Commissioners Court –November 26, 2013
NOTICE OF A MEETING OF THE
COMMISSIONERS COURT OF HAYS COUNTY, TEXAS

This Notice is posted pursuant to the Texas Open Meetings Act. (VERNONS TEXAS CODES ANN. GOV. CODE CH.551). The Hays County Commissioners Court will hold a meeting at **9:00 A.M.** on the **26th day of November, 2013**, in the Hays County Courthouse, Room 301, San Marcos, Texas. An Open Meeting will be held concerning the following subjects:

CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE - **Pledge of Allegiance to the American Flag & Pledge of Allegiance to the Texas Flag**
ROLL CALL

PRESENTATIONS & PROCLAMATIONS

1	4-38	Presentation of the Hays County Flood Recovery Plan for the Halloween 2013 Flood. **COBB/SMITH**

PUBLIC COMMENTS

At this time **3-MINUTE** comments will be taken from the audience on Non-Agenda related topics. To address the Court, please submit a Public Participation/ Witness Form to the County Clerk. Please Complete the Public Participation/ Witness Form in its Entirety.
NO ACTION MAY BE TAKEN BY THE COURT DURING PUBLIC COMMENTS.

CONSENT ITEMS

The following may be acted upon in one motion.
A Commissioner, the County Judge, or a Citizen may request items be pulled for separate discussion and/or action.

2	39	Approve payments of county invoices. **HERZOG**
3	40-47	Approve Commissioner Court Minutes of November 8th,12th and 14, 2013. **COBB/GONZALEZ**
4	48-50	Authorize acceptance of a proposal from Hicks and Company for a cultural resource/archeological survey at the Jacob's Well Natural Area, in the amount of $6,470.00. **CONLEY/HAUFF**
5	51	Authorize Institutional OSSF Permit at 7061 South Old Bastrop Rd, San Marcos, TX. **INGALSBE/MCINNIS**
6	52	Accept a contribution on behalf of Kate Johnson for Government Center Christmas decorations. **COBB/GARZA**
7	53-57	Ratify the execution of an engagement letter between Hays County and Kelly Hart & Hallman LLP. **COBB**
8	58	Authorize the Hays County Sheriff's Office to submit a donation request to the Canon4Kids program for photography, video, and office equipment to be used in the Patrol and Criminal Investigation Divisions. **COBB/CUTLER**
9	59-62	Ratify the execution of a letter amendment between Hays County and Forestar Real Estate (USA) Group Inc. as it relates to the deadline cited in section 3.1 (f) of the Agreement originally signed on October 1, 2013. **COBB**
10	63	Authorize General Counsel to publish notice of auction for the lease of approximately 1.03 acres of property located along FM 2001 in Precinct 2, and authorize Commissioner, Precinct 2, to conduct said auction. **JONES**
11	64-70	Approve the Sheriff's Office Chapter 59 Asset Forfeiture Report in accordance with forfeiture accounts existing under Chapter 59 of the Texas Code of Criminal Procedures, as required by the Texas Attorney General. **COBB/CUTLER**
12	71-76	Approve and execute the Sheriff's Office Equitable Sharing Agreementand Certification in accordance with the statutes and guidelines that govern the federal Equitable Sharing Program. **COBB/CUTLER**
13	77-78	Authorize the County Judge to enter into a temporary use agreement with the U.S. Small Business Administration to provide office space to issue and process disaster relief applications. **COBB/SMITH**
14	79-80	Authorize the County Judge to execute a letter amendment to the Temporary Lease Agreement between Hays County and Thorpe Lane Apartments, LLC executed on October 29, 2013. **INGALSBE**

ACTION ITEMS

SUBDIVISIONS

15	81-82	SUB-129 Kena's Run (2 lots). Discussion and possible action to approve preliminary plan. **CONLEY/MCINNIS**
16	83-101	SUB-113 O-Bar Ranch (15 lots). Discussion and possible action to approve final plat and accept fiscal surety for the construction of street and drainage improvements in the amount of $600,000.00. **WHISENANT/JONES/MCINNIS**
17	102-104	SUB-132 Replat of Lot 1, Fitzhugh Trails. Discussion and possible action to approve final plat; hold a public hearing. **WHISENANT/MCINNIS**
18	105-107	SUB-139 Hog Hollow Subdivision (3 lots). Discussion and possible action to approve preliminary plan. **WHISENANT/MCINNIS**
19	108-115	Discussion and possible action to authorize a variance to Section 5.8 of the 2007 Subdivision and Development Regulations and allow submittal of final plat for the Driftwood Subdivision. **WHISENANT/MCINNIS**

MISCELLANEOUS

20	116-125	Discussion and possible action to authorize the County Judge to execute a Professional Services Agreement with Richard D. Kidd for providing professional production services to the Hays County Historical Commission. **COBB/INGALSBE/JOHNSON**
21	126	Discussion and possible action to authorize Institutional OSSF Permit #2013-26485 and grant a variance to Section 715.4.01 of the Hays County Development Regulations at 500 Fischer Store Road, Wimberley, TX. **CONLEY/MCINNIS**
22	127	Discussion and possible action to declare an emergency and amend the FY 2014 budget for expenses related to the October 2013 flood damages. **COBB/SMITH**
23	128-129	Discussion and possible action to adopt a Joint Resolution whereas the Democratic and Republican Parties desire to enter into a 2014 joint Primary Election Services Contract with the Hays County Elections Administrator and whereas the Commissioners Court desires to give authorization for said contract. **COBB/COWAN**
24	130-135	Discussion and possible action to authorize the County Judge to execute an Interlocal Agreement between Hays County and the City of San Marcos for the Post Road Water Main Project in Hays County. **WHISENANT**

EXECUTIVE SESSIONS

The Commissioners Court will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda. The Commissioners Court may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

25	136	Executive Session pursuant to Sections 551.071 and 551.074 of the Texas Government Code: consultation with counsel and deliberation regarding the performance and duties of the Veterans Service Officer, Fire Marshall, Emergency Management Coordinator, IT Director, Human Resources Director, Transportation Director, General Counsel, Elections Administrator, Development and Community Services Director, and Grants Administrator. Possible action may follow in open court. **COBB**
26	137	Executive Session pursuant to Sections 551.071 and 551.072 of the Texas Government Code: consultation with counsel and deliberation regarding the purchase, exchange, or value of real property, including but not limited to the marketing and potential sale or lease of County-owned, or County-leased properties. Possible action may follow in open court. **COBB**

STANDING AGENDA ITEMS

The Commissioners Court utilizes Standing Agenda Items to address issues that are frequently or periodically discussed in court. This section allows the Court to open the item when a need for discussion arises.

27	Discussion of issues related to inmate population at the Hays County Jail. **COBB/CUTLER**
28	Discussion and possible action related to the burn ban and/or disaster declaration. **COBB/CHAMBERS**
29	Discussion of issues related to proposed capital construction projects in Hays County, including but not limited to the Government Center; the Precinct 2 facility project; and the Law Enforcement Center Immediate Needs Project. Possible action may follow. **INGALSBE**
30	Discussion of issues related to the road bond projects, including updates from Mike Weaver, Prime Strategies and Allen Crozier, HDR. Possible action may follow. **COBB**
31	Discussion of issues related to the Hays County Water and Sewer Authority and the West Travis County Public Utility Agency. **WHISENANT**

ADJOURNMENT

Posted by 5:00 o'clock P.M. on the 22nd day of November, 2013

COMMISSIONERS COURT, HAYS COUNTY, TEXAS

_____

CLERK OF THE COURT

Hays County encourages compliance with the Americans with Disabilities Act (ADA) in the conduct of all public meetings. To that end, persons with disabilities who plan to attend this meeting and who may need auxiliary aids such as an interpreter for a person who is hearing impaired are requested to contact the Hays County Judge's Office at (512) 393-2205 as soon as the meeting is posted (72 hours before the meeting) or as soon as practical so that appropriate arrangements can be made. While it would be helpful to receive as much advance notice as possible, Hays County will make every reasonable effort to accommodate any valid request regardless of when it is received. Braille is not available.

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court
Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

Presentation of the Hays County Flood Recovery Plan for the Halloween 2013 Flood.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
PROCLAMATIONS/PRESENTATIONS	November 26, 2013	

LINE ITEM NUMBER

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR REVIEW:** N/A

REQUESTED BY	SPONSOR	CO-SPONSOR
Kharley Smith	COBB	N/A

SUMMARY

Presentation on detailed recovery efforts for short term, intermediate term, and long term tasks within departments throughout the County. *See attached

Hays County Flood Recovery Plan

November 05, 2013

Hays County
Office of Emergency Management

To the Citizens of Hays County:

This document, *Hays County Recovery Plan*, is intended to assist Hays County as it moves past the immediate impact of the Hays County floods of October 2013 toward physical and economic recovery. This document is only a guide. The recovery process will take weeks, perhaps months, to accomplish and will require effort and understanding from all Hays County citizens.

This document is a preliminary list of tasks and accomplishments necessary to reach Hays County's goal of community rebuilding. With multiple stakeholders in the process, communication and cooperation among the groups named as resources in the plan is crucial. Consistency in our message is imperative, *that Hays County is taking all the steps necessary for a successful recovery*.

This plan includes short-term objectives that should be addressed immediately and intermediate objectives for the rest of 2013 into 2014. The completion of these objectives will provide a foundation for long-term recovery.

We need you and your support to bring our county back. We can do it, together, and this plan will guide us into recovery.

Sincerely,

County Judge Signature	EMC Signature
Hon. Judge Bert Cobb, M.D.	***Kharley Smith***
Emergency Management Director	***Emergency Management Coordinator***

Office: 512- 393- 7300
712 S. Stagecoach Trl
San Marcos, TX 78666
www.co.hays.tx.us
e-mail: emergency_management@co.hays.tx.us

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Implementation and Review Process

The *Hays County Flood Recovery Plan* includes short-term objectives that should be addressed immediately and intermediate objectives for the rest of 2013. These objectives have been developed in consultation with the group supervisors for each area of the plan so that they reflect the needs and desires of Hays County.

This plan will be monitored and updated on a weekly basis and reviewed for completeness on a monthly basis. As this review and update is continued, the completed document will give a picture of the success of rebuilding efforts in Hays County.

Implementation of this plan will begin with bi-weekly meetings of the Hays County Flood Recovery Task Force, composed of county staff overseeing each of the major components of this plan (including public information), beginning the second week of November. At these meetings, each group will review accomplishments, current objectives, resources committed, future actions, and unmet needs. As objectives are met and needs answered, these meetings will become less frequent. *(See Appendix A and B for sample agenda and report format)*

An important component of implementing the recovery plan is providing information about accomplishments. In addition to informing elected officials and staff, the county may choose to celebrate significant accomplishments and milestones with press releases or other media events as visible signs of Hays County's successful recovery.

Debris Management Group

Group Supervisor: Jerry H. Borcherding, P.E.

Contact: 512-393-7385

Coordinating Groups:

- **Debris Management**
- **Environmental Habitat Conservation**
- **Financial Management**
- **Public Information**

Short Term Objectives: Debris Management Group

Task	Deliverables	Resource	Responsible Party	Target Date for Completion	Completion
Establish Debris Management Center office	Transportation Department		County Engineer	11/03/2013	11/03/2013
Obtain sites for debris management for contractor and/or public use (land leases and permit approval)		TCEQ USFW	County Engineer	11/03/2013	11/03/2013
Begin a public information program for debris operations	Regular updates on debris clearance operations	PIO	County Engineer	On going	

Intermediate Objectives: Debris Management Group

Task	Deliverables	Resource	Responsible Party	Target Date	Completion
Formalize County-wide Debris Operations Task Team	Operational Plan including Health and Safety Plan	Hays County Debris Hauling Contractors TxDOT	County Engineer	TBD	
Initiate county ROW tree removal program		Hays County TDEM	County Engineer	TBD	
Continue public information program for all debris issues	Provide regular updates on debris clearance	PIO	County Engineer		

Long-Term Objectives: Debris Management Group

Task	Deliverables	Resource	Responsible Party	Target Date	Completion
Evaluate debris removal priorities		Hays County	County Engineer	TBD	
Close and remediate Debris Management Sites (DMS)	Bring site back to permitted levels	Hays County Debris Hauling Contractors	County Engineer	TBD	
Reconcile debris hauler documentation and invoices	Audit ready documentation for reimbursement	Debris Hauling Contractors Hays County	County Auditor with Transportation Department Staff	Ongoing through project close out	

Environmental/Habitat Conservation Group

Group Supervisor: Clint Garza

Contact: 512-393-2150

Coordinating Groups:

Debris Management
Road and Bridge
Financial Management
Public Information

Short Term Objectives: Environmental/Habitat Conservation Group

Task	Deliverables	Resource	Responsible Party	Target Date for Completion	Completion
Create a Natural and Cultural Resources Assessment and Actions Team to address private property access with coordination and permission from landowners		LCRA, TPWD, TFS, USFWS, TSU, TAMU, TCEQ, NRCS, THC, PIO, Hays County	Director of Development and Community Services	Pending PA Approval	
Develop public information package for land planning and mitigation		LCRA, TPWD, TFS, USFWS, TSU, TAMU, TCEQ, NRCS, THC, PIO, Hays County	Director of Development and Community Services	Pending PA Approval	

Intermediate Objectives: Environmental/Habitat Conservation Group

Task	Deliverables	Resource	Responsible Party	Target Date	Completion
Develop mitigation actions		Natural and Cultural Resources Assessment and Actions Team	Director of Development and Community Services	Pending PA Approval	
Implement mitigation actions a Landowner consent b Daily operations-contact from landowners		Natural and Cultural Resources Assessment and Actions Team	Director of Development and Community Services	Pending PA Approval	
Continue Public Information effort for mitigation actions and resources available accomplish work to private landowners		PIO Resource Partners	Communication Specialist	Pending PA Approval	

Financial Management Group

Group Supervisor: Bill Herzog

Contact: 512-393-2283

Coordinating Groups:

- **Donations/Volunteer**
- **Environmental/Habitat Management**
- **Road and Bridge**
- **Animal Support**
- **Public Information**

Short Term Objectives: Financial Management

Task	Deliverables	Resource	Responsible Party	Target Date for Completion	Completion
Create checklist for reimbursement packet for departments and agencies	Document for initial meeting	TDEM	County Auditor		
Kick off Meeting with County Staff and other agencies		Hays County City of Hays City of Buda City of Kyle City of San Marcos ESD School districts Bluebonnet Electric LCRA	County Treasurer		
Register vendors and create lists of local vendors for debris removal	Vendor registration form Lists for public information	PIO		Ongoing	
Create list of recycling vendors/locations	List for public information			Ongoing	
Meet individually with departments and groups to review the reimbursement process		Hays County Other agencies	County Auditor	As needed	

Intermediate Objectives: Financial Management

Task	Deliverables	Resource	Responsible Party	Target Date	Completion
Train county Departments on reimbursement procedures for TDEM and possibly PA	Reimbursement packages	Hays County	County Auditor	100% Completion	
Meetings with individual departments and agencies on packet creation	Final Reimbursement packages	Hays County	County Auditor	Ongoing	
PA Kickoff Meeting (if PA approved)		FEMA	County Treasurer		
Continue to track expenses and documentation until final assistance is approved and received			County Auditor	Grants and/or Assistance Received	

Short Term Objectives: Homeowner Assistance

Task	Deliverables	Resource	Responsible Party	Target Date	Completion
Report efforts to PIO	Reports	PIO			
Establish homeowner priority system and match with registered volunteer agencies	Priority list	VOAD	VOAD		

Intermediate Objectives: Homeowner Assistance

Task	Deliverables	Resource	Responsible Party	Target Date	Completion
Develop and capture metrics on volunteerism for county needs	Data			Ongoing	
Continue to communicate with PIO	Communication	All players	All Players	Ongoing	
Establish committee on long-term recovery	Long-term recovery plan	All stakeholders	Central Texas VOAD		

Road and Bridge Group

Group Supervisor: Tim Vandevorde

Contact: 512-393-7385

Coordinating Groups:

Debris Management

Environmental/Habitat Conservation

Public Information

Financial Management

Short Term Objectives: Road and Bridge

Task	Deliverables	Resources Needed	Responsible Party	Target Date for Completion	Completion
Provide support for debris management locations	Upon approval of PA, identify specific support needs	Road and bridge maintenance	Hays County	Ongoing	
Continue to remove debris on roadway		Road and bridge maintenance	Hays County	Ongoing	
Continue to remove animal carcasses		Road and bridge maintenance	Hays County	Ongoing	
Damage assessments/improvements		Road and bridge maintenance	Hays County	Ongoing	
Prioritization of repair schedule		Road and bridge maintenance	Hays County	Ongoing	
Ongoing documentation to support 25% match		Road and bridge maintenance	Hays County	Ongoing	
Weekly progress/work plan for public information		Road and bridge maintenance	Hays County	Ongoing	

Animal Support Group

Group Supervisor: Brian Roach

Contact: 512-393-7896

Coordinating Groups:

Debris Management
Environmental/Habitat Conservation
Public Information
Financial Management

Short Term Objectives: Large Animals

Task	Deliverables	Resources Needed	Responsible Party	Target Date for Completion	Completion
Continue to distribute donated animal feed and hay		Richard Parish, Hays County Ag Extension	Sheriff's Office	Ongoing	
Create a list of volunteers and time donated		Turn in lists to EMC for financial package	Sheriff's Office	Ongoing	
Create a list of donated facilities, equipment and supplies for both locations		Turn in lists to EMC for financial package	Sheriff's Office	Ongoing	

Intermediate Objectives: Large Animals

Task	Deliverables	Resources Needed	Responsible Party	Target Date for Completion	Completion
Create a list of volunteers and time donated , and turn into EMC for financial package			Sheriff's Office		
Create a list of donated equipment and supplies , and turn into EMC for financial package			Sheriff's Office		

Short Term Objectives: Small Animals

Task	Deliverables	Resources Needed	Responsible Party	Target Date for Completion	Completion
Suspend current policies concerning unclaimed animals at the San Marcos Regional Animal Shelter			County staff and elected officials	Ongoing	
Work with the Austin Humane Society and TAMU Veterinary School to gather information on their costs and contributions to the injured animal efforts	Turn in lists to EMC for financial package		Sheriff's Office		

Intermediate Objectives: Small Animals

Task	Deliverables	Resources Needed	Responsible Party	Target Date for Completion	Completion
Review/reassess policies concerning unclaimed animals at the San Marcos Regional Animal Shelter			County staff and elected officials	Ongoing	
Work with the Austin Humane Society to gather information on their costs and contributions to the injured animal effort			Sheriff's Office		

Public Information

Group Supervisor: Laureen Chernow

Contact: 512-393-2215

Coordinating Groups:

- **Debris Management**
- **Environmental/Habitat Conservation**
- **Animal Support**
- **Donation Management**
- **Road and Bridge**
- **Financial Management**

Objectives: Public Information

Task	Deliverables	Resources Needed	Responsible Party	Target Date for Completion	Completion
Continue to update all interested parties with relevant information	Update County website (www.co.Hays.tx.us)	Agency information needing to be disseminated to residents and stakeholders	Various County agencies; County Public Information Officer (PIO) to do the updates	ongoing updates	Completed by County PIO initially and currently ongoing
Continue updates to general public	Monitor and update Hays County social media sites and HaysInformed.com	Knowledge of relevant information to post; Facebook pages monitored for consistency of information, writing and message	County PIO will take lead, with participation from: Office of Emergency Management; and County IT Department	Updates ongoing	Updates ongoing

Continue to update all residents with relevant information	Utilize one line of text on utility bills (cable, water, gas, power, phone, etc) to refer customers to County's website for most up-to-date information	Access to bills from utility service providers	County PIO (coordinates with various utilities for implementation of this, including confirmation of bill print deadlines)	12/01/2013; ongoing quarterly updated line of information	
Develop message for County's website to ask anyone requesting updates to be placed on email blast list for messages regarding recovery efforts to be disseminated periodically	Email blast to interested parties	Message placed on County website asking for email addresses; County IT Department prepare email list; County send out message	County PIO	12/01/2013 for generation of list; ongoing updates	
Continue to update media	Establish new email account (transfer information and contacts to Haysrecovery@co.hays.tx.us	Access to account	County PIO	ongoing updates	

Continuing updates to residents and interested parties about Recovery Process	Development of Frequently Asked Question (FAQ) sheet, based on questions currently being asked by members of the community, such as, "is there a permit required to remove debris, where can I get FEMA help, etc. Much of this information is already on County website but the Top 20 questions (and answers) need to be put on one sheet of paper and disseminated via normal channels	List of Top 20 questions and answers compiled by County PIO and Office of Emergency Management	County PIO	ongoing updates	

Continuing updates among all involved corporate partners; ensure that agencies are distributing consistent information	Development and Implementation of Joint Information System (JIS) to coordinate and implement public information needs; JIS would conduct periodic conference calls to provide situational awareness of event/activities affecting recovery efforts; County PIO would facilitate, call and compile relevant information and report respective information to appropriate entities, media and general public; calls would preceded with publication of agendas and mutually agreed upon schedule	County PIO is designated as lead, with participation from the public information representatives from the following: City of Buda, City of Kyle, City of Wimberley, City of San Marcos, ESDs, Sheriff's Office, Salvation Army, Red Cross, CERT…	County PIO	ongoing updates	

Disseminate "success stories" from various residents and businesses showing resiliency of people of Hays County	Written stories submitted to media for further coverage and publication	Residents, Businesses willing to talk about future plans to remain in the County; volunteers to write stories	Volunteers recruited by County PIO to write the stories; County PIO to review & disseminate	ongoing updates	

Emergency Management Coordination Group

Group Supervisor: Kharley Smith

Contact: 512-393-7300

Coordinating Groups:

- **Debris Management**
- **Environmental/Habitat Conservation**
- **Public Information**
- **Animal Support**
- **Financial Management**

Short Term Objectives: Emergency Management Coordination

Task	Deliverables	Resources Needed	Responsible Party	Target Date for Completion	Completion
Set meetings for all State and Federal Agencies	Communication/information sharing	All State and Federal agencies	EMC	TBD	
Meet with IMT to approve long term recovery plan	10-30 day+ recovery plan	IMT	EMC	Ongoing	
Plan meeting date for all departments	County education regarding process and meeting schedule to keep up with tasks (ATTACHED AGENDA)	All County Group Supervisors Assigned to tasks	EMC	Set date as soon as possible	
Plan meeting date for all county employees to share information on recovery	Buy in and education for all county employees	All departments	OEM staff	Set date as soon as possible	
Communicate with each department listed in the recovery plan to ensure the county is moving forward	Progress	OEM staff	Ongoing	Use dates listed in recovery plan	
Present recovery plan to Commissioners Court	Progress	Commissioners Court	EMC	11/26/2013	
Distribute copy of recovery plan to county departments in plan	Deliver approved plan	OEM staff	OEM Staff	12/2/2013	
Develop a procedure for intake of TDEM documentation		OEM staff	EMC	12/2/2013	

Intermediate Objectives: Emergency Management Coordination

Task	Deliverables	Resources Needed	Responsible	Target Date for	Completion

			Party	Completion	
Meet with each department to conduct an after action review of incident	List of positive items to keep, ways to improve and things you don't want to do again. Lessons learned	OEM staff Suggested to bring in outside facilitator if possible just to facilitate the meetings	EMC	12/20/2013	
Compile all documentation from AAR's into usable format		OEM staff	EMC	1/10/2014	
Continue to communicate with each department listed in the recovery plan to ensure the county is moving forward	Progress	OEM staff	EMC	On-going	
Define gaps/deficiencies found from AAR's and solutions to avoid the same gaps next time	A report that will allow you to define exercise, education and grant opportunities	OEM staff	EMC	1/10/2014	
Communicate with all necessary agencies involved in Hays County to ensure documentation	Documentation	OEM staff	EMC	On-going	
Create list of acknowledgements from EOC and elected officials	Appreciation and acknowledgement to appropriate agencies and people	OEM staff All Department Supervisors Elected officials	EMC	Ongoing	
Prepare and deliver TDEM packet to TDEM		Hays County	EMC	Based on the Group progress	
Work with historical archive company to complete project	Final document/book/DVD	OEM staff Historical archive company	EMC	On-going	
Invite all stakeholders to a final meeting to view the historical archive DVD, book, document	Close out reception and communication with interested agencies/stakeholders	All stakeholders	EMC	When historical archive is complete	

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Appendix A
Sample Meeting Agenda

Hays County Flood Recovery Task Force
Office of Emergency Management
November 6, 2013

I. *Welcome and Introductions:*
II. *Environmental/Habitat Conservation Group Report:*
    a. Accomplishments
    b. Current Objectives
    c. Resources Committed
    d. Future Actions
    e. Unmet Needs
III. *Debris Management Group Report:*
    a. Accomplishments
    b. Current Objectives
    c. Resources Committed
    d. Future Actions
    e. Unmet Needs
IV. *Road and Bridge Group Report:*
    a. Accomplishments
    b. Current Objectives
    c. Resources Committed
    d. Future Actions
    e. Unmet Needs
V. *Animal Support Group Report:*
    a. Accomplishments
    b. Current Objectives
    c. Resources Committed
    d. Future Actions
    e. Unmet Needs
VI. *Financial Management Group Report:*
    a. Accomplishments
    b. Current Objectives
    c. Resources Committed

d. Future Actions
e. Unmet Needs

VII. *Emergency Management Group Report:*

a. Accomplishments
b. Current Objectives
c. Resources Committed
d. Future Actions
e. Unmet Needs

VIII. *Wrap-Up: Kharley Smith, Emergency Management Coordinator*

Appendix B
Sample Report

Animal Support Group Report to
Hays County Flood Recovery Task Force
November 6, 2013

Submitted by:

Date:

a. Accomplishments: *What has been accomplished since the last meeting?*
b. Current Objectives: *What we plan to do now and how we are going to accomplish it.*
c. Resources Committed: *What people, equipment, supplies and money are we using to accomplish our objectives.*
d. Future Actions: *What we will do to accomplish our future objectives.*
e. Unmet Needs: *The people, equipment, supplies and money we need to accomplish our objectives that we don't have.*

Appendix C
List of Acronyms

Hays Recovery Plan

Acronym	Agency
ADRN N	Austin Disaster Relief Network
AC	AmeriCorps
EMC	Hays County Emergency Management Coordinator
EOC	Hays County Emergency Operations Center
CAPCOG	Capital Area Council of Government
CBOs	Community Based Organizations
DMS	Debris Management Site
DRC	Disaster Relief Center
FEMA	Federal Emergency Management Agency
JIS	Joint Information System
LCRA	Lower Colorado River Authority
LTRC	Long Term Recovery Committee
NRCS	Natural Resources Conservation Service
PPDR	Private Property Debris Removal
PA	Public Assistance (FEMA)
PIO	Public Information Officer
PODs	Points of Distribution
PR	Public Relations
PSA	Public Service Announcement
SAIC	Science Application International Corporation
TAMU	Texas A & M University
TCEQ	Texas Commission on Environmental Quality
TDEM	Texas Division of Emergency Management
TxDOT	Texas Department of Transportation
TFS	Texas Forest Service
THC	Texas Historical Commission
TPWD	Texas Parks and Wildlife Department
TSU	Texas State University
USACE	U. S. Army Corp of Engineers
USFWS	United States Fish and Wildlife Service
VAL	Volunteer Agency Liaison
VOAD	Volunteer Organization Active in a Disaster
VOLAGs	Volunteer Agency
VRC	Volunteer Reception Center

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court
Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

Approve payment of County invoices.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
CONSENT	November 26, 2013	

LINE ITEM NUMBER

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR APPROVAL:** N/A

REQUESTED BY	SPONSOR	CO-SPONSOR
Auditor's Office	HERZOG	N/A

SUMMARY

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court
Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

Approve Commissioner Court Minutes of November 8th,12th and 14, 2013.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
CONSENT	November 26, 2013	

LINE ITEM NUMBER

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR REVIEW:** N/A

REQUESTED BY	SPONSOR	CO-SPONSOR
Gonzalez	COBB	N/A

SUMMARY

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 8TH DAY OF NOVEMBER A.D., 2013, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN EMERGENCY MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

DEBBIE GONZALES INGALSBE	**COMMISSIONER, PCT. 1**
WILL CONLEY	**COMMISSIONER, PCT. 3**
RAY O. WHISENANT JR	**COMMISSIONER, PCT. 4**
LIZ Q. GONZALEZ	**COUNTY CLERK**

WITH COMMISSIONER PCT 2 MARK JONES AND COUNTY JUDGE ALBERT H. COBB JR. ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Ingalsbe called the meeting to order.

28472 **CONTINUE OF A DECLARATION OF LOCAL DISASTER ORDERED BY THE COUNTY JUDGE ON NOVEMBER 4, 2013, PURSUANT TO TEXAS GOVERNMENT CODE SEC. 418.108.**

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to continue the Declaration of Local Disaster ordered by the County Judge on November 4, 2013, pursuant to Texas Government Code Sec. 418.408. All present voting "Aye". MOTION PASSED

A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to adjourn court.

I, LIZ Q. GONZALEZ, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on November 8, 2013.

LIZ Q GONZALEZ, COUNTY CLERK AND EXOFFICIO CLERK OF THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 12TH DAY OF NOVEMBER A.D., 2013, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ALBERT H. COBB JR	**COUNTY JUDGE**
DEBBIE GONZALES INGALSBE	**COMMISSIONER, PCT. 1**
MARK JONES	**COMMISSIONER, PCT. 2**
WILL CONLEY	**COMMISSIONER, PCT. 3**
RAY O. WHISENANT JR	**COMMISSIONER, PCT. 4**
LIZ Q. GONZALEZ	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Cobb gave the invocation. Judge Cobb led the court in the Pledge of Allegiance to the United States and Texas flags. Judge Cobb called the meeting to order.

PUBLIC COMMENTS

Sara Holland of the Clean Air Force Coalition spoke. Kharley Smith, Emergency Management Coordinator gave an update on the Halloween flood.

28473 ADOPT A PROCLAMATION DECLARING NOVEMBER, 2013 AS NATIONAL HOSPICE CARE MONTH

Michael Campos a Social Worker from CTMC spoke. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Proclamation declaring November, 2013 as national Hospice Care Month. All voting "Aye". MOTION PASSED**

28474 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve payments of county invoices in the amount of 1,485,004.14 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

28475 APPROVE COMMISSIONERS COURT MINUTES OF NOVEMBER 5, 2013

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of November 5, 2013 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28476 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A CONTRACT WITH HILLMAN ENVIRONMENTAL & CONSTRUCTION FOR FUEL TANK REMOVAL AT 1307 UHLAND ROAD

Removal of one underground storage tank. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute a contract with Hillman Environmental & Construction for fuel tank removal at 1307 Uhland Road. All voting "Aye". MOTION PASSED**

28477 APPROVE THE FORM OF THE BAILMENT AGREEMENT TO BE USED BETWEEN THE HAYS COUNTY DEVELOPMENT AND COMMUNITY SERVICE DEPARTMENT AND THE CITY OF DRIPPING SPRINGS PURSUANT TO OPERATIONS AT DRIPPING SPRINGS RANCH PARK

City of Dripping Springs has agreed to accommodate traditional Civic Center activities. Hays County is in a position to help Dripping Springs fulfill these activities with the use of equipment from the Civic Center which is now closed. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the form of the Bailment Agreement to be used between the Hays County Development and Community Service Department and the City of Dripping Springs pursuant to operations at Dripping Springs Ranch Park. All voting "Aye". MOTION PASSED**

28478 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO THE GEOSPATIAL DATA INTERLOCAL CONTRACT BETWEEN HAYS COUNTY AND CAPITAL AREA COUNCIL OF GOVERNMENTS ("CAPCOG") FOR GEOMAP 2014 WORK

This amended contract allows Hays County to contribute funding toward 6-inch and 12-inch resolution Orthoimagery being developed jointly by Hays County, CAPCOG, and Fugro EarthData ("FEDI"). The previous contract was for 6-and 24-inch imagery, however an increase in grant funding now allows the County to develop higher quality imagery. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to execute an Amendment to the Geospatial Data Interlocal Contract between hays County and Capital Area Council of Governments (CAPCOG) for Geomap 2014 work. All voting "Aye". MOTION PASSED**

28479 AUTHORIZE THE BUILDING MAINTENANCE DEPARTMENT TO PURCHASE 110 GALLON FUEL TANK TO PLACE AT THE SHERIFF'S OFFICE AND AMEND THE BUDGET ACCORDINGLY

During the FY14 budget process, funds were set aside in the Building Maintenance budget for the SO fuel tank removal. Savings within those budgeted funds are available to purchase a small above ground fuel tank for the SO to use to fuel smaller equipment for grounds maintenance and other small equipment projects. Budget Amendment: Decrease Misc Capital Improvements - 001-695-00.5741 ($753.00) Increase Misc Equipment - 001-695-00.5719_400 $753.00. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the Building Maintenance Department to purchase 110 gallon fuel tank to place at the Sheriff's Office and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28480 AMEND THE SHERIFF'S OFFICE FY 2013 DRUG FORFEITURE FUND FOR EXPENSES RELATED TO THE INTER-LOCAL AGREEMENT WITH THE CITY OF AUSTIN FOR FORENSIC LAB SERVICES

In August of 2012 the Commissioner's Court approved an Inter-local Agreement with the City of Austin for forensic lab services. The Sheriff's Office will utilize revenue within their Drug Forfeiture fund for their portion of this contract. Budget Amendment: Increase Forfeiture Proceeds - 053-618-00.4514 $37,936 Increase Contract Services - 053-618-00.5448 $37,936. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend the sheriff's Office FY 2013 Drug Forfeiture Fund for expenses related to the Inter-local Agreement with the City of Austin for Forensic Lab Services. All voting "Aye". MOTION PASSED**

28481 AUTHORIZE THE SHERIFF'S OFFICE TO PURCHASE A REPLACEMENT DVR FOR MICROCEPTION'S VIDEO OVERSIGHT AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office is requesting to replace a DVR for the Microception's Video Oversight. The replacement is needed in order to interview recording and case management for Law Enforcement. The funds will be moved to the Information Technology budget to order and track for fixed asset purposes. Budget Amendment: Decrease SO Criminal Investigations - 001-618-00.5362 ($650.00) Increase IT Computer Equipment - 001-680-00.5712_400 650.00. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the Sheriff's Office to purchase a replacement DVR for Microception's Video Oversight and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28482 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A SERVICE AGREEMENT BETWEEN HAYS COUNTY LOCAL HEALTH DEPARTMENT (HCLHD) AND PHYSICIAN CHAMALEE WEERATUNGE FOR SERVICES RELATED TO THE HCLHD-TB PROGRAM

These services will run through March 31, 2014. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute a Service Agreement between Hays County Local Health Department (HCLHD) and Physician Chamalee Weeratunge for services related to the HCLHD-TB Program. All voting "Aye". MOTION PASSED**

28483 AUTHORIZE LEGAL COUNSEL TO RETAIN LEGAL SERVICES RELATED TO THE REVIEW OF CASES OR COMPLAINTS WHEN THE INDIVIDUAL(S) IDENTIFIED FOR REVIEW BY COUNTY POLICY ARE CONFLICTED

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Legal Counsel to retain Legal Services related to the review of cases or complaints when the individual(s) identified for review by County Policy are conflicted. All voting "Aye". MOTION PASSED

28484 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH DANNENBAUM ENGINEERING FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE IH35/POSEY ROAD TXDOT-HAYS COUNTY PARTNERSHIP PROGRAM PROJECT IN HAYS COUNTY

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Judge to execute a Professional Services Agreement with Dannenbaum Engineering for Professional Engineering Services related to the IH35/Posey Road TxDOT-Hays County Partnership program project in Hays County. All voting "Aye". MOTION PASSED

28485 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH K FRIESE & ASSOCIATES FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE FM 150 EAST REALIGNMENT (IH35-ARROYO RANCH ROAD) PROJECT IN HAYS COUNTY

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute a Professional Services Agreement with K Freiese & Associates for Professional Engineering Services related to the FM 150 East Realignment (IH35-Arroyo Ranch Road) project in Hays County. All voting "Aye". MOTION PASSED

28486 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL #1 WITH PRIME STRATEGIES, INC. FOR PROFESSIONAL PROGRAM MANAGEMENT SERVICES FOR THE TXDOT/HAYS COUNTY PARTNERSHIP PROGRAM

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize the County Judge to execute Supplemental #1 with Prime Strategies, Inc. for Professional Program Management Services for the TxDOT/Hays County Partnership Program. All voting "Aye". MOTION PASSED

28487 GRANT A VARIANCE FROM TABLE 10-1 OF THE HAYS COUNTY RULES FOR ON-SITE SEWAGE FACILITIES AND APPROVE FINAL PLAT LOPEZ SUBDIVISION [SUB-109 – 1 LOT]

Roxie McInnis Development Services Manager spoke. The proposed Lopez Subdivision is a one-lot subdivision of 0.9697 acres located off of Mathias Lane in Precinct 2. This property was divided by metes and bounds from a larger tract in 2007. The parcel does not currently meet the County's minimum lot size in this area (1.00 acres); however it did at the time that the property was originally subdivided. This lot will be served by Goforth SUD and advanced individual on-site sewage facilities. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to grant a variance from Table 10-1 of the Hays County Rules for On-Site Sewage Facilities and approve final plat of Lopez Subdivision** [SUB-109 – 1 LOT]**. All voting "Aye". MOTION PASSED**

CLERK'S NOTE AGENDA ITEM #16 RE: *DISCUSSION AND POSSIBLE ACTION TO APPOINT REPLACEMENT DIRECTORS TO THE BOARD OF DIRECTORS FOR THE HAYS COUNTY WATER AND SEWER AUTHORITY, INC. (HCWSA)* **– WAS PULLED**

28488 GRANT A VARIANCE FROM THE HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 715, SUBCHAPTER 4.01, TO ALLOW ISSUANCE OF AN ON-SITE SEWAGE FACILITY DEVELOPMENT PERMIT TO NELLY ROSARIO, OWNER OF A 0.469 ACRE PORTION OF LOT 1, TURKEY HOLLOW SUBDIVISION

Roxie McInnis Development Services Manager spoke. Ms. Rosario is the owner of a 0.469 acre portion of a lot in the Turkey Hollow Subdivision in Precinct 3. She has applied for a permit to construct an On-Site Sewage Facility to replace the existing failing system. She has been informed that her parcel was part of a non-compliant division of land and is required to be platted under both the Local Government Code and the Hays County Development Regulations. In addition to the platting requirement,
Chapter 715.4.01 of the Hays County Development Regulations prohibits the Division from issuing any development permit on a tract of land that is not in compliance with all current rules. The property owner has been made aware of the plat requirement, and the noncompliant lot will have to be replatted to meet Hays County rules. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to grant a variance from the Hays County Development Regulations, Chapter 715, Subchapter 4.01, to allow issuance of an On-Site Sewage Facility Development Permit to Nelly Rosario, owner of a 0.469 acre portion of Lot 1, Turkey Hollow Subdivision. All voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PERFORMANCE AND DUTIES OF THE VETERANS SERVICE OFFICER, FIRE MARSHALL, EMERGENCY MANAGEMENT COORDINATOR, IT DIRECTOR, HUMAN RESOURCES DIRECTOR, TRANSPORTATION DIRECTOR, GENERAL COUNSEL, ELECTIONS ADMINISTRATOR, DEVELOPMENT AND COMMUNITY SERVICES DIRECTOR, AND GRANTS ADMINISTRATOR

Court convened into closed executive session at 11:00 a.m. and reconvened into open meeting at 12:00 p.m. broke for lunch and back into Executive Session at 1:15 p.m. and reconvened into open meeting at 4:00 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel Mark Kennedy, and Chief of Staff Lon Shell. No Action Taken.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE, OR VALUE OF REAL PROPERTY, INCLUDING BUT NOT LIMITED TO THE MARKETING AND POTENTIAL SALE OR LEASE OF COUNTY-OWNED, OR COUNTY-LEASED PROPERTIES

Court convened into closed executive session at 10:25 a.m. and reconvened into open meeting at 10:47 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel Mark Kennedy, and Chief of Staff Lon Shell. No Action Taken.

EXECUTIVE SESSION PURSUANT TO 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING THE ATTORNEY GENERAL OPINION REQUEST PROPOSED IN HAYS COUNTY'S WATER RESERVATION AND SUPPLY AGREEMENT WITH FORESTAR

Court convened into closed executive session at 9:45 a.m. and reconvened into open meeting at 10:24 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, General Counsel Mark Kennedy, and Chief of Staff Lon Shell. No Action Taken.

28489 EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL REGARDING COLLECTIVE BARGAINING

Court convened into closed executive session at 12:15 p.m. and reconvened into open meeting at 1:15 p.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Court Counsel Mark Kennedy, and Chief of Staff Lon Shell. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize General Counsel to execute Settlement Agreements on behalf of Hays County with individual members of the Bargaining Unit as presented in Executive Session and as these agreements relate to the accrual of Equivalent Vacation Time (EQV). All voting "Aye". MOTION PASSED**

DISCUSSION OF ISSUES RELATED TO INMATE POPULATION AT THE HAYS COUNTY JAIL

Capt. Mark Cumberland of the Sheriff's Office gave the report. Hays County's current maximum jail capacity is 362 inmates. Jail Standards recommends holding approximately 10% of capacity open. That lowers our recommendation to 311. The jail's daily average was 298 and peak was 307 on November 6 for the week of November 3 to November 9, 2013. The maximum female capacity is 56 inmates. Last week's average was 39 and peak was 41 on 11/8/2013. The maximum male capacity is 276 inmates. Last week's average was 259 and peak was 268 on 11/6/2013.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

Hays County Fire Marshall Mark Chambers spoke of the Drought Index being at 58. His recommendation to the Court is to keep the Burn Ban lifted.

CLERK'S NOTE AGENDA ITEM #24 RE: *DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PRECINCT 2 FACILITY PROJECT; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT. POSSIBLE ACTION MAY FOLLOW* **– was pulled**

DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND ALLEN CROZIER, HDR

Laura Harris of HNTB gave a PowerPoint presentation on the Pass through Financing Program/Construction Summary Report for November 2013.

CLERK'S NOTE AGENDA ITEM #26 RE: *DISCUSSION OF ISSUES RELATED TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY* **– was pulled**

A motion was made by Commissioner Conley, seconded by Commissioner Jones to adjourn court.

I, LIZ Q. GONZALEZ, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on November 12, 2013.

LIZ Q GONZALEZ, COUNTY CLERK AND EXOFFICIO CLERK OF THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 14TH DAY OF NOVEMBER A.D., 2013, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ALBERT H. COBB JR	**COUNTY JUDGE**
MARK JONES	**COMMISSIONER, PCT. 2**
WILL CONLEY	**COMMISSIONER, PCT. 3**
LIZ Q. GONZALEZ	**COUNTY CLERK**

WITH COMMISSIONER PCT 1 DEBBIE GONZALES INGALSBE AND COMMISSIONER PCT 4 RAY O. WHISENANT JR ABSENT; AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Cobb called the meeting to order.

28490 CANVASS ELECTION RESULTS FOR CONSTITUTIONAL AMENDMENT ELECTION HELD ON NOVEMBER 5, 2013

Joyce Cowan Elections Administrator spoke. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to Canvass Election results for Constitutional Amendment Election held on November 5, 2013. All present voting "Aye". MOTION PASSED**

A motion was made by Commissioner Jones, seconded by Commissioner Conley to adjourn court.

I, LIZ Q. GONZALEZ, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on November 14, 2013.

LIZ Q GONZALEZ, COUNTY CLERK AND EXOFFICIO CLERK OF THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court
Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

Authorize acceptance of a proposal from Hicks and Company for a cultural resource/archeological survey at the Jacob's Well Natural Area, in the amount of $6,470.00.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
CONSENT	November 26, 2013	$6,470.00

LINE ITEM NUMBER

001-813-99-407.5741

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR REVIEW:** N/A

REQUESTED BY	SPONSOR	CO-SPONSOR
Hauff	CONLEY	N/A

SUMMARY

A cultural resource/archeological survey of the Jacob's Well Natural Area is required under a grant from the Texas Parks and Wildlife Department, Recreation Grants Branch, prior to development of the site. Further, under the Texas Natural Resource Code, Title 9, Chapter 191 (Antiquities Code), the Texas Historical Commission may require such a survey on public lands in Texas.

A brief scope of work was developed, along with a proposal form including cost and time frame. Five firms were solicited, and five proposals received, for conducting the survey. Hicks and Company, Austin, Texas submitted the apparent lowest cost proposal with a time frame acceptable for the project. Proposals were reviewed with the Purchasing Office, and staff recommends acceptance of the proposal from Hicks and Company, in the amount of $6,470.00. Funding will be from the TPWD grant proceeds.

December 19, 2012

Dana Lagarde
Texas Parks and Wildlife Department
Recreation Grants Division
4200 Smith School Road
Austin, TX 78744-3291

Re: Project review under the Antiquities Code of Texas
Jacob's Well Natural Area, Hays County, Texas

Dear Ms. Lagarde:

Thank you for your correspondence describing the above referenced project. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission. As the state agency responsible for administering the Antiquities Code of Texas, these comments provide recommendations on compliance with state antiquities laws and regulations.

The review staff, led by Jeff Durst, has examined our records. According to our maps, the proposed project is located in an area where archeological survey has not been previously conducted. Archeological sites have been recorded on similar landforms in Hays County within close proximity to the proposed location, and we believe a professional archeologist should survey the proposed location.

The work should meet the minimum archeological survey standards posted on-line at www.thc.state.tx.us. A report of investigations should be produced in conformance with the Secretary of the Interior's Guidelines for Archaeology and Historic Preservation, and submitted to this office for review.

Thank you for your cooperation in this federal and state review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If you have any questions concerning our review or if we can be of further assistance, please contact Jeff Durst at 512/463-8884.**

Sincerely,

for
Mark Wolfe, State Historic Preservation Officer

MW/jjd

PROPOSAL FOR CULTURAL RESOURCE/ARCHEOLOGICAL SURVEY
JACOB'S WELL NATURAL AREA
HAYS COUNTY, TEXAS
October 30, 2014

Company Name: Hicks & Company
Address: 1504 W. 5th Street, Austin, TX 78703

Principle Name (please print): John J. Kuhl
Signature: [illegible]
Phone: (512) 478-0858
Email: [redacted]
Date: November 11, 2013

Based on the scope of work and other documents provided with this solicitation, the cost for the survey and subsequent report(s) will be:

Total Cost: $ 6,470.00

If awarded, we can start the fieldwork by December 13, 2013 (date). We anticipate the fieldwork to be completed in 5 days; the subsequent report will be completed in 20 days from fieldwork completion. Expected acceptance and approval of the report by the THC is anticipated by February 7th, 2014 (date).

Payment will be made in full by Hays County upon delivery of three (3) copies of the approved report, along with the approved letter from the Texas Historical Commission.

Notes or Comments:
Survey & report assumes archeology only; not full historical resources survey and report.
These dates assume contract award by November 20th, 2013.

Please return this completed proposal form no later than November 11, 2013 by mail, hand delivery, or email transmittal to:

Jeff Hauff, Grants Administrator
Hays County Government Center
712 S. Stagecoach Trail, Ste. 1204
San marcos, Texas 78666
Email: Jeff.Hauff@co.hays.tx.us
Phone: 512-393-2209

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court
Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

Authorize Institutional OSSF Permit at 7061 South Old Bastrop Rd, San Marcos, TX.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
CONSENT	November 26, 2013	N/A

LINE ITEM NUMBER

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR REVIEW:** N/A

REQUESTED BY	SPONSOR	CO-SPONSOR
Roxie McInnis, Development Services Manager	INGALSBE	N/A

SUMMARY

D&L Contracting is proposing an OSSF to serve a shooting center in Precinct 1. This property is 68.733 acres with 10 of those acres in Comal County. Water will be supplied by public water system.
The system designer, Jon Maass, R.S. has designed a treatment system which pretreats and equalizes the flow to an aerobic treatment unit. The treated effluent will be dosed to a drip irrigation dispersal field at a daily usage rate of 240 gallons.

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court
Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

Accept a contribution on behalf of Kate Johnson for Government Center Christmas decorations.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
CONSENT	November 26, 2013	$1,380

LINE ITEM NUMBER

001-695-00.5201

AUDITOR USE ONLY

AUDITOR COMMENTS:
See attached budget amendment.

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR REVIEW:** BILL HERZOG

REQUESTED BY	SPONSOR	CO-SPONSOR
Clint Garza	COBB	N/A

SUMMARY

Budget Amendment:
Increase County Misc Revenue - $1,380
Increase Bldg Maint Expense - General Supplies - $1,380

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court
Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

Ratify the execution of an engagement letter between Hays County and Kelly Hart & Hallman LLP.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
CONSENT	November 26, 2013	

LINE ITEM NUMBER

001-645-00.5441

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR REVIEW:** BILL HERZOG

REQUESTED BY	SPONSOR	CO-SPONSOR
Kennedy	COBB	N/A

SUMMARY

Engagement letter is in connection with legal services provided to Hays County.

KELLY HART

ANDREW WEBER
Andrew.weber@kellyhart.com

TELEPHONE: (512) 495-6451
FAX: (512) 495-6401

November 19, 2013

Mark D. Kennedy
General Counsel - Hays County
111 E. San Antonio Street, Room 202
San Marcos, Texas 78666

Re: Legal Representation regarding Attorney General Opinion Request

Dear Mr. Kennedy:

We are pleased that you have asked Kelly Hart & Hallman LLP (the "Firm") to represent you in your Attorney General Opinion Request regarding purchasing groundwater (the "Matter"). This letter will confirm the results of our discussion with you regarding our engagement and describe the basis on which the Firm will provide legal services to you.

1. **Client.** Our client in this matter will be Hays County Commissioners Court (the "County" or "you"). You have agreed that our representation of the County in the matter described below does not give rise to a lawyer-client relationship between the Firm and any of the County's affiliates. Accordingly, representation of the County in the Matter will not give rise to any conflict of interest in the event other clients of the Firm are adverse to any of the County's affiliates.

2. **Scope of Engagement.** We hereby are engaged to advise the County solely regarding the Matter. Our engagement does not include any advice or other legal services relating to federal or state securities laws, including appearing or practicing before the U.S. Securities and Exchange Commission (SEC) or your disclosure obligations under such laws, and we understand that you will not, without our prior written consent, include documents or information we provide to you in any filings with federal or state securities regulators, including the SEC.

3. **Client Responsibilities.** You agree to pay our statements for legal services and expenses as provided below. In addition, you agree to be candid and cooperative with us and to keep us informed with complete and accurate factual information, documents, and other communications relevant to the Matter or otherwise reasonably requested by us. Because it is important that we be able to contact you at all times to consult with you regarding this representation, you agree to inform us, in writing, of any changes in the name, address, telephone number, contact person, e-mail address, state of incorporation, or other relevant changes regarding you or your business. Whenever we need your instructions or authorization in order to

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proceed with legal work on your behalf, we will contact you at the latest business address we have received from you. If you affiliate with, acquire, are acquired by, or merge with another company, you agree to provide us with sufficient notice to permit us to withdraw as your lawyer if we determine that such affiliation, acquisition, or merger creates a conflict of interest between any of our clients and the other party to such affiliation, acquisition, or merger, or if we determine that it is not in the best interests of the Firm to represent the successor entity.

4. **Advice About Possible Outcomes.** Either at the commencement or during the course of our representation, we may express opinions or beliefs concerning the Matter or various courses of action and the results that might be anticipated. Any such statement made by any lawyer, paralegal, or other agent of the Firm is intended, and shall be deemed to be, an expression of opinion only, and shall not be construed by you as a promise, guarantee or statement of fact.

5. **Termination of Engagement.** The County may at any time terminate our services and representation upon written notice to the Firm. Such termination shall not, however, relieve the County of the obligation to pay for all services already rendered, including work-in-progress and remaining incomplete at the time of termination, and to pay for all expenses incurred on behalf of the County through the date of termination.

We reserve the right to withdraw from our representation as required or permitted by the applicable rules of professional conduct upon written notice to the County. In the event that we terminate the engagement, and until our withdrawal, we will take such steps that we think are reasonably practicable to protect the County's interests in the Matter, and the County agrees to take all steps necessary to free us of any obligation to perform further, including the execution of any documents necessary to perfect our withdrawal. We will be entitled to be paid for all services rendered and expenses incurred on behalf of the County through the date of withdrawal.

6. **Conclusion of Representation; Retention and Disposition of Documents.** Unless previously terminated, our representation of the County in the Matter will terminate upon our sending you our final statement for services rendered in the Matter. At your request, your papers and property will be returned to you upon receipt of payment for outstanding fees and expenses. Our own files pertaining to the Matter will be retained by the Firm. These Firm files include, for example, Firm administrative records, time and expense reports, personnel and staffing materials, and credit and accounting records, and internal lawyers' work product such as drafts, notes, internal memoranda, and legal and factual research, including investigative reports, prepared by or for the internal use of lawyers. All such documents retained by the Firm will be transferred to the person responsible for administering our records retention program. For various reasons, including the minimization of unnecessary storage expenses, we reserve the right to destroy or otherwise dispose of any such documents or other materials retained by us within a reasonable time after the termination of the engagement.

7. **Post-engagement Matters.** You are engaging the Firm to provide legal services regarding a specific matter. After completion of the matter, changes may occur in the applicable laws or regulations that could have an impact upon your future rights and liabilities. Unless you

engage us after completion of the matter to provide additional advice on issues arising from the matter, the Firm has no continuing obligation to advise you with respect to future legal developments.

8. Fees. The basis for computing our fees will be the amount of time spent on the matter by various lawyers and legal assistants multiplied by their individual hourly billing rates. Our hourly billing rates for lawyers currently range from $220 per hour for new associates to $500 per hour for senior partners. My billing rate for this Matter is $495 per hour. Time devoted by legal assistants is charged at billing rates ranging from $160 to $210 per hour. These billing rates are subject to change from time to time. Other factors also may be taken into consideration in determining our fees, including the novelty and difficulty of the questions involved; the skill requisite to perform the services properly; the experience, reputation, and ability of those performing the services; the time limitations imposed by you or the circumstances; the amount involved; and the results obtained.

9. Expenses. We will include on our statements separate charges for performing services such as photocopying, messenger and delivery service, travel, and search and filing fees. You also agree to pay the charges for copying documents for retention in our files. You authorize us to retain any investigators, consultants, or experts necessary in our judgment to represent your interests in this matter. The fees and expenses of others generally will not be paid by us, but will be billed directly to you.

10. Estimates. The fees and expenses relating to the Matter are not predictable. Accordingly, we have made no commitment to you concerning the maximum fees and expenses that will be necessary to resolve or complete this matter. Any estimate of fees and costs that we may have discussed represents only an estimate of such fees and expenses. It is also expressly understood that the County's obligation to pay the Firm's fees and expenses is in no way contingent on the ultimate outcome of the Matter.

11. Payment of Statements. Statements normally will be rendered monthly for work performed and expenses recorded on our books during the previous month. Payment is due promptly upon receipt of our statement. If any statement remains unpaid for more than 60 days, we may suspend performing services for you until arrangements satisfactory to us have been made for payment of outstanding statements and the payment of future fees and expenses.

12. Representation of Others; Conflicts. You are aware that the Firm represents numerous other companies and individuals. It is possible that during the time that we are representing the County, some of our present or future clients will have disputes or transactions with the County. You agree that we may continue to represent or may undertake in the future to represent existing or new clients in any matter that is not substantially related to our work for the County, even if the interest of those other clients in those other matters are directly adverse to you. We agree, however, that your prospective consent to conflicting representation contained in the preceding sentence shall not apply in any instance where, as a result of our representation of the County, we have obtained proprietary or other confidential information of a non-public nature, that if known to that other client, could be used in any such other matter by that other client to the County's material disadvantage.

Please review this letter carefully. If it meets with your approval, sign the enclosed copy of the letter in the space provided below and return it to me so that we may begin work. Please call me if you have any questions.

Very truly yours,

Andrew Weber by permission

Andrew Weber, for the Firm

AGREED TO AND ACCEPTED:

HAYS COUNTY COMMISSIONERS COURT

By: Mark D. Kennedy

Title: General Counsel - Hays County

Date: 11/19/2013

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court
Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

Authorize the Hays County Sheriff's Office to submit a donation request to the Canon4Kids program for photography, video, and office equipment to be used in the Patrol and Criminal Investigation Divisions.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
CONSENT	November 26, 2013	N/A

LINE ITEM NUMBER

AUDITOR USE ONLY

AUDITOR COMMENTS:
Will amend the budget when the donation values are determined and approved.

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR REVIEW:** BILL HERZOG

REQUESTED BY	SPONSOR	CO-SPONSOR
Sheriff Gary Cutler	COBB	N/A

SUMMARY

The Canon4Kids program is a partnership between the National Center for Missing and Exploited Children and Canon Digital Cameras. The program is intended to assist Law Enforcement with investigations which involve children. The Hays County Sheriff's Office is seeking authorization to apply for a donation of photography, video, and office equipment to be used in the Patrol and Criminal Investigation Divisions.

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court
Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

Ratify the execution of a letter amendment between Hays County and Forestar Real Estate (USA) Group Inc. as it relates to the deadline cited in section 3.1 (f) of the Agreement originally signed on October 1, 2013.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
CONSENT	November 26, 2013	

LINE ITEM NUMBER

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR REVIEW:** N/A

REQUESTED BY	SPONSOR	CO-SPONSOR
Kennedy	COBB	N/A

SUMMARY

Summary can be provided by General Counsel in Court, if needed.

FIRST AMENDMENT TO THE
WATER RESERVATION AND SUPPLY AGREEMENT
BETWEEN
HAYS COUNTY
AND
FORESTAR REAL ESTATE (USA) GROUP INC.

This "First Amendment to the Water Reservation and Supply Agreement" (the "1st Amendment") is made and entered into by and between **HAYS COUNTY, TEXAS** ("Hays County"), and **FORESTAR REAL ESTATE (USA) GROUP INC.**, a Delaware corporation ("Forestar") upon execution by the respective authorized representative for the purposes and consideration recited herein to be effective as of the 1st day of October, 2013 (the "Effective Date").

RECITALS

WHEREAS Hays County and Forestar entered into that certain Water Reservation and Supply Agreement effective October 1, 2013 (the "Agreement"); and

WHEREAS the Agreement, *inter alia*, provided for Hays County to seek an opinion of the Attorney General of Texas regarding the County's authority to enter into the Agreement pursuant to the terms and conditions prescribed in the Agreement (the "Opinion Request"); and

WHEREAS pursuant to Section 3.2(f) of the Agreement contemplated that Hays County would file that Opinion Request within forty-five days of the effective date of the Agreement, which deadline was November 15, 2013; and

WHEREAS Hays County and Forestar desire to amend Section 3.2(f) to extend that deadline;

NOW, THEREFORE, in consideration of the recitals, the mutual benefits anticipated to be derived by Hays County and Forestar from the extended deadline, and other good and valuable consideration the receipt and sufficiency of which is evidenced by the signatures of Hays County and Forestar to this 1st Amendment, Hays County and Forestar agree as follows:

AMENDED TERMS OF THE AGREEMENT

1.0 Section 3.2(f) of the Agreement is deleted in its entirety, and the following language is substituted to replace said Section 3.2(f) in its entirety:

> (f) on or before November 22, 2013, have the duly elected Criminal District Attorney of Hays County (or some other requestor authorized by law) request an opinion of the Attorney General of the State of Texas regarding Hays County's authority to enter into and carry out the transactions contemplated by this Agreement with the use of *ad valorem* tax revenues for payment of all costs arising hereunder.

2.0 Except as expressly amended herein, nothing in this 1st Amendment is intended, nor shall it be construed, to amend or otherwise modify the terms and conditions, or the rights and obligations of either Hays County and Forestar, respectively.

3.0 This 1st Amendment may be executed in one or more counterparts, each of which shall constitute an original for purposes of the Agreement, and shall become effective as of the Effective Date upon execution by both Parties.

FORESTAR REAL ESTATE (USA) GROUP INC.

By: _____
Brent Covert, Senior Vice President

HAYS COUNTY, TEXAS acting by and through its Commissioners Court

By: _____
Bert Cobb, M.D., County Judge

ATTEST:

_____

By: _____
Its: _____, _____

ACKNOWLEDGMENT

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

Before me, the undersigned authority in and for said County and State, on this 15th day of November, 2013, personally appeared Brent Covert, Senior Vice President of Forestar Real Estate (USA) Group Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes therein expressed, and in the respective capacity therein stated.

Given under my hand and seal of office, this 15th day of November, 2013.

_____
Notary Public

My Commission Expires: 11/15/2015

ERIN L SCARBOROUGH
Notary Public, State of Texas
My Commission Expires
November 15, 2015

ACKNOWLEDGMENT

STATE OF TEXAS §
§
COUNTY OF HAYS §

Before me, the undersigned authority in and for said County and State, on this 15th day of November, 2013, personally appeared Bert Cobb, M.D., County Judge of Hays County, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes therein expressed on behalf of Hays County, and in the respective capacity therein stated.

Given under my hand and seal of office, this 15th day of November, 2013.

Janice L. Jones
Notary Public

My Commission Expires: 1/13/05

JANICE L. JONES
Notary Public, State of Texas
My Commission Expires
January 13, 2015

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court
Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

Authorize General Counsel to publish notice of auction for the lease of approximately 1.03 acres of property located along FM 2001 in Precinct 2, and authorize Commissioner, Precinct 2, to conduct said auction.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
CONSENT	November 26, 2013	

LINE ITEM NUMBER

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR REVIEW:** N/A

REQUESTED BY	SPONSOR	CO-SPONSOR
JONES	JONES	N/A

SUMMARY

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court
Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

Approve the Sheriff's Office Chapter 59 Asset Forfeiture Report in accordance with forfeiture accounts existing under Chapter 59 of the Texas Code of Criminal Procedures, as required by the Texas Attorney General.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
CONSENT	November 26, 2013	

LINE ITEM NUMBER

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR REVIEW:** BILL HERZOG

REQUESTED BY	SPONSOR	CO-SPONSOR
CUTLER	COBB	N/A

SUMMARY

FY 2013
CHAPTER 59 ASSET FORFEITURE REPORT
BY LAW ENFORCEMENT AGENCY

Agency Name:	Hays County Sheriff's Office	Reporting Period: (local fiscal year)	10/1/12 - 09/30/2013
Agency Mailing Address:	1307 Uhland Road San Marcos, Texas 78666	example:	01/01/13 to 12/31/13, 09/01/12 to 08/31/13 etc.
Phone Number:	512-393-7808		
County:	Hays		
Email Address:	sheriff@co.hays.tx.us	This should be a permanent agency email address	

NOTE: PLEASE ROUND ALL DOLLAR FIGURES TO NEAREST WHOLE DOLLAR.

I.	SEIZED FUNDS	
A)	Beginning Balance:	$
B)	Seizures During Reporting Period:	
	1) Amount seized and retained in your agency's custody.	$
	2) Amount seized and transferred to the District Attorney pending forfeiture.	$ 9,541.00
C)	Interest Earned on Seized Funds During Reporting Period:	$
D)	Amount Returned to Defendants/Respondents:	$
E)	Amount Transferred to Forfeiture Account:	$
F)	Other Reconciliation Items:	$
G)	Ending Balance: **Instructions:** Add lines A, B(1), C and F, subtract lines D and E, put total in line G.	$

II.	FORFEITED FUNDS	
A)	Beginning Balance:	$ 172,458.00
B)	Amount Forfeited to and Received by Reporting Agency (Including Interest) During Reporting Period:	$ 33,482.00
C)	Interest Earned on Forfeited Funds During Reporting Period :	$ 188.00
D)	Proceeds Received by Your Agency From Sale of Forfeited Property:	$ 6,750.00
E)	Amount Returned to Crime Victims:	$
F)	Other Reconciliation Items:	$
G)	Total Expenditures of Forfeited Funds During Reporting Period:	$ 67,320.00
H)	Ending Balance: Instructions: Add lines A, B, C, D & F, subtract lines E & G, place total in line H.	$ 145,558.00

III. OTHER PROPERTY

Please note - this should be a number not a currency amount. Example 4 cars seized, 3 cars forfeited and 0 cars put into use.	SEIZED	FORFEITED TO AGENCY	RETURNED TO DEFENDANTS / RESPONDENTS	PUT INTO USE BY AGENCY
1) MOTOR VEHICLES (Include cars, motorcycles, tractor trailers, etc.)				
2) REAL PROPERTY (Count each parcel seized as one item)				
3) COMPUTERS (Include computer and attached system components, such as printers and monitors, as one item)				
4) FIREARMS (Include only firearms seized for forfeiture under Chapter 59. Do not include weapons disposed under Chapter 18.)				
5) Other Property - Description: _____				
Other Property -Description: _____				
Other Property -Description: _____				

IV. FORFEITED PROPERTY RECEIVED FROM ANOTHER AGENCY

A)	Motor Vehicles:	#
B)	Real Property:	#
C)	Computers:	#
D)	Firearms:	#
E)	Other:	#

V. FORFEITED PROPERTY TRANSFERRED OR LOANED TO ANOTHER AGENCY

A)	Motor Vehicles:	#
B)	Real Property:	#
C)	Computers:	#
D)	Firearms:	#
E)	Other:	#

VI. EXPENDITURES

A)	**SALARIES**		
1.	Increase of Salary, Expense, or Allowance for Employees (Salary Supplements):	$ 2,009.00	
2.	Salary Budgeted Solely From Forfeited Funds:	$	
3.	Number of Employees Paid Using Forfeiture Funds:	# 3	
4.	**TOTAL SALARIES PAID OUT OF CHAPTER 59 FUNDS:**		$2,009.00

B)		**OVERTIME**		
	1.	For Employees Budgeted by Governing Body:	$	
	2.	For Employees Budgeted Solely out of Forfeiture Funds:	$	
	3.	Number of Employees Paid Using Forfeiture Funds:	#	
	4.	**TOTAL OVERTIME PAID OUT OF CHAPTER 59 FUNDS:**		$
C)		**EQUIPMENT**		
	1.	Vehicles:	$	
	2.	Computers:	$	
	3.	Firearms, Vests, Personal Equipment:	$	
	4.	Furniture:	$	
	5.	Software:	$ 150.00	
	6.	Maintenance Costs:	$	
	7.	Uniforms:	$	
	8.	K9 Related Costs:	$ 3,019.00	
	9.	Other (Provide Detail on Additional Sheet):	$	
	10.	**TOTAL EQUIPMENT PURCHASED WITH CHAPTER 59 FUNDS:**		$ 3,169.00
D)		**SUPPLIES**		
	1.	Office Supplies:	$ 314.00	
	2.	Cellular Air Time :	$	
	3.	Internet:	$ 1,500.00	
	4.	Other (Provide Detail on Additional Sheet) :	$ 270.00	
	5.	**TOTAL SUPPLIES PURCHASED WITH CHAPTER 59 FUNDS:**		$ 2,084.00
E)		**TRAVEL**		
	1.	Total In State Travel	$	
		a) Transportation:	$	
		b) Meals & Lodging:	$	
		c) Mileage:	$	
		d) Incidental Expenses:	$	
	2.	Total Out of State Travel	$	
		a) Transportation:	$	
		b) Meals & Lodging:	$	
		c) Mileage:	$	
		d) Incidental Expenses:	$	
	3.	**TOTAL TRAVEL PAID OUT OF CHAPTER 59 FUNDS:**		$

F)		TRAINING		
	1.	Fees (Conferences, Seminars):	$ 619.00	
	2.	Materials (Books, CDs, Videos, etc.):	$	
	3.	Other (Provide Detail on Additional Sheet):	$	
	4.	**TOTAL TRAINING PAID OUT OF CHAPTER 59 FUNDS**		$ 619.00
G)		INVESTIGATIVE COSTS		
	1.	Informant Costs:	$	
	2.	Buy Money:	$ 2,000.00	
	3.	Lab Expenses:	$	
	4.	Other (Provide Detail on Additional Sheet) :	$ 41,028.00	
	5.	**TOTAL INVESTIGATIVE COSTS PAID OUT OF CHAPTER 59 FUNDS:**		$ 43,028.00
H)		PREVENTION/TREATMENT PROGRAMS / FINANCIAL ASSISTANCE / DONATIONS		
	1.	Total Prevention/Treatment Programs (pursuant to 59.06 (h), (j):	$	
	2.	Total Financial Assistance (pursuant to Articles 59.06 (n) and (o)):	$	
	3.	Total Donations (pursuant to Articles 59.06 (d-2)):	$	
	4.	**TOTAL PREVENTION/TREATMENT PROGRAMS / FINANCIAL ASSISTANCE / DONATIONS (pursuant to Articles 59.06 (h), (j), (n), (o) (d-2)):**		$
I)		FACILITY COSTS		
	1.	Building Purchase:	$	
	2.	Lease Payments:	$	
	3.	Remodeling:	$	
	4.	Maintenance Costs:	$	
	5.	Utilities:	$	
	6.	Other (Provide Detail on Additional Sheet):	$	
	7.	**TOTAL FACILITY COSTS PAID OUT OF CHAPTER 59 FUNDS:**		$
J)		MISCELLANEOUS FEES		
	1.	Court Costs:	$	
	2.	Filing Fees:	$	
	3.	Insurance:	$	
	4.	Witness Fees:	$	
	5.	Audit Costs and Fees:	$	
	6.	Other (Provide Detail on Additional Sheet):	$ 16,411.00	
	7.	**TOTAL MISCELLANEOUS FEES PAID OUT OF CHAPTER 59 FUNDS:**		$ 16,411.00

K)		**PAID TO STATE TREASURY / GENERAL FUND / HEALTH & HUMAN SERVICES COMMISSION:**	
	1.	Total paid to State Treasury due to lack of local agreement pursuant to 59.06 (c):	$
	2.	Total paid to State Treasury due to participating in task force not established in accordance with 59.06 (q)(1):	$
	3.	Total paid to General Fund pursuant to 59.06 (C-3) (c) (Texas Department of Public Safety only):	$
	4.)	Total forfeiture funds transferred to the Health and Human Services Commission pursuant to 59.06 (p):	$
	5)	**TOTAL PAID TO STATE TREASURY / GENERAL FUND / HEALTH & HUMAN SERVICES COMMISSION OUT OF CHAPTER 59 FUNDS:**	$
L)		**TOTAL PAID TO COOPERATING AGENCY(IES) PURSUANT TO LOCAL AGREEMENT:**	$
M)		**TOTAL OTHER EXPENSES PAID OUT OF CHAPTER 59 FUNDS WHICH ARE NOT ACCOUNTED FOR IN PREVIOUS CATEGORIES (provide detailed descriptions on additional sheet(s) and attach to this report):**	$
N)		**TOTAL EXPENDITURES:**	$ 67,320.00

NOTE: BOTH CERTIFICATIONS MUST BE COMPLETED

AUDITOR / TREASURER / ACCOUNTING PROFESSIONAL CERTIFICATION

I swear or affirm that the Commissioners Court, City Council or Agency Head (if no governing body) has requested that I conduct the audit required by Article 59.06 of the Code of Criminal Procedure and that upon diligent inspection of all relevant documents and supporting materials, I believe that the information contained in this report is true and correct.

AUDITOR, TREASURER or ACCOUNTING PROFESSIONAL (Printed Name): _____

TITLE: _____

SIGNATURE: _____

DATE: _____

AGENCY HEAD CERTIFICATION

I swear or affirm, under penalty of perjury, that I have accounted for the seizure, forfeiture, receipt, and specific expenditure of all proceeds and property subject to Chapter 59 of the Code of Criminal Procedure, and that upon diligent inspection of all relevant documents and supporting materials, this asset forfeiture report is true and correct and contains all information required by Article 59.06 of the Code of Criminal Procedure. I further swear or affirm that all expenditures reported herein were lawful and proper, and made in accordance with Texas law.

AGENCY HEAD (Printed Name): Gary Cutler

SIGNATURE: _____

DATE: _____

RETURN COMPLETED FORM TO:

Office of the Attorney General
Criminal Prosecutions Division
P.O. Box 12548
Austin, TX 78711-2548
Attn: Kent Richardson
(512)463-1591
Chapter59AuditReport@texasattorneygeneral.gov

WE CANNOT ACCEPT FAXED OR EMAILED COPIES. PLEASE MAIL THE SIGNED, ORIGINAL DOCUMENT TO OUR OFFICE AT THE ADDRESS ABOVE.

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court
Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

Approve and execute the Sheriff's Office Equitable Sharing and Agreement Certification in accordance with the statutes and guidelines that govern the federal Equitable Sharing Program.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
CONSENT	November 26, 2013	

LINE ITEM NUMBER

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR REVIEW:** BILL HERZOG

REQUESTED BY	SPONSOR	CO-SPONSOR
CUTLER	COBB	N/A

SUMMARY

OMB Number 1123-0011
Expires 9-30-2014

Equitable Sharing Agreement and Certification

◯ Police Department ◉ Sheriff's Office ◯ Task Force (Complete Table A)
◯ Prosecutor's Office ◯ National Guard Counterdrug Unit ◯ Other

** Please fill each required field. Hover mouse over any fillable field for pop-up instructions. **

Agency Name: Hays County Sheriff's Office

NCIC/ORI/Tracking Number: T X 1 0 5 0 0 0 0

Mailing Address: 1307 Uhland Road

City: San Marcos **State:** TX **Zip:** 78666

Finance Contact: First: Yvette Last: Johnson
Phone: 512-393-7890 E-mail: yvette_johnson@co.hays.tx.us

Preparer: First: Yvette Last: Johnson
☒ Same as Finance Contact Phone: 512-393-7890 E-mail: yvette_johnson@co.hays.tx.us

Independent Public Accountant: E-mail: pwagner@abipcpa.com

Last FY End Date: 09/30/2013 **Agency Current FY Budget:** $24,350,217.00

◯ **New Participant:** Read the Equitable Sharing Agreement and sign the Affidavit.

◉ **Existing Participant:** Complete the Annual Certification Report, read the Equitable Sharing Agreement, and sign the Affidavit.

◯ **Amended Form:** Revise the Annual Certification Report, read the Equitable Sharing Agreement, and sign the Affidavit.

Annual Certification Report

	Summary of Equitable Sharing Activity	Justice Funds[1]	Treasury Funds[2]
1	Beginning Equitable Sharing Fund Balance (must match Ending Equitable Sharing Fund Balance from prior FY)	$61,727.70	
2	Federal Sharing Funds Received	$12,878.53	$11,100.48
3	Federal Sharing Funds Received from Other Law Enforcement Agencies and Task Forces (To populate, complete Table B)		
4	Other Income		
5	Interest Income Accrued — Non-Interest Bearing ◯ Interest Bearing ◉	$96.62	
6	Total Equitable Sharing Funds (total of lines 1 - 5)	$74,702.85	$11,100.48
7	Federal Sharing Funds Spent (total of lines a - m below)	$28,869.33	$0.00
8	Ending Balance (difference between line 7 and line 6)	$45,833.52	$11,100.48

[1] Justice Agencies are: FBI, DEA, ATF, USPIS, USDA, DCIS, DSS, and FDA.

[2] Treasury Agencies are: IRS, ICE, CBP, TTB, USSS, and USCG.

	Summary of Shared Funds Spent	Justice Funds	Treasury Funds
a	Total spent on salaries under permitted salary exceptions		
b	Total spent on overtime		
c	Total spent on informants, "buy money", and rewards		
d	Total spent on travel and training	$1,086.41	
e	Total spent on communications and computers	$13,834.66	
f	Total spent on weapons and protective gear		
g	Total spent on electronic surveillance equipment		
h	Total spent on buildings and improvements	$2,898.25	
i	Total transfers to other participating state and local law enforcement agencies (To populate, complete Table C)		
j	Total spent on other law enforcement expenses (To populate, complete Table D)	$9,844.28	
k	Total Expenditures in Support of Community-Based Programs (To populate, complete Table E)	$1,205.73	
l	Total Windfall Transfers (To populate, complete Table F)		
m	Total spent on matching grants (To populate, complete Table G)		
n	**Total**	$28,869.33	$0.00
o	Did your agency receive non-cash assets? ◯ Yes ◉ No If yes, complete Table H.		

Please fill out the following tables, if applicable.

Table A: Members of Task Force

Agency Name	NCIC/ORI/Tracking Number

Table B: Equitable Sharing Funds Received from other Agencies

Transferring Agency Name, City, and State	Justice Funds	Treasury Funds
Agency Name:		
NCIC/ORI/Tracking Number:		

Table C: Equitable Sharing Funds Transferred to Other Agencies

Receiving Agency Name, City, and State	Justice Funds	Treasury Funds
Agency Name:		
NCIC/ORI/Tracking Number:		

Table D: Other Law Enforcement Expenses

Description of Expense	Justice Funds	Treasury Funds
LE Commendation Bars, K-9 Equipment, LE Vehicle	$9,844.28	

Table E: Expenditures in Support of Community-Based Programs

Recipient	Justice Funds
Domestic Violence Awareness & Community Outreach	$1,205.73

Table F: Windfall Transfers

Recipient	Justice Funds	Treasury Funds

Table G: Matching Grants

Matching Grant Name	Justice Funds	Treasury Funds

Table H: Other Non-Cash Assets Received

Source	Description of Asset
Justice ◯ Treasury ◯	

Table I: Civil Rights Cases

Name of Case	Type of Discrimination Alleged			
	☐ Race	☐ Color	☐ National Origin	☐ Gender
	☐ Disability	☐ Age	☐ Other _____	

Paperwork Reduction Act Notice

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create accurate and easily understood forms that impose the least possible burden on you to complete. The estimated average time to complete this form is 30 minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, please write to the Asset Forfeiture and Money Laundering Section, 1400 New York Avenue, N.W., Washington, DC 20005.

Equitable Sharing Agreement

This Federal Equitable Sharing Agreement, entered into among (1) the Federal Government, (2) the above-stated law enforcement agency ("Agency"), and (3) the governing body, sets forth the requirements for participation in the federal Equitable Sharing Program and the restrictions upon the use of federally forfeited cash, property, proceeds, and any interest earned thereon, which are equitably shared with participating law enforcement agencies.
By its signatures, the Agency agrees that it will be bound by the statutes and guidelines that regulate shared assets and the following requirements for participation in the federal Equitable Sharing Program. Receipt of the signed Equitable Sharing Agreement and Certification (this "Document") is a prerequisite to receiving any equitably shared cash, property, or proceeds.

1. **Submission.** This Document must be submitted to aca.submit@usdoj.gov within 60 days of the end of the Agency's fiscal year. This Document must be submitted electronically with the Affidavit/Signature submitted by fax. This will constitute submission to the Department of Justice and the Department of the Treasury.

2. **Signatories.** This agreement must be signed by the head of the Agency and the head of the governing body. Examples of Agency heads include police chief, sheriff, director, commissioner, superintendent, administrator, chairperson, secretary, city attorney, county attorney, district attorney, prosecuting attorney, state attorney, commonwealth attorney, and attorney general. The governing body's head is the person who allocates funds or approves the budget for the Agency. Examples of governing body heads include city manager, mayor, city council chairperson, county executive, county council chairperson, director, secretary, administrator, commissioner, and governor.

3. **Uses.** Any shared asset shall be used for law enforcement purposes in accordance with the statutes and guidelines that govern the federal Equitable Sharing Program as set forth in the current edition of the Department of Justice's *Guide to Equitable Sharing for State and Local Law Enforcement (Justice Guide),* and the Department of the Treasury's *Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies (Treasury Guide).*

4. **Transfers.** Before the Agency transfers cash, property, or proceeds to other state or local law enforcement agencies, it must first verify with the Department of Justice or the Department of the Treasury, depending on the source of the funds, that the receiving agency is a current and compliant Equitable Sharing Program participant.

5. **Internal Controls.** The Agency agrees to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury. Funds from state and local forfeitures and other sources must not be commingled with federal equitable sharing funds. The Agency shall establish a separate revenue account or accounting code for state, local, Department of Justice, and Department of the Treasury forfeiture funds. Interest income generated must be accounted for in the appropriate federal equitable sharing account.

The Agency agrees that such accounting will be subject to the standard accounting requirements and practices employed for other public funds as supplemented by requirements set forth in the current edition of the *Justice Guide* and the *Treasury Guide,* including the requirement in the *Justice Guide* to maintain relevant documents and records for five years.

The misuse or misapplication of shared resources or the supplantation of existing resources with shared assets is prohibited. Failure to comply with any provision of this agreement shall subject the recipient agency to the sanctions stipulated in the current edition of the *Justice or Treasury Guides,* depending on the source of the funds/property.

6. **Audit Report.** Audits will be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Circular A-133. The Department of Justice and Department of the Treasury reserve the right to conduct periodic random audits.

Affidavit - Existing Participant

Under penalty of perjury, the undersigned officials certify that **they have read and understand their obligations under the Equitable Sharing Agreement** and that the information submitted in conjunction with this Document is an accurate accounting of funds received and spent by the Agency under the *Justice* and/or *Treasury Guides* during the reporting period and that the recipient Agency is in compliance with the National Code of Professional Conduct for Asset Forfeiture.

The undersigned certify that the recipient Agency is in compliance with the nondiscrimination requirements of the following laws and their Department of Justice implementing regulations: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 *et seq.*), which prohibit discrimination on the basis of race, color, national origin, disability, or age in any federally assisted program or activity, or on the basis of sex in any federally assisted education program or activity. The Agency agrees that it will comply with all federal statutes and regulations permitting federal investigators access to records and any other sources of information as may be necessary to determine compliance with civil rights and other applicable statutes and regulations.

During the past fiscal year: (1) has any court or administrative agency issued any finding, judgment, or determination that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above; or (2) has the Agency entered into any settlement agreement with respect to any complaint filed with a court or administrative agency alleging that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above? ○ **Yes** ◉ **No**

If you answered yes to the above question, complete Table I

Agency Head		**Governing Body Head**	
Signature:		Signature:	
Name:	Gary Cutler	Name:	Bert Cobb
Title:	Sheriff	Title:	County Judge
Date:		Date:	
E-mail:	sheriff@co.hays.tx.us	E-mail:	bert.cobb@co.hays.tx.us

Subscribe to Equitable Sharing Wire:
The Equitable Sharing Wire is an electronic newsletter that gives you important, substantive, information regarding Equitable Sharing policies, practices, and procedures.

yvette_johnson@co.hays.tx.us

Final Instructions:

Step 1: Click to save for your records
Step 2: Click to save in XML format
Step 3: Email the XML file to aca.submit@usdoj.gov
Step 4: Scan & email this Affidavit to aca.affidavit@usdoj.gov
(Email subject line must include Agency NCIC/ORI Code)

FOR AGENCY USE ONLY

Entered by _____

Entered on _____

○ FY End: 09/30/2013

Date Printed: November 20, 2013 13:13

◉ NCIC: TX1050000 Agency: Hays County Sheriff's Office Phone: 512-393-7890

○ State: TX Preparer: Yvette Johnson E-mail: yvette_johnson@co.hays.tx.us

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court
Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

Authorize the County Judge to enter into a temporary use agreement with the U.S. Small Business Administration to provide office space to issue and process disaster relief applications.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
CONSENT	November 26, 2013	

LINE ITEM NUMBER

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR REVIEW:** N/A

REQUESTED BY	SPONSOR	CO-SPONSOR
Kharley Smith	COBB	N/A

SUMMARY

See attached

Date form completed: 11/19/2013

U.S. Small Business Administration
Office of Disaster Assistance
No Cost Space Agreement

This Agreement is made by and between the _Hays County, TX_____
(Enter County, City or Facility name, etc.)

("Landlord") and the United States Small Business Administration (SBA) ("Tenant").

This Agreement covers temporary usage of the property owned by the Landlord located at

_____Hays County Precinct 2 Office, 5458 FM 2770, Kyle, TX 78640_____.
(Enter location name and complete address)

Purpose of space: To issue disaster loan applications, help applicants complete applications, receive completed applications and close approved disaster loans for homeowners, renters and businesses affected by declared disasters.

Declaration #: ___Texas Pending_____

Fee for Usage: $0.00 (SBA will incur **no** rent cost to occupy Landlord's space.)

Term of Occupancy: (Enter day, date, and hours of operation)
Beginning: Tues. Dec. 3, 2013 at 9:00 AM for up to 3 weeks; Mondays – Wednesdays 9:00 AM to 6:00 PM
(Example: Start: Wednesday, October 1, 2008 at 9:00 AM End: Wednesday, October 1, 2008 at 6:00 PM)

Landlord Contact: Kharley Smith, Hays County Emergency Coordinator, (512) 618-0247
Name, Title, Contact Information

SBA (Tenant) Contact: Stacy Allen, Administrative Officer, FOC – W, 916 735 1500

Comments:

SBA (AKA "Tenant") agrees to indemnify, defend and save harmless the Landlord, to the extent appropriated funds are available for this purpose.

The person executing this Agreement on behalf of the Landlord hereby covenants and warrants that he/she is duly authorized to execute this Agreement.

If applicable, the Landlord will provide recycling services and/or an energy efficient facility to the U.S. Small Business Administration.

____Check here if this form has been modified. If so, it is subject to Office of General Counsel approval.

Landlord:	**Tenant:**
Signature: _____	**Signature:** _____
Title: _____	**Title:** _____
Date: _____	**Date:** _____

ODA Form A-013 (11/10)

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court
Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

Authorize the County Judge to execute a letter amendment to the Temporary Lease Agreement between Hays County and Thorpe Lane Apartments, LLC executed on October 29, 2013.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
CONSENT	November 26, 2013	

LINE ITEM NUMBER

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR REVIEW:** N/A

REQUESTED BY	SPONSOR	CO-SPONSOR
Ingalsbe	INGALSBE	N/A

SUMMARY

This amendment is related to the transfer of payments under this agreement from Thorpe Lane Apartments to Daren Casey Interest (DCI). Thorpe Lane Apartments has not set up banking and DCI owes 100% of Thorpe Lane Apartments.

FIRST AMENDMENT TO
TEMPORARY LEASE AGREEMENT

This 1st Amendment to the Temporary Lease Agreement ("Amendment") is made this 26th day of November, 2013, by and between Hays County, a political subdivision of the State of Texas (hereinafter referred to as "County") and Thorpe Lane Apartments, LLC, a Texas limited liability company. The above-cited parties are collectively referred to as "the parties to this Agreement" or "the parties."

Section 3. Rent of the Temporary Lease Agreement shall be amended to reflect that all payments made under this section shall be paid to "Darren Casey Interests, Inc."

EXCEPT FOR THE ABOVE MODIFICATION, ALL OTHER TERMS AND CONDITIONS OF THE AGREEMENT SHALL REMAIN UNCHANGED, UNLESS PROPERLY MODIFIED BY SUBSEQUENT AMENDMENT UNDER THE TERMS OF THE AGREEMENT.

This 1st Amendment to Temporary Lease Agreement is hereby executed this the ___ day of November, 2013, as is evidenced by the authorized signatures of the Parties, below.

Thorpe Lane Apartments, LLC

_____

Dennis Haire,
CFO

COUNTY

_____

BERT COBB, M.D.
HAYS COUNTY JUDGE

ATTEST: _____
LIZ Q. GONZALES
HAYS COUNTY CLERK

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court
Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

SUB-139 Kena's Run (2 lots). Discussion and possible action approve preliminary plan.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
ACTION-SUBDIVISIONS	November 26, 2013	

LINE ITEM NUMBER

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR REVIEW:** N/A

REQUESTED BY	SPONSOR	CO-SPONSOR
ROXIE MCINNIS	CONLEY	N/A

SUMMARY

Kena's Run is a proposed two lot division of 14.788 acres located off of Double M Drive in Precinct 3. Water service will be provided by private wells and wastewater treatment will be accomplished by individual on-site sewage facilities to be permitted by Hays County.

KENA'S RUN

A SUBDIVISION OF 14.788 ACRES OUT OF THE KENNETH McKENZIE SURVEY, ABSTRACT No. 334, HAYS COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, That we: Stephen L. Carver and wife, Joanna B. Carver, the owners of 14.788 acres of land out of the Kenneth McKenzie Survey, Abstract No. 334, Hays County, Texas, as conveyed to us by General Warranty Deed dated July 14, 2004 and recorded in Volume 2505, Page 566, of the Hays County Official Public Records, DO HEREBY SUBDIVIDE said 14.788 acres of land to be known as Kena's Run, in accordance with the plat shown hereon subject to any and all easements or restrictions heretofore granted.

WITNESS MY HAND, this _____ day of _____ A.D. 2013.

Stephen L. Carver
410 Double M Drive
Wimberley, Texas 78676

Joanna B. Carver
410 Double M Drive
Wimberley, Texas 78676

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, the undersigned authority, on this day personally appeared: Stephen L. Carver and wife, Joanna B. Carver, known to me as the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they have executed the same for the purpose and consideration therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____ A.D. 2013.

NOTARY PUBLIC in and for Hays County, Texas

No structure in this subdivision shall be occupied until connected to a public sewer system or to an on-site wastewater system which has been approved and permitted by Hays County Development Services. No structure in this subdivision shall be occupied until connected to an individual water supply or a state approved community water system. Due to declining water supplies and diminishing water quality, prospective property owners are cautioned by Hays County to question the seller concerning ground water availability. Rain water collection is encouraged and in some areas may offer the best renewable water resource. No construction or development within this subdivision may begin until all Hays County Development Permit requirements have been satisfied.

James "Clint" Garza, Director — Date
Hays County Development Services

Tom Pape, R.S., C.F.M. — Date
Hays County Floodplain Administrator

I, Liz Gonzalez, County Clerk of Hays County, Texas, do hereby certify that on the _____ day of _____ A.D. 2013, the Commissioners Court of Hays County, Texas passed an order authorizing the filing for record of this plat and that said order has been duly entered in the minutes of said Court in Book _____ Page(s) _____.

Witness my hand and seal of office this the _____ day of _____ A.D. 2013.

Albert "Bert" Cobb, M.D.
County Judge, Hays County, Texas

Liz Gonzalez, County Clerk, Hays County, Texas

I, Liz Gonzalez, County Clerk of Hays County, Texas, do hereby certify foregoing instrument of writing, with its certificate of authentication was filed for record in my office on the _____ day of _____ A.D. 2013 at _____ o'clock ____.M., and duly recorded on the _____ day of _____ A.D. 2013 at ____ o'clock ____.M. in the Plat records of said County and State, in Plat Book No. _____, Page(s) _____.

Witness my hand and seal of office of the County Clerk, this the _____ day of _____ A.D. 2013.

Liz Gonzalez, County Clerk, Hays County, Texas

PLAT INFORMATION:

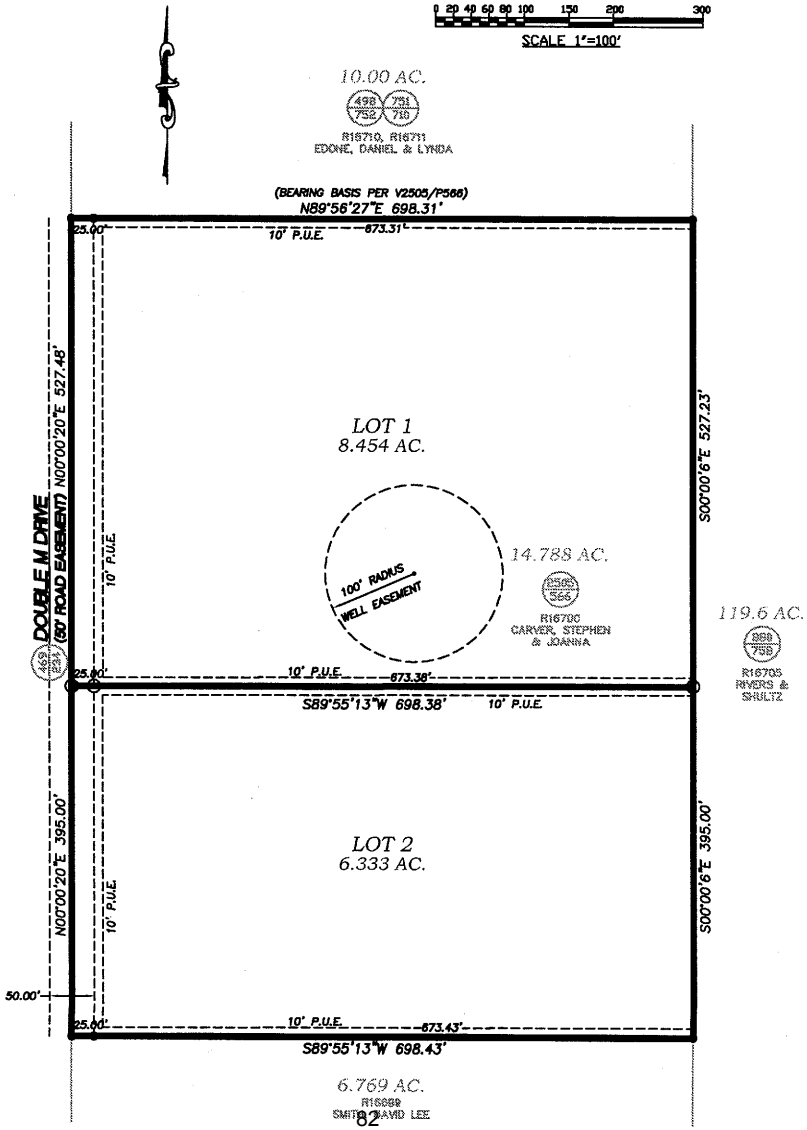
Total Area: 14.788 Acres
Total Number of Lots: 2
Number of Residential Lots: 2
Number of Commercial Lots: 0

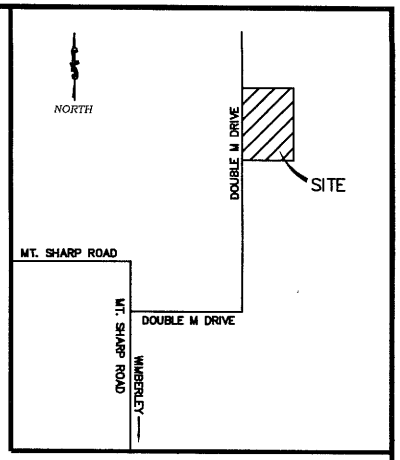
Average Size of Lots: 7.394 Acres
Greater than 10 Acres: 0
Larger than 5, less than 10 acres: 2
Between 2 and 5 acres: 0
Less than 2 acres: 0

LEGEND

● --1/2" IRON ROD FOUND--UNLESS NOTED
⊙--1/2" IRON ROD SET-"DRIFTWOOD SURVEYING"
VOL. / PG. HAYS COUNTY OFFICIAL PUBLIC RECORDS
Rxxxxx HAYS COUNTY PROPERTY IDENTIFICATION NUMBER

0 20 40 60 80 100 150 200 300
SCALE 1"=100'





VICINITY MAP
NOT TO SCALE

NOTES:

1. This subdivision lies within the boundaries of the Contributing Zone of the Edwards Aquifer.
2. No portion of this subdivision lies within the 100-year floodplain as delineated of the Flood Insurance Rate Map (F.I.R.M.) Community Panel No. 48209C 0230 F, effective date of September 2, 2005, as prepared by the Federal Emergency Management Agency.
3. This subdivision is not located within any City limit or ETJ.
4. This subdivision lies within the Wimberley Independent School District.
5. Wastewater treatment for this subdivision to be private, individual on-site sewage facilities as approved by Hays County Development Services.
6. Water services for this subdivision to be private individual water wells. Under Department Regulations, this subdivision is exempt from the requirements to demonstrate the availability of water and wastewater service.
7. Electricity for this subdivision is provided by Pedernales Electric Cooperative, Inc.
8. Telephone service for this subdivision is provided by Verizon.
9. In order to promote safe use of roadways and preserve the conditions of public roadways, no driveway constructed on any lot within this subdivision shall be permitted access onto a publicly dedicated roadway unless (a) a Driveway Permit has been issued by the Road Department of Hays County and (b) the driveway satisfies the minimum spacing required for driveways set forth in Table 721.02 of the Hays County Development Regulations.
10. When required, lots shall have a minimum driveway culvert size of 18".
11. Approval of this preliminary plan does not constitute approval of any deviation from County's land development regulations in the final plat, construction plan or site plan stage, unless such deviations have been specifically requested in writing and subsequently approved in writing by the County. Such approvals do not relieve the engineer of the obligation to modify the design of the project if it does not meet all other County land development regulations or if it is subsequently determined that the design would adversely impact the public's safety, health, welfare or property.
12. Further subdivision of this lot is restricted for a period of five (5) years following the recording of this plat.
13. A road maintenance agreement for Double M Drive exists per Volume 469, Page 753, and Volume 534, Page 287, Real Property Records of Hays County, Texas.

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, That I, Rudolf J. Pata, Jr., a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this plat is true and correctly made and is prepared from an actual survey of the property made under my supervision on the ground and the corner monuments were found or properly placed under my supervision.

Rudolf J. Pata, Jr. — Date
R.P.L.S. #5388, State of Texas

STATE OF TEXAS REGISTERED RUDOLF J. PATA, JR. 5388 PROFESSIONAL LAND SURVEYOR

Driftwood Surveying
Professional Land Surveyors – Surveying the Hill Country
P.O. Box 379
Wimberley, TX 78676
TEL. (512) 847-7222 www.driftwoodsurveying.com

PROJECT No. HC10704

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court
Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

SUB-113 O-Bar Ranch (15 lots). Discussion and possible action to approve final plat and accept fiscal surety for the construction of street and drainage improvements in the amount of $600,000.00.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
ACTION-SUBDIVISIONS	November 26, 2013	

LINE ITEM NUMBER

AUDITOR USE ONLY

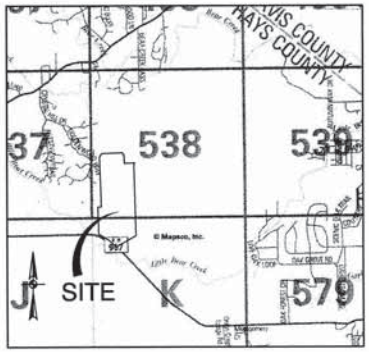
AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR REVIEW:** N/A

REQUESTED BY	SPONSOR	CO-SPONSOR
ROXIE MCINNIS	WHISENANT	JONES

SUMMARY

O-Bar Ranch is a proposed 15 lot subdivision encompassing 1,558 acres located off of FM 976 in Precincts 2 and 4. The property is encumbered by a Conservation Easement held by the City of Austin which is intended to protect natural recharge features and the local watersheds. The development will be served by private wells, rainwater collection systems, individual advanced on-site sewage facilities, and a privately maintained roadway.
The property will be changing hands following the approval of the plat. Given this unique situation, the fiscal surety has an effective date of December 4th.



LOCATION MAP

NOT-TO-SCALE
MAPSCO MAP GRID: 35/ 538 & K

0' 1000' 2000' 3000'

SCALE: 1"= 1000'

THE BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 NAD 83 (NA2011) EPOCH 2010.00, FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE CENTRAL ZONE.

COMBINED SCALE FACTOR:
0.999910008

BENCHMARK:
PT #10
½" IRON ROD W/ RED CAP
NAD 83 SURFACE COORDINATES
N: 10025458.9, E: 3050687.2
ELEVATION OF 1040.53' (NAVD 88)

BENCHMARK:
PT #20
½" IRON ROD W/ RED CAP
NAD 83 SURFACE COORDINATES
N: 10021283.7, E: 3051413.2
ELEVATION OF 1000.63' (NAVD 88)

BENCHMARK:
PT #22
½" IRON ROD W/ RED CAP
NAD 83 SURFACE COORDINATES
N: 10014196.9, E: 3050450.5
ELEVATION OF 897.02' (NAVD 88)

OWNER/SUBDIVIDER:

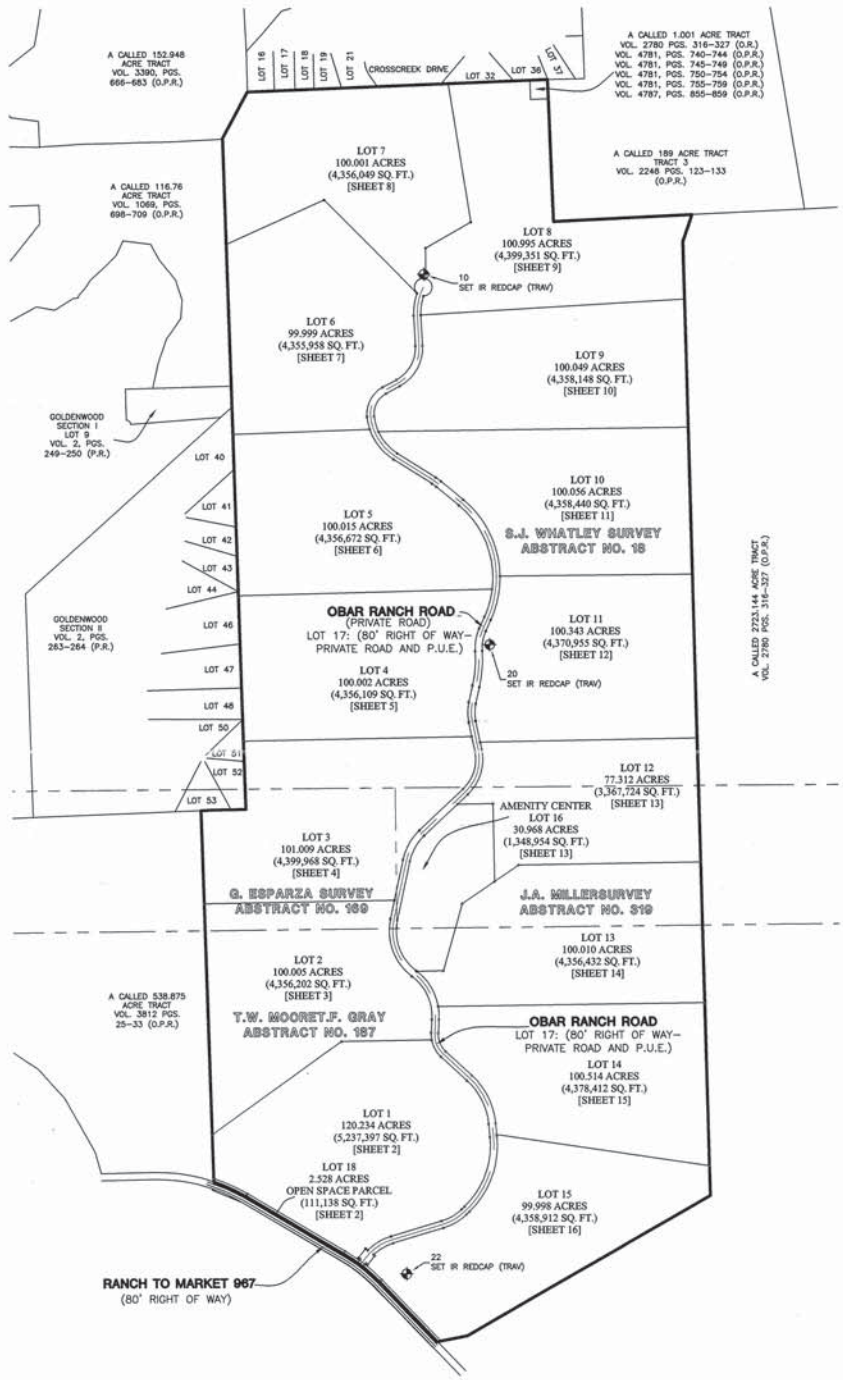
BRADY OMAN

ENGINEER:

PAPE-DAWSON ENGINEERS, INC.
7800 SHOAL CREEK BLVD.
SUITE 220 WEST
AUSTIN, TEXAS 78757
(512) 454-8711

SURVEYOR:

PAPE-DAWSON ENGINEERS, INC.
7800 SHOAL CREEK BLVD.
SUITE 220 WEST
AUSTIN, TEXAS 78757
(512) 454-8711



LEGEND

⊘	FOUND 1/2" IRON ROD (UNLESS NOTED OTHERWISE)
(SURVEYOR) ⊘	FOUND 1/2" IRON ROD WITH CAP
●	PROPERTY LINE ANGLE POINT OR POINT OF CURVATURE
⊠	FOUND TxDOT MONUMENTATION
(OPR)	OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
(DR)	DEED RECORDS OF HAYS COUNTY, TEXAS
(PR)	PLAT RECORDS OF HAYS COUNTY, TEXAS
OHE	OVERHEAD ELECTRIC LINE
TELE	OVERHEAD TELEPHONE LINE
(W)	EXISTING WATER WELLS WITH 150' SANITARY SETBACK
(·)	NO DEVELOPMENT ZONES WITH KARST FEATURES

FINAL PLAT OF OBAR RANCH

A 1556.882 ACRE, OR 6,827,139 SQUARE FEET MORE OR LESS, TRACT OF LAND, A CALLED 1558.23 ACRE TRACT OF LAND, BEING ALL OF A CONSERVATION EASEMENT RECORDED IN VOLUME 3331, PAGES 701-742 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, ALSO OUT OF A CALLED 2723.144 ACRE TRACT RECORDED IN VOLUME 2780, PAGES 316-327 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND A CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 2780, PAGES 316-327 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THAT SAME CALLED 1.001 ACRE TRACT DESCRIBED IN VOLUME 4781, PAGES 740-744 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THE SAME CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 4781, PAGES 745-749 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THE SAME CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 4781, PAGES 750-754 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THE SAME CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 4781, PAGES 755-759 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THE SAME CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 4787, PAGES 855-859 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SITUATE IN THE T. F. GRAY SURVEY, ABSTRACT 187, THE G. ESPARZA SURVEY, ABSTRACT NO. 169, THE J.A. MILLER SURVEY, ABSTRACT NO. 319 AND THE S.J. WHATLEY SURVEY, ABSTRACT NO. 18, IN HAYS COUNTY, TEXAS.

LOT SUMMARY:

TOTAL RESIDENTIAL LOT ACREAGE:	1500.542 ACRES
AMENITY CENTER ACREAGE: (LOT 16)	30.968 ACRES
TOTAL PRIVATE ROAD/P.U.E. ACREAGE (LOT 17)	25.377 ACRES
OPEN SPACE PARCEL (LOT 18)	2.528 ACRES
TOTAL NUMBER OF RESIDENTIAL LOTS:	15
TOTAL LINEAR FEET OF OBAR RANCH ROAD (℄)	13,441 LINEAR FEET

LOT SIZE	NO.
> 10 ACRES	17
5-10 ACRES	0
2-5 ACRES	1
1-2 ACRES	0
< 1 ACRE	0
18 LOTS TOTAL	

PAPE-DAWSON ENGINEERS

7800 SHOAL CREEK BLVD SUITE 220 WEST | AUSTIN TEXAS 78757 | PHONE: 512.454.8711 FAX: 512.459.8867

TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 470
TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, FIRM REGISTRATION # 100288-00

SHEET 1 OF 18

SUBDIVISION PLAT OF OBAR RANCH

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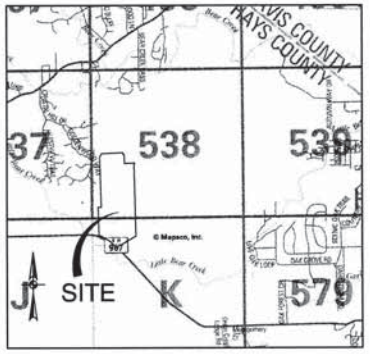
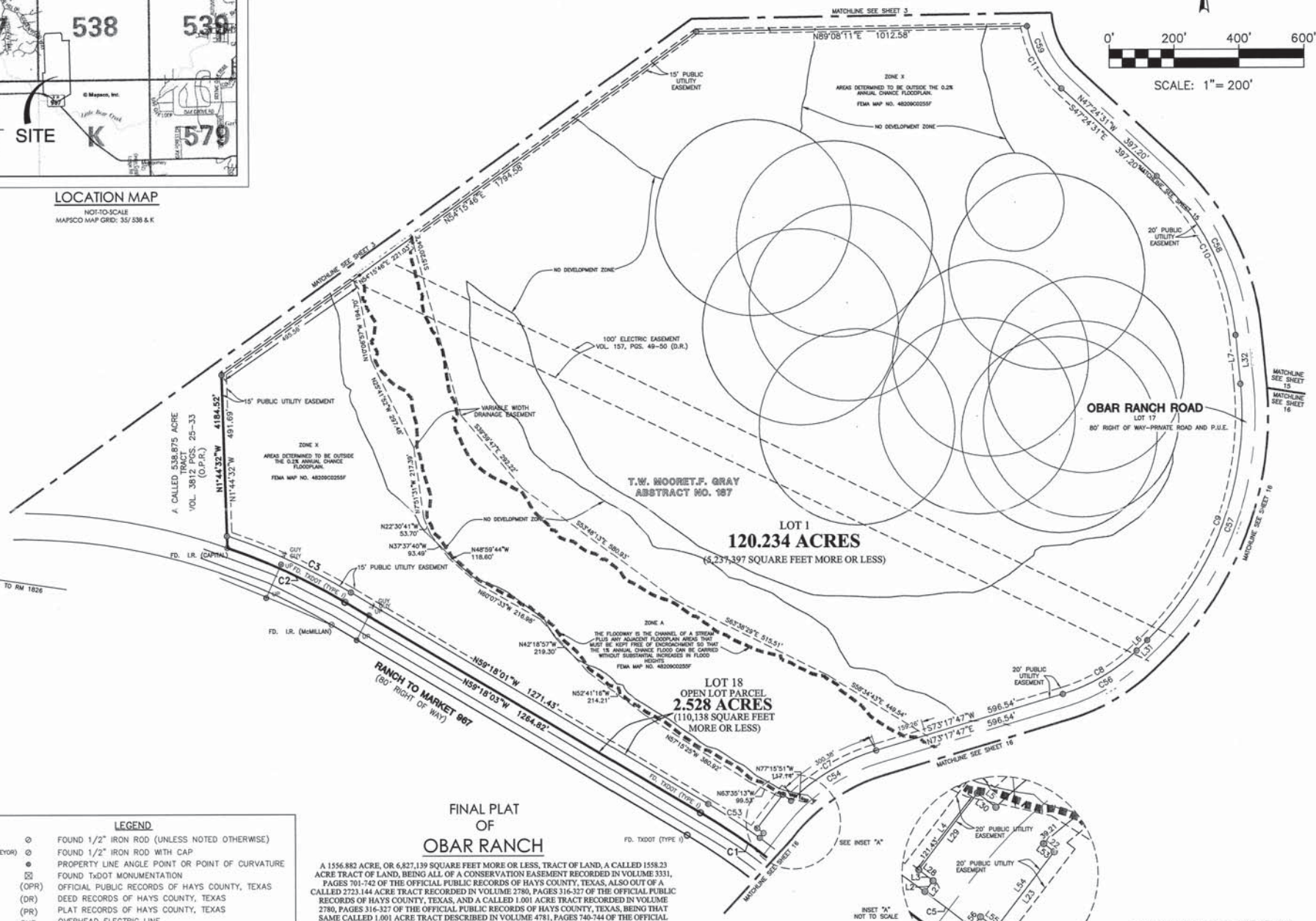


LOCATION MAP
NOT-TO-SCALE
MAPSCO MAP GRID: 35/ 538 & K



LEGEND

⊘	FOUND 1/2" IRON ROD (UNLESS NOTED OTHERWISE)
(SURVEYOR) ⊘	FOUND 1/2" IRON ROD WITH CAP
●	PROPERTY LINE ANGLE POINT OR POINT OF CURVATURE
⊠	FOUND TxDOT MONUMENTATION
(OPR)	OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
(DR)	DEED RECORDS OF HAYS COUNTY, TEXAS
(PR)	PLAT RECORDS OF HAYS COUNTY, TEXAS
OHE	OVERHEAD ELECTRIC LINE
TELE	OVERHEAD TELEPHONE LINE
(W)	EXISTING WATER WELLS WITH 150' SANITARY SETBACK
(·)	NO DEVELOPMENT ZONES WITH KARST FEATURES

FINAL PLAT OF OBAR RANCH

A 1556.882 ACRE, OR 6,827,139 SQUARE FEET MORE OR LESS, TRACT OF LAND, A CALLED 1558.23 ACRE TRACT OF LAND, BEING ALL OF A CONSERVATION EASEMENT RECORDED IN VOLUME 3331, PAGES 701-742 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, ALSO OUT OF A CALLED 2723.144 ACRE TRACT RECORDED IN VOLUME 2780, PAGES 316-327 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND A CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 2780, PAGES 316-327 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THAT SAME CALLED 1.001 ACRE TRACT DESCRIBED IN VOLUME 4781, PAGES 740-744 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THE SAME CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 4781, PAGES 745-749 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THE SAME CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 4781, PAGES 750-754 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THE SAME CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 4781, PAGES 755-759 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THE SAME CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 4787, PAGES 855-859 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SITUATE IN THE T. F. GRAY SURVEY, ABSTRACT 187, THE G. ESPARZA SURVEY, ABSTRACT NO. 169, THE J.A. MILLER SURVEY, ABSTRACT NO. 319 AND THE S.J. WHATLEY SURVEY, ABSTRACT NO. 18, HAYS COUNTY, TEXAS.

PAPE-DAWSON ENGINEERS
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TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 470
TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, FIRM REGISTRATION # 100286-00

SHEET 2 OF 18

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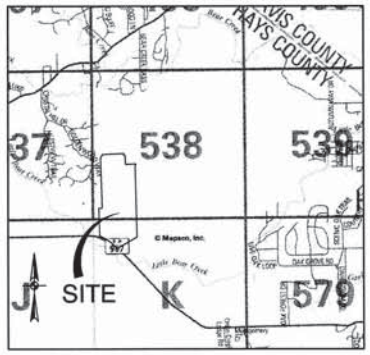


LOCATION MAP

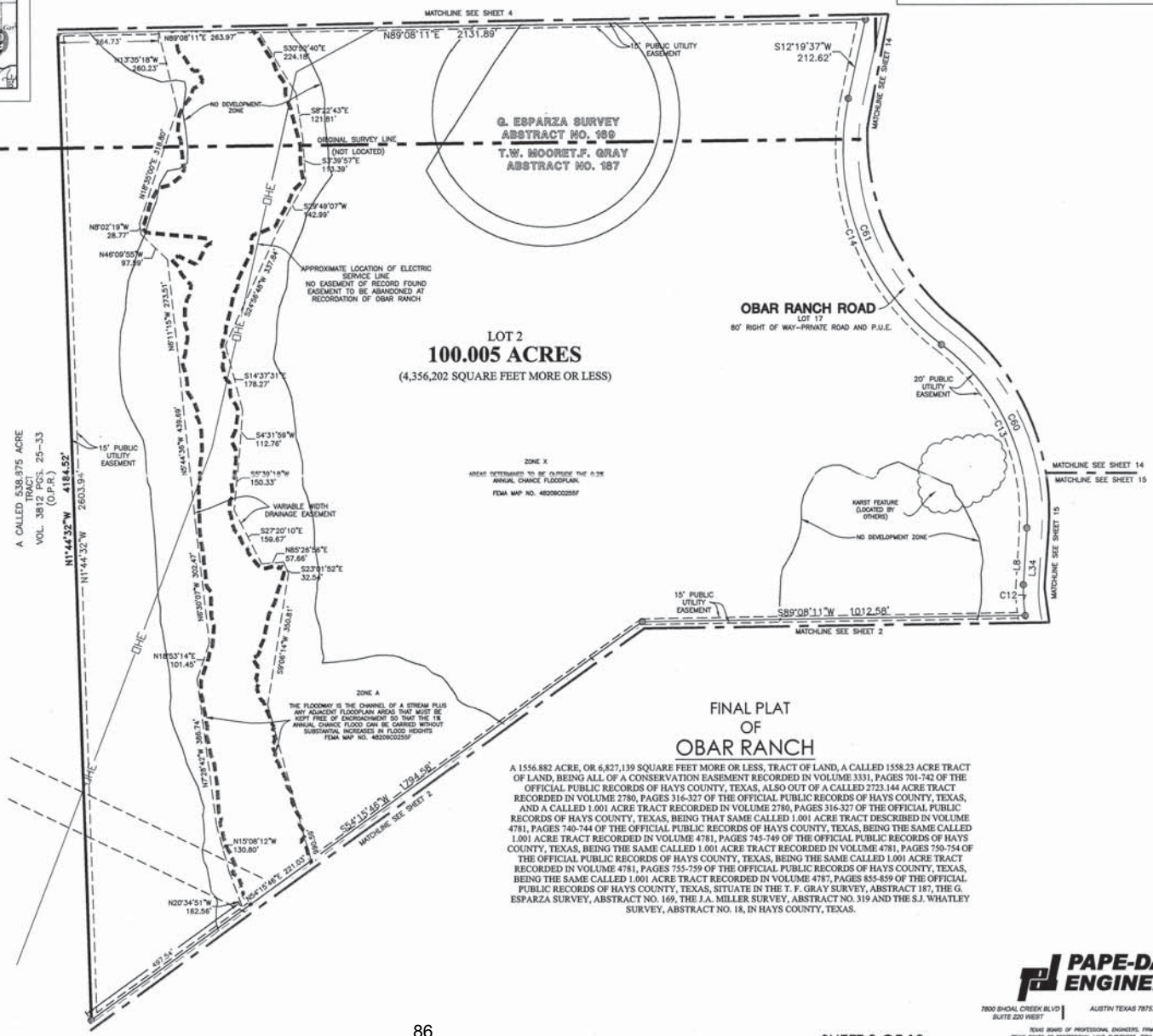
NOT-TO-SCALE
MAPSCO MAP GRID: 35/ 538 & K

0' 200' 400' 600'

SCALE: 1"= 200'

LEGEND

⊘	FOUND 1/2" IRON ROD (UNLESS NOTED OTHERWISE)
(SURVEYOR) ⊘	FOUND 1/2" IRON ROD WITH CAP
●	PROPERTY LINE ANGLE POINT OR POINT OF CURVATURE
⊠	FOUND TxDOT MONUMENTATION
(OPR)	OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
(DR)	DEED RECORDS OF HAYS COUNTY, TEXAS
(PR)	PLAT RECORDS OF HAYS COUNTY, TEXAS
OHE	OVERHEAD ELECTRIC LINE
TELE	OVERHEAD TELEPHONE LINE
(W)	EXISTING WATER WELLS WITH 150' SANITARY SETBACK
(·)	NO DEVELOPMENT ZONES WITH KARST FEATURES



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TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, FIRM REGISTRATION # 100288-00

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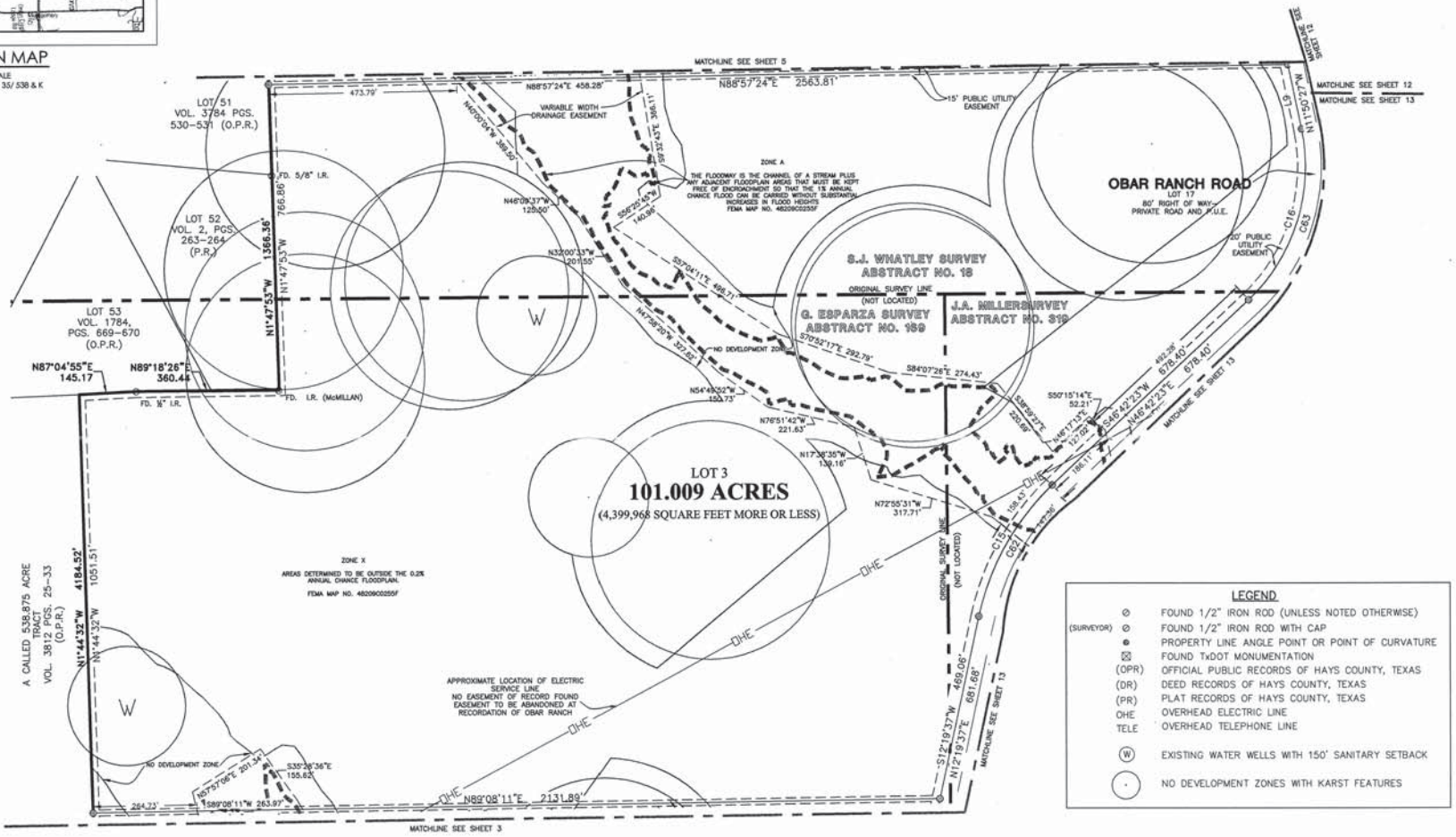
LOCATION MAP
NOT-TO-SCALE
MAPSCO MAP GRID: 35/ 538 & K

0' 200' 400' 600'
SCALE: 1"= 200'



LEGEND

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(·)	NO DEVELOPMENT ZONES WITH KARST FEATURES

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TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, FIRM REGISTRATION # 100088-00

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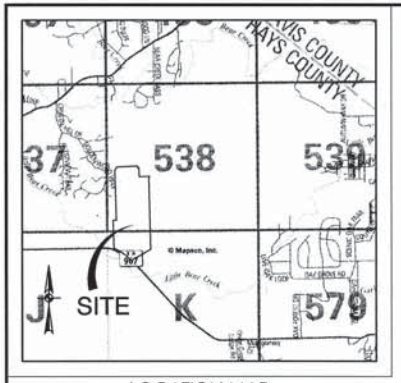

LOCATION MAP

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MAPSCO MAP GRID: 35/ 538 & K

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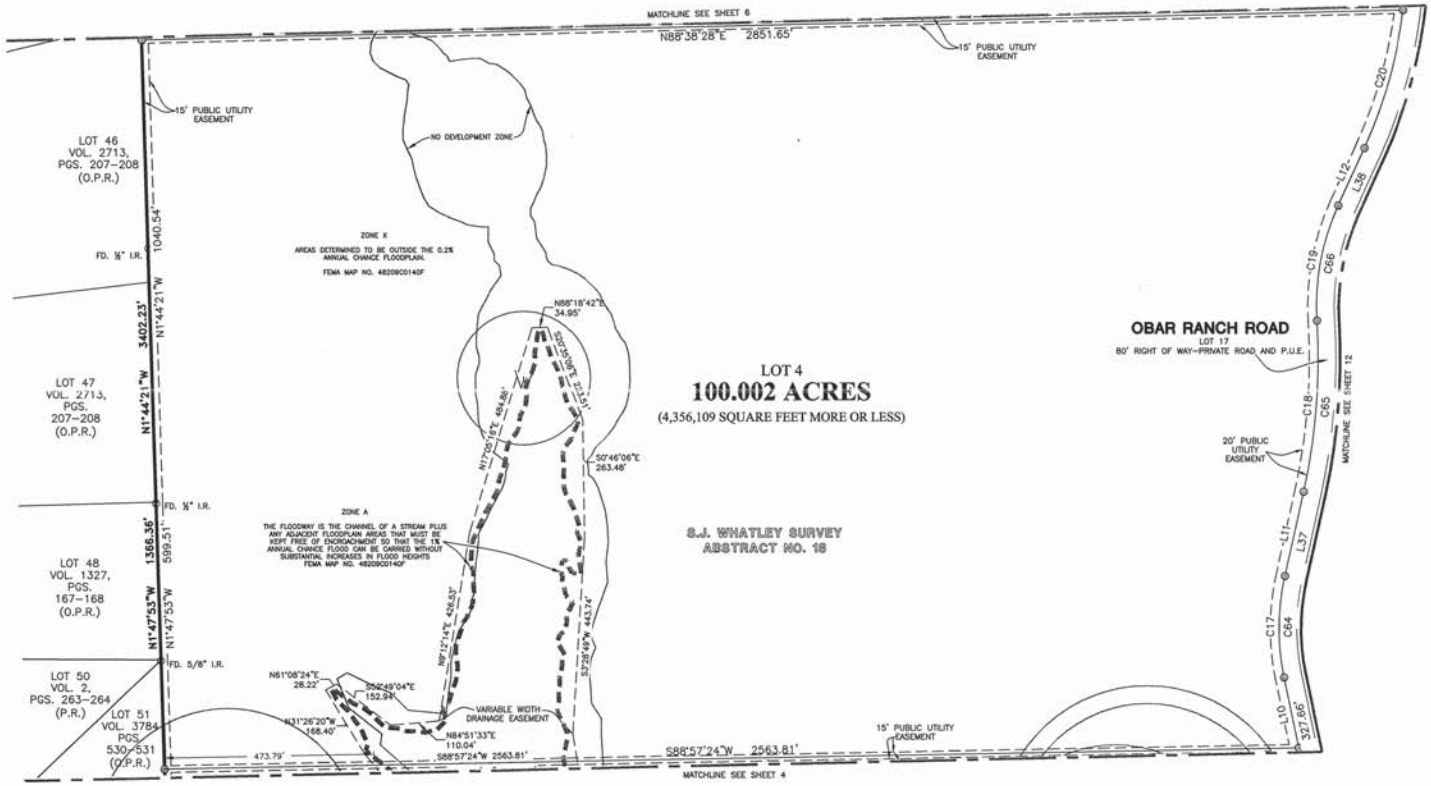
SCALE: 1"= 200'



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TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, FIRM REGISTRATION # 100088-00

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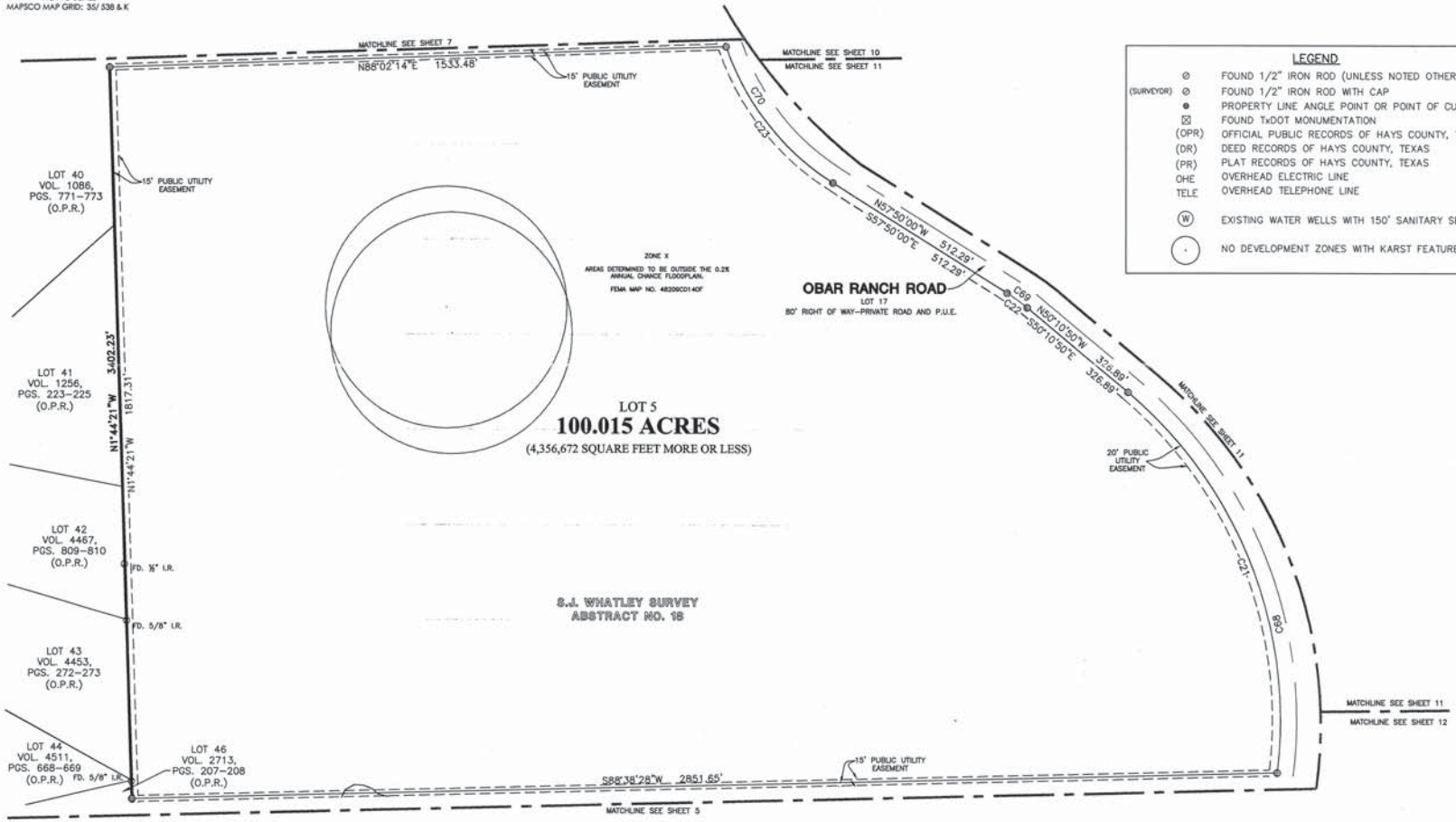
LOCATION MAP

NOT-TO-SCALE
MAPSCO MAP GRID: 35/ 538 & K

0' 200' 400' 600'

SCALE: 1"= 200'



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TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, FIRM REGISTRATION # 10028-00

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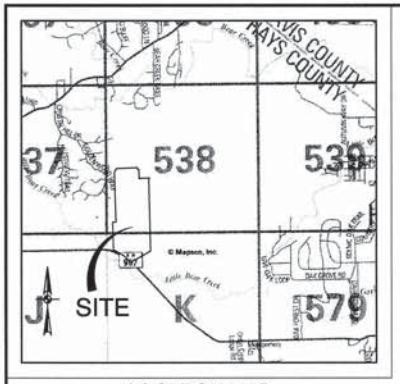

LOCATION MAP
NOT-TO-SCALE
MAPSCO MAP GRID: 35/ 538 & K

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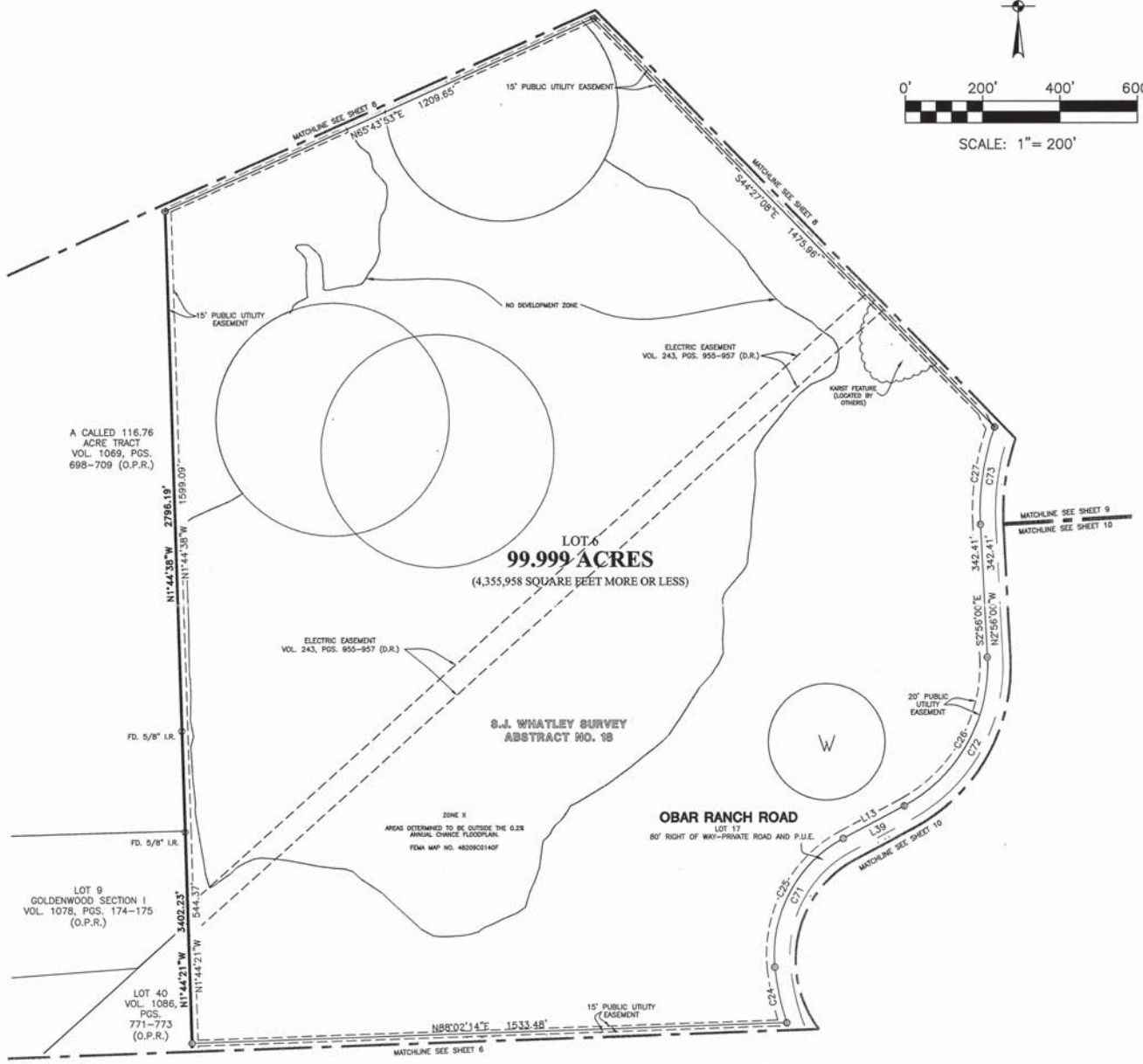

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TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, FIRM REGISTRATION # 10028800

Date: Nov 18, 2013, 11:41am User ID: VGonzalez
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FINAL PLAT OF OBAR RANCH

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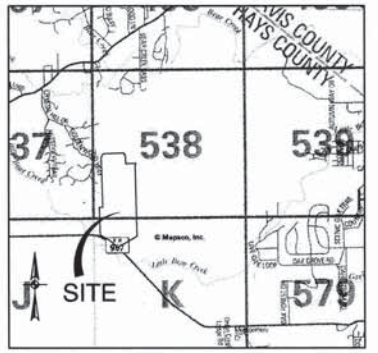
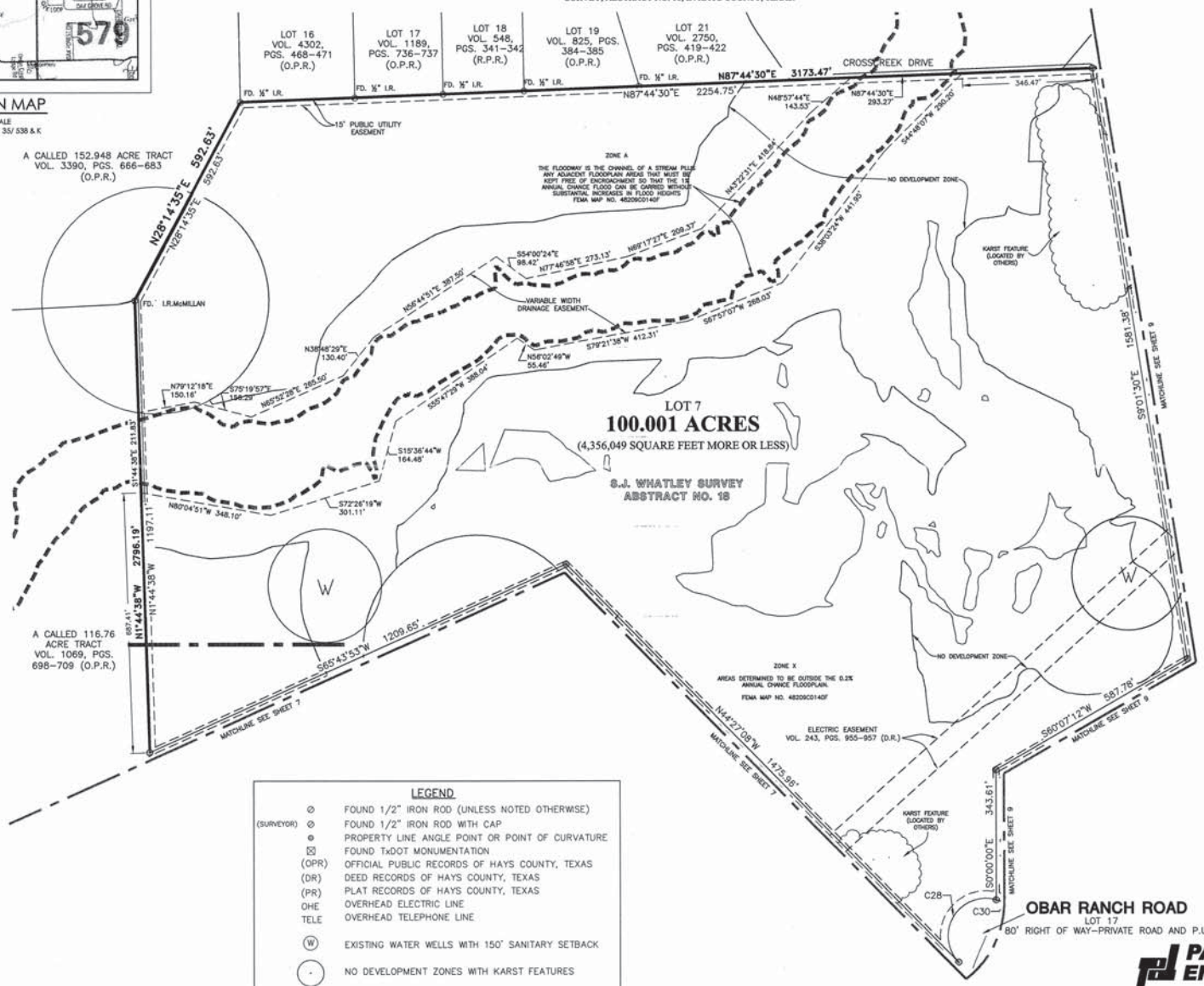


LOCATION MAP
NOT-TO-SCALE
MAPSCO MAP GRID: 35/ 538 & K

0' 200' 400' 600'
SCALE: 1"= 200'



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LOCATION MAP

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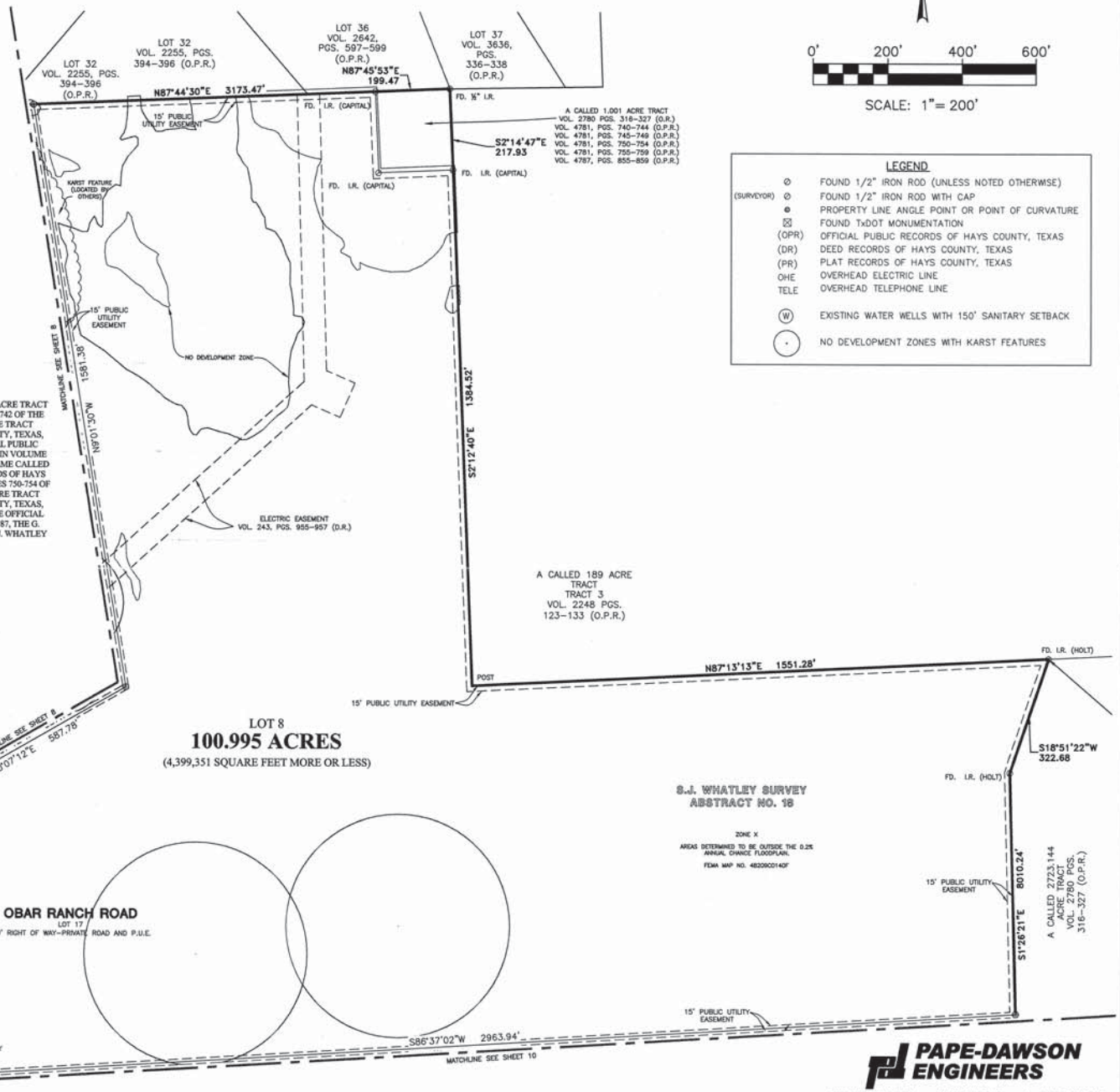

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OF
OBAR RANCH

A 1556.882 ACRE, OR 6,827,139 SQUARE FEET MORE OR LESS, TRACT OF LAND, A CALLED 1558.23 ACRE TRACT OF LAND, BEING ALL OF A CONSERVATION EASEMENT RECORDED IN VOLUME 3331, PAGES 701-742 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, ALSO OUT OF A CALLED 2723.144 ACRE TRACT RECORDED IN VOLUME 2780, PAGES 316-327 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND A CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 2780, PAGES 316-327 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THAT SAME CALLED 1.001 ACRE TRACT DESCRIBED IN VOLUME 4781, PAGES 740-744 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THE SAME CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 4781, PAGES 745-749 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THE SAME CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 4781, PAGES 750-754 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THE SAME CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 4781, PAGES 755-759 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THE SAME CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 4787, PAGES 855-859 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SITUATE IN THE T. F. GRAY SURVEY, ABSTRACT 187, THE G. ESPARZA SURVEY, ABSTRACT NO. 169, THE J.A. MILLER SURVEY, ABSTRACT NO. 319 AND THE S.J. WHATLEY SURVEY, ABSTRACT NO. 18, IN HAYS COUNTY, TEXAS.

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TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 470
TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, FIRM REGISTRATION # 10028800

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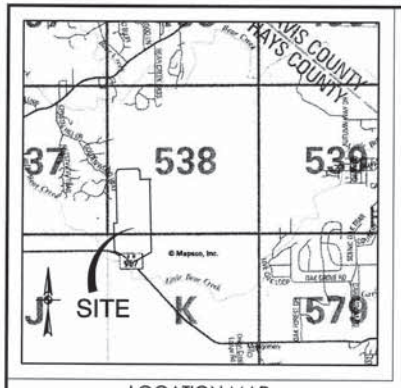


LOCATION MAP

NOT-TO-SCALE
MAPSCO MAP GRID: 35/ 538 & K

0' 200' 400' 600'

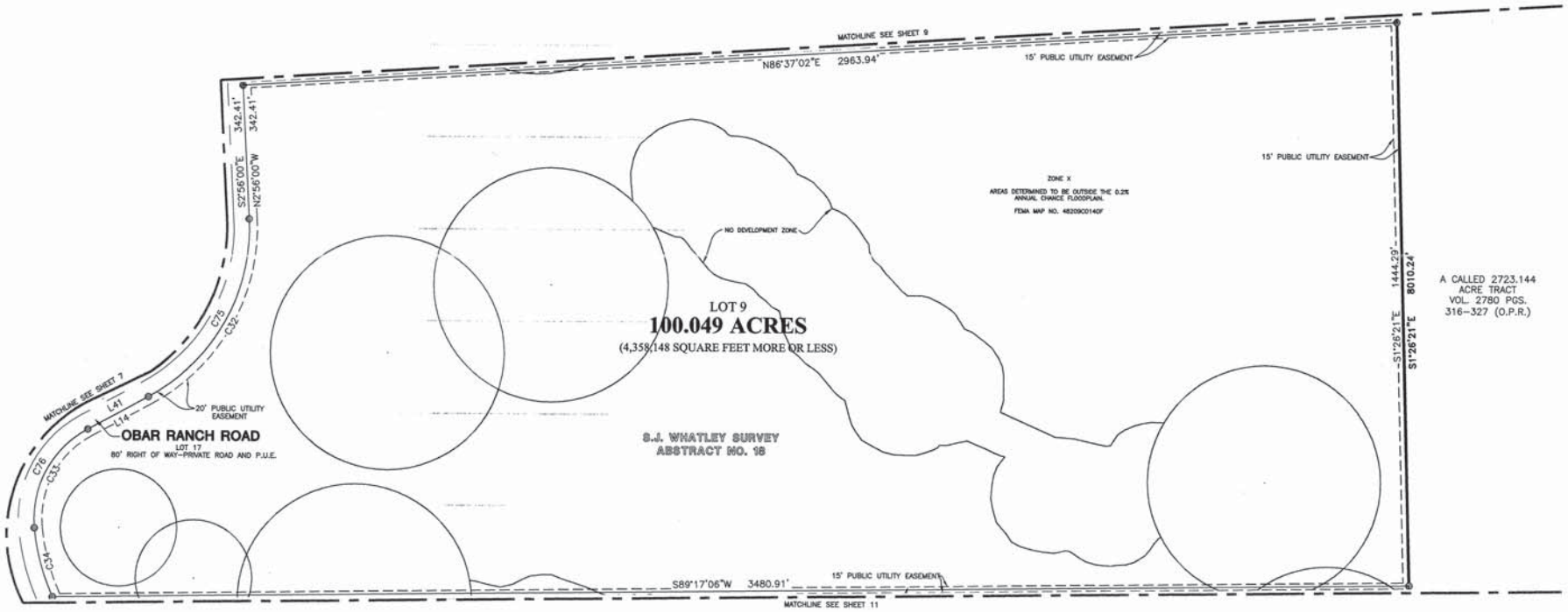
SCALE: 1"= 200'

FINAL PLAT OF OBAR RANCH

A 1556.882 ACRE, OR 6,827,139 SQUARE FEET MORE OR LESS, TRACT OF LAND, A CALLED 1558.23 ACRE TRACT OF LAND, BEING ALL OF A CONSERVATION EASEMENT RECORDED IN VOLUME 3331, PAGES 701-742 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, ALSO OUT OF A CALLED 2723.144 ACRE TRACT RECORDED IN VOLUME 2780, PAGES 316-327 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND A CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 2780, PAGES 316-327 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THAT SAME CALLED 1.001 ACRE TRACT DESCRIBED IN VOLUME 4781, PAGES 740-744 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THE SAME CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 4781, PAGES 745-749 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THE SAME CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 4781, PAGES 750-754 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THE SAME CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 4781, PAGES 755-759 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THE SAME CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 4787, PAGES 855-859 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SITUATE IN THE T. F. GRAY SURVEY, ABSTRACT 187, THE G. ESPARZA SURVEY, ABSTRACT NO. 169, THE J.A. MILLER SURVEY, ABSTRACT NO. 319 AND THE S.J. WHATLEY SURVEY, ABSTRACT NO. 18, IN HAYS COUNTY, TEXAS.

LEGEND

⊘	FOUND 1/2" IRON ROD (UNLESS NOTED OTHERWISE)
(SURVEYOR) ⊘	FOUND 1/2" IRON ROD WITH CAP
●	PROPERTY LINE ANGLE POINT OR POINT OF CURVATURE
⊠	FOUND TxDOT MONUMENTATION
(OPR)	OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
(DR)	DEED RECORDS OF HAYS COUNTY, TEXAS
(PR)	PLAT RECORDS OF HAYS COUNTY, TEXAS
OHE	OVERHEAD ELECTRIC LINE
TELE	OVERHEAD TELEPHONE LINE
(W)	EXISTING WATER WELLS WITH 150' SANITARY SETBACK
(·)	NO DEVELOPMENT ZONES WITH KARST FEATURES



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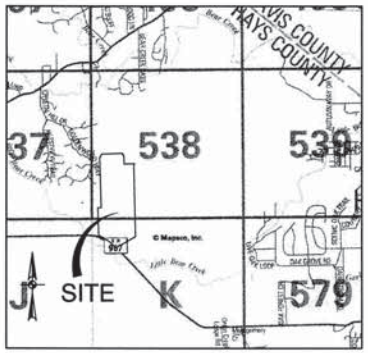

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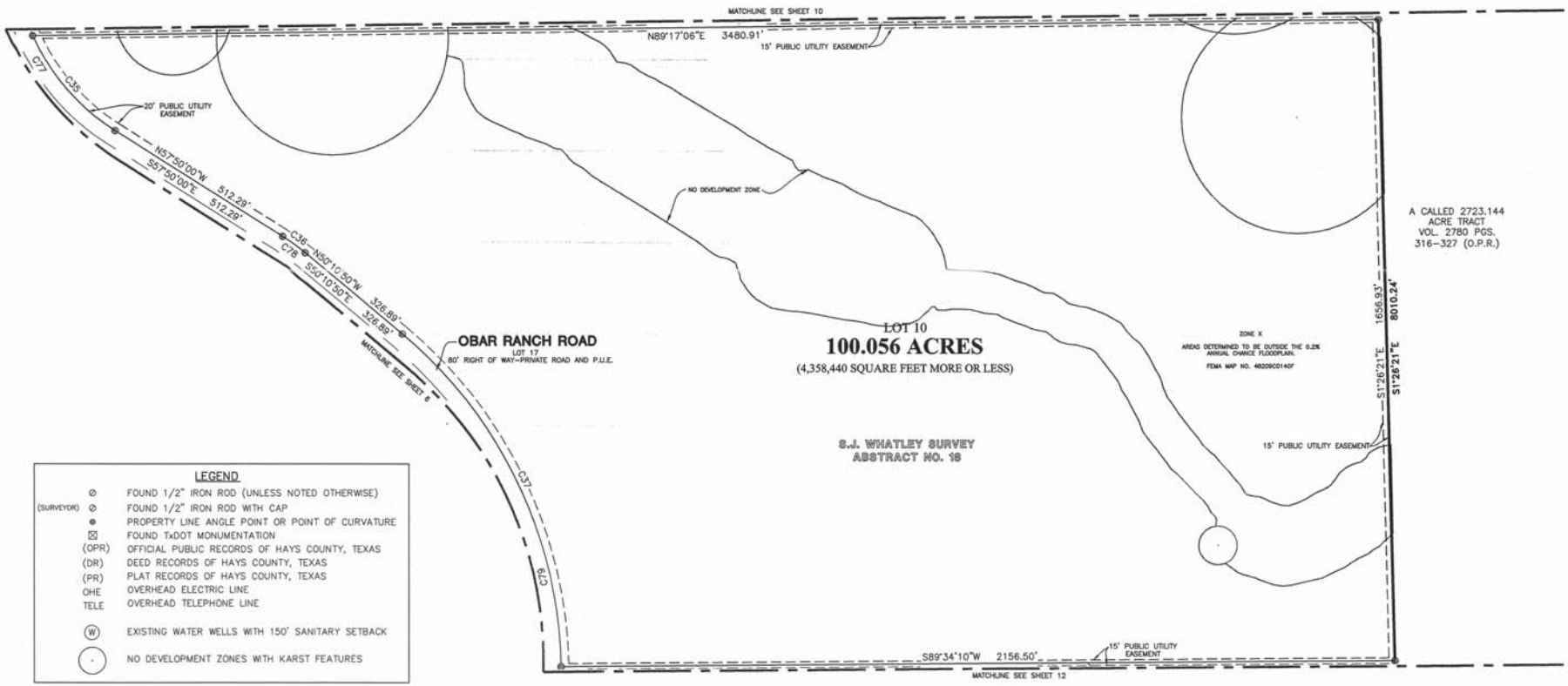

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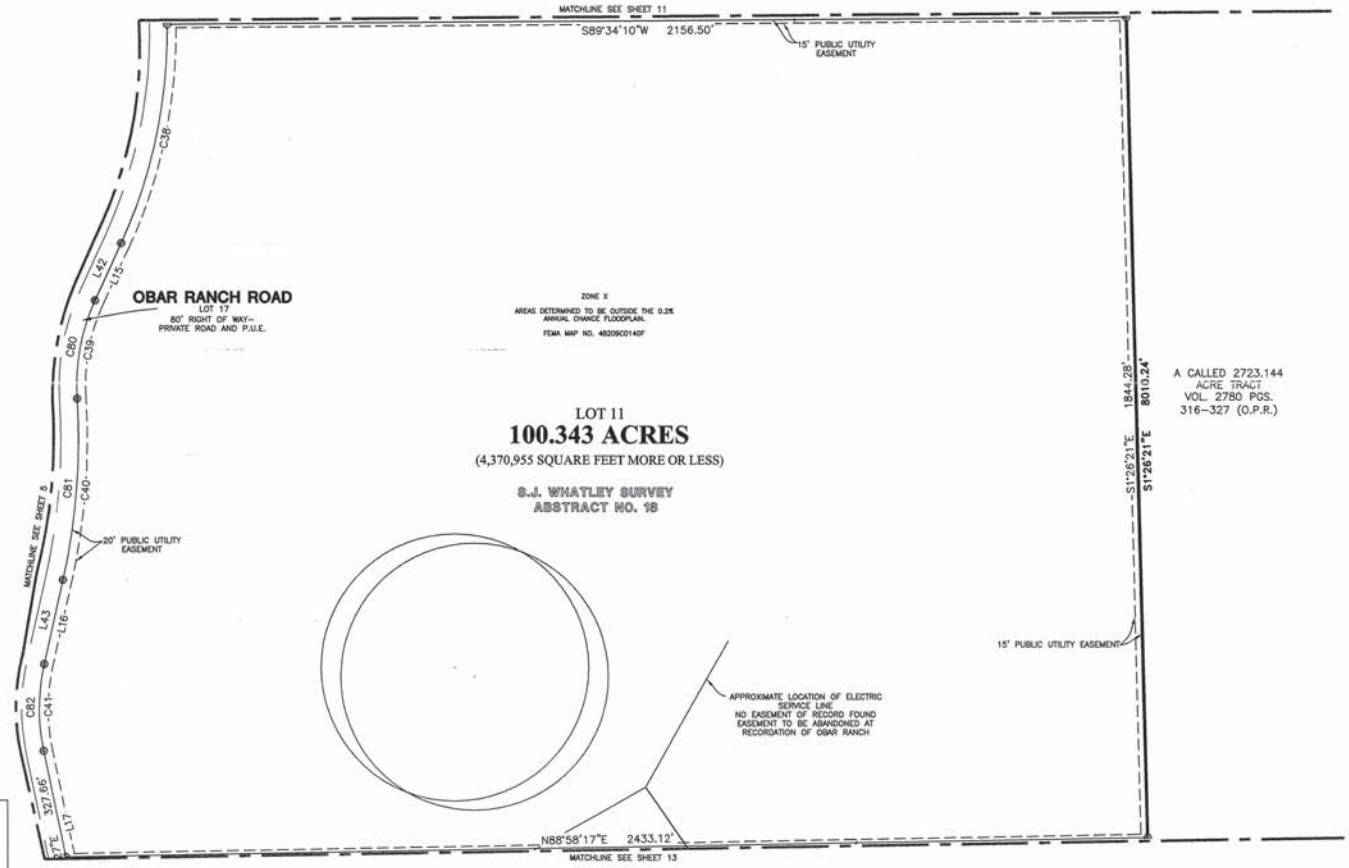

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TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, FIRM REGISTRATION # 10028800

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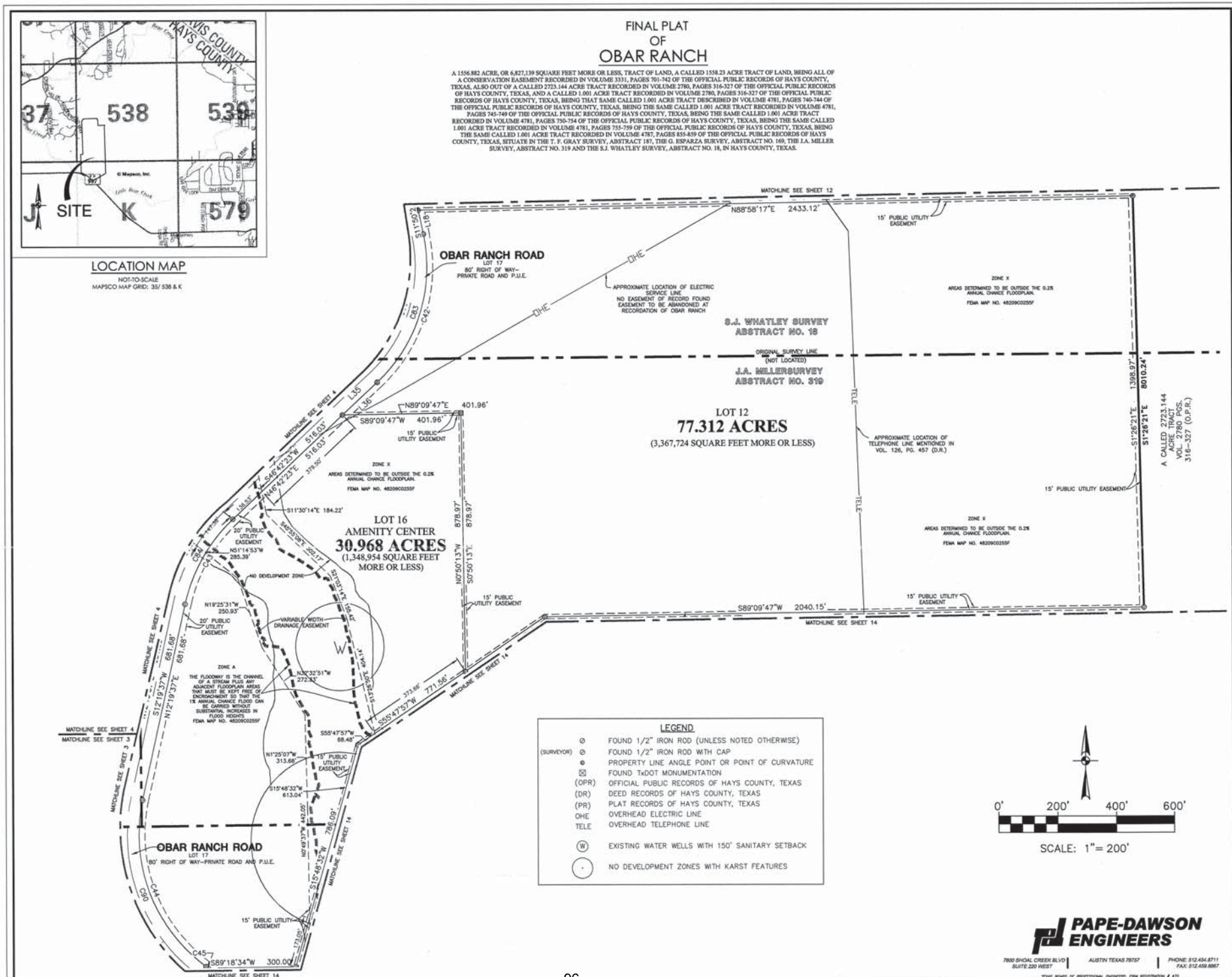

SUBDIVISION PLAT OF OBAR RANCH

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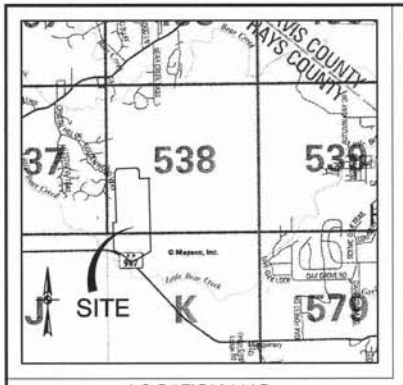

LOCATION MAP
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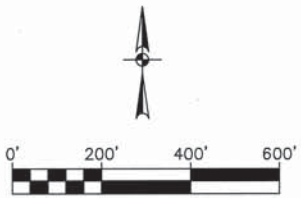
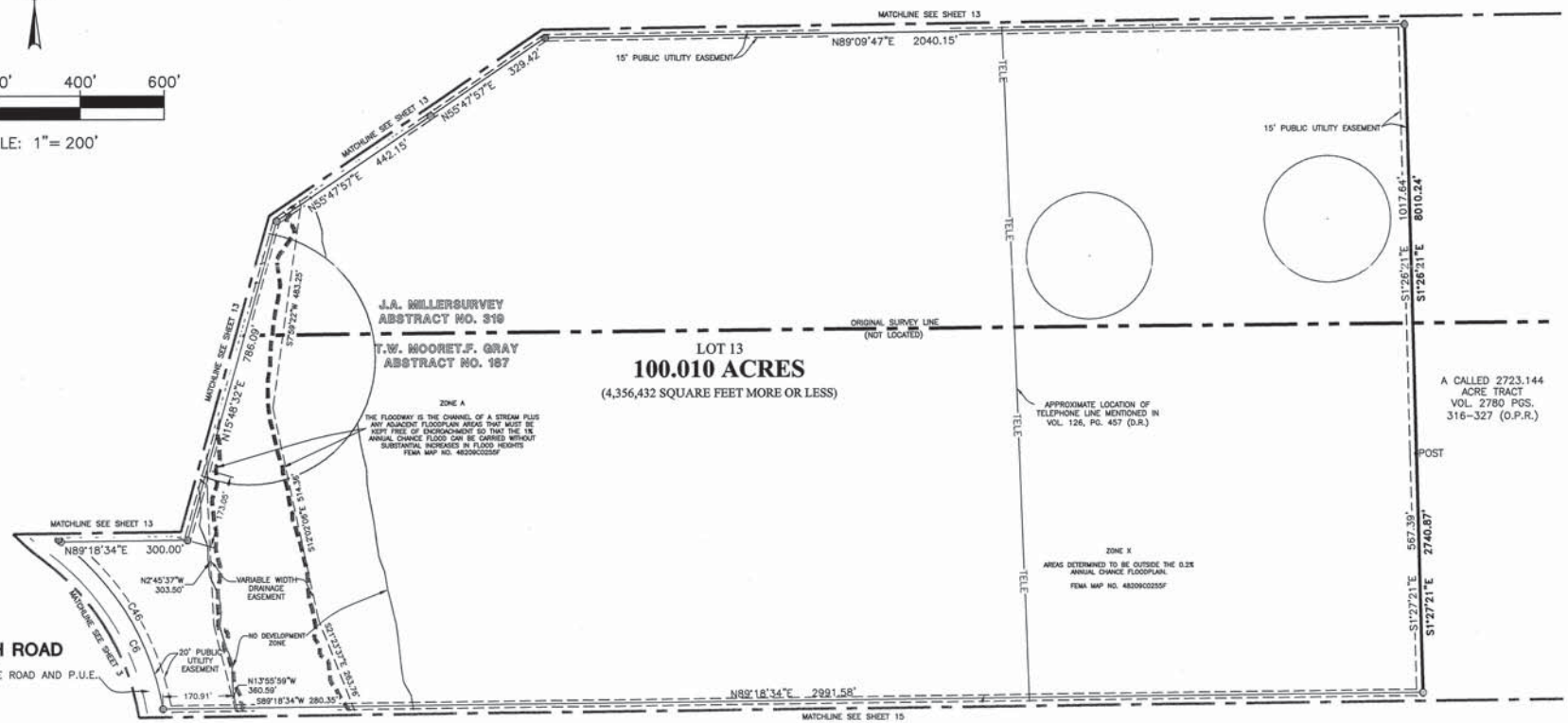


SCALE: 1"= 200'



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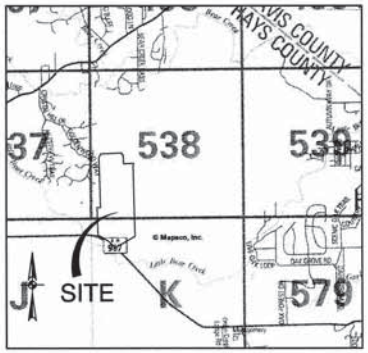

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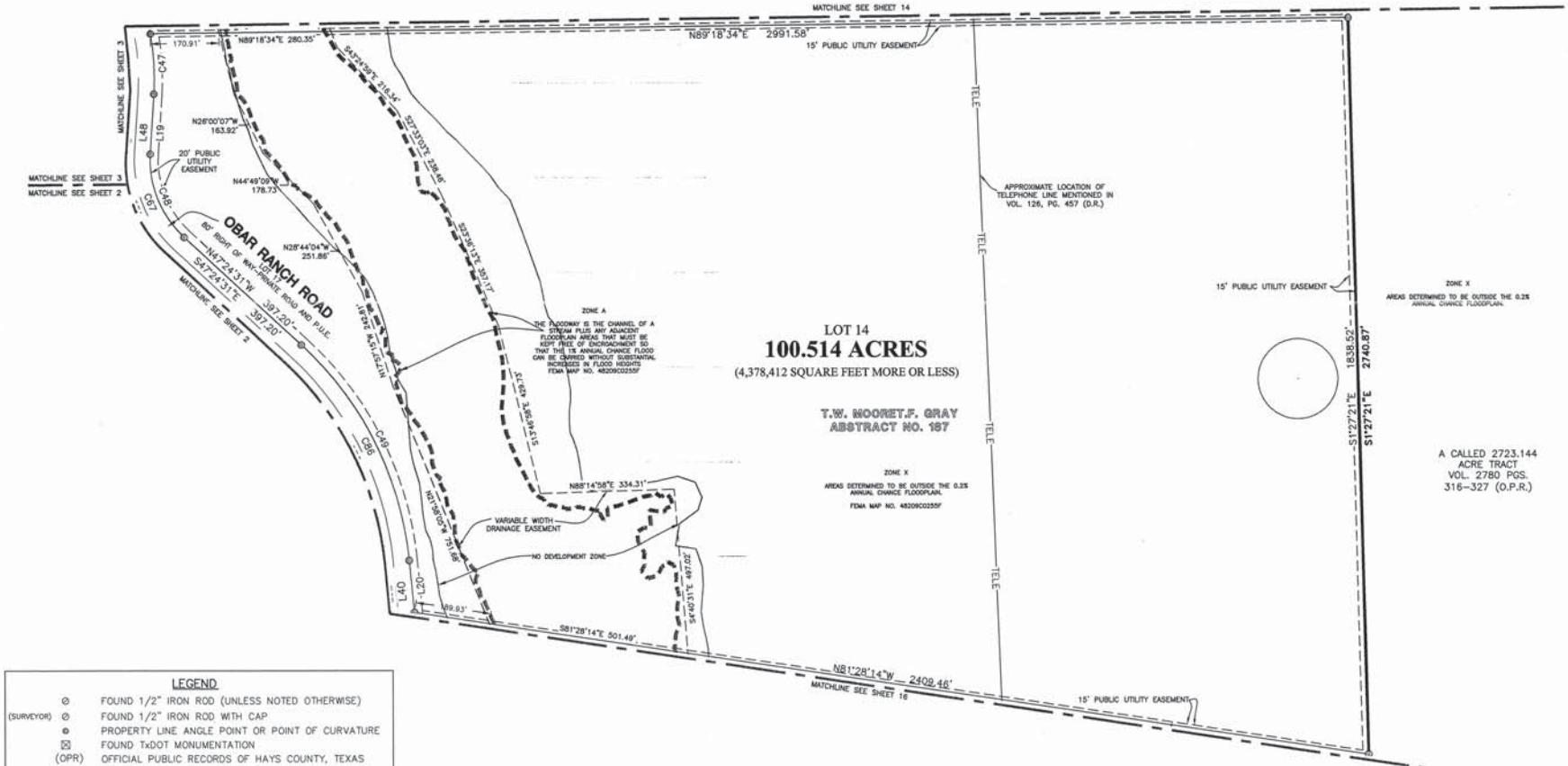

LEGEND

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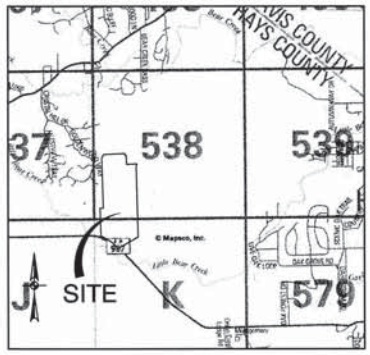
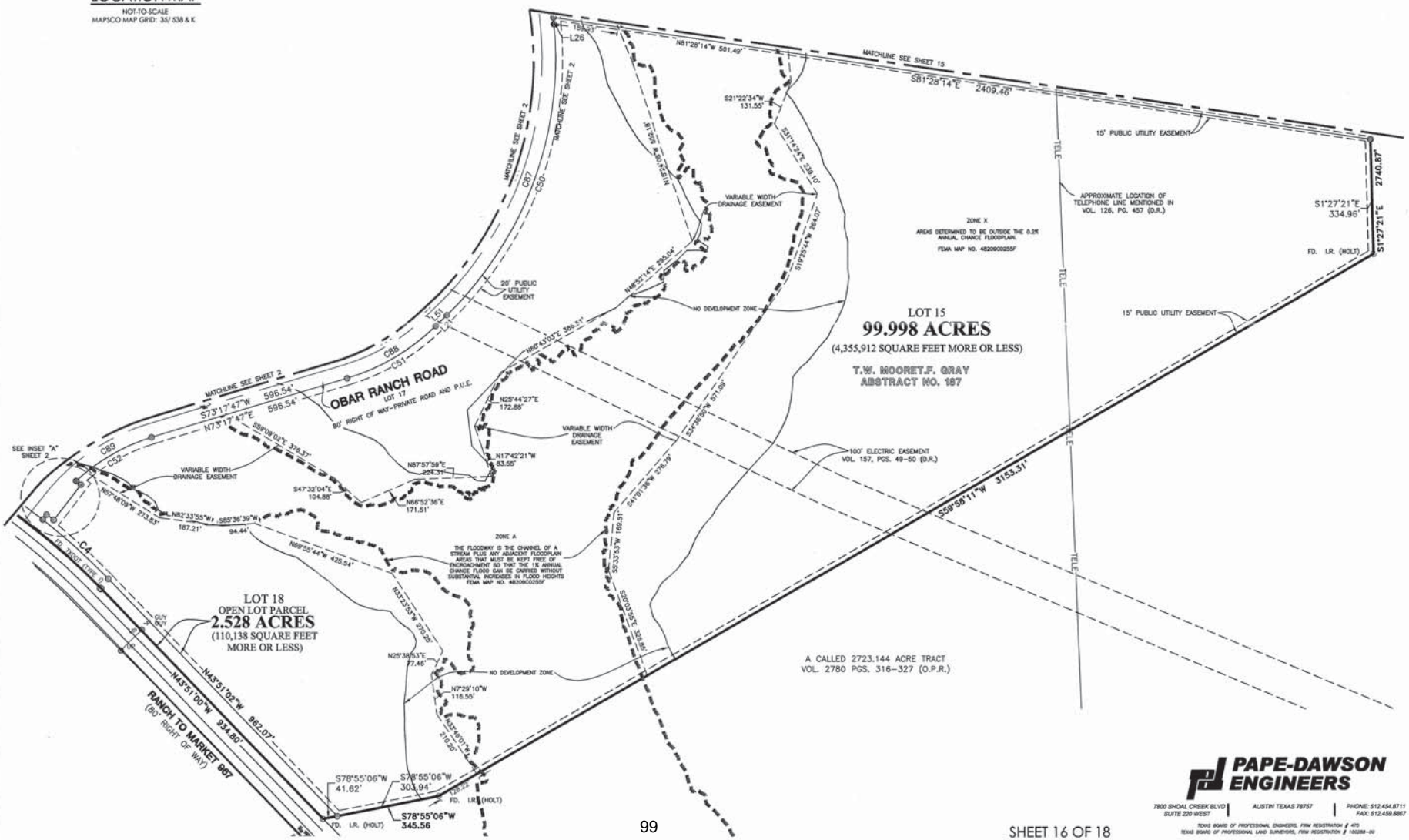
(W)	EXISTING WATER WELLS WITH 150' SANITARY SETBACK
(·)	NO DEVELOPMENT ZONES WITH KARST FEATURES



LOCATION MAP

NOT-TO-SCALE
MAPSCO MAP GRID: 35/ 538 & K



PAPE-DAWSON ENGINEERS

7800 SHOAL CREEK BLVD SUITE 220 WEST | AUSTIN TEXAS 78757 | PHONE: 512.454.8711 FAX: 512.459.8867

TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 470
TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, FIRM REGISTRATION # 100288-00

SHEET 16 OF 18

SUBDIVISION PLAT OF OBAR RANCH

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LOCATION MAP

NOT-TO-SCALE
MAPSCO MAP GRID: 35/ 538 & K

FINAL PLAT OF OBAR RANCH

A 1556.882 ACRE, OR 6,827,139 SQUARE FEET MORE OR LESS, TRACT OF LAND, A CALLED 1558.23 ACRE TRACT OF LAND, BEING ALL OF A CONSERVATION EASEMENT RECORDED IN VOLUME 3331, PAGES 701-742 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, ALSO OUT OF A CALLED 2723.144 ACRE TRACT RECORDED IN VOLUME 2780, PAGES 316-327 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND A CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 2780, PAGES 316-327 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THAT SAME CALLED 1.001 ACRE TRACT DESCRIBED IN VOLUME 4781, PAGES 740-744 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THE SAME CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 4781, PAGES 745-749 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THE SAME CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 4781, PAGES 750-754 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THE SAME CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 4781, PAGES 755-759 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THE SAME CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 4787, PAGES 855-859 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SITUATE IN THE T. F. GRAY SURVEY, ABSTRACT 187, THE G. ESPARZA SURVEY, ABSTRACT NO. 169, THE J.A. MILLER SURVEY, ABSTRACT NO. 319 AND THE S.J. WHATLEY SURVEY, ABSTRACT NO. 18, IN HAYS COUNTY, TEXAS.

CURVE TABLE

CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	1949.86'	15°30'19"	N51°36'09"W	526.06'	527.67'
C2	1949.86'	11°39'04"	N65°07'35"W	395.82'	396.50'
C3	2020.88'	11°49'08"	N65°19'04"W	416.13'	416.87'
C4	1998.58'	7°21'29"	S47°43'07"E	256.49'	256.66'
C5	1949.86'	2°21'03"	N52°32'40"W	80.00'	80.01'
C6	640.00'	56°49'42"	S24°51'57"E	609.08'	634.78'
C7	640.00'	27°27'16"	S59°34'09"W	303.74'	306.67'
C8	560.00'	27°13'02"	S59°41'16"W	263.52'	266.02'
C9	960.00'	51°33'58"	S20°17'46"W	835.13'	864.00'
C10	760.00'	41°55'17"	N26°26'52"W	543.75'	556.07'
C11	340.00'	37°16'43"	S28°46'09"E	217.34'	221.22'
C12	340.00'	13°40'42"	S3°17'26"E	80.98'	81.17'
C13	560.00'	56°49'42"	S24°51'57"E	532.94'	555.43'
C14	640.00'	65°36'25"	S20°28'35"E	693.45'	732.84'
C15	640.00'	34°22'46"	S29°31'00"W	378.29'	384.02'
C16	460.00'	58°32'50"	S17°25'58"W	449.86'	470.05'
C17	540.00'	24°32'54"	S0°26'00"W	229.60'	231.36'
C18	1360.00'	16°18'44"	S4°33'05"W	385.89'	387.20'
C19	540.00'	28°14'15"	S10°30'50"W	263.45'	266.13'
C20	1060.00'	17°31'35"	S15°52'10"W	322.98'	324.25'
C21	1060.00'	57°17'12"	S21°32'14"E	1,016.23'	1059.83'
C22	460.00'	7°39'10"	S54°00'25"E	61.39'	61.44'
C23	640.00'	39°15'44"	S38°12'08"E	430.03'	438.56'
C24	640.00'	13°09'56"	S11°59'18"E	146.74'	147.06'
C25	340.00'	67°10'19"	S28°10'49"W	376.17'	398.61'
C26	410.00'	64°41'59"	S29°25'00"W	438.77'	462.98'
C27	640.00'	22°48'59"	S8°28'30"W	253.18'	254.86'
C28	100.00'	149°34'33"	S30°52'30"W	192.99'	261.06'
C29	100.00'	163°12'33"	N7°16'03"E	197.86'	284.85'
C30	100.00'	312°47'06"	S67°31'14"E	80.09'	545.91'

CURVE TABLE

CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C31	560.00'	22°26'43"	N8°17'22"E	217.98'	219.38'
C32	490.00'	64°41'59"	N29°25'00"E	524.39'	553.32'
C33	260.00'	67°10'19"	N28°10'49"E	287.66'	304.82'
C34	560.00'	18°43'49"	N14°46'14"W	182.25'	183.07'
C35	560.00'	33°41'51"	N40°59'04"W	324.63'	329.35'
C36	540.00'	7°39'10"	N54°00'25"W	72.07'	72.12'
C37	1140.00'	49°22'52"	N25°29'24"W	952.39'	982.52'
C38	1140.00'	25°25'55"	N11°54'59"E	501.87'	506.02'
C39	460.00'	28°14'15"	N10°30'50"E	224.42'	226.70'
C40	1440.00'	16°18'44"	N4°33'05"E	408.59'	409.97'
C41	460.00'	24°32'54"	N0°26'00"E	195.58'	197.09'
C42	540.00'	58°32'50"	N17°25'58"E	528.10'	551.79'
C43	560.00'	34°22'46"	N29°31'00"E	331.00'	336.02'
C44	560.00'	65°36'25"	N20°28'35"W	606.77'	641.23'
C45	640.00'	0°46'18"	N52°53'38"W	8.62'	8.62'
C46	640.00'	42°33'00"	N31°13'59"W	464.44'	475.29'
C47	640.00'	13°30'24"	N3°12'18"W	150.52'	150.87'
C48	260.00'	50°57'25"	N21°55'48"W	223.69'	231.24'
C49	840.00'	41°55'17"	S26°26'52"E	600.98'	614.60'
C50	1040.00'	51°33'58"	N20°17'46"E	904.73'	936.00'
C51	640.00'	27°13'02"	N59°41'16"E	301.17'	304.02'
C52	560.00'	26°14'42"	N60°10'26"E	254.28'	256.51'
C53	1998.58'	5°25'13"	N56°24'04"W	189.00'	189.07'
C54	640.00'	27°27'16"	N59°34'09"E	303.74'	306.67'
C56	560.00'	27°13'02"	N59°41'16"E	263.52'	266.02'
C57	960.00'	51°33'58"	N20°17'46"E	835.13'	864.00'
C58	760.00'	41°55'17"	N26°26'52"W	543.75'	556.07'
C59	340.00'	50°57'25"	N21°55'48"W	292.52'	302.38'
C60	560.00'	56°49'42"	N24°51'57"W	532.94'	555.43'
C61	640.00'	65°36'25"	N20°28'35"W	693.45'	732.84'

CURVE TABLE

CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C62	640.00'	34°22'46"	N29°31'00"E	378.29'	384.02'
C63	460.00'	58°32'50"	N17°25'58"E	449.86'	470.05'
C64	540.00'	24°32'54"	N0°26'00"E	229.60'	231.36'
C65	1360.00'	16°18'44"	N4°33'05"E	385.89'	387.20'
C66	540.00'	28°14'15"	N10°30'50"E	263.45'	266.13'
C67	260.00'	50°57'25"	S21°55'48"E	223.69'	231.24'
C68	1060.00'	74°48'47"	N12°46'27"W	1,287.83'	1384.08'
C69	460.00'	7°39'10"	N54°00'25"W	61.39'	61.44'
C70	640.00'	52°25'40"	N31°37'10"W	565.41'	585.62'
C71	340.00'	67°10'19"	N28°10'49"E	376.17'	398.61'
C72	410.00'	64°41'59"	N29°25'00"E	438.77'	462.98'
C73	640.00'	22°48'59"	N8°28'30"E	253.18'	254.86'
C74	560.00'	22°26'43"	S8°17'22"W	217.98'	219.38'
C75	490.00'	64°41'59"	S29°25'00"W	524.39'	553.32'
C76	260.00'	67°10'19"	S28°10'49"W	287.66'	304.82'
C77	560.00'	52°25'40"	S31°37'10"E	494.73'	512.42'
C78	540.00'	7°39'10"	S54°00'25"E	72.07'	72.12'
C79	1140.00'	74°48'47"	S12°46'27"E	1,385.02'	1488.54'
C80	460.00'	28°14'15"	S10°30'50"W	224.42'	226.70'
C81	1440.00'	16°18'44"	S4°33'05"W	408.59'	409.97'
C82	460.00'	24°32'54"	S0°26'00"W	195.58'	197.09'
C83	540.00'	58°32'50"	S17°25'58"W	528.10'	551.79'
C84	560.00'	34°22'46"	S29°31'00"W	331.00'	336.02'
C86	840.00'	41°55'17"	S26°26'52"E	600.98'	614.60'
C87	1040.00'	51°33'58"	S20°17'46"W	904.73'	936.00'
C88	640.00'	27°13'02"	S59°41'16"W	301.17'	304.02'
C89	560.00'	26°14'42"	S60°10'26"W	254.28'	256.51'

LINE TABLE

LINE	BEARING	LENGTH
L2	S37°26'57"W	18.59'
L3	S52°33'03"E	24.33'
L4	S37°26'57"W	130.00'
L5	N52°33'03"W	31.18'
L6	S46°04'45"W	45.40'
L7	S05°29'13"E	150.00'
L8	S03°32'54"W	150.00'
L9	S11°50'27"E	165.49'
L10	S11°50'27"E	162.17'
L11	S12°42'27"W	193.56'
L12	S24°37'57"W	141.61'
L13	S61°45'59"W	177.26'
L14	N61°45'59"E	177.26'
L15	N24°37'57"E	141.61'
L16	N12°42'27"E	193.56'
L17	N11°50'27"W	244.24'
L18	N11°50'27"W	83.41'
L19	N03°32'54"E	150.00'
L20	N05°29'13"W	130.71'
L21	N46°04'45"E	45.40'
L22	N52°33'03"W	17.83'
L23	N37°26'57"E	130.00'
L24	S52°33'03"E	25.67'
L25	N37°26'57"E	18.60'
L26	N05°29'13"W	19.29'

LINE TABLE

LINE	BEARING	LENGTH
L27	N37°26'57"E	18.59'
L28	N52°33'03"W	24.33'
L29	N37°26'57"E	130.00'
L30	S52°33'03"E	31.18'
L31	N46°04'45"E	45.40'
L32	N05°29'13"W	150.00'
L34	N03°32'54"E	150.00'
L35	S46°42'23"W	162.36'
L36	N46°42'23"E	162.36'
L37	N12°42'27"E	193.56'
L38	N24°37'57"E	141.61'
L39	N61°45'59"E	177.26'
L40	S05°29'13"E	150.00'
L41	S61°45'59"W	177.26'
L42	S24°37'57"W	141.61'
L43	S12°42'27"W	193.56'
L48	S03°32'54"W	150.00'
L51	S46°04'45"W	45.40'
L53	S52°33'03"E	17.83'
L54	S37°26'57"W	130.00'
L55	N52°33'03"W	25.67'
L56	S37°26'57"W	18.60'

PAPE-DAWSON ENGINEERS
7800 SHOAL CREEK BLVD SUITE 220 WEST | AUSTIN TEXAS 78757 | PHONE: 512.454.8711 FAX: 512.459.8867
TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 470
TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, FIRM REGISTRATION # 100266-00

Date: Nov 15, 2013, 7:16am User: ©: VZurcher
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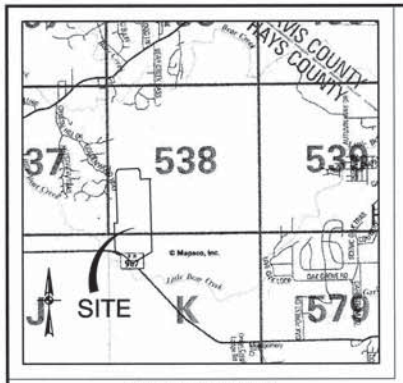


LOCATION MAP
NOT-TO-SCALE
MAPSCO MAP GRID: 35/ 538 & K

ALL LOTS SUBJECT TO THE CONSERVATION EASEMENT AGREEMENT RECORDED IN VOLUME 3331, PAGES 701-742 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

THIS SUBDIVISION IS WITHIN THE BOUNDARIES OF THE HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT.

N-HAYS INVESTORS I LP. BY FILLING THIS PLAT OF RECORD, AND ALL FUTURE OWNERS OF PROPERTY WITHIN THIS SUBDIVISION, BY PURCHASING SUCH PROPERTY, ACKNOWLEDGE AND AGREE THAT HAYS COUNTY SHALL HAVE NO OBLIGATION WHATSOEVER TO REPAIR OR ACCEPT MAINTENANCE OF THE ROADS SHOWN ON THIS SUBDIVISION. [OWNER] AND ALL FUTURE OWNERS OF PROPERTY WITHIN THIS SUBDIVISION SHALL LOOK SOLELY TO THE HOMEOWNERS ASSOCIATION FOR FUTURE MAINTENANCE AND REPAIR OF THE ROADS AND STREETS SHOWN ON THIS SUBDIVISION;

WHEN REQUIRED, LOTS SHALL HAVE A MINIMUM DRIVEWAY CULVERT SIZE OF 18".

ALL CONSTRUCTION WILL COMPLY WITH THE CITY OF DRIPPING SPRINGS LIGHTING ORDINANCE.

UTILITY NOTES:

WATER SERVICE WILL BE PROVIDED BY PRIVATE WELLS.

10' PUBLIC UTILITY EASEMENTS (P.U.E.) ADJACENT TO ALL FRONT, SIDE AND REAR LOT LINES.

ELECTRIC UTILITY SERVICE WILL BE PROVIDED BY PEDERNALES ELECTRIC COOPERATIVE (P.E.C.).

OVERHEAD ELECTRIC LINES TO BE ABANDONED AT RECORDING OF OBAR RANCH.

TELEPHONE SERVICE WILL BE PROVIDED BY VERIZON.

QUALIFYING LOTS:

RESIDENTIAL LOTS ARE LIMITED TO ONE SINGLE-FAMILY RESIDENCE PER LOT AND TEXAS COMMISSION ON ENVIRONMENTAL QUALITY REGULATED DEVELOPMENT IS PROHIBITED.

ADVANCED WASTEWATER SYSTEM NOTE:

LOTS ARE LIMITED TO THE USE OF ADVANCED ON-SITE SEWAGE FACILITIES.

SPECIFICALLY DEALING WITH SUBSTANDARD WATER QUALITY:

"DUE TO PRELIMINARY WATER QUALITY REPORTS BEING IN EXCESS OF EPA LIMITS FOR SULFATE AND TOTAL DISSOLVED SOLIDS, AN ALTERNATIVE TREATMENTS OF WELL WATER MAY BE ADVISABLE TO MEET BASIC WATER QUALITY.

STANDARD WATER AVAILABILITY STATEMENT:

WHILE THE WATER AVAILABILITY RULES ARE INTENDED TO PRESERVE AND PROTECT THE WATER RESOURCES OF HAYS COUNTY, THE COMMISSIONERS COURT OF HAYS COUNTY DOES NOT MAKE ANY WARRANTY --EXPRESS, IMPLIED, OR OTHERWISE -- THAT SUBDIVISION THAT COMPLY WITH THESE RULES WILL BE ABLE TO MEET THE WATER NEEDS OF THOSE PURCHASING LOTS WITHIN THE SUBDIVISION.

SANITARY CONTROL EASEMENT STATEMENT:

SANITARY CONTROL EASEMENTS MUST BE CONTAINED ON INDIVIDUAL LOTS AND WHEN NECESSARY PRESSURE CEMENTED TO REDUCE THE SANITARY CONTROL EASEMENT RADIUS TO 50'.

WATER QUALITY BUFFER ZONES:

ORDINANCE 3500.11, SECTION 7, ADOPTED FEBRUARY 20, 2007.

SUBJECT TO DRIPPING SPRINGS WATER QUALITY ORDINANCE UNDER SECTION 22.05.017 OF THE 1959 CODE, SEC. 34-67; ORDINANCE 3772, SEC. 1, ADOPTED 3/22/1962; 1983 CODE, SEC. 28-162; ORDINANCE 2010-00049, SEC. 32, ADOPTED 6/24/2010.

(A) APPLICABILITY. THIS SECTION IS APPLIED AT THE TIME OF PLATTING (CREATION OF NEWLY SUBDIVIDED LOTS). THIS SECTION DOES NOT APPLY TO LEGALLY PLATTED LOTS THAT EXISTED AS OF THE EFFECTIVE DATE OF THIS ARTICLE.

(B) WATER QUALITY BUFFER ZONES (WQBZ).

GREATER THAN 1280 ACRES: THE WQBZ SHALL EXTEND A MINIMUM OF 400 FEET FROM EITHER SIDE OF THE CENTERLINE OF THE STREAM (TOTAL OF 800 FEET OF BUFFER ZONE).

PERMITTED ACTIVITIES WITHIN WQBZ SHALL BE IN ACCORDANCE WITH THE CEA DATED FEBRUARY 13, 2018

SHARED ROADWAY STATEMENT:

THE SHARED ROADWAY SERVING THE LOTS OF THIS PLAT IS PRIVATELY MAINTAINED AND IS NOT MAINTAINED BY HAYS COUNTY.

FINAL PLAT NOTES:

A PORTION OF THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER RECHARGE ZONE.

A PORTION OF THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE CONTRIBUTING ZONE OF THE EDWARDS AQUIFER.

THIS PORTION OF THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE CITY OF DRIPPING SPRINGS EXTRA TERRITORIAL JURISDICTION.

A PORTION OF THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE 100 YEAR FLOOD PLAIN AS DELINEATED ON HAYS COUNTY COMMUNITY PANEL #48209C0140F DATED 09/02/2005 AND #48209C0255F DATED 09/02/2005.

A PUBLIC UTILITY EASEMENT (P.U.E.) OF 80' ENCOMPASSES OBAR RANCH ROAD.

FINAL PLAT OF OBAR RANCH

A 1556.882 ACRE, OR 6,827,139 SQUARE FEET MORE OR LESS, TRACT OF LAND, A CALLED 1558.23 ACRE TRACT OF LAND, BEING ALL OF A CONSERVATION EASEMENT RECORDED IN VOLUME 3331, PAGES 701-742 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, ALSO OUT OF A CALLED 2723.144 ACRE TRACT RECORDED IN VOLUME 2780, PAGES 316-327 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND A CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 2780, PAGES 316-327 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THAT SAME CALLED 1.001 ACRE TRACT DESCRIBED IN VOLUME 4781, PAGES 740-744 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THE SAME CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 4781, PAGES 745-749 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THE SAME CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 4781, PAGES 750-754 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THE SAME CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 4781, PAGES 755-759 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING THE SAME CALLED 1.001 ACRE TRACT RECORDED IN VOLUME 4787, PAGES 855-859 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SITUATE IN THE T. F. GRAY SURVEY, ABSTRACT 187, THE G. ESPARZA SURVEY, ABSTRACT NO. 169, THE J.A. MILLER SURVEY, ABSTRACT NO. 319 AND THE S.J. WHATLEY SURVEY, ABSTRACT NO. 18, IN HAYS COUNTY, TEXAS.

STATE OF TEXAS

COUNTY OF HAYS

KNOW ALL ME BY THESE PRESENTS, THAT, N-HAYS INVESTORS I LP. A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH ITS HOME ADDRESS AT: P.O. BOX 1845, AUSTIN. TEXAS, 78767-1845 . OWNER OF 1558.418 ACRES OF LAND OUT OF THE THOMAS GRAY LEAGUE NO. 11, ABSTRACT 187, THE G. ESPARZA SURVEY, ABSTRACT NO. 169, THE J.A. MILLER SURVEY, ABSTRACT NO. 319 AND THE S.J. WHATLEY SURVEY, ABSTRACT NO. 18, HAYS COUNTY, TEXAS AS CONVEYED TO N-HAYS INVESTORS I LP BY DEED AND RECORDED IN VOLUME 2780, PAGES 316-327, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS DO HEREBY SUBDIVIDE, 1558.418ACRES OF LAND OUT OF THE ORIGINAL SURVEYS: THOMAS GRAY LEAGUE NO. 11, ABSTRACT 187, THE G. ESPARZA SURVEY, ABSTRACT NO. 169, THE J.A. MILLER SURVEY, ABSTRACT NO. 319 AND THE S.J. WHATLEY SURVEY, ABSTRACT NO. 18.

IN WITNESS WHEREOF THE SAID CORPORATION NAME HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS CORPORATE TITLE, (OWNER'S NAME) , THEREUNTO DULY AUTHORIZED.

_____
GARY VACEK
N-HAYS INVESTORS I LP.
P.O. BOX 1845
AUSTIN, TEXAS 78767-1845

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____KNOWN TO ME TO BE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE ____DAY OF _____, 2013.

_____
NOTARY PUBLIC, STATE OF TEXAS

_____ _____
PRINTED NAME MY COMMISSION EXPIRES

ENGINEER'S CERTIFICATION:

A PORTION OF THIS TRACT IS WITHIN THE DESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP FIRM #48209C140F OF HAYS COUNTY, TEXAS DATED SEPTEMBER 02, 2005 AND #48209C0255F OF HAYS COUNTY, TEXAS DATED SEPTEMBER 02, 2005.

I, JAMES A. HUFFCUT, JR., AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING, AND HEREBY CERTIFY THAT THIS PLAT IS FEASIBLE FROM AN ENGINEERING STANDPOINT, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

JAMES R. McCANN
REGISTERED PROFESSIONAL ENGINEER NO. 92595
STATE OF TEXAS

STATE OF TEXAS
JAMES R. McCANN
92595
LICENSED
PROFESSIONAL ENGINEER
11/18/2013

SURVEYOR'S CERTIFICATION:

I, G.E. BUCHANAN, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE SURVEY RELATED REQUIREMENTS OF THE HAYS COUNTY SUBDIVISION REGULATIONS AND THE CITY OF DRIPPING SPRINGS AND FURTHER CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

11/18/2013

G.E. BUCHANAN
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4999
STATE OF TEXAS

STATE OF TEXAS
REGISTERED
G.E. BUCHANAN
4999
PROFESSIONAL
LAND SURVEYOR

ETJ NOTE:

THIS SUBDIVISION IS WITHIN THE ETJ OF *DRIPPING SPRINGS, TEXAS* .

SEWAGE DISPOSAL INDIVIDUAL WATER SUPPLY CERTIFICATION, TO-WIT:

NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN INDIVIDUAL WATER SUPPLY OR A STATE-APPROVED COMMUNITY WATER SYSTEM. DUE TO DECLINING WATER SUPPLIES AND DIMINISHING WATER QUALITY, PROSPECTIVE PROPERTY OWNERS ARE CAUTIONED BY HAYS COUNTY TO QUESTION THE SELLER CONCERNING GROUND WATER AVAILABILITY. RAIN WATER COLLECTION IS ENCOURAGED AND IN SOME AREAS MAY OFFER THE BEST RENEWABLE WATER RESOURCE.

NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC SEWER SYSTEM OR TO AN ON-SITE WASTEWATER SYSTEM WHICH HAS BEEN APPROVED AND PERMITTED BY HAYS COUNTY DEVELOPMENT SERVICES.

NO CONSTRUCTION OR OTHER DEVELOPMENT WITHIN THIS SUBDIVISION MAY BEGIN UNTIL ALL HAYS COUNTY DEVELOPMENT PERMIT REQUIREMENTS HAVE BEEN MET.

_____
CLINT GARZA, DIRECTOR
HAYS COUNTY DEVELOPMENT SERVICES

_____
TOM POPE, R.S., C.F.M.
HAYS COUNTY FLOODPLAIN ADMINISTRATOR

STATE OF TEXAS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS

THIS PLAT HAS BEEN SUBMITTED TO AND SONSIDERED BY THE CITY COUNCIL OF DRIPPING SPRINGS, TEXAS AND IS HEREBY APPROVED, THIS THE _____ DAY OF _____ A.D. 2013 BY THE CITY COUNCIL.

_____ _____
JO ANN TOUCHSTONE CITY SECRETARY TODD PURCELL MAYOR

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED NAME KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AS TITLE OF CORPORATE NAME AND ACKNOWLEDGED TO ME THAT HE EXECUTED HE SAME IN SUCH CAPACITY AS THE ACT AND DEED OF SAID CORPORATION FOR THE PURPOSES AND CONSIDERATIONS THEREIN STARED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE ____DAY OF _____,A.D.. 2013

NOTARY PUBLIC IN AND FOR HAYS COUNTY, TEXAS

_____
NOTARY PUBLIC, STATE OF TEXAS

_____ _____
PRINTED NAME MY COMMISSION EXPIRES

CERTIFICATE OF COUNTY APPROVAL, TO-WIT:
STATE OF TEXAS
COUNTY OF HAYS

I, LIZ GONZALEZ. COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT ON THE _____DAY OF , _____AD., 2013 THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS PASSED AN ORDER AUTHORIZING THE FILING FOR RECORD OF THIS PLAT, AND SAID ORDER HAS BEEN DULY ENTERED IN THE MINUTES OF THE SAID COURT IN BOOK __ . PAGE _____.
WITNESS MY HAND AND SEAL OF OFFICE THIS THE ____DAY OF , _____A.D., 2013 .

_____ _____
ALBERT COBB, M.D. LIZ GONZALEZ
COUNTY JUDGE COUNTY CLERK
HAYS COUNTY, TEXAS HAYS COUNTY, TEXAS

THE STATE OF TEXAS
COUNTY OF HAYS

I, LIZ GONZALEZ, COUNTY CLERK OF PLAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE _DAY OF _2013 AT ____O'CLOCK __M., AND DULY RECORDED ON THE ____DAY OF _____, 2013, AT ____O'CLOCK __M.. IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS, IN BOOK ____, PAGE ____

_____
LIZ GONZALEZ, COUNTY CLERK
HAYS COUNTY, TEXAS

PAPE-DAWSON ENGINEERS
7800 SHOAL CREEK BLVD | AUSTIN TEXAS 78757 | PHONE: 512.454.8711
SUITE 220 WEST | FAX: 512.459.8867
TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 470
TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, FIRM REGISTRATION # 100288-00

SHEET 18 OF 18

Date: Nov 18, 2013, 11:33am User ID: VZurcher
File: H:\Journey\CIVIL\50778-00\PLAT\50778-00_PLAT.dwg

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court
Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

SUB-132 Replat of Lot 1, Fitzhugh Trails. Discussion and possible action to approve final plat; hold a public hearing.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
ACTION-SUBDIVISIONS	November 26, 2013	

LINE ITEM NUMBER

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR REVIEW:** N/A

REQUESTED BY	SPONSOR	CO-SPONSOR
Roxie McInnis	WHISENANT	N/A

SUMMARY

Fitzhugh Trails is a recorded subdivision located off of Fitzhugh Road in Precinct 4. The proposed replat of Lot 1 will make the necessary provisions for condominium style development on the lot. Unit A is currently served by the West Travis Public Utility Agency and Unit B is served by a rainwater collection system. Both units utilize a shared on-site sewage facility.

NORTH

BEARING BASIS: STATE PLANE COORDINATES NAD83/TEXAS SOUTH CENTRAL ZONE, SCALE FACTOR 0.9999440 CONTROL MONUMENTS 1007, 1008, 1009, & 1010

Called 15.20 Acres
John D. Dickson
Vol. 1633, Pg. 270, OPRHCT
11502 Bonham Ln
Austin, Tx 78736-6526

LCE = LIMITED COMMON ELEMENT
Area A – Unit A – 1.19 Acres
Area B – Unit B – 0.74 Acres

GCE = GENERAL COMMON ELEMENTS
Septic
Septic Spray Heads
Cleanouts

LOT 1
Hill Country Kennel Sub
Vol. 4, Pg. 382, PRHCT
Daniel W. Scholl
DBA All Seasons Landscaping
10800 Wagon West Rd
Austin, Tx 78736

LOT 10-B
Resubdivision of
Lots 8 & 10, Carol Oaks
Vol. 4, Pg. 307, PRHCT
Microlayer Energy LLC
12001 Settlers Trl
Dripping Springs, Tx 78620

LOT 10-C
Resubdivision of
Lots 8 & 10, Carol Oaks
Vol. 4, Pg. 307, PRHCT
Guido J. Amendola
101 Cole St
Austin, Tx 78737-9575

Called 9.09 Acres
Lenora Sue Freeman Ashabranner
Vol. 3518, Pg. 865, OPRHCT
13509 Fitzhugh Rd
Austin, Tx 78736-6516

LOT 2
Fitzhugh Trails
John K. Wright
& Ruth P. Wright
218 Medow Oaks Dr.
Dripping Springs, Tx 78620

FITZHUGH ROAD
ROW VARIES

TRAIL DRIVER
(55' ROW)

LOT 1
1.99 ACRES

Unit A
Metal & Rock Building

Unit B
Metal & Rock Building

Concrete Area A

Concrete Area B

LCE Unit A

LCE Unit B

PUE

20' PUE

25' BL

35' BL

S 47°15'26" E
64.40'
(S 44°14' E)
(64.50')

62.5

147.51')
147.14'

N 26°37'36" E
(N 29°17'

S 59°15'35" E
226.73')
226.74'

59.7'

N 59°15'35" W
268.10'

33.05'

50.9'

100.9'

132.26'

N 12°36'27" W
(N 09°55' W

N 88°40'51" E
144.34'

S 59°47'31" E
74.27'

152.46'

394.68'
394.34')

100.9'

396.12'
395.89')

263.86'

50.7'

15.2'

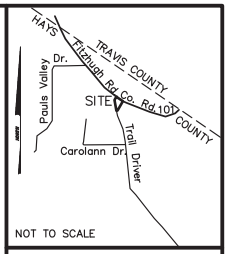
242.22'
S 27°34'45" W
(S 30°17' W

(S 80°05' W)
(39.81')

39.73'
S 77°16'03" W

LEGEND
● 1/2" IRON ROD FOUND 9/2/08
○ 1" IRON PIPE FOUND 9/2/08
☆ COTTON SPINDLE FOUND 9/2/08
—x— WIRE FENCE
PUE PUBLIC UTILITY EASEMENT
VOL. 5, PG. 229, PRHCT
( ) RECORD INFORMATION
VOL. 5, PG. 229, PRHCT

WATER LEGEND
Ⓕ FIRE HYDRANT
Ⓦ WATER METER
Ⓥ WATER VALVE



VICINITY MAP

STAUDT SURVEYING, INC.
Thomas E. Staudt RPLS # 3984
Firm Reg. # 10091700
P.O. Box 1273
Dripping Springs, Texas 78620
(512)858-2236

50 25 0 50 100
GRAPHIC SCALE IN FEET

REPLAT OF
LOT 1
FITZHUGH TRAILS
ALSO KNOWN AS
BAILEY COMMERCIAL CONDOMINIUMS
HAYS COUNTY, TEXAS

Rev:		Date: SEPTEMBER 2013
Dr. By: TES	Job #: 13149	DWG #: 13149D

13149D

SHEET 1 OF 2

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, That I, Balanceworx Holding, LLC, a Texas limited liability company, with its home address at 13477 Fitzhugh Road, Unit B, Austin, Texas, owner of Unit B, Bailey Commercial Condominiums, a condominium regime of record in Volume 3749, Page 99, of the Official Public Records of Hays County, Texas, fka Lot 1, Fitzhugh Trails, Volume 5, Page 229, of the Plat Records of Hays County, Texas, as conveyed to it by deed dated November 4, 2010, and recorded in Volume 4009, Page 747, of the Official Public Records of Hays County, Texas, DOES HEREBY DECLARE this plat of said property to be known as Replat of Lot 1 Fitzhugh Trails also know as Bailey Commercial Condominiums, in accordance the plat shown hereon, subject to any and all easements or restrictions heretofore granted and do hereby dedicate to the owners of the property shown hereon the use of the streets and easements shown hereon.

IN WITNESS WHEREOF the said Balanceworx Holding, LLC. has caused these presents to be executed by Brian Bottema, thereunto duly authorized.

_____
Brian Bottema
Managing Member

STATE OF TEXAS
COUNTY OF

BEFORE ME, the undersigned authority, on this day personally appeared Brian Bottema, known to me to be the person whose name is subscribed to the foregoing instrument as and acknowledged to me that he executed the same in such capacity as the act and deed of said limited liability company for the purposes and considerations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of

_____A.D. 2013.

_____
Notary Public in and for the State of Texas

STATE OF TEXAS
COUNTY OF

KNOW ALL MEN BY THESE PRESENTS, That I, Micro Layers Energy LLC, a Texas limited liability company, with its home address at 4211 Waters Edge Cove, Austin, Texas, owner of Unit A, Bailey Commercial Condominiums, a condominium regime of record in Volume 3749, Page 99, of the Official Public Records of Hays County, Texas, fka Lot 1, Fitzhugh Trails, Volume 5, Page 229, of the Plat Records of Hays County, Texas, as conveyed to it by deed dated October 15, 2009, and recorded in Volume 3757, Page 823, of the Official Public Records of Hays County, Texas, DOES HEREBY DECLARE said property to be known as Replat of Lot 1 Fitzhugh Trails also known as Bailey Commericial Condominiums, in accordance with the plat shown hereon, subject to any and all easements or restrictions heretofore granted and do hereby dedicate to the owners of the property shown hereon the use of the streets and easements shown hereon.

IN WITNESS WHEREOF the said Micro Layer Energy LLC. has caused these presents to be executed by Kurt Swogger, thereunto duly authorized.

_____
Kurt Swogger
CEO of Micro Layer Energy, LLC

STATE OF TEXAS
COUNTY OF

BEFORE ME, the undersigned authority, on this day personally appeared Kurt Swogger, known to me to be the person whose name is subscribed to the foregoing instrument as and acknowledged to me that he executed the same in such capacity as the act and deed of said limited liability company for the purposes and considerations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of

_____A.D. 2013.

_____
Notary Public in and for the State of Texas

E.T.J. NOTE
No portion of this subdivision lies within the boundaries of any municipality's corporate city limits or extra-territorial jurisdiction.

EDWARDS AQUIFER NOTE
No portion of this subdivision lies within the Edwards Aquifer Recharge Zone. This subdivision does lie within the boundaries of the Contributing Zone of the Edwards Aquifer.

PLAT INFORMATION

Total Area: 1.93 Acres	Number of Lots Over 10 Acres: 0
Total Number of Lots: 1	Number of Lots 5-10 Acres: 0
Number of Residential Lots: 0	Number of Lots 2-5 Acres: 0
Number of Commercial Lots: 1	Number of Lots 1-2 Acres: 1
Average Size of Lots: 1.93 Acres	Number of Lots Less than 1 Acres: 0

UTILITY INFORMATION
Water: West Travis County PUA & Individual Rainwater Collection
Sewer: Shared on-site sewage facilities
Electricity: Pedernales Electric Cooperative, Inc.
Telephone: Verizon

PUBLIC UTILITY EASEMENT NOTE
There shall be a twenty (20) foot wide utility easement reserved along roadway (Trail Driver) property line and a ten (10) foot wide utility easement reserved along all other property lines.
Utility easement reserved along Fitzhugh Road to include water line, shown hereon.
There shall be a twenty (20) foot wide utility easement along existing utility poles and lines.

SCHOOL DISTRICT
This subdivision lies within the Dripping Springs Independent School District.

FLOOD PLAIN NOTE
This tract is not within an identified Special Flood Hazard Area inundated by 100-Year Flood as identified by the Federal Emergency Management Agency, Flood Insurance Rate Map for Hays County, Texas, and Incorporated Areas, Map Number 48209C0107 F, dated September 2, 2005.

DRIVEWAY PERMIT NOTE
"In order to promote safe use of roadways and preserve the conditions of public roadways, no driveway constructed on any lot within this subdivision shall be permitted to access onto a publicly dedicated roadway unless (a) a Driveway Permit has been issued by the Hays County Transportation Department of Hays County and (b) the driveway satisfies the minimum spacing requirement for driveways set forth in Chapter 721 of the Hays County Development Regulations."

STATE OF TEXAS
COUNTY OF HAYS

I, Liz Q. Gonazlez, County Clerk of Hays County, Texas, do hereby certify that on the _____ day of _____, A.D., 2013, the Commissioners Court of Hays County, Texas, passed an order authorizing the filing for record of this plat, and said order has been duly entered in the minutes of the said court Book _____, Page _____.

WITNESS MY HAND AND SEAL OF OFFICE this the _____ day of _____ A.D., 2013.

_____	_____
Bert Cobb, M.D.	Liz Q. Gonzalez
County Judge	County Clerk
Hays County, Texas	Hays County, Texas

STATE OF TEXAS
COUNTY OF HAYS

I, Liz Q Gonzalez, County Clerk of Hays County, Texas, do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed for record in my office on the _____ day of _____, A.D., 2013, at _____ o'clock ___m., in the Plat Records of Hays County, Texas, in Book _____, Page _____.

WITNESS MY HAND AND SEAL OF OFFICE this the _____ of _____, A.D., 2013.

_____
Liz Q. Gonzalez
County Clerk
Hays County, Texas

SEWAGE DISPOSAL/INDIVIDUAL WATER SUPPLY CERTIFICATION, TO WIT:

No structure in this subdivision shall be occupied until connected to an individual water supply or a state-approved community water system. Due to declining water supplies and diminishing water quality, prospective property owners are cautioned by Hays County to question the seller concerning ground water availability. Rain water collection is encouraged and in some areas may offer the best renewable water resource.

No structure in this subdivision shall be occupied until connected to a public sewer system or to an on-site wastewater system which has been approved and permitted by Hays County Development Services.

No construction or other development within this subdivision may begin until all Hays County Development Permit requirements have been met.

_____	_____
James Clint Garza	Date
Director Hays County Development Services	
_____	_____
Tom Pope, R.S., C.F.M.	Date
Hays County Floodplain Administrator	

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, that I, Thomas E. Staudt, a REGISTERED PROFESSIONAL LAND SURVEYOR in the State of Texas, do hereby certify that this plat complies with the survey related requirements of the Hays County Development Services Regulations and further certify that this plat is prepared from an actual survey of the property made under my supervision on the ground and that the corner monuments were properly placed under my supervision.

"Preliminary, this document shall not be recorded for any purpose."

_____	_____
Thomas E. Staudt	Date
Registered Professional Land Surveyor No. 3984	

STAUDT SURVEYING, INC.
Thomas E. Staudt RPLS # 3984
Firm Reg. # 10091700
P.O. Box 1273
Dripping Springs, Texas 78620
(512)858-2236

50 25 0 50 100
GRAPHIC SCALE IN FEET

REPLAT OF
LOT 1
FITZHUGH TRAILS
ALSO KNOWN AS
BAILEY COMMERCIAL CONDOMINIUMS
HAYS COUNTY, TEXAS

Rev:	Date: SEPTEMBER 2013	
Dr. By: TES	Job #: 13149	DWG #: 13149D

13149D

SHEET 2 OF 2

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court
Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

SUB-139 Hog Hollow Subdivision (3 lots). Discussion and possible action approve preliminary plan.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
ACTION-SUBDIVISIONS	November 26, 2013	

LINE ITEM NUMBER

AUDITOR USE ONLY

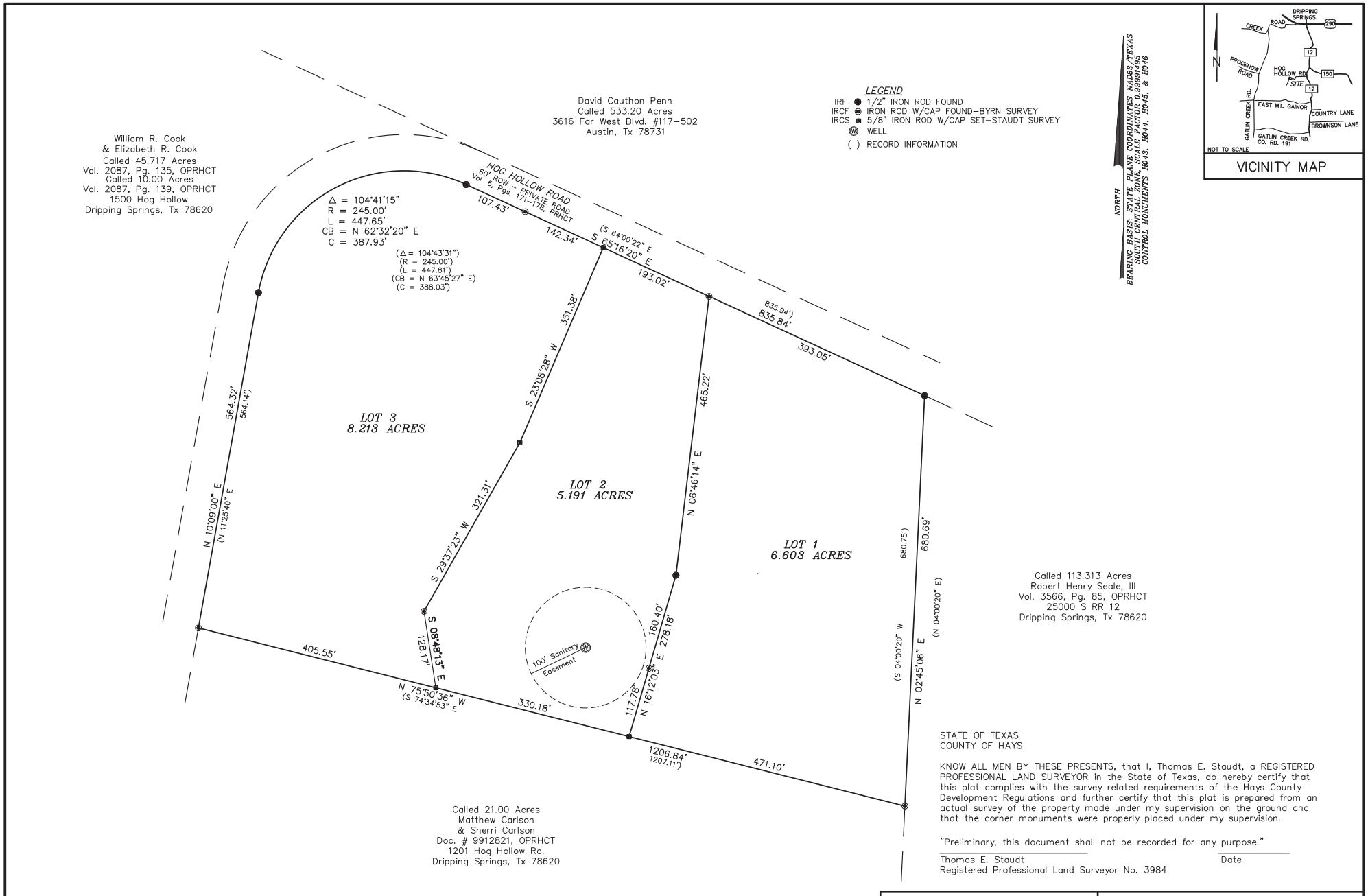
AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR REVIEW:** N/A

REQUESTED BY	SPONSOR	CO-SPONSOR
ROXIE MCINNIS	WHISENANT	N/A

SUMMARY

The Hog Hollow Subdivision is a proposed three lot division of 20.01 acres located off of Hog Hollow Road in Precinct 4. Water service will be provided by private wells and wastewater treatment will be accomplished by individual on-site sewage facilities to be permitted by Hays County.



STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, that I, Thomas E. Staudt, a REGISTERED PROFESSIONAL LAND SURVEYOR in the State of Texas, do hereby certify that this plat complies with the survey related requirements of the Hays County Development Regulations and further certify that this plat is prepared from an actual survey of the property made under my supervision on the ground and that the corner monuments were properly placed under my supervision.

"Preliminary, this document shall not be recorded for any purpose."

Thomas E. Staudt — Date
Registered Professional Land Surveyor No. 3984

STAUDT SURVEYING, INC.
Thomas E. Staudt RPLS # 3984
Firm Reg. # 10091700
P.O. Box 1273
Dripping Springs, Texas 78620
(512)858–2236

100 50 0 100 200
GRAPHIC SCALE IN FEET

PLAT OF
HOG HOLLOW
SUBDIVISION
HAYS COUNTY, TEXAS

Rev:	Date: SEPTEMBER 2013	
Dr. By: TES	Job #: 13153	DWG #: 13153D

13153d

SHEET 1 OF 2

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, That we, 1999 Seale GST Trust, owner of 20.01 acres out of the Stiles J. Fowler Survey, A–174, Hays County, Texas, conveyed to us by deed dated September 30, 2013, of record in Volume 4770, Page 89, of the Official Public Records of Hays County, Texas, DO HEREBY SUBDIVIDE 20.01 acres to be known as HOG HOLLOW, in accordance with the plat shown hereon, subject to any and all easements or restrictions heretofore granted, and do hereby dedicate to the owners of the property shown hereon, the use of the streets and easements shown hereon.

WITNESS MY HAND, this the_____day of_____, A.D., 20____.

_____
Richard Karnes, Trustee
491 Hog Hollow Road
Dripping Springs, Texas 78620

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, the undersigned authority, on this day personally appeared Richard Karnes, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the_____day of _____, A.D., 20____.

_____
NOTARY PUBLIC in and for Hays County, Texas

STATE OF TEXAS
COUNTY OF HAYS

I, Liz Q. Gonazlez, County Clerk of Hays County, Texas, do hereby certify that on the _____ day of _____, A.D., 20__, the Commissioners Court of Hays County, Texas, passed an order authorizing the filing for record of this plat, and said order has been duly entered in the minutes of the said court Book _____, Page _____.

WITNESS MY HAND AND SEAL OF OFFICE this the _____ day of _____ A.D., 20__.

_____
Bert Cobb, M.D.
County Judge
Hays County, Texas

_____
Liz Q. Gonzalez
County Clerk
Hays County, Texas

STATE OF TEXAS
COUNTY OF HAYS

I, Liz Q Gonzalez, County Clerk of Hays County, Texas, do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed for record in my office on the _____ day of _____, A.D., 20___, at _____ o'clock ___m., in the Plat Records of Hays County, Texas, in Book _____, Page _____.

WITNESS MY HAND AND SEAL OF OFFICE this the _____ of _____, A.D., 20___.

_____
Liz Q. Gonzalez
County Clerk
Hays County, Texas

STATE OF TEXAS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS

This Plat,_____
_____ considered by the City Council of Dripping Springs, Texas and is hereby approved.

Approved, this the _____ day of _____, A.D., 20__, by the City Council.

_____
Jo Ann Touchstone
City Secretary

_____
Todd Purcell
Mayor

E.T.J. NOTE
This subdivision does lie within the boundaries of Dripping Springs extra–territorial jurisdiction.

EDWARDS AQUIFER NOTE
No portion of this subdivision lies within the Edwards Aquifer Recharge Zone. A portion of this property lies within the boundaries of the Contributing Zone of the Edwards Aquifer.

PLAT INFORMATION

Total Area: 20.01 Acres	Number of Lots Over 10 Acres: 0
Total Number of Lots: 3	Number of Lots 5–10 Acres: 3
Number of Residential Lots: 3	Number of Lots 2–5 Acres: 0
Number of Commercial Lots: 0	Number of Lots 1–2 Acres: 0
Average Size of Lots: 6.67 Acres	Number of Lots Less than 1 Acres: 0

UTILITY INFORMATION
Water: Individual water wells
Sewer: Individual on–site sewage facilities
Electricity: Pedernales Electric Cooperative, Inc.
Telephone: Verizon

UTILITY EASEMENT NOTE
There shall be a twenty (20) foot wide utility easement reserved along all roadway property lines and a ten (10) foot wide utility easement reserved along all other property lines. There shall be a twenty (20) foot wide utility easement along existing utility poles and lines.

SCHOOL DISTRICT
This subdivision lies within the Dripping Springs Independent School District.

FLOOD PLAIN NOTE
This tract is not within an identified Special Flood Hazard Area inundated by 100–Year Flood as identified by the Federal Emergency Management Agency, Flood Insurance Rate Map for Hays County, Texas, and Incorporated Areas, Map Number 48209C0115 F, dated September 2, 2005.

ROAD MAINTENANCE
The property is hereby made subject to that Road Maintenance Agreement dated February 8, 1994 and recorded in Volume 1065, Page 182, OPRHCT, as amended by instument dated March 31, 1999 between Frank Glass, Karon Glass and Duke McDowell, attached as Exhibit B, in Document No. 9912819, OPRHCT.
All properties created by this plat shall participate in any road maintenance agreement.

NOTE
All lots shall be limited to the development of one single family residence per Lot and prohibiting TCEQ Regulated Development.

SEWAGE DISPOSAL/INDIVIDUAL WATER SUPPLY CERTIFICATION, TO WIT:

No structure in this subdivision shall be occupied until connected to an individual water supply or a state–approved community water system. Due to declining water supplies and diminishing water quality, prospective property owners are cautioned by Hays County to question the seller concerning ground water availability. Rain water collection is encouraged and in some areas may offer the best renewable water resource.

No structure in this subdivision shall be occupied until connected to a public sewer system or to an on–site wastewater system which has been approved and permitted by Hays County Development Services.

No construction or other development within this subdivision may begin until all Hays County Development Permit requirements have been met.

_____ _____
James Clint Garza Date
Director Hays County Development Services

_____ _____
Tom Pope, R.S., C.F.M. Date
Hays County Floodplain Administrator

SHEET 2 OF 2

STAUDT SURVEYING, INC.
Thomas E. Staudt RPLS # 3984
Firm Reg. # 10091700
P.O. Box 1273
Dripping Springs, Texas 78620
(512)858–2236

100 50 0 100 200
GRAPHIC SCALE IN FEET

PLAT OF
HOG HOLLOW
SUBDIVISION
HAYS COUNTY, TEXAS

Rev:	Date: SEPTEMBER 2013	
Dr. By: TES	Job #: 13153	DWG #: 13153D

13153d

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court
Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

Discussion and possible action to authorize a variance to Section 5.8 of the 2007 Subdivision and Development Regulations and allow submittal of final plat for the Driftwood Subdivision.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
ACTION-SUBDIVISIONS	November 26, 2013	

LINE ITEM NUMBER

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR REVIEW:** N/A

REQUESTED BY	SPONSOR	CO-SPONSOR
Roxie McInnis	WHISENANT	N/A

SUMMARY

On October 16, 2007, the Hays County Commissioners Court approved the preliminary plan of the Driftwood Subdivision, a 91 lot residential subdivision located off of FM 1826 in Precinct 4. According to Section 5.8 of the 2007 Subdivision and Development Regulations (the regulations which were in effect at the time), the preliminary plan was scheduled to expire on October 16, 2008 if a final plat of the subdivision had not yet been filed. Following preliminary plan approval, the developer began constructing improvements and making other necessary provisions in order to make progress towards completion of the project, however a final plat was not submitted to the County. The variance request in backup outlines the developer's justification for the variance.

REQUEST FOR VARIANCE
APPLICATION PACKET

NOTICE TO APPLICANTS: IT IS YOUR RESPONSIBILITY TO THOROUGHLY READ AND UNDERSTAND THIS APPLICATION PACKET AND TO PROVIDE ALL INFORMATION REQUIRED HEREIN BEFORE THIS APPLICATION WILL BE ACCEPTED. INCOMPLETE APPLICATIONS WILL BE RETURNED.

WHAT IS A VARIANCE?

A variance is an adjustment in the application of the Hays County Development Regulations to a specific project based on special conditions or circumstances peculiar (unique) to the project where a literal enforcement of the Regulations will result in unnecessary hardship. A variance is in the nature of a waiver of the strict letter of the Regulations but in substantial compliance with them and without sacrificing their spirit and purpose where the variance is necessary to allow the property owner to enjoy the same or similar rights enjoyed by other similarly submitted applications for Development Authorizations.

WHO MAY SEEK A VARIANCE?

Variances may be requested by the Owner of the Subject Property (the holder(s) of a legal or equitable interest in real property as shown by the deed records of Hays County) or the Applicant (the person seeking approval of an Application on behalf of an Owner). If an application is submitted by an Applicant other than the Owner, the Owner must certify that the Applicant has his permission to submit the application on his behalf.

ON WHAT GROUNDS MAY I SEEK A VARIANCE?

Variances may be granted from any provision of the Hays County Development Regulations when the public interest or the requirements of justice demands relaxation of the strict requirements thereof or to avoid a regulatory taking. However, the Commissioners Court cannot grant any variance which conflicts with State or Federal law.

UNDER WHAT CIRCUMSTANCE MIGHT A REQUEST FOR VARIANCE NOT BE GRANTED?

Pecuniary hardship standing alone shall not be deemed to constitute undue hardship.

HOW DO I APPLY FOR A VARIANCE?

1. COMPLETE THE APPLICATION FOR A VARIANCE: After reviewing the entire Application packet carefully, prepare all the information requested on the Application. A complete Application must include all the information listed therein.
2. SUBMIT APPLICATION: Submit all the required application materials, along with a Subdivision Plat Submittal Form or Application for Development Authorization, to the Hays County Development Services Division at 2171 Yarrington Road, San Marcos, Texas. The Development Services staff cannot accept an incomplete application.

HOW LONG DOES IT TAKE TO COMPLETE THE VARIANCE PROCESS?

Variances are approved along the same timeline as the Applicant's Subdivision Plan Submittal or Application for Development Permit. Refer to those application packets for more information. If the Development Services Division determines that a proposed administrative variance does not or may not meet the criteria identified in Sec. 701.08.06 of the Regulations, approval of such proposed administrative variance will be deferred to the Commissioners Court.

HOW MUCH DOES A VARIANCE REQUEST COST?

A fee of $100.00 must be paid at the time of the application is submitted and is non-refundable even if the application is denied.

REQUEST FOR VARIANCE
Hays County, Texas

To be included with Plat Submittal
or Application for Development Authorization

For Office Use Only
Tracking Number:_____
Date App. Received: _____
Precinct # in which located: _____

INSTRUCTIONS: Complete all questions in this application. If an item does not apply, indicate by placing "NA" in the blank. Do not leave any blank empty.

OWNER INFORMATION:

Property Owner's Full Legal Name: **M. Scott Roberts**

Property Owner's Mailing Address: **P.O. Box 311, Driftwood, TX 78619**

Home Phone: **Not Applicable** Work Phone: **512-894-3043**

Cell Phone: **Not Applicable** e-Mail Address: **slmsr@saltlickbbq.com**

IF APPLICABLE: Owner hereby gives Juanita Benitez permission to seek the variance stated herein, and any appeals thereof, if necessary, and to represent him/her at the meeting of the Hays County Commissioners Court.

I hereby certify that the above statements are true and correct to the best of my knowledge.

Owner's Signature

STATE OF TEXAS
COUNTY OF HAYS

Subscribed and sworn to before me this 21st day of November, 2013

(seal)

DARLENE MARIE FRENCH
NOTARY PUBLIC
State of Texas
Comm. Exp. 12-22-2014

Notary Public
My Commission expires: 12-22-2014

APPLICANT INFORMATION (if different from Owner):

Applicant's Full Legal Name: **Juanita Benitez**

Applicant's Mailing Address: **P.O. Box 1336, Del Valle, TX 78617**

Home Phone: **Not Applicable** Work Phone: **512-378-3773**

Cell Phone: **512-378-3773** e-Mail Address: **jbenitez_j33s@yahoo.com**

PROPERTY INFORMATION:

Proposed Name of Subdivision (if applicable): **Driftwood Subdivision**

911 street address for the Subject Property, if established: **None to-date**

Legal description:

Lot _____, Block _____, Subdivision _____, Sec _____, Phase _____

If not located in a subdivision: **557 acres out of the Freelove Woody Survey in Hays County, Texas**

Hays Central Appraisal District Property ID Number: Refer to original Development Application.
This number can be obtained by searching the on-line property records for the Subject Property at www.hayscad.com or by calling the HCAD at (512) 268-2522.

Hays County Precinct in which the subject property is located: **Pct. 4**
This information can be obtained by calling (512) 393-2160.

ACTION REQUESTED:

☐ Administrative Variance as follows (check all that apply):

- ☐ Variance in the design and construction associated with a Flood Hazard Area Permit (FHAP) issued under Chapters 711 and 735 of the Regulations that does not result in a change of classification for the FHAP.
- ☐ Variance in the design, construction, and operation for an OSSF permitted under Chapters 711 and 741 of the Regulations that is specifically authorized under TCEQ regulations and involves minimum lot size requirements under County regulations for existing residential OSSFs that are required to be re-certified.
- ☐ Variance in the design, construction, and operation of a Manufactured Home Rental Community permitted under Chapters 711 and 745 of the Regulations that involve roadway alignments and widths.
- ☐ Variance in the alignment, design, and materials of construction for Minor County Facility Use permits issued under Chapters 711 and 751 of the Regulations that otherwise comply with those Chapters.
- ☐ Variance for Conservation Developments issued under Chapter 765 of the Regulations as allowed in Sec. 701.8.05 (1) through (8).

X Variance from the Regulations as they apply to the subdivision of property in Hays County.

☐ Other (specify): _____

All Applicants complete the following:
Seeking a variance from the Hays County Development Regulations as follows (attach additional sheets if necessary):

Section of Regulations being Appealed	Requirements of Regulations	Variance Sought from Requirements
Hays County Subdivision and Development Regulations, Article V, Section 5.8	**Expiration of a Preliminary Plan – Approval of the Preliminary Plan will expire after one year from approval by Hays County if a final plat for all or a part of the property has not been filed for review and approval by Hays County.**	**Expiration of a Preliminary Plan – Approval by Hays County of the Preliminary Plan will expire if there has been no development activity for a period of one year from the date of approval by Hays County.**
	_____	_____

Section of Regulations being Appealed	Requirements of Regulations	Variance Sought from Requirements

HARDSHIP FINDINGS (attach additional sheets if necessary):

1. Describe the actual situation of the Subject Property and any special or unique condition(s) found thereon which may cause unusual and practical difficulty or unnecessary hardship if Applicant is made to comply with strict enforcement of the Development Regulations:

Development activities on the Property have been on-going since approval by Hays County on July 24, 2007. Please make reference to the attached "Driftwood Preliminary Plan, Time Line Since County Approval". The construction plans for this development were approved by the County of Hays in ~~August, 2008~~ October 2007 and elements of a part of those approved construction plans have been previously constructed. The construction plans have no expiration and are still current and active. Based on that approval by Hays County and this Property being situated in the Extra-Territorial Jurisdiction of the City of Dripping Springs, this project is under Development Agreement for perpetuity with the City of Dripping Springs. This project is subject to an Environmental Plan which is the basis for a "No Take Letter" from U.S. Fish & Wildlife. Strict application of current development regulations by Hays County may place this project in breach of that Development Agreement and non-compliance with the Environmental Plan nullifying the No Take Letter.

2. Describe how strict enforcement of the provisions of the Development Regulations that are sought to be varied will (a) deny the Applicant the privileges or safety commonly enjoyed by neighboring or similarly situated property in Hays County with similarly timed development and (b) deprive the Applicant the reasonable use of his land, and that failure to approve the variance would result in undue hardship to the Applicant and/or a regulatory taking:

The current subdivision regulations in force and effect by Hays County, Texas recognizes that a master planned community such as Driftwood has elements requiring substantially more time than one year to achieve such that the project may move forward. Under the current subdivision regulations, the Preliminary Plan of Driftwood would not be considered to be expired.

3. Described how the granting of a variance will not be detrimental to public health, safety, and welfare, will not be injurious to other property, or will not prevent the orderly development of the land in the area in accordance with the Development Regulations:

The granting of this variance will have no detrimental effect to public health, safety and welfare of the public, not injurious to other property and be beneficial to the orderly development of the land.

4. The hardship sought to be avoided is NOT the result of (a) the Applicant's own actions (self-imposed or self-created) and/or (b) economic or financial hardship because:

This hardship is <u>not</u> the result of the Applicant's own actions (self-imposed or self-created) and this hardship is not the result of economic or financial hardship. The hardship is achieving strict compliance with multi-regulatory parties while simultaneously achieving a final plat within one year of the approval of the preliminary plan to preserve the approval of that Preliminary Plan. This variance was previously overlooked but was unavoidable, then or now, for orderly development of this master planned community, as it would be for any other similarly situated property proposing a like mix of development in Hays County and undergoing the rigors of approval of multiple regulatory agencies.

5. Describe how the variance will improve the functionality of the development on the Subject Property:

This variance will allow the Project to continue on an orderly path for development as it was approved in October 2007. Otherwise, the potential disconnect between strict compliance with current development regulations, the Environmental Plan as the basis of the No Take Letter secured from U.S. Fish and Wildlife, and the Development Agreement entered into with the City of Dripping Springs will result in a completely dysfunctional exercise in the development of the Property and creates undue hardship on the Property. This was one of the first, if not the first, development in Hays County to voluntarily hold public meetings of interested persons and area stakeholders to provide information on plans and address concerns prior to approval by Hays County.

6. Describe how the variance will improve the viability or sustainability of the conservation space for the purposes for which it is set aside, if applicable:

The very essence of this project from its onset was a balance of viability and sustainability of the conservation space. Gross impervious cover limits and parkland dedication as a function of the Development Agreement and water quality provisions contained in the Environmental Plan and Open Space proposed for Onion Creek makes this development the model for development in Hays County. Actual impervious cover proposed to-date is 5-7% although limited to 15% or less by agreement.

7. Describe how the variance will resolve a conflict between the provisions of the Development Regulations and any other applicable governmental requirements (specify the source of the other requirements):

This variance will resolve any discontinuity between the current development regulations of Hays County and the active construction plans as previously approved by Hays County. The variance also resolves any discontinuity between the County of Hays (Development Regulations), the Texas Commission on Environmental Quality (Edwards Aquifer Contributing Zone Plan), the U.S. Fish and Wildlife Service (No Take Letter), the West Travis County Public Utility Agency (Service Extension), Pedernales Electric Cooperative (Service Extension) and the City of Dripping Springs (Development Agreement) in regard to the development of the Property.

****

PRE-SUBMITTAL CHECKLIST

CHECK EACH ITEM TO INDICATE THAT IS HAS BEEN COMPLETED. IF AN ITEM DOES NOT APPLY, INDICATE BY PLACING "NA" IN THE CHECK BOX.

X Completed Subdivision Plat Submittal Form or Application for Development Authorization.

☐ Review fee. Make checks payable to the "Hays County Treasurer" and write your Driver's License Number on the check.

☐ Other – List any other supplemental information submitted with this Application:

_____

_____

_____

****

OWNER'S/APPLICANT'S CERTIFICATION:

I hereby certify that I have carefully read the complete application and know the same is true and correct. I hereby agree to comply with all provisions of local, State, and Federal Laws whether they are herein specified or not. As the Owner of the above property or a duly authorized Applicant, I hereby grant permission to the County to enter the *premises and make all necessary inspections and to take all other actions necessary to review and act upon this* Application.

Juanita Benitez

Print Name Juanita Benitez

STATE OF TEXAS §
COUNTY OF HAYS §

Subscribed and sworn to before me this 21st day of November, 2013.

(seal)

Notary Public, State of Texas
My Commission expires: June 22, 2017

SONIA LUBECK
MY COMMISSION EXPIRES
JUNE 22, 2017

DRIFTWOOD PRELIMINARY PLAN

Time Line Since County Approval

Preliminary Plan Submittal:	**August 20, 2007**
Hays County Approval:	**October 16, 2007**
LCRA - Reservations Fees paid quarterly since:	February 19, 2007
TxDoT - Driveway Access Permit:	September 16, 2007
Vineyards - Construction:	**October 2007**
City of Dripping Springs - Development Agreement:	October 16, 2007
Greenhawe WCID #2 - Pass-through Agreement:	October 25, 2007
City of D.S. - Approved Construction Plans:	November 12, 2007
Streets - Clearing and construction of boundary walls:	**January 2008**
Offsite Waterline - Construction Agreement:	February 2008
TCEQ - Contributing Zone Plan Approved:	April 7, 2008
Water Quality Ponds - Under Construction:	**April 2008**
U.S. Fish & Wildlife - "No Take Letter":	May 12, 2008
Hays County - Approved Construction Plans:	August 2008
Underground Electric - Construction:	**July 2011**
PEC - Utility Easements:	September 21, 2011
West Travis County PUA - Assignment of LCRA Agreement:	March 19, 2012
12" Approach Main - Construction Contract:	**August 9, 2013**

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court
Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

Discussion and possible action to authorize the County Judge to execute a Professional Services Agreement with Richard D. Kidd for providing professional production services to the Hays County Historical Commission.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
ACTION-MISCELLANEOUS	November 26, 2013	40,000.00

LINE ITEM NUMBER

001-676-00-055.5448

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR REVIEW:** BILL HERZOG

REQUESTED BY	SPONSOR	CO-SPONSOR
Kate Johnson	COBB	INGALSBE

SUMMARY

The services are in the form of writing, directing, photography, and editing of documentaries on Hays County history.

PROFESSIONAL SERVICES AGREEMENT
HAYS COUNTY, TEXAS

HAYS COUNTY, a political subdivision of the State of Texas (hereinafter the "County") with administrative offices at 111 E. San Antonio, Suite 300, San Marcos, Texas 78666, and **Richard D. Kidd** (hereinafter "Contractor"), whose primary place of business is located at 126 Island Oaks Lane, Driftwood, Texas 78619 hereby enter into this Professional Services Agreement (hereinafter "Agreement") effective the 1st day of October, 2013 (hereinafter "Effective Date"). The County and Contractor (collectively "the parties to this Agreement" or "the parties") agree as follows:

1. OVERVIEW

The contractor shall provide production services to the Hays County Historical Commission in the form of writing, directing, photography, and editing of documentaries on Hays County history.

2. SERVICES

Contractor agrees to perform services for the County in accordance with the County's instructions and, in particular, the instructions of Kate Johnson and/or legal counsel for the Hays County Commissioners Court; and in conformance with the descriptions, definitions, terms, and conditions of this Agreement. The Scope of Services shall be limited to those services and terms attached hereto as Exhibit "A", and any subsections of Exhibit "A", if as and when they are attached hereto and signed by the parties (collectively "the Work"). If the parties to this Agreement amend the Work required under this Agreement (by adding or removing specific services and/or terms enumerated in Exhibits "A" and/or "C"), the Compensation cited in Section 5 of this Agreement may also be amended to conform with the change in Scope of Services, as agreed by the parties.

3. ADDITIONAL TERMS

Additional Terms and Obligations of the parties to this Agreement, if any, are stated in Exhibit "C", attached hereto.

4. DURATION

The parties agree that the Work shall be completed on or about the 30st of September, 2014 (hereinafter the "Completion Date"). In the event that Contractor is unable to complete the Work by the Completion Date, Contractor shall request an extension of the Completion Date in writing no later than fifteen (15)

business days prior to the Completion Date. The County may grant extensions of the Completion Date for all reasonable extension requests and shall do so in writing.

5. COMPENSATION

Contractor will be compensated for the Work on an hourly-charge basis, the terms of which are cited in Contractors rate schedule, which is attached hereto as Exhibit "B." Despite any reference to Contractors rate schedule, which shall be used as a reference only in the event of a change in the Scope of Services (i.e. Amendment), the parties agree that the County shall pay Contractor a total fee not to exceed forty thousand dollars ($40,000.00 USD) for the Work under this Agreement.

6. PAYMENT

Contractor shall invoice the County for the Work performed under this Agreement on a monthly basis, beginning at the end of the first full month following the Effective Date. The County agrees to promptly pay all invoices by sending payment to Contractor's address stated in Section 8, below. The County shall owe Contractor an additional one percent (1%) per month on any unpaid balance, beginning at the end of the first full month following the County's receipt of said invoice(s) and accruing monthly thereafter.

7. NOTICE OF COMPLETION

Upon completion of the Work, Contractor shall send a Notice of Completion to the County in writing, and the County shall have the option to inspect the Work (or the product thereof) before it is considered complete under this Agreement. If the County is satisfied that the Work under this Agreement is complete, the County shall send Contractor an Acceptance of Completion in writing. If, after inspection, the County does not agree that the Work is complete or believes that the Work is of deficient quality, the County shall send Contractor a Deficiency Letter, stating the specific aspects of the Work that are incomplete and/or deficient. If, after ten (10) business days from the County's receipt of Contractor's Notice of Completion, the County does not send Contractor either an Acceptance of Completion or a Deficiency Letter, the Work under this Agreement shall be considered complete.

8. NOTICE (GENERAL)

All notices issued by Contractor under or regarding this Agreement shall be provided in writing to the County at: Hays County, Attn: County Judge, 111 E. San Antonio, Suite 300 San Marcos, Texas 78666; fax 512-393-2282; bert.cobb@co.hays.tx.us

All notices issued by the County under or regarding this Agreement shall be provided in writing to Contractor at: Richard Kidd,126 Island Oaks, Driftwood Texas 78619; phone 512-858-4443; rdkidd44@aol.com.
Notices from one party to another under this Section may be made by U.S. Mail, parcel post, Facsimile, or Electronic Mail, sent to the designated contact at any of the designated addresses cited above.

9. INSURANCE
Contractor agrees that, during the performance of all terms and conditions of this Agreement, from the Effective Date until the County's acceptance of Contractor's Notice of Completion or until this Agreement is otherwise considered completed as a matter of law, Contractor shall maintain Commercial General Liability insurance that meets or exceeds the industry standard for professional services providers in Contractor's field of employment and for the type of services that are being performed by Contractor under this Agreement.

10. MUTUAL INDEMNITY
Contractor agrees, to the fullest extent permitted by law, to indemnify and hold harmless the County, its officers, directors and employees against all damages, liabilities or costs, including reasonable attorneys' fees and defense costs, to the extent caused by Contractor's negligent performance of the Work under this Agreement and that of its subcontractors or anyone for whom the Consultant is responsible or legally liable.

The County agrees, to the fullest extent permitted by law, to indemnify and hold harmless Contractor, its officers, directors, employees and subcontractors against all damages, liabilities or costs, including reasonable attorneys' fees and defense costs, to the extent caused by the County's negligent acts in connection with this Agreement.

Neither the County nor Contractor shall be obligated to indemnify the other party in any manner whatsoever for the other party's negligence.

11. COMPLIANCE WITH LAWS
Each party agrees to comply with all laws, regulations, rules, and ordinances applicable to this Agreement and/or applicable to the parties performing the terms and conditions of this Agreement.

12. SURVIVAL
Notwithstanding any termination of this Agreement, the following Sections, and the terms and conditions contained therein, shall remain in effect: 2, 3, 4, 5, 10, 12, 14, 15, 16, 17, 18, 20, and 21.

13. FORCE MAJEURE
Either of the parties to this Agreement shall be excused from any delays and/or failures in the performance of the terms and conditions of this agreement, to the extent that such delays and/or failures result from causes beyond the delaying/failing party's reasonable control, including but not limited to Acts of God, Forces of Nature, Civil Riot or Unrest, and Governmental Action that was unforeseeable by all parties at the time of the execution of this Agreement. Any delaying/failing party shall, with all reasonable diligence, attempt to remedy the cause of delay and/or failure and shall recommence all remaining duties under this Agreement within a reasonable time of such remedy.

14. SEVERABILITY
If any Section or provision of this Agreement is held to be invalid or void, the other Sections and provisions of this Agreement shall remain in full force and effect to the greatest extent as is possible, and all remaining Sections or provisions of this Agreement shall be construed so that they are as consistent with the parties' intents as possible.

15. MULTIPLE COUNTERPARTS
This Agreement may be executed in several counterparts, all of which taken together shall constitute one single Agreement between the parties.

16. SECTION HEADINGS, EXHIBITS
The Section and Subsection headings of this Agreement, as well as Section 1, Entitled "Overview," shall not enter in the interpretation of the terms and conditions contained herein, as those portions of the Agreement are included merely for organization and ease of review. The Exhibit(s) that may be referred to herein and may be attached hereto, are incorporated herein to the same extent as if fully set forth herein.

17. WAIVER BY PARTY
Unless otherwise provided in writing by the waiving party, a waiver by either of the parties to this Agreement of any covenant, term, condition, agreement, right, or duty that arises under this Agreement shall be considered a one-time waiver and shall not be construed to be a waiver of any succeeding breach

thereof or any other covenant, term, condition, agreement, right, or duty that arises under this Agreement.

18. GOVERNING LAW AND VENUE

THIS AGREEMENT SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS. Any lawsuit, claim, or action, whether in law or in equity, arising from this Agreement will be brought in Hays County, Texas.

19. ASSIGNMENT

Neither party to this Agreement may assign it duties, interests, rights, benefits and/or obligations under this Agreement, in whole or in part, without the other party's prior written consent thereto.

20. BINDING EFFECT

Subject to any provisions hereof restricting assignment, this Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective successors, permitted assigns, heirs, executors, and/or administrators.

21. ENTIRE AGREEMENT; AMENDMENT

This Agreement (including any and all Exhibits attached hereto) constitutes the entire agreement between the parties hereto with respect to the subject matter hereof. Any amendments to this Agreement must be made in writing and signed by the parties to this Agreement prior to the performance of any terms or conditions contained in said amendments.

22. WORK PRODUCT

Any and all product, whether in the form of calculations, letters, findings, opinions, or the like, shall be the property of Hays County during and after performance of the Work. Contractor shall have a right to retain a copy of all Work product for record-keeping purposes.

Signatures by the parties to this Professional Services Agreement follow on the next page.

IN WITNESS WHEREOF, the undersigned have duly executed and delivered this Professional Services Agreement, and hereby declare that THEY HAVE READ AND DO UNDERSTAND AND AGREE TO EACH AND EVERY TERM, CONDITION, AND COVENANT CONTAINED IN THIS AGREEMENT AND IN ANY DOCUMENT INCORPORATED BY REFERENCE.

Hays County, Texas	Contractor
By: Bert Cobb M.D.	By: Richard Kidd
Hays County Judge	

EXHIBIT A

Scope of Work

- **Writing of Voice/Over narration scripts for documentaries.**
- **Directing of the scenes with re enactors to be filmed.**
- **Photography as required for interviews, action scenes, and still photography.**
- **Editing of picture and sound into a completed professional documentary.**
- **Music selection**
- **Narration selection**
- **Interview segments selection**
- **Mixing of soundtrack elements**
- **Delivery of a completed master tape.**

EXHIBIT B

Fee Schedule

- **Writing to be $35 per hour**
- **Direction to be $50 per hour**
- **Photography to be $35 per hour**
- **Editing to be $35 per hour**

-- EXHIBIT "C" --

Additional Terms to the Services provided by Contractor, if any, are as follows:

A. N/A

B. _____

_____

C. _____

_____

D. _____

_____

E. _____

_____

F. _____

_____

G. _____

_____

H. _____

_____

I. _____

_____

J. _____

_____

K. _____

_____

L. _____

_____

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court
Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

Discussion and possible action to authorize Institutional OSSF Permit #2013-26485 and grant a variance to Section 715.4.01 of the Hays County Development Regulations at 500 Fischer Store Road, Wimberley, TX.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
ACTION-MISCELLANEOUS	November 26, 2013	N/A

LINE ITEM NUMBER

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR REVIEW:** N/A

REQUESTED BY	SPONSOR	CO-SPONSOR
Roxie McInnis, Development Services Manager	CONLEY	N/A

SUMMARY

J&S Real Estate Investments LP is proposing a modification to an ON-SITE SEWAGE FACILITY to convert an existing residential and bed and breakfast on-site sewage facility to an institutional ON-SITE SEWAGE FACILITY that will service the Right Step Treatment Center. The system is designed for 1220 gallons per day and the property is 16.141 acres (Wimberley Valley Ranch Lot 1). Water will be supplied by Public Water Supply.
This OSSF will consist of pretreatment tanks, 1850 gallon equalization tank and 2-1000gpd aerobic treatment units with pump chambers that will dose drip irrigation dispersal fields. The system designer is Kyle Dehart, R.S

While the system as designed meets all Hays County requirements, Section 715.4.01 states that the Department shall issue no on-site sewage facility permit on any parcel of land unless that property is in compliance with all the requirements of the regulations. The plat for the lot on which the proposed system is located was recently amended and has not yet been recorded. Due to requirements of the Texas Property Code, all property taxes must be paid prior to plat recordation; however, the 2013 property taxes have not yet been paid. The developer has requested authorization to construct the system without the plat being recorded. Final approval of the OSSF may be withheld until the plat has been recorded with the County Clerk.

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court
Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

Discussion and possible action to declare an emergency and amend the FY 2014 budget for expenses related to the October 2013 flood damages.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
ACTION-MISCELLANEOUS	November 26, 2013	$320,000.00

LINE ITEM NUMBER

001-656-99-080]

AUDITOR USE ONLY

AUDITOR COMMENTS:
The Court needs to talk about whether this is an adequate amount of funding.

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR REVIEW:** BILL HERZOG

REQUESTED BY	SPONSOR	CO-SPONSOR
Kharley Smith	COBB	N/A

SUMMARY

Current expenses for emergency repairs total $170,000 including repair to low water crossing sensors for $100,000, $50,000 for road materials, and $20,000 for culverts. While the majority of sites have been repaired for immediate use, long-term repairs must take place using materials that are more expensive. Continued recovery work is anticipated to cost an additional $150,000 in road materials, the dissemination of information to the public and for interlocal communications.

Total cash obligations for both current and projected expenses are $320,000. These expenses do not include labor costs.

The State is currently conducting an assessment to determine whether or not funding will be provided to Hays County for a portion of flood damage expenses.

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court
Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

Discussion and possible action to adopt a Joint Resolution whereas the Democratic and Republican Parties desire to enter into a 2014 joint Primary Election Services Contract with the Hays County Elections Administrator and whereas the Commissioners Court desires to give authorization for said contract.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
ACTION-MISCELLANEOUS	November 26, 2013	N/A

LINE ITEM NUMBER

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR REVIEW:** N/A

REQUESTED BY	SPONSOR	CO-SPONSOR
Cowan	COBB	N/A

SUMMARY

Discussion and possible action to adopt Joint Resolution whereas the Democratic and Republican Parties desire to enter into a 2014 joint Primary Election Services Contract with the Hays County Elections Administrator. See backup

Prescribed by Secretary of State (Form JRC)
Elections PRIM/jresolution.doc
Joint Resolution Contract; Texas Administrative Code rule §81.157
Section 172.126,V.T.C.A., Election Code, 10/2007

JOINT RESOLUTION AND STATISTICAL INFORMATION FOR JOINT PRIMARY

JOINT RESOLUTION

WHEREAS, the Democratic Party of Hays County, Texas, and the Republican Party of Hays County, Texas, desire to enter into a 2014 (year) Joint Primary Election Services Contract with the Hays County Election Administrator/ County Clerk, as the County Election Officer.

AND WHEREAS, the Commissioners Court of Hays County, Texas desires to give authorization for said Contract.

NOW THEREFORE BE IT RESOLVED BY THE COMMISSIONERS COURT OF Hays, COUNTY, TEXAS, THAT:

Said Commissioners Court authorizes a Joint Contract by and among, Bill Liddle, Democratic Party Chair, and Russell Hayter, Republican County Chair, and Joyce A. Cowan, County Election Officer of Hays County, Texas, for the conduct and supervision of the Hays County Joint Primary Election on March 4th, 2014, and the Hays County Joint Primary Runoff Election, if necessary, on May 27, 2014.

PASSED AND APPROVED, THIS 26th DAY OF November, 2013.

Signature of County Judge

Signature of Commissioner, Precinct 1 **Signature of Commissioner, Precinct 2**

Signature of Commissioner, Precinct 3 **Signature of Commissioner, Precinct 4**

Hays **County Democratic Party** Hays **County Republican Party**

By: _____, County Chair **By: _____, County Chair**

County Elections Official

By: _____, County Election Administrator/County Clerk

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court
Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

Discussion and possible action to authorize the County Judge to execute an Interlocal Agreement between Hays County and the City of San Marcos for the Post Road Water Main Project in Hays County.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
ACTION-MISCELLANEOUS	November 26, 2013	

LINE ITEM NUMBER

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR REVIEW:** N/A

REQUESTED BY	SPONSOR	CO-SPONSOR
WHISENANT	WHISENANT	N/A

SUMMARY

This Interlocal Agreement and the project in general will enhance the water supply to the Five Mile/Blanco River area for years to come.

THE STATE OF TEXAS

COUNTY OF HAYS

INTERLOCAL AGREEMENT

BETWEEN THE CITY OF SAN MARCOS, TEXAS AND COUNTY OF HAYS, TEXAS

This Agreement is made and entered into this ____ day of _____, 2013 (the "Effective Date") by and between the COUNTY of Hays, acting by and through its governing body, the Commissioners Court, hereinafter referred to as COUNTY, and the CITY of San Marcos, acting by and through its governing body, the City Council, hereinafter referred to as CITY, both of Hays County, State of Texas, witnesseth:

RECITALS

WHEREAS, CARMA BLANCO VISTA, LLC ("Carma") is constructing a 24" water line in Hays County which begins begin at the Blanco Vista development and heads south along Post Road to Booth Drive (the "Water Line"); and

WHEREAS, certain portions of the Water Line are situated within the COUNTY right-of-way; and

WHEREAS, upon completion of the line, Carma will dedicate the Water Line to the CITY; and

WHEREAS, upon its acceptance of the Water Line, the CITY will be responsible for maintaining the Water Line including those portions that are currently situated within the COUNTY right-of-way; and

WHEREAS, the COUNTY and CITY want to confirm and acknowledge the responsibilities of each party with respect to the potential relocation and maintenance of any

roads constructed over the Water Line for those portions located in the County right-of-way ROW; and

WHEREAS, this Agreement is made under the authority of the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, as amended (the "Act"); and

NOW, THEREFORE, in consideration of the foregoing and mutual benefits and promises herein, the COUNTY and CITY agree as follows:

Section 1. Relocation of Line

The COUNTY agrees that the portions of the Water Line situated within the COUNTY right-of-way will not be relocated prior to December 31, 2044. In the event it is necessary for the COUNTY to relocate a portion of the Water Line during the term of this Agreement, COUNTY will notify CITY and CITY will relocate such portions within a reasonably practicable time. If such a relocation is necessary before December 31, 2044 the COUNTY will reimburse the CITY for the costs associated with the relocation including the costs to restore any roadway, drainage structures, or related improvements to their condition prior to such relocation.

Section 2. Maintenance of Roadway Situated Over the Water Line

In the event the CITY needs to access the Water Line for maintenance or repair purposes, the CITY agrees to restore any roadway, drainage structures, or related improvements altered by such access back to its previous condition before such access as much as is reasonably practical.

Section 3. Term

The term of this Interlocal Agreement will commence on the Effective Date, and will end upon the earlier of December 31, 2044 or the CITY has assumed control of all those portions of the COUNTY right-of-way where the Water Line is situated through annexation.

Section 4. Miscellaneous

A. **Interlocal Cooperation**: The Parties agree to cooperate with each other in good faith at all times during the term of this Interlocal Agreement in order to achieve the purposes and intent of this Interlocal Agreement.

B. **Authority**: Each party to this Interlocal Agreement acknowledges and represents that this Interlocal Agreement has been executed by its duly authorized representative

C. **Funding**: The CITY and COUNTY, in performing governmental functions or in paying for the performance of governmental function hereunder, shall make that performance of those payments from lawfully available current revenues during each fiscal year.

D. **Liability**: Each party to this Interlocal Agreement will be responsible for its own actions in providing services under this Interlocal Agreement and shall not be liable for any claims, losses, expenses, demands, judgments, lawsuits or damages that may arise from the furnishing of the services by the other party. Nothing in the performance of this Interlocal Agreement shall impose any liability for claims against CITY or COUNTY other than claims, losses, expenses, demands, judgments, lawsuits or damages that may arise from the furnishing of the services by the other party. Nothing in the performance of this Interlocal Agreement shall impose any liability for claims against CITY or COUNTY other than claims for which liability may be imposed by the Texas Tort Claims Act.

E. **Third Parties**: The Parties to this Interlocal Agreement do not intend for any third party to obtain a right of this Interlocal Agreement and this Interlocal Agreement shall not create any rights in any third party.

F. **Entire Agreement**: This Interlocal Agreement contains the entire agreement between the Parties and supersedes all prior understandings and agreements between the Parties regarding

such matters. This Agreement may not be modified or amended except by written agreement executed by both parties. None of the Parties may assign this Interlocal Agreement without the written consent of the other Party.

F. **Interpretation**: The Parties acknowledge and confirm that this Interlocal Agreement has been entered into pursuant to the authority granted under the Act. All terms and conditions are to be construed and interpreted consistently with the Act.

G. **Invalid Provisions**: Should any provision in this Interlocal Agreement be found or deemed to be invalid, this Interlocal Agreement will be construed as not containing the provision, and all other provisions which are otherwise lawful will remain in full force and effect, and to this end the provisions of this Interlocal Agreement are declared to be severable.

H. **Applicable Law**: This Agreement is governed by the law of the State of Texas. Exclusive venue for any dispute arising under this Interlocal Agreement is in Hays County, Texas.

I. **Binding Effect**: This Agreement shall take effect immediately upon execution by the Parties hereof and shall inure to the benefit and be binding upon the administrators, successors and assigns.

EXECUTED by the Parties in duplicate originals to be effective as of the Effective Date.

CITY OF SAN MARCOS, TEXAS	COUNTY OF HAYS, TEXAS
_____	_____
Daniel Guerrero, Mayor	Bert Cobb, M.D., County Judge
ATTEST:	ATTEST:
_____	_____
Jamie Lee Pettijohn, City Clerk	Liz Gonzalez, County Clerk

APPROVED AS TO FORM BY:

_____

Michael Cosentino, City Attorney

APPROVED AS TO FORM BY:

_____

Mark Kennedy, County Attorney

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court
Tuesdays at 9:00 AM

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AGENDA ITEM

Executive Session pursuant to Sections 551.071 and 551.074 of the Texas Government Code: consultation with counsel and deliberation regarding the performance and duties of the Veterans Service Officer, Fire Marshall, Emergency Management Coordinator, IT Director, Human Resources Director, Transportation Director, General Counsel, Elections Administrator, Development and Community Services Director, and Grants Administrator. Possible action may follow in open court.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
EXECUTIVE SESSION	November 26, 2013	

LINE ITEM NUMBER

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR REVIEW:** N/A

REQUESTED BY	SPONSOR	CO-SPONSOR
	COBB	N/A

SUMMARY

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court
Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

Executive Session pursuant to Sections 551.071 and 551.072 of the Texas Government Code: consultation with counsel and deliberation regarding the purchase, exchange, or value of real property, including but not limited to the marketing and potential sale or lease of County-owned, or County-leased properties. Possible action may follow in open court.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
EXECUTIVE SESSION	November 26, 2013	

LINE ITEM NUMBER

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR APPROVAL:** N/A

REQUESTED BY	SPONSOR	CO-SPONSOR
	COBB	N/A

SUMMARY