

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 the Tri-Party Agreement Providing For Regulation Of Subdivision And Approval Of Camino Real between Hays County ("County") , City of Niederwald ("City") and Walton Texas, LP on behalf of Walton Camino Real 1, LP a Delaware limited partnership ("Owner").

ITEM TYPE

ACTION-MISCELLANEOUS

MEETING DATE

September 3, 2013

AMOUNT REQUIRED

LINE ITEM NUMBER

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A

AUDITOR REVIEW: N/A

REQUESTED BY

Jones

SPONSOR

JONES

CO-SPONSOR

N/A

SUMMARY

Owner plans to develop Camino Real as a master-planned mixed use community in accordance with this Agreement between Owner, County and City. City will handle primary review, while the County maintains Authority to review OSSF's, inspect roadways, and provide 911 addressing.

09 03 13

FILED:

HAYS COUNTY COMMISSIONERS' COURT

Resolution # 28284 VOL V PG 229

**TRI-PARTY AGREEMENT
PROVIDING FOR REGULATION OF SUBDIVISION AND APPROVAL
OF CAMINO REAL**

This Agreement (the "Agreement") is made and entered into by and among the **City of Niederwald**, a Texas Type A general-law municipality (the "City"), **Hays County**, a political subdivision of the State of Texas (hereinafter "County"), **Walton Texas, LP**, a Texas limited partnership ("Primary Owner"), in its capacity as an owner and in its capacity as an operator and manager authorized to sign this Agreement on behalf of the Walton Individual Owners (as hereinafter defined), and **Walton Camino Real 1, LP**, a Delaware limited partnership ("Walton Camino") (Primary Owner, Walton Individual Owners, and Walton Camino are collectively referred to herein as "Owner"). City, County and Owner are sometimes referred to collectively as the "Parties", and individually, as a "Party".

RECITALS

WHEREAS, counties are statutorily responsible for and have authority over platting and development review of certain subdivisions of real property, as well as the planning, construction, and maintenance of roads, stormwater management facilities, and other infrastructure in the unincorporated areas of counties; and

WHEREAS, in the parts of the unincorporated area that are within their extraterritorial jurisdiction ("ETJ"), municipalities have authority over platting and development review of subdivisions of real property, as well as infrastructure and other aspects of land development under various statutes; and

WHEREAS, since counties and municipalities have different statutory authorities, fiscal resources, and constituencies, their respective interests in and policies governing infrastructure and development can differ as well; and

WHEREAS, review and approval of subdivision plats is the basic tool that counties and municipalities use to ensure that infrastructure and development in the ETJ, which is an unincorporated area, is not planned or constructed in a manner that is adverse to their respective interests; and

WHEREAS, Owner owns approximately 1,743.59 acres of land, more or less, located or to be located in the ETJ of the City of Niederwald, Hays County, Texas, more particularly described on Exhibit "A" and referred to herein as "Camino Real" or the "Property"; and

WHEREAS, Owner plans to develop Camino Real as a master-planned mixed use community in accordance with this Agreement between Owner, County and City; and

WHEREAS the Parties desire to set forth specific development regulations which shall apply to the development of the Property to the extent allowed by law. Such development regulations shall be known as the "Camino Real Development Standards", a copy of which is attached as Exhibit "B" and which may be amended from time to time.

NOW, THEREFORE, the Parties agree as follows:

I. Definitions.

1. "Owner" shall mean (i) Primary Owner, (ii) Walton Individual Owners or (iii) any subsequent owner of property in Camino Real that is a successor or assignee of rights from Owner in accordance with Article VII Subsection 9(a) of this Agreement.
2. "Primary Owner" shall mean initially, Walton Texas, LP, and any entity to which Walton Texas, LP, may assign its rights and obligations as Primary Owner in accordance with Article VII Subsection 9(b) of this Agreement..
3. "Walton Individual Owners" means, collectively, all persons, entities, and trusts (other than Walton Texas, LP and Walton Camino Real 1, LP) that own an interest in the Property, including an undivided, tenant-in-common interest, and that have granted to Walton Texas, LP, full power and authority to operate and manage and act for an on their behalf with respect to their interests in the Property.

II. Duties and Responsibilities.

1. County expressly designates the City as the authority to act as the coordinating entity for the review and approval process of subdivision development applications within Camino Real. Those provisions within the Camino Real Development Standards that identify County involvement in the review and approval process are either shared between City and County or expressly reserved to County, as provided for therein.
2. City shall accept all fully completed applications for review in accordance with this Agreement, including but not limited to, preliminary plats, subdivision plats, subdivision construction plans, and site plans (the "Applications").
3. In addition to the fees prescribed by the Camino Real Development Standards, Owner shall pay the standard City development review fees and inspection fees, at the time of an Application submission to the City, in the same amounts as are applicable to all other developments located within the City's ETJ. Furthermore Owner shall also pay eighty percent (80%) of the standard County subdivision application review fees which are applicable to all other developments within the County at the time of an Application submission.
4. City shall collect and forward to County all County review fees paid by Owner within fifteen (15) days of Owner's payment.
5. City shall forward a copy of all Applications to the County for review and comment within fifteen (15) days of filing by Owner.
6. City and County shall review the Applications in accordance with this Agreement and the Camino Real Development Standards.

7. City shall confer with the Hays County 911 Addressing Division or the County's designated representatives concerning street names prior to final plat approval.
8. City and County shall approve any Application that complies with this Agreement and the Camino Real Development Standards as such may be amended from time to time. The City's approval of any Application is also subject to and contingent upon the Application's compliance with applicable City requirements.
9. If applicable, City shall record an approved Application at the Hays County Clerk's Office.
10. City shall deliver two (2) copies of all recorded plats for subdivisions within Camino Real to County within ten (10) business days after the subdivision plat is recorded.
11. City agrees that if an Owner proposes use of individual on-site sewage facilities ("OSSFs"), County shall have exclusive jurisdiction over approval, permitting, regulation and inspection of such individual on-site sewage facilities. In the event the City becomes a certified delegate of the Texas Commission on Environmental Quality ("TCEQ") (or any successor agency with regulatory authority regarding on-site sewage facilities) regarding on-site sewage facility approval, permitting, regulation and inspection, the City and the County agree to meet and confer regarding which entity shall have reviewing and permitting authority over OSSFs. Notwithstanding the foregoing TCEQ shall have authority over the review and approval process of a regional wastewater treatment plant used to serve all of the Property; however, City shall be authorized to review, inspect and charge fees to Owner related to any wastewater treatment plant intended to serve any portion of the Property.

III. Inspection and Approval of Subdivision Infrastructure.

1. Inspection and approval authority over road construction, stormwater drainage, water and wastewater facilities, and all other infrastructure within Camino Real shall be the responsibility of the City and/or the County, as designated by the Camino Real Development Standards.
2. Approval of such subdivision infrastructure in Camino Real shall be granted upon compliance with this Agreement (as such may be amended from time to time), and the Camino Real Development Standards. The City's approval of any subdivision infrastructure in Camino Real is also subject to and contingent upon compliance with the Development Agreement as defined in Article VII, Subsection 7.

IV. Maintenance of the Subdivision Infrastructure.

1. For those portions of the Property located in the City's ETJ, County shall be responsible for maintenance of the roads, bridges and their related appurtenances. Neither County nor City shall be responsible for stormwater drainage facilities which include box culverts, water and wastewater facilities, or any other

infrastructure located within Camino Real. At such time the Property is annexed into the City's full purpose jurisdiction, City shall be responsible for maintenance of all publicly-dedicated and accepted roads including their related appurtenances, all publicly dedicated and accepted stormwater drainage facilities, and any other publicly-dedicated and accepted infrastructure.

2. The applicable utility provider shall be responsible for maintenance of water facilities, wastewater facilities and all other utility service facilities situated within Camino Real. Prior to annexation of Camino Real by the City a municipal utility district ("MUD") or homeowners association ("HOA") shall maintain all drainage facilities.
3. In order to facilitate maintenance of facilities, the County shall grant an easement, right-of-entry, or license to a MUD or HOA for purposes of allowing the MUD or HOA to maintain, replace or relocate drainage facilities located within County-maintained Right of Way.

V. Geographic Scope.

1. Owner may, in the future, elect to add additional land to the Camino Real boundaries and the Property that is subject to this Agreement. If Owner owns or acquires additional land contiguous to any boundary of Camino Real that it desires to add to the Project and this Agreement, Owner must obtain consent from the Primary Owner and provide written notice to the City and County. Such addition shall become effective thirty (30) days after such notice. City shall also notify County immediately of any changes of its full purpose corporate limits, limited purpose corporate limits, or ETJ, whether resulting from annexation, disannexation, legislation, judgment of a district or other trial-level court, or any other means which affect the County. The term "Property" as used throughout this Agreement shall include any such land that is added to Camino Real.

VI. Development.

1. Vesting. Owner has vested authority to develop the Property in accordance with this Agreement, the Camino Real Development Standards attached hereto, applicable State law, and any applicable City requirements. Owner shall be deemed vested from the Effective Date of this Agreement. To the extent that any current or future City or County development regulations conflict with this Agreement and the attached Camino Real Development Standards, this Agreement and the attached Camino Real Development Standards shall prevail unless otherwise agreed by Owner. Notwithstanding the foregoing, vested rights under this Agreement shall not supersede mandated current or future federal or state regulations, or regulatory action required by the City and/or the County that is intended to prevent imminent, foreseeable harm to human safety or property.
2. Development Rights. The City and the County agree that they shall not, during the Term of this Agreement, impose: a) any moratorium on building or development of or within the Camino Real subdivision if such building or development complies with this Agreement and applicable City requirements, or

b) any land use or development regulation that limits density or timing of development approvals within Camino Real. This section shall not apply to temporary actions by the City or the County that are required to prevent imminent, foreseeable harm to human safety or property.

3. Controlling Ordinances, Manuals, and/or Rules. The Parties agree that the City's and the County's rules and regulations related to subdivisions and development as they pertain to Camino Real, including but not limited to all land development regulations, are hereby replaced in their entirety with this Agreement, the attached Camino Real Development Standards and applicable City requirements.

VII. Miscellaneous.

1. General Administration. Administering this Agreement and the contact person for County shall be the Hays County Development Services Department Director or his or her representatives. Administering this Agreement and the contact person and representatives for City shall be the City Administrator/Secretary, or his or her designee.
2. Severability. Any clause, sentence, provision, paragraph, or article of this Agreement held by a court of competent jurisdiction to be invalid, illegal, or ineffective shall not impair, invalidate, or nullify the remainder of this Agreement, but the effect thereof shall be confined to the clause, sentence, provision, paragraph, or article so held to be invalid, illegal, or ineffective.
3. No Third Party Beneficiaries. Nothing in this Agreement, express or implied, is intended to confer upon any person, other than the Parties hereto, any benefits, rights, or remedies beyond any such benefits, rights, or remedies that may be created by Chapter 242, Local Government Code.
4. Duration. The Parties mutually agree that the term of this Agreement shall be from the date it is formally and duly executed by the Parties until such time as the Development Agreement, as such term is later defined in Article VII Subsection 7, is no longer in effect for Camino Real, or by termination of the Agreement by the Parties. No official, agent, employee, or representatives of the County, City or Primary Owner has authority to alter, amend, or modify the terms of this Agreement, except in accordance with the express authority as may be respectively granted by Hays County Commissioners Court, the City of Niederwald City Council, and an authorized representative of Primary Owner.
5. Preservation of Powers. Nothing in this Agreement is intended or shall be construed to limit the power or authority under applicable laws of a Party to adopt, modify, or enforce subdivision regulations in the ETJ, or to limit the power or authority of the Parties to make additional agreements under applicable laws as the Parties believe may be necessary or desirable.
6. Notice. All notices sent pursuant to this Agreement shall be in writing and must be sent by registered or certified mail, postage prepaid, return receipt requested to:

- With copy to:
- (a) Mr. Clint Garza (or his successors)
Hays County Development Services Department
P.O. Box 1006
San Marcos, Texas 78667

 - With copy to:
 - (b) Richard Crandal (or his successors)
City Administrator/Secretary for the City of Niederwald
13851 Camino Real
Niederwald, Texas 78640

 - With copy to:
 - (c) Walton Texas, LP
c/o Walton Development & Management TX, LLC
1445 Ross Avenue, Suite 4775
Dallas, Texas 75202
Attention: Alexa Knight
T: 972-713-0000 x 2103

 - (d) Walton Texas, LP/Walton Camino Real 1, LP,
c/o Walton Development & Management TX, LLC
515 Congress Avenue, Suite 1620
Austin, Texas 78701
Attention: Becky Collins
T: 512-347-7070

 - (e) With copy to:
Walton International Group (USA), Inc.
4800 N. Scottsdale Road, Suite 4400
Scottsdale, AZ 85251
Attention: Wayne G. Souza, General Counsel
T: 480-586-9203

 - (f) With copy to:
Cary L. Bovey
Law Office of Cary L. Bovey, PLLC
2251 Double Creek Dr., Suite 204
Round Rock, Texas 78664

Either Party shall have the right from time to time to change their respective addresses, and each shall have the right to specify as its address any other address within the United States of America by a least five (5) days written notice to the other Party.

7. Entire Agreement. This Agreement constitutes the entire agreement between Owner, County and City as it relates to the review and approval of subdivisions in Camino Real. The Parties recognize that a “Development Agreement” authorized pursuant to Chapter 212.172 of the Texas Local Government Code will be

executed by the City and Owner and that such agreement may be modified in the future. City, County and Owner agree that if there is a conflict between this Agreement and the Development Agreement as it solely relates to the review and approval process of subdivision applications, this Agreement (as may be amended from time to time) shall prevail. The terms of the Development Agreement shall control with respect to any conflict involving other subject matter.

8. Amendment. This Agreement may be amended only by a written agreement signed and executed by an authorized representative of City, County and Primary Owner, or all the then current owners of all portions of Camino Real (other than the individual owners of developed lots); provided, however, an owner of a portion of Camino Real (other than an end-buyer of a fully developed and improved lot), County and City may amend this Agreement as it relates solely to such owner's parcel without the joinder of any other landowner, provided that the Primary Owner must be party to such amendment if the Primary Owner then owns any portion of Camino Real. In addition, as long as the Primary Owner owns any land within Camino Real, the Primary Owner, County and City may amend this Agreement without the joinder of any other landowner.
9. Assignment; Transferability.
 - (a) Owner may assign this Agreement with respect to all or part of such Owner's ownership portion of Camino Real from time to time to a purchaser of all or a portion of Camino Real. Any assignment must be in writing, must set forth the assigned rights and obligations without modification or amendment, and must be executed by Owner and the proposed assignee. Owner shall provide City, County and Primary Owner notice of each such assignment, including a copy of the assignment. Upon such assignment or partial assignment, Owner shall be fully released from any and all obligations under this Agreement and shall have no further liability with respect to the part of Camino Real so assigned, except as to a default that occurred prior to the date of the assignment, provided that the assignee assumes any and all obligations under this Agreement applicable to the part of Camino Real included in the assignment. A default by any subsequent assignee shall not constitute a default by Owner under this Agreement, but only under such partial assignment.
 - (b) Primary Owner may assign, in whole but not in part, its rights and obligations as Primary Owner so long as it owns any portion of the Property (the "Ownership Threshold"), provided that the assignee assumes any and all obligations under this Agreement applicable to the part of Camino Real included in the assignment. Notice of all assignments of the rights and obligations of the Primary Owner shall be given to the City within fifteen (15) days after execution, and thereafter such notice shall be recorded in the real property records of the County. When Primary Owner, together with its affiliates, does not satisfy the Ownership Threshold, the rights and obligations of the Primary Owner shall automatically terminate; and from and after such termination, this Agreement shall be interpreted without regard to such rights and obligations.

10. Agreement Binds Succession and Runs with the Property. This Agreement shall bind and inure to the benefit of the Parties, their successors and assigns. The terms of this Agreement shall constitute covenants running with the land comprising Camino Real and shall be binding on all future developers and owners of property in Camino Real, future County Commissioners Courts, and future City Councils.

THE CITY OF NIEDERWALD

By: Reynell Smith

Date: 9-16-2013

HAYS COUNTY

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

Date: 9-23-2013

OWNER

Walton Texas, LP,

a Texas limited partnership,
in its capacity as owner and its capacity as an
operator and manager on behalf of the other
individual owners

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

By: Walton International Group,
Inc.,

a Nevada corporation
Its Manager

By: [Signature]
Its: Authorized Signatory

By: [Signature]
Its: Authorized Signatory

Walton Camino Real 1, LP,

a Delaware limited partnership

By: Walton Camino Fund Real 1 GP, LLC,
a Delaware limited liability company
Its General Partner

By: Walton Asset Management
(USA), Inc.,

a Delaware corporation
Its Manager

By: [Signature]
Its: Authorized Signatory

By: [Signature]
Its: Authorized Signatory

By: [Signature]
Clint Garza, Director of Development
Services Department

Date: 9/20/13

By: [Signature]
Mark Kennedy, District County Attorney

Date: 9/25/13

EXHIBIT "A"

DESCRIPTION OF CAMINO REAL

TRACT A

DESCRIBING A TRACT OF LAND CONTAINING 810.75 ACRES, BEING A PORTION OF THE ARMAND WELCH SURVEY A-494, I. & G.N. RAILROAD CO. SURVEY A-577, JAMES M. W. HALL SURVEY A-227 AND THE SAMUEL LITTLE SURVEY A-286, HAYS COUNTY, TEXAS ALSO BEING THE REMAINING PORTION OF THAT CERTAIN 811.315 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO RICK ANDERSON, PAUL SCHAEFER, AND SUSAN G. SNOW EXECUTED ON JULY 15, 1999 AND RECORDED IN DOCUMENT NUMBER 9917880 OF THE OFFICIAL PUBLIC RECORDS OF THE SAID COUNTY, SAID 810.75 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a fence corner post found for the most easterly corner of said 811.315 acre tract, said fence corner being in a northwest line of that certain 386.954 acre tract described in a deed to Rohde Lane Group, Ltd. as recorded in Document #9928116 of the said Official Public Records;

THENCE, along the northwesterly line of the said 386.954 acre tract, S 42° 22' 29" W a distance of 1641.37 feet to a fence post and S 42° 48' 54" W a distance of 1994.15 feet to an iron pipe found in the northeast line of that certain 80 acre tract described in a deed to Jackie Ray Schawe and Vickie Sue Schawe as recorded in Volume 1679 Page 405 of the said Official Public Records;

THENCE with the said line of the Schawe tract, N 46° 57' 53" W a distance of 1004.59 feet to a fence post found and N 46° 57' 20" W a distance of 427.28 feet to a fence post found at end of the southeast line of County Road 128;

THENCE, along said County Road 128, the following five (5) courses:

1. N 50° 19' 02" W a distance of 51.68 feet to a fence post found;
2. S 47° 54' 28" W a distance of 31.84 feet to a fence post found;
3. S 47° 53' 50" E a distance of 9.76 feet to a fence corner post on the northwesterly R.O.W. line of County road 128 as fenced;
4. S 42° 42' 50" W, at 2705.88' passing the east corner of The Parklands Section 1, a subdivision recorded in Book 11, Pages 166-169 of the Plat Records of the said County, continuing with a southeast line of the said subdivision for a total distance of 3456.22 feet to a Iron Rod Set;
5. Continuing along the said County Road 128 and with the southeast line of the said subdivision, S 42°59'40" W, a distance of 2508.14 feet to a Iron Rod Set;

THENCE, with the southwest and northwest lines of the said subdivision the following five (5) courses:

1. S 88° 36' 38" W a distance of 18.50 feet to a Iron Rod Set on the northeasterly R.O.W. line of County Road 127 as fenced;
2. N 47°36'53" W a distance of 598.35 feet along said line to an iron rod found at the intersection of the southeasterly R.O.W. line of Great Northern (50' R.O.W.) as dedicated by The Railyard, a subdivision recorded in Book 8, Pages 59-62 of the Plat Records of Hays County, Texas;
3. N 41°59'58" E a distance of 543.52 feet to an iron rod found;

4. N 48° 00' 02" W a distance of 50.00 feet to an iron rod found for the southerly corner of Lot 2, Block "C" of the said The Railyard;
5. N 41° 59' 58" E a distance of 347.88 feet to an iron rod found for the easterly corner of said Lot 2;

THENCE, along the northeasterly line of said Block "C", N 47° 29' 39" W, at 80.00 feet passing a west corner of the said The Parklands Section 1, continuing for a total distance of 1024.95 feet to an iron rod set at the south corner of a 0.469 acre tract described in a deed to Goforth Water Supply Corporation as recorded in Volume 1799 Page 176 of the said Official Public Records;

THENCE through the interior of the said 811.315 acre tract and with the east, north and west lines of the said 0.469 acre tract, the following three (3) courses:

1. N 13° 47' 02" E, 211.00 feet to an iron rod set;
2. N 70° 38' 49" W, 94.67 feet to an iron rod set;
3. S 24° 59' 38" W, 155.00 feet to an iron rod set in the said northeast line of Block "C";

THENCE, along the northeasterly line of said Block "C", the following three (3) courses:

1. N 47° 29' 39" W, 851.87 feet to an iron rod found;
2. N 47° 17' 02" W, a distance of 722.04 feet to an iron rod found;
3. N 47° 07' 59" W, a distance of 830.83 feet to an iron rod found for the southerly corner of the certain 200.00 acre tract of land described in a deed to Aus-Tex Parts and Services, L.L.C. as recorded in Volume 1432, Page 918 of the said Official Public Records;

THENCE N 42° 41' 10" E a distance of 1975.37 feet along the southeasterly line of said 200.00 acre tract to an iron rod found for the westerly corner of that certain 5.00 acre tract of land described in a deed to Aus-Tex Parts and Services, L.L.C. as recorded in Volume 1432, Page 914 of the said Official Public Records;

THENCE along said 5.00 acre tract, the following three (3) courses:

1. S 47° 17' 55" E a distance of 464.83 feet to a fence post found;
2. N 42° 43' 37" E a distance of 468.33 feet to an iron rod found;
3. N 47° 16' 43" W a distance of 464.60 feet to an iron rod found on the southeasterly line of said 200.00 acre tract;

THENCE with the said line of the 200.00 acre tract, N 42° 42' 53" E a distance of 2773.61 feet to an iron rod found for the easterly corner of the said 200.00 acre tract, said iron rod also being in the Southwest line of that certain 145.89 acre tract described in a Deed to Mathias 146, L. P. as recorded in Volume 1898, Page 366 of the said Official Public Records;

THENCE S 47° 09' 53" E a distance of 1209.31 feet with the said line of the 145.89 acre tract to a fence post found for corner;

THENCE S 40° 06' 39" W a distance of 15.62 feet to a rock mound found at the westerly corner of that certain 176.18 acre tract described in a Deed to Jack A. Maxwell as recorded in Volume 234, Page 298 of the said Official Public Records;

THENCE, along the southwesterly line of said Maxwell tract, the following four (4) courses:

1. S 44° 43' 05" E a distance of 378.43 feet to a fence post found;

2. S 41° 50' 11" E a distance of 105.36 feet to an iron rod found;
3. S 42° 50' 56" W a distance of 67.79 feet to an iron rod found;
4. S 45° 51' 39" E a distance of 350.06 feet to a fence post found for the southerly corner of said Maxwell tract;

THENCE along the southeasterly line of said Maxwell tract, the following three (3) courses:

1. N 41° 16' 31" E a distance of 37.60 feet to an iron pipe in concrete found;
2. N 42° 55' 16" E a distance of 2693.71 feet to a fence post found;
3. N 42° 48' 55" E a distance of 818.31 feet to a fence post found at the westerly corner of that certain 125.52 acre tract conveyed described in a Deed to Thaddeus Charles McCormick III as recorded in Volume 748, Page 143 of the said Official Public Records;

THENCE S 48° 43' 36" E a distance of 1200.97 feet to a fence post found and S 53° 32' 50" E a distance of 22.34 feet to a fence post found at the southerly corner of said McCormick Tract;

THENCE S 41° 51' 32" W a distance of 113.47 feet to a fence post found at the westerly corner of that certain 368.2 acre tract described in a Deed to Flora Nickel as recorded in Volume 239, Page 587 of the said Official Public Records;

THENCE along the southwesterly line of said Nickel tract, the following three (3) courses:

1. S 52° 10' 20" E a distance of 1445.87 feet to a fence post found;
2. S 51° 28' 34" E a distance of 987.00 feet to a fence post found;
3. S 40° 11' 03" E a distance of 25.20 feet to the POINT OF BEGINNING and containing 810.75 acres of land.

TRACT B

DESCRIBING 928.19 ACRES OF LAND OUT OF THE CHRISTOPHER WALTER SURVEY A-495, THE ARMAND WELCH SURVEY A-494 AND THE D.A. NANCE SURVEY A-684, ALL IN HAYS COUNTY, TEXAS, SAME BEING A PORTION OF A 580.054 TRACT DESCRIBED IN A DEED RECORDED IN DOCUMENT NO. 03024985 OF THE OFFICIAL PUBLIC RECORDS OF SAID HAYS COUNTY, A PORTION OF A 386.954 ACRE TRACT DESCRIBED IN A DEED RECORDED IN DOCUMENT NO. 9928116 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, AND ALL OF A 19.277 ACRE TRACT DESCRIBED IN A DEED RECORDED IN VOLUME 2283, PAGE 749 OF THE DEED RECORDS OF SAID COUNTY, SAID 928.19 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at an iron pipe found at the most northerly corner of said 386.954 acre tract, said iron pipe being in the south right-of-way of Rohde Road also designated County Road 126;

Thence, with said south Right of Way line S47°04'13"E for 650.80 feet to an iron rod found;

Thence, with the northwest line of a 13.14 acre tract described in a deed recorded in Volume 3200, Page 560 of the Deed Records of said County, S43°45'03"W, 603.68 feet to an iron rod set at the southeast corner of that 1.40 acre tract of land described in a deed to Hays CISD as recorded in Document Number 2008-80010641 of the Deed Records of said County;

Thence, with the east, north and west lines of said 1.40 acre tract, the following three (3) courses:

1. N17°27'45"W, 378.15 feet to an iron rod set;
2. S43°44'54"W, 184.28 feet to an iron rod set;
3. S17°27'45"E, 378.14 feet to an iron rod set;

Thence, with the west, south and east lines of said 13.14 acre tract, the following seven (7) courses:

1. S43°45'03"W for 180.09 feet to an iron rod found;
2. S72°37'43"E for 458.04 feet to an iron rod found at the beginning of a horizontal curve the radius point of which bears S17°21'35"W, 349.70 feet;
3. Along said curve through a central angle of 28°08'48" for an arc distance of 171.79 feet and whose chord bears S 58°34'01"E, 170.07 to an iron rod found;
4. S44°32'12"E for 93.29 feet to an iron rod found at the beginning of a horizontal curve, the radius point of which bears N45°31'27"E, 25.00 feet;
5. Along said curve through a central angle of 90°10'44" for an arc distance of 39.35 feet and whose chord bears S89°33'55"E, 35.41 feet to a point;
6. N45°28'02"E for 631.36 feet to a point;
7. N0°14'22"W for 119.68 feet to an iron rod found in the south Right of Way of said Rohde Road;

Thence, with said south Right of Way S47°13'16"E for 258.41 feet to an iron rod found at the most northerly corner of a 7.00 acre tract described in a deed recorded in Document No. 9909010 of the Official Public Records of said Hays County;

Thence, with the west, south and East lines of said 7.00 acres the following three (3) courses:

1. S42°51'06"W for 634.09 feet to an iron rod found;
2. S47°12'07"E for 481.23 feet iron rod found;
3. N42°53'17"E for 150.56 feet iron rod found at the most easterly corner of a 1.55 acre tract described in a deed recorded in Document No. 999006 of the Official Public records of said Hays County;

Thence, with the south line of said 1.55 acres S47°13'03"E for 410.16 feet to an iron rod found in the northwest line of a 66.38 acre tract described in a deed recorded in Volume 3200, Page 560 of the deed records of said Hays County;

Thence, with the west and south lines of said 66.38 acres the following twenty eight (28) courses:

1. S42°39'26"W for 949.13 feet to a point;
2. S27°18'12"W for 204.33 feet to a point at the beginning of a horizontal curve the radius point of which bears S62°41'43"E, 25.00 feet;
3. Along said curve through a central angle of 48°12'31" for an arc distance of 21.04 feet and whose chord bears S03°12'01"W, 20.42 feet to a point;
4. S20°54'11"E for 56.97 feet to a point at the beginning of a horizontal curve the radius point of which bears S69°05'52"W, 175.00 feet;
5. Along said curve through a central angle of 31°26'39" for an arc distance of 96.04 feet and whose chord bears S05°10'49"E, 94.84 feet to a point;
6. S10°32'33"W for 81.44 feet to a point at the beginning of a horizontal curve the radius point of which bears S79°16'04"E, 25.00 feet;

7. Along said curve through a central angle of $87^{\circ}25'07''$ for an arc distance of 38.14 feet and whose chord bears $S32^{\circ}58'38''E$, 34.55 feet to a point at the beginning of a horizontal curve the radius point of which bears $S13^{\circ}08'42''W$, 1625.00 feet;
8. Along said curve through a central angle of $1^{\circ}16'38''$, for an arc distance of 36.22 feet and whose chord bears $S76^{\circ}12'59''E$, 36.22 feet to a point at the beginning of a horizontal curve the radius point of which bears $S14^{\circ}25'20''W$, 1625.00 feet;
9. Along said curve through a central angle of $0^{\circ}34'28''$ for an arc distance of 16.29 feet and whose chord bears $S75^{\circ}17'26''E$, 16.29 feet to a point at the beginning of a horizontal curve the radius point of which bears $S14^{\circ}59'49''W$, 1625.00 feet;
10. Along said curve through a central angle of $2^{\circ}17'53''$ for an arc distance of 65.17 feet and whose chord bears $S73^{\circ}51'15''E$, 65.17 feet to a point at the beginning of a horizontal curve the radius point of which bears $S17^{\circ}17'42''W$, 125.00 feet;
11. Along said curve through a central angle of $34^{\circ}54'20''$ for an arc distance of 76.15 feet and whose chord bears $S55^{\circ}15'08''E$, 74.98 feet to a point;
12. Thence, $S37^{\circ}47'57''E$ for 508.31 feet to a point at the beginning of a horizontal curve the radius point of which bears $S52^{\circ}12'04''W$, 125.00 feet;
13. Along said curve through a central angle of $47^{\circ}01'35''$ for an arc distance of 102.60 feet and whose chord bears $S14^{\circ}17'09''E$, 99.74 feet to a point;
14. Thence, $S9^{\circ}13'39''W$ for 168.56 feet;
15. Thence, $S10^{\circ}50'01''W$ for 38.35 feet;
16. Thence, $S72^{\circ}48'50''E$ for 245.61 feet;
17. Thence, $N46^{\circ}29'55''E$ for 53.98 feet to a point at the beginning of a horizontal curve the radius point of which bears $S43^{\circ}29'58''E$, 50.00 feet;
18. Along said curve through a central angle of $4^{\circ}38'32''$ for an arc distance of 4.05 feet and whose chord bears $N48^{\circ}49'18''E$, 4.05 feet to a point;
19. Thence, $N51^{\circ}08'41''E$ for 78.97 feet;
20. Thence, $N58^{\circ}31'09''E$ for 47.60 feet;
21. Thence, $N63^{\circ}58'34''E$ for 47.60 feet;
22. Thence, $N69^{\circ}25'59''E$ for 47.60 feet;
23. Thence, $N77^{\circ}46'06''E$ for 497.54 feet;
24. Thence, $N76^{\circ}38'06''E$ for 378.51 feet;
25. Thence, $N75^{\circ}13'11''E$ for 338.23 feet;
26. Thence, $N67^{\circ}06'40''E$ for 247.43 feet;
27. Thence, $N62^{\circ}06'40''E$ for 392.14 feet;
28. Thence, $N43^{\circ}32'30''E$ for 48.17 feet to a point in the south right of way line of said Rohde Road;

Thence, with said south line the following two (2) courses:

1. $S46^{\circ}27'51''E$ for 438.63 feet to a PK nail found in a fence post;
2. $S46^{\circ}27'39''E$ for 1013.76 feet to an iron rod found at the most easterly corner of said 580.054 acres and the herein described tract;

Thence, with the east line of said 544.054 acres and the west line of El Camino Real, an abandoned roadway, the following seven (7) courses:

1. $S57^{\circ}04'23''W$ for 287.92 feet to a PK nail found in a fence post;
2. $S60^{\circ}50'45''W$ for 981.92 feet to a PK nail found in a fence post;
3. $S54^{\circ}33'21''W$ for 157.41 feet to a point;
4. $S47^{\circ}43'22''W$ for 192.44 feet to a PK nail found in a fence post;

5. S40°44'33"W for 1462.10 feet to a point;
6. S52°12'31"W for 534.37 feet to a PK nail found in a fence post;
7. S55°12'15"W for 99.88 feet to a point at the most easterly corner of said 19.277 acres;

Thence, with the east line of said 19.277 acres and said west line of El Camino Real S55°38'03"W for 465.78 feet to a point;

Thence, with the east line of said 19.277 acres S54°15'22"W for 237.09 feet to a point

Thence, with the south line of said 19.277 acres and in part with the north line of lot 2, El Camino Real Estates, a subdivision recorded in Book 7, Page 269 of the Plat Records of said Hays County, and in part with the north line of a 9.970 acre tract described in a deed recorded in Volume 1085, Page 547 and Volume 1891, Page 409 of the deed records of said county, N46°40'09"W for 742.06 feet to an iron rod found;

Thence, with the west line of said 9.970 acres S42°44'50"W for 1148.63 feet to the most easterly point of a 33.57 acre tract described in a deed as recorded in Volume 3200, Page 560 of the deed records of said county;

Thence, with the north, west and south lines of said 33.57 acres the following sixteen (16) courses:

1. N47°18'18"W for 270.18 feet to a point;
2. N32°51'01"W for 187.92 feet to a point;
3. N37°24'25"W for 530.74 feet to a point;
4. N37°26'57"W for 80.18 feet to a point;
5. N40°36'02"W for 217.24 feet to a point;
6. N40°52'21"W for 33.16 feet to a point;
7. N49°52'50"W for 143.73 feet to a point;
8. S68°43'00"W for 39.67 feet to a point;
9. S28°19'23"W for 208.89 feet to a point at the beginning of a horizontal curve the radius point of which bears N62°43'46"W, and 2681.32 feet;
10. Along said curve through a central angle of 3°25'40" for an arc distance of 160.41 feet and whose chord bears S28°59'04"W, 160.39 feet to a point;
11. S33°13'37"W for 53.33 feet to a point at the beginning of a horizontal curve the radius point of which bears N55°17'48"W, and 1035.00 feet;
12. Along said curve through a central angle of 5°50'56" for an arc distance of 105.66 feet and whose chord bears S37°37'40"W, 105.61 feet to a point;
13. S42°38'02"W for 678.96 feet to a point;
14. S47°18'18"E for 430.00 feet to a point;
15. N42°41'42"E for 120.00 feet;
16. S47°18'18"E for 924.14 feet to a point in the east line of said 580.054 acres and in the west line of said 9.970 acres;

Thence, with the west line of said 9.970 acres S42°44'50"W for 170.99 feet to a PK nail found in a fence post at the most northerly corner of an 80.36 acre tract described in a deed recorded in Volume 294, Page 349 of the deed records of said county;

Thence, with the west line of said 80.36 acres S42°48'37"W for 2017.58 feet to a nail found in a fence post in the south line of said 580.054 acre tract;

Thence, in part with the north line of a 222.099 acre tract described in a deed recorded in Volume 2084, Page 707 of the deed records of said county, N46°59'17"W for 898.75 feet to a point and N48°00'54"W for 496.20 feet to a concrete monument found at the most easterly corner of a 203 acre tract described in a deed recorded in Volume 1703, Page 587 of the deed records of said County;

Thence, continuing with the north line of said 203 acres and the north line of a 80 acre tract described in a deed recorded in Volume 1679, Page 405 of the deed records of said County, N46°04'15"W for 1036.80 feet to an iron rod found and N51°04'03"W for 1743.37 feet to a fence post and N47°29'18"W for 686.69 feet to an iron pipe found in an east line of an 811.315 acre tract of land described in a deed recorded in Document No. 9917880 of the Official Public Records of said Hays county;

Thence, with the east line of said 811.315 acres N42°48'24"E for 1993.62 feet to an iron rod found and N42°22'36"E for 1641.39 feet to a fence post at the most southerly corner of a 368.2 acre tract described in a deed recorded in volume 239, Page 587 of the deed records of said county;

Thence, with the east line of said 368.2 acre tract and an east line of a 130 acre tract described in a deed recorded in Volume 849, Page 728 of the deed records of said County, N42°56'47"E for 5116.97 feet to the Point of Beginning containing 928.19 ACRES OF LAND within these metes and bounds.

TRACT C

DESCRIBING 4.650 ACRES OF LAND OUT OF THE SAMUEL B. CARSON SURVEY ABSTRACT 86, CALDWELL COUNTY, TEXAS, SAME BEING ALL OF THAT 4.652 ACRE TRACT DESCRIBED IN A CORRECTED WARRANTY DEED TO DALCAL #3, LP, EXECUTED ON JULY 30, 2003 AND RECORDED IN VOLUME 349 PAGE 105 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF CALDWELL COUNTY, SAID 4.650 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found in the southeast line of El Camino Real (a/k/a Old San Antonio Road, no longer used in this vicinity as a roadway), same being at the north corner of said 4.652 acre tract described in Volume 349 Page 105, same being the west corner of that 5.017 acre tract of land described in a deed to Victor Salaz and Maria Rosario Salaz as recorded in Volume 254 Page 4 of said Official Public Records;

THENCE, with the common line of this tract and said Salaz tract, S16°40'58"E, 353.61 feet to an iron rod set in the northwest right-of-way line of State Highway No. 21, from which an iron rod found bears S16°40'58"E, 1.13 feet and an iron rod found bears N42°26'45"E, 6.28 feet;

THENCE, with the common line of this tract and said State Highway No. 21, along a curve to the left having a radius of 5779.58, an arc length of 608.94 feet, a central angle of 6°02'12" and a chord which bears S40°19'52"W, 608.64 feet to an iron rod set at the south corner of this tract, same being the east corner of that 3.00 acre tract of land described in a deed to Jeffrey D. Britton and Fredrick W. Britton as recorded in Volume 500 Page 888 of said Official Public Records;

THENCE, with the common line of this tract and said Britton tract, N10°42'44"W, 534.68 feet to an iron rod found at the west corner of this tract, same being the north corner of said Britton tract and in the southeast line of said El Camino Real;

THENCE, with the common line of this tract and said El Camino Real, the following two courses:

1. N55°36'44"E, 304.04 feet to an iron rod set;
2. N53°08'34"E, 176.07 feet to the POINT OF BEGINNING and containing 4.650 acres of land.

EXHIBIT “B”

Camino Real Development Standards

EXHIBIT "B"

CAMINO REAL DEVELOPMENT STANDARDS

Section 1. Definitions:

Any office or title referred to in this Exhibit "B" shall mean the person(s) elected, employed or appointed by the City of Niederwald or Hays County to that position, or their duly authorized representative. Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and/or engineering practices. For the purpose of this Exhibit, and in addition to those included in the Camino Real Development Agreement, the following terms, phrases, words, and their derivations shall have the meaning ascribed to them in this section:

- 1) Applicant: A person or entity who submits to the City an application for Development of any portion of Camino Real. The term is sometimes herein referred to as the "Owner", "Owner's agent", "developer", "Subdivider", "builder," or other similar title.
- 2) Building Permit: A permit issued by the City that authorizes the vertical construction of improvements.
- 3) Building Setback Line: The line within a property defining the minimum horizontal distance between a building and the adjacent Street line or property boundary line.
- 4) Certified Inspector: An inspector qualified (and licensed if required by applicable law) to inspect Structures as to their conformity with the building codes and related building plans.
- 5) City: City of Niederwald, Texas, a Texas general law city.
- 6) City Engineer: The engineer for the City.
- 7) City Staff: Generally personnel employed or contracted by the City, authorized or appointed by the City Council to perform the power and duties of the City's operations and Subdivision review and approval functions including but not limited to an administrator, planner, Engineer, technician, inspector, plans reviewer, public safety official, building official, etc. City Staff does not include the City Council, or other appointed boards and commissions.
- 8) Concept Plan: The Camino Real Concept Plan attached as "Exhibit "1" hereto.
- 9) Construction Plans: Engineered design drawings and plans, and accompanying data, information, studies, etc. as may be applicable

and suitable for construction of improvements.

- 10) County: Hays County, Texas.
- 11) Cul-de-sac: A Street having one outlet to another Street, and terminated on the opposite end by a vehicular turn around.
- 12) Dead-end Street: A Street, other than a cul-de-sac, with only one outlet.
- 13) Development: The erection of buildings, roads, utilities, drainage improvements, or other Structures or improvements; the construction, excavation, dredging, grading, placement of fill material, and clearing of trees (other than cedar, mesquite and hackberry trees) with a trunk greater than eight inches (8") in diameter measured four and a half feet (4.5') above the base (ground elevation). Platting, Site Plans, Construction Plans and permitting (other than permitting required by TCEQ or other state and federal agencies) shall not be required to commence activities that are not defined as Development which include:
 - a) lawn and yard care, including mowing, gardening, tree care, and maintenance of landscaped areas;
 - b) removal of trees or vegetation damaged by natural forces; and
 - c) agricultural activity.
- 14) Development Agreement: The Camino Real Development Agreement entered into by and among the City, WALTON TEXAS, LP, a Texas limited partnership, in its capacity as Owner and in its capacity as an operator and manager on behalf of other Owners, and WALTON CAMINO REAL 1, LP, a Delaware limited partnership; and executed effective _____.
- 15) District: Parklands Municipal Utility District (MUD) No. 1 of Hays County or a subsequent district created within Camino Real.
- 16) Duplex: Two (2) Single-family residential dwelling units attached and forming a single building. Duplex units may share a common wall along a side Lot line or may be located on a single Lot, but are not stacked (one unit over another). Duplex units are considered to be Single-family.
- 17) Engineer: A person duly authorized under the provisions of the Texas Engineering Practice Act, as heretofore or hereafter amended, to practice the profession of Engineering.

- 18) Flood Hazard Area Permit (FHAP): A permit issued by County for all land modification activity including but not limited to the construction of buildings, roadways, paved storage areas, parking lots, storm water management facilities, excavation, construction of dams, or any other activity that could affect the flow of storm water across a property. The application, processing, or recordation of a plat does not have to occur or be associated with the issuance of a FHAP.
- 19) Floodplain Development Permit: A permit issued by the City in accordance with the City's Flood Damage Prevention Ordinance for all land modification activity which includes the construction of buildings, roadways, paved storage areas, parking lots, storm water management facilities, excavation, construction of dams, placement of fill, or any other activity within the limits of the 100-year floodplain as mapped by FEMA but having a watershed equal to or greater than one (1) square mile that could affect the flow of storm water across a property. The application, processing, or recordation of a plat does not have to occur or be associated with the issuance of a Floodplain Development Permit.
- 20) Lot: An undivided tract or parcel of land having frontage on a public or private Street and which is, or in the future may be sold, conveyed, transferred or improved; and which is designated by a tract number/symbol or lot number/symbol, or, if greater than ten (10) acres, by metes and bounds.
- 21) Manufactured Building: Either an independent, individual building, a combination of modules, or a module for combination with other elements to form a building, which has been mass-produced in a factory and designed and constructed for transportation to a Site for installation and use on a permanent foundation when connected to required utilities at that Site. All manufactured buildings must either meet the standards set by these Camino Real Development Standards as determined by an onsite inspection by inspectors or be certified as meeting the codes and standards established by the Texas Department of Licensing and Regulations or the United States Department of Housing and Urban Development (HUD), as appropriate.
- 22) Manufactured Home: A Structure (also referred to as a "HUD-Code Manufactured Home") constructed on or after June 15, 1976 according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on Site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent

foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. This term shall not include a recreational vehicle.

- 23) May: The word “may” is merely directory.
- 24) Multi-family: Means any Development which proposes more than two living units on one Lot, excluding Duplexes and Townhomes.
- 25) Pavement Width: The portion of a Street available for vehicular traffic. Curbs are not included in the pavement width.
- 26) Permanent Foundation: A concrete slab or wooden, concrete, and/or steel pier and beam substructure upon which a building is permanently fastened and attached so as to preclude the transport of the building on its own chassis.
- 27) Property: Approximately 1,743.59 acres of land, more or less, located or to be located in the ETJ of the City of Niederwald, Hays County, Texas, more particularly described on Exhibit “2” hereto also known as Camino Real.
- 28) Property Owner or Owner: The Owner(s) of Property sought to be developed; Owner may designate an authorized agent to submit applications on its behalf.
- 29) Right-of-Way: Any travel-way open to the general public for travel or land dedicated for eventual travel by the public. Dedicated Right-of-Way may, in addition to travel by the public, be used for installation of utilities or other public purposes.
- 30) Shall: The word “shall” is mandatory.
- 31) Single-family: One primary residential dwelling unit on one legal Lot.
- 32) Site: An area of ground subject to permitting, platting, and developed, and occupied or to be occupied by a Structure(s).
- 33) Site Plan: Detailed line drawings and accompanying text clearly describing the Development that is required to be submitted by an Applicant for certain types of Development as described in Section 6.01 of this Exhibit “B”.
- 34) Street: A public Right-of-Way or private easement (only if expressly approved by the City), however designated, which provides vehicular access to adjacent land.
 - a) Street Type “A” and Type “B” is a divided (6 or 4 lanes),

limited-access roadway designed to provide vehicular circulation between major traffic generators such as large high-density residential Developments, commercial centers, industrial areas, and other municipalities.

- b) Street Type "C" is a divided or undivided, limited-access roadway designed to provide vehicular circulation between secondary traffic generators, such as large shopping centers, office complexes, high schools, and municipal or regional park/recreation areas, and between Major Arterial Streets and Streets of lower classification.
 - c) Street Type "D" is an undivided roadway generally providing access to Major Arterial Streets from other collectors and Local Streets but generally without frequent direct access from numerous adjacent properties, but rather accessed from larger Developments and uses such as schools, offices, Multi-family complexes, and neighborhood commercial centers.
 - d) Street Type "E" is an undivided roadway generally providing access to arterials and other collectors from Local Streets, but also directly serving individual uses and Lots including Single-family residential.
 - e) Street Type "F" provides access to individual adjacent properties.
 - f) An "Alley" is a passageway designed primarily to provide access to or from the rear of residential property otherwise abutting on a public Street.
 - g) All of these types of Streets are more particularly described in Table 1 in Section 7.01 of this Exhibit "B".
- 35) Structure: Anything constructed or erected, the use of which requires location on or in the ground or attachment to something having location on or in the ground.
- 36) Subdivider: Any person or any agent thereof, dividing or proposing to divide land so as to constitute a Subdivision as that term is defined herein. In any event, the term "Subdivider" shall be restricted to include only the Owner, equitable Owner or agent of such Owner or equitable Owner, of land sought to be subdivided. The term is sometimes referred to as the "Applicant", "Owner", "developer", "builder," or other similar title.
- 37) Subdivision: The division of any tract, Lot, piece, or parcel of land,

or any portion or fraction thereof (whether by block or lot numbers, by metes and bounds description so long as the parcel created is 10 acres or greater, or in any other manner) in two or more parts for the purpose of transfer of ownership, suburban lots or Sites, building lots or Sites, or any Lots or Sites for Development or improvement, whether all or any portion thereof be intended for public use, or only for the use of purchasers, short or long-term lessees, guest and/or Owner's agents. Subdivision also includes re-subdivision of any tract, Lot, piece, or parcel of land, or any portion or fraction thereof.

- 38) Surveyor: A licensed State Land Surveyor or a Registered Professional Land Surveyor, as authorized by the Professional Land Surveying Practices Act to practice the profession of surveying.
- 39) TCEQ: The Texas Commission on Environmental Quality, or its successor agency.
- 40) Townhome (or Townhouse): A group of Single-family residential dwelling units in a row and forming a single building or group of single buildings typically in groups of three, four, five, or six, and may be single-story or multi-story. Townhomes share a common wall along a side Lot line, but are not stacked (one unit over another). Multiple Townhome units may exist on a single Lot. Townhome is considered a Single-family use for the purposes of this Exhibit "B".
- 41) Tract: An area of land defined by metes & bounds or by plat.
- 42) Traffic Impact Analysis: A study which assesses the effects that a particular Development's traffic will have on the transportation network in the community.
- 43) Tri-Party Agreement: The Tri-Party Agreement Providing for Regulation of Subdivision and Approval of Camino Real between Walton Texas, LP, Walton Camino Real 1, LP, City of Niederwald and Hays County.
- 44) Utility Easement: An interest in land granted to the City, to the public generally, and/ or to other utility service providers and private utility corporations, for installing or maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the repair, maintenance or replacement of said utilities.

Section 2. General Conformity for Plats, Construction Plan and Site Plan

{W0546098.20}

Applications:

Section 2.01:

- 1) Any application (including applications for approval of Final Plats, Construction Plans and Site Plans) submitted with respect to the Development of any portion of Camino Real shall expire forty-five (45) calendar days after the date the application is filed if:
 - a) the Applicant fails to provide the documents or other information necessary to comply with the administrative requirements relating to the form and content of the application, including but not limited to the payment of all applicable application fees;
 - b) the City provides the Applicant no later than ten (10) business days after the date the application is filed written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and
 - c) Applicant fails to provide the specified documents or other information within the aforesaid forty-five (45) calendar day period.
- 2) An application shall be considered to be incomplete until such time as the Applicant provides all documents and information required as to the form and content of the application and pays all applicable fees, and none of the following timelines described herein shall start to run until such time as the City receives a completed application from the Applicant.
- 3) The forms, number of copies, format, and other administrative requirements associated with submittals and applications to the City and County shall be as reasonably requested by each, and from time to time may be revised. The Applicant may request and shall be provided such requirements by the City and County prior to submitting an application.

Section 3. Application and Inspection Fees:

Section 3.01- City Fees:

- 1) Applicant shall pay the standard City development review and inspection fees which are applicable to all other developments located within the City's extraterritorial jurisdiction at the time of each application submission.

Section 3.02 – County Fees:

{W0546098.20}

- 1) Applicant shall pay eighty percent (80%) of the standard County review and inspection fees which are applicable to all other developments within the County at the time of each application submission.

Section 4. Variances:

Section 4.01- Variances:

- 1) City Staff may authorize a variance from this Exhibit "B", except as it relates to drainage, roadway or floodplain standards unless also approved by Hays County Commissioners Court, when the variance would result in an equal or better development standard than the original requirement, the requirement does not appear to be reasonably applicable to a specific case, or in a case of an undue hardship the following criteria is met:
 - a) There are special circumstances or conditions affecting the land involved, such that the strict application of the standards would deprive the Applicant of the reasonable use of its land; and
 - b) The variance is necessary for the preservation and enjoyment of a substantial property right of the Applicant; and
 - c) The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 - d) The granting of the variance will not have the effect of preventing the orderly Subdivision of other land in the area.
- 2) A variance request denied by the City Staff may be appealed by the Applicant to the City Council. The appeal shall be in writing and shall state the basis for the appeal. Within thirty (30) days of the City receiving an appeal letter the City Council shall act upon the request. The City Council may amend, uphold or deny a decision made by the City Staff, but in no event will the City Council overturn a decision made by Hays County Commissioners Court with respect to a variance solely related to roadway, drainage or floodplain standards. All variances require approval of the City, in addition to the approval of the County in the case of variances solely related to roadway, drainage or floodplain standards.

Section 5. Subdivision Requirements:

Section 5.01 - Special Provisions:

{W0546098.20}

- 1) Unless as otherwise provided for in this Exhibit "B", no Building Permit shall be issued for any Structure on a Lot in a Subdivision for which a final plat has not been recorded.
- 2) The provisions of this Section 5 shall not be construed to prohibit the issuance of Building Permits for any Lots upon which a model home is to be constructed, provided that the final plat has been approved (but not necessarily filed of record), water and sewer service is available and approved by the respective utility providers, if applicable, the use of the Structure as a facility open to the public does not commence until all utilities and Streets serving the Lot are constructed in accordance with approved plans, and that sale to and occupancy of the home by a resident after its use as a sales/model facility does not occur until the Final plat is filed of record.

5.02 – Dedication and acceptance of Subdivision Infrastructure:

- 1) Upon completion of the required public improvements: (i) water facilities shall be accepted by the then current retail water provider, (ii) roadway facilities shall be accepted by County, (iii) drainage facilities shall be accepted by the District or property owners association, and (iv) wastewater shall be accepted by the District. Subdivision acceptance shall not be withheld prior to completion of private improvements, including but not limited to landscaping, retaining walls, amenities, and franchise utilities.
- 2) Where dedication to the public is required for roadway facilities, dedication shall be made through appropriate legal instruments. Such dedication shall be made to the public with County as custodian of all titles, privileges and other legal rights conveyed through the dedication. In the case of easements dedicated to the public, County may designate another political subdivision or private not-for-profit entity as custodian of County's rights under said easement. No dedication shall be effective until the record document is filed with the County Clerk in the Official County Records. Dedication to the public may be accomplished through any legal means recognized by the County, including:
 - a) Filing a written deed in the Official County Records that conveys the fee simple interest to County in the item being dedicated;
 - b) An easement document filed in the Official County Records that conveys a perpetual Right-of-Way easement to County in the item being dedicated;

- c) Designation of Rights-of-Way, easements, and other public dedications on a final plat, whether through indication on the plat or reference in a plat note;
 - d) An order issued by a court of competent jurisdiction subsequently filed in the Official County Records.
- 3) Drainage facilities to be constructed within dedicated public roadways shall be maintained by the District or property owners association.

5.03 – Preliminary Plans:

- 1) Subdivider shall cause to be prepared a preliminary plan and accompanying plans for roads, sanitary sewer, water, and drainage, and all other public improvements, if any such improvements are proposed with the Subdivision. The plans shall be prepared by a Surveyor or Engineer in accordance with this Exhibit "B".
- 2) Subdivider shall deliver ten (10) copies of all materials to the City for distribution to the City Staff and County.
- 3) The preliminary plan shall be drawn on plan sheets not to exceed 30" x 42" in size. The plan shall be drawn to a scale not to exceed one inch to one hundred feet (1"=100'). When more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire Subdivision at an appropriate scale shall be attached to the plan. Upon approval of the preliminary plan, the Subdivider shall provide to the City and the District a mylar copy and a digital CAD file.
- 4) The preliminary plan shall show the following:
 - a) Names and addresses of the Subdivider, record Owner, Engineer and/or Surveyor.
 - b) Proposed name of the Subdivision, which shall be distinguishable from the name of other Subdivisions located within the County. Subsequent phases of the same Development may use the same name with a designator such as "Phase X" or "Section X" to indicate individual Development phases.
 - c) Names of contiguous subdivisions and the owners of contiguous parcels of un-subdivided land.
 - d) Date of preparation, scale of plat, north arrow, and a general

location map.

- e) Brief legal description referencing the volume and page of the appropriate County Official Public Records and Lot and block, if a re-subdivision; the metes and bounds of the Subdivision, including location of primary control points and ties to such control points to which all dimensions, angles, bearings, block numbers, and similar data shall be referred; and, either on the plat or by a separate instrument, a written metes and bounds description of the property to be subdivided.
- f) Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the Subdivision.
- g) Location of the City limits line and the border of the City's extraterritorial jurisdiction, if they traverse the Subdivision, or form part of the boundary of the Subdivision.
- h) Location of floodplain per Federal Emergency Management Agency (FEMA).
- i) Location, scaled dimension, name and description of all existing or recorded Streets, alleys, reservations, easements or other public Rights-of-Way within the Subdivision, intersecting or contiguous with its boundaries or forming such boundaries.
- j) Location, scaled dimensions, description and name of all existing and recorded Lots within the Subdivision, if previously subdivided.
- k) Location of existing water courses and drainage Structures within the Subdivision, or intersecting or contiguous with its boundaries.
- l) Other topographical information within or adjacent to the Site, which shall include contour lines at two (2) foot intervals.
- m) Location, scaled dimension, description and names of all proposed Streets, alleys, parks, open space, other public or private areas, reservations, easements or other Right-of-Way, blocks, Lots and other Sites within the Subdivision.
- n) A number or letter to separately identify each Lot and block.
- o) Front building setback lines on all Lots and Sites.

- p) Vicinity sketch or map at an appropriate scale showing the Subdivision in relation to major roadways and landmarks.
- 5) The preliminary plan shall be accompanied by:
- a) A preliminary schematic drainage plan ("one-line" plan view only; profile information is not required) showing the storm sewer layout and other means of drainage conveyance, along with preliminary runoff calculations. Drainage conveyance systems may include Streets, pipes, ditches, culverts, bridges, inlets, natural or constructed channels, or other systems as appropriate. The 100-year FEMA floodplain shall be shown on the plan. The purpose of the plan is to show the general layout and proposed means of providing adequate drainage for the Subdivision. This plan is preliminary and cursory in nature and is not intended to be used for construction. This plan may be different than the Construction Plans prepared in conjunction with the final plat and/or Site Plan.
 - b) A preliminary schematic utility plan ("one-line" plan view only; profile information is not required). The plan shall show the water and wastewater lines, fire hydrants, valves, manholes, clean-outs, etc. to serve the proposed Subdivision. The purpose of the plan is to show the general layout and proposed means of providing adequate water and wastewater service. This plan is preliminary and cursory in nature and is not intended to be used for construction. This plan may be different than the Construction Plans prepared in conjunction with the final plat and/or Site Plan.
- 6) Once the application is deemed complete in accordance with Section 2 herein, Applicant shall submit ten (10) copies of all required material to the City for distribution.
- 7) The City shall promptly deliver a copy of the submitted application and associated documents, including six (6) copies of the plan, for review and approval by County no later than five (5) business days after the completed application is filed with the City.
- 8) The City and County shall review the application and preliminary plan as to its conformity with the Tri-Party Agreement, Camino Real Development Standards, Concept Plan, state law, federal law, and, if applicable, variances as may be approved.
- 9) The County shall deliver written comments to the City regarding its review within fifteen (15) calendar days after the application is submitted by the City to the County for review.

- 10) The City shall deliver to the Applicant combined written comments from the review regarding an application no later than thirty (30) calendar days after the application is filed with the City. The City shall simultaneously provide a copy of the written comments to the County.
- 11) An Applicant may file with the City an update to an application for preliminary plan approval not later than sixty (60) calendar days after the application is filed with the City. Applicant shall deliver ten (10) copies of all update materials to the City for distribution to the City Staff and County. This sixty (60) day review period may be extended for one (1) additional thirty (30) day period upon written request to the City. The City and County shall grant an extension of the sixty (60) day review period.
- 12) The City shall promptly deliver a copy of the submitted update to an application and associated documents, including six (6) copies of the updated plan, for review and approval by County no later than five (5) business days after the update is filed with the City. The County shall deliver written comments to the City regarding its review within fifteen (15) calendar days after the update to an application is submitted by the City to the County for review. For each update submitted by an Applicant the City shall deliver to Applicant combined written comments regarding an application no later than thirty (30) calendar days after an update is filed with the City. The City shall simultaneously provide a copy of the written comments to the County.
- 13) After the City and County determine the preliminary plan submittal or subsequent updates are in conformity with the Tri-Party Agreement, Camino Real Development Standards, the Concept Plan, and if applicable, requested variances, the City shall schedule the preliminary plan for consideration at the next reasonably available City Council meeting.
- 14) The City shall include in the City Council agenda backup, written recommendation from the Director of the County Development Services Department indicating that (i) County staff has reviewed and approved the application, and (ii) if applicable, any variances to this Exhibit "B" as it relates to drainage, roadway or floodplain standards have been duly approved by the Hays County Commissioners Court. The City shall take no action on any plat without the County's written recommendation.
- 15) The City Council and County shall approve a preliminary plan that complies in all material aspects with the Concept Plan, Tri-Party Agreement, Camino Real Development Standards, state law and federal law, and if applicable, variances as may be approved.

5.04 - Final Plat:

- 1) The final plat and accompanying data should generally conform to the approved preliminary plan. Provided however, the City and County shall waive the requirement to submit a revised preliminary plan prior to approving a final plat for minor deviations. Minor deviations shall include, but are not limited to, lot dimensions; increases or decreases in lot count and acreages of land uses of 10% or less; minor reconfigurations of the road alignment that do not alter the general roadway network and connectivity of the subdivision with surrounding land.
- 2) The final plat shall be drawn on sheets sized and formatted in accordance with the County's requirements. The plat shall be drawn at a scale not to exceed 100 feet to one (1) inch. When more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire Subdivision at an appropriate scale shall be attached to the plat. Prior to approval of the final plat, the Subdivider shall provide the County a digital data file which meets the requirements of the County Digital Data Submission Standards. Upon approval of the final plat the Subdivider shall provide to the City a mylar and a digital CAD file.
- 3) The final plat shall include all of the applicable features required for preliminary plans (excluding natural features, topographical information, and floodplain delineation) and shall include the following additional information:
 - a) A brief legal description by volume and page of the appropriate County Deed Records, a complete written legal description by metes and bounds, and the actual metes and bounds of the Subdivision, including location of all monuments and primary control points and ties to such control points to which all dimensions, angles, bearings, and similar data in the description are referenced.
 - b) The exact locations, dimensions, names, and description of all existing or recorded Streets, alleys, reservations, easements, or other public Rights-of-Way whether within the Subdivision or intersecting or contiguous with its boundary or forming such boundary, and showing accurate dimensions, bearing or deflecting angles and radii, area, and central angle, degree of curvature, tangent distance and length of all curves where appropriate.
 - c) The exact locations, dimensions, descriptions, and names of all proposed Streets, alleys, parks, open space, other public or private areas, reservations, easements or other Right-of-

Way, blocks, Lots and other Sites within the Subdivision with radii, area, and central angles, degree of curvature, tangent distance and length of all curves where appropriate.

- d) Appropriate easements and Right-of-Way shall be shown on the plat to contain floodways, floodplains, and drainage ways at design water surface elevations and limits. However, delineation of floodplain limits, FEMA or otherwise, shall not be placed on the final plat as these delineations are subject to change without a corresponding amendment or revision to the final plat so long as the floodplain is adequately contained in the drainage easements and if it is easily discernible the area is prone to flood.
- e) Minimum finished floor elevations shall be shown on Lots or building Sites when located adjacent to floodplain, channels, detention basins, or other open drainage systems or Structures such as yard inlets. The minimum finished floor elevation shall be at least one foot (1') higher than the 100-year design water surface elevation for the adjacent drainage way or Structure.
- f) The final plat shall include the following statements and certifications, appropriately executed:

i. Owner's Acknowledgment

STATE OF TEXAS

COUNTY OF _____

I (We), the undersigned, Owner(s) of land shown on this plat, and designated herein as the _____ Subdivision in the County of Hays, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all Streets, alleys, water courses, drains, easements and public places thereon shown for the purpose and consideration therein expressed.

Owner

STATE OF TEXAS

COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person(s) whose name is subscribed

to the foregoing instrument, and acknowledged to me that (s)he executed the same for the purposes and considerations therein stated.

Given under my hand and seal of office on this the _____ day of _____, 20__.

Notary Public in and for the State of Texas

STATE OF TEXAS
COUNTY OF _____

I (We), the undersigned Owner(s) of the land shown on this plat, warrant that any right, privilege, obligation, or remedy granted to me by the Tri-Party Agreement, {RECORDING INFORMATION} and other relevant laws of the City of Niederwald, Texas, and Hays County, Texas, shall also run in favor of my successors in interest, assigns, agents, employees, or any person acting pursuant to the directions of any of the foregoing, or under cover of the same.

Owner

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person(s) whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed the same for the purposes and considerations therein stated.

Given under my hand and seal of office on this the _____ day of _____, 20__.

Notary Public in and for the State of Texas

ii. Approval of the City Council of City

This plat, _____, has been submitted to and considered by the City Council of the City of Niederwald, Texas, and is hereby approved by such Council.

Mayor ATTEST BY: _____ City
Secretary

[City's Seal]

- iii. Certification of the surveyor responsible for surveying the Subdivision area, attesting to its accuracy

STATE OF TEXAS
COUNTY OF _____

I, the undersigned, a public surveyor in the State of Texas, hereby certify this plat is true and correct to the best of my knowledge and ability and that it was prepared from an actual survey of the property made on the ground with my direct supervision.

Registered Professional Surveyor
No. _____ State of Texas [Surveyor's Seal]

- iv. Approval of the County by Staff (for plats in the ETJ)

I, the undersigned, Director of the Hays County Development Services Department, hereby certify that this plat conforms to all Hays County requirements as stated in the Tri-Party Agreement Providing for Regulation of Subdivision and Approval of Camino Real.

Director, Hays County Development Services Department

- g) The submittal and application of a final plat shall be accompanied by Construction Plans prepared in accordance with Section 5.10. Construction Plans are typically required when public improvements are proposed in conjunction with a Subdivision.
- 4) Once the application is deemed complete by the City in accordance with Section 2 herein, Applicant shall submit ten (10) copies of all required material to the City for distribution.
- 5) The City shall promptly deliver six (6) copies of the final plat, and two (2) sets of Construction Plans to the County no later than five (5) business days after the completed application is filed with the City.

- 6) The City and County shall review the application, final plat, and Construction Plans as to its conformity with the Concept Plan, Tri-Party Agreement, the Camino Real Development Standards, state law, federal law, and, if applicable, variances as may be approved.
- 7) The County shall deliver written comments to the City regarding its review within fifteen (15) calendar days after the application is submitted by the City to the County for review.
- 8) The City shall deliver to the Applicant combined written comments from the review regarding an application no later than thirty (30) calendar days after the application is filed with the City. The City shall simultaneously provide a copy of the written comments to the County.
- 9) An Applicant may file with the City an update to an application not later than sixty (60) calendar days after the application is filed with the City. Applicant shall deliver ten (10) copies of all update materials to the City for distribution to the City Staff and County. This sixty (60) day review period may be extended for one (1) additional thirty (30) day period upon written request to the City. The City and County shall grant an extension of the sixty (60) day review period.
- 10) The City shall promptly deliver a copy of the submitted update to an application, final plat, and Construction Plans, and associated documents, including six (6) copies of the updated plan, for review and approval by County no later than five (5) business days after the update is filed with the City. The County shall deliver written comments to the City regarding its review within fifteen (15) calendar days after the update to an application, final plat and Construction Plans is submitted by the City to the County for review. For each update submitted by an Applicant the City shall deliver to the Applicant combined written comments regarding an application no later than thirty (30) calendar days after an update is filed with the City. The City shall simultaneously provide a copy of the written comments to the County.
- 11) After the City and County determine the final plat and Construction Plan submittal, or subsequent updates, are in conformity with the Tri-Party Agreement, Camino Real Development Standards, the Concept Plan, state law, federal law, and, if applicable, requested variances, the City shall schedule the final plat for consideration at the next reasonably available City Council meeting.
- 12) In order to avoid unnecessary delays, the final plat may be scheduled for the next reasonably available City Council meeting if the Construction Plans are not fully approved or in conformity with

the Camino Real Development Standards if (i) in the City's sole determination, the outstanding comments or issues regarding the Construction Plans are relatively minor, and (ii) the form of the final plat is not expected to change as a result of the Applicant addressing any outstanding comments or issues.

- 13) Under no circumstances shall the plat be recorded or construction commence until the Construction Plans are fully approved, and if applicable, fiscal surety for public street improvements is posted with the County. If material changes to the plat are required or made after City and County approval, re-approval of the plat by the City Council and County may be required.
- 14) The City shall include in the City Council agenda backup a written recommendation from the Director of the Hays County Development Services Department indicating that (i) County staff has reviewed and approved the application, (ii) if applicable, any variances to this Exhibit "B" as it relates to drainage, roadway or floodplain standards have been duly approved by the Hays County Commissioners Court, and (iii) if applicable, fiscal surety for 100% of the estimated cost of public street improvements is posted with the County. The City shall take no action on any plat without the County's written recommendation.
- 15) City Council and County shall approve a final plat that is in conformance with the Concept Plan, Tri-Party Agreement, Camino Real Development Standards, state law, federal law, and, if applicable, variances as may be approved.
- 16) In order for a final plat to be recorded the following actions must occur:
 - a) Written recommendation of approval must be received by the Director of the Hays County Development Service Department;
 - b) The City Council must approve the final plat;
 - c) The City must approve the Construction Plans;
 - d) The final plat may be recorded either: (i) after the completion of appropriate subdivision infrastructure, which may be constructed in phases, but prior to final acceptance of the improvements by the applicable utility providers, or (ii) once fiscal surety for street improvements has been posted with the County; and

- e) Subdivider shall provide a recordable final plat to City and pay all plat recording fees. Subdivider shall also provide City and County with Auto CAD files of approved subdivision plats and digital files of as-built public infrastructure and improvements.

5.06 – Replat

- 1) A replat shall control over a previously recorded plat. The replat shall be signed and acknowledged by the Owner(s) of the portion of the previous plat being replatted, and shall be approved or disapproved by the City Council after a public hearing on the matter. Only the signatures and acknowledgements of the Owner(s) of the portion of the original plat subject to the replat are required. Signatures and acknowledgements of other property Owners within the original platted Subdivision are not required.
- 2) Format, information, and data required for a replat shall be the same as a final plat, except that Construction Plans are not required if public improvements or reconstruction of existing facilities is not proposed.
- 3) Once the application is deemed complete in accordance with Section 2 herein, Applicant shall submit ten (10) copies of all required material to the City for distribution.
- 4) The City shall promptly deliver six (6) copies of the replat, and if applicable, two (2) sets of Construction Plans to County no later than five (5) business days after the completed application is filed with the City.
- 5) The City and County shall review the application, replat and Construction Plans as to its conformity with the Concept Plan, the Tri-Party Agreement, Camino Real Development Standards, state law, federal law, and, if applicable, variances as may be approved.
- 6) The County shall deliver written comments to the City regarding its review within fifteen (15) calendar days after the application is submitted by the City to the County for review.
- 7) The City shall deliver to an Applicant combined written comments from the review regarding an application no later than thirty (30) calendar days after the application is filed with the City. The City shall simultaneously provide a copy of the written comments to the County.
- 8) An Applicant may file with the City an update to an application for replat and Construction Plan approval not later than sixty (60)

calendar days after an application is filed with the City. Applicant shall deliver ten (10) copies of all update materials to the City for distribution to the City Staff and County. This sixty (60) day review period may be extended for one (1) additional thirty (30) day period upon written request to the City. The City and County shall grant an extension of the sixty (60) day review period.

- 9) The City shall promptly deliver a copy of the submitted update to an application for replat and Construction Plan approval, and associated documents, including six (6) copies of the updated replat and Construction Plans, for review and approval by County no later than five (5) business days after the update is filed with the City. The County shall deliver written comments to the City regarding its review within fifteen (15) calendar days after the update to an application for replat and Construction Plan approval is submitted by the City to the County for review. For each update submitted by an Applicant the City shall deliver to an Applicant combined written comments regarding an application no later than thirty (30) calendar days after an update is filed with the City. The City shall simultaneously provide a copy of the written comments to the County.
- 10) After the City and County determine the replat, and if applicable, Construction Plan, submittal or subsequent updates are in conformity with the Camino Real Development Standards, the Concept Plan, state law, federal law, and if applicable, requested variances, the City shall schedule the replat for consideration at the next reasonably available City Council meeting.
- 11) In order to avoid unnecessary delays, the replat may be scheduled for the next reasonably available City Council meeting if the Construction Plans are not fully approved or in conformity with the Camino Real Development Standards if, (i) in the City's sole determination, the outstanding comments or issues regarding the Construction Plans are relatively minor, and (ii) the form of the replat is not expected to change as a result of the Applicant addressing any outstanding comments or issues.
- 12) Under no circumstances shall the replat be recorded, or construction commence until the Construction Plans are fully approved, and if applicable, fiscal surety for public street improvements is posted with the County. If material changes to the plat are required or made after City and County approval, re-approval of the plat by the City Council and County may be required.
- 13) The City shall include in the City Council agenda backup, written recommendation from the Director of the Hays County

Development Services Department indicating that (i) County staff has reviewed the application, (ii) if applicable, any variances to this Exhibit "B" as it relates to drainage, roadway or floodplain standards have been duly approved by the Hays County Commissioners Court, and (iii) if applicable, fiscal surety for 100% of the estimated cost of street improvements is posted with the County. The City shall take no action on any plat without the County's written recommendation.

- 14) The City Council and County shall approve a replat that is in conformance with the Concept Plan, Tri-Party Agreement, Camino Real Development Standards, state law, federal law, and if applicable, variances as may be approved.
- 15) In order for a replat to be recorded the following actions must occur:
 - a) Written recommendation of approval must be received by the Director of the Hays County Development Service Department;
 - b) The City Council must approve the replat;
 - c) The City must approve the Construction Plans and Site Plan (if applicable);
 - d) The replat may be recorded either (i) after the completion of appropriate subdivision infrastructure, which may be constructed in phases, but prior to final acceptance of the improvements by the applicable utility providers, or (ii) once fiscal surety for street improvements has been posted with the County; and
 - e) Subdivider shall provide a recordable final replat to City and pay all replat recording fees. Subdivider shall also provide City and County with Auto CAD files of approved subdivision replats and digital files of as-built public infrastructure and improvements.

5.07 – Plat Amendments

- 1) The City Staff may approve and issue an amended plat, which shall be recorded with the County Clerk and controls over the preceding plat. A hearing and the approval of the City Council or the approval of Lot Owner(s) not included in the portion of the plat subject to the amendment is not required for the approval and issuance of an amended plat. The amending plat shall be signed and acknowledged only by the Owner(s) of the portion of the previous plat being amended.

- 2) An amending plat must be solely for one (1) or more of the following reasons, or else a replat will be required:
- a) To correct an error in a course or distance shown on the preceding plat;
 - b) To add a course or distance that was omitted on the preceding plat;
 - c) To correct an error in the description of the real property shown on the preceding plat;
 - d) To indicate monuments set forth after death, disability, or retirement from practice of the Engineer or Surveyor responsible for setting monuments;
 - e) To show the property location or character of any monument which has been changed in location or character or which originally was shown incorrectly as to location or character on the preceding plat;
 - f) To correct any other type of scrivener's or clerical error or omission previously approved by the Council, including Lot numbers, acreage, Street names, and identification of adjacent recorded plats;
 - g) To correct an error in courses and distances of Lot lines between two (2) adjacent Lots where both Owners join in the application for plat amendment and neither Lot is abolished; provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other Owners in the plat;
 - h) To relocate a Lot line in order to cure an inadvertent encroachment of a building or improvement on a Lot line or on an easement;
 - i) To relocate one (1) or more Lot lines between one (1) or more adjacent Lots where the Owner(s) of all such Lots join in the application for the plat amendment; provided that such amendment does not attempt to remove recorded covenants or restrictions, does not increase the number of Lots, or does not create or require the creation of a new Street or make necessary the extension of new municipal facilities.
- 3) Once the application is deemed complete in accordance with Section 2 herein, Applicant shall submit ten (10) copies of all

required material to the City for distribution.

- 4) The City shall promptly deliver six (6) copies of the amended plat to County no later than five (5) business days after the completed application is filed with the City.
- 5) The City and County shall review the application and amended plat as to its conformity with the Concept Plan, the Tri-Party Agreement, Camino Real Development Standards, state law, federal law, and, if applicable, variances as may be approved.
- 6) The County shall deliver written comments to the City regarding its review within fifteen (15) calendar days after the application is submitted by the City to the County for review.
- 7) The City shall deliver to the Applicant combined written comments from the review regarding an application no later than thirty (30) calendar days after an application is filed with the City. The City shall simultaneously provide a copy of the written comments to the County.
- 8) An Applicant may file with the City an update to an application for amended plat approval not later than sixty (60) calendar days after an application is filed with the City. Applicant shall deliver ten (10) copies of all update materials to the City for distribution to the City Staff and County. This sixty (60) day review period may be extended for one (1) additional thirty (30) day period upon written request to the City. The City and County shall grant an extension of the sixty (60) day review period.
- 9) The City shall promptly deliver a copy of the submitted update to an application for amended plat approval, and associated documents, including six (6) copies of the updated amended plat, for review and approval by County no later than five (5) business days after the update is filed with the City. The County shall deliver written comments to the City regarding its review within fifteen (15) calendar days after the update to an application for amended plat approval is submitted by the City to the County for review. For each update submitted by an Applicant the City shall deliver to Applicant combined written comments regarding an application no later than thirty (30) calendar days after the update is filed with the City. The City shall simultaneously provide a copy of the written comments to the County.
- 10) The County shall provide to the City written recommendation from the Director of the Hays County Development Services Department indicating that County staff has reviewed the application, and if applicable, any variances to this Exhibit "B" as it relates to

drainage, roadway or floodplain standards have been duly approved by the Hays County Commissioners Court. The City shall take no action on any plat without the County's written recommendation.

- 11) The City and County shall administratively approve the amended plat after it is determined the amended plat submittal or subsequent update is in conformity with the Tri-Party Agreement, Camino Real Development Standards, the Concept Plan, state law, federal law, and if applicable, variances as may be approved.
- 12) Subdivider shall provide a recordable final amended plat to City and pay all amended plat recording fees. Subdivider shall also provide City and County with Auto CAD files of approved subdivision plats and digital files of as-built public infrastructure and improvements.

5.08 – Vacation of Plat

- 1) Vacation of a plat, or a portion of a plat shall be considered in accordance with Texas Local Government Code Chapter 212, as it may be amended.

5.09 – Plat Monuments:

- 1) Plat monuments shall be of iron pipe or reinforcing steel, one-half of an inch (1/2") or larger in diameter and at least twenty-four inches (24") in length, and be placed at all corners of block lines and at the point of block line tangents of the Subdivision.
- 2) Lot markers shall be of iron pipe or reinforcing steel, one-half of an inch (1/2") or larger in diameter and at least eighteen inches (18") in length, placed at each corner of all Lots, flush with the average ground elevation, or countersunk, if necessary, to avoid being disturbed.
- 3) All Subdivisions that include land which is encroached by areas of special flood hazard must include the placement of a permanent benchmark indicating the elevation relative to mean sea level. The benchmark must be located with the platted property, and must be indicated on the Subdivision plat.

5.10 – Construction Plans:

- 1) All Construction Plans and engineering calculations shall bear the seal and signature of the responsible Engineer. These plans shall include, but shall not be limited to, the following:
 - a) Plan and profile sheets and details for Streets and alleys.

- b) Plan profiles sheets and details for sanitary sewer systems, including, when applicable, pumping, treatment and disposal systems.
 - c) Plan sheets (and profile sheets for lines 12" and larger), and details for water transmission and distribution systems, including, when applicable, supply, treatment, storage, and pumping facilities.
 - d) Plan and profile sheets, details, and necessary runoff calculations for storm drainage systems, including, when applicable, detention design and floodplain calculations. All stormwater facilities including pipes, gutters and ditches shall convey peak twenty-five (25) year storm flow. The peak one hundred (100) year storm flow shall be contained within drainage easements and Rights-of-Way.
 - e) Comprehensive grading plans designed to ensure all Lots will adequately drain.
 - f) Erosion and sedimentation control plans.
 - g) Other plans, data, information, and details necessary to demonstrate the adequacy of and to construct all improvements, infrastructure, facilities, and systems required to serve the proposed Development and any effect to adjacent property Owners in accordance with this Exhibit "B".
 - h) If required by TCEQ, water quality controls shall be required.
- 2) If applicable, Construction Plans shall be processed concurrently with an application for final plat or replat in accordance with the approval process described herein.

5.11 – Subdivision Layout, Improvements and Policies:

- 1) Subdivisions shall be arranged to allow for the continuation of Streets and the extension of utilities such that the property and the adjacent area may be developed in an efficient and orderly manner.
- 2) In general, drainage facilities, water lines, and sanitary sewer lines shall be located under the street pavement. Repairs to street pavement required as a result of the maintenance and operations of the utilities located under the pavement shall be the responsibility of the owners and/or providers of the various utilities.
- 3) In general, sidewalks shall be permitted within the street right-of-

way, and the County shall grant a license for the sidewalks to exist in the Right-of-Way. The County shall not be responsible for maintenance of sidewalks.

- 4) Reserve strips controlling access to land dedicated or intended to be dedicated to public use are prohibited.
- 5) Shared driveways for non-residential uses, Multi-family, Townhome, and Duplex uses are allowed, but not required.
- 6) Street Layout and Construction:
 - a) Adequate Streets shall be provided and the arrangement, character, extent, width, and location of each shall be considered in their relation to existing and other planned Streets, to topographical conditions, to public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by such Streets. The Street layout shall be devised for the most advantageous Development of the entire neighborhood, and should be laid out so as to discourage through traffic or "cut-through" traffic.
 - b) Existing Streets extended to the boundary of the proposed Subdivision from adjoining areas that were not intended to be dead-end Streets, shall be continued.
 - c) Street jogs with centerline offsets of less than one hundred ten feet (110') shall be avoided.
 - d) In the case of alleys, local Streets, or collector Streets, no new temporary half-Street sections shall be considered.
 - e) Except where the design adequately accommodates safety and functionality, Street intersections shall not depart from perpendicular by more than ten degrees (10°) as measured at the intersecting centerlines.
 - f) Dead-end Streets (excluding cul-de-sacs) shall be prohibited, except where temporary and the planned future extension of the Street will eliminate the dead-end condition. In no case shall a dead-end Street that is not barricaded to prevent its use be more than 200' in length, or have more than two (2) residential Lots fronting on it without incorporating a temporary turnaround at the end of the Street.
 - g) Cul-de-sacs shall not exceed nine hundred feet (900') in length, measured to the center-point of the turn-around.

- h) Block length shall not exceed eighteen hundred feet (1,800'), measured along the Right-of-Way line or property line from block corner to block corner. There shall not be a maximum block length when a Subdivision is adjacent to an existing Development where a Street connection cannot be made, adjacent to a natural feature that is not to be crossed, or adjacent to a proposed or future use where a Street connection is not desirable.
- i) Streets shall not be surfaced until the portion of utilities and drainage Structures located under the Street are installed to a point at least two (2) feet beyond the edge of the pavement, and have passed necessary inspections.
- j) Names of new Streets shall not duplicate or cause confusion with the names of existing Streets, unless the new Streets are a continuation of or in alignment with existing Streets, in which case names of existing Streets shall be used. All new street names shall be approved by the Hays County 911 Addressing Coordinator prior to official naming.
- k) Street name signs shall be installed by the Subdivider at all intersections within or abutting the Subdivision. Such signs shall conform to the standards set forth in the Texas Department of Transportation Manual on Uniform Traffic Control Devices for Streets and Highways. Traffic regulatory signs and safety signs, where applicable, shall be installed by the Subdivider in accordance with the Texas Department of Transportation Manual on Uniform Traffic Control Devices for Streets and Highways.
- l) Private streets shall require approval from City Council. If approved by Council such private streets shall be owned and maintained by a property owners association(s). All applicable rules and regulations in this Exhibit "B" shall apply to the design and construction of private streets. The Subdivider shall provide the City and the County the public safety, utility and similar public purpose easements over any private street Right-of-Way. The following shall also apply to private street developments:
 - i. The following note shall be conspicuously displayed on the final plat:

[Owner], by filing this final plat, and all future Owners of this property, by purchasing such property, acknowledge and agree that County shall have no obligation whatsoever to repair or accept

maintenance of the roadways shown on this approved final plat until and unless [Owner] and/or the property occupants or tenants have improved the roadways to the standards of the County and the roadways have been accepted for maintenance by formal, written action from the County Commissioners Court and the roadways, with all required right-of-way and building setbacks in accordance with County regulations have been dedicated by the Owners thereof, and accepted by the County, as public roadways. [Owner] and all future Owners of property within the limits of Camino Real shall look solely to the [Owner or Entity entering into Maintenance Agreement with the County] for future maintenance and repair of the roadways.

- ii. Any restrictive covenants establishing a responsibility for roadway operation and maintenance shall be placed on record concurrently with the recording of the final plat.
- iii. Private roadways shall be operated and maintained to allow unrestricted ingress/egress by occupants of the property and service providers, including emergency services.
- iv. Prior to approval of a final plat that will include private roadways, the Owner shall submit the following:
 - (1) Ready for execution copies of the articles of incorporation and bylaws of the property owners association; and
 - (2) The minimum annual assessments that will be imposed upon members of the association.
- m) The Subdivider shall cause the installation of street lights conforming to the latest edition of the Illuminating Engineering Society handbook as of the effective date of the Camino Real Development Agreement.
- n) The Subdivider's requirements for construction of FM 2001, including grading, paving, drainage, utilities, landscaping, and screening shall be the outside two (2) lanes adjacent to the Subdivision, and required transitions to existing pavement where applicable.
- o) The County shall not be responsible for the maintenance, repair, or replacement of Alleys and sidewalks unless the

necessary repair or replacement is the result of actions by County.

7) Drainage:

- a) The Subdivider shall be responsible for the conveyance of all storm drainage flowing through or abutting the subject property, including drainage directed to the property by prior Development as well as that naturally flowing by reason of topography. Where new drainage improvements are required along the boundary of a Subdivision, the Subdivider shall be responsible for designing and constructing all the required improvements at or before the time of Development, including the dedication of all necessary Right-of-Way or easements necessary to accommodate the improvements. Where the Subdivider proposes to subdivide only a portion of the property, only the drainage improvements for the portion being subdivided shall be required to be installed, except as drainage improvements outside the portion being subdivided are necessary for proper drainage.
- b) The capacity of downstream facilities and conditions must be considered when subdividing and developing the property, and designing the appropriate drainage facilities.
- c) Detention shall only be required when:
 - i. Downstream property (within Camino Real or offsite) is developed but does not have drainage facilities constructed with the capacity to convey the proposed flows from the project, in which case detention shall be provided as necessary to reduce flows sufficient to prevent downstream flooding.
 - ii. Downstream property is undeveloped and offsite of Camino Real, in which case detention shall be provided as necessary to reduce flows sufficient to achieve the runoff associated with Single-family detached residential Development at 4.0 units per gross acre.
 - iii. Regional detention facilities within Camino Real are encouraged. The purpose of the regional detention approach is to reduce maintenance and maximize land use by avoiding, when possible, smaller, less efficient, and more numerous detention facilities.

- d) In the event that detention is not provided, the responsibility of the Subdivider shall extend to the provision of adequate off-site drainage facilities and improvements to accommodate the full effects of the Development of its property, and does not relieve the Subdivider of the responsibility for providing storm water detention on-site where necessary or required.
 - e) All drainage easements across private property shall contain the necessary language to permit the required water flow, required maintenance of vegetation by the property Owner(s), and permit the necessary access for inspection. All easements shall be clearly shown on drainage plans and the final plat.
 - f) When easements in areas adjoining a proposed Subdivision are necessary to provide drainage thereof, or to serve such Subdivision with utilities, the Subdivider shall obtain such easements or find an alternative means to serve the Subdivision.
 - g) Drainage easements shall be dedicated to the public. Maintenance of drainage easements shall be the responsibility of the District, property owners association, or owner of the property where the easement is located.
 - h) The City Flood Damage Prevention Ordinance in existence on the date an application is filed with the City shall apply to a project. In addition, all federal and state regulations must be met.
 - i) No City or County ordinances, rules, regulations, or policies shall be created that prohibit reclamation of floodplain.
 - j) Conditional Letter of Map Revisions (CLOMRs) shall not be required unless required by FEMA.
 - k) Subdivision improvements may be withheld prior to the approval and issuance by FEMA of a Conditional Letter of Map Revision (CLOMR) if the floodplain administrator deems necessary. However, acceptance of subdivision improvements shall not be withheld prior to the approval and issuance by FEMA of a Letter of Map Revision (LOMR).
- 8) Erosion and Sedimentation Control:
- a) Erosion and sedimentation controls during the construction stages in a Subdivision shall be implemented in order to

minimize damage and nuisances on adjacent properties, avoid siltation and water quality degradation of streams, and preserve the natural and traditional character of watercourses running through the area.

- b) The Subdivider shall be required to submit plans to City for and execute a program of erosion and sedimentation control during the construction period for all parts of the proposed project, and adjacent lands, including easements and Right-of-Ways when necessary. The standards for such plans and program shall be those of TCEQ, and any other state or federal regulations that may apply.
 - c) All constructed and altered drainage channels shall be designed to minimize potential erosion, including but not limited to stabilization with vegetation, as soon as practical after completion of construction.
- 9) Franchise Utilities:
- a) All telephone and cable television utility lines and all electric utility lateral and service lines and wires shall be underground, except as otherwise herein provided.
 - b) Where electrical service is to be placed underground, electric utility service lines for Street or Site lighting shall also be placed underground.
 - c) All electrical, cable television, and telephone support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground line, cable, and wire installations shall be located on the surface, or placed underground, in a public utility easement rather than in a right-of-way. Unless other provisions are made, an 8' non-exclusive easement shall be dedicated for franchise utilities along and adjacent to the Street Right-of-Way.
 - d) Notwithstanding the provisions of these standards, temporary construction utility service, temporary lines across unplatted future Development areas, or facilities of a size and nature that are typically not located underground, or are not feasibly located underground may be provided by overhead utility lines and facilities without obtaining a variance or exception from the provisions hereof.
 - e) Utility easements reserved for the use of all public franchise utility lines, conduits, equipment, poles, etc., shall be shown on the final plat.

10) Water:

The Subdivider shall be responsible for ensuring that an adequate and safe water supply system will be available for Development.

11) Wastewater:

The Subdivider shall be responsible for ensuring an adequate and safe wastewater collection, treatment, and disposal system will be available for Development.

12) Maintenance bond for Public Street Improvements:

Applicant will deliver to County proof of a maintenance bond from a surety company as a condition to acceptance of public street improvements. Such surety shall be authorized to do business in Hays County, Texas and of recognized responsibility. Each bond shall be issued for the benefit of the entity which will own and maintain the improvements. The amount of each bond shall be equal to 10% of the estimated cost of construction and shall be maintained for a period of two (2) years after the improvements have been accepted by the applicable utility provider.

5.12 – Inspections:

- 1) The City shall have the right to review and inspect any public improvement, and assess and collect applicable fees, located in Camino Real. The City shall provide onsite inspector(s) throughout the entire construction process. An experienced inspector, who represents an engineer licensed in the State of Texas, or a licensed engineer, shall perform the inspections. The City inspectors shall be experienced and qualified, and shall be certified or licensed when required by applicable law ("City Inspector"). The City Inspectors shall observe all testing requirements/operations. As a minimum, the City Inspectors shall be onsite during construction activity a minimum of two hours in the morning (prior to 12:00 p.m.) and a minimum of two hours in the afternoon (after 12:00 p.m.). They will also be available (onsite) for afterhours construction activities (4:30 p.m. to 7:30 a.m.) if given 48 hour notice by the Owner and/or contractor, at no additional charge to the Owner. They shall also be available for weekend inspections, at no additional charge to the Owner, if given notice by 4:30 p.m. on the Wednesday prior to the upcoming weekend. The Owner and/or contractor will provide a minimum of an 48 hour notice for all planned testing activities (other than weekends and/or after hours construction activities) if conducted during regular (normal) working hours (7:30 a.m. to 4:30 p.m.).

- 2) The City Inspector shall perform all Storm Water Pollution Prevention Plan ("SWPPP") inspections as specified and/or required by the TCEQ (or other applicable regular agencies) to the Owner and/or contractor. However, Owner and contractor are not relieved of their responsibilities to observe and maintain the approved stormwater controls in the SWPPP. All SWPPP violations observed by the City Inspector will be reported (in writing) to the District engineer, the Owner, and the contractor within 4 hours of observation during normal working hours (7:30 a.m. to 4:30 p.m.) or first thing the following day of observed violation if occurring after normal business hours. The City Inspector shall make reasonable effort to contact District engineer, Owner and contractor regarding violations within four (4) hours of observation by phone.
- 3) The City Inspector shall provide weekly reports to the District engineer and the Owner for all onsite observation activities which detail their observations, recommendations, conversations, etc. The City Inspector shall review all testing reports and provide written objections and/or concerns to the District engineer, Owner, and the contractor within 48 hours of receipt.
- 4) These standards set forth herein shall be considered minimum inspection requirements and additional inspection time shall be provided depending on the level of activity and needs. It is the intent of these requirements to satisfy the TCEQ requirements of inspection for infrastructure within a District that will be subject to reimbursement of cost through the sale of bonds. However, the City inspections shall be performed on all construction activity regardless of whether or not the facilities being inspected are subject to reimbursements.
- 5) The inspection fee charged to an applicant for such inspections will be equal to the then current fees charged by the City for similar inspections within the City's ETJ.
- 6) Before final acceptance of any improvements the design Engineer shall issue a concurrence letter to the City stating that he has made an observation of such improvements and recommends acceptance by the City. Along with this letter, the design Engineer shall submit one set of as built drawings.
- 7) County shall provide an onsite inspector ("County Inspector") for the inspection of all Streets within Camino Real which shall be dedicated to the County for maintenance.

Section 6. Site Plans:

Section 6.01 General Requirements:

- 1) This Site Plan review process shall apply for all proposed non-residential and Multi-family residential Developments. The process applies to horizontal improvements necessary to develop a Site, rather than the vertical improvements involved with erecting buildings.
- 2) Any Applicant who files a Site Plan for approval pursuant to this Exhibit "B" agrees to allow entry on the tract or premises which is the subject of such application for purpose of inspection of conditions during the approval stage and during development and construction by City Inspector and/or County Inspector, as applicable.
- 3) The Applicant shall designate one person or legal entity, with a current address, to which any notice of noncompliance shall be given pursuant to this Exhibit "B".
- 4) No plans or completed construction will be considered for approval or acceptance by the City Council without certification from the Applicant's Engineer and the City Engineer that such plans and calculations and such construction is complete, and that they are in accordance with specifications and standards contained or referenced herein, and/or with plans previously approved.
- 5) The City Engineer shall submit written progress reports to the City Council during construction periods. These reports shall be made available for public review upon submission to the City Council. These reports shall be included in the City's fee which is the same fee customarily charged to any other similar development in the City's ETJ.
- 6) The final responsibility for adequacy and acceptability of all construction shall rest with the developer.
- 7) Site Plan review shall not be required for the following types of Development projects:
 - a) Construction or reconstruction of Single-family, Duplex, or Townhome residential housing and associated buildings, drives, and other appurtenances.
 - b) Repairs or replacements to existing Structures.
 - c) Construction or reconstruction of barns, silos, livestock, pens, sheds, and other agriculturally related Structures.
 - d) Clearing of trees less than eight (8) inches in diameter

measured four and a half feet (4.5') above the base (ground elevation) of the tree, and clearing of Cedar, Mesquite, and Hackberry trees regardless of its size.

- e) Linear projects such as roadways, pipelines, and other Development project types that do not require site layouts, parking, setbacks, landscaping and other information typically associated with a Site Plan.
- 8) Even though certain construction such as linear projects and clearing of trees may not require a Site Plan, any construction or improvements that are public improvements or are Development (as defined herein) shall be subject to the applicable permitting, reviews, and inspections by the City and County in accordance with this Exhibit "B", including, but not limited to, review and approval of Construction Plans, and review and inspection fees in accordance with Section 3.
- 9) Clearing of trees, including trees other than Cedar, Mesquite, and Hackberry trees, and trees greater than eight inches (8") in diameter measured four and half feet (4.5') above the base (ground elevation), shall not be denied when applied for in connection with a development permit. The purpose of the tree removal regulations is to ensure that as much area as possible is left undisturbed for as long as reasonably possible, and not to prohibit the removal of trees when necessary for development purposes.
- 10) When the overall Development project is to be developed in phases, the Site Plan area may include only a portion of the overall property that is to be currently developed or constructed. A conceptual plan schematically showing all phases of a phased development shall be provided upon submittal of the first phase and updated with each phase of development.
- 11) Site Plans shall be of the form and generally include the information set forth below:
 - a) Drawn on 24" x 36" sheet to a known Engineering scale that is large enough to be clearly legible on reduced copies (11" x 17" or smaller).
 - i. A title block within the lower right hand corner of the Site Plan with the proposed name of the project or Subdivision, the name and address of the Owner and the land planner, Engineer, architect or surveyor responsible for the plan, the scale of the drawing, both written and graphic scale, the date the drawing was prepared, total Site acreage, and the location of

the property according to the abstract and survey records of Hays County, Texas;

- ii. A vicinity or location map that shows the location of the proposed Development in relationship to existing roadways;
- iii. The boundary survey limits of the tract and each proposed Lot, scale distances and with north clearly indicated;
- iv. The names of adjacent additions or subdivisions, or the name of the owners of record and recording information for adjacent parcels of unplatted land, including parcels on the other sides of roads and creeks;
- v. The existing and proposed uses on adjacent land;
- vi. The location, width and names of all existing or platted Streets or other public ways within or adjacent to the tract;
- vii. Any existing approved easements, with recording information;
- viii. Existing buildings; railroad rights-of-way; topography with contours at two-foot intervals with existing drainage channels or creeks, including the 100-year flood plain, if applicable;
- ix. Any other important natural features, such as rock outcroppings, caves and wildlife habitats, and all substantial natural vegetation;
- x. The layout and width, including Right-of-Way lines and curb lines, of existing and proposed thoroughfares, collector Streets and intersections, and specific configuration of proposed Streets, Lots and blocks, proposed driveways, driveway widths and distances between driveways, and proposed median openings and left turn lanes on future divided roadways. Existing and planned driveways on the opposite side of divided roadways must also be shown for coordination and sharing of future median openings;
- xi. Specific locations and footprints of buildings, building heights, square footages (which for multi-tenant or multi-purpose buildings must show square footage for

each intended use), massing, orientation, loading and service areas, including proposed screening, recycling containers, compactors and dumpster enclosures with proposed screening, pedestrian walkways, and parking areas (including parking ratio calculations); any proposed Sites for parks, schools, public facilities, public or private open space; floodplains and drainage ways, drainage Structures; retention/detention ponds with proposed aesthetic treatments; screening walls; fences; signage; fire lanes and fire hydrants; lighting; visibility easements; and other pertinent Development related features;

- xii. A landscape plan showing turf areas, tree types and sizes, screening walls, ornamental plantings, planting schedule, including species, planted height, spacing, container and caliper size, numbers of each plant material, any existing wooded areas, trees to be planted, and irrigation plans, if required;
- xiii. Building facade plans showing elevations with any wall-mounted signage to be used; and
- xiv. Other information as may be required by the City or County for specific Site Plans. This information and data may include: geologic information, flood data and hydrological studies, environmental information, traffic impact analysis (in accordance with this Exhibit "B"), hours of operation, elevations and perspective drawings, lighting (illumination), and similar information. Approval of a Site Plan may also establish conditions for construction based upon such information.

b) Construction Plans prepared in accordance with Section 5.10, for any public improvement not otherwise approved in connection with a final plat or replat application shall accompany a Site Plan application.

12) Once the application is deemed complete in accordance with Section 2 herein, Applicant shall submit ten (10) copies of all required material to the City for distribution.

13) The City shall promptly deliver a copy of the submitted application and associated documents, including six (6) copies of the plan, for review and approval by County no later than five (5) business days after the completed application is filed with the City.

14) The City and County shall review the application and Site Plan as
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to its conformity with the Tri-Party Agreement, Camino Real Development Standards, Concept Plan, state law, federal law, and, if applicable, variances as may be approved.

- 15) County shall deliver written comments to the City regarding its review within fifteen (15) calendar days after the application is submitted by the City to the County for review.
- 16) The City shall deliver to an Applicant combined written comments from the review regarding an application no later than thirty (30) calendar days after the application is filed with the City. The City shall simultaneously provide a copy of the written comments to the County.
- 17) An Applicant may file with the City an update to an application for Site Plan approval not later than sixty (60) calendar days after an application is filed with the City. Applicant shall deliver ten (10) copies of all update materials to the City for distribution to the City Staff and County. This sixty (60) day review period may be extended for one (1) additional thirty (30) day period upon written request to the City. The City and County shall grant an extension of the sixty (60) day review period.
- 18) The City shall promptly deliver a copy of the submitted update to an application for Site Plan approval, and associated documents, including six (6) copies of the updated Site Plan, for review and approval by County no later than five (5) business days after the update is filed with the City. The County shall deliver written comments to the City regarding its review within fifteen (15) calendar days after the update to an application for Site Plan approval is submitted by the City to the County for review. For each update submitted by an Applicant the City shall deliver to an Applicant combined written comments regarding an application no later than thirty (30) calendar days after the update is filed with the City. The City shall simultaneously provide a copy of the written comments to the County.
- 19) The City shall include in the file written recommendation from the Director of the County Development Services Department indicating that County staff has reviewed the application, and if applicable, any variances to this Exhibit "B" as it relates to drainage, roadway or floodplain standards have been duly approved by the Hays County Commissioners Court. The City shall take no action on any Site Plan without the County's written recommendation.
- 20) After the City and County determine the Site Plan submittal or subsequent updates are in conformity with the Tri-Party Agreement,

Camino Real Development Standards, the Concept Plan, and if applicable requested variances, the City and County shall administratively approve the Site Plan.

Section 7. Design and Construction Standards / Specifications:

7.01 – Streets:

- 1) Unless otherwise approved, concrete curbs and gutters shall be provided on all Streets and parking areas.
- 2) All curbs shall be six (6) inches in height.
- 3) Applicable Streets shall have appropriate pavement markings in conformance with the latest edition of the Texas Department of Transportation Manual on Uniform Traffic Control Devices for Streets and Highways.
- 4) Street signs shall be required at all intersections. Signs shall conform to the standards set forth in the Texas Department of Transportation Manual on Uniform Traffic Control Devices for Streets and Highways.
- 5) The crowns for undivided roadways that are not super-elevated shall be parabolic, be at a height that provides at least ¼" per foot of cross-slope to the gutter, but not less than five (5) inches above the gutter flow line, and be centered between the curbs. Super-elevated Street sections are permitted where necessary.
- 6) The minimum cross-slope for divided roadway sections shall be ¼" per foot, except in transition zones of super-elevated sections.
- 7) The crown height and location may be varied if pedestrian and vehicular safety will be enhanced by the variance and the variance will not impede traffic procession. The variance may be approved by the City and County Engineers.
- 8) Visibility corner clips (ROW clips, or easements) shall be provided at intersections as follows:
 - a) Local Streets: 20'x 20'
 - b) Collector Streets: 25'x 25'
 - c) Arterial Streets: 30'x 30'

In conditions where visibility is reduced such as at acute intersection angles, or intersections along the outside of a curved Street, then additional sight visibility clips may be required.

- 9) Cul-de-sacs shall meet the following minimum requirements:
 - a) For residential uses, the cul-de-sac “bulb” pavement shall be at least eighty (80) feet in diameter in a Street Right-of-Way of at least one hundred (100) feet in diameter. Raised planter islands are allowed in the center of the cul-de-sac, provided that additional pavement and Right-of-Way area is constructed and dedicated to accommodate turning movements as necessary.
 - b) For non-residential uses, the cul-de-sac “bulb” pavement shall be at least one hundred (100) feet in diameter in a Street Right-of-Way of at least one hundred twenty (120) feet in diameter.
 - c) In any case, consideration shall be given to the location and proposed uses being served by the cul-de-sac, and appropriate design parameters should be utilized.
- 10) Street pavement shall generally be centered in the ROW. However, where roadway construction is proposed in existing ROW, the pavement may be off-set if adequate ROW will be provided in the future.
- 11) A traffic impact analysis may be required for non-residential uses that exceed 10,000 trips per day. The purpose of the traffic impact analysis is to confirm the location of driveways, turn lanes, median openings, etc. required to adequately serve the Site.
- 12) Streets shall conform to the standards in Table 1.

TABLE 1 STREET DESIGN REQUIREMENTS

Category	ROW	Travel Lanes	Total PVMT Width (FOC-FOC)	Min Median Width	Curve Radius (w/o SE)	Design Speed (MPH)	Minimum Tangent Length	Maximum Grade (%)
Street Type "A"	140'	6-D	2-44' (w/ Bike) 2-39' (w/o Bike)	20'	1,000' 750'	45 40	200'	7
Street Type "B"	120'	4-D	2-30' (w/ Bike) 2-27' (w/o Bike)	15'	1,000' 750'	45 40	150'	7
Street Type "C"	100'	5-U (incl. center turn lane)	69' (w/ Bike) 63' (w/o Bike)	N/A	470'	35	100'	8
Street Type "D"	70'	3-U (incl. center turn lane)	45' (w/ Bike) 39' (w/o Bike)	N/A	470'	35	100'	9
Street Type "E"	60	2-U	36'	N/A	300'	25/30	N/A	10
Street Type "F"	50	2-U	28'	N/A	200'	25	N/A	11
Residential Alley	15	1	10 (E-E)	N/A	N/A	N/A	N/A	11

Notes:

- a) Additional median width and ROW width may be required at intersections for turn lanes and other design considerations
- b) The above Street design requirements are the minimum standards. Alternate Street configurations may be required or desired, and altered for functional or aesthetic purposes.
- c) Residential Lots may front and have direct access to any Major Collector, Minor Collector, or Local Street.
- d) Generally, Local Streets serve less than 1,000 average daily trips (ADT), Minor Collectors serve less than 2,500 ADT, Major Collectors serve less than 5,000 ADT, and Minor Arterials serve less than 15,000 ADT. ADT for residential uses shall be 10 one-way trips per dwelling unit per day.

- e) The minimum radius for local streets applies only when a centerline curve is utilized. This does not preclude the use of centerline deflections or angles designed in conjunction with street “elbow” or “eyebrow” pavement geometry as commonly utilized in the design of local residential streets.
- f) The design requirements for SH 21 and FM 2001 shall be in accordance with TxDOT.
- g) Abbreviations:
 - i. “D”: divided
 - ii. “U”: undivided
 - iii. “SE”: super-elevated

13) Curb returns at intersections shall be as follows:

- a) Arterial-Arterial: 30’;
- b) Collector-Arterial or Collector-Collector: 25’;
- c) Local-Arterial or Local-Major Collector: 25’;
- d) Local-Minor Collector: 20’;
- c) Local-Local: 15’.

14) Vertical Design:

- a) Changes in vertical grade shall be by means of vertical curves if the grade break is more than 1%. The vertical curves shall be designed considering the design speed.
- b) In no case shall grades approaching an intersection exceed six percent (6%) for a distance of fifty feet (50’) from the intersecting gutter.
- c) The minimum Street grade for any roadway type shall be 0.5%.
- d) Curb splits are not permitted except at intersections, on divided roadways, and on super-elevated roadways.
- e) The Right-of-Way behind the curb shall be graded at a constant 1/4" per foot grade up from the curb.
- f) Guardrails conforming to Texas Department of Transportation specifications are required for all bridges and culverts.

15) Pavement Section Design:

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- a) A geotechnical report recommending pavement section design, including subgrade preparation and treatment, shall be obtained by the Subdivider and utilized to design the Street sections.
- b) At a minimum all Streets shall be paved with either:
 - i. a minimum of twelve (12) inches of flexible base compacted to ninety-five percent (95%) maximum density in accordance with Test 99 of the American Association of State Highway and Transportation Officials (latest revision) or as recommended by the soil evaluation report, and one and one-half inches (1.5") of compacted hot mix asphaltic concrete (Class A) in accordance with Texas Department of Transportation specifications; or
 - ii. five (5) inches of reinforced Portland cement concrete (Class A) in accordance with Texas Department of Transportation specifications on stabilized subgrade consisting of cement, lime, or flexible base as recommended in the geotechnical design report.
- c) Where shoulders are utilized, they shall have an adequate base and be sealed or paved with side slopes no steeper than 12:1.

7.02. - Sidewalks and Bicycle Facilities:

- 1) Sidewalks shall be required along each side of every Street, and sidewalk ramps for disabled access shall be required at each intersection of a sidewalk and a Street.
- 2) Residential Lots and Lots that are adjacent to Local Streets, Minor Collectors, and Major Collectors shall have sidewalks at least four feet (4') in width; commercial Lots and Lots that are adjacent to Major and Minor Arterial Streets shall have sidewalks at least six feet (6') in width.
- 3) Sidewalks shall conform to the following standards:
 - a) Generally be located parallel to the curb line, one (1) foot inside the dedicated Right-of-Way. Deviations necessary to avoid utilities or other obstructions and constraints are permissible as long as adequate easements are provided;
 - b) Have a continuing, common, non-slip surface that is not interrupted by steps or abrupt changes in level;
 - c) Have a gradual adjustment in level when approaching an intersecting Street or parking area with a common level at the point of such intersection; and
 - d) Be a minimum of four inches (4") thick concrete (3,000 psi 5 sack equivalent), and reinforced with #3 bars @ 16" spacing.

- 4) Trails constructed as part of the parks plan or open space and amenity improvements, but also associated with or serving the pedestrian requirements of a Street, shall replace the sidewalk normally constructed with the Street and may be located within the ROW and/or within adjacent easements, Lots, common area, or open space.
- 5) Sidewalks on or adjacent to Lots shall be constructed with the vertical improvement on the Lot. Sidewalks adjacent to common areas, open space, or roadways that will not have Lots directly fronting, and will otherwise not be associated with a future Building Permit or construction, shall be constructed with the Street improvements.
- 6) Accessible ramps are required at all corners of Street intersections. At "T" intersections, one (1) ramp shall be located along the through Street, located across from or anywhere in between the two ramps located at the corners of the intersecting Street.
- 7) Bicycle lanes are permitted, but are not required. Any pavement markings for bicycle facilities shall be in conformance with the current edition of the Texas Department of Transportation Manual on Uniform Traffic Control Devices for Streets and Highways.
- 8) Handrails conforming to Texas Department of Transportation specifications are required whenever the grade adjacent to a sidewalk or pedestrian and bicycle facility may be hazardous to pedestrians and/or bicycles.
- 9) Speed bumps are not allowed as traffic control devices on public roadways.
- 10) Pedestrian elements (e.g. sidewalks, crosswalks, access ramps, etc.) for projects in public roadways shall comply with the accessibility requirements of the Texas Department of Licensing and Regulation (TDLR).

7.03 - Drainage:

- 1) Easements or Right-of-Way for open drainage systems shall include the limits of the one hundred (100) year floodplain under fully developed conditions. Additional easement area shall be required, as necessary, to provide continuous access for purposes of maintenance.
- 2) Use of grass swales to drain Lots into a Street or drainage system without necessitating drainage easements is allowed. The minimum longitudinal slope of such swales shall be one percent (1.0%). Such grass swales which do not have an associated easement shall not convey an area larger than one-half (1/2) acre.
- 3) All drainage facilities shall be designed to minimize the potential for erosion at the outfall. Measures to be taken may include, but not be limited to, drop Structures, rip-rap and other types of armor, velocity control / energy dissipation Structures, soil stabilization, and vegetation.

- 4) Drainage swales and facilities that cross Lot lines should be avoided if possible. A public or private drainage system in appropriate easements is required where runoff from two (2) residential Lots crosses a third, except for where a Lot or portion of a Lot drains to the rear and through the block in a common Lot line swale of Lots backing (FHA Type "C" drainage pattern).
- 5) All constructed earth Structures shall be compacted to 95% maximum density. Earth slopes shall not exceed 3H: 1V. The flow line of all constructed earthen channels shall include a pilot channel if slopes are less than 1% or at greater slopes if erosive velocities will occur, in which case slope protection may also be required. The minimum slope for a pilot channel shall be 0.4%. Slopes less than 1% without a pilot channel are allowed if the design of the channel is intended to mimic natural conditions, create wetlands, or perform as a bio-filter type system.
- 6) In general, proposed drainage facilities must be designed so that runoff will not gather in shallow pools and become stagnant or foul, or inhibit maintenance.
- 7) Runoff Computations:
 - a) Runoff computations with construction drawings shall include calculations for the storm frequencies that the various drainage system components are required to capture and convey.
 - b) For drainage areas less than fifty (50) acres, the Rational Method may be used for runoff computations in accordance with the City of Austin Drainage Criteria Manual. For areas larger than ten (10) acres, a hydrograph methodology using the Soil Conservation Service unit hydrograph may be used. When the runoff from two (2) or more drainage areas is to be combined, the same methodology must be used for both areas and the methodology should be appropriate for both.
 - c) Runoff computations shall be based on a fully developed drainage area or watershed.
- 8) Low point inlets, constructed channels, public drainage ways, ponds, bridges, and culverts shall be designed to intercept and transport runoff from the 100-year frequency storm.
- 9) Street curb inlets on grade (not low points) shall be located to intercept runoff where the depth of 25-year storm exceeds curb height, or the depth of the 100-year storm exceeds the capacity of the Right-of-Way. In all cases, including low points, the combined capacity of the storm drain, Street, and Right-of-Way shall be capable of conveying the 100-year storm flow. A positive overflow route capable of conveying the 100-year storm flow shall be provided at all Street low points, if the break-over elevation of adjacent high points is not sufficiently low enough to prevent the spread of water to exceed the limits of the Right-of-Way if the low point inlets are blocked. No other

criteria, such as “dry” lanes or maximum flow allowed through intersections shall apply with respect to a Streets capacity to convey storm flows.

- 10) Curb inlets shall not be located closer than 5' from a curb return.
- 11) Inlets shall have a throat height of five (5) inches.
- 12) Curb heights may not be raised above 6" for the purpose of increasing the hydraulic capacity of a Street.
- 13) Pipe for storm drains shall be Class III reinforced concrete pipe (RCP) and shall have a minimum cover of 24" under paved surfaces, and 18" under unpaved surfaces (except near outfall locations where cover may be reduced to 12"). Where added strength is needed for traffic loads over reduced cover or in areas of excessive depth, pipe for storm drains shall be Class IV or Class V RCP as appropriate.
- 14) Storm drain conduit shall generally be constructed to the bank of the receiving waterway, unless the outfall location is temporary and the system will be extended in the future, or if the distance to the receiving waterway is greater than 300', then an open channel may be utilized. Whenever possible, outfalls of storm drains and ditches into open systems, including natural drainage ways, constructed channels, or detention basins shall enter at the flow line grade of the receiving waterway.
- 15) Storm sewer in Rights-of-Way shall generally be located five (5) feet from the Street centerline to the center of the pipe.
- 16) Pipes shall be joined such that the soffits of the pipes are at the same elevation.
- 17) Access (inlets, manholes, or junction boxes) shall be provided at all connections of greater than forty- five (45) degrees, at the junction of three (3) or more lines, and at a maximum spacing of one thousand (1,000) feet.
- 18) Temporary channels or “grade-to-drains”, and channels (temporary or permanent) traversing flood plain areas shall not be subject to the requirement to convey the 100-year storm provided that erosive conditions or damage within the channel or surrounding property will not result.
- 19) All constructed channels are required to have one (1) foot of freeboard. Temporary channels or “grade-to-drains”, and channels traversing flood plain areas shall not be subject to the freeboard requirement.
- 20) Construction details and specifications for box culverts, bridges, headwalls, and other drainage Structures may be those of the Texas Department of Transportation (TXDOT) specifications, or adaptations of.
- 21) For Arterial roadway bridge crossings or any crossing of a stream or channel with a 100-year discharge of more than 1,200 CFS, the design 100-year

water surface elevation shall be at least one (1) foot lower than the low chord of the Structure. For all other types of roadway bridge crossings with a 100-year discharge of less than 1,200 CFS, the design 100-year water surface elevation shall not be higher than the crown of the pavement. In no case shall the water surface elevation around the bridge crossing be allowed to encroach on private property without being contained within a drainage easement.

- 22) Horizontal curves in storm sewers are allowed utilizing pipe joint deflections in accordance with manufacturer's recommendations. Vertical curves are not allowed. Horizontal and vertical changes in alignment utilizing bends are allowed.
- 23) The minimum pipe size for public storm drains and culverts shall be 18" in diameter.
- 24) Floodplain:
 - a) For areas of flow with less than 64 acres of contributing area, floodplain is not required to be defined. However any concentrated flow for such areas, except as specifically addressed elsewhere in this Exhibit "B", necessitates the dedication of a drainage easement which shall be shown on the final plat.
 - b) In all cases where a floodplain determination is required, the determination shall be based on the projected full development of all properties contributing to the point of consideration. It is the responsibility of the design Engineer to determine, based on the most accurate information available, what the fully-developed drainage area is.
 - c) Floodplain limits shall be determined by a backwater analysis. The direct-step method of calculating water surface profiles is required. The HEC-2 and HEC-RAS computer programs may be used for calculating the water surface profile.
 - d) For natural waterways of less than 64 acres, a back-water analysis is required when downstream Structures will impede the flow of runoff, or where irregularities in the shape of the channel create significant energy losses.
- 25) Detention:
 - a) For drainage basins serving less than ten (10) acres, the Modified Rational Method (MRM), the HEC-HMS, HEC-RAS, HEC-1 or other industry standard programs as approved by the City Engineer, may be used to determine the minimum detention volume required. The outlet Structure used must be designed so that it meets the assumptions of the MRM. Where detention ponds serving greater than ten (10) acres are utilized, a hydrographic methodology is required to analyze the adequacy of the proposed Structure. The Soil Conservation Service

(SCS) unit hydrograph shall be used. The times of concentration or lag times used in the analysis shall be calculated using the methodology of TR-55 or the Uplands Method described in NEH-4. The runoff curve numbers used shall be calculated based on the actual soil class in the analysis area and the actual proposed and probable impervious cover. The City of Austin Type III 24-hour rainfall distributions shall be utilized for precipitation. The HEC-HMS, HEC-RAS, HEC-1 or other industry standard programs as approved by the city engineer, are accepted programs for utilizing the SCS hydrographs.

- b) All detention facilities shall be designed to allow complete drainage within 24 hours.
- c) Peak runoff rates shall not be increased at any point downstream of the District for the two (2), twenty-five (25), and one hundred (100) year storms, without downstream improvements being made or planned that can accommodate the increased runoff.

26) Water Quality:

Permanent water quality controls shall be provided for all retail/commercial development that has more than 40% impervious cover. The desired type of control is the currently specified Partial Sedimentation/Filtration Pond in the City of Austin Environmental Criteria Manual. The Owner may propose other types of Permanent Water Quality Controls, if they can be shown to provide as good or better treatment. The City shall review alternate methods of Permanent Water Quality Control and may approve or not approve the alternate methods.

7.04 – Water:

- 1) All water lines and service connections shall conform to the requirements of the TCEQ, the fire insurance standards of the State Board of Insurance, and any other applicable federal and state laws and regulations.
- 2) Fire hydrants shall be provided at least every five hundred feet (500') in residential areas, measured along the path of the hose from the hydrant to the center of each Lot, and at least every three hundred feet (300') in commercial and industrial areas, measured along the Street. All fire hydrants shall be standard three-way, post-type, dry barrel hydrants, be in compliance with American Water Works Association Standards, have at least six inches (6") connections to mains, and have at least five and one quarter inches (5.25") valve openings. All hydrant leads served by twelve inches (12") or larger lines shall have a six inches (6") gate valve. Threading on fire hydrant outlets shall be the National Standard Hose Thread.
- 3) For fire flow conditions, the maximum velocity shall not exceed ten (10) fps and the minimum static pressure shall not be less than twenty (20) psi. For Single-family and Duplex Development, 1,000 GPM is required. For Development other than Single-family and two-family Development, the

minimum flow rate shall be in accordance with Table 4-A of the City of Austin Fire Protection Criteria Manual as of the effective date of this Agreement

- 4) All pipe, valves, and fittings shall be new and shall conform to the current standards of the American Water Works Association.
- 5) Waterlines shall be at least six inches (6") in diameter.
- 6) At the intersection of water distribution lines, the number of valves shall be two (2) for tee intersections, and three (3) for cross intersections.
- 7) Waterlines shall have a minimum of thirty-six inches (36") of cover measured from either the top of the pipe or valve actuating nut (whichever is applicable) to the finished ground surface or top of pavement.
- 8) Horizontal curves in waterlines are allowed, by means of bending at the center of the joints in accordance with manufactures recommendations. Vertical curves are not allowed.
- 9) With respect to water infrastructure, the design standards of the Goforth Special Utility District, if more restrictive than other standards referenced herein, shall govern.

7.05 – Wastewater:

- 1) All wastewater collection and treatment facilities shall conform to the requirements of the TCEQ, and any other applicable federal and state laws and regulations.
- 2) Wastewater lines shall be least six inches (6") in diameter.
- 3) Service connections shall be at least four inches (4") in diameter.
- 4) All pipes and service connections shall be new PVC conforming to American Society of Testing Materials, Standard D3034. Pipe joints shall comply with the American Society of Testing Materials, Standard D3212.
- 5) Horizontal curves in wastewater lines are allowed, by means of bending at the center of the joints in accordance with manufactures recommendations. Vertical curves are not allowed.
- 6) Manholes shall be required at all changes in grade and all at pipe intersections. In no case shall the distance between manholes exceed five hundred feet (500').
- 7) Manholes shall be four feet (4') in diameter and made of precast or cast-in-place concrete. Steps shall not be provided. The outside diameter of the manhole lid shall be thirty-two inches (32"). Lids shall be solid with no pick holes and have the words "Sanitary Sewer" cast into their surface.

7.06 - Lot Grading:

- 1) Single-family Residential Lots shall be graded at a minimum of 1%.
- 2) Single-family Residential Lots may be graded to drain from front to rear, from rear to front, or split (FHA Type "A", "B", or "C") regardless of whether an alley or drainage system exists along the rear of the Lot.
- 3) A single side yard swale along the Lot line may be shared by adjacent Lots.
- 4) The lowest grade adjacent to the foundation shall be at least 0.3' higher than the flow line of a side-yard swale or other yard swale designed to divert drainage away from or around the Structure. Depending on the size of the Lot and the area being drained, the difference may need to be greater, but typically not more than 0.5'.

7.07 - Pollution Control:

- 1) Temporary controls shall be used during construction to prevent the erosion of soil and sedimentation of waterways until restoration is complete. Temporary controls shall be used in accordance with the TCEQ and EPA Nationwide permit standards and best practices.
- 2) If any site development or clearing activity disturbs one (1) or more acres, a developer must send a copy of the SWPPP submitted to TCEQ to the City. Any review of and ruling on a SWPPP permit application shall be performed exclusively by TCEQ.
- 3) Where practical, feasible, and warranted, the Subdivider shall provide permanent control by restoring all areas within public Rights-of-Way that have been stripped or filled as a result of construction activities. Methods may include but not be limited to establishing vegetation with grass seed applied in accordance with Table 2 below. While temporary controls are a condition of acceptance of the improvements of a Subdivision, permanent controls are ongoing and will be implemented even after the acceptance of the Subdivision by the applicable governing body.

TABLE 2. SEEDING STANDARDS

Time of Year	Seed Type	Amount of Seed Per 1,000 S.F.
October-February	Unhulled Bermuda or Tall Fescue, Oats, or Wheat	1lb.
		3lbs.
March-September	Hulled Bermuda	1lb

- 4) Seedlings shall be watered until uniform growth is established. During the first two (2) months after application of the seed, it is recommended that the planted area be irrigated or sprinkled at ten (10) day intervals in a manner that will not erode the topsoil but at a rate sufficient to thoroughly soak the soil to a depth of six (6") inches. Rainfall occurrences of one-half inch (0.5") or greater may postpone the watering schedule by ten (10) days.
- 5) Permanent restoration is typically considered to be acceptable when the grass has grown to a height of at least one-half inch (0.5") and covers eighty-five (85%) percent of the area, with bare spots being no greater than ten (10) square feet in size.
- 6) Where practical, feasible and warranted, storm water runoff due to permanent infrastructure on a non-residential development site, shall be routed through a vegetated swale and/or a vegetated buffer with a minimum length of fifty (50') feet. Paved areas can be discharged directly into the buffer area and/or swale by elimination of curbs. If storm water flows are concentrated within storm sewer and/or concrete swales, energy dissipaters, including where appropriate grouted rock rip rap, shall be installed to slow the velocity of the existing runoff. Other industry accepted BMP's (including but not limited to detention/retention ponds, Storm-ceptors, bio-retention swales, water quality ponds, etc.) shall be considered an acceptable alternative to the vegetated swale and may be utilized in lieu of the vegetated swale/buffer zones at the discretion of the developer or Subdivider.

7.08 - Construction Standards, Details, and Specifications for Public Improvements:

- 1) The construction standards, details, and specifications for public improvements, unless specifically described otherwise in this Exhibit, shall be those of the City of Neiderwald, Hays County, or where applicable, those of the TxDOT, AASHTO, the TCEQ, or other applicable state and federal agencies. With respect to water infrastructure; the construction standards, details, and specifications of the Goforth Special Utility District, if more restrictive than other standards, details, and specifications referenced herein, shall govern.

7.09 – Building Permits, Fees and Inspections:

- 1) For property within the ETJ, a Flood Hazard Area Permit must be applied for and issued by the Hays County Floodplain Administrator prior to any construction activities as it relates to vertical improvements.
- 2) A County roadway right-of-way permit is required prior to any driveway accessing a public Right-of-Way maintained by the County.
- 3) For property within the ETJ, a driveway permit must be applied for and issued by County prior to connecting a driveway to a public roadway.

- 4) No Structure intended for human occupancy or use shall be constructed on the Property until a Building Permit is issued certifying that the plans and specifications for the Structure are in compliance with the building codes.
- 5) At the City's option, Building Permits may be issued by: (i) a City Staff member as if the Property were located in the City's corporate limits; or (ii) a Certified Inspector.
- 6) A Building Permit shall not be issued for a Structure unless a final plat has been recorded for the Lot on which the Structure will be constructed, provided, however, a Building Permit shall be issued for a model home prior to the recordation of a final plat if the necessary infrastructure is in place to provide the model home with adequate access and water for emergency responses. A Flood Hazard Area Permit related to a Building Permit will not be issued by County until the final plat has been recorded with the County Clerk.
- 7) Each Structure and any other improvement which requires City inspection shall be inspected for compliance with the Building Permit issued for the Structure or other improvements. At the City's option, inspections may be performed by: (i) a City Staff member as if the Property were located in the City's corporate limits; or (ii) a Certified Inspector.
- 8) All costs relating to inspection, review and issuance of Building Permits and inspection of Structures shall be paid by the builder constructing the Structure or by the Owner of the property on which the Structure is constructed in accordance with the then current fees charged by the City for all comparable development located in the City's corporate limits. The City shall charge Building Permit Fees pursuant to the then current fee schedule charged by the City to other Applicants.
- 9) The City shall review all Building Permit applications within fifteen (15) days of receiving a completed application.

7.10 – Signs:

- 1) An Off-Premise Sign is a sign that advertises a business, person, organization, activity, event, place, service or product that is not available or located on the site where the sign is installed.
- 2) Off-Premise Signs are prohibited, with the following exceptions:
 - a) Government informational signs;
 - b) Directional or traffic signs;
 - c) The property owners association or neighborhood signs with a maximum area of eight (8) square feet for notice of homeowner association or neighborhood board meetings, announcements or other subdivision-related events to residents of the subdivision;

- d) Political signs erected in accordance with state law; and
- e) Developer or home-builder signs provided such signs have a maximum area of forty (40) square feet.

Section 8. General Provisions:

8.01 – Right of Entry:

- 1) Whenever necessary for the purpose of investigating or enforcing the provisions contained herein, or whenever any authorized City representative has reasonable cause to believe that there exists in any structure or upon any premises, a condition which constitutes a violation of this Exhibit "B", the City representative may enter such premises at all reasonable times to inspect the same, or to perform any duty imposed or power conferred upon any said City representative by law or ordinance.

8.02 – Compliance:

- 1) When an authorized official of the City determines that there has been non-compliance with any material term, condition, requirement or agreement under this Exhibit "B", the Applicant may be ordered by the City in writing to cease and desist from further development related to that specific application to the alleged non-compliance until corrected by compliance.
- 2) The City may refuse to grant Development, construction, or occupancy approvals for improvements for a portion of the Property that does not fully and completely comply with all terms and conditions of this Exhibit "B". Without limiting the type or number of approvals the City may withhold, the City is specifically authorized to refuse to grant site Development permits, Building Permits, utility connections, and certificates of occupancy related to the portion of the Property that is not in compliance.

Exhibit "1"

Concept Plan

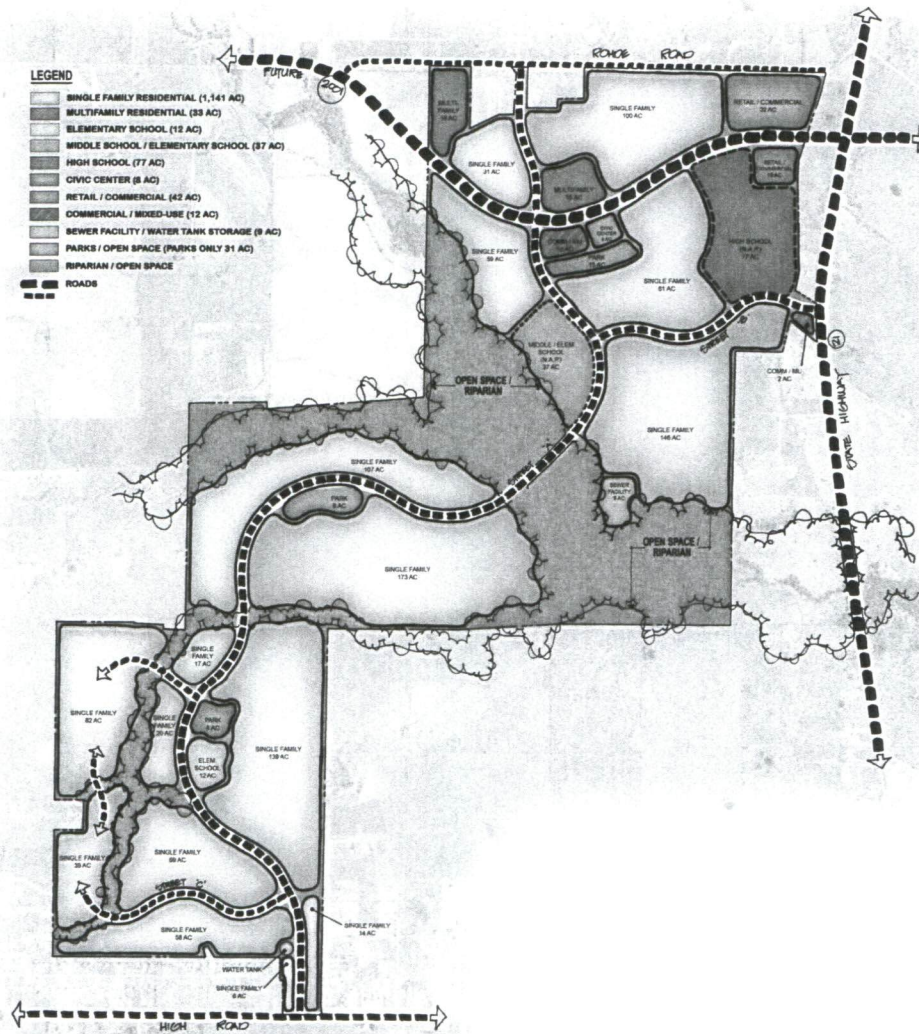


Exhibit "2"

Property

TRACT A

DESCRIBING A TRACT OF LAND CONTAINING 810.75 ACRES, BEING A PORTION OF THE ARMAND WELCH SURVEY A-494, I. & G.N. RAILROAD CO. SURVEY A-577, JAMES M. W. HALL SURVEY A-227 AND THE SAMUEL LITTLE SURVEY A-286, HAYS COUNTY, TEXAS ALSO BEING THE REMAINING PORTION OF THAT CERTAIN 811.315 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO RICK ANDERSON, PAUL SCHAEFER, AND SUSAN G. SNOW EXECUTED ON JULY 15, 1999 AND RECORDED IN DOCUMENT NUMBER 9917880 OF THE OFFICIAL PUBLIC RECORDS OF THE SAID COUNTY, SAID 810.75 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a fence corner post found for the most easterly corner of said 811.315 acre tract, said fence corner being in a northwest line of that certain 386.954 acre tract described in a deed to Rohde Lane Group, Ltd. as recorded in Document #9928116 of the said Official Public Records;

THENCE, along the northwesterly line of the said 386.954 acre tract, S 42° 22' 29" W a distance of 1641.37 feet to a fence post and S 42° 48' 54" W a distance of 1994.15 feet to an iron pipe found in the northeast line of that certain 80 acre tract described in a deed to Jackie Ray Schawe and Vickie Sue Schawe as recorded in Volume 1679 Page 405 of the said Official Public Records;

THENCE with the said line of the Schawe tract, N 46° 57' 53" W a distance of 1004.59 feet to a fence post found and N 46° 57' 20" W a distance of 427.28 feet to a fence post found at end of the southeast line of County Road 128;

THENCE, along said County Road 128, the following five (5) courses:

1. N 50° 19' 02" W a distance of 51.68 feet to a fence post found;
2. S 47° 54' 28" W a distance of 31.84 feet to a fence post found;
3. S 47° 53' 50" E a distance of 9.76 feet to a fence corner post on the northwesterly R.O.W. line of County road 128 as fenced;
4. S 42° 42' 50" W, at 2705.88' passing the east corner of The Parklands Section 1, a subdivision recorded in Book 11, Pages 166-169 of the Plat Records of the said County, continuing with a southeast line of the said subdivision for a total distance of 3456.22 feet to a Iron Rod Set;
5. Continuing along the said County Road 128 and with the southeast line of the said subdivision, S 42°59'40" W, a distance of 2508.14 feet to a Iron Rod Set;

THENCE, with the southwest and northwest lines of the said subdivision the following five (5) courses:

1. S 88° 36' 38" W a distance of 18.50 feet to a Iron Rod Set on the northeasterly R.O.W. line of County Road 127 as fenced;
2. N 47°36'53" W a distance of 598.35 feet along said line to an iron rod found at the intersection of the southeasterly R.O.W. line of Great Northern (50' R.O.W.) as dedicated by The Railyard, a subdivision recorded in Book 8, Pages 59-62 of the Plat Records of Hays County, Texas;
3. N 41°59'58" E a distance of 543.52 feet to an iron rod found;
4. N 48° 00' 02" W a distance of 50.00 feet to an iron rod found for the southerly corner of Lot 2, Block "C" of the said The Railyard;

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5. N 41° 59' 58" E a distance of 347.88 feet to an iron rod found for the easterly corner of said Lot 2;

THENCE, along the northeasterly line of said Block "C", N 47° 29' 39" W, at 80.00 feet passing a west corner of the said The Parklands Section 1, continuing for a total distance of 1024.95 feet to an iron rod set at the south corner of a 0.469 acre tract described in a deed to Goforth Water Supply Corporation as recorded in Volume 1799 Page 176 of the said Official Public Records;

THENCE through the interior of the said 811.315 acre tract and with the east, north and west lines of the said 0.469 acre tract, the following three (3) courses:

1. N 13° 47' 02" E, 211.00 feet to an iron rod set;
2. N 70° 38' 49" W, 94.67 feet to an iron rod set;
3. S 24° 59' 38" W, 155.00 feet to an iron rod set in the said northeast line of Block "C";

THENCE, along the northeasterly line of said Block "C", the following three (3) courses:

1. N 47° 29' 39" W, 851.87 feet to an iron rod found;
2. N 47° 17' 02" W, a distance of 722.04 feet to an iron rod found;
3. N 47° 07' 59" W, a distance of 830.83 feet to an iron rod found for the southerly corner of the certain 200.00 acre tract of land described in a deed to Aus-Tex Parts and Services, L.L.C. as recorded in Volume 1432, Page 918 of the said Official Public Records;

THENCE N 42° 41' 10" E a distance of 1975.37 feet along the southeasterly line of said 200.00 acre tract to an iron rod found for the westerly corner of that certain 5.00 acre tract of land described in a deed to Aus-Tex Parts and Services, L.L.C. as recorded in Volume 1432, Page 914 of the said Official Public Records;

THENCE along said 5.00 acre tract, the following three (3) courses:

1. S 47° 17' 55" E a distance of 464.83 feet to a fence post found;
2. N 42° 43' 37" E a distance of 468.33 feet to an iron rod found;
3. N 47° 16' 43" W a distance of 464.60 feet to an iron rod found on the southeasterly line of said 200.00 acre tract;

THENCE with the said line of the 200.00 acre tract, N 42° 42' 53" E a distance of 2773.61 feet to an iron rod found for the easterly corner of the said 200.00 acre tract, said iron rod also being in the Southwest line of that certain 145.89 acre tract described in a Deed to Mathias 146, L. P. as recorded in Volume 1898, Page 366 of the said Official Public Records;

THENCE S 47° 09' 53" E a distance of 1209.31 feet with the said line of the 145.89 acre tract to a fence post found for corner;

THENCE S 40° 06' 39" W a distance of 15.62 feet to a rock mound found at the westerly corner of that certain 176.18 acre tract described in a Deed to Jack A. Maxwell as recorded in Volume 234, Page 298 of the said Official Public Records;

THENCE, along the southwesterly line of said Maxwell tract, the following four (4) courses:

1. S 44° 43' 05" E a distance of 378.43 feet to a fence post found;
2. S 41° 50' 11" E a distance of 105.36 feet to an iron rod found;
3. S 42° 50' 56" W a distance of 67.79 feet to an iron rod found;
4. S 45° 51' 39" E a distance of 350.06 feet to a fence post found for the southerly corner of said Maxwell tract;

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THENCE along the southeasterly line of said Maxwell tract, the following three (3) courses:

1. N 41° 16' 31" E a distance of 37.60 feet to an iron pipe in concrete found;
2. N 42° 55' 16" E a distance of 2693.71 feet to a fence post found;
3. N 42° 48' 55" E a distance of 818.31 feet to a fence post found at the westerly corner of that certain 125.52 acre tract conveyed described in a Deed to Thaddeus Charles McCormick III as recorded in Volume 748, Page 143 of the said Official Public Records;

THENCE S 48° 43' 36" E a distance of 1200.97 feet to a fence post found and S 53° 32' 50" E a distance of 22.34 feet to a fence post found at the southerly corner of said McCormick Tract;

THENCE S 41° 51' 32" W a distance of 113.47 feet to a fence post found at the westerly corner of that certain 368.2 acre tract described in a Deed to Flora Nickel as recorded in Volume 239, Page 587 of the said Official Public Records;

THENCE along the southwesterly line of said Nickel tract, the following three (3) courses:

1. S 52° 10' 20" E a distance of 1445.87 feet to a fence post found;
2. S 51° 28' 34" E a distance of 987.00 feet to a fence post found;
3. S 40° 11' 03" E a distance of 25.20 feet to the POINT OF BEGINNING and containing 810.75 acres of land.

TRACT B

DESCRIBING 928.19 ACRES OF LAND OUT OF THE CHRISTOPHER WALTER SURVEY A-495, THE ARMAND WELCH SURVEY A-494 AND THE D.A. NANCE SURVEY A-684, ALL IN HAYS COUNTY, TEXAS, SAME BEING A PORTION OF A 580.054 TRACT DESCRIBED IN A DEED RECORDED IN DOCUMENT NO. 03024985 OF THE OFFICIAL PUBLIC RECORDS OF SAID HAYS COUNTY, A PORTION OF A 386.954 ACRE TRACT DESCRIBED IN A DEED RECORDED IN DOCUMENT NO. 9928116 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, AND ALL OF A 19.277 ACRE TRACT DESCRIBED IN A DEED RECORDED IN VOLUME 2283, PAGE 749 OF THE DEED RECORDS OF SAID COUNTY, SAID 928.19 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at an iron pipe found at the most northerly corner of said 386.954 acre tract, said iron pipe being in the south right-of-way of Rohde Road also designated County Road 126;

Thence, with said south Right of Way line S47°04'13"E for 650.80 feet to an iron rod found;

Thence, with the northwest line of a 13.14 acre tract described in a deed recorded in Volume 3200, Page 560 of the Deed Records of said County, S43°45'03"W, 603.68 feet to an iron rod set at the southeast corner of that 1.40 acre tract of land described in a deed to Hays CISD as recorded in Document Number 2008-80010641 of the Deed Records of said County;

Thence, with the east, north and west lines of said 1.40 acre tract, the following three (3) courses:

1. N17°27'45"W, 378.15 feet to an iron rod set;
2. S43°44'54"W, 184.28 feet to an iron rod set;
3. S17°27'45"E, 378.14 feet to an iron rod set;

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Thence, with the west, south and east lines of said 13.14 acre tract, the following seven (7) courses:

1. S43°45'03"W for 180.09 feet to an iron rod found;
2. S72°37'43"E for 458.04 feet to an iron rod found at the beginning of a horizontal curve the radius point of which bears S17°21'35"W, 349.70 feet;
3. Along said curve through a central angle of 28°08'48" for an arc distance of 171.79 feet and whose chord bears S 58°34'01"E, 170.07 to an iron rod found;
4. S44°32'12"E for 93.29 feet to an iron rod found at the beginning of a horizontal curve, the radius point of which bears N45°31'27"E, 25.00 feet;
5. Along said curve through a central angle of 90°10'44" for an arc distance of 39.35 feet and whose chord bears S89°33'55"E, 35.41 feet to a point;
6. N45°28'02"E for 631.36 feet to a point;
7. N0°14'22"W for 119.68 feet to an iron rod found in the south Right of Way of said Rohde Road;

Thence, with said south Right of Way S47°13'16"E for 258.41 feet to an iron rod found at the most northerly corner of a 7.00 acre tract described in a deed recorded in Document No. 9909010 of the Official Public Records of said Hays County;

Thence, with the west, south and East lines of said 7.00 acres the following three (3) courses:

1. S42°51'06"W for 634.09 feet to an iron rod found;
2. S47°12'07"E for 481.23 feet iron rod found;
3. N42°53'17"E for 150.56 feet iron rod found at the most easterly corner of a 1.55 acre tract described in a deed recorded in Document No. 999006 of the Official Public records of said Hays County;

Thence, with the south line of said 1.55 acres S47°13'03"E for 410.16 feet to an iron rod found in the northwest line of a 66.38 acre tract described in a deed recorded in Volume 3200, Page 560 of the deed records of said Hays County;

Thence, with the west and south lines of said 66.38 acres the following twenty eight (28) courses:

1. S42°39'26"W for 949.13 feet to a point;
2. S27°18'12"W for 204.33 feet to a point at the beginning of a horizontal curve the radius point of which bears S62°41'43"E, 25.00 feet;
3. Along said curve through a central angle of 48°12'31" for an arc distance of 21.04 feet and whose chord bears S03°12'01"W, 20.42 feet to a point;
4. S20°54'11"E for 56.97 feet to a point at the beginning of a horizontal curve the radius point of which bears S69°05'52"W, 175.00 feet;
5. Along said curve through a central angle of 31°26'39" for an arc distance of 96.04 feet and whose chord bears S05°10'49"E, 94.84 feet to a point;
6. S10°32'33"W for 81.44 feet to a point at the beginning of a horizontal curve the radius point of which bears S79°16'04"E, 25.00 feet;
7. Along said curve through a central angle of 87°25'07" for an arc distance of 38.14 feet and whose chord bears S32°58'38"E, 34.55 feet to a point at the beginning of a horizontal curve the radius point of which bears S13°08'42"W, 1625.00 feet;
8. Along said curve through a central angle of 1°16'38", for an arc distance of 36.22 feet and whose chord bears S76°12'59"E, 36.22 feet to a point at the beginning of a horizontal curve the radius point of which bears S14°25'20"W, 1625.00 feet;

9. Along said curve through a central angle of $0^{\circ}34'28''$ for an arc distance of 16.29 feet and whose chord bears $S75^{\circ}17'26''E$, 16.29 feet to a point at the beginning of a horizontal curve the radius point of which bears $S14^{\circ}59'49''W$, 1625.00 feet;
10. Along said curve through a central angle of $2^{\circ}17'53''$ for an arc distance of 65.17 feet and whose chord bears $S73^{\circ}51'15''E$, 65.17 feet to a point at the beginning of a horizontal curve the radius point of which bears $S17^{\circ}17'42''W$, 125.00 feet;
11. Along said curve through a central angle of $34^{\circ}54'20''$ for an arc distance of 76.15 feet and whose chord bears $S55^{\circ}15'08''E$, 74.98 feet to a point;
12. Thence, $S37^{\circ}47'57''E$ for 508.31 feet to a point at the beginning of a horizontal curve the radius point of which bears $S52^{\circ}12'04''W$, 125.00 feet;
13. Along said curve through a central angle of $47^{\circ}01'35''$ for an arc distance of 102.60 feet and whose chord bears $S14^{\circ}17'09''E$, 99.74 feet to a point;
14. Thence, $S9^{\circ}13'39''W$ for 168.56 feet;
15. Thence, $S10^{\circ}50'01''W$ for 38.35 feet;
16. Thence, $S72^{\circ}48'50''E$ for 245.61 feet;
17. Thence, $N46^{\circ}29'55''E$ for 53.98 feet to a point at the beginning of a horizontal curve the radius point of which bears $S43^{\circ}29'58''E$, 50.00 feet;
18. Along said curve through a central angle of $4^{\circ}38'32''$ for an arc distance of 4.05 feet and whose chord bears $N48^{\circ}49'18''E$, 4.05 feet to a point;
19. Thence, $N51^{\circ}08'41''E$ for 78.97 feet;
20. Thence, $N58^{\circ}31'09''E$ for 47.60 feet;
21. Thence, $N63^{\circ}58'34''E$ for 47.60 feet;
22. Thence, $N69^{\circ}25'59''E$ for 47.60 feet;
23. Thence, $N77^{\circ}46'06''E$ for 497.54 feet;
24. Thence, $N76^{\circ}38'06''E$ for 378.51 feet;
25. Thence, $N75^{\circ}13'11''E$ for 338.23 feet;
26. Thence, $N67^{\circ}06'40''E$ for 247.43 feet;
27. Thence, $N62^{\circ}06'40''E$ for 392.14 feet;
28. Thence, $N43^{\circ}32'30''E$ for 48.17 feet to a point in the south right of way line of said Rohde Road;

Thence, with said south line the following two (2) courses:

1. $S46^{\circ}27'51''E$ for 438.63 feet to a PK nail found in a fence post;
2. $S46^{\circ}27'39''E$ for 1013.76 feet to an iron rod found at the most easterly corner of said 580.054 acres and the herein described tract;

Thence, with the east line of said 544.054 acres and the west line of El Camino Real, an abandoned roadway, the following seven (7) courses:

1. $S57^{\circ}04'23''W$ for 287.92 feet to a PK nail found in a fence post;
2. $S60^{\circ}50'45''W$ for 981.92 feet to a PK nail found in a fence post;
3. $S54^{\circ}33'21''W$ for 157.41 feet to a point;
4. $S47^{\circ}43'22''W$ for 192.44 feet to a PK nail found in a fence post;
5. $S40^{\circ}44'33''W$ for 1462.10 feet to a point;
6. $S52^{\circ}12'31''W$ for 534.37 feet to a PK nail found in a fence post;
7. $S55^{\circ}12'15''W$ for 99.88 feet to a point at the most easterly corner of said 19.277 acres;

Thence, with the east line of said 19.277 acres and said west line of El Camino Real $S55^{\circ}38'03''W$ for 465.78 feet to a point;

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Thence, with the east line of said 19.277 acres S54°15'22"W for 237.09 feet to a point

Thence, with the south line of said 19.277 acres and in part with the north line of lot 2, El Camino Real Estates, a subdivision recorded in Book 7, Page 269 of the Plat Records of said Hays County, and in part with the north line of a 9.970 acre tract described in a deed recorded in Volume 1085, Page 547 and Volume 1891, Page 409 of the deed records of said county, N46°40'09"W for 742.06 feet to an iron rod found;

Thence, with the west line of said 9.970 acres S42°44'50"W for 1148.63 feet to the most easterly point of a 33.57 acre tract described in a deed as recorded in Volume 3200, Page 560 of the deed records of said county;

Thence, with the north, west and south lines of said 33.57 acres the following sixteen (16) courses:

1. N47°18'18"W for 270.18 feet to a point;
2. N32°51'01"W for 187.92 feet to a point;
3. N37°24'25"W for 530.74 feet to a point;
4. N37°26'57"W for 80.18 feet to a point;
5. N40°36'02"W for 217.24 feet to a point;
6. N40°52'21"W for 33.16 feet to a point;
7. N49°52'50"W for 143.73 feet to a point;
8. S68°43'00"W for 39.67 feet to a point;
9. S28°19'23"W for 208.89 feet to a point at the beginning of a horizontal curve the radius point of which bears N62°43'46"W, and 2681.32 feet;
10. Along said curve through a central angle of 3°25'40" for an arc distance of 160.41 feet and whose chord bears S28°59'04"W, 160.39 feet to a point;
11. S33°13'37"W for 53.33 feet to a point at the beginning of a horizontal curve the radius point of which bears N55°17'48"W, and 1035.00 feet;
12. Along said curve through a central angle of 5°50'56" for an arc distance of 105.66 feet and whose chord bears S37°37'40"W, 105.61 feet to a point;
13. S42°38'02"W for 678.96 feet to a point;
14. S47°18'18"E for 430.00 feet to a point;
15. N42°41'42"E for 120.00 feet;
16. S47°18'18"E for 924.14 feet to a point in the east line of said 580.054 acres and in the west line of said 9.970 acres;

Thence, with the west line of said 9.970 acres S42°44'50"W for 170.99 feet to a PK nail found in a fence post at the most northerly corner of an 80.36 acre tract described in a deed recorded in Volume 294, Page 349 of the deed records of said county;

Thence, with the west line of said 80.36 acres S42°48'37"W for 2017.58 feet to a nail found in a fence post in the south line of said 580.054 acre tract;

Thence, in part with the north line of a 222.099 acre tract described in a deed recorded in Volume 2084, Page 707 of the deed records of said county, N46°59'17"W for 898.75 feet to a point and N48°00'54"W for 496.20 feet to a concrete monument found at the most easterly corner of a 203 acre tract described in a deed recorded in Volume 1703, Page 587 of the deed records of said County;

Thence, continuing with the north line of said 203 acres and the north line of a 80 acre tract described in a deed recorded in Volume 1679, Page 405 of the deed records of said County, N46°04'15"W for 1036.80 feet to an iron rod found and N51°04'03"W for 1743.37 feet to a fence post and N47°29'18"W for 1054.60 feet to a point;

for 686.69 feet to an iron pipe found in an east line of an 811.315 acre tract of land described in a deed recorded in Document No. 9917880 of the Official Public Records of said Hays county;

Thence, with the east line of said 811.315 acres N42°48'24"E for 1993.62 feet to an iron rod found and N42°22'36"E for 1641.39 feet to a fence post at the most southerly corner of a 368.2 acre tract described in a deed recorded in volume 239, Page 587 of the deed records of said county;

Thence, with the east line of said 368.2 acre tract and an east line of a 130 acre tract described in a deed recorded in Volume 849, Page 728 of the deed records of said County, N42°56'47"E for 5116.97 feet to the Point of Beginning containing 928.19 ACRES OF LAND within these metes and bounds.

TRACT C

DESCRIBING 4.650 ACRES OF LAND OUT OF THE SAMUEL B. CARSON SURVEY ABSTRACT 86, CALDWELL COUNTY, TEXAS, SAME BEING ALL OF THAT 4.652 ACRE TRACT DESCRIBED IN A CORRECTED WARRANTY DEED TO DALCAL #3, LP, EXECUTED ON JULY 30, 2003 AND RECORDED IN VOLUME 349 PAGE 105 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF CALDWELL COUNTY, SAID 4.650 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found in the southeast line of El Camino Real (a/k/a Old San Antonio Road, no longer used in this vicinity as a roadway), same being at the north corner of said 4.652 acre tract described in Volume 349 Page 105, same being the west corner of that 5.017 acre tract of land described in a deed to Victor Salaz and Maria Rosario Salaz as recorded in Volume 254 Page 4 of said Official Public Records;

THENCE, with the common line of this tract and said Salaz tract, S16°40'58"E, 353.61 feet to an iron rod set in the northwest right-of-way line of State Highway No. 21, from which an iron rod found bears S16°40'58"E, 1.13 feet and an iron rod found bears N42°26'45"E, 6.28 feet;

THENCE, with the common line of this tract and said State Highway No. 21, along a curve to the left having a radius of 5779.58, an arc length of 608.94 feet, a central angle of 6°02'12" and a chord which bears S40°19'52"W, 608.64 feet to an iron rod set at the south corner of this tract, same being the east corner of that 3.00 acre tract of land described in a deed to Jeffrey D. Britton and Fredrick W. Britton as recorded in Volume 500 Page 888 of said Official Public Records;

THENCE, with the common line of this tract and said Britton tract, N10°42'44"W, 534.68 feet to an iron rod found at the west corner of this tract, same being the north corner of said Britton tract and in the southeast line of said El Camino Real;

THENCE, with the common line of this tract and said El Camino Real, the following two courses:

1. N55°36'44"E, 304.04 feet to an iron rod set;
2. N53°08'34"E, 176.07 feet to the POINT OF BEGINNING and containing 4.650 acres of land.