT	CEDAR HILLS		CORDSEN		CTX		HCS		LANITZ	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE		
WASTEWATER SYSTEM IMPROVEMENTS													
34	PIPE, HDPE, DR11 - 2"	1,000	LF	\$ 68.00	\$ 68,000.00	\$ 31.21	\$ 31,210.00	\$ 21.25	\$ 21,250.00	\$ 55.00	\$ 55,000.00	\$ 38.00	\$ 38,000.00
35	PIPE, HDPE, DR11 - 3"	2,000	LF	\$ 71.00	\$ 142,000.00	\$ 32.37	\$ 64,740.00	\$ 23.25	\$ 46,500.00	\$ 75.00	\$ 150,000.00	\$ 42.00	\$ 84,000.00
36	PIPE, HDPE, DR11 - 4"	1	LF	\$ 74.00	\$ 74.00	\$ 34.53	\$ 34.53	\$ 32.20	\$ 32.20	\$ 85.00	\$ 85.00	\$ 44.00	\$ 44.00
37	PIPE, HDPE, DR11 - 6"	1	LF	\$ 82.00	\$ 82.00	\$ 40.65	\$ 40.65	\$ 50.74	\$ 50.74	\$ 95.00	\$ 95.00	\$ 65.00	\$ 65.00
38	PIPE, HDPE, DR11 - 8"	1	LF	\$ 95.00	\$ 95.00	\$ 57.33	\$ 57.33	\$ 57.75	\$ 57.75	\$ 110.00	\$ 110.00	\$ 75.00	\$ 75.00
39	PIPE, HDPE, DR11 - 10"	1	LF	\$ 114.00	\$ 114.00	\$ 67.89	\$ 67.89	\$ 56.61	\$ 56.61	\$ 125.00	\$ 125.00	\$ 85.00	\$ 85.00
40	PIPE, HDPE, DR11 - 12"	1	LF	\$ 138.00	\$ 138.00	\$ 77.55	\$ 77.55	\$ 68.06	\$ 68.06	\$ 140.00	\$ 140.00	\$ 95.00	\$ 95.00
41	GATE VALVE - 2"	5	EA	\$ 1,689.00	\$ 8,445.00	\$ 913.32	\$ 4,566.60	\$ 1,187.10	\$ 5,935.50	\$ 2,000.00	\$ 10,000.00	\$ 1,200.00	\$ 6,000.00
42	GATE VALVE - 3"	20	EA	\$ 2,067.00	\$ 41,340.00	\$ 1,125.90	\$ 22,518.00	\$ 1,389.15	\$ 27,783.00	\$ 2,500.00	\$ 50,000.00	\$ 1,400.00	\$ 28,000.00
43	GATE VALVE - 4"	1	EA	\$ 2,265.00	\$ 2,265.00	\$ 1,306.45	\$ 1,306.45	\$ 1,640.20	\$ 1,640.20	\$ 2,800.00	\$ 2,800.00	\$ 1,500.00	\$ 1,500.00
44	GATE VALVE - 6"	1	EA	\$ 2,598.00	\$ 2,598.00	\$ 1,611.58	\$ 1,611.58	\$ 1,894.35	\$ 1,894.35	\$ 3,000.00	\$ 3,000.00	\$ 1,700.00	\$ 1,700.00
45	GATE VALVE - 8"	1	EA	\$ 2,920.00	\$ 2,920.00	\$ 1,999.13	\$ 1,999.13	\$ 2,261.70	\$ 2,261.70	\$ 3,900.00	\$ 3,900.00	\$ 2,300.00	\$ 2,300.00
46	GATE VALVE - 10"	1	EA	\$ 3,827.00	\$ 3,827.00	\$ -	\$ -	\$ 3,025.00	\$ 3,025.00	\$ 6,500.00	\$ 6,500.00	\$ 5,800.00	\$ 5,800.00
47	GATE VALVE - 12"	1	EA	\$ 4,624.00	\$ 4,624.00	\$ 3,329.30	\$ 3,329.30	\$ 3,686.25	\$ 3,686.25	\$ 8,500.00	\$ 8,500.00	\$ 7,700.00	\$ 7,700.00
48	WW SERVICE (LONG) 4" PVC SDR21 GRAVITY (SINGLE) (INCL. P/VMT)	10	EA	\$ 6,015.00	\$ 60,150.00	\$ 2,400.00	\$ 24,000.00	\$ 3,636.10	\$ 36,361.00	\$ 7,000.00	\$ 70,000.00	\$ 2,800.00	\$ 28,000.00
49	WW SERVICE (LONG) 4" PVC SDR21 GRAVITY (DOUBLE) (INCL. P/VMT)	10	EA	\$ 6,560.00	\$ 65,600.00	\$ 2,500.00	\$ 25,000.00	\$ 3,836.10	\$ 38,361.00	\$ 7,900.00	\$ 79,000.00	\$ 2,600.00	\$ 26,000.00
50	4" HDPE GRAVITY SERVICE VIA BORE (INCLUDING CASING/SPACERS)	10	EA	\$ 15,371.00	\$ 153,710.00	\$ 3,900.00	\$ 39,000.00	\$ 6,813.00	\$ 68,130.00	\$ 5,000.00	\$ 50,000.00	\$ 5,500.00	\$ 55,000.00
51	2" HDPE PRESSURE SERVICE VIA BORE (INCLUDING CASING)	10	EA	\$ 9,973.00	\$ 99,730.00	\$ 4,000.00	\$ 40,000.00	\$ 6,484.00	\$ 64,840.00	\$ 3,000.00	\$ 30,000.00	\$ 4,400.00	\$ 44,000.00
52	WW SERVICE (SHORT) 4" PVC SDR21 GRAVITY (SINGLE)	10	EA	\$ 3,415.00	\$ 34,150.00	\$ 2,100.00	\$ 21,000.00	\$ 2,000.00	\$ 20,000.00	\$ 6,800.00	\$ 68,000.00	\$ 1,300.00	\$ 13,000.00
53	WW SERVICE (SHORT) 4" PVC SDR21 GRAVITY (DOUBLE)	10	EA	\$ 3,950.00	\$ 39,500.00	\$ 2,200.00	\$ 22,000.00	\$ 2,400.00	\$ 24,000.00	\$ 7,200.00	\$ 72,000.00	\$ 1,500.00	\$ 15,000.00
54	WW SERVICE (LONG) 2" HDPE (SINGLE) (INCLUDING PAVING)	10	EA	\$ 5,453.00	\$ 54,530.00	\$ 2,400.00	\$ 24,000.00	\$ 2,988.00	\$ 29,880.00	\$ 9,500.00	\$ 95,000.00	\$ 2,600.00	\$ 26,000.00
55	WW SERVICE (LONG) 2" HDPE (DOUBLE) (INCLUDING PAVING)	150	EA	\$ 6,092.00	\$ 913,800.00	\$ 3,000.00	\$ 450,000.00	\$ 3,507.00	\$ 526,050.00	\$ 10,000.00	\$ 1,500,000.00	\$ 2,800.00	\$ 420,000.00
56	WW SERVICE (SHORT) 2" HDPE (DOUBLE)	150	EA	\$ 4,240.00	\$ 636,000.00	\$ 2,100.00	\$ 315,000.00	\$ 2,920.00	\$ 438,000.00	\$ 5,000.00	\$ 750,000.00	\$ 1,500.00	\$ 225,000.00
57	WW SERVICE (SHORT) 2" HDPE (SINGLE)	10	EA	\$ 4,291.00	\$ 42,910.00	\$ 1,700.00	\$ 17,000.00	\$ 2,400.00	\$ 24,000.00	\$ 4,500.00	\$ 45,000.00	\$ 1,400.00	\$ 14,000.00
TOTAL BASE BID (TOTAL OF ITEMS IN THE COLUMNS ABOVE)				\$	4,124,122.00	\$	2,073,603.76	\$	2,465,616.74	\$	4,605,125.00	\$	2,103,085.00

All utility line installation include bedding, system sterilization, testing, site clearing, and all appurtenances needed for a complete project. All service lines include pipe, valves, valve boxes, meter boxes, and associated fittings. Some line items were added as simply one OR 10 units because the City cannot approximate the quantities to be used or whether that line item will be used. Each connection to existing accounts for 4-hrs of locating the pipe.

STANDARD CONSTRUCTION CONTRACT

STATE OF TEXAS

§

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTIES OF TRAVIS

§

THIS CONTRACT is made and entered into on this the _____ day of _____, 20__ by and between the CITY OF LAGO VISTA (hereinafter referred to as “**OWNER**”) and _____ (hereinafter referred to as “**CONTRACTOR**”). In consideration of the mutual covenants set forth, the OWNER and CONTRACTOR agree as follows:

Article I. Work

The CONTRACTOR shall perform all of the work as specified in the Contract Documents pertaining to this project. The work is generally described as follows:

UTILITY INSTALLATION SERVICES PROJECT

ATTACHED ADDENDUM

Addenda numbers **0** to **0**, inclusive.

Plans and Specification prepared by: The City of Lago Vista

CITY OF LAGO VISTA

All extra work shall be performed as specified or indicated in the Contract Documents; and, at the CONTRACTOR’s own cost and expense, the CONTRACTOR shall furnish all the materials, supplies, machinery, equipment, tools, superintendence, labor, insurance, and other accessories and services as may be necessary in order to complete the construction, as described above and in accordance with the Contract Documents unless otherwise agreed to by the OWNER.

Article II. Contract Documents

The Contract Documents may only be altered, amended or modified as provided in the General Conditions. The Contract Documents consist of: this written agreement setting forth the work to be performed; advertisement, if any; instructions to bidders, if any; proposal; addendum; specifications, including the general, special, and technical conditions, provisions, plans, or working drawings; any supplemental changes or agreements pertaining to the work or materials therefore (Change Orders); maintenance, performance and payment bonds; insurance certificate the Construction Standard Specifications as provided for in the contract documents, or if not, then as published by the City of Lago Vista, as amended, and, any additional documents incorporated by reference. These form the Contract Documents and all are as fully a part of the Contract as if attached to this agreement or repeated herein.

Article III. Contract Time

The CONTRACTOR shall perform and complete all the items or work listed and referred to in the Contract Documents within ___N/A___ calendar days. Contract shall terminate three (3) calendar years from the date of this contract. The contract may be extended for additional year for up to 5 years if both parties agree to in writing. All limitations of time set forth herein are material and are of the essence of this Contract.

Article IV. Contract Price

The OWNER shall pay the CONTRACTOR for completion of the work in accordance with the Contract Documents using current funds. Such payments shall be subject to the General and Special Conditions to the Contract, as contained in the Contract Documents. The Contract is a Unit Price Contract. Should CONTRACTOR need to exceed the price stated herein, CONTRACTOR shall submit a Change Order with proper documentation for written approval by the OWNER. Undertaking any work prior to receiving the approval on a Change Order shall be at CONTRACTOR'S risk and OWNER shall not be required to pay for any work undertaken unless and until such Change Order is approved by the OWNER.

Article V. Debts

The OWNER may, at its option, offset any amounts due and payable under this Contract against and debt (including taxes) lawfully due to OWNER from CONTRACTOR, regardless of whether the amount due arises pursuant to the terms of this Contract or otherwise and regardless of whether or not the debt due to OWNER has been reduced to judgment by a court.

Article VI. Miscellaneous Provisions

The terms used in this Contract shall have the same meaning as designated in the General Provisions of the Standard Specifications aforementioned, as amended. The Contract Documents, which constitute the entire agreement between the OWNER and CONTRACTOR, are listed in Article II. No assignment by either party hereto of any rights under or interests in the Contract Documents will be binding on the other party hereto without the written consent of the party sought to be bound. The OWNER reserves the right to select to build the project herein in whole or in part as needed to meet budget constraints, coordination with other project, or to better align with the needs of the OWNER. The OWNER and CONTRACTOR each binds itself, its partners, successors, assigns, and legal representatives hereto to the covenants, agreements, and obligations contained in the Contract Documents.

IN WITNESS WHEREOF, the OWNER and CONTRACTOR have executed this Contract in duplicate and on the date aforementioned. All portions of the Contract Documents have been signed or identified by the OWNER and CONTRACTOR.

CONTRACTOR: NAME

CITY OF LAGO VISTA

Signature By: _____

Joshua Ray

Name: _____

ATTEST:

ATTEST:

Name:

City Secretary, Sandra Barton

Address for giving notices:

Address for giving notices:

5803 Thunderbird Street
Lago Vista, TX 78645



AGENDA ITEM
City of Lago Vista

To: Mayor & City Council

Council Meeting: September 2, 2021

From: Ed Tidwell, Mayor and Arch Davila, Mayor Pro Tem

Subject: Discussion, consideration, and possible action regarding a Complaint alleging Ethics Policy violations by Charter Review Committee Chairman, Robert Durbin.

Request: Other

Legal Document: Other

Legal Review: ☒

EXECUTIVE SUMMARY:

An official complaint regarding alleged violations of the City Charter, City Ethics Policy and Texas Government Code against Robert Durbin has been brought forward by two (2) Council members.

The City Council is the authority for investigating and addressing these alleged violations in reference to the aforementioned policies and codes.

Additional information regarding the complaint has been included for evaluation.

Impact if Approved:

N/A

Impact if Denied:

N/A

Is Funding Required? ☐ Yes ☒ No If Yes, Is it Budgeted? ☐ Yes ☐ No ☐ N/A

Indicate Funding Source:**Suggested Motion/Recommendation/Action**

Motion to - -

Motion to - -

Motion to - -

Known as:**Agenda Item Approved by City Manager**

Tracie Hlavinka

 Digitally signed by Tracie Hlavinka
Date: 2021.08.26 17:47:50 -05'00'



Mayor Ed Tidwell • Mayor Pro Tem Arch Davila
David Williams • Kevin Sullivan • Chelaine Marion • Dick Weatherly • Paul Prince

8/24/2021

City Council

Re: Official Complaint

Council Members,

As the Mayor of the City of Lago Vista, it is my responsibility to ensure the ethical standards and integrity of the City are upheld. Based on Sections 1.1801 (a), 1.1801 (b), 1.1802 (1), and 1.1802 (4) of the Ethics Policy, and the Rules of Procedure Section 1.2, Section 7.6, Section 7.8 (5) (b), I hereby file allegations against Mr. Robert Durbin for violation of the following:

I allege that Mr. Robert Durbin failed to uphold public confidence in the integrity, independence, and impartiality of those who act on their behalf in government and failed to avoid the appearance of impropriety. I allege that Mr. Robert Durbin violated City Charter Section 11.14 Charter Review by requesting information from a department head that was beyond his scope of work as the Chairperson of the Charter Review Board and was instead attempting to make changes that would change the duties of the Board of Adjustment of which he also serves as the Chairperson. I allege the Mr. Durbin violated City Charter Section 3.23 Prohibitions by attempting to give direction to both Roy Jambor and Erin Selvera. I allege that Mr. Durbin took action that he knew might reasonably tend to influence another public servant to not properly perform their official duty. I also allege that Mr. Durbin failed to maintain high ethical standards in official conduct and is subject to discipline as a result.

City Charter

1. Section 11.05 Ethics Policy and Code of Conduct
2. Section 11.14 Charter Review
3. Section 3.23 Prohibitions

Ethics Policy

1. Section 1.1801 (a)
2. Section 1.1801 (b)
3. Section 1.1802 (1)
4. Section 1.1802 (4)
5. Section 1.1803 (a) (1)

Texas Government Code

1. Chapter 551 Open Meetings Act
2. Chapter 552 Public Information Act



Mayor Ed Tidwell • Mayor Pro Tem Arch Davila
David Williams • Kevin Sullivan • Chelaine Marion • Dick Weatherly • Paul Prince

Respectfully Submitted,

A handwritten signature in blue ink that reads "Ed Tidwell".

Ed Tidwell
Mayor

A handwritten signature in blue ink that reads "Arch Davila".

Arch Davila
Council Member Place 3

