



**SAN MARCOS
PLANNING AND ZONING
COMMISSION REGULAR
MEETING
CITY COUNCIL CHAMBERS,
630 E. HOPKINS
TUESDAY, MARCH 12, 2013
6:00 P.M.**

1. Call To Order
2. Roll Call
3. **Election of Officers:**
 - a. Chair
 - b. Vice-Chair

***NOTE:** The Planning and Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session.*

4. 30 Minute Citizen Comment Period

CONSENT AGENDA

THE FOLLOWING ITEMS NUMBERED 5 - 6 MAY BE ACTED UPON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THE ITEMS IS NECESSARY UNLESS DESIRED BY A COMMISSIONER OR A CITIZEN, IN WHICH EVENT THE ITEM SHALL BE CONSIDERED IN ITS NORMAL SEQUENCE AFTER THE ITEMS NOT REQUIRING SEPARATE DISCUSSION HAVE BEEN ACTED UPON BY A SINGLE MOTION.

5. Consider the approval of the minutes from the Regular Meeting on February 12, and February 26, 2013.
6. **PC-12-19_03 (Final Plat, Joe Dobie Subdivision)** Consider a request by Byrn & Associates, Inc on behalf of Joe K. Dobie, Jr. Trustee of Joe K. & Daisy G. Dobie Family Trust, for approval of a Final Plat for approximately 14.48 acres more or less out of the J.M. Veramendi Survey No. 2, located at the intersection of Aquarena Springs Drive and River Road.

PUBLIC HEARINGS

7. **CUP-13-06 (Wake the Dead Coffee House)** Hold a public hearing and consider a request by Wake the Dead Coffee House, for renewal of a Conditional Use Permit to allow the sale of beer and wine for on premise consumption at 1432 Old Ranch Road 12

8. **Comprehensive (Master) Plan.** Hold a Public Hearing and hear a staff update regarding the Final Draft of the Comprehensive (Master) Plan - Vision San Marcos: A River Runs Through Us - to guide the growth and development of the City of San Marcos.

NON-CONSENT AGENDA

9. **MUD 13-01 (LaSalle Municipal Utility Districts 2, 3, 4 and 5)** Request of Michael Schroeder on behalf of LaSalle Holdings, Ltd. for consent to create LaSalle Municipal Utility Districts 2, 3, 4 and 5 on an approximately 1,437 acre site out of the William Hemphill Survey, generally located between IH 35 and SH 21 north of Yarrington Road.
10. **Development Services Report**
11. Question and Answer Session with Press and Public. *This is an opportunity for the Press and Public to ask questions related to items on this agenda.*
12. Adjournment.

Notice of Assistance at the Public Meetings

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I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission was removed by me from the City Hall bulletin board on the _____ day of

_____ Title: _____

Agenda Information

AGENDA CAPTION:

Election of Officers:

- a. Chair**
- b. Vice-Chair**

Meeting date: March 12, 2013

Department: Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL:

Strengthen the Middle Class, Encourage Strong Neighborhoods, Education and Workforce

BACKGROUND:

Agenda Information

AGENDA CAPTION:

Consider the approval of the minutes from the Regular Meeting on February 12, and Febraury 26, 2013.

Meeting date: March 12, 2013

Department: Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL:

BACKGROUND:

ATTACHMENTS:

February 12, 2013 Meeting Minutes

February 26, 2013 Meeting Minutes

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
February 12, 2013**

1. Present

Commissioners:

Bill Taylor, Chair
Curtis Seebeck, Vice Chair
Chris Wood
Kenneth Ehlers
Carter Morris
Randy Bryan
Corey Carothers
Bucky Couch
Travis Kelsey

City Staff:

Matthew Lewis, Development Services Director
Kristy Stark, Development Services Assistant Director
Roxanne Nemcik, Assistant City Attorney
Francis Serna, Recording Secretary
Alison Brake, Planner
Emily Koller, Planner
Tory Carpenter, Planning Technician
Abigail Gillfillan, Permit Center Manager

2. Call to Order and a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Taylor at 6:00 p.m. on Tuesday February 12, 2013, in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

Chairperson's Opening Remarks.

Chair Taylor welcomed the audience and viewers.

NOTE: *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session.*

3. 30 Minute Citizen Comment Period

Brenda Smith, 323 W. Hopkins, stated the biggest problem with Zelicks is live music. She felt that the mediated agreement was a step in the right direction. Ms. Smith pointed out that the agreement did not address live and outdoor music. She stated that amplified music is not compatible with the area. She added that people live and work in the area and asked the Commission that the issues to be carefully considered.

Barry James, 323 W. Hopkins, own property across the street. He came before the Commission as the person who filed the appeal. He explained that the Monday following the approval of the conditional use permit, Zelicks had a blowout which didn't include a live band and outdoor speakers but was a window rattler. Mr. James also explained that he appealed asking the Council to bring the request back to the Planning Commission to reconsider and not to clarify the conditions. He asked the Commission to not only clarify but possibly add recommendations to Council as a separate request. He pointed out that he has concerns regarding Item 6 allowing live outdoor amplified music. Mr. James expressed concerns about enforcing the decibel level.

Mike Dillon, 1000 Burleson, stated he and his wife Cathy Dillon own Crystal River Inn. He stated to allow outdoor music would be a disaster. He explained that they would not be allowed to have their caterings. He added that live music was not in the original CUP approval. Mr. Dillon pointed out that Zelicks has had bands twice and has been incredibly loud. He asked the Commission to not allow Zelicks to have live outdoor music.

Monte Sheffield was not present.

Jaimy Breihan, 134 E. Hillcrest asked if providing an address is required to speak. He stated that he lives approximately 10 blocks from Zelicks. He pointed out that the City and Texas State end events at 10:00 p.m. Mr. Breihan stated that live outdoor music will be a big problem for him and he knows that it is an issue for citizens living nearby. He added that the Commission should not set a precedent and that they are slowly driving people out of San Marcos. Mr. Breihan stated he is in support of the CVS Warrant. He added that he is opposition to the Economic Development Incentive Waiver. Mr. Breihan felt that the original Hillside PDD should override any working construction documents. He stated that if the building is encroaching on other people property the buildings should be torn down.

Clinton Giles provided a written statement.

David Sergi, 904 Burleson expressed concerns regarding Item 9, Economic Development Incentive Waiver. He felt each zoning change request should be brought before the Commission for clarity and open government. Mr. Sergi referred to Hillside and explained that PDD is clearly written. He stated that The City and the developer are trying to change the rules when the PDD is clearly written stating that there is a 150' buffer. He pointed out that there is a problem with the document due to the developer. Mr. Sergi said that the issue does not fall on the citizens.

Cathy Dillon, 1000 Burleson stated that in December the subject of live outdoor bands had not been brought up. She expressed concerns with Zelicks currently being allowed to have live music until 11:00 p.m. which she felt will be a big problem. She felt that a couple times a year would not be a problem. Ms. Dillon asked the Commission to remove allowing bands.

Melissa Derrick stated that she supports the Dillon's and commented that Zelicks is the right development in the wrong place. Ms. Derrick spoke in opposition to the Economic Development Incentive Waiver. Ms. Derrick referred Hillside Ranch and asked how the issue evolved with a PDD in place. She explained that many people removed their names from the super majority petition because they were promised a 150' buffer. Ms. Derrick asked the Commission to support the original Hillside PDD.

Diane Wassenich spoke regarding Item 9 and sated that allowing zoning to be changed without approval is dangerous and unnecessary. She pointed out that the City has a current Master Plan and a preferred scenario that the community has come up where development should be happening. Ms. Wassenich spoke in opposition to the Economic Development Incentive Waiver. She pointed out that the language is clear in the Hillside PDD, which stated the buffer was 150'. Ms. Wassenich explained since the roundabouts were not included in the PDD there will be a problem getting the money for the shared costs. She felt that there are a lot of slip ups pertaining to language in documentation. She added that there is also wording issues with the Lazy Oaks Development Agreement. Ms. Wassenich referred to the Zelicks CUP and said the wording was inserted at the last minute to solve a problem which caused a bigger problem.

Seth Katz, 336 W. Hopkins pointed out that they were zoned Commercial and are now T5 zoning designation. He explained that they have been understanding and have imposed several restrictions upon themselves. Mr. Katz pointed out that they have no noise violations and have committed a lot of money towards noise mitigation. In addition, they have made an agreement with their neighbors. He asked the Commission to keep their decision as is and let them move forward.

Consent Agenda:

4. Consider the approval of the minutes from the Regular Meeting on January 22, 2013.

MOTION: Upon a motion made by Commissioner Carter and a second by Commissioner Ehlers the Commission voted on consent to approve the minutes of the Regular Meeting on January 22, 2013.

Public Hearings:

5. CUP-13-01 (Cool Mint Café) Hold a public hearing and consider a request by Cool Mint, Inc., for renewal of a Conditional Use Permit to allow the sale of beer and wine for on- premise consumption at 415 Burleson Street.

Tory Carpenter, Staff Planning Technician gave an overview of the project.

Chair Taylor opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Kelsey and a second by Commissioner Ehlers the Commission voted all in favor to approve CUP-13-01 with the condition that the permit shall be valid for the lifetime of the State TABC license, provided standards are met subject to the point system.

6. CUP-13-02 (CVS Warrant) Hold a public hearing and consider a request by John N. Meeks, on behalf of Aurelius Ltd., for a SmartCode Warrant to allow a reduction in height below the 2-story limit for a proposed 1-story CVS store in a SmartCode T-5 zoning district at 301 North Edward Gary Street.

Emily Koller, Staff Planner gave an overview of the project.

Chair Taylor opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Morris the Commission voted all in favor to approve CUP-13-02.

7. PC-12-30(04) (Blanco River Village Replat) Hold a public hearing and consider a request by Scott Bauer, on behalf of Bigelow San Marcos, LLC, for approval of a replat of 5.008 acres, more or less, being Lots 1 and 11, Block J, and a portion of the rights of way of Morning Shadow and Rush Haven, of Blanco River Village, Section One, and Lot 1, Block H, and all of Block I, of the Amending Plat of Blocks, E, F, H, and I, Blanco River Village, Section One, establishing Blanco River Village for Greenway Subdivision, City of San Marcos, Hays County, Texas.

Alison Brake, Staff Planner gave an overview of the project.

Chair Taylor opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Kelsey the Commission voted all in favor to approve PC-12-30(04).

There was a 15 minute recess.

8. PDD-11-11(a) (Hillside Ranch II PDD Amendment) Hold a public hearing and consider an amendment, by the City of San Marcos, to section 6.01 of the development standards of the Hillside Ranch Phase II Planned Development District (PDD) overlay to clarify the limits of the 150 foot buffer with regard to the row houses located on N. LBJ Drive for 10.925 acres, more or less, out of the TJ Chambers Survey, Tract 179, located at 1410 North LBJ Drive.

Kristy Stark, Assistant Director of Development Services, gave an overview of the project.

Chair Taylor opened the public hearing.

Gary Ford, Elm Hill Court, expressed concerns regarding the buffer. He said the residents expect that Planning and Zoning Commission and staff to protect the citizens from issues and enforcement. He asked the Commission to bring the development into compliance.

Nancy Moore expressed concerns regarding the buffer. She stated that Jay Hiebert measured the distance of the buffer which is an estimated 84-85'. Ms. Moore explained that she spoke the homeowners and they stated the buffer was 150' because that is what they were told when they removed their names from the petition. She stated the Mr. Hiebert wrote a letter to the City Attorney and was told that they built the building in the wrong place. Ms. Moore stated that the buffer is supposed to be 150'. She added that she has a letter from Tyler stating he removed his name from the petition because he was told he would have a 150' buffer. Ms. Moore read Code Section 5.6.1.3 regarding Public Parkland.

Ms. Gotcher, 1420 N. LBJ, stated she lives on the adjacent property that the building is encroaching upon. She said that she was promised a 150' barrier. Ms. Gotcher said she strongly opposes the PDD amendment. She explained that her house continuously shakes and they cannot close their doors due to the development. She asked the Commission to not approve the amendment of the PDD.

Jay Hiebert pointed out the date of the bubble diagram of January 5, 2012. He said the debate is the petition passed around by Mr. Bishop to remove their names from opposing the development in May 2012. Mr. Hiebert said that the PDD is very clearly stated that there will be a 150' buffer zone. He felt that it is not right that neighbors have to deal with issues to their homes due to the development. He asked the Commission to require the developer to comply with the PDD.

Jim Garber asked the Commission to not grant the request. He pointed out that 2300 citizens signed the petition to not build the apartments until the Comprehensive Master Plan was complete. Mr. Garber expressed concerns regarding the language in the PDD. He read a section of the code stating that 150' buffer is required. He added that if they are not going to listen to people then do it right. Mr. Garber stated that they should tear the building down.

Mr. Childre, 130 Cypress Court stated that the building is so close to the street. He listens to people race their cars on N. LBJ at 2 or 3 o'clock in the morning. He expressed concerns regarding accidents happening. Mr. Childre pointed out that his house has rattled for the last two or three months due to the construction. He asked who allowed the developer to build in the buffer zone. He felt the buildings should be removed.

David Wendel, 118 E. Holland, stated he was out getting signatures against the Hillside II project and issues on Elm Court. He pointed out that he did not have any problems getting signatures. Mr. Wendel mentioned that a student moved from Aspen Heights to Elm Court to get away from the noise and pollution and now lives with the racket every day. Mr. Wendel stated that there is a fire hydrant that is being used illegally. He stated that every day there are trucks driving on Holland Street. He called the city and has not heard back from them.

Penny Alba stated that her daughter lives on Elm Court and she has issues with her home with cracks on the wall and doors unable to open correctly. Ms. Alba pointed out that her daughter did not remove her name from the petition. She asked the Commission to stand up to developers and abide by the Ordinances. The citizens of this town are tired of all the apartment buildings. She felt that more apartment buildings are not needed. She stated she lives on Norcrest off of Mimosa Circle and she can hear all the pounding all day long.

Vincent DeBrock, an Arborist explained that issues started when they began the grading of the project. He stated that the first thing he noticed was the preservation of trees. Mr. DeBrock felt that the project was misrepresented because they did not follow through with their intentions of salvaging trees. Mr. DeBrock added that erosion control is another issue with the project.

Bill Guajardo, 113 Elm Hill Court stated he was originally against the project and felt the owner was allowed to build on his property. He explained that the neighborhood negotiated in good faith and though they had an agreement. Mr. Guajardo pointed out that his house vibrates and that he knows is doing damage to his home. He felt that they are living in consequences made by the City, City Council and the Planning Commission. He added that the community does not have faith in the City.

Cynthia Gonzales spoke in opposition to the amendment. She felt a developer should adhere to the ordinance.

No one else spoke and Chair Taylor closed the public hearing.

MOTION: Upon a motion made by Commissioner Couch and a second by Commissioner Morris the Commission voted all in favor to deny PDD-11-11(a).

There was a fifteen minute break

9. LDC-13-01 (Economic Development Incentive Waiver) Hold a public hearing and consider an amendment to Chapter 1 of the Land Development Code to expand the provision for economic development incentive waivers to include a waiver of zoning regulations.

Abigail Gillfillan, Planning Manager gave an overview of the project.

Chair Taylor opened the public hearing.

Tom Wassenich, 11 Tanglewood stated that he objected to large multifamily projects being allowed.

Diana Coffee said she is opposed to giving out her address. She stated that the waiver is a bad idea. Ms. Coffee felt that until an overlay is developed waivers should not be allowed.

No one else spoke and the public hearing was closed.

MAIN MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Bryan, the Commission voted six (6) for and three (3) against to approve amendment to Chapter 1 to include economic development incentive waivers to include a waiver of zoning regulations with the conditions that require a super majority vote of council when zoning regulations are being waived, include a twelve (12) month expiration date for waivers of zoning regulations and include the three (3) criteria from the Economic Development Policies of the ordinance. Commissioners Couch, Seebeck and Kelsey voted in opposition.

Non-Consent

10. PVC-13-01 (Sienna Pointe Plat Variance) Consider a plat variance request by Jim Shaw for the Sienna Pointe Plat (PC-12-37_03) to Sections 7.4.1.4 a (1) and 7.4.1.4 a (3) of the Land Development Code requiring streets not shown on the City's Thoroughfare Plan provide for a continuation or appropriate projection every 1200 feet and provide for future access to adjacent vacant areas.

Emily Koller, Staff Planner gave an overview of the project.

MOTION: Upon a motion made by Chair Taylor and a second by Commissioner Kelsey the Commission voted five (5) for and four (4) against to deny PVC-13-01 based on variance criteria #4-Granting the variance petition will not be detrimental to the public health, safety or welfare, or injurious to other property within the area and #5-Granting the variance petition will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Code, or adversely affect the rights of owners or residents of surrounding property. Commissioner Couch, Morris, Ehlers, and Wood voted against.

11. PC-12-37(03) (Sienna Pointe) Consider a request by Jim Shaw on behalf of James Pendergast, Donna Marie Neuhaus, and Toribio Torres for approval of a final plat, and associated subdivision improvement agreement, of approximately 22.001 acres out of the J.M. Veramendi Survey League No. One, Abstract 17, establishing Sienna Pointe, located near the intersection of Hunter Road and McCarty Lane.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Ehlers the Commission voted all in favor to statutorily deny PC-12-37(03).

12. CUP-12-42A (Zelicks Appeal) Consider a statement of intent for City Council to clarify conditions (4) and (6) of the Conditional Use Permit CUP-12-42 issued to Zelicks Inc. on December 11, 2012.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Ehlers the Commission voted seven (7) for and two (2) against to approve the motion that was approved previously as stated in CUP-12-01. Commissioners Bryan and Taylor voted in opposition.

13. Development Services Report

- a. Update on Downtown Implementation Plan
- b. Update on Comprehensive Plan

Matthew Lewis, Development Services Director gave an update on the Downtown Implementation and the Comprehensive Master Plan.

14. Question and Answer Session with Press and Public. *This is an opportunity for the press and public to ask questions related to items on this agenda.*

There were no questions from the press and public.

15. Adjourn.

Chair Taylor adjourned the Planning and Zoning Commission at 9:50 p.m. on Tuesday, February 12, 2013.

Bill Taylor, Chair

Curtis Seebeck, Vice Chair

Chris Wood, Commissioner

Kenneth Ehlers, Commissioner

Corey Carothers, Commissioner

Randy Bryan, Commissioner

Carter Morris, Commissioner

Travis Kelsey

Bucky Couch, Commissioner

ATTEST:

Francis Serna, Recording Secretary

DRAFT

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
February 26, 2013**

1. Present

Commissioners:

Bill Taylor, Chair
Curtis Seebeck, Vice Chair
Chris Wood
Kenneth Ehlers
Carter Morris
Corey Carothers
Bucky Couch
Travis Kelsey

City Staff:

Kristy Stark, Development Services Assistant Director
Sam Aguirre, Assistant City Attorney
Francis Serna, Recording Secretary
John Foreman, Planning Manager
Amanda Hernandez, Senior Planner
Alison Brake, Planner
Emily Koller, Planner

Call to Order and a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Taylor at 6:00 p.m. on Tuesday February 26, 2013, in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

Chairperson's Opening Remarks.

Chair Taylor welcomed the audience and viewers.

NOTE: *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session.*

3. 30 Minute Citizen Comment Period

Jaimy Breihan, San Marcos Texas thanked the Commission for a good job. He added that it is not a personal thing for him although he came before the Commission on issues in his neighborhood concerning compatibility. He pointed out that the same issues have been brought up across town. Mr. Breihan stated that he was glad the citizens have come forth to speak and hopes that the Commission will realize that we are a community. He said he wants the community feeling to come back to San Marcos.

Consent Agenda:

4. PC-12-37(03) (Sienna Pointe) Consider a request by Jim Shaw on behalf of James Pendergast, Donna Marie Neuhaus, and Toribio Torres for approval of a final plat, and associated subdivision improvement agreement, of approximately 22.001 acres out of the J.M. Veramendi Survey League No. One, Abstract 17, establishing Sienna Pointe, located near the intersection of Hunter Road and McCarty Lane.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Couch the Commission voted on consent to approve PC-12-37(03).

Public Hearings:

5. Comprehensive (Master) Plan. Hold a Public Hearing and consider a recommendation to the City Council for adoption of the Final Draft of the Comprehensive (Master) Plan - Vision San Marcos: A River Runs Through Us - to guide the growth and development of the City of San Marcos.

John Foreman, Planning Manager introduced members of the Committees, Jane Hughson, Chair, Lisa Prewitt and Betsy Robertson, Vice Chairs.

Betsy Robertson, Co-Vice Chair, Citizens Advisory Committee presented the final draft of the Comprehensive Mater Plan and gave an overview of the Process.

Lisa Prewitt, Vice Chair gave a summary of the Comprehensive Master Plan Elements.

Jane Hughson, Chair, Citizen Advisory Committee, gave a summary of The Tools of the Comprehensive Master Plan.

Chair Taylor opened the public hearing. Jaimy Breihan, San Marcos Texas stated that he is excited that a lot of good citizens came together to put together a good plan. He said he hopes that everyone can begin to find security with the new Comprehensive Master Plan. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Kelsey the Commission voted eight (8) for and none (0) against to return the Comprehensive Plan to the Steering Committee and the Citizen's Advisory Committee to discuss inclusion of additional language about The University and Workforce Development and Poverty, require specific input on these topics is to be turned in to Planning staff by Friday, March 1, 2013 and hold a public hearing and action on the Comprehensive Master Plan be placed on the March 26th Planning Commission Agenda.

There was a 12 minute recess.

6. CUP-12-04 (Freebird's World Burrito) Hold a public hearing and consider a request by Freebird's World Burrito for renewal of a Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 909 State Highway 80, Suite C.

Alison Brake, Staff Planner gave an overview of the project.

Chair Taylor opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Carothers the Commission voted all in favor to approve CUP-12-04 with the conditions that the CUP is valid for the life of the TABC license, provided standards are met, subject to the point system.

7. CUP-13-05 (The Rooftop on the Square) Hold a public hearing and consider a request by Brandon Cash, on behalf of The Rooftop on the Square, for renewal of an existing Restricted Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 126 South Guadalupe.

Amanda Hernandez, Staff Senior Planner gave an overview of the project.

Chair Taylor opened the public hearing.

John Hohn, owner of The Professional Building at 110 E. San Antonio located directly across the establishment. He explained that he purchased the building 23 years ago and started a law practice. He pointed out that he has been successful. Mr. Hohn said that his office is within 200 feet of the business and any noise is a direct hit to his office. He said other business owners have joined him in sending the Commission comments about the conduct of the business and the negative effect it has to the businesses. He felt that Rooftop does not want to comply with the requirements. Mr. Hohn stated that he has read and is in support of staff's recommendation to give the business the opportunity to come into compliance. He added that he was authorized to represent, Kelly Kilburn, whose office is 75' feet from the business. Mr. Hohn explained that Mr. Kilburn has called the businesses owners and asked them to tone down the music.

Brandon Cash, owner of Rooftop of the Square apologized to Mr. Hohn and said he was not aware of the issue and that he would address the issues. He explained that the hours of operation are currently 5:00 p.m. to 1:00 a.m. every day and that they are closed on Monday. He mentioned that he would check the sign on the door and correct the hours. Mr. Cash pointed out that they did have issues opening the kitchen when they first opened but has rectified the issues with the Health Department. Mr. Cash stated that he feels that he is in compliance concerning the food service of the businesses. He added that he also felt he is in compliance of the noise ordinance. He explained that he has met with the Building Officials and Fire Inspections. Mr. Cash pointed out that when he met with staff he felt that the exterior loud speakers were not an issue and that his intent was to not have live music. He added they want to be treated fairly and be in compliance and want to be around for a long time.

There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Morris the Commission voted three (3) for and five (5) against to deny CUP-13-05. The motion failed. Commissioners Carothers, Couch, Kelsey, Taylor and Wood dissented.

MOTION: Upon a motion made by Commissioner Kelsey and a second by Commissioner Morris the Commission voted eight (8) for and none (0) against to approve CUP-13-05 with the conditions that the CUP be valid for three (3) months, subject to the point system, subject to all requirements in Section 4.3.4.2, no live music and no speakers in the outdoor and patio area highlighted in Exhibit A.

8. CUP-13-08 (Eskimo Hut) Hold a public hearing and consider a request by Eskimo Hut, for renewal of a Conditional Use Permit to allow the sale of beer and wine for on-premise consumption and an amendment to reflect the change in ownership of the business at 216 N. Edward Gary Street.

Alison Brake, Staff Planner, gave an overview of the project.

Chair Taylor opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Carothers and a second by Commissioner Kelsey the Commission voted all in favor to approve CUP-13-08 with the conditions that the CUP is valid for one (1) year, provided standards are met, subject to the point system.

9. LDC-13-02 (SmartCode Design Standards) Hold a public hearing and consider revisions to Article 6 of Subpart C of the City Code (the SmartCode) to modify the language for deviations from the requirements of the Downtown Design Standards.

Emily Koller, Staff Planner gave an overview of the project.

Chair Taylor opened the public hearing. Jay Hiebert stated he was concerned regarding the judgement for administrative approval and that P&Z will not review of the warrant. Mr. Hiebert expressed concerns that the administrative approval of the SmartCode at the Development Director. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Kelsey, the Commission voted at in favor to approve revisions to Article 6 of Subpart C of the City Code (the SmartCode) to modify the language for deviations from the requirements of the Downtown Design Standards.

Non-Consent

10. Development Guide Presentation

Kristy Stark presented the new Development Guide which provides an overview of the development process.

11. Development Services Report

There was no report.

12. Question and Answer Session with Press and Public. *This is an opportunity for the press and public to ask questions related to items on this agenda.*

There were no questions from the press and public.

13. Adjourn.

Chair Taylor adjourned the Planning and Zoning Commission at 9:07 p.m. on Tuesday, February 26, 2013.

Bill Taylor, Chair

Curtis Seebeck, Vice Chair

Chris Wood, Commissioner

Kenneth Ehlers, Commissioner

Corey Carothers, Commissioner

Bucky Couch, Commissioner

Carter Morris, Commissioner

Travis Kelsey

ATTEST:

Francis Serna, Recording Secretary

Agenda Information

AGENDA CAPTION:

PC-12-19_03 (Final Plat, Joe Dobie Subdivision) Consider a request by Byrn & Associates, Inc on behalf of Joe K. Dobie, Jr. Trustee of Joe K. & Daisy G. Dobie Family Trust, for approval of a Final Plat for approximately 14.48 acres more or less out of the J.M. Veramendi Survey No. 2, located at the intersection of Aquarena Springs Drive and River Road.

Meeting date: March 12, 2013

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL:

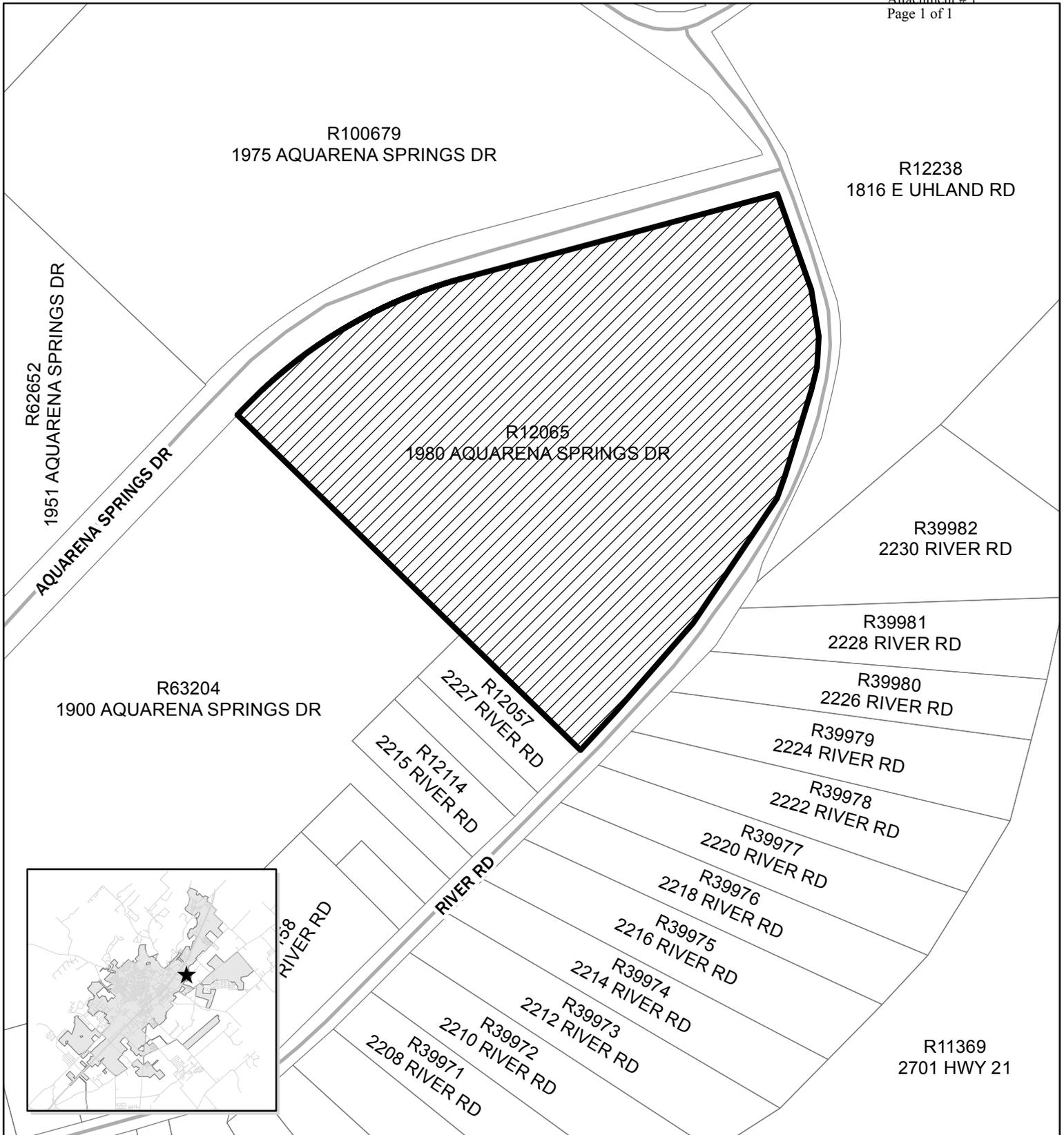
Big Picture Infrastructure

BACKGROUND:

This Final Plat is proposing one lot out of 14.23 acres of land. The lot is to be developed as an apartment complex. The accompanying Subdivision Improvement Agreement is for the purpose of extending a water line to serve the development.

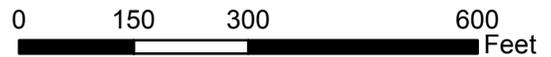
ATTACHMENTS:

Site Map
Staff Report -Final
Final Plat
Subdivision Improvement Agreement
Application



PC-12-19(05)
Joe Dobie Addition
1980 Aquarena Springs
Map Date: 2/28/2013

•  Site Location •



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

PC-12-19(03) Final Plat Joe Dobie Addition



Applicant Information:

Applicant: Byrn & Associates, Inc.
P.O. Box 1433
San Marcos, Texas 78667

Property Owner: Joe K. Dobie, Jr. Trustee
Joe K. & Daisy G. Dobie Family Trust
3070 CR, 117
San Saba, Texas 76677

Notification: Notification not required

Type & Name of Subdivision: Final Plat, Joe Dobie Addition

Subject Property:

Summary: This is the Joe Dobie Addition Final Plat and associated Subdivision Improvement Agreement. The proposed subdivision will create one lot which is 14.48 acres.

Traffic / Transportation: The property reflected within this Final Plat fronts Aquarena Springs Drive and will create a corner lot at the Southeast corner of Aquarena Springs Drive and River Road

Utility Capacity: Internal easements for the purpose of electrical utilities have been arranged. The property currently has access to all other utilities.

Parks proposal: The applicant is proposing to pay the Fee-In-Lieu of parkland dedication which is \$64,372, prior to Plat recordation.

Zoning: The property is zoned MF-24

Surrounding Zoning and Land use:

| | Current Zoning | Existing Land Use |
|----------------------|-----------------------|---|
| N of Property | MF-24 | The Zone Apartments |
| W of Property | MF-24 | River Oaks Villas Apartments |
| S of Property | SF-6 | Mostly undevelopable land with some Single Family |
| E of Property | FD | The Blanco River |

Planning Department Analysis:

This final plat is proposing one lot out of 14.23 acres of land. The lot is to be developed as an apartment complex. The accompanying Subdivision Improvement Agreement is for the purposes of extending a water line in order to serve the apartment complex.

This plat is dedicating 10 feet of Right-of-Way along the northern portion of the property where Aquarena Springs Drive currently exists. The 10 feet of Right-of-Way constitutes their fair share as Aquarena Springs Drive is designated as a major arterial, which requires 100 feet of right of way, yet currently only has 80 feet dedicated as such along this portion of the road. The proposed water line that is the subject of the Subdivision Improvement Agreement will be located within the newly dedicated Right-of-Way.

A portion of this property was once used as a quarry but has been subsequently filled with road materials spoils. A Phase 1 Environmental Report supplied by the applicant shows that the spoils are not contaminated. The Phase 1 Environmental Report also shows that the dedicated City Right of Way is not part of the former quarry, and therefore does not have road spoils used as fill beneath it.

The entire lot is located within the 100 year floodplain based on FEMA maps. There is a portion of the property along the eastern edge of the property that is designated as Floodway. Due to FEMA regulations nothing can be built in the Floodway without the permission of the CORPS of Engineers.

Staff has determined that the Joe Dobie Addition Plat will meet all City requirements upon acceptance of the Subdivision Improvement Agreement and payment of parkland fee-in-lieu.

Staff has reviewed the request and determined that all criteria have been met and recommends approval of the Final Plat.

| Planning Department Recommendation | |
|---|---|
| x | Approve as submitted |
| | Approve with conditions or revisions as noted |
| | Alternative |
| | Denial |

The Commission's Responsibility:

The Commission is charged with making the final decision regarding this proposed Subdivision Final Plat. The City charter delegates all subdivision platting authority to the Planning and Zoning Commission. The Commission's decision on platting matters is final and may not be appealed to the City Council. Your options are to approve, disapprove, or to statutorily deny (an action that keeps the applicant "in process") the plat.

Prepared By:

Will Parrish

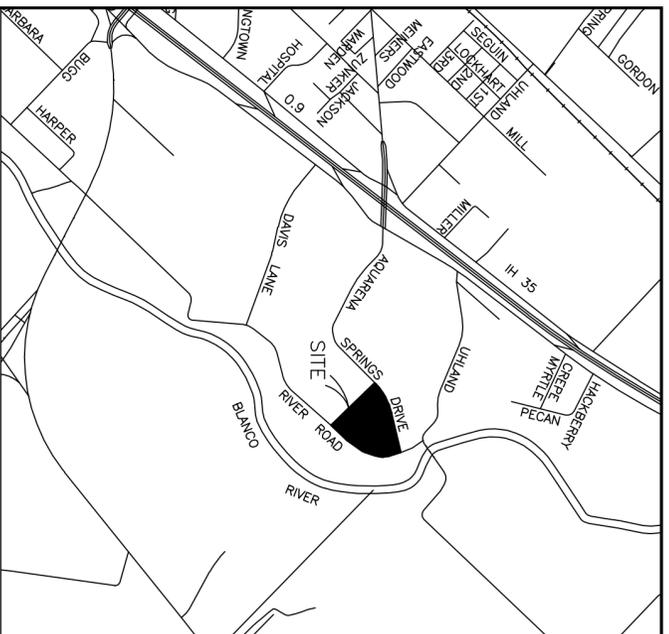
Planning Tech

February 26, 2012

Name

Title

Date



VICINITY MAP - NOT TO SCALE

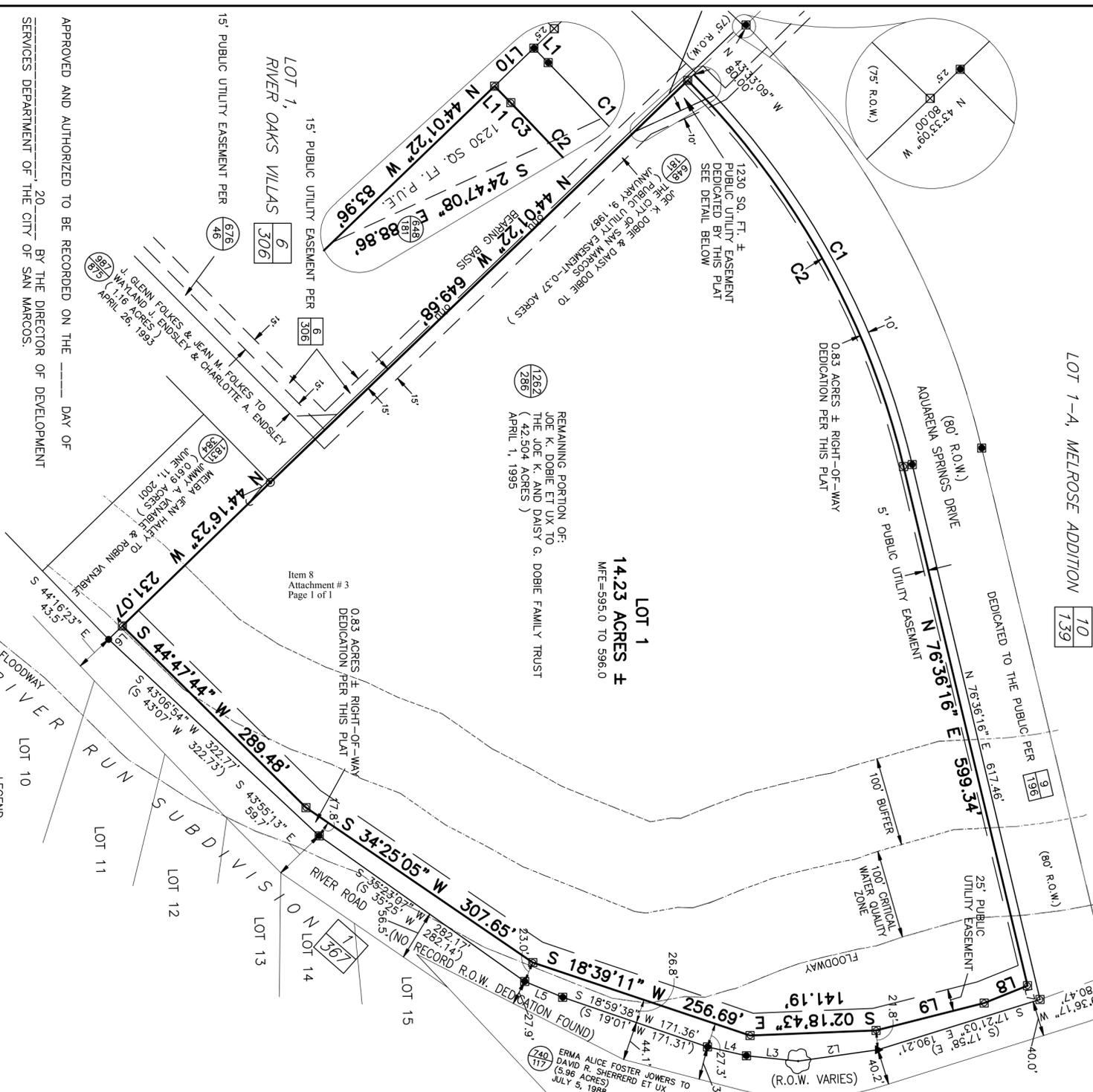


ORIGINAL SCALE
1" = 100'

| LINE | BEARING | DISTANCE |
|------|-----------------|----------|
| L1 | N 45:46:05" E | 0.68' |
| (L1) | (N 45:15:27" E) | (0.85') |
| L2 | S 08:05:24" E | 90.21' |
| (L2) | (S 08:33" E) | (89.77') |
| L3 | S 06:06:20" W | 58.04' |
| (L3) | (S 06:25" W) | (58.62') |
| L4 | S 12:45:11" W | 44.67' |
| (L4) | (S 12:41" W) | (44.69') |
| L5 | S 22:45:51" W | 46.14' |
| (L5) | (S 22:41" W) | (46.20') |
| L6 | N 44:16:23" W | 21.55' |
| L8 | S 21:43:34" E | 52.44' |
| L9 | S 14:19:53" E | 124.70' |
| L10 | N 44:01:22" W | 10.00' |
| L11 | N 45:46:05" E | 0.76' |

| CURVE | DELTA ANGLE | RADIUS | ARC LENGTH | CHORD BEARING | CHORD LENGTH |
|-------|-------------|---------|------------|---------------|--------------|
| C1 | 31:21:06" | 927.29' | 507.40' | N 60:54:33" E | 501.10' |
| C2 | 31:21:16" | 917.29' | 501.98' | N 60:54:28" E | 495.74' |
| C3 | 01:46:51" | 917.29' | 28.51' | N 46:07:16" E | 28.51' |

SCALED LOCATION OF THE FLOODWAY AS PER FEMA MAP DATED SEPTEMBER 2, 2005



APPROVED AND AUTHORIZED TO BE RECORDED ON THE _____ DAY OF _____ 20____ BY THE DIRECTOR OF DEVELOPMENT SERVICES DEPARTMENT OF THE CITY OF SAN MARCOS.

MATTHEW LEWIS
DIRECTOR OF DEVELOPMENT SERVICES

FRANCIS SERNA
RECORDING SECRETARY

APPROVED: DIRECTOR OF ENGINEERING

CLIENT: BRECKENRIDGE
DATE: JULY 9, 2013
OFFICE: PAINTE/BRYANT
CREW: EVERETT, LOZANO, C. SMITH
FB/Pc: 683/16
PLAT NO. 28209-12-1-c

- LEGEND
- VOL HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
 - VOL HAYS COUNTY PLAT RECORDS
 - 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "BYRN SURVEY"
 - 1/2" IRON ROD FOUND OR DIAMETER NOTED
 - 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "BYRN SURVEY"
 - HACKBERRY TREE
 - FENCE POST
 - 1/2" IRON ROD FOUND IN CONCRETE
 - MINIMUM FLOOR ELEVATION BEING 1 FOOT ABOVE THE CURRENT BASE FLOOD ELEVATION PER FEMA RATE MAP

JOE DOBIE ADDITION
FINAL PLAT ESTABLISHING

BEING 14.23 ACRES, MORE OR LESS, IN THE J.M. VERAMENDI LEAGUE NO. 2, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS

OWNER:
JOE DOBIE
3070 CR 117
SAN SABA, TEXAS 76877

DATE: MARCH 4, 2013
SCALE: 1" = 100'

BYRN & ASSOCIATES, INC.
ENGINEERS SURVEYORS
P.O. BOX 1433 SAN MARCOS, TEXAS 78667
PHONE 512-396-2270 FAX 512-392-2945

KNOW ALL MEN BY THESE PRESENTS:
THAT I, DAVID C. WILLIAMSON, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS "SET" WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS.

REGISTERED PROFESSIONAL LAND SURVEYOR
DAVID C. WILLIAMSON, R.P.L.S. NO. 4190

JOHN DIPOLLINO, P.E.

Item 8

STATE OF TEXAS *
COUNTY OF HAYS *
LIZ O. GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS, CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____, 2013 AT _____ O'CLOCK _____ M., AT _____ O'CLOCK _____ M., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN BOOK _____ AT PAGE _____.

STATE OF TEXAS *
COUNTY OF HAYS *
LIZ O. GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS

NOTARY PUBLIC IN AND FOR HAYS COUNTY, TEXAS
MY COMMISSION EXPIRES: _____, 2013 BY _____

JOE K. DOBIE, JR., TRUSTEE
3070 CR 117
SAN SABA, TEXAS 76877

STATE OF TEXAS *
COUNTY OF HAYS *
THIS SUBDIVISION PLAT WAS ACKNOWLEDGED BEFORE ME ON _____, 2013 BY _____

ACCORDING TO SCALING FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 48209C0394F, DATED SEPTEMBER 2, 2005, A PORTION OF THIS TRACT IS WITHIN THE FLOODWAY OF THE BLANCO RIVER AND THIS ENTIRE TRACT LIES WITHIN ZONE AE (SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD-BASE FLOOD ELEVATIONS DETERMINED). HOWEVER, ACTUAL ON-THE-GROUND ELEVATIONS SHOW A PORTION OF THIS TRACT BEING ABOVE THE SPECIAL FLOOD HAZARD ELEVATION. THE CURRENT MINIMUM FLOOR ELEVATIONS PER FEMA RATE MAP ARE SHOWN HEREON.

**City of San Marcos
Subdivision Improvement Agreement**

Subdivision Name: Joe Dobie Addition
Developer Name: Joe K. & Daisy G. Dobie Family Trust
Developer Address: 3070 CR 117
San Saba TX 76677

Planning Dept. Case No.: PC-12-19-05

Recitals:

- A. The Developer owns the land included in the proposed final plat of the Subdivision, and more particularly described on the attached Exhibit A (the "Property").
- B. The Developer desires to develop the Property, and City ordinances and State laws require the Developer to complete all on-site and off-site public improvements (the "Public Improvements") associated with the Subdivision.
- C. This Agreement is authorized by Section 1.6.6.3 of the City Land Development Code (the "LDC"), and is executed to memorialize the Developer's responsibilities regarding the Public Improvements.

Agreement:

In consideration of the mutual covenants set forth in this Agreement, the City and the Developer agree as follows:

1. **Recitals Incorporated.** The Recitals are incorporated in this Agreement for all purposes.
2. **Parties.** The parties to this Agreement are the Developer and the City of San Marcos.
3. **Effective Date.** This Agreement is effective on the date the Developer signs it (the "Effective Date").
4. **Construction of Improvements.** The Developer agrees to construct and install, at the Developer's expense, all of the Public Improvements in compliance with applicable City ordinances, standards, and regulations, and in accordance with the construction plans and specifications approved by the City.
5. **Security for Completion of Improvements.** The Developer agrees to provide and continuously maintain security (the "Security") for the completion of the Public Improvements in accordance with Section 1.6.6.4 of the LDC. The Security must be in the amount of 125% of the cost estimate for the Public Improvements approved by the City Director of Engineering.
6. **Warranty and Maintenance Bond.** The Developer agrees to correct all defects in materials or workmanship in the Public Improvements for a period of one year after acceptance by the City. The Developer agrees to provide a maintenance bond in favor of the City in the amount of 20% of the cost of the Public Improvements for a period of two years after acceptance by the City.
7. **Lien Search Certificate.** The Developer agrees to provide, at the time this Agreement is executed, a Lien Search Certificate prepared and signed by a title company acceptable to the City Attorney. The Lien Search Certificate must identify the property, must name all owners of the Property, must name all lienholders having liens against the Property, and must be dated no more than 10 days prior to the Effective Date. The Lien Search Certificate must be accompanied by a Consent of Lienholder signed by an authorized representative of each lienholder identified in the Lien Search Certificate. This Agreement will not be accepted without the Lien Search Certificate and the executed Consent of Lienholder, if applicable.
8. **Acquisition of Property Interests.** The Developer agrees to acquire at its expense all rights-of-way, easements and other real property interests needed for the construction of the Public Improvements, including all off-site improvements, in a manner suitable for dedication of the real

property interests to the City. The form of all documents under which real property interests are acquired is subject to approval by the City Attorney. The Developer agrees to record each such document in the official public records of the county in which the Property is located, and to provide a copy of each such recorded document to the City Attorney.

9. Recording of Plat. Upon completion of all of the following, the City agrees to record the final plat of the Subdivision in the official public records of the county in which the Property is located:

- A. Approval of this Agreement by the City Planning and Zoning Commission.
- B. Approval of the final plat of the Subdivision by the City Planning and Zoning Commission.
- C. Submission to City of Lien Search Certificate, and executed Consent of Lienholder for each lienholder on the Property.
- D. Approval of the Security by the City Attorney.
- E. Approval by the City Attorney of all conveyance documents for rights-of-way, easements and other real property interests needed for the construction of the Public Improvements.

10. Conditions of Draw on Security. The City Director of Engineering may draw upon any Security upon the occurrence of one or more of the following events:

- A. The Developer commenced construction but did not properly construct or complete one or more of the Public Improvements, and failed to remedy the construction deficiency within a reasonable cure period;
- B. The Developer did not renew or replace the Security at least 45 days prior to its expiration date; or
- C. The issuer of the Security, or any third party, has acquired all or any portion of the Property through foreclosure or an assignment or conveyance in lieu of foreclosure.

11. Drawing on the Security; Use of Draws. The City Director of Engineering may draw upon the Security by submitting a draft to the issuer that complies with the terms governing the draft. The draw may be in any amount up to the full amount of the Security. The City agrees to restrict its use of funds from draws to purposes associated with the construction, maintenance or repair of the Public Improvements. The parties agree that by making a draw, the City does not waive its rights to enforce any obligation of the Developer under this Agreement, and the City is not accepting the Public Improvements for ownership and maintenance prior to final completion.

12. Right of Entry. The Developer grants to the City and its successors, assigns, agents, contractors, and employees, a nonexclusive right and easement to enter the Property to inspect the construction of the Public Improvements, and to construct, inspect, maintain, and repair any public improvements made on the Property by the City.

13. Remedies. The remedies available to the City in the event of noncompliance by the Developer with this Agreement are cumulative in nature. These remedies include, but are not limited to, the following:

- A. Refusal to approve or record any plat associated with the Subdivision.
- B. Refusal to provide or allow utility services to all or any part of the Property.
- C. Refusal to accept all or a portion of the Public Improvements for public ownership or maintenance.
- D. Draws against the Security for construction of the Public Improvements.
- E. Injunction against further sale of tracts of land within the Subdivision.

14. No Third Party Rights. No person or entity who or which is not a party to this Agreement has any right of action under this Agreement. Nor does any such person or entity, other than the City (including without limitation a trustee in bankruptcy) have any interest in or claim to any funds drawn by the City on the Security in accordance with this Agreement.

15. Indemnification. The Developer covenants to indemnify, save, and hold harmless the City and its their respective officers, employees, and agents from, and against, all claims, demands, actions, damages, losses, costs, liabilities, expenses and judgments recovered from or

asserted on account of injury or damage to persons or property loss or damage arising in connection with construction performed by or on behalf of the Developer on the Property.

16. Miscellaneous. A. The Developer may assign its rights and obligations under this Agreement to a purchaser of all or part of the Property, if the Developer delivers written notice of the assignment to the City accompanied by an assignment agreement under which the assignee accepts all of the Developer's obligations under this Agreement and submits new Security for the Public Improvements in a form acceptable to the City Attorney. Any other assignment by a Party of rights or obligations under this Agreement will require the written approval of the other Party.

B. This Agreement, including appendices and referenced attachments, constitutes the entire agreement between the City and the Developer on this subject and supersedes all other proposals, presentations, representations, and communications, whether oral or written, between the parties. This Agreement may be amended only by a written document that is duly approved and executed by all parties.

C. In the event any section, subsection, paragraph, sentence, phrase or word is held invalid for any reason, the balance of this Agreement will remain in effect and will be read as if the parties intended at all times not to include the invalid section, subsection, paragraph, sentence, phrase or word.

D. This agreement shall be governed by the laws of the State of Texas. Exclusive venue for any legal dispute arising under this agreement shall be in Hays County, Texas. The City's execution of and performance under this Agreement will not act as a waiver of any immunity of the City to suit or liability under applicable law. The parties acknowledge that the City, in executing and performing this Agreement, is a governmental entity acting in a governmental capacity.

E. Notices required by this Agreement will be provided by the parties to one another by certified mail, return receipt requested, or by confirmed facsimile transmission, to the following addresses:

To the City:
City Manager
City of San Marcos
630 E. Hopkins
San Marcos, TX 78666
Fax: 512/396-4656

To the Developer:
Joe K. & Daisy G. Dobic Family Trust
3070 CR 117
San Saba, TX 76677
Fax: _____

If a party changes its address or facsimile number for notice purposes, it will provide written notice of the new address to the other party within 10 days of the change.

F. In the event that the performance by either party of any of its obligations under this contract is interrupted or delayed by events outside of their control such as acts of God, war, riot, or civil commotion, then the party is excused from such performance for the period of time reasonably necessary to remedy the effects of the events.

G. This Agreement constitutes a covenant running with the title to the Property, and the provisions of this Agreement are binding on the Developer and on all successors and assigns of the Developer.

Executed by the parties to be Effective on _____

[signatures on following page]

City of San Marcos, Texas

By: _____
James R. Nuse, P.E., City Manager

This instrument was acknowledged before me on _____, 201__ by James R. Nuse, P.E., known personally by me to be the City Manager of the City of San Marcos, on behalf of the City of San Marcos.

Notary seal: _____
Notary Public, State of Texas

Developer:

By: _____
Signature

Printed name, title

~~This instrument was acknowledged before me on _____ by _____, known personally by me to be the _____ of _____.~~

Notary Seal: _____
Notary Public, State of _____

PC-12-19-05

City of San Marcos
SUBDIVISION PLAT APPLICATION

| | <u>APPLICANT</u> | <u>PROPERTY OWNER</u> |
|------------------------|---|---|
| Name | <u>Byrn & Associates, Inc.</u> | <u>Joe K. Dobie, Jr. Trustee</u> <u>Joe K. & Daisy G. Dobie</u> |
| Mailing Address | <u>P.O. Box 1433</u> <u>San Marcos, Texas. 78667</u> | <u>Family Trust</u> <u>3070 CR. 117</u> <u>San Saba, Texas, 76677</u> |
| Daytime Phone | <u>512-396-2270</u> | <u>326-623-5487</u> |
| Email Address | <u>DW.Byrn@gmail.com</u> | <u>Star13@centex.net</u> |

AGENT ACKNOWLEDGEMENT STATEMENT:

I Joe K. Dobie, Jr. (trustee) acknowledge that I am the rightful owner of the property proposed for subdivision and hereby authorize Byrn & Associates, Inc. to serve as my agent to file this application and to work with the Responsible Official on my behalf during the subdivision platting process.

Signature of Property Owner: Joe K. Dobie, Jr. (Trustee)
 Printed Name: Joe K Dobie Jr (Trustee) Date: 7-9-12

Signature of Agent: David Williamson
 Printed Name: DAVID S WILLIAMSON Date: 7-9-12

2012 JUL 12 PM 1 13

TYPE OF APPLICATION

- Subdivision Concept Plat Variance Section _____
- Preliminary Subdivision Plat Preliminary Development Plat
- Final Subdivision Plat Final Development Plat
- Minor Subdivision Plat
- Administrative Approval
- Amending Plat
- Subdivision Replat

SUBDIVISION IMPROVEMENT AGREEMENT

Whenever public improvements to serve the development are deferred until after Final Subdivision Plat or Final Development Plat approval, the property owner shall enter into a subdivision improvement agreement by which the owner covenants to complete all required public improvements no later than two years following the date upon which the Final Subdivision Plat or Final Development Plat is approved.

- I will complete all required public improvements prior to the Final Subdivision Plat or Final Development Plat
- I wish to defer installation of public improvements and will complete a Subdivision Improvement Agreement with the City

Signature: NA

Printed Name: NA Date: _____

SUBJECT PROPERTY

Subdivision Name: Joe Dobie Addition

Address or General Location: Aquarena Springs Dr. & River Road

Proposed Number of Lots: 1 Acres: 14.48

Appraisal District Tax ID: R12063, R12065

- Located In City Limits ETJ (County _____)
- S.M. River Corridor Planned Development District

Proposed Use of Land Multi Family

JOE DOBIE ADDITION

UTILITY SERVICE ACKNOWLEDGEMENTS:

Utility service codes are to be indicated, as applicable in the space provided in each acknowledgment listed below according to the following designations.

- A. Adequate service is currently available to the subject property
- B. Adequate service is not currently available, but arrangements have been made to provide it
- C. Adequate service is not currently available, and arrangements have not been made to provide it
- D. Need easement(s) within subject property

Name of Electric Service Provider PEDERNALES ELECTRIC COOPERATIVE, INC.

Applicable Utility Service Code(s) A, D

Comments/Conditions NEED SET OF DEVELOPMENT PLANS IF AVAILABLE

Signature of Electric Company Official George Esqueda

Title DISTRICT PLANNING SUPERVISOR Date JULY 12, 2012

Name of Telephone Service Provider _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Telephone Company Official _____

Title _____ Date _____

Name of Gas Service Provider _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Gas Company Official _____

Title _____ Date _____

Joe Dobie ADDITION

UTILITY SERVICE ACKNOWLEDGEMENTS:

Utility service codes are to be indicated, as applicable in the space provided in each acknowledgment listed below according to the following designations.

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- C. Adequate service is not currently available, and arrangements have not been made to provide it
- D. Need easement(s) within subject property

Name of *Electric Service Provider* _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Electric Company Official _____

Title _____ Date _____

Name of *Telephone Service Provider* Century Link

Applicable Utility Service Code(s) A

Comments/Conditions _____

Signature of Telephone Company Official Kenny Z...

Title PLANT FAC. SUPV. Date 7-9-12

Name of *Gas Service Provider* _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Gas Company Official _____

Title _____ Date _____

UTILITY SERVICE ACKNOWLEDGEMENTS:

Utility service codes are to be indicated, as applicable in the space provided in each acknowledgment listed below according to the following designations.

- A. Adequate service is currently available to the subject property
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- C. Adequate service is not currently available, and arrangements have not been made to provide it
- D. Need easement(s) within subject property

Name of *Electric Service Provider* _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Electric Company Official _____

Title _____

Date _____

Name of *Telephone Service Provider* _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Telephone Company Official _____

Title _____

Date _____

Name of *Gas Service Provider* Center Point Energy _____

Applicable Utility Service Code(s) C _____

Comments/Conditions _____

Signature of Gas Company Official [Signature] _____

Title Operations Supervisor _____

Date 7-11-2012 _____

UTILITY SERVICE ACKNOWLEDGMENTS CONTINUED

Name of Water Service Provider City of San Marcos

Applicable Utility Service Code(s) A.

Comments/Conditions Adequate service for existing development.

Signature of Water Utility Official: Lloyd Juarez

Title: Water/Wastewater Utility mgr Date: 7-11-12

The use of either 1) _____ a private wastewater treatment system, or 2) _____ septic tanks, is approved for all lots in the proposed subdivision which are not required to connect to the City of San Marcos wastewater system.

Comments/Conditions _____

Signature of City or County Health Official: _____

Title: _____ Date _____

SUBMITTAL REQUIREMENTS:

Applicable Documents and Fees

Name(s) and Address(es) of Property Lien-Holder(s), if any

List of Names and Mailing Addresses of All Owners of Land Within 200 feet of the Subject Property, if this application is for a replat in a subdivision that is in the San Marcos ETJ and which is limited by deed restrictions to single or two-family residential dwellings

I hereby affirm that if I am not the property owner of record, or if the applicant is an organization or business entity, I have been authorized to represent the owner, organization, or business in this application. I certify the preceding information is complete and accurate, and it is understood that I or another representative should be present at all meetings concerning this application..

Signature of Applicant: _____

Printed Name: _____

Date: _____

UTILITY SERVICE ACKNOWLEDGMENTS CONTINUED

Name of Water Service Provider _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Water Utility Official: _____

Title: _____

Date: _____

The use of either 1) _____ a private wastewater treatment system, or 2) _____ septic tanks, is approved for all lots in the proposed subdivision which are not required to connect to the City of San Marcos wastewater system.

Comments/Conditions _____

Signature of City or County Health Official: _____

Title: _____

Date _____

SUBMITTAL REQUIREMENTS:

Applicable Documents and Fees

Name(s) and Address(es) of Property Lien-Holder(s), if any

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Signature of Applicant

Joe K. Dobie JR (Trustee)

Printed Name: Joe K. Dobie JR (Trustee)

Date: 7-9-12

Agenda Information

AGENDA CAPTION:

CUP-13-06 (Wake the Dead Coffee House) Hold a public hearing and consider a request by Wake the Dead Coffee House, for renewal of a Conditional Use Permit to allow the sale of beer and wine for on premise consumption at 1432 Old Ranch Road 12

Meeting date: March 12, 2013

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL:

Strengthen the Middle Class, Encourage Strong Neighborhoods, Education and Workforce

BACKGROUND:

Wake the Dead Coffee House was granted a 3 year CUP in 2010. The applicant has operated at this location for approximately five years. Hours are from 7 a.m. to 12 a.m. Monday through Friday, and 8 a.m. to 12 a.m. on weekends. Live music is currently allowed until 9 p.m. outside and 12 a.m. inside.

ATTACHMENTS:

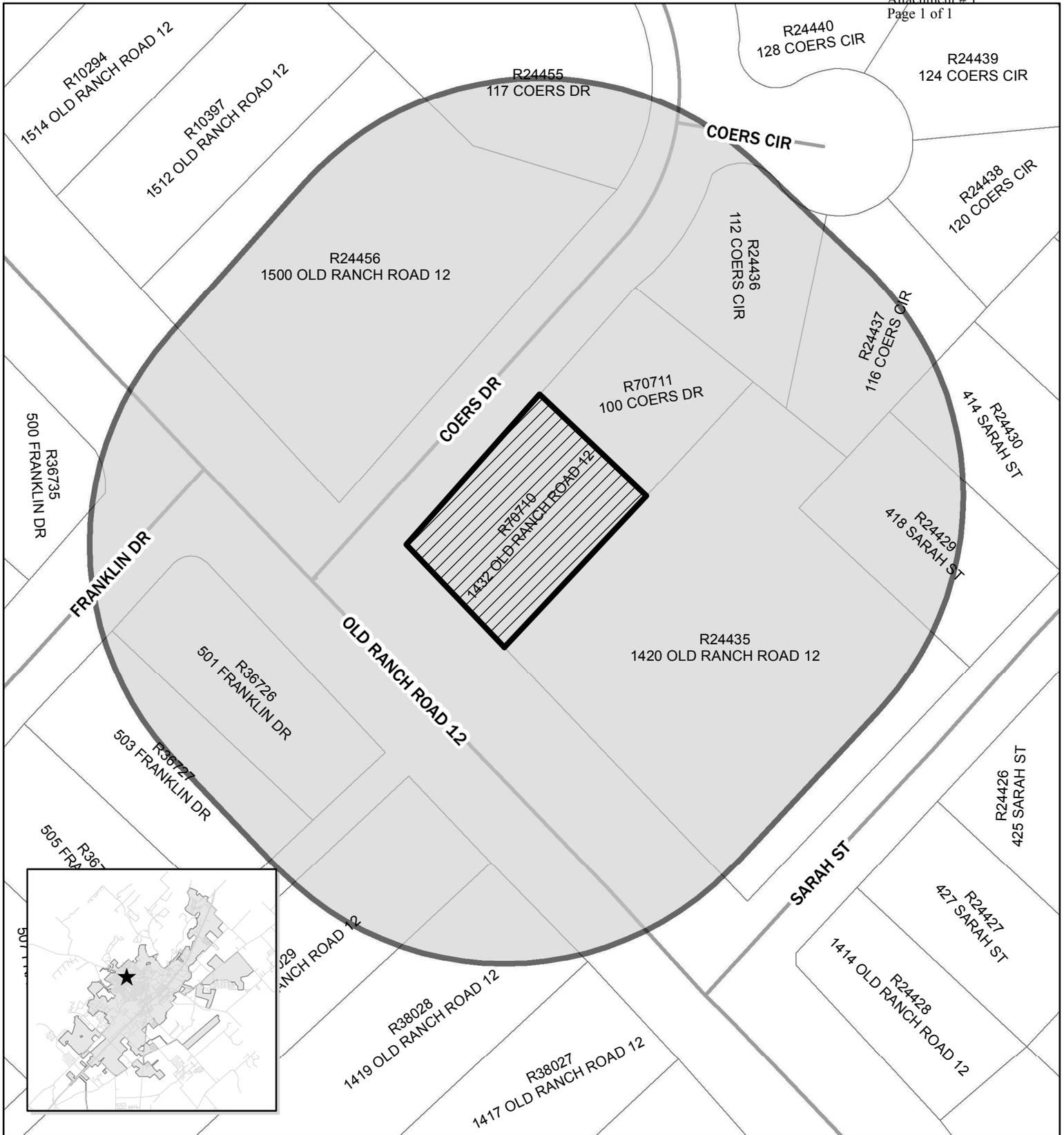
Notification Map

Staff Report

Application

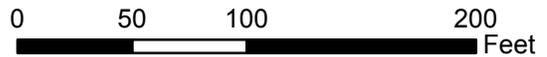
Menu

Site Plan



CUP-13-06
Wake the Dead
1432 Old Ranch Road 12
Map Date: 2/28/2013

-  Site Location
-  Notification Area (200 feet)



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

CUP-13-06

Conditional Use Permit

Wake the Dead Coffee House

1432 Ranch Road 12



Applicant Information:

Applicant: Julie Balkman
108 Riviera
San Marcos TX 78666

Property Owner: Jerry Williamson
111 Riviera
San Marcos, TX 78666

Applicant Request: Renewal of a Conditional Use Permit (CUP) to allow on-premise consumption of beer and wine at a restaurant establishment.

Notification: Public hearing notification mailed on February 28, 2013.

Response: None to date

Subject Property:

Location: 1432 Ranch Road 12
Legal Description: Lot 1, Section 3, Coers Addition
Frontage On: Ranch Road 12, Coers
Neighborhood: Coers
Existing Zoning: "CC" Community Commercial
Master Plan Land Use: Commercial
Sector: Sector 3
Existing Utilities: Adequate
Existing Use of Property: Coffee Shop/Café
Proposed Use of Property: Coffee Shop/Café
Zoning and Land Use Pattern:

| | Current Zoning | Existing Land Use |
|----------------------|----------------|---------------------------------------|
| N of Property | MU | Low density single-family residential |
| S of Property | GC | Commercial |
| E of Property | CC | Commercial |
| W of Property | SF-6 | Low density single-family residential |

Code Requirements:

A conditional use permit allows the establishment of uses which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located in a low density residential zoning district. The location **does** meet the distance requirements despite being adjacent to SF-6 property, as the distance is measured from front door to front door.

CUPs issued for on-premise consumption of alcohol make the business subject to the code standards and the penalty point system for violations (Section 4.3.4.2).

Case Summary

This is a renewal of a three year CUP granted in 2010. The applicant has operated at this location for approximately five years. Hours are from 7 a.m. to 12 a.m. Monday through Friday, and 8 a.m. to 12 a.m. on weekends. Live music is currently allowed until 9 p.m. outside and 12 a.m. inside, seven days a week.

Response from Other Departments

Health, Fire and the Police Department have not indicated any concerns with the renewal of this permit.

Planning Department Analysis:

Wake the Dead is a coffee/drink shop located at 1432 Ranch Road 12, at the corner of Ranch Road 12 and Coers. The building was formerly a residence. The menu consists primarily of coffee, iced and frozen drinks, as well as a selection of beer and wine. Sandwiches, soups, and pastries are also offered.

The coffee shop contains a seated capacity of 26 inside and 20 outside, for a total of 46 seats. At a ratio of one space per every four seats, the applicant is required to provide twelve off-street parking spaces. Twelve spaces are provided behind the building with an entrance from Coers St., meeting the required parking standard.

Wake the Dead received its first CUP in 2008, and has since gone through the process for two additional renewals. Amplified music during limited hours was added to the permit in 2009.

In order to monitor new permits for on-premise consumption of alcohol, the Planning Department's standard recommendation is that they be approved initially for a limited time period. Other new conditional use permits have been approved as follows:

- Initial approval for 1 year;
- Renewal for 3 years;
- Final approval for the life of the State TABC license, provided standards are met

Considering that:

- The applicant has operated at this location for five years,
- The previous CUP was approved for 3 years, and
- No departments or adjacent property owners have stated objections,

Staff recommends final approval for the life of the State TABC license.

Staff provides this request to the Commission for your consideration and recommends approval of the Conditional Use Permit with the following conditions:

1. The permit shall be valid for the lifetime of the state TABC license, provided standards are met subject to the point system;
2. Indoor music shall end at 12 a.m.; and
Outdoor music shall end at 9 p.m.

| | |
|-------------------------------------|---|
| Planning Department Recommendation: | |
| | Approve as submitted |
| X | Approve with conditions or revisions as noted |
| | Alternative |
| | Denial |

Commission's Responsibility:

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- is consistent with the policies of the Master Plan and the general intent of the zoning district;
- is compatible with the character and integrity of adjacent developments and neighborhoods;
- includes improvements to mitigate development-related adverse impacts; and
- does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic in the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

Prepared by:

| | | |
|------------------|-----------------|-------------|
| Alix Scarborough | Planning Intern | 2/26/13 |
| Name | Title | Date |

09/12

CUP-13 - 06

City of San Marcos

CONDITIONAL USE PERMIT APPLICATION
To Allow On-Premise Consumption of Alcoholic Beverages
Outside the Central Business Area

LICENSE INFORMATION

Trade Name of Business: Wake the Dead Coffee House

Application is filed by:

Individual Partnership Corporation Other: _____

Name of Individual or Entity: Julie Balkman Phone Number: 512 754 9357

Mailing Address: 108 Riviera San Marcos, TX 78666

Email Address: coffeewench@austin.rr.com

Type of Permit Requested: Mixed Beverage Beer & Wine Other: renewal

PROPERTY

Street Address: 1432 RR 12 SM, TX Current Zoning: Community Commercial

Legal Description: Lot 1 Block 3 Subdivision Loers additional section

Tax ID Number: R 74-3248815 (federal tax ID)

Property Owner's Name: Jerry Williamson Phone Number: 512 753 6938

Address: 111 Riviera San Marcos, TX 78666

BUSINESS DETAILS

Primary Business Use: Restaurant Bar Other: coffee shop

Hours of Operation: M-F 7am-midnight Sat, Sun 8am-midnight

Type of Entertainment Facilities: live music indoor until midnight; outdoors

Indoor Fixed Seats Capacity: 26 Outdoor Fixed Seats: 20

Gross Floor Area Including Outdoor Above-ground Decks: 1794 Square Feet

Number of Off-Street Parking Spaces Provided: 12

Located more than 300 feet from church, public school, hospital, low density residential? Y N

unt
9pm

APPLICATION FOR CITY OF SAN MARCOS CONDITIONAL USE PERMIT-TABC

Arch 15

09/12

CUP PERMIT HISTORY *Check all that apply*

- New request**, no existing TABC CUP Permit at this location
- Change** to existing TABC Permit. Nature of Change: _____
- Renewal**
- Change in name of license holder** of existing business at same location
- Change in name of existing business** at this location

SUBMITTAL REQUIREMENTS

- **Beer and Wine Permit: \$600 Application fee** (non-refundable)
- **Mixed Beverage Permit: \$600 Application fee** (non-refundable)
- **Change to Existing Permit/Renewal: \$300.00 fee** (non-refundable)
- **Site Plan** drawn to scale, preferably on paper no larger than 11" x 17", showing dimensions of property, locations and square footage of building(s), interior layout showing dimensions of tables, bar area, etc., number of off-street paved parking spaces, and fences buffering residential uses.
- **Copy of State TABC License Application**

I certify that this information is complete and accurate. I understand that I or a representative should be present at all meetings regarding this application.

I am the property owner of record; or

I have attached authorization to represent the owner, organization, or business in this application.



Applicant's Signature

Printed Name: Julie Balkman **Date:** 1/27/13

To be completed by Staff:

Meeting Date: _____ **Application Deadline:** _____

Accepted By: _____ **Date:** _____

09/12



Conditional Use Permit Application Checklist To Allow On-Premise Consumption of Alcoholic Beverages Outside the Central Business Area

| Provided by applicant as of date of submittal | | By staff as of date of completeness review | |
|--|---|--|----------------|
| Completed | Required Item | Staff Verification | Staff Comments |
| <input type="checkbox"/> | A pre-application conference with staff is recommended | <input type="checkbox"/> | |
| <input type="checkbox"/> | A completed application for Conditional Use Permit and required fees. * (see note below) | <input type="checkbox"/> | |
| <input type="checkbox"/> | A site plan <i>drawn to scale</i> showing dimensions of property, locations and square footage of building(s), number of off-street paved parking spaces, and fences buffering residential uses. * (see note below) | <input type="checkbox"/> | |
| <input type="checkbox"/> | Interior layout showing all proposed seating; kitchen and bar areas; and restroom facilities | <input type="checkbox"/> | |
| <input type="checkbox"/> | All information and illustrations necessary to show the nature of the proposed use and its effect on surrounding properties | <input type="checkbox"/> | |
| <input type="checkbox"/> | Authorization to represent the property owner, if applicant is not the owner | <input type="checkbox"/> | |
| Any of the following pieces of information as requested by the Director of Development Services : *(see note below) | | | |
| <input type="checkbox"/> | Landscaping and/or fencing of yards and setback areas and proposed changes | <input type="checkbox"/> | |
| <input type="checkbox"/> | Design of ingress and egress | <input type="checkbox"/> | |
| <input type="checkbox"/> | Off-street loading facilities | <input type="checkbox"/> | |
| <input type="checkbox"/> | Height of all structures | <input type="checkbox"/> | |
| <input type="checkbox"/> | Proposed uses | <input type="checkbox"/> | |
| <input type="checkbox"/> | The location and types of all signs | <input type="checkbox"/> | |
| <input type="checkbox"/> | Copy of State TABC License application | <input type="checkbox"/> | |
| <input type="checkbox"/> | Impervious cover or drainage issues or impacts | <input type="checkbox"/> | |
| <input type="checkbox"/> | Menu | <input type="checkbox"/> | |

* For renewals, staff may accept a written statement that no changes have been made to these items if copies are available on file.

I hereby certify and attest that the application is complete and all information above is complete and hereby submitted for review.

Signed: Julie Balkman Date: 1/27/13
 Print Name: Julie Balkman
 Engineer Surveyor Architect/Planner Owner Agent: _____

Wake the Dead Coffee House

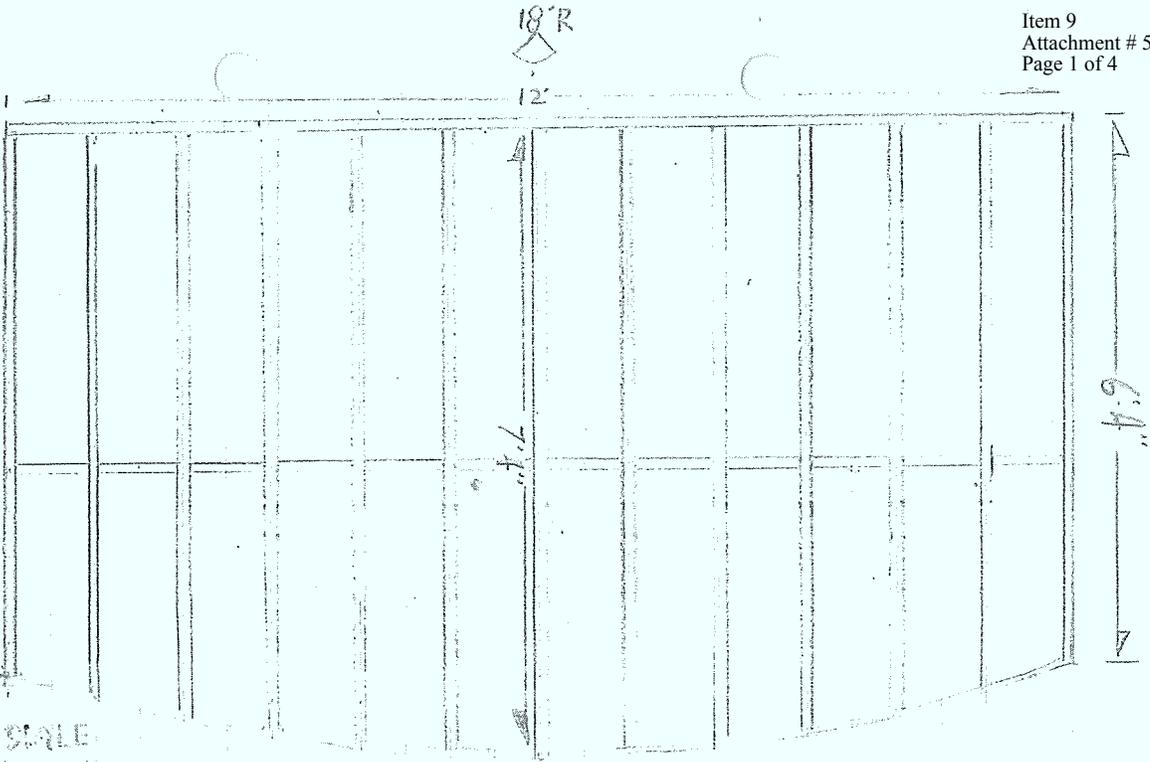
Menu:

Food

Breakfast tacos
Bagels
Cereal
Scones
Yogurt
Fruit
Pastry breads
Gourmet bars
Granola/muesli bars
Cup cakes
Cookies
Sandwiches
Soup
Salsa and chips

Beverages

Coffee
Espresso drinks
Iced coffee
Mochas
Loose leaf teas
Smoothies
Chai
Frappes
Fresh Lemon/limeades
Malts/Shakes
Italian sodas
Specialty sodas
Imported and local beer
Wine



SCALE
 1' = 1/2"

STAGE

673 FIRE

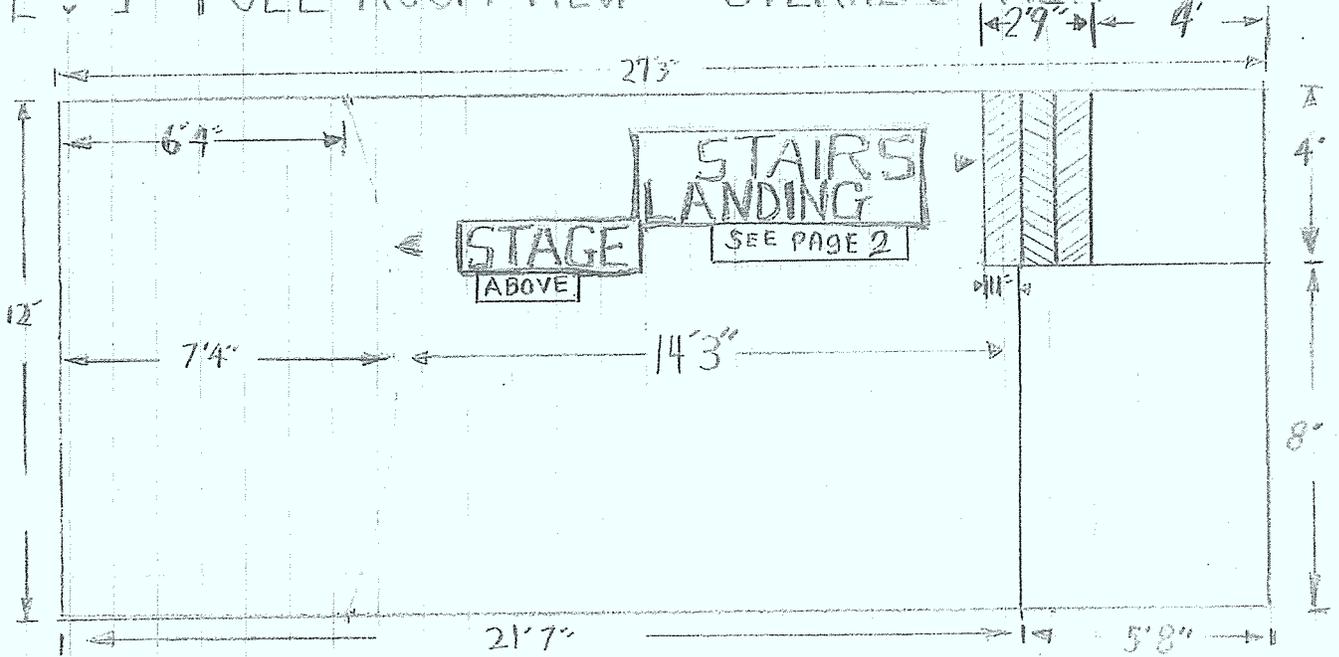
393 8470

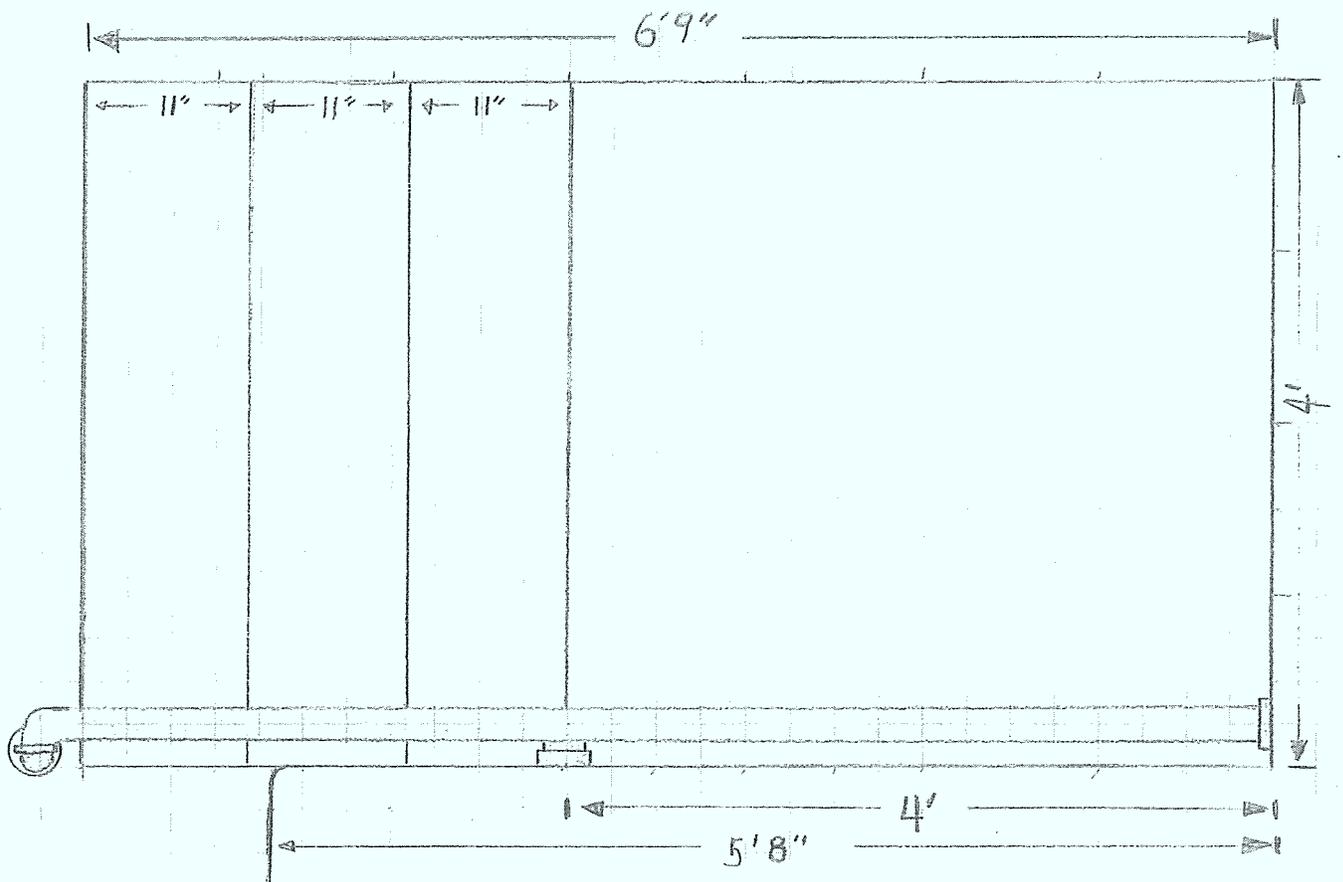
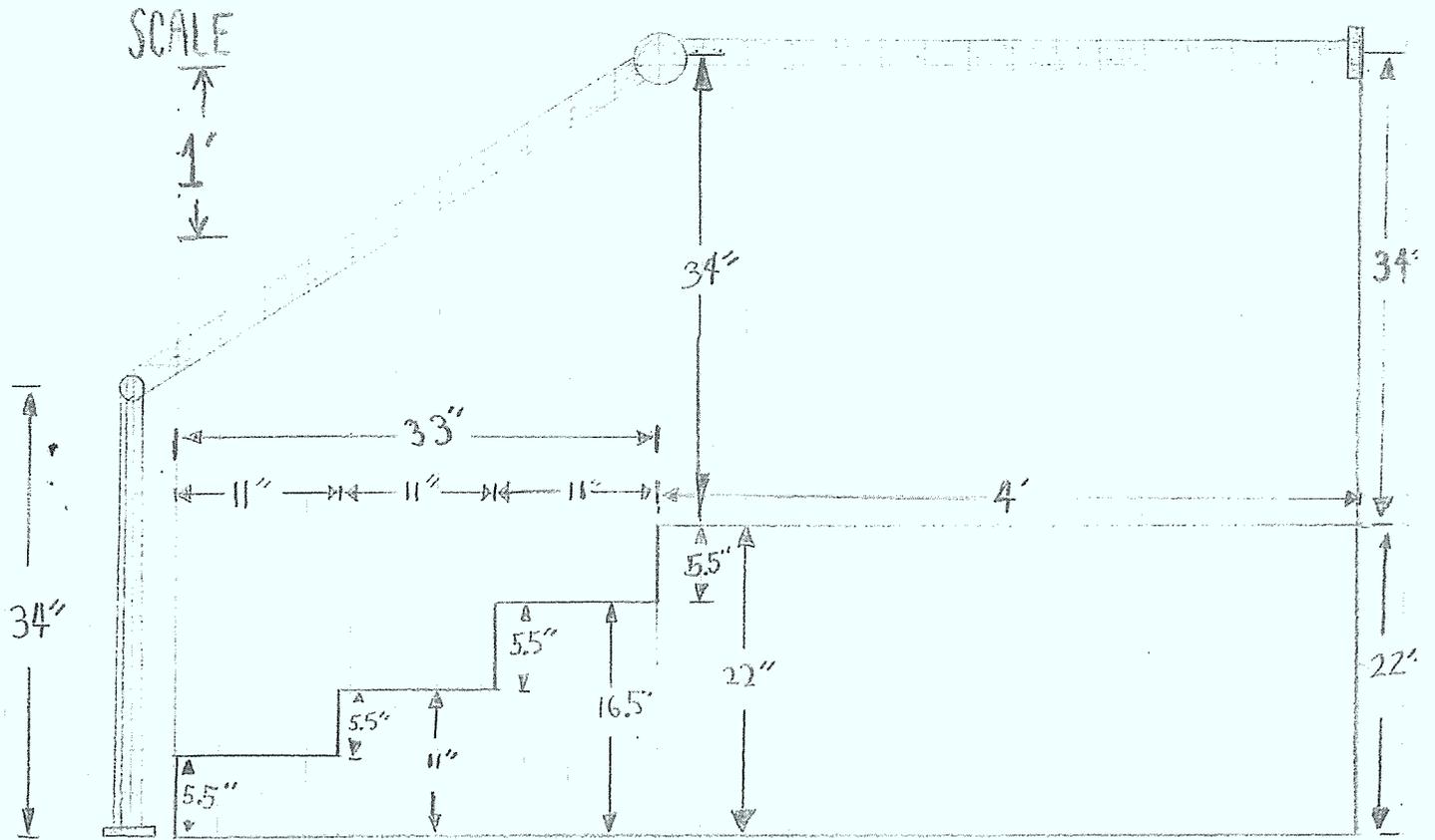
805 2647 Tommy

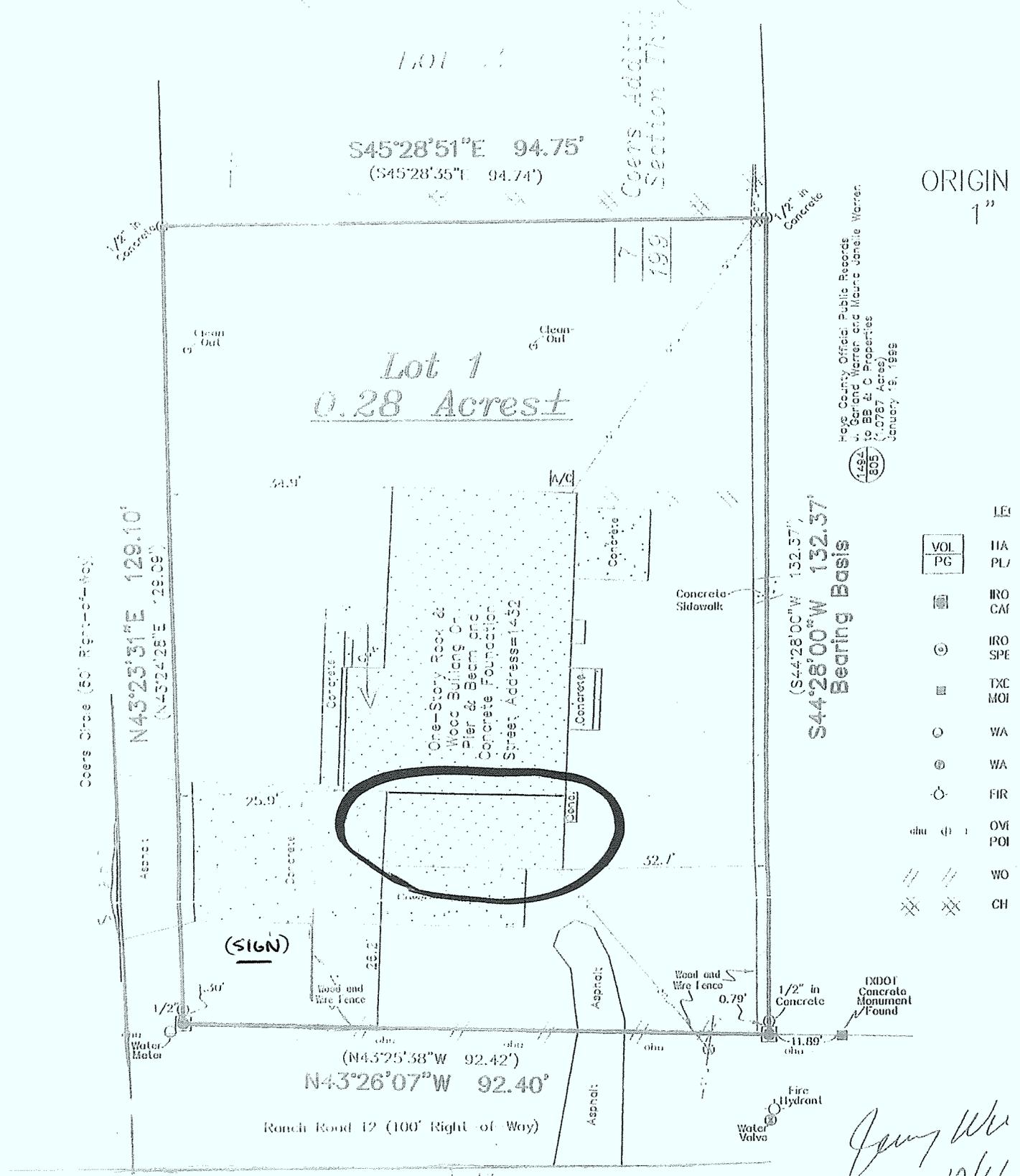


SCALE
 1' = 1/2"

FULL ROOM VIEW - OVERHEAD VIEW







Key County Official Public Records
J. Gerard Warren and Maure Janelle Warren
1494
805
1,0787 Acres
January 19, 1988

ORIGIN
↑

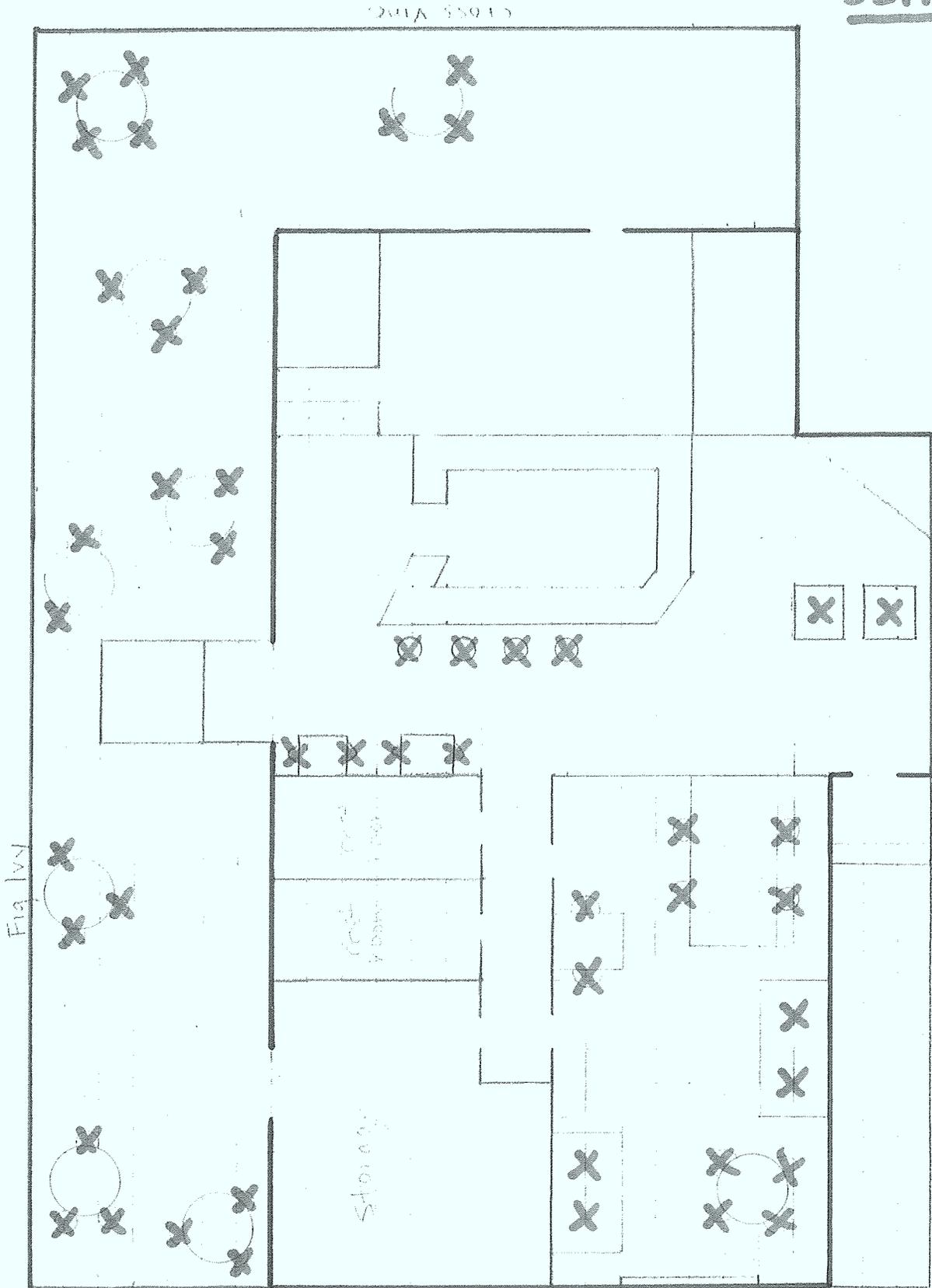
| | |
|-----|-----|
| LEI | |
| IIA | VOL |
| PLI | PG |
| IRO | ☐ |
| CAF | ⊙ |
| IRO | ⊙ |
| SPE | ⊙ |
| TXC | ⊙ |
| MOI | ⊙ |
| WA | ⊙ |
| WA | ⊙ |
| FIR | ⊙ |
| OVI | ⊙ |
| POI | ⊙ |
| WO | /// |
| CH | xxx |

Jerry Wu
10/16/11

SURVEYOR'S NOTES:

1. FENCES MEANDER.
2. BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.
3. ACCORDING TO SCALING FROM F.I.M.A. FLOOD INSURANCE RATE MAP NO. 48209C03891, DATED SEPTEMBER 2, 2005, THIS LOT LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
4. THIS SURVEY WAS DONE IN CONJUNCTION WITH HAYS COUNTY ABSTRACT COMPANY COMMITMENT GI NO. 20609028, DATED SEPTEMBER 12, 2006. THIS SURVEYOR DID NOT

SEATING



1501
7/14

Agenda Information

AGENDA CAPTION:

Comprehensive (Master) Plan. Hold a Public Hearing and hear a staff update regarding the Final Draft of the Comprehensive (Master) Plan - Vision San Marcos: A River Runs Through Us - to guide the growth and development of the City of San Marcos.

Meeting date: March 12, 2013

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL:

BACKGROUND:

This item includes a public hearing and a provide a staff update of the Comprehensive Master Plan schedule moving forward.

After over a year of meetings and public events, the Steering Committee with recommendation from the Citizen's Advisory Committee has created a Final Draft of the Comprehensive Plan - Vision San Marcos: A River Runs Through Us. This document will replace the Horizons Master Plan and is a visionary planning tool for the community.

ATTACHMENTS:

Cover Memo

Draft Plan

Draft Maps



PLANNING &
DEVELOPMENT SERVICES

MEMO

TO: CITY COUNCIL / PLANNING & ZONING COMMISSION
THRU: JIM NUSE, CITY MANAGER
FROM: MATTHEW LEWIS, DIRECTOR OF PLANNING & DEVELOPMENT SERVICES
DATE: February 13, 2013
RE: Vision San Marcos: A River Runs Through Us
A COMPREHENSIVE (MASTER) PLAN FOR THE CITY OF SAN MARCOS

Following a year-long public process, the Comprehensive Plan Steering Committee and Citizen's Advisory Committee along with consultants and city staff have created a visionary planning document for the City of San Marcos. The purpose of this plan is to guide the growth and development in appropriate areas of the city and identify land for preservation.

The process for creation of this document revolved around the public. The visioning process involved web-based crowd sourcing and workshops. Goal setting was the task of the Citizen's Advisory Committee. The preferred scenario that drives this plan was derived from public input during workshops and the week-long design rodeo. Consultants were utilized for technical analysis; however their direction also came from the input from workshops and the design rodeo.

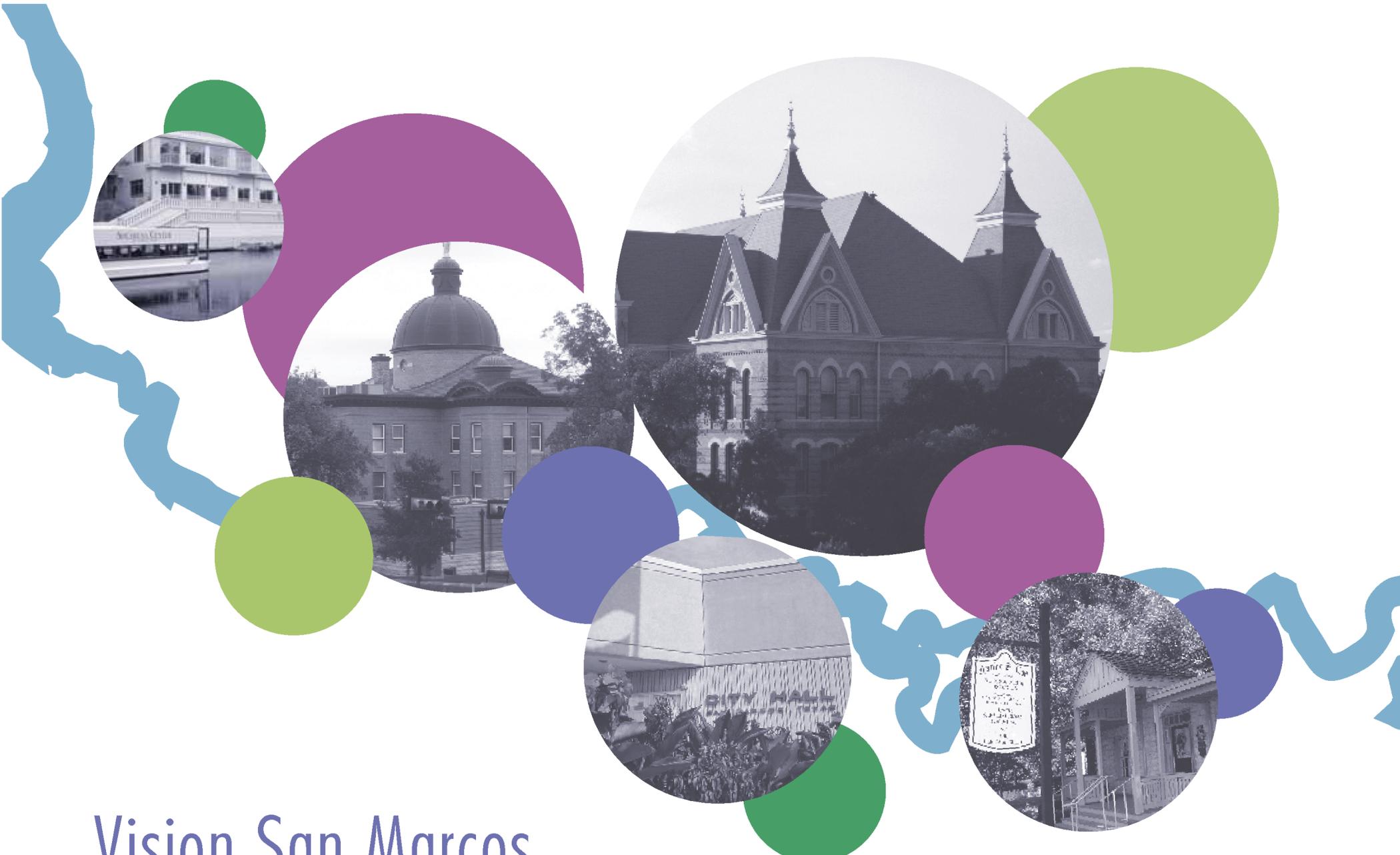
Vision San Marcos: A River Runs Through Us is intended to be a user friendly plan for city staff as well as the general public. Recommendations for implementation of the plan are found in the Vision, Goals and Objectives section. The community derived objectives provide direction for achieving the goals and ultimately the preferred scenario.

The plan is divided into six focus areas which are linked to the Vision Statements for Economic Development; Environment and Resource Protection; Land Use; Neighborhoods and Housing; Parks, Public Spaces and Facilities and Transportation. A Citizens Advisory Subcommittee was assigned for each topic throughout the process.

Changes presented in this plan will ultimately result in a necessary revision to the Land Development Code (LDC) in order to ensure development aligns with the intent of the plan. A preferred scenario map was created during the design rodeo that illustrates locations where residents of San Marcos wish to see growth and development. The Land Use Intensity Matrix outlines general uses for the various development areas and should be utilized as a guide in updating the LDC.

Finally, the plan recommends changes to current policy and city operations. It is recommended that Land Use Amendments only be considered twice a year and that the plan be utilized for ranking and scoring Capital Improvement Plan (CIP) projects. The CIP projects will further align the community vision and the implementation of the plan. An annual review schedule is also provided to ensure that evaluation of the plan continues.

This plan was developed with passion and clear intentions by the community the next steps of adoption and implementation are critical to create the future of San Marcos.



Vision San Marcos
A RIVER RUNS THROUGH US

TABLE OF CONTENTS

| | |
|---|-----|
| Preface | 10 |
| Introduction | 13 |
| 2035 Vision, Goals & Objectives | 32 |
| Plan Elements | 52 |
|  Economic Development | 54 |
|  Environment & Resource Protection | 60 |
|  Land Use | 66 |
|  Neighborhoods and Housing | 86 |
|  Parks, Public Spaces and Facilities | 92 |
|  Transportation | 100 |
| Process for Update of Plan | 106 |
| Five Year Action Items | 112 |
| Addendum Table of Contents | 114 |
| Figures Appendix | 115 |

PREFACE

SAN MARCOS, TEXAS:

A city of bold dreams. Recognized for our unparalleled natural beauty, ancient cultural heritage, dynamic university, town character, and crystal clear flowing river; San Marcos prepared bold plans for its future.

**VISION SAN MARCOS:
A RIVER RUNS THROUGH US.**

IT IS WITH DEEP PLEASURE THAT WE INTRODUCE THE COMMUNITY TO THE FUTURE SAN MARCOS; DREAMED, CREATED AND IMPLEMENTED BY THE COMMUNITY.

Vision San Marcos: A River Runs Through Us.

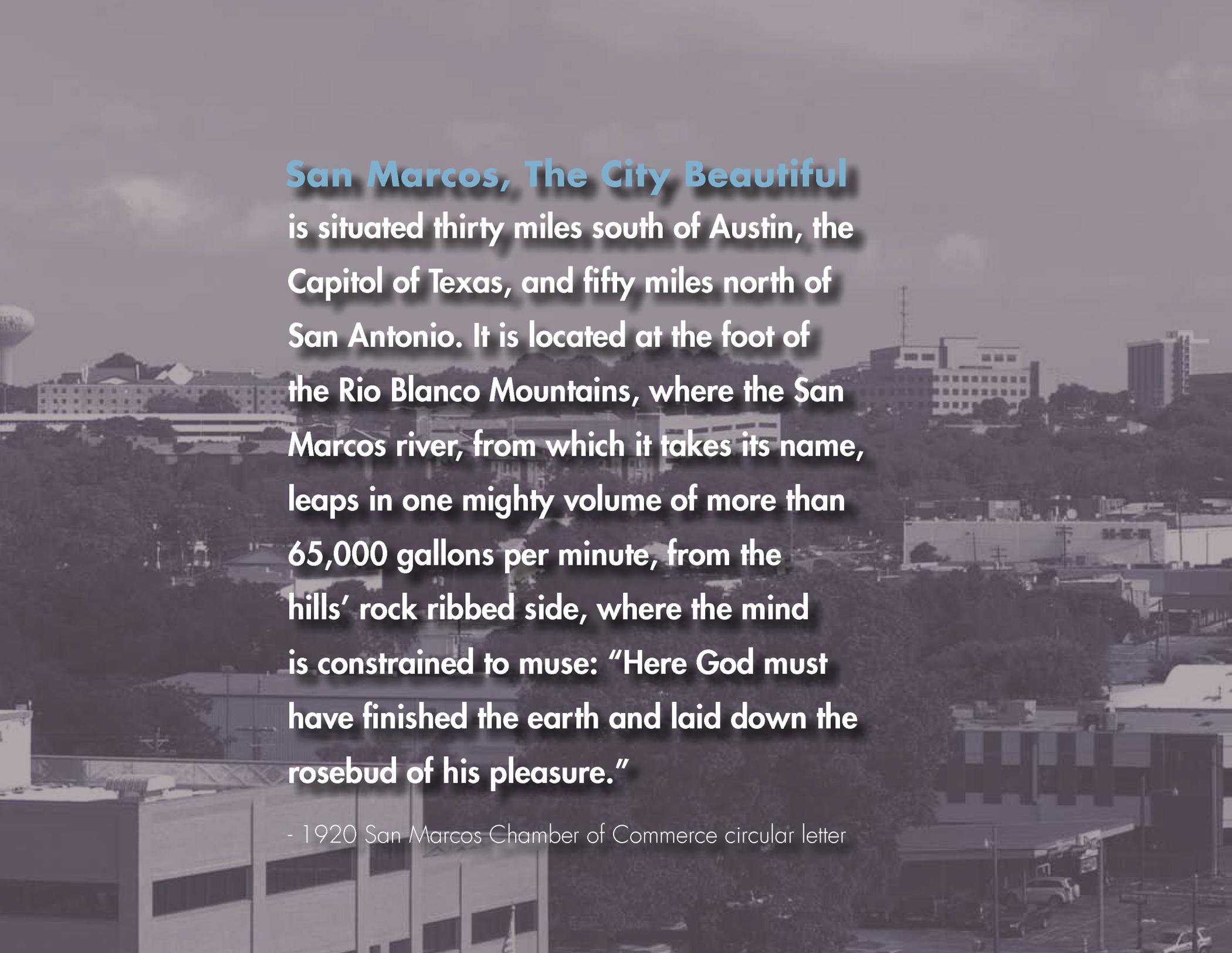
A bold plan with boundless ideas diligently selected by the community, business leaders and city officials as a gift to the future generations of San Marcos. The plan is a deliberate and intentional investment in creating an enhanced, stable built environment interwoven with nature.

Diligence, commitment and our pledge to follow and implement the plan as described in the document are the duties of elected officials, staff and the

community. Citizens, business leaders and city officials are charged with oversight of the Plan; we owe this to the past and future generations of San Marcos.

A community conscious of preserving its rich historical past has successfully readied itself for future cultural enrichment, economical stability and educational excellence for all citizens. Realization of these goals will be measured by the health and vitality of our citizens and the strength of industry providing careers for our workforce.



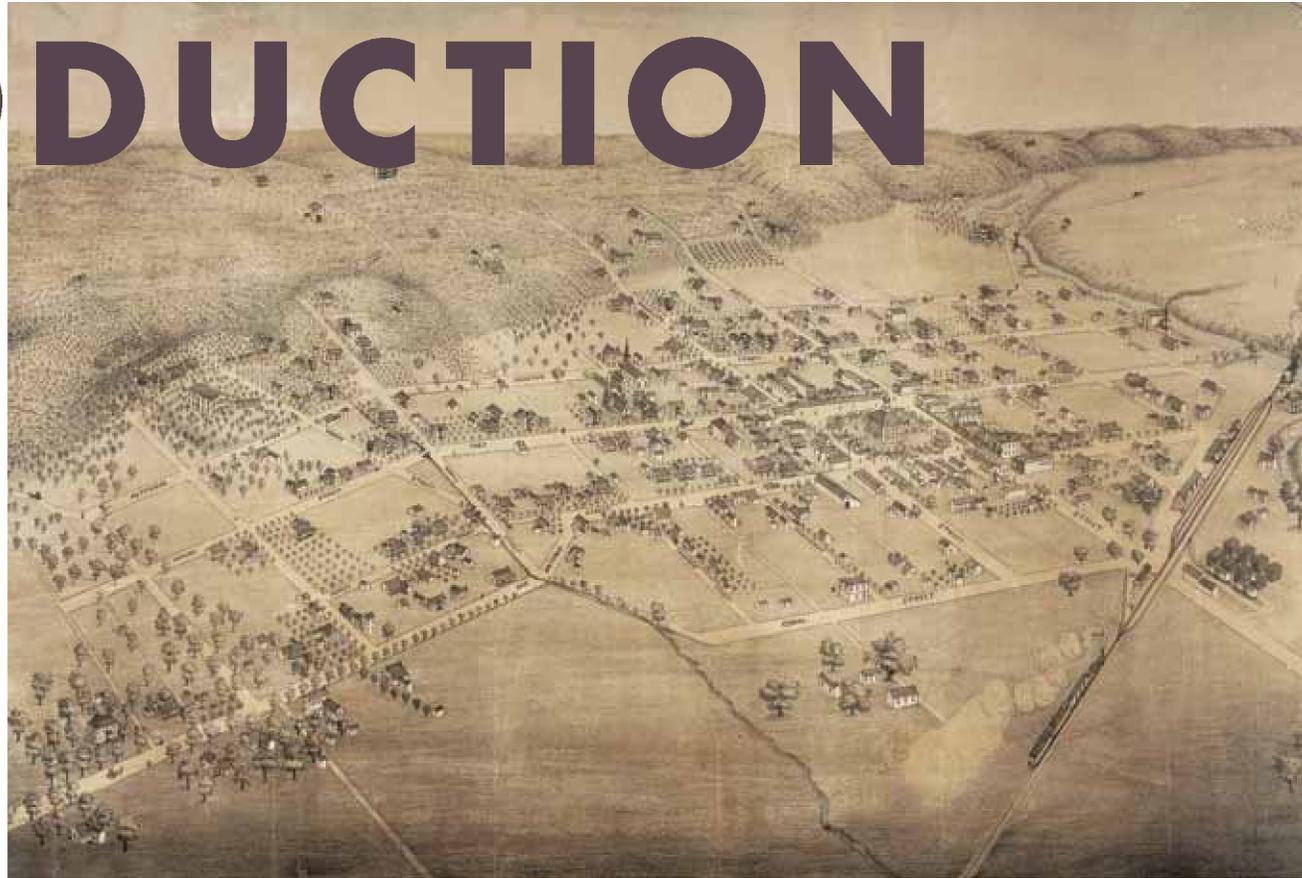


San Marcos, The City Beautiful
is situated thirty miles south of Austin, the
Capitol of Texas, and fifty miles north of
San Antonio. It is located at the foot of
the Rio Blanco Mountains, where the San
Marcos river, from which it takes its name,
leaps in one mighty volume of more than
65,000 gallons per minute, from the
hills' rock ribbed side, where the mind
is constrained to muse: "Here God must
have finished the earth and laid down the
rosebud of his pleasure."

- 1920 San Marcos Chamber of Commerce circular letter

INTRODUCTION

- HISTORY OF SAN MARCOS
- COMMUNITY PROFILE
- WHY CITIES PLAN
- PLANNING IN TEXAS
- PLANNING IN SAN MARCOS
- THE PLANNING PROCESS
- HOW TO USE THE PLAN
- FIGURES APPENDIX
 - Regional Map
 - Environmental Features



History of San Marcos

The first census of Hays County, the 1850 Federal Census, listed 387 individuals “in or about” San Marcos. Today the city’s population is approximately 50,000. Understanding how and why San Marcos has grown over time is significant in determining how it will grow in the future.



Archaeological evidence

indicates that people have inhabited the area around San Marcos Springs for over 12,000 years. Fertile soils, a constant water supply, and abundant game provided the setting for possibly the oldest continually occupied site in North America. Artifacts discovered at San Marcos Springs indicate that the Clovis culture Native Americans were the first inhabitants of the area. They were followed in later years by the Tonkawa, Lipan, Apache, and Comanche Native Americans. Native American tribes and Spanish settlers still struggled for control of the area at the turn of the 19th century; long after Spanish explorer Alfonso De Leon had named the San Marcos River on April 25, 1689 (Saint Mark's day). The City of San Marcos was founded in 1844 by General Edward Bureson, and the original San Marcos streets were laid out seven years later. The

permanence of the town was secured with the extension of the International and Great Northern Railroads through San Marcos in 1880, and the opening of Southwest Texas State Normal School (now Texas State University-San Marcos) in 1903. Five years later the San Marcos Baptist Academy began operation on what is now the western end of the Texas State campus.

The tourism industry began in 1928 with the construction of the Spring Lake Hotel by A B Rogers near the headwaters of the San Marcos River. The first glass bottom boat, designed to give visitors a chance to "view the beautiful marine garden" in Spring Lake, began operation in 1947. Texas State University's acquisition of Aquarena Springs in 1994 marked a shift in emphasis from a "theme park" to one of "ecotourism." In the early 1990s, the Tanger Outlet Mall and San Marcos Factory Outlet Mall (now Prime Outlets) became another major draw for tourism.

QUICK FACTS:

TOTAL CITY
EMPLOYEES

569

FORM OF GOVERNMENT

**Council /
Manager**

HAYS COUNTY PER
CAPITA INCOME

(2011)

\$26,388

POPULATION

(2010 Census)

44,894

HAYS COUNTY
UNEMPLOYMENT

(2010)

4.3%

PARK SITES
AND NATURAL
AREAS

37

PARKLAND / OPEN
SPACE ACREAGE

1,700

RAIN FALL IN
SAN MARCOS

(2012)

21.6 in.

TOTAL CITY BUDGET

\$160,883,043

LAND AREA

30.22

Sq. Miles

VALUE OF
BUILDING PERMITS

(2012)

\$106,532,603

CITY SALES TAX

1.5%

HAYS COUNTY
MEDIAN AGE

(2010)

30.4 yrs

CITY ASSESSED PROPERTY VALUE
(2012-2013)

\$2,861,810,000

MEDIAN DAILY
TEMPERATURE

69°F

EDUCATION ENROLLMENTS

SAN MARCOS CISD (2012)

7,546

SAN MARCOS BAPTIST ACADEMY (2012)

311

TEXAS STATE UNIVERSITY (2012)

34,225

Community Profile

The jurisdictional setting of the City of San Marcos includes City Limits and Extraterritorial Jurisdictions, Municipal Utility Districts (MUD) and other special districts. The jurisdictional setting also includes areas covered by certificates of convenience and necessity (CCN). The planning process helps to direct where growth takes place within the jurisdictional setting. Cities can grow through infill and redevelopment, through the orderly extension of utilities in the ETJ followed by annexation, through leap frog development outside the city's ETJ or in MUDs, or a combination of all of these.



NATIONAL REGISTER DISTRICT OF BELVIN STREET

IN 1983 THREE BLOCKS OF BELVIN STREET WERE PLACED ON THE NATIONAL REGISTER OF HISTORIC PLACES BY THE UNITED STATES DEPARTMENT OF THE INTERIOR. THE CONCENTRATION OF VICTORIAN AND EARLY 20TH CENTURY ARCHITECTURE WAS CRITERION FOR THE LISTING. THE DISTRICT BEGINS AT 715 BELVIN AND EXTENDS TO 227 MITCHELL STREET. THE STREET DEVELOPED IN 1880 AS STOCKMEN, FARMERS, AND TOWN LEADERS BUILT HOMES TO BE NEAR CORONAL INSTITUTE, A RENOWNED PIONEER SCHOOL. (1888 - 1918).

THE MAJORITY OF THE HOUSES WITHIN THE DISTRICT WERE CONSTRUCTED BETWEEN 1888 AND 1908. SIGNIFICANT VICTORIAN ARCHITECTURE IS FOUND IN THOSE BUILT FOR: SAM R. KONE, JR. AT 903 BELVIN (1886); JOHN FRANCIS McGEHEE, NO. 832 (1889); GEORGE HENRY TALMADGE, NO. 802 (1889); ROBERT HIXON BELVIN, NO. 730 (1875 AND 1890); OSSIAN T. BROWN, NO. 716 (1878); JOSEPH W. EARNEST, NO. 833 (1892); GEORGE THOMAS McGEHEE, NO. 727 (1895) AND ELIZA PITTS MALONE, NO. 715 (1908). THE DESIGNATION WAS THE RESULT OF A PRESERVATION SURVEY CONDUCTED BY THE HERITAGE ASSOCIATION OF SAN MARCOS WITH GUIDANCE FROM THE NATIONAL REGISTER DEPARTMENT OF THE TEXAS HISTORICAL COMMISSION IN 1982-1983.

This summary of the review of demographic, income, employment and housing data for the City of San Marcos was gathered from the 2000 and 2010 Census estimates, 2006-2010 American Community Survey five-year estimates, City of San Marcos, San Marcos Chamber of Commerce, and other sources. According to the 2010 Census, the total population of San Marcos was 44,894, a 29.3 percent increase from 2000. San Marcos' White, African American and Hispanic populations increased by 40%, 28% and 34% respectively between 2000 and 2012. The 2006-2010 American Community Survey estimates the median household income of San Marcos at \$26,734. The citywide unemployment rate

according to the American Community Surveys was 9.6 percent. This has dropped to an estimated 6.2 percent as of July 2012. From 2000 to 2010 there was a shift in the distribution of occupations. Retail services had the largest increase of 3.1 percent with arts, entertainment, recreation, accommodation and food service increasing by 2.2 percent. The top 10 employers according to the San Marcos Chamber of Commerce are: Texas State University, businesses within the San Marcos Premium Outlets and Tanger Outlet Center, San Marcos Consolidated School District, Hays County, Hunter Industries, Central Texas Medical Center, HEB Distribution Center, The City of San Marcos and Telenetwork Partners, LTD. According to the 2006-2010 American

Community Survey estimates, the total number of housing units in the city was 17,304. Approximately 8.3 percent of those units were vacant. In 2000 there were approximately 13,320 units with 5 percent vacancy. Of the 17,304 housing units in 2010, the American Community Survey estimates that 25.1 percent of these were owner-occupied and 66.6 percent were renter-occupied.

The City of San Marcos

is situated in a unique natural setting. The Blackland Prairie lies to the east and the Edwards Plateau (commonly known as the Texas Hill Country) to the west. The San Marcos River originating from the San Marcos Springs runs through the city and joins with the Blanco River. The Springs are home to several threatened or endangered species.



WHY CITIES PLAN

A comprehensive plan is a tool that allows a city to anticipate changes and to guide those changes in an effective, orderly manner that is consistent with the desires of the community. It directs future development, maps and analyzes neighborhoods and sensitive areas to be protected and promotes efficient growth of the city. A successful comprehensive plan analyzes trends and alternatives of growth patterns and directs developments in areas where it is most suitable based on existing land uses, available infrastructure and environmental factors. Conversely, a comprehensive plan can also contain strategies for adapting to and/or reversing population and economic declines. A comprehensive plan, if properly utilized, acts as a tool for managing and directing growth, lends predictability to developers by

illustrating the types of development desired throughout the city and locates existing and proposed infrastructure. It gives legal backing to ordinances and development codes while eliminating arbitrary or capricious enforcement of these laws. With input from the community during the comprehensive planning process, the document serves as the record of the city's long-range vision. In the face of constant change, this is the most important reason to plan. A comprehensive plan with extensive community input allows the citizens to determine what factors will guide development decisions and gives them the opportunity to decide what the future of their city will be.

Planning in Texas

In 1997, the Texas Legislature added Chapter 213 to the Local Government Code allowing cities in Texas the option to develop and adopt comprehensive plans. The Code establishes that the plans must consider land use, transportation and public facilities and distinguishes between land use plans and zoning regulations. The regulations allow the city to define the relationship between the plan and any ordinances and development codes. This also leaves cities with creative freedom to determine the level of detail of the contents in the plan. Comprehensive plans across the state include topics such as environmental constraints, demographic projections,

infrastructure data and housing in addition to the required land use and transportation topics. Some cities choose to develop more specialized plans to address a particular issue they are facing. Strategic Plans take a more immediate approach and identify short-term actions to achieve long term goals. Capital Improvements Plans guide the use of the city's budget. Public Participation Plans outline when and how citizens will be involved in the city's operations.



Planning in San Marcos

The City of San Marcos is required through its City Charter to maintain a master plan to guide development in the city. Article VII, Section 7.03 states: "The master plan for the City of San Marcos shall be used to guide the growth and development of the city. The master plan shall be adopted by ordinance. The city council will endeavor to ensure that city ordinances governing growth and development are consistent with the goals and policies contained in the master plan; however, land use maps and descriptions contained in the master plan do not constitute zoning, and do not entitle any property owner to any change in zoning."



The Charter also discusses the role of the Planning and Zoning Commission in updating this plan. Article VII, Section 7.05 states: "The commission shall have the power and be required to perform an ongoing review of the master plan, with each element of the plan being reviewed at least once each three (3) years; conduct an annual public hearing in connection with this review; and submit not less than one hundred twenty(120) days prior to the beginning of the fiscal year, a list of recommended changes, if any, in the master plan." Currently, the City of San Marcos is operating under a Comprehensive Plan (Horizons) which was adopted on February 26, 1996. The Horizons Plan has not been reviewed in accordance with the charter in many years. Since plan adoption in 1996, many changes have occurred within the city; populations, land area and the number of students at Texas State

University have all increased. Vision San Marcos: A River Runs Through Us, differs in style and content from the Horizons Plan. They share a focus on the environment, land use, neighborhoods and downtown redevelopment. They differ in that the Vision is a concise document which was created for everyday users. The document includes summaries of technical data and tools needed to make land use and transportation related decisions. Unlike Horizons, the Vision provides all of the technical data in the addendum where it can be referenced when needed. Horizons, like many planning documents from the mid-90's, is lengthy and contains all of the technical data within its various chapters. Vision San Marcos: A River Runs Through Us is more than just an update to the Horizons plan, which was progressive in its day. It truly is a new vision of the future of the City, taking into consideration changes and current conditions.

THE PROCESS

The innovative process that led to the creation of Vision San Marcos: A River Runs Through Us was characterized by its compressed schedule, its non-linear nature, and its emphasis on citizen participation. The unique San Marcos planning process was a response to the City Council's directive to prepare the plan in-house (with the assistance of consultants) and to complete it within a year.

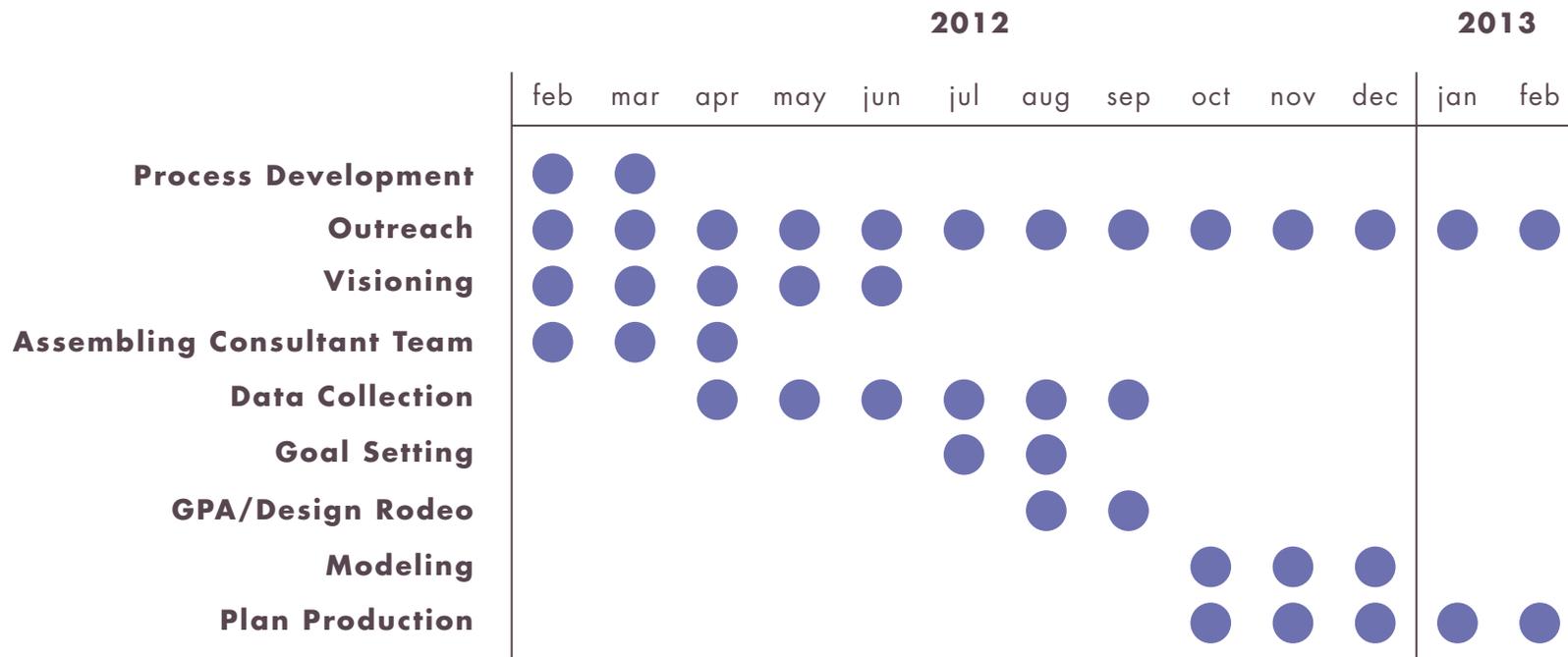
Nine Process Phases:

- PROCESS DEVELOPMENT
- OUTREACH
- VISIONING
- ASSEMBLING THE CONSULTANT TEAM
- DATA COLLECTION
- GOAL SETTING
- GROWTH & PRESERVATION ALLOCATION/DESIGN RODEO
- MODELING
- PLAN PRODUCTION





The compressed schedule involved a number of tasks being performed simultaneously and, in some cases, in an unconventional sequence. Tight project management and scheduling created coherence out of the swirl of activities. The compressed schedule also incorporated the use of public workshops and design exercises. The workshops and exercises were necessary to maximize public input and transparency by making the process largely participant driven.



PROCESS DEVELOPMENT

(FEBRUARY – MARCH 2012)

At the beginning of the process development phase, it was decided that the best way to complete the plan within the one-year deadline was by using a land use and transportation design charrette (the Design Rodeo). The design rodeo brought together key stakeholders to create a preferred scenario from a variety of alternatives using an iterative process within a short time.

An early discussion of Council's expectations for the plan led to the realization that they did not want a consultant-driven plan with an generic future land use map. They preferred a dynamic plan based on a consensus public vision and a set of tools to guide land use and transportation decision

making towards achieving that vision.

By the end of February 2012, a generalized outline of the process and of the plan was developed and in March was presented to the City Council. The presentation recommended the appointment of a Steering Committee and Citizen Advisory Committee and the use of a weeklong land use and transportation Design Rodeo to test alternative development scenarios. The Steering Committee was to provide oversight to the process and, along with the Citizen Advisory Committee, put key stakeholders directly into plan development and the design rodeo. Council accepted the recommendations on March 6, 2012 and appointed committee members on April 3, 2012.

While the plan was to have a strong land use and transportation focus, the process included development of other plan elements.



Steering Committee: Front row, L-R: Dan Stauffer, Jerry Borcharding, Chair Bill Taylor, Mayor Daniel Guerrero, Joe Cox, and Council Member John Thomaides; **Back row:** Chris Wood, Nancy Nusbaum, Vice Chair Donna Hill, Council Member Ryan Thomason and Rosina Valle



Citizen Advisory Committee: Front row, L-R: Rodney VanOudekerke, Kate McCarty, Jim Garber, Dianne Wassenich, Fraye Stokes, and Anna Carbajal; **Middle Row:** Bob Sappington, Tom Roach, Co-Vice Chair Lisa Prewitt, Chair Jane Hughson, Debbie Harvey, Angie Ramirez, Nancy Moore and David Case; **Back Row:** Kevin Carswell, Co-Vice Chair Betsy Robertson, Shawn Ash, Mason Murphy, Jim Pendergast and Billy Lee Windham

THE PLAN ELEMENTS ARE:

- ECONOMIC DEVELOPMENT
- ENVIRONMENT AND RESOURCE PROTECTION
- LAND USE
- NEIGHBORHOODS AND HOUSING
- PARKS AND PUBLIC FACILITIES
- TRANSPORTATION

OUTREACH

(CONTINUOUS)

Throughout the entire planning process, staff and Committee members used various forms of outreach to inform the public of the process and progress of the plan implementation. Media such as newspaper articles, press releases and Facebook were utilized as well as personal presentations. Notice of all meetings of the Citizen's Advisory Committee and Steering Committee were published and some were well attended by interested citizens. At two stages in the process, a Speaker's Bureau was organized to present to community interest groups. Presentations were given and announcements made inviting people to get involved in the process. Approximately 700 citizens were contacted during these processes.

VISIONING

(SEPTEMBER 2010-JUNE 2012)

While the initial programming and scheduling for the comprehensive plan began in February of 2012, public input for Vision San Marcos actually began in September 2010 with the Dream San Marcos visioning process. Dream San Marcos was a process comprised of three parts: the crowd sourcing exercise; the Core-4 Collaboration Report and the visioning workshops which were utilized as the basis for Vision San Marcos.

The yearlong web-based crowd sourcing exercise gathered input regarding planning-related challenges and opportunities. Over 360 individuals participated in the crowd sourcing exercise and provided critical

input to the visioning phase of the Plan. The City-sponsored workshops that brought together the “Core-4” group including representatives of Hays County, the San Marcos Independent School District, Texas State University, and the City. These workshops focused on economic development and workforce development. The output from these workshops was a report outlining specific strategies regarding infrastructure, workforce and community character issues as well as recommendations for collaborative action to implement the strategies. The two half-day public visioning workshops were held on April 21, 2012 and focused on the development of vision statements to guide development of the plan elements.

Following completion of the public visioning workshops, the Citizen Advisory Committee and the Steering Committee worked to combine all three exercises into an integrated vision. The vision statements were approved by Planning and Zoning Commission and were adopted by the Council on June 5, 2012.



CONSULTANT SELECTION AND DATA COLLECTION AND ANALYSIS

(FEBRUARY- AUGUST 2012)

As noted above, Council directed staff to produce the plan in-house with the assistance of consultants. Use of the design rodeo concept and the small size of the planning staff required bringing in consultants to accomplish technical tasks. Other consultants were brought in for specialized data collection and analysis tasks.

CONSULTANTS INCLUDED:

THE TEXAS DATA CENTER

Demographic analysis and population projections to 2035 for San Marcos and its ETJ

LUCKENS PLANNING CONSULTANTS

Process and plan development and project management

TBG PARTNERS

Design support during the design rodeo

DHIRU ARCHITECTS

design rodeo facilitation

PARSONS BRINCKERHOFF

Transportation facilities analysis and transportation planning support during the design rodeo and modeling of land use and transportation scenarios

MEADOWS CENTER FOR WATER AND THE ENVIRONMENT

Environmental science support during the design rodeo and water quality baseline data and modeling

RPS ESPEY

Environmental science support during the design rodeo, Land use suitability analysis and mapping

CEG DESIGNED SOLUTIONS

Plan production and graphic support

SOCIAL MEDIA SISTERS

Online media and public involvement

GROUP SOLUTIONS RJW

Public Involvement

Fiscal impact modeling and GIS services were not contracted. The City of San Marcos Finance Department created a fiscal impact model for the design rodeo and City of San Marcos Development Services Department provided GIS support though out the process.

GOAL SETTING

(MAY-AUGUST 2012)

In May of 2012, the Citizen Advisory Committee and Steering Committee began the process of setting goals for the plan elements based on the vision statements. Early in the goal setting process, the Committees decided to hold a series of workshops to bring in experts on each of the plan elements. These public workshops provided the Committees and the public with specific data on local conditions and trends as well as more generalized perspectives on planning and development issues.

The diverse group of presenters included the Lone Star Rail District, an economics professional from the Capital Area Council of Governments,

real estate developers, Texas State University's Vice President for Student Affairs, conservationists, environmental engineers, an expert in urban stormwater management, transportation specialists, and certified planners.



GROWTH PRESERVATION ALLOCATION / DESIGN RODEO

(AUGUST-SEPTEMBER 2012)

The centerpiece of the planning process was a three week period during which the Growth and Preservation Allocation (GPA) workshops and Design Rodeo occurred. The GPA allowed citizens to create their own growth scenario for the City. The design rodeo tested these scenarios resulting in the preferred scenario. All of the activities were designed to encourage active participation by stakeholders and the general public.

On August 29, 2012 two half-day public workshops were conducted, during which a “chip

exercise” was conducted to allow attendees to specify the growth and preservation areas they preferred.

Participants were presented a map of San Marcos and its ETJ depicting cultural and environmental data from the land use suitability study conducted earlier in the process. Participants were also provided sets of Legos scaled to the map. The sets included Legos representing 300 persons at different residential densities sufficient to house 33,000 people, and retail Legos representing centers of different square footage totaling one million square feet.

Participants were instructed to first identify preservation areas and then place all of the Legos where

they wanted new development and redevelopment to occur. Finally they were asked to draw in transportation facilities to serve the new development and redevelopment and to improve the existing transportation situation. Nine tables of participants took part in the two half-day sessions and created nine different scenarios. Luckens, TBG Partners, and Planning and Development Services staff identified common themes and created two scenarios used in the design rodeo. In addition to the scenarios derived from public input, a trends scenario was created by staff.

Three scenarios were presented to the public at the design rodeo

and were tested in terms of their environmental, transportation and fiscal impacts. One scenario analyzed an urban core/infill orientation, one a multi-center orientation and one trend scenario that extrapolated current development trends out to the 2035 plan horizon date. All three scenarios assumed a 2010-2035 population increase of approximately 33,000 and a retail increase of 1,000,000 square feet. The incremental population increases came from the Texas State Data Center's projections and the retail increment was based on existing retail square foot per capita figures for San Marcos. Employment for the purposes of transportation

modeling came from the Capital Area Metropolitan Planning Organization with adjustments based on the location of the retail increases. Each scenario was tested to determine its environmental, transportation and financial impacts and how well each fit with the Citizen Advisory Committee and Steering Committee visions and goals. Public input was gathered each night and used for the next day's design work. By the end of the week, testing, refining and public input resulted in a final preferred scenario map. A land use intensity matrix was also developed during the design rodeo to differentiate uses and intensities

for the development and redevelopment areas, as well as for the neighborhood preservation/conservation areas.

MODELING

Following the completion of the Data Collection and Design Rodeo phases, the consulting engineers and scientists began working on the Travel Demand Model, Water Quality Model and Fiscal Impact Model.

PLAN PRODUCTION

Staff, in coordination with consultants, drafted this document. A Drafting Task Force composed of members from the Citizen's Advisory Committee and Steering Committee reviewed the document to ensure the plan would be user friendly and incorporate the ideas discussed during the many Committee meetings.



HOW TO USE THE PLAN

Vision San Marcos: A River Runs Through Us is intended to be a user-friendly plan for city staff as well as the general public. The introduction section of the plan provides a detailed look into the city and the planning process which was utilized in the creation of this document. Recommendations for implementation of the plan are found in the Vision, Goals and Objectives section. The community derived objectives provide direction for achieving the preferred scenario.

The majority of the plan is broken into sections called Plan Elements which are the focus areas that were identified during the visioning process. They are: Economic Development, Environment and Resource Protection, Land Use, Neighborhoods and Housing, Parks, Public Spaces and Facilities, and Transportation. Within each plan element lies

a summary of the existing conditions in San Marcos, projections out to the year 2035 and topic specific information provided by professional city staff and consultants.

The process for updating this plan and the five-year action items are outlined in this document, followed by the table of contents for the plan addendum and a Figures Appendix. The addendum includes technical reports and detailed information from which this plan was summarized. Maps and figures supporting the data provided in this plan can be found in the Figures Appendix at the end of the document.

This plan is intended to serve as a guide for future development within the City of San Marcos. Specifically, in the Land Use section of this plan is a guide for the plan's relationship with city operations.

In this section, the preferred scenario map and land use intensity matrix are described. These specific tools promote development in areas of the city designated for various intensities, as defined by the community during the Design Rodeo.

Other sections of the plan address development and the environment, and infrastructure expansion to support future growth. This plan should be utilized to update city codes to ensure that growth is in line with the recommendations preferred by the community that created it.



2035 VISION

GOALS & OBJECTIVES

The Visions, Goals & Objectives are the community derived direction for implementing this comprehensive plan and achieving the preferred scenario.



Economic Development



Environment
& Resource Protection



Land Use



Neighborhoods
and Housing



Parks, Public Spaces and
Facilities



Transportation

The visioning process

began in September 2010 with Dream San Marcos and continued into 2012 with Vision San Marcos: A River Runs Through Us. The Comprehensive Plan Steering Committee and Citizens Advisory Committee worked with public input from these processes to create an integrated vision for the overall plan. The vision statements paint a picture of the future of San Marcos. Following completion of the web-based crowd sourcing exercise, the Core-4 Collaboration Report and public workshops, the vision statements were approved by Planning and Zoning Commission and were adopted by the Council on June 5, 2012.

In May of 2012, the Comprehensive Plan Steering Committee and Citizens Advisory Committee began the process of setting goals for the plan elements based on the vision statements. Goal statements outline general needs necessary to achieve the visions. At the conclusion of the goal-setting workshops, the Committees presented the goals to the Planning and Zoning Commission and were adopted by the Council on August 22, 2012. Following the adoption of the goals and the Design Rodeo, the Committees began outlining objectives. These objectives are specific, measurable and achievable actions required to

reach the goals. During the discussions many tasks were also identified that will be assigned to various city departments to achieve these objectives and ultimately the goals of the plan.



ECONOMIC DEVELOPMENT

VISION STATEMENT

We envision San Marcos with economic, educational and cultural opportunities that develop a stronger middle class and grow our local economy. We foresee a vibrant community that strategically leverages the university and all available community assets to support environmentally sustainable industry, technological excellence, local business development and the arts.



GOALS & OBJECTIVES

GOAL 1

ABUNDANT OPPORTUNITIES CREATED BY THE
INGENUITY AND INTELLECTUAL CAPITAL OF
UNIVERSITY, BUSINESS, CIVIC, AND
CULTURAL LEADERS.

Objectives:

Create a communications plan to share economic development progress with residents, the development community and target industries

Collaborate with social service providers to provide input on barriers for the unemployed and underemployed

Partner with all community assets to develop programming that engages new audiences in economic development efforts in San Marcos

GOAL 2

WORKFORCE AND EDUCATION EXCELLENCE

Objectives:

Develop a strategy with appropriate partners to promote the San Marcos CISD as an educational system of choice

Promote all community education options to local and prospective residents

Pursue partnerships to support Core 4's programming and capital funding needs

Collaborate with all educational institutions to support workforce development for specific industry needs

Improve communication between workforce training providers, public school systems, higher education institutions, job seekers and local business leaders

GOAL 3

EMERGING MARKETS AND INDUSTRY RELATIONSHIPS THAT GENERATE QUALITY ENTREPRENEURIAL AND EMPLOYMENT OPPORTUNITIES

Objectives:

Conduct target industry marketing plans

Increase the amount of Class A office and industrial space that is attractive to target industries

Develop industrial settings that provide shovel ready opportunities for prospective companies and employers

Identify gaps in utilities for employment and activity nodes, re-prioritize Capital Improvement Projects to support the preferred scenario



GOAL 4

AN ENHANCED AND DIVERSE LOCAL ECONOMIC ENVIRONMENT THAT PROVIDES IMPROVED OPPORTUNITIES TO RESIDENTS

Objectives:

Establish a process to analyze the market impacts of Capital Improvements Plan projects from an economic development perspective

Develop programs to support local businesses to encourage job creation and capital investment

Create a pro-active, comprehensive strategy to attract development consistent with the plan

Create a plan to relocate City Hall prioritizing the Downtown in site selection

Create a regulatory framework that will encourage residential development Downtown

Integrate economic development into the 2013 Transportation Plan Update

Create opportunities for local companies to procure contracts with governmental agencies and educational institutions

GOAL 5

FISCALLY RESPONSIBLE INCENTIVES FOR ECONOMIC DEVELOPMENT

Objectives:

Reflect the Comprehensive Plan, Economic Development Strategic Plan and Downtown Master Plan in the city's incentive policy

Review incentive policies with consideration of current economic development strategy, as well as labor, infrastructure, capital and business cost requirements of target industries

Develop a standard process for reviewing and scoring prospects for incentives, with weight going to projects that create permanent diverse, high paying jobs in the areas that are environmentally sustainable

Expedite the entitlement process for high performance local or preferred-industry employers locating in the Activity Nodes or Employment centers of the preferred scenario

Evaluation of city-owned property that might be sold for economic development in order to raise revenue and/or reduce debt

Create incentive packages to support entrepreneurs, target industries and growing industry sectors

GOAL 6

PROMOTE AND SUPPORT THE MAXIMUM POTENTIAL OF THE SAN MARCOS MUNICIPAL AIRPORT

Objectives:

Enact appropriate regulations and plans to protect airport operations and enhance future development

Maximize development opportunities within the airport boundary

Develop connections between the community and airport including enhanced road, transit and utility infrastructure

Build internal airport community

GOAL 7

SPORTS TOURISM, ECO-TOURISM, RETAIL TOURISM AND THE COMMUNITY'S 13,000 YEAR HERITAGE AS AN ECONOMIC GENERATOR

Objectives:

Engage appropriate partners to create a citywide strategy to better protect the area's natural resources and ecosystem's history

Create an arts and cultural center/district

Develop and maintain a high-quality system of parks, natural areas, green ways and trails to



draw visitors and encourage new business opportunities

Develop a transit plan that matches preferred scenario map to encourage connectivity between centers

Create a strategy to prioritize and complete infrastructure upgrades in Downtown in order to enhance accessibility and the physical appearance

Develop a strategic plan for Downtown Business Development as recommended in the Downtown Master Plan to ensure Downtown San Marcos retains a diverse mix of businesses to accommodate the entire community and attract tourists

Establish gateway corridors as identified in the Downtown Master Plan and the preferred scenario

Coordinate with private efforts to update and expand recreation fields



ENVIRONMENT & RESOURCE PROTECTION

VISION STATEMENT

We envision San Marcos to be a community of outstanding stewards of our irreplaceable unique natural environment. We value our resource and energy efficiency and our community's health, well being and prosperity.



GOALS & OBJECTIVES

GOAL 1

PUBLIC AND PRIVATE SECTORS WORKING TOGETHER TO PROTECT WATER QUALITY AND FACILITATING APPROPRIATE DEVELOPMENT IN THE SAN MARCOS AND BLANCO RIVERS WATERSHEDS, AND OVER THE EDWARDS AQUIFER USING MEASURABLE AND SCIENTIFIC METHODS

Objectives:

Incorporate Low Impact Development practices and other best practices early on and throughout the development process

Audit the effectiveness of Environmental Code Compliance and use this information to recommend staffing levels, training, and code changes

Develop an educational and place-making program illustrating the location of the natural boundaries and environmentally sensitive areas of our City including watersheds and Edwards Aquifer recharge zone and contributing zones

Adopt watershed specific regulations based on scientific understanding of water quality impacts

Develop a regional detention and water quality strategy (including fee-in-lieu) to improve land efficiency, affordability, and efficacy of systems

Establish a team with representatives from the County, City, and other public and private entities to identify

lands and develop policies for the preservation and maintenance of environmentally sensitive watershed lands

Incentivize dense development within the activity centers by lifting the regulatory environment, streamlining the development process and proactively building the infrastructure and regional detention facilities to support this growth



GOAL 2

NATURAL RESOURCES NECESSARY TO OUR COMMUNITY'S HEALTH, WELL-BEING, AND PROSPERITY SECURED FOR FUTURE DEVELOPMENT

Objectives:

Develop a coordinated tree preservation and planting program

Join the regional effort to improve air quality

Adopt comprehensive ordinances that actively support local food production and preservation of agricultural lands for farming

Model sustainable practices in infrastructure, operations, and facilities in city projects

Adopt a program to implement the greenway system that is identified in the preferred scenario and integrate this trail system with the Parks Master Plan

GOAL 3

PRO-ACTIVE POLICIES THAT ENCOURAGE RECYCLING AND RESOURCE AND ENERGY EFFICIENCY.

Objectives:

Conduct a rate structure study, use the information to balance water and energy conservation goals with the economic viability of the utility

Decrease per capita energy and water use to meet the highest standards of the STAR guide for cities

Adopt and implement the recommendations of the Municipal Solid Waste Task Force

Create a point system to measure the sustainable elements of proposed development in order to qualify for utility, process, and other incentives.

Develop re-claimed water infrastructure plan for activity nodes

Create connected network for non-automobile travel

GOAL 4

A POPULATION PREPARED FOR AND RESILIENT TO MAN-MADE AND NATURAL DISASTERS

Objectives:

Adopt comprehensive floodplain development regulations

Implement an education and outreach program that identifies, and alerts citizens to, risks and responses to all hazards, in coordination with other governmental entities,

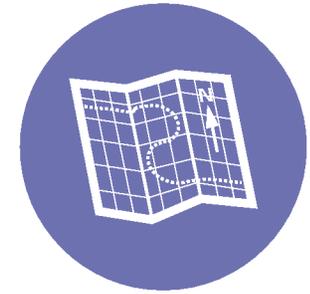




LAND USE

VISION STATEMENT

We envision San Marcos as a community with balanced and diverse land uses that expand our lifestyle choices while protecting and enriching our historical, cultural and natural resources.



GOALS & OBJECTIVES

GOAL 1

DIRECT GROWTH, COMPATIBLE WITH SURROUNDING USES

Objectives:

Update Future Land Use Map that is based on the development intensities specified in the preferred scenario

Update Annexation/ETJ Management Plan

Create a Sustainability Plan to identify affordable and realistic sustainability practices to be encouraged

Replace the Land Development Code with an updated document to support preferred scenario

Align infrastructure plans to achieve preferred scenario

GOAL 2

HIGH-DENSITY MIXED-USE DEVELOPMENT AND INFRASTRUCTURE IN THE ACTIVITY NODES AND INTENSITY ZONES, INCLUDING THE DOWNTOWN AREA SUPPORTING WALKABILITY AND INTEGRATED TRANSIT CORRIDORS

Objectives:

Develop a parking plan in downtown, and other activity centers, that supports the preferred scenario and implement incentives such as parking reductions for mixed-use developments near transit or employment centers

Require all developments dedicate adequate right-of-way to accommodate all modes of transportation

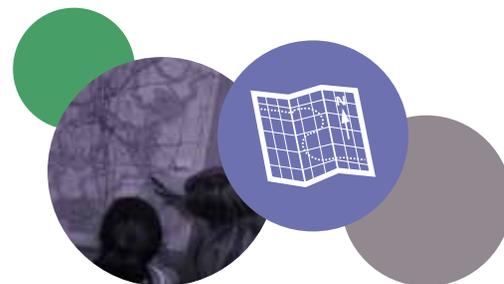
Implement a complete economic development strategy for downtown

Review and update the Downtown Master Plan

Create a fiscal impact model to quantify the costs and benefits of incentives

Maintain a current Thoroughfare Plan in order to preserve necessary right-of-way

Set aside areas for high quality public spaces during the development process



GOAL 3

SET APPROPRIATE DENSITY AND IMPERVIOUS COVER LIMITATIONS IN THE ENVIRONMENTALLY SENSITIVE AREAS TO AVOID ADVERSE IMPACTS ON THE WATER SUPPLY

Objectives:

Create specifications for the use of pervious materials

Implement rain water retention and storm water Best Management Practices

Track and monitor pervious cover at the watershed level

Adopt a Water Quality Model that will ensure water quality standards are met and to minimize water degradation

Adopt scientific standards for development in environmentally sensitive areas

NEIGHBORHOODS & HOUSING

VISION STATEMENT

We envision San Marcos to have a **foundation of safe stable neighborhoods while preserving and protecting the historical, cultural and natural identities of those neighborhoods.**



GOALS & OBJECTIVES

GOAL 1

NEIGHBORHOODS THAT ARE PROTECTED AND ENHANCED IN ORDER TO MAINTAIN A HIGH QUALITY OF LIFE AND STABLE PROPERTY VALUES

Objectives:

Update the current process for Land Use Amendments to provide for more holistic review

Improve communication of neighborhood information regarding enforcement and incentives

GOAL 2

HOUSING OPPORTUNITIES FOR STUDENTS OF TEXAS STATE UNIVERSITY IN APPROPRIATE AREAS AND CREATE AND IMPLEMENT A PLAN TO ACCOMPLISH THIS VISION

Objectives:

Revise development codes in Intensity Zones to allow and streamline the process for appropriate uses and densities
Develop a plan to reduce congestion and parking issues caused near campus and in dense housing areas including community transit options that integrate with existing university systems

GOAL 3

DIVERSIFIED HOUSING OPTIONS TO SERVE CITIZENS WITH VARYING NEEDS AND INTERESTS

Objectives:

Revise zoning code to allow for more diverse housing types and mixed use development.
Update infill housing program
Develop an affordable housing program

GOAL 4

WELL MAINTAINED, STABLE NEIGHBORHOODS PROTECTED FROM BLIGHT OR THE ENCROACHMENT OF INCOMPATIBLE LAND USES

Objectives:

Review and update city ordinances regarding maintenance of property
Develop a process to enforce city codes related to property maintenance
Update and improve notice requirements for zoning changes
Create clear criteria for zoning changes to apply to all cases
Identify and create character index studies for neighborhoods inside and outside of Intensity Zones
Develop a plan to manage parking demand



PARKS, PUBLIC SPACES & FACILITIES

VISION STATEMENT

We envision San Marcos with safe and attractive parks, public spaces and facilities which provide a range of amenities and experiences. We envision a connected system of parks and natural areas that focus on our unique cultural and environmental heritage.



GOALS & OBJECTIVES

GOAL 1

WELL-MAINTAINED PUBLIC FACILITIES THAT MEET THE NEEDS OF OUR COMMUNITY

Objectives:

Develop a full comprehensive plan for locating a new City Hall/ Municipal Complex, prioritizing Downtown in site selection

Coordinate with SMCISD to direct future site decisions to align with this Comprehensive Plan

Expand the scope of the local radio station (KZOS) and local TV station

Create a Sidewalk Master Plan.

Review and approve infrastructure plans every five years to be consistent with the preferred scenario and comprehensive plan vision and goals.

Expand the current library

Construct regional branch libraries, based on nationally recognized standards and Preferred Scenario

Create a Greenways Master Plan

Develop a beautification schedule for gateways

Review and implement a program to fulfill the need to expand City cemetery

GOAL 2

A DIFFERENTIATED COLLECTION OF CONNECTED AND EASILY NAVIGATED PARKS AND PUBLIC SPACES

Objectives:

Develop a full comprehensive way-finding system for City, including all transportation options

Create and implement a policy that ensures adequate resources are identified to develop and maintain parks and public space prior to acceptance of dedication

Create a Greenways Master Plan

Develop a beautification schedule for gateways.

GOAL 3

A VIBRANT CENTRAL ARTS DISTRICT AND ROBUST AND ACCESSIBLE EDUCATIONAL OPPORTUNITIES FOR RESIDENTS

Objectives:

Create funding mechanism(s) for the area designated as the Central Arts District

Establish an Arts District Development Task Force to identify a minimum of five areas within preferred scenario for public art

Develop Art in Public Places Program, identify areas of the city that could be used for murals/ public art displays



GOAL 4

FUNDING AND STAFFING TO ENSURE
QUALITY PUBLIC SAFETY AND
COMMUNITY SERVICES

Objectives:

Make fire and police asset investments that accommodate the more compact, sustainable, and dense development and infrastructure in the preferred growth scenario

Perform an analysis to create and maintain a fire and police station location plan which identifies, based on nationally recognized and accepted response times, the appropriate locations for future fire, EMS, and police stations

Expand our volunteer system to create a Central Volunteer System

Establish a park amenities schedule for a maintenance/repair/replacement program

GOAL 5

EFFECTIVE SOCIAL SERVICES DELIVERED
TO THOSE WHO CAN MOST BENEFIT
FROM THEM

Objectives:

Conduct a gap analysis of current social services and facilitate cooperation between the public and private social service providers to better meet community needs

Study and address homelessness issues through qualitative and/or quantitative analysis

Partner with local healthcare systems and relevant stakeholders to provide more robust public and mental healthcare infrastructure with focused locations in activity nodes





TRANSPORTATION

VISION STATEMENT

We envision San Marcos to have a connected network of efficient, safe and convenient multimodal transportation options while protecting the environment.



GOALS & OBJECTIVES

GOAL 1

A SAFE, WELL-COORDINATED TRANSPORTATION SYSTEM IMPLEMENTED IN AN ENVIRONMENTALLY SENSITIVE MANNER.

Objectives:

Update Transportation Plan in 2013 to address transportation issues

Determine appropriate modes of transportation in and around new developments, subdivisions, site plans, the university and high density residential areas

Evaluate the Traffic Impact Analysis (TIA) process regularly to address future traffic impact expectations
Maintain a current Travel Demand Model (TDM) to be utilized for continued analysis of the transportation network

GOAL 2
A MULTIMODAL TRANSPORTATION NETWORK TO IMPROVE ACCESSIBILITY, MOBILITY, MINIMIZE CONGESTION AND REDUCE POLLUTION.

Objectives:

Focus on non-vehicular transportation improvements in updated Transportation Master Plan

Develop an Urbanized Transit System that integrates with existing university and proposed regional systems

Obtain "Bicycle Friendly Community" Designation

Create a Sidewalk Master Plan

Develop and implement a complete

streets policy for coordination with other transportation related entities to properly integrate all modes of transportation into the transportation network

Pilot Green Streets program to minimize environmental impacts and reduce maintenance cost, while improving street aesthetics

Integrate the transportation system by coordinating with all related public entities, including, but not limited to CAMPO, the counties, TxDOT, the university, and the rail district



PLAN ELEMENTS



Economic Development



Environment
& Resource Protection



Land Use



Neighborhoods
and Housing



Parks, Public Spaces and
Facilities



Transportation





ECONOMIC DEVELOPMENT

- EXISTING CONDITIONS
- EMPLOYMENT PROJECTIONS & EMPLOYMENT CENTERS
- STRATEGIES OF THE CORE 4 COLLABORATION
- FIGURES APPENDIX:
Employment Density

EXISTING CONDITIONS

San Marcos entered the 20th century with the founding of Southwest Texas State Normal School in 1899. In 2003, Texas State University-San Marcos acquired its current name, reflective of the school's expanded scope and mission. In 2012 the University's enrollment was estimated at approximately 34,000 students. Texas State is the largest employer and an economic engine for San Marcos.

The tourism industry began in 1928 with the construction of the Spring Lake Hotel near the headwaters of the San Marcos River; at its peak, Aquarena Springs attracted approximately 250,000 visitors annually. The property was purchased by the university in 1991 and in 2012

the grounds around Spring Lake were returned to a more natural state through university endeavors. Other popular attractions include Wonder World, the San Marcos River, and historic buildings in the downtown area.

In 1965, the 1,350-acre San Marcos Municipal Airport was deeded to the City by the Air Force. By the 1980's, San Marcos had gained a strong industrial employment sector. In the early 1990s, the San Marcos Premium Outlets and San Marcos Tanger Outlets began operations. During peak seasons, shoppers at the hundreds of stores in the outlet center triple the population of the City of San Marcos.

TOP 10 EMPLOYERS

(DATA FROM GREATER SAN MARCOS PARTNERSHIP 2013):

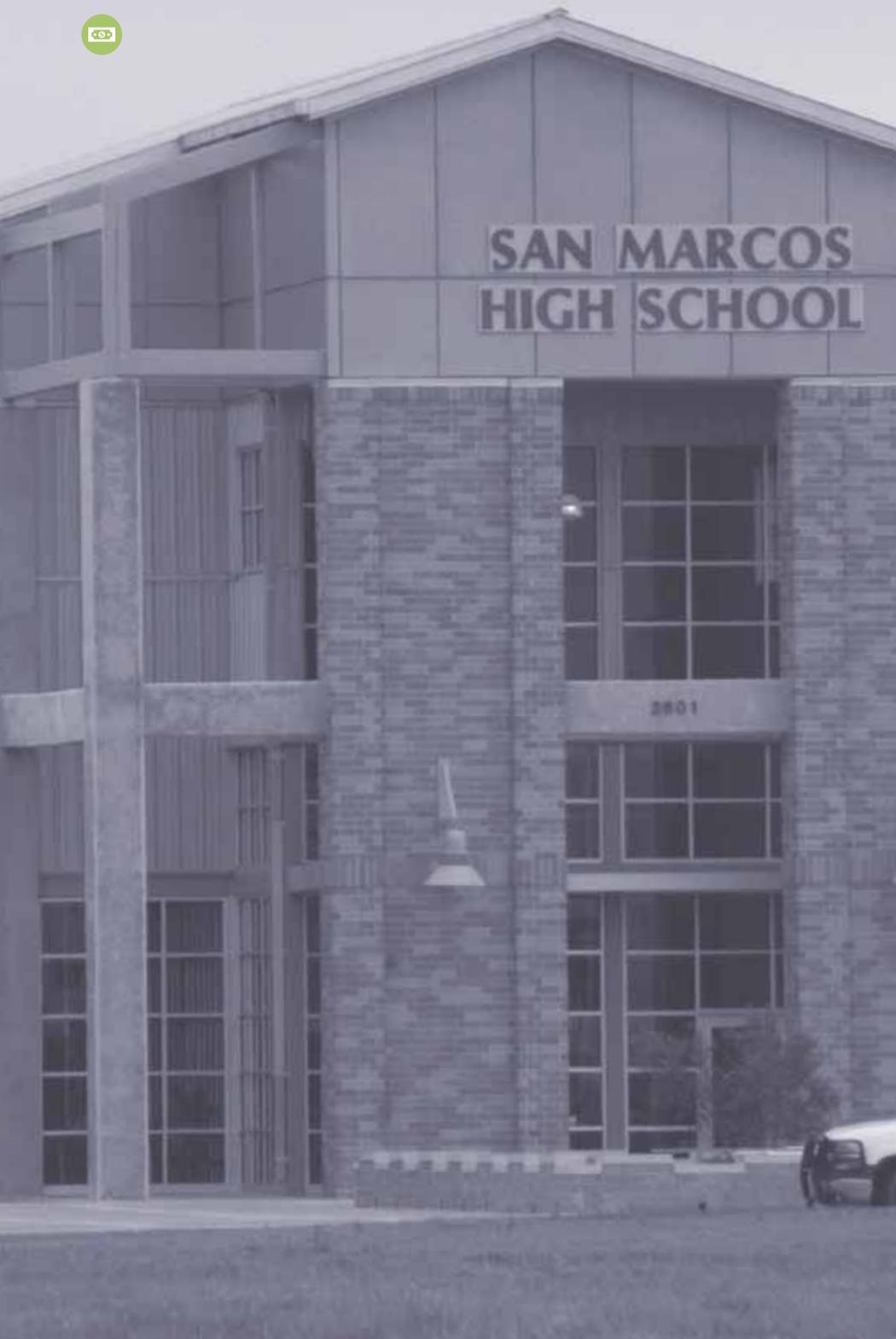
1. Texas State University: 3036
2. San Marcos Premium Outlets retail stores: 2100
3. Tanger Outlet Center retail stores: 1540
4. San Marcos Consolidated Independent School District: 1200
5. Hays County: 850
6. Central Texas Medical Center: 800
7. Hunter Industries & HEB Distribution Center: tied at 850
8. Grande Communications: 640
9. Gary Job Corps Center: 567
10. City of San Marcos: 550

EMPLOYMENT PROJECTIONS & EMPLOYMENT CENTERS

During the Design Rodeo, participants located the 2012-2035 increment of future commercial development in the intensity zones on the preferred scenario map. The increment utilized was approximately one million square feet; an amount that represents approximately 2,700 employees. The general types of allowable uses for the various development areas are described in the land use intensity matrix. Actual permitted uses will be defined at the time when the City's Land Development Code is revised. Design Rodeo participants also identified potential employment centers. New

development such as large scale industrial, manufacturing, office park and intense commercial uses are appropriate in these areas. Typically these uses are located on large sites with access to road and rail transportation and have access to city services such as water, sewer and electricity. The airport was also identified as an employment center for future airport expansion or other related developments.

Commercial and office development is proposed to occur in the activity nodes shown within the intensity zones indicated on the preferred scenario map. These areas are less intense than the employment centers and would incorporate smaller, in most cases, pedestrian scale businesses. The types of uses are generally described in the land use intensity matrix based on the intensity zone the center is located. Actual permitted uses will be defined at the time when the City's Land Development Code is revised.



STRATEGIES OF THE CORE 4 COLLABORATION

The "Core 4" is comprised of the City of San Marcos, Hays County government, San Marcos Independent School District and Texas State University. In 2012 this group was brought together in a series of workshops to develop a collaborative vision focusing on economic development.

THE CORE 4 IDENTIFIED THREE COLLABORATIVE ACTIONS THEY CAN JOINTLY PURSUE TO BUILD THE COMMUNITY SAN MARCOS RESIDENTS DESIRE:

- **PREPARING THE 21ST CENTURY WORKFORCE**
- **COMPETITIVE INFRASTRUCTURE AND ENTREPRENEURIAL REGULATION**
- **CREATING THE COMMUNITY OF CHOICE**

PREPARING THE 21ST CENTURY WORKFORCE:

The need for high-skilled manufacturing professionals has increased approximately 37% since the early 1980's. The shift in the workforce marketplace indicates that manufacturing and technical jobs will continue to grow and this demand for skilled workers will also increase.

A comprehensive educational system is necessary to ensure San Marcos maintains a skilled workforce to fill these positions. This education begins as early as Pre-K and Kindergarten with continued educational support in the home. Parental engagement is instrumental in establishing a good work ethic at a young age.

There appears to be a disconnect

between post-high school education and workplace needs.

Workforce development, post high-school, can be accomplished through career academies, technical schools and community colleges.

The Core 4 lists potential action items such as peer-reviews of other communities and other universities as well as determining the goals for each partner to work toward improving the workforce in San Marcos.

COMPETITIVE INFRASTRUCTURE AND ENTREPRENEURIAL REGULATION:

As mentioned above, the number of manufacturing job openings has been rising as has their average annual salary. Being able to provide the space and infrastructure along with the skilled workforce brings a significant competitive advantage to San Marcos.

Manufacturing companies are looking at various aspects of a city, in addition to the workforce, when choosing a site for their business. Water supply and wastewater capacity should be adequate to handle the type of industry proposed. Land and development regulations factor into successful development sites as well as access to transportation networks such as rail, airports, major highways and interstates. San Marcos has existing industrial parks with adequate facilities along the Interstate 35 corridor which should be promoted.



CREATING THE COMMUNITY OF CHOICE:

As with businesses, people look at various aspects of a community when choosing where they will call home.

The community must be safe and have stable neighborhoods as well as good schools.

Living and family wage jobs are important for residents to be able to maintain their residence and ensure their children are able to receive the highest education possible.

San Marcos values high quality job opportunities and education as a way to promote neighborhood stability.

Community amenities such as libraries, parks, entertainment and recreation attract residents to visit and ultimately stay in San Marcos. The identity

of the community is also a factor in creating a community of choice. For San Marcos it is the often expressed desire for a “small town” feel which shows community values, loyalty and appreciation for our unique geological features and river.

The Core 4 has a list of collaborative actions to continue to support San Marcos as a community of choice.

These include planning for campus and housing growth for the University as well as planning for downtown redevelopment and connectivity.





ENVIRONMENT AND RESOURCE PROTECTION

- EXISTING CONDITIONS
- LAND USE SUITABILITY
- PROJECTIONS
- WATER QUALITY MODEL
- FIGURES APPENDIX:

Land Use Suitability

EXISTING CONDITIONS

San Marcos is situated in a unique natural setting along the Balcones Escarpment, with the Blackland Prairie to the east and the Edwards Plateau (commonly known as the Texas Hill Country) to the west. Land elevations in the San Marcos area range from 510 to 1,030 feet above sea level, with some slopes in excess of 30%. The shallow soils of the Edwards Plateau are not well suited for agriculture; however, the thick clay soils of the Blackland Prairie are generally fertile.

Steep topography, extensive rock outcroppings and intense storm events make San Marcos particularly susceptible to flooding. Major floods have occurred several times over the last 75 years, with the two most recent in 1998 and 2001.

The Edwards Aquifer is a water-bearing underground network of porous limestone located on the eastern edge of the Edwards Plateau. Along the edge of the plateau there are a number of springs including the San Marcos Springs. The rapid growth of the Austin-San Antonio Corridor continues to place an ever increasing demand on the aquifer water supply while negatively impacting water quality.

The San Marcos Springs discharges water into Spring Lake, the source of the San Marcos River. The river is both a major tourist attraction and a factor in the high quality of life enjoyed by the community. The constant flow and temperature of the spring water has created a unique ecosystem that provides habitat for several endangered species. Urban development on the recharge zone, however, poses a



major threat to the quality and quantity of aquifer water and consequently, the future of the San Marcos River and its resident species. The Texas Commission on Environmental Quality, Hays County, the Edwards Aquifer Authority and the City of San Marcos all regulate development in the Edwards Aquifer recharge zone.

Air quality in San Marcos meets Federal Air Quality Standards. During the 2012 “Ozone Season” (April – November), The Capital Area Council of Governments (CAPCOG) operated an air quality monitoring station in San Marcos on Staples Road. The data collected showed an improvement from 2011. There are no year-round air quality monitoring stations which accurately reflect conditions in San Marcos.

LAND USE SUITABILITY

An environmental constraint map was created for the City of San Marcos and the Extraterritorial Jurisdiction (ETJ) by the consulting firm RPS Espey. This map is referred to as the Land Use Suitability Map and was developed as a tool to identify areas within the planning area that are best suited to accommodate growth in an environmentally sensitive manner. Ten classes of variables including regulatory constraints, environmentally sensitive features and important cultural sites were mapped and assigned a weight on a scale of 1 to 5 with 5 being the most constrained and 1 being the least constrained. The ten classes

of variables included: Cultural Resources, Edwards Aquifer, Endangered and Threatened Species, Floodplains, Priority Watersheds, Sensitive Feature Protection Zone, Slopes, Soils, Vegetation and Water Quality Zone / Water Quality Buffer Zone.



PROJECTIONS

Non-point source pollution due to urbanization poses a threat to endangered species and the quality of surface and ground water resources in the City of San Marcos and on the Texas State University campus. Much of the existing urban fabric was built prior to current stormwater regulations. Erosion and water quality degradation in highly urbanized watersheds are impacting the integrity of downstream water resources and the urban ecology. Recent analysis of local water quality data indicate that periodic and chronic negative impacts to Spring Lake and the upper San Marcos River are increasing.

A Water Quality Protection Plan (WQPP) was prepared for the City and Texas State University in 2013 that is intended to meet water quality related requirements



of the Habitat Conservation Plan (HCP). The HCP was created in collaboration with other stakeholders in the Edwards Aquifer Recovery Implementation Program to ensure that incidental take (as defined by the Endangered Species Act) of threatened or endangered species will be minimized and mitigated. The WQPP seeks to undertake a proactive, integrated planning approach to urban stormwater management. This approach is intended to protect property and aquatic ecosystems while at the same time accommodating land development. The plan will seek to develop and implement plans and policies that reduce, treat, and control stormwater runoff as close to the source as possible.

WATER QUALITY MODEL

The Meadows Center for Water Quality and the Environment at Texas State University performed water quality modeling of subwatersheds in the area covered by Vision San Marcos: A River Runs Through Us. The modeling was conducted to provide information on the potential effects of increased impervious cover resulting from new development. Two scenarios were modeled: the trend scenario and preferred scenario. Both the trend and preferred scenarios spatially distribute the additional 33,000 people and one million square feet of retail space projected for San Marcos and its ETJ for 2035. The trend scenario represents a continuation of current development patterns while the

preferred scenario is the vision for a development pattern derived from the Design Rodeo. The Meadows Center also modeled existing land use and land cover conditions to establish baseline conditions of existing development.

The modeled trend and preferred scenarios reflect soil and land use conditions and do not reflect any existing or future water quality features, best management practices or low impact development practices. Furthermore, the future scenarios do not reflect the current regulatory requirements for development over the Edwards Aquifer or the San Marcos River Corridor. The water quality analysis is intended to provide results for



comparison between scenarios to reflect which areas, or watersheds, are more likely to be impacted as a result of planning and development strategies. Regulatory requirements and best management practices may be added later in order to customize the outcomes of the models.

Presently the San Marcos River exhibits exceptional water quality due to the continuous inflow of spring water from Spring Lake. Intensity zones identified on the preferred scenario are not located over the recharge zone while various areas indicated in the trend scenario were within the Purgatory and Sink Creek watersheds.

Overall the preferred scenario has less of a detrimental impact on water quality than the trend scenario because of less impervious cover and corresponding pollutants. The preferred scenario maintains more undeveloped open land and attempts to accommodate the increased population and commercial development in denser redevelopment areas with existing infrastructure.

Two primary recommendations were presented with respect to offsetting impacts to water quality from urbanization:

1) ADOPTION OF SPECIFIC AND / OR UPDATED WATER QUALITY REGULATIONS IN EACH SUBWATERSHED.

2) PURSUIT OF BEST MANAGEMENT PRACTICE RETROFITTING OPPORTUNITIES

The water quality model developed through this exercise was intended to provide information on the potential water quality impacts of increased impervious cover resulting from new development. They were also specifically designed to give coverage for the entire planning area so they can be used in additional studies to assess the benefit of regulatory actions and retrofitting measures.





LAND USE

- EXISTING CONDITIONS
- THE PREFERRED SCENARIO
- DESCRIPTIONS OF DEVELOPMENT ZONES
- LAND USE INTENSITY MATRIX
- RELATIONSHIP TO CITY OPERATIONS
- FIGURES APPENDIX:
Land Use

EXISTING CONDITIONS

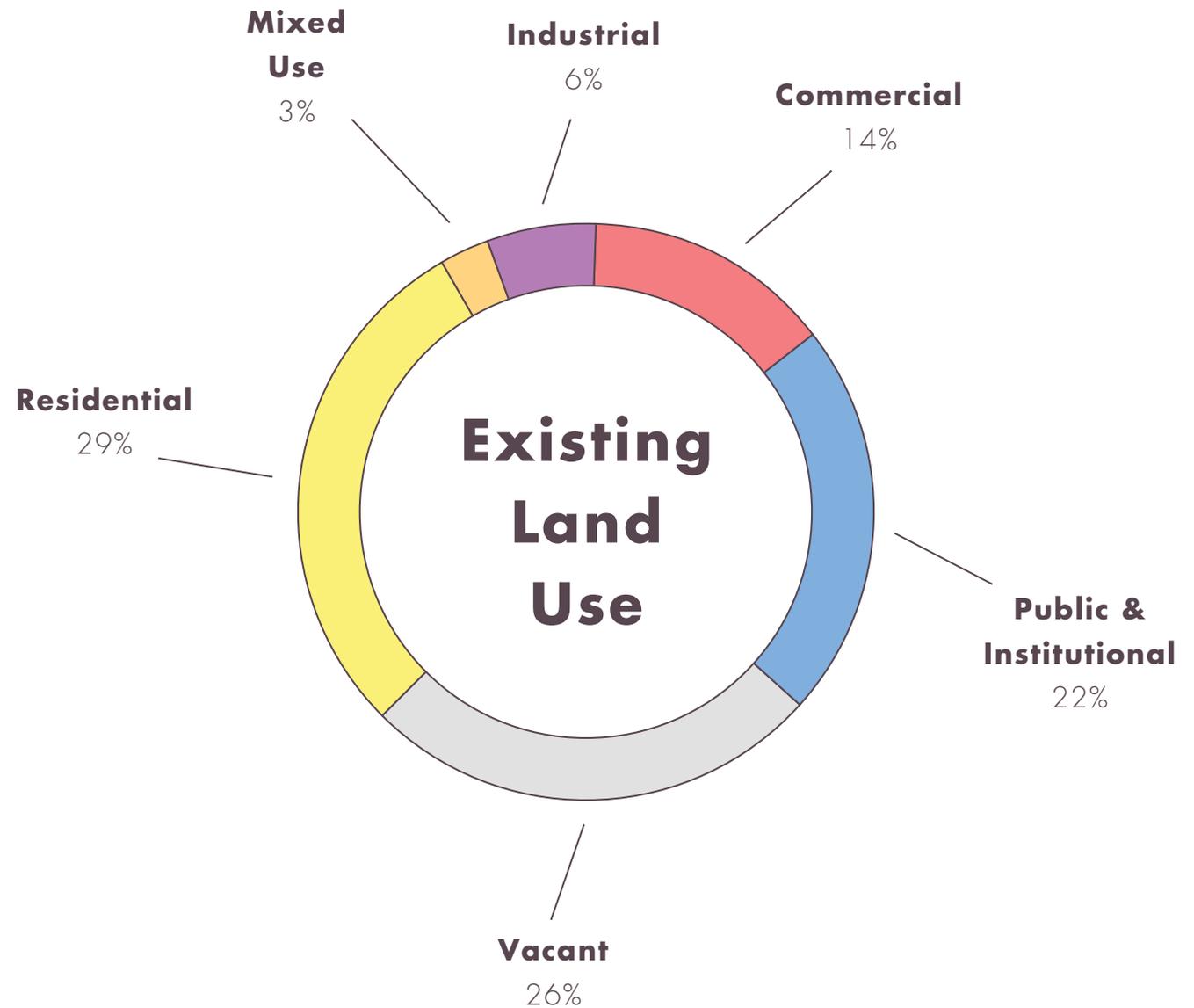
The city's existing land use represents a mixture of single-family, multi-family, commercial, industrial and institutional uses. Figure LU1 illustrates the existing land uses and is based on the city's Planning and Development Services geographic information systems (GIS) data. Commercial and industrial uses are primarily concentrated along IH 35, the Guadalupe Street and LBJ Drive corridors, as well as extending along State Highways 123 and 80. The Public & Institutional uses include Texas State University along with San Marcos Consolidated Independent School District

schools, county offices, churches, and city facilities

The city's Downtown is one of its greatest assets. The site of many local businesses including professional offices, restaurants, and bars, it is bounded by residential neighborhoods which help to preserve the "small town" feel that many San Marcos citizens hold so dear. Another asset the citizens of San Marcos value is the extensive open space and parkland within the city limits, especially the concentrations found along the San Marcos River. There are approximately 1,700 acres of parkland and open space which provide a variety of opportunities for active and passive recreation within the city.



The city boasts seven locally designated historic districts: Belvin Street, Burleson Street, Downtown, Dunbar, Hopkins Street, Lindsey-Rogers, and San Antonio Street. The Belvin Street Historic District was listed in the National Register of Historic Places in 1983. The Downtown Historic District was also listed in the National Register of Historic Places in 1992, and is anchored by the Hays County Courthouse. The list of nationally registered historic districts could be expanded as many neighborhoods are close to meeting age criteria to be listed, such as the Spring Lake Hills neighborhood.





THE PREFERRED SCENARIO

The Preferred Scenario Map is a graphic representation of the compilation of responses received during a series of public workshops, including the design rodeo. The main purpose of the workshops and design rodeo was to spatially distribute the additional 33,000 people and one million square feet of retail space projected by 2035 for San Marcos and its ETJ. A Growth and Preservation Allocation Exercise, also called the “chip exercise”, was conducted and allowed participants to specify growth and preservation areas. The scenarios that came out of this exercise were refined and tested during the design rodeo resulting in the selection of the preferred scenario.

During the design rodeo, a qualitative assessment of the three scenarios measured relative impacts on water quality, transportation and the City’s budget. Following the design rodeo the trends and preferred scenarios were modeled for more accurate results.

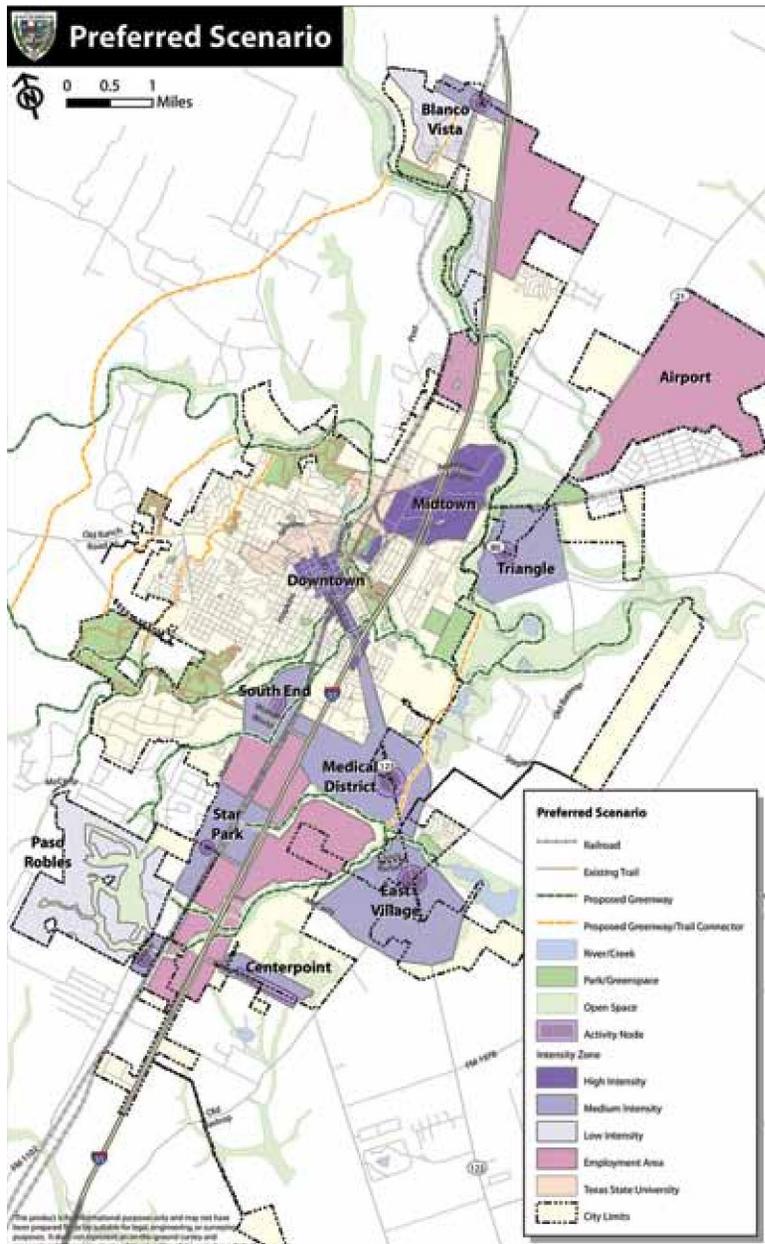
Overall, the preferred scenario tested and modeled better than the trend scenario.

This scenario promotes a somewhat denser community with mixed-use in neighborhoods targeted for redevelopment and new development along with a variety of transportation options.

During the design rodeo, the public indicated a preference for some redevelopment in the urban core and for new development along east side corridors and IH35. The preferred scenario distributes this new population

and development in two redevelopment sites, as well as areas predominately along the SH 123, Wonder World Drive and IH-35 corridors. The preferred scenario is an alternative to development in the Edwards Aquifer recharge zone and to low-density sprawl extending outwards from the existing city limits.

The preferred scenario consists of Intensity Zones, Activity Nodes, Employment Centers, new road and trail connections as well as open space. The arterial roadways shown on the preferred scenario represent generalized alignments of the roads that were used to model the scenario. The modeling indicated that these or similar arterials are needed to serve the proposed developments. Actual alignments will follow a lengthy technical analysis and public processes.



DESCRIPTION OF DEVELOPMENT ZONES

The Development Zones are areas of change, where the intent is to develop or redevelop. Each zone is designed to have its own distinct character, fostering a sense of community.



DOWNTOWN



CURRENT

The extent of the Downtown development zone is very similar to the boundaries expressed in the 2008 Downtown Master Plan. It includes the area surrounding the Courthouse Square, extending from the University's southern boundary to just southeast of IH 35. The southern end closely follows Guadalupe and LBJ, while the northern area extends from North Street to C.M. Allen. As the most historic section of the city, Downtown is almost entirely developed, with the most intense uses as two-story buildings near the Hays County Courthouse. Much of this is vertical mixed use, with small retail, restaurants and bars, office space, and residential sharing the same structures.

FUTURE VISION

The future vision for the Downtown development zone is well articulated in the 2008 Downtown Master Plan. This includes characteristics such as authenticity, compactness, great streets, pedestrian and bike accessibility, and providing public spaces for social interaction. While Vision San Marcos encourages density in this High Intensity zone, it also prioritizes maintaining the unique character of downtown, especially historic structures and local businesses. Buildings around the square and adjacent to historic neighborhoods will maintain their current scale. Another important goal for the downtown is connection and access to the nearby San Marcos River, as well as integration with Texas State University.

MIDTOWN

CURRENT

Midtown is generally bounded by Aquarena Springs Drive, River Road, Hopkins, and the railroad tracks to the west. This area consists of Thorpe Lane and Springtown Mall. Private development includes retail and multi-family residential along Thorpe Lane and several large apartment complexes east of IH-35. Springtown Mall is primarily unoccupied, providing an ideal opportunity for redevelopment.



FUTURE VISION

Because of its central location and accessibility, Midtown will be a high-density mixed use area, possibly the densest area in San Marcos, with housing for many household types. Midtown residents will have easy access to services, city facilities, the university, and the San Marcos River. They will have the most diverse options for transportation, including transit connections to the university and the rest of the city. A variety of services will be within walking distance, along the multiple bicycle routes, and through vehicular access to major roads including IH-35. The area will complement, not compete with, Downtown. Due to the lack of historically significant structures, more contemporary architecture will be appropriate. This architecture will differentiate Midtown from Downtown.



EAST VILLAGE



CURRENT

The East Village is a growth area toward which the City has been progressively expanding in recent years. Its north boundary is defined by the greenspace surrounding Cottonwood Creek, and the southern boundary extends just beyond McCarty Lane and Rattler. Currently, the East Village contains two of San Marcos's newest public schools, San Marcos High School and James Bowie Elementary. Its primary residential area is the Cottonwood Creek subdivision, which contains single-family housing. East Village also contains areas currently zoned for commercial and industrial uses around the two very promising intersections of Old Bastrop and Hwy 123, as well as Clovis Barker and Hwy 123. Much of the property in the East Village has yet to be included within city limits and is therefore not currently zoned.

FUTURE VISION

As the site of San Marcos' only high school, as well as an elementary school, this area has a high potential for growth. Designated as a Medium Intensity Zone, with an activity node centered around the intersection of Old Bastrop and Hwy 123, East Village will boast a mix of commercial, retail, and service oriented activity. This area will offer a variety of residential options including single family homes, duplexes, townhomes, and small multifamily projects. Some multifamily projects combined with commercial will result in vertical mixed use in the activity node. Since the area is largely on undeveloped property at the edge of town, it will become a mixed use gateway into the city, which will welcome visitors from Seguin and beyond.

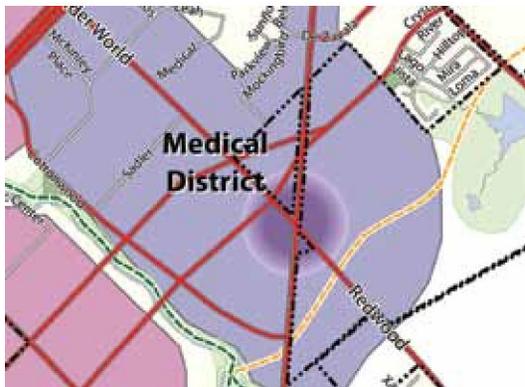
MEDICAL DISTRICT

CURRENT

At the heart of the Medical District is the Central Texas Medical Center, surrounded by other medical buildings and clinics. The existing commercial development is focused in and around the Red Oak Shopping Center and includes a number of big-box retail stores and a movie theater. Multifamily is the dominant housing type along with some single-family residences along Mockingbird Drive and the La Vista retirement community. The Medical District extends east from IH 35 past Hwy 123, north of Cottonwood Creek. A small section follows Hwy 123 north to IH 35.

FUTURE VISION

Central Texas Medical Center has the potential to become an economic hub and bring additional healthcare related employment to San Marcos. Mixed uses will allow residents to live, work, and do many day-to-day tasks within the district. The close proximity of these different uses along with connected sidewalks and bike paths will promote pedestrian activity. The Medical District will be medium intensity, with an activity node at the intersection of Hwy 123 and Wonder World Dr.





BLANCO VISTA

CURRENT

Blanco Vista is located approximately one-half mile west of IH-35 and is generally bounded by Yarrington Road on the north, Post Road and the Union Pacific Railroad on the east and Old Stagecoach Road on the south and west. Existing land uses include open space and hike and bike trails, a church, a community amenity center, an elementary school and single-family homes.

FUTURE VISION

Blanco Vista is a low intensity Planned Development District (PDD) with a base zoning of Mixed Use, allowing a combination of mixed-density single family homes, garden homes, townhomes, multifamily residential, and neighborhood-oriented commercial. The Blanco Vista low intensity zone also incorporates a section south of this subdivision, along the Blanco River. This waterfront property is envisioned as new retail and entertainment destination for the northern part of the city.





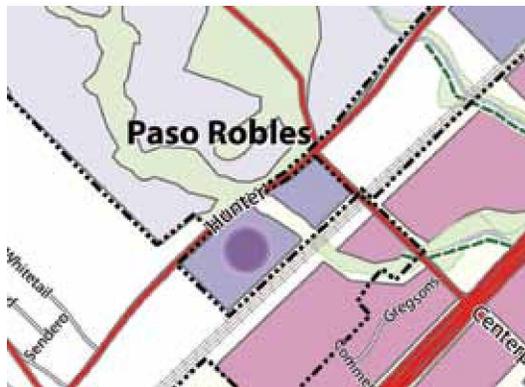
PASO ROBLES

CURRENT

Paso Robles is located approximately one-half mile northwest of the IH-35 and Centerpoint Drive interchange. The two parcels that create the overall Paso Robles Planned Development District are separated by Hunter Road. The existing land uses that border the site are primarily residential, some agricultural, some vacant land, as well as commercial uses along Hunter Road. Natural features found on the site include water features (ponds and creeks), limited rock outcroppings, and typical Texas Hill Country topography (limited slopes as steep as 25%).

FUTURE VISION

The Paso Robles Planned Development District (PDD) is anticipated to provide 3,450 dwelling units, as well as an 18-hole golf course. Commercial land is designated between Hunter Road and IH-35. Since the residential area is currently zoned mixed use, a combination of single-family units, townhouses, condominiums, and multifamily units are expected, as well as limited neighborhood commercial in this low intensity development zone.

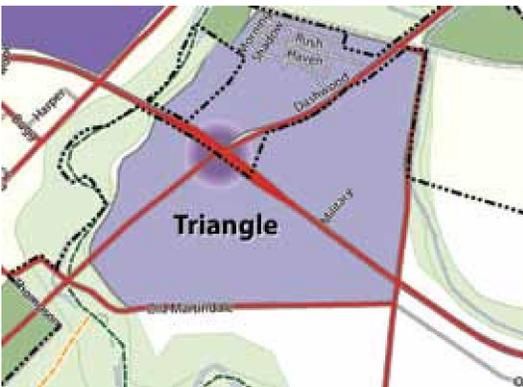




TRIANGLE

CURRENT

The Triangle is centered on the intersection of Hwy 21 and Hwy 80, approximately one mile east of Interstate 35. It is generally bounded by Old Martindale Rd. (CO 295), County Line Road (CO 101), the railroad tracks, and open space along the San Marcos River. This area is mostly undeveloped, with agricultural uses, a golf course and some single-family housing established in between the Blanco River and Highway 21. Only a small portion of the Triangle is currently within the City Limits



FUTURE VISION

The Triangle is envisioned as an important medium-intensity zone for commercial activity and residential development on the east side of Interstate 35. It is one of the primary routes to the San Marcos Airport and will act as a gateway in the future, providing amenities to serve airport customers and commuters. Gary Job Corps is also located in the vicinity of the Triangle and workforce education opportunities are envisioned with the institution. Land uses in the future will reflect these two important facilities – a mix of office, commercial and light industrial will complement new single family neighborhoods along the scenic Blanco River.



SOUTH END

CURRENT

The Hays County Government Center is the civic anchor of the South End. This area also contains the City's first greenfield SmartCode development, Pioneer Bank, under construction in 2013. Wonder World Drive is a major thoroughfare bordering this development zone on the south. The area, which extends west to Hunter Road and east to the railroad, has seen significant growth recently as more people populate the southern area of town and take advantage of the relatively undeveloped nature of the South End.

FUTURE VISION

The South End is envisioned as a new connection between Downtown and the southern part of the city, reducing some of the traffic along Hopkins Street and Hunter Road. The area is anticipated to build out with a medium-intensity mix of commercial and residential of different densities, with the Hays County Government Center drawing strong economic growth.





STAR PARK

CURRENT

Star Park is located between Interstate 35 and Hunter Road, generally extending north and south from McCarty Lane. Existing land uses along IH 35 are primarily large retail, while along Hunter there are a few single-family homes and much undeveloped land. This development zone draws its name from Texas State University's Science, Technology, and Advanced Research (STAR) Park, which is located off Hunter Rd north of McCarty Lane.

See www.txstate.edu/starpark

FUTURE VISION

Texas State's STAR Park is a business incubator and collaboration space designed to foster commercialization and entrepreneurship, especially in the field of material science. It will be an economic engine, providing higher skill job opportunities and helping to retain Texas State graduates. In addition to the IH 35 corridor, an activity node on McCarty Lane will be a focus of commercial development in this medium-intensity zone.





EMPLOYMENT CENTERS

The preferred scenario shows the locations of potential employment centers which are appropriate for industrial, large office park and intensive commercial uses. Typically, these uses are located on large sites with excellent road and rail access and access to water and sewer infrastructure.

AREAS OF STABILITY

The areas of stability are indicated on the preferred scenario map as “yellow areas” inside the city limits which are not included in an intensity zone and “white areas” in the ETJ that are also not included in an intensity zone. The preferred scenario anticipates that these areas will generally maintain their existing character. The areas of stability include established neighborhoods, undeveloped or agricultural land, and the majority of the City’s ETJ. Being located in an area of stability does not mean that these areas should not or will not change. It means that any changes, whether new developments, zoning requests, or public improvements,

should be carefully planned and implemented so that the character of the area remains.

As a next step, Neighborhood Character Studies will be conducted to determine the types of projects that would be supported within the areas of stability. These studies will include considerable public input and involvement.



LAND USE INTENSITY MATRIX

The intensity matrix is the table which provides details for the preferred scenario map. The matrix combines the intensity zones from the preferred scenario with different development types. This provides guidance for planning and development decisions including zoning and capital improvements.

THREE DEVELOPMENT TYPES ARE SHOWN ALONG THE TOP OF THE TABLE IN COLUMNS 2, 3 & 4. THEY ARE:

- NEIGHBORHOOD & AREA PROTECTION / CONSERVATION
- REDEVELOPMENT / INFILL
- NEW DEVELOPMENT

DEVELOPMENT INTENSITY ZONES SHOWN IN COLUMN 1, DOWN THE SIDE, OF THE TABLE ARE:

- LOW & AREAS OF STABILITY
- MEDIUM
- HIGH

DEVELOPMENT TYPE / INTENSITY PAIRS SEEN THROUGHOUT THE MATRIX INCLUDE:

- LOW & AREAS OF STABILITY / NEIGHBORHOOD & AREA PROTECTION / CONSERVATION
- LOW & AREAS OF STABILITY / REDEVELOPMENT / INFILL
- LOW & AREAS OF STABILITY / NEW DEVELOPMENT
- MEDIUM / NEIGHBORHOOD & AREA PROTECTION/CONSERVATION
- MEDIUM / REDEVELOPMENT/INFILL
- MEDIUM / NEW DEVELOPMENT
- HIGH / NEIGHBORHOOD & AREA PROTECTION /CONSERVATION
- HIGH / REDEVELOPMENT / INFILL
- HIGH / NEW DEVELOPMENT



In the matrix, general land use categories, building types, and street types are recommended for each of the nine development type / intensity pairs listed above. Proposed intensity zones from the preferred scenario are listed in the matrix, for the pairs, where applicable. Additional areas or neighborhoods may be added, where appropriate, as neighborhood character studies are completed and the plan is amended.

The matrix indicates where new multi-family and commercial development may occur along corridors and nodes (corridor intersections). The density or intensity of these uses would decrease as distance from the nodes and corridors increases. Proposed corridors are listed in the matrix where

applicable. Additional corridors may be added as the plan is amended.

The matrix provides examples of types of uses that could be permitted in each development type/intensity zone pair. Actual permitted and prohibited uses will be specified during the revision of the City's Land Development Code (LDC). The matrix is meant as a guide to LDC revisions.

The matrix notes that higher intensity uses in neighborhood protection areas must meet very specific criteria for their location and operation.

Specialized uses such industry, large office parks, retail malls and commercial recreation will be recommended for the potential employment centers in the preferred scenario. These uses will require

special development standards to address any issues raised by the intensity of the uses.

Open space / Agricultural is provided its own category in the matrix. The types of open space areas are broken into three subsets named preserve, active recreation and agricultural/ranching. Uses in this category are classified based on the subsets.



THE RELATIONSHIP OF THE PREFERRED SCENARIO TO CITY OPERATIONS

The preferred scenario is intended to be a guide for planning and development through the intensity matrix and updates to the City's Land Development Code. It is important to note that it is inevitable that development will occur outside the preferred scenario intensity zones and not all the development proposed for the zones will actually occur. The preferred scenario will also not impact existing entitlements and any zoning based on the preferred scenario will follow standard procedures for public hearing and comment.

Along with the intensity matrix and an

updated Land Development Code, the preferred scenario will be utilized to guide day to day decisions of the City Departments. The preferred scenario is a recommendation from the public, adopted by City Council which supports development in the intensity zones and guides future economic development decisions supporting industrial, office park and commercial uses in the employment centers.

CAPITAL IMPROVEMENT PLAN

This Plan and the preferred scenario will be used to incorporate and score capital improvements projects and other public planning and development decisions.

The Capital Improvements Plan (CIP) is a multi-year schedule for the construction or substantial renovation of public facilities such as libraries, recreation centers, utility expansion and roads. It is a link between the annual budget and the comprehensive plan. Aligning the CIP with the preferred scenario is essential to the successful implementation of the comprehensive plan.



ZONING

The preferred scenario map and the land use intensity matrix do not explicitly address zoning. Land in the preferred scenario is divided into two broad categories. The first category includes intensity zones where change in use is anticipated by the plan. The second category includes areas of relative stability where changes in use are not recommended by the plan. The map locates low, medium and high intensity zones and the matrix describes the zones by development type: new development, redevelopment/infill, and neighborhood and area protection/conservation. The matrix lists recommended uses and building types for each intensity zone/development type pair. High and Medium Intensity/

New Development and Redevelopment pairs are areas where change is anticipated. Low Intensity and all of the neighborhood protection/conservation areas provide more stability.

Both the map and the matrix are generalized tools used to guide development and amendments to the City's Land Development Code. The preferred scenario is not a zoning map. This fact is emphasized in Section 213.005 of the Texas Local Government Code:

A map of a comprehensive plan shall contain the following clearly visible statement: "A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries" Zoning is conservative in nature and has a bias towards maintaining the

status quo. Growing cities, though, are not static; new residents move in, new businesses are established and new technologies change the way people live. These factors create pressures that change the way land is used. The purpose of planning is to anticipate and shape this change in a way that provides opportunities for new development and redevelopment while preserving the community's cultural and environmental heritage. A comprehensive plan articulates the community's vision for the future; zoning and other regulatory and budget tools implement that community vision. It follows, therefore that the first question in any zoning case should be, "Does this request comply with the comprehensive plan?" The plan's goals, the preferred scenario map and the matrix provide that first level of guidance.



Some tools have also been developed as part of the comprehensive planning process to help answer the question of compliance. They include the preferred scenario map, the land use intensity matrix, the land use suitability map, the travel demand model and the water quality model. It is important to note that these tools become less effective guides as sites become smaller and especially in transitional areas. An understanding of the relationship between the preferred scenario and zoning is essential for these situations. The land use intensity matrix includes detailed recommended land uses and building types for each development zone/development type pair. A proposed rezoning that is in conformance with the preferred

scenario map and the intensity matrix would be in conformance with the plan. In many cases, the plan, as presented, will be sufficient to guide zoning. The hard work of zoning and rezoning land for sites that are in transition areas between intensity zones will often require tools that are more precise than the general guidance provided by the comprehensive plan tools. In transitional areas at the edges of neighborhoods, another level of analysis will be required. It is recommended that finely grained neighborhood character studies drawn at a scale not possible in this comprehensive planning process be conducted. The neighborhood character studies can also be used to identify those areas that will require specialized site development standards. There will also be situations in which intensity, instead

of specific use, will be the issue. These situations will call for the objective analysis of impacts. Impact analyses can be used as the basis for the zoning decision and for zoning conditions. Traffic impacts can be estimated through traffic impact analyses and the impacts of larger projects can be estimated with the travel demand model. Environmental suitability can be determined through the land use suitability map prepared as part of the comprehensive planning process. Water quality-related environmental impacts can be estimated with the water quality model. Some projects may require submission of an environmental impact analysis. Drainage, water and wastewater availability impacts also need to be addressed. Some projects may require



service extension requests or upgrades to facilities. Engineering is typically deferred to the subdivision or site plan stage.

Zoning is a discretionary act on the part of the City Council. That discretion is limited, however, by requirements that it not be arbitrary, that it not grant special privileges and that it be done in the open process set out in state law and the city charter. Making zoning decisions based on the comprehensive plan and the use of objective analyses is essential.



NEIGHBORHOODS AND HOUSING

- EXISTING CONDITIONS
- NEIGHBORHOOD CHARACTER STUDIES
- FIGURES APPENDIX:
CONA Neighborhoods

EXISTING CONDITIONS

The following is a summary of the Community Profile prepared as part of the City's 2013 Analysis of Impediments to Fair Housing Choice – a required document for all entities receiving federal Community Development Block Grant (CDBG) funds. The focus of the analysis is to alleviate housing discrimination and to ensure that all citizens have equal access to housing without regard to their race, color, religion, sex, disability, familial status, or national origin.

The profile includes an examination of demographics, income, employment, public transportation, and housing and concentrates on the three major ethnic groups in San Marcos – White, Hispanic,

and African-American. Although other races and ethnicities reside in the city, their numbers are statistically very low and are not included in the demographic data of this report.

Highlights of the report include a comparison of the 2000 and 2010 Census data showing that the city's overall population increased by 29.3%.



Item 10



DATA FROM THE 2006-2010 AMERICAN COMMUNITY SURVEY (5-YEAR AVERAGE) FOR THE THREE PREDOMINATE ETHNICITIES SHOWS:

Out of a total of 15,467 households in the City:



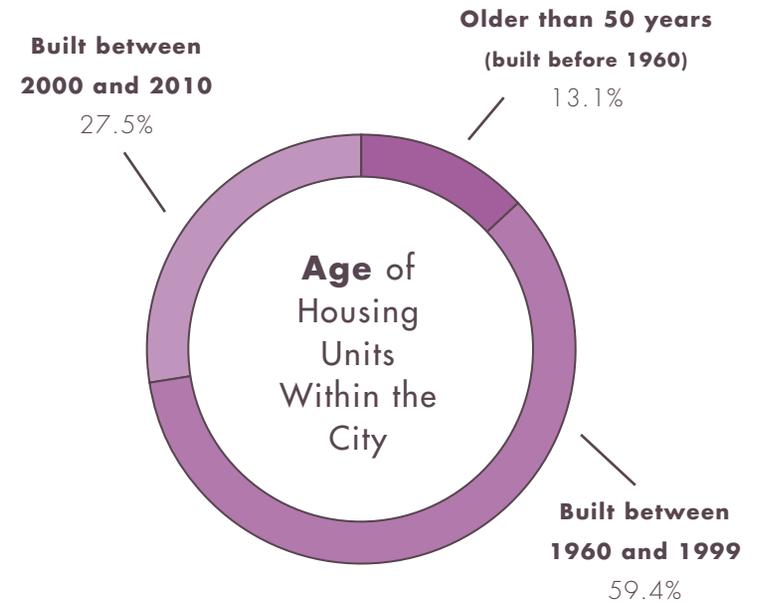
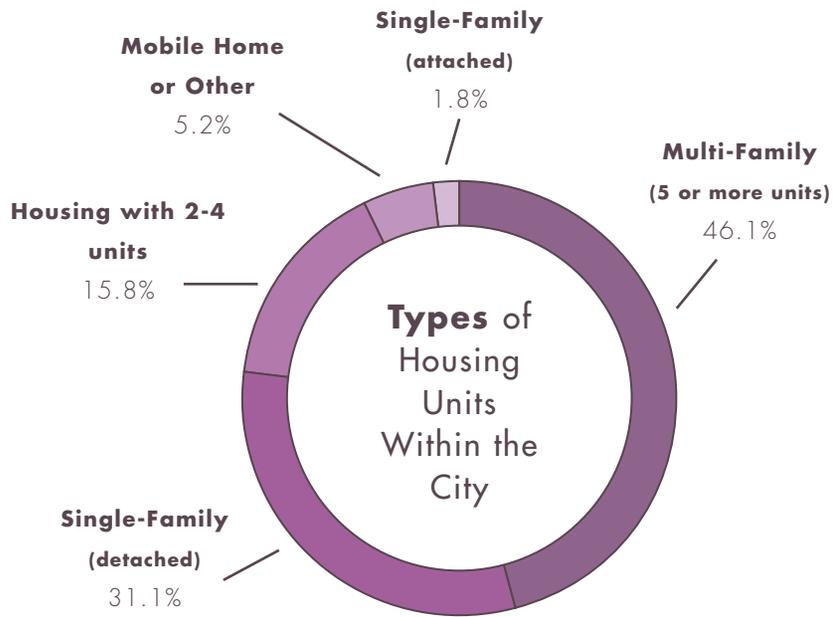
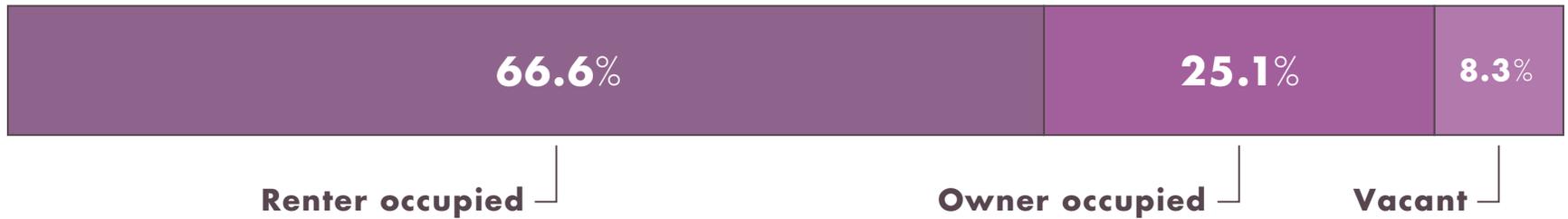
LARGE PERCENTAGES OF THE SAN MARCOS POPULATION (REGARDLESS OF ETHNICITY) HAVE VERY LOW INCOMES:

- THE MEDIAN HOUSEHOLD INCOME IS ESTIMATED AT \$26,734 FOR THE OVERALL CITY, WITH 20% OF ALL HOUSEHOLDS HAVING AN INCOME OF LESS THAN \$10,000 PER YEAR
- THE POVERTY RATE FOR THE CITY IS 36.9%
- THE PERCENTAGE OF THE POPULATION WITH LESS THAN A HIGH SCHOOL EDUCATION WAS 16.7%



- THE MEDIAN CONTRACT RENT PER UNIT WAS \$644
- THE MEDIAN HOUSING VALUE IN THE CITY WAS \$121,700

The total number of housing units in the City was 17,304, with:





NEIGHBORHOOD CHARACTER STUDIES

Neighborhood character studies will be conducted to ensure that each neighborhood maintains its existing character, and follows development and redevelopment patterns desired by the residents. These studies will result in specific guidelines for each neighborhood, which are created by the public with technical and professional input from city staff. The DNA of the neighborhoods will be analyzed and recoded back into the regulations for each neighborhood. A standard methodology will be utilized within each neighborhood and all results will be community

driven. City staff will first reach out to residents and property owners within predefined neighborhood boundaries. Discussions will begin with verifying or reestablishing those boundaries to suit conditions as they currently exist. The participants will then be involved in a “walk through” of their neighborhood followed by a caucus to discuss how Vision San Marcos: A River Runs Through Us will be applied. The caucus will address various applicable objectives from the plan as well as how the preferred scenario and intensity matrix will guide the future of the area.





PARKS, PUBLIC SPACES AND FACILITIES

- EXISTING CONDITIONS
- PARKS, RECREATION & OPEN SPACE MASTER PLAN SUMMARY

- PROJECTIONS

- FIGURES APPENDIX:

Parks and Greenspaces

Wastewater CCN Boundaries

Water CCN Boundaries

Wastewater Maintenance Hotspots

Water Maintenance Hotspots

EXISTING CONDITIONS

PARKS AND RECREATION FACILITIES

There are approximately 1,700 acres of parkland and open space in San Marcos including 48 parks.

Existing parkland provides a variety of opportunities for passive and active recreation with intensive recreational use along the San Marcos River. San Marcos also provides special use facilities for recreational purposes such as the Activity Center and the Recreation Center, boasting public baseball and soccer fields, swimming facilities and newly constructed tennis courts.

WASTEWATER

In September, 2005, City Council entered a ten-year contract with CH2M Hill to operate and maintain the City's Wastewater Treatment Plant. The Wastewater Treatment Plant is permitted to treat an average daily flow of 9 million gallons per day (MGD) and two-hour peak wet weather flow of 31 MGD. Plant capacity utilization is at about 55% of the permitted amount. The wastewater system has 40 lift stations currently on-line many with remote monitoring and control capability and generator back up.



WATER SUPPLY

The City obtains untreated surface water from the Guadalupe River through a pipeline operated by the Guadalupe-Blanco River Authority (GBRA). The original source of the surface water for this river is Canyon Lake however water is drawn from Lake Dunlap. Owned by the City of San Marcos, the Surface Water Treatment Plant is operated under contract by GBRA and produces approximately 87% of the water used by the City's customers. The plant has 21 million gallons per day (MGD) treatment capacity, 9 million gallons

per day of which are for The City of San Marcos. The City currently produces an average of 7.6 million gallons per day of treated water. The remaining 13% of the City's water usage is supplied by eight city-owned wells drawing water from the Edwards Aquifer.

OTHER FACILITIES

The City operates five fire stations and a central police station. There is a city hall complex with four buildings located on East Hopkins Street with additional administrative buildings scattered around the city. Across Hopkins Street from the City Hall complex, the city operates a public library. The San Marcos Electric Utility is housed at a complex on Hwy. 123 which includes administration, warehouse, billing and open storage areas. The City also owns a general aviation airport; San Marcos Municipal Airport managed by Texas Aviation Partners.



PARKS, RECREATION & OPEN SPACE MASTER PLAN SUMMARY

The following is a summary of the existing Parks, Recreation & Open Space Master Plan. The priorities from this summary are not intended to be assumed as priorities of Vision San Marcos: A River Runs Through Us. As the objectives from Vision San Marcos are implemented the Parks Master Plan will need to be updated to align with these objectives.

The Vision of the Parks, Recreation & Open Space Master Plan (the Parks Master Plan) is to “Create a unified parks and recreation system that serves the entire San Marcos community, supports tourism efforts and remains a good steward to the River and surrounding environment.”

The goal topics of the plan include funding, maintenance, safety, programming, sustainability, environmental, tourism, connectivity, parkland dedication and university.

The City of San Marcos is home to almost 50,000 residents and strives to be a destination for tourism. The Parks and Recreation Department created this plan to establish a framework for a long-term, successful park system. The preparation of this

plan following Texas Parks and Wildlife Department guidelines makes the City of San Marcos eligible for grant funding.

In developing this plan, the Parks and Recreation Department utilized an outside consultant.

Stakeholder interviews were held, questionnaires, park user intercept surveys were conducted and informal community meetings were scheduled to gain input from the community.



COMMUNITY PRIORITIES:

1. Providing more trails and natural areas
2. Providing more park amenities like restrooms and water fountains
3. Providing more recreational amenities such as swimming pools
4. Improving and maintaining the existing park facilities

PARK EXPERTS AND CITY STAFF PRIORITIES:

1. Expanding the existing park system
2. Revise / update the Parkland Dedication Ordinance
3. Develop newly acquired parkland
4. Provide more efficient maintenance and security
5. Develop a comprehensive recreational and cultural arts activity program

THE FINAL PRIORITIZATION OF NEEDS FOR THIS PLAN ARE:

1. Trails (connections to existing trails and rivers / creeks)
2. Acquisition of parkland and development of facilities in the southwest quadrant of the ETJ
3. Acquisition of parkland and development of facilities east of I-35
4. Athletic fields west of I-35
5. Community park development west of I-35 and near downtown
6. Passive park development along San Marcos River and Blanco River
7. Increased staffing and budget for facilities
8. Development of recreational / activity centers (small) and cultural arts center

The parks and open space system consists of parks, natural areas and linear greenways utilized for passive and active recreation as well as recreational and cultural programs. There are approximately 1,700 acres of parkland in San Marcos representing 48 parks, special use facilities and greenspace. While greenspace makes up the majority of this total 1,436 acres, it is important to note that some of this area is undeveloped and generally fenced off from public use. The Parks Master Plan includes an inventory which fully describes each park and facility and includes a quality assessment with photographs.



Based on national recommendations for level of service standards, San Marcos is lacking in 2 of 3 categories. Where 5 acres per 1,000 people is recommended for large regional parks, San Marcos provides approximately 3.3 acres. The recommendation for neighborhood parks is 3 acres per 1,000 people and San Marcos provides 1.8 acres. The national recommendation for greenspace is 5 acres per 1,000 people and San Marcos provides approximately 26 acres. In addition to the prioritization of needs for improvements to the parks system, the

Parks Master Plan provides recommendations for how to make these improvements. Land should be acquired through purchase, dedication or donation during early stages of development to ensure the best access and visibility to users. Park development must be completed after land is acquired. A comprehensive trail network should be established to form connections to park facilities. The City should continue to increase the frequency and availability of programs and activities, especially for cultural programming, outdoor recreation and the activity center. There is strong support for these initiatives.

PROJECTIONS

PARKS AND RECREATION FACILITIES

As mentioned in the summary of the Parks, Recreation & Open Space Master Plan, the City of San Marcos is operating below the national recommended levels of service for parkland. The demand for parkland will continue to increase as the population of the city increases. While most of the core of the city is adequately serviced by parkland, the areas near the city limits and in the ETJ display noticeable deficits.

The need for additional community centers and active recreational areas is evident based on national standards. San Marcos is providing one half or less of the recommended facilities for community centers, baseball fields and tennis courts



and has only reached 5 miles of the 10 mile goal for trails.

Many recommendations to improve and address these shortfalls are outlined in the Parks, Recreation & Open Space Master Plan. Vision San Marcos: A River Runs Through Us supports these recommendations and encourages the Parks and Recreation Department to follow through with reviewing and updating this plan at five year intervals to ensure the public desire as well as need is met.

WASTEWATER

The City of San Marcos tracks the maintenance completed on wastewater facilities. This allows the city to determine where infrastructure may be failing and in need of replacement as well as the costs associated with the repairs. Based on data from 2005-2011, there are four “hot spots” where the majority of wastewater maintenance has taken place. These areas, along with the costs and labor hours associated with each, are indicated on the Wastewater Collection Map.

WATER SUPPLY

The City of San Marcos’ current water supply is anticipated to be adequate through the 2024-2031 timeframe depending on consumption and drought conditions. Basic water supply issues include the lack of water to serve future populations, competition for resources, and cost. The costs of purchasing future water supplies today are borne by existing, not future customers. Two options for obtaining water for future residents are already in the current Water Master Plan. These are water conservation and working with the Hays Caldwell Public Utility Agency for groundwater from the Carrizo-Wilcox Aquifer. Other suggestions



include the Guadalupe-Blanco River Authority Mid-Basin Project and / or not acquiring future water at this time.

As with wastewater, the City of San Marcos tracks the maintenance completed on its water facilities. The Water Maintenance Work Orders Map indicates that there were many "hot spots" for water facility maintenance from 2005-2011. San Marcos will be updating its water (and wastewater) planning documents, which should be carefully prepared to determine the most efficient and environmentally sensitive ways to address infrastructure issues. These plans will provide key implementation tools for Vision San Marcos: A River Runs Through Us.

OTHER FACILITIES

In June of 2008 a study was conducted to determine the facility and site needs for the Water / Wastewater Utilities, Public Works and Electric Departments in San Marcos.

One recommendation was that the similar functions performed by these departments could efficiently coexist in one facility. This facility would require approximately 15-17 acres of land and have multiple buildings totaling over 50,000 square feet.

A strong civic presence adds vitality to the community; several plan objectives encourage this. Potentially relocating City Hall downtown, locating new parks east of IH-35 or establishing community centers in the Intensity Zones will ensure adequate services and a true sense of community





TRANSPORTATION

- EXISTING CONDITIONS
- TRAVEL DEMAND MODEL
- PROJECTIONS
- FIGURES APPENDIX:

Thoroughfare Assembly

Bridges

Traffic Signals

Public Transportation

Bicycle Infrastructure

Sidewalk Inventory

EXISTING CONDITIONS

ROADWAYS

The current roadway network contains approximately 463 centerline miles of roads. This value accounts for both city, county and state maintained roadways. The Texas Department of Transportation (TxDOT) oversees the maintenance and operations of roads designated as interstates and state highways. The remaining roadway network is the responsibility of Hays County in the ETJ and the City of San Marcos within city limits. Depending on the type of roadway, the number of lanes range from 2-lane minor streets to the 6-lane interstate highway. Thoroughfare Assembly is a way to categorize roads based on

the surrounding land uses, the type of access they provide to properties and the types of vehicles that are meant to travel there. The thoroughfare assembly serves as a tool to guide the land development process and ensure that any new roadway construction is consistent with other transportation facilities and the surrounding land uses, whether existing or proposed.

TRAFFIC SIGNALS

There are currently 51 traffic signals in operation throughout the city. Nearly one-quarter (25 percent) of these traffic signals are located within the downtown area and are synchronized



BRIDGES

Given the environmental and topographical nature of San Marcos, the necessity for bridges is vast. The responsibility of maintaining bridges is similar to that of roadway maintenance, with TxDOT maintaining interstate and highways and the City and County maintaining local streets. According to the most recent Geographic Information System (GIS) data available from the Capital Area Metropolitan Planning Organization (CAMPO), there are 12 bridges classified as either structurally deficient or functionally obsolete.

PUBLIC TRANSPORTATION SERVICES

In 2012, the City of San Marcos was defined as an urbanized area by the US Census. The Urbanized Area includes portions of the city limits of San Marcos and Martindale as well as areas in Caldwell and Guadalupe Counties. Under this urbanized area designation, federal and state public transportation funding moves from the rural category to small urban and an Urban Transit District must be created. A Public Transportation Conference was conducted in 2012 by representatives of the governing bodies within the urbanized area to solicit public comment. Based upon the outcome of the conference, Capital Area Rural Transportation

System (CARTS) agreed to create an Urban / Rural Transit District and provide transit service to the urbanized area for a minimum of three years.

CARTS in conjunction with the City of San Marcos and the urbanized area will develop a comprehensive public transportation plan to address future public transportation issues.

Texas State University provides public transportation opportunities to its students, faculty and staff which is funded solely through the student bus fee. San Marcos may chose to partner with the University to create a seamless and comprehensive public transportation system for the City.

Lone Star Rail District was created in 2003 to evaluate and operate a commuter rail service to connect



several communities, from San Antonio to Georgetown, along the ever-growing I-35 corridor. The planned passenger rail service (LSTAR) will be designed to be time-competitive and cost-competitive with automobile travel, while offering a higher on time performance and reliability.

Individual benefit from LSTAR will come in the form of a congestion-proof alternative to driving on the region's congested roadways. In year 2035, benefits of the passenger rail include:

- 726,000-1,288,000 annual passenger hours saved
- \$719 million in estimated fuel savings annually
- 3.2 to 5.8 million annual boardings

BICYCLE AND PEDESTRIAN FACILITIES

Bicycle and pedestrian facilities are significant mechanisms in building a sustainable transportation system.

From 2008 to 2010, 5.3 percent of San Marcos' workforce either walked or used a bicycle as means to travel to work or school.

The 2012 San Marcos Bicycle Map illustrates the City's existing and proposed non-motorized transportation facilities. The bicycle routes depicted are the result of a suitability assessment based on the following five factors: (1) traffic density; (2) on-road bicycle facilities; (3) change in elevation; (4) road conditions; and, (5) citizen feedback. Each bicycle facility presented was rated on these

factors and assigned an accessibility rating of easy, medium, or difficult.

Sidewalks are an essential piece to the transportation puzzle as they accommodate and encourage pedestrian mobility. Sidewalks are equally as important to the transportation system as roadways and are complementary to public transit.

The city's existing sidewalk inventory is shown on the Bike/Ped map by condition (good, fair, poor). The current sidewalk network has missing links in critical areas of the city as well as poorly maintained sections. Development Services Department staff is developing criteria to guide future sidewalk projects in essential locations to improve pedestrian mobility around the city.



TRAVEL DEMAND MODEL

The City of San Marcos utilized the services of a consultant to create a Travel Demand Model for roadways in the city and its ETJ. The travel demand model uses estimated household and employment data to test the ability of the roadway network to handle existing and future population and employment increases. The model from the Capital Area Metropolitan Planning Organization (CAMPO) was used as the basis for the city model with modifications specific to San Marcos. Utilizing the CAMPO model ensures that data from CAMPO and San Marcos is

compatible and can be shared in the future.

The travel demand model indicated that approximately 30% of roadways in San Marcos experience high levels of congestion during the morning peak hours. These roads include RR 12, Hopkins Street, Highway 123, portions of Interstate 35, and to a lesser degree – Highway 21. The accompanying report recommends targeting these roadways for improvements to ensure that drivers are not subject to additional delays as additional development occurs.

The travel demand model was used to demonstrate the impacts of development on the roadway

network for both the trend scenario and the preferred scenario. Population and employment figures were modeled for intensity zones and activity nodes but not employment centers. Both the vehicle miles traveled and the vehicle hours traveled were lower for the preferred scenario. Coupled with targeted roadway improvements, the City of San Marcos will be able to alleviate some of the burden drivers experience due to delays.



PROJECTIONS

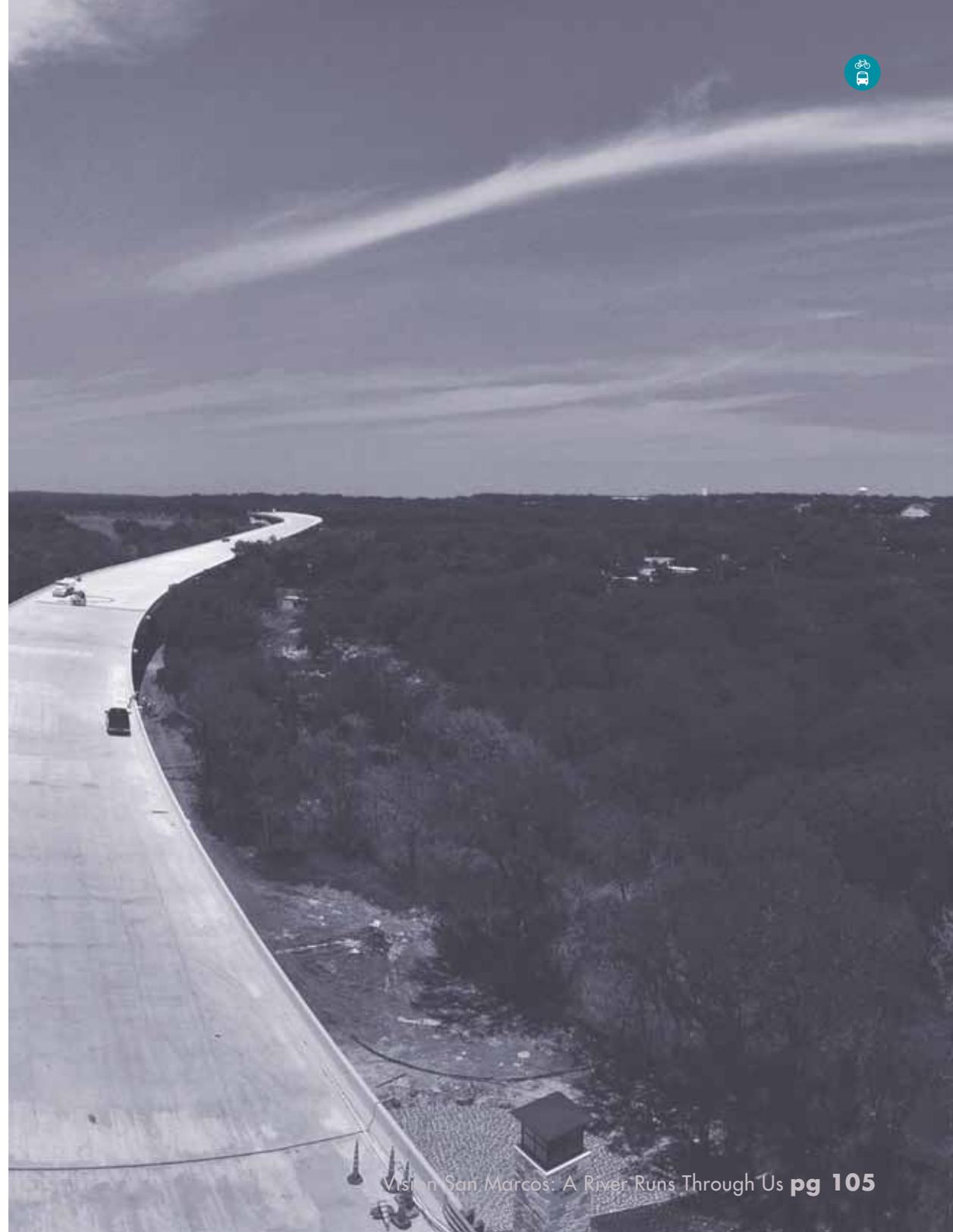
The 2035 Proposed Roadway Network shown on the preferred scenario represents generalized alignments of roads that were used in the Travel Demand Model. The model indicates that this or a similar network of major roads will be necessary to serve the developments in the preferred scenario.

While the roadways may be necessary, their alignments, at this point are very generalized. Actual alignments of roadways for travel demand modeling does not need to be as precise as the type of roadway and the number of lanes proposed. The roadway network on the preferred scenario should be considered as a conceptual tool that will guide the development of the City's updated Thoroughfare Plan. Roadway alignment will follow the standard, and often lengthy, technical analysis and public process at a time when the City, County or TxDOT determines a project is ready for development. Following adoption of Vision San Marcos: A River Runs Through Us

and all of the tools, including the preferred scenario, the City will initiate an update to its transportation plan. That plan will further define the future roadway network with reference to this comprehensive plan.

In addition to reducing vehicular traffic, the Citizen's Advisory Committee listed some topics that should be incorporated into the scope of developing the transportation plan update. These include the promotion of low cost operational improvements such as signal timing and adding turn lanes. The committee showed an interest in reducing the occurrence of cul-de-sacs and dead end streets to address connectivity

and create a grid street design for new developments. A major focus of the public as well as the committee was the need for complete streets that are designed for all modes of transportation, especially bicycles and pedestrians. Addressing safety of San Marcos roadways was another topic of interest especially at rail road crossings.



PROCESS FOR UPDATING THE PLAN

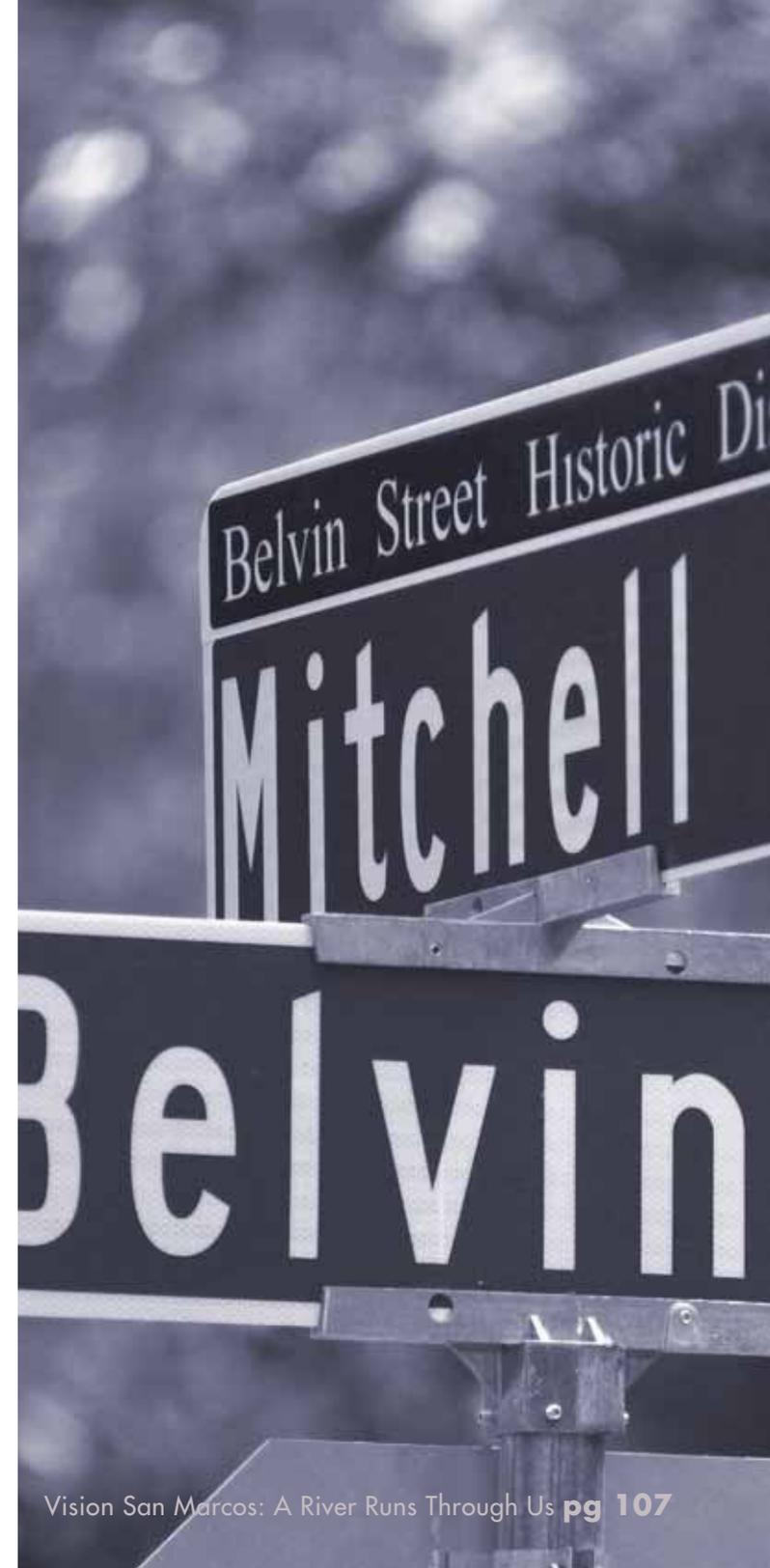
EXISTING REGULATIONS

The City Charter in summary states the plan must be adopted by ordinance and used as a guide for growth and development as well as preservation and open space. City ordinances should be consistent with the plan. Review of the plan must be ongoing and any changes must go through the public hearing process.



SECTION 7.03 OF THE CITY CHARTER ADDRESSES “THE MASTER PLAN” WITH THE FOLLOWING:

- “(a) The master plan for the City of San Marcos shall be used to guide the growth and development of the city. The master plan shall be adopted by ordinance. The city council will endeavor to ensure that city ordinances governing growth and development are consistent with the goals and policies contained in the master plan; however, land use maps and descriptions contained in the master plan do not constitute zoning, and do not entitle any property owner to any change in zoning.
- (b) The commission shall conduct an ongoing review of the plan in accordance with Section 7.02. The commission may recommend amendments to the master plan after at least one public hearing on the proposed action. The council may amend the master plan after at least one public hearing on the proposed action. The council shall not act on any amendment affecting the master plan unless and until a recommendation on the amendment is received from the commission.”





The City's Code of Ordinances also addresses updating the plan. Map and plan amendments are permitted in the code following the process of public hearing, currently called Land Use Amendments. There is an additional provision in the Code regarding the Planning and Zoning Commissions review of the plan:

"SECTION 1.4.1.5 PLANNING AND ZONING COMMISSION'S ROLE IN REVIEWING THE MASTER PLAN

It is the responsibility of the Planning and Zoning Commission to perform ongoing review of the City's Master Plan, including:

- (a) Holding an annual public hearing on the plan and recommend any necessary or desirable changes to the Council;
- (b) Holding public hearings and making recommendations to the Council regarding updates to the land use and transportation elements of the plan at least once every three years; and
- (c) Holding public hearings and making recommendations to the Council regarding the update of the entire Master Plan document at least once every ten years."

LAND USE AMENDMENTS AND CITY REGULATIONS

AMENDMENTS

In order to ensure the intent of this plan and the community driven preferred scenario are upheld, it is recommended that amendments to this plan be limited. Plan amendments, called Land Use Amendments, should follow a schedule independent of general requests. Amendments should be permitted, at a maximum, twice a year at a time determined by city staff. This schedule should be set and maintained from year to year in order to provide applicants with consistency.

The review time for applications for amendments should be sufficient to allow staff time to study the requests for trends and utilize appropriate models and tools offered with this plan. If locations for amendments are scattered in nature, support should not be given to the requests. If there is a pattern or trend, staff should consider the intent of this plan and determine if an amendment is appropriate.

Regulations for public hearing will still apply to amendments to this plan and neighboring property owners will be notified of proposed amendments. In addition, it is recommended that notice be sent to the neighborhood representative(s) from the Council of Neighborhoods Associations (CONA) who are on record with the City.



Annual Review

The plan should adhere to current codes regarding the annual review of the plan. It is recommended that two plan elements are reviewed annually in rotation so that every three years the plan is fully updated. The Five Year Action Items should be updated annually. A sample schedule of the first four years of review is indicated below.

- **YEAR 1** – REVIEW ECONOMIC DEVELOPMENT AND ENVIRONMENT AND RESOURCE PROTECTION
Update Five-Year Action Items
- **YEAR 2** – REVIEW NEIGHBORHOODS AND HOUSING AND PARKS, PUBLIC SPACES AND FACILITIES
Update Five-Year Action Items
- **YEAR 3** – REVIEW LAND USE AND TRANSPORTATION (ADHERES TO SECTION 1.4.1.5(B) OF THE CODE)
Update Five-Year Action Items
- **YEAR 4** – REVIEW ECONOMIC DEVELOPMENT AND ENVIRONMENT AND RESOURCE PROTECTION
Update Five-Year Action Items



ALEXANDER GATES & LILLIAN JOHNSON THOMAS HOUSE

ALEXANDER GATES THOMAS (1877-1944), AN ENGLISH PROFESSOR AND AUTHORITY ON TEXAS FOLKLORE, AND LILLIAN JOHNSON (1885-1966), AN ART PROFESSOR, MET AS EDUCATORS AT SOUTHWEST TEXAS NORMAL SCHOOL. MARRIED LATE IN LIFE, THE TWO WERE INSPIRED ON THEIR HONEYMOON IN THE COTSWOLD REGION OF ENGLAND TO PATTERN THEIR HOME AFTER THE COTTAGES THERE. THEY BUILT THIS HOUSE THEMSELVES IN 1923 OF NATIVE STONE QUARRIED NEAR SAN MARCOS. OF SPECIAL INTEREST ARE ITS 14-INCH THICK ROCK WALLS AND ITS TUDOR REVIVAL FEATURES, INCLUDING THE SWEEP GABLE ROOF AND ARCHED LANCET OPENINGS.

RECORDED TEXAS HISTORIC LANDMARK - 1997

Charter

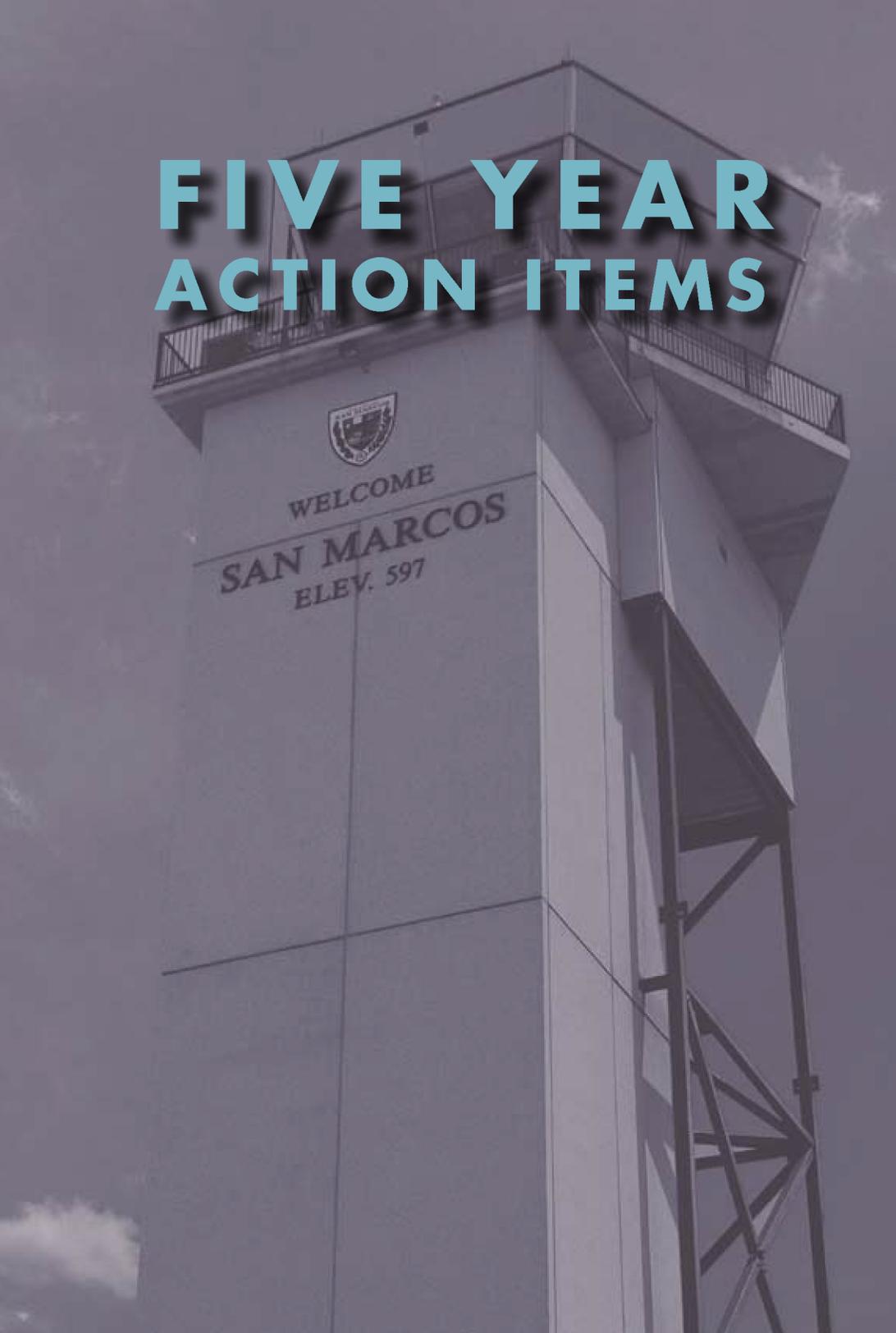
The City of San Marcos Charter Section 7.03 includes all of the regulatory language that is recommended for adoption, implementation and amending the plan. The only change recommended for the City Charter is to update the term “master plan” to “comprehensive plan” to align with current terminology and State Codes

City Code

The City’s Code of Ordinances will need to, at a minimum, be updated to change the language “Horizon Plan” to “Vision San Marcos”. This will provide regulatory powers to this document and the tools contained herein.

In order to parallel Vision San Marcos: A River Runs Through Us, the City’s Code of Ordinances will require a full update.





FIVE YEAR ACTION ITEMS

The City of San Marcos

will begin assessing the objectives of this plan for implementation immediately following adoption by City Council. All of the objectives developed by the Citizens Advisory and Steering Committees are considered achievable and will be pursued. Some of the objectives were specifically mentioned to begin in 2013 such as updating the Land Development Code, Neighborhood Character Studies, incorporating the plan in the Capital Improvement Plan project selection and the Transportation Plan update. Partnerships and collaborations should also begin in 2013. Other planning efforts and implementation of policies should begin within the first five years of plan adoption.

While assessing the objectives of this plan, it will be imperative to consider how they align with City Council's established goals. Objectives that address one or more of these goals should be given priority. The established City Council Goals are: Sound Finances; Big Picture Infrastructure; San Marcos River, Natural Environment and Community Wellness; and Strengthen the Middle Class, Encourage Strong Neighborhoods, Education and Workforce.

Following assessment of the objectives, tasks will be assigned to appropriate departments with an established schedule for completion. Any objectives requiring financing should be forwarded to the appropriate department for consideration in their annual budget or be included in the Capital Improvements Projects process for consideration.

The City Staff and the Planning and Zoning Commission will recommend objectives as action items and budgetary needs, per year, to the City Council for final direction to City Departments.



ADDENDUM TABLE OF CONTENTS

COMMITTEE INFORMATION

CONA NEIGHBORHOOD PLAN

CORE 4 COLLABORATION REPORT

DEMOGRAPHIC PROFILE: DATA

DESIGN RODEO

FISCAL MODEL

GLOSSARY

GROWTH AND PRESERVATION ALLOCATION EXERCISE

LAND USE SUITABILITY MAPPING

PREVIOUS SAN MARCOS MASTER PLAN SUMMARIES

TEXAS FAIR HOUSING IMPEDIMENT ANALYSIS

TRANSPORTATION EXISTING CONDITIONS

TRAVEL DEMAND MODEL REPORT

VISION, GOALS & OBJECTIVES MATRIX

VISIONING DOCUMENTATION

WATER QUALITY MODELING REPORT

YOUTH MASTER PLAN

FIGURES APPENDIX

PREFERRED SCENARIO

LAND USE INTENSITY MATRIX

REGIONAL MAP

ENVIRONMENTAL FEATURES

EMPLOYMENT DENSITY

LAND USE SUITABILITY

LAND USE

CONA NEIGHBORHOODS

PARKS AND GREENSPACES

WASTEWATER CCN BOUNDARIES

WATER CCN BOUNDARIES

WASTEWATER MAINTENANCE HOTSPOTS

WATER MAINTENANCE HOTSPOTS

THOROUGHFARE ASSEMBLY

BRIDGES

TRAFFIC SIGNALS

PUBLIC TRANSPORTATION

BICYCLE INFRASTRUCTURE

SIDEWALK INVENTORY

SAN MARCOS
We'd love your company.

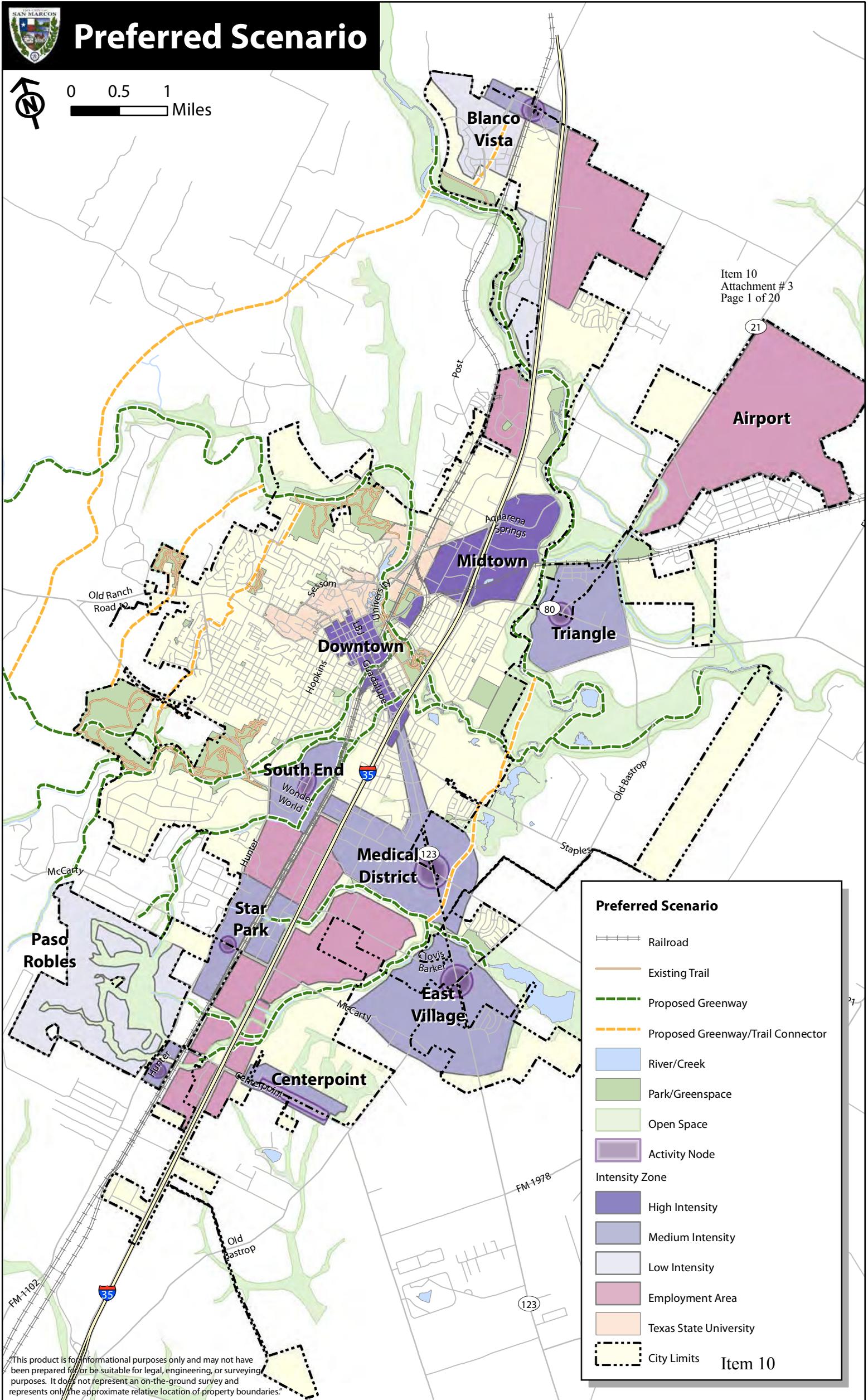




Preferred Scenario



Item 10
Attachment # 3
Page 1 of 20



Preferred Scenario

- Railroad
- Existing Trail
- Proposed Greenway
- Proposed Greenway/Trail Connector
- River/Creek
- Park/Greenspace
- Open Space
- Activity Node

Intensity Zone

- High Intensity
- Medium Intensity
- Low Intensity
- Employment Area
- Texas State University

City Limits

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| Intensity Zones | Development Types | | |
|--|---|--|--|
| | Neighborhood & Area Protection/Conservation | Redevelopment / Infill | New Development |
| Low Intensity & Areas of Stability | General Use Categories | General Use Categories | General Use Categories |
| Commercial at major nodes and in corridors (with uses that are predominantly non-SF residential) | <i>Single Family</i> <i>Home Office</i> Corner Neighborhood Retail- no gas | <i>Single Family w/ accessory bldg</i> Lodging: Bed & Breakfast (5 rooms) <i>Home Office</i> Corner Neighborhood Retail- no gas @ Nodes | <i>Single Family w/ accessory bldg</i> Lodging: Bed & Breakfast (5 rooms) <i>Home Office</i> Corner Neighborhood Retail- no gas |
| One lot depth* for commercial along corridors & at nodes | Building Types <i>1-2 story</i> (3 with CUP) | Building Types 1-3 story | Building Types 1-3 story |
| One lot depth* for commercial within Protection & Conservation | Streets local within the neighborhood collectors and arterials at edges | Mixed use at nodes and corridors | Mixed use at nodes and corridors |
| Corridors include but are not limited to: Old RR12: Holland to Wonderworld LBJ east of Holland RR 12 west of Craddock Arterials in the Edwards Recharge Zone | Preferred Scenario Examples Existing Predominately SF Neighborhoods Utilize Land Use Suitability Map Default classification for any area not otherwise classified | Streets local within the neighborhood collectors and arterials at edges Preferred Scenario Examples Existing Mixed Residential Areas | Streets local within the neighborhood collectors and arterials at edges Preferred Scenario Examples Blanco Vista (single family) Paso Robles (single family) Default for sites with 20 acres or more |
| Medium Intensity | General Use Categories | General Use Categories | General Use Categories |
| Commercial and Multi-Family at major nodes and along corridors | <i>Single Family</i> <i>Duplex</i> <i>Multi-family at Nodes</i> <i>Lodging Bed & Breakfast- 5 rooms</i> <i>Home Office</i> Corner Neighborhood Retail (gas w/ CUP) | <i>Single Family</i> <i>Duplex</i> <i>Multi-Family at nodes</i> <i>Lodging (12 rooms) w/standards</i> <i>Home Office</i> <i>Office/ flex space-Node</i> <i>Corner Store</i> | <i>Single Family</i> <i>Duplex / Multi-Family</i> <i>Lodging (12 rooms) w/standards</i> <i>Home Office</i> <i>Office/ flex space at nodes</i> <i>Corner Store & Convenience Retail / Gas</i> <i>Restaurants</i> Light Industrial (w/ CUP) |
| One lot depth* for commercial within Protection & Conservation | <i>Office</i> Convenience Retail Restaurants- No Drive Through | <i>Office/ flex space-Node</i> <i>Corner Store</i> Convenience Retail / Gas Restaurants | Restaurants Light Industrial (w/ CUP) |
| Two lot depth in other areas | | | Building Types <i>1-5 story</i> |
| Corridors include: Hopkins St. east of Moore St. University between Sessom - Hopkins RR 12: Lindsey to Hopkins Hunter Rd: San Antonio to Wonderworld | Building Types <i>1-3 story</i> Mixed use at nodes and corridors Streets local within the neighborhood collectors and arterials at edges Preferred Scenario Examples Triangle (single family) | Building Types <i>1-3 story</i> Mixed use at nodes and corridors Streets local within the neighborhood collectors and arterials at edges Preferred Scenario Examples South End | Mixed use at nodes and corridors Streets local within the neighborhood collectors and arterials at edges Preferred Scenario Examples Blanco Vista & Paso Robles (mixed use) East Village Medical District South End Star Park Triangle |

| Intensity Zones | Development Types | | |
|---|--|---|--|
| | Neighborhood & Area Protection/Conservation | Redevelopment / Infill | New Development |
| <p><u>High Intensity</u></p> <p>Commercial and Multi-Family at major nodes and along corridors</p> <p>One lot depth* for commercial within Protection & Conservation</p> <p>Unlimited lot depth in other areas</p> <p>Corridors include: LBJ south of Sessom Aquarena Springs between Sessom - I35 Guadalupe St: University to IH 35</p> | <p><u>General Use Categories</u></p> <p><i>Single Family</i> <i>Duplex</i> <i>Multi-family</i> <i>Lodging Bed & Breakfast</i> <i>Home Office</i> <i>Corner Store</i> <i>Office/ flex space</i> <i>Retail</i> <i>Restaurants</i> <i>Lodging</i></p> <p><u>Building Types</u></p> <p>1-4 story Mixed use at nodes and corridors</p> <p><u>Streets</u></p> <p>local within the neighborhood collectors and arterials at edges</p> | <p><u>General Use Categories</u></p> <p><i>Single Family</i> <i>Duplex</i> <i>Multi-family</i> <i>Lodging Bed & Breakfast</i> <i>Home Office / Office/ flex space</i> <i>Corner Store</i> <i>Retail</i> <i>Restaurants</i> <i>Lodging</i></p> <p><u>Building Types</u></p> <p>1-5 story Mixed use at nodes and corridors</p> <p><u>Streets</u></p> <p>local / collectors / arterials</p> <p><u>Preferred Scenario Examples</u></p> <p>Downtown Mid Town</p> | <p><u>General Use Categories</u></p> <p><i>Single Family</i> <i>Duplex</i> <i>Multi-family</i> <i>Lodging Bed & Breakfast</i> <i>Home Office / Office/ flex space</i> <i>Corner Store</i> <i>Retail</i> <i>Restaurants</i> <i>Lodging</i> Light Industrial (w/ CUP)</p> <p><u>Building Types</u></p> <p>1-5 story Mixed use at nodes and corridors</p> <p><u>Streets</u></p> <p>local / collectors / arterials</p> |
| <u>Open Space/Agriculture</u> | <p><u>Preserve Areas</u></p> <p>Hiking Trails Community Gardens</p> | <p><u>Active Recreation</u></p> <p>Recreation-related Commercial Camping Community Gardens</p> | <p><u>Ag/Ranching</u></p> <p>SF Residential Lodging B&B Home Office Produce Stands Community Gardens</p> |
| <p>Uses in Potential Employment Centers shown on the Preferred Scenario Map include: Industrial, Large Office Parks and Retail Malls with standards</p> <p>Note: Recreation-related commercial uses in active recreation areas will require special standards</p> <p>Note: Uses and intensity must conform with the City's Edwards Aquifer regulations</p> <p>Note: Corridor intensity varies with Intensity Zone</p> <p>Note: Development intensity decreases with distance from node and corridor</p> <p>Note: Home Office- No signage; no sales; one employee</p> <p>Note: All on-premise consumption of alcohol requires CUP</p> <p>Note: The Urban Land Institute defines Convenience Retail as: minimart, restaurant, beauty parlor, dry cleaner, fast food service, medical and dental office</p> <p>Note: Civic is permitted in all development types / intensities</p> <p>Note: All Commercial uses in Protection/Conservation and Redevelopment/Infull should follow compatibility standards including architectural standards</p> <p>Note: lot depth for corridors is typically 120 feet</p> | | | |



Regional Map



0 5 10 Miles

Item 10
Attachment # 3
Page 4 of 20

Austin

Population:
2010 - 790,390
2030 - 1,480,787 (proj.)
Growth - 87%

San Marcos

Population:
2010 - 44,894
2030 - 63,463
Growth - 41%

HAYS

COMAL

CALDWELL

New Braunfels

Population:
2010 - 57,740
2030 - 80,730 (proj.)
Growth - 40%

GUADALUPE

San Antonio

Population:
2010 - 1,327,407
2030 - 2,130,000 (proj.)
Growth - 60%



San Marcos



Major City



Railroad



City Limits



Austin/SA Corridor



County



San Marcos Counties

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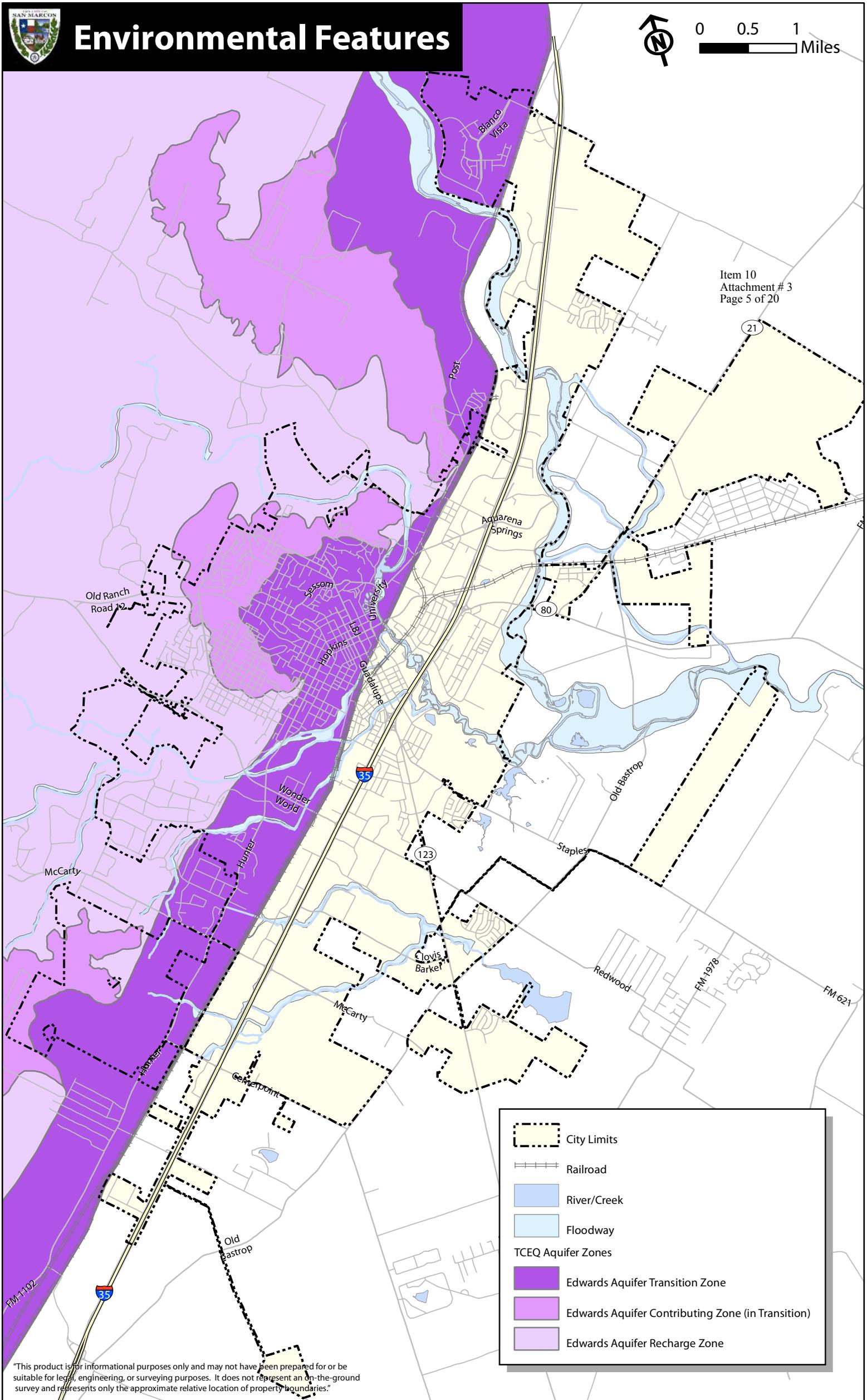


Environmental Features



0 0.5 1 Miles

Item 10
Attachment # 3
Page 5 of 20



| | |
|---------------------------|---|
| | City Limits |
| | Railroad |
| | River/Creek |
| | Floodway |
| TCEQ Aquifer Zones | |
| | Edwards Aquifer Transition Zone |
| | Edwards Aquifer Contributing Zone (in Transition) |
| | Edwards Aquifer Recharge Zone |

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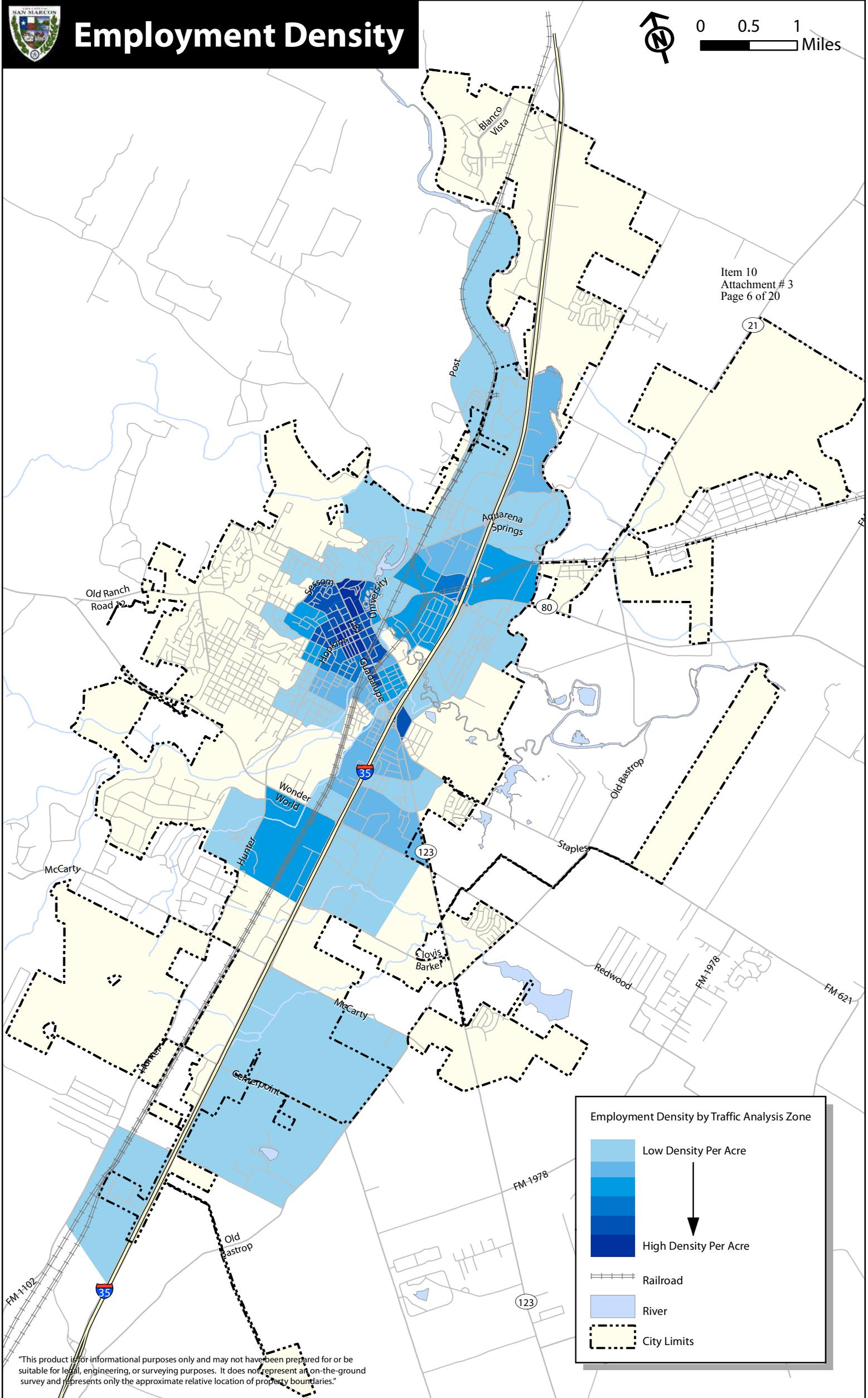


Employment Density



0 0.5 1 Miles

Item 10
Attachment # 3
Page 6 of 20



Employment Density by Traffic Analysis Zone

| | |
|--|-----------------------|
| | Low Density Per Acre |
| | |
| | High Density Per Acre |

↓

- Railroad
- River
- City Limits

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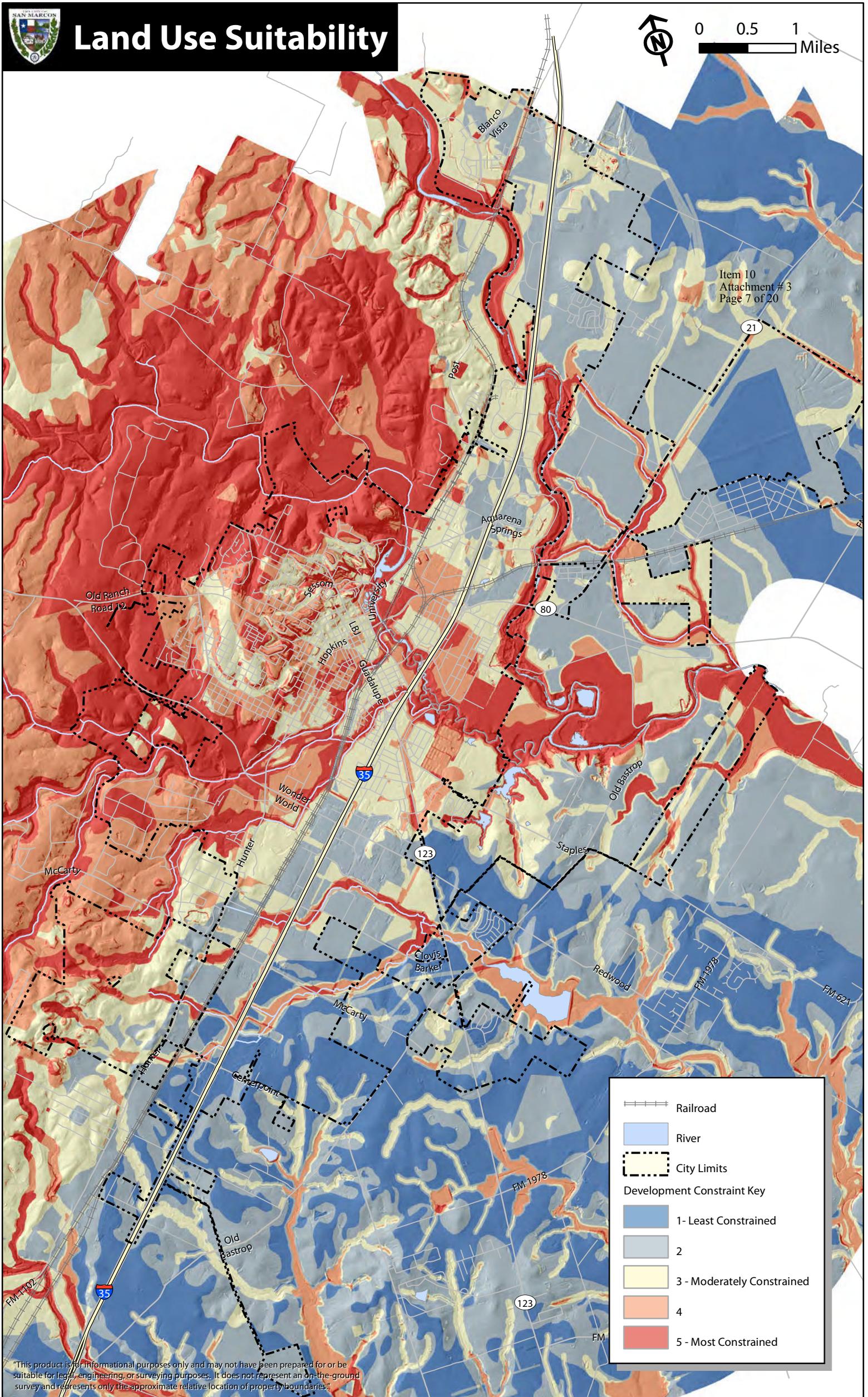


Land Use Suitability



0 0.5 1 Miles

Item 10
Attachment # 3
Page 7 of 20



| | |
|-----------------------------------|----------------------------|
| | Railroad |
| | River |
| | City Limits |
| Development Constraint Key | |
| | 1 - Least Constrained |
| | 2 |
| | 3 - Moderately Constrained |
| | 4 |
| | 5 - Most Constrained |

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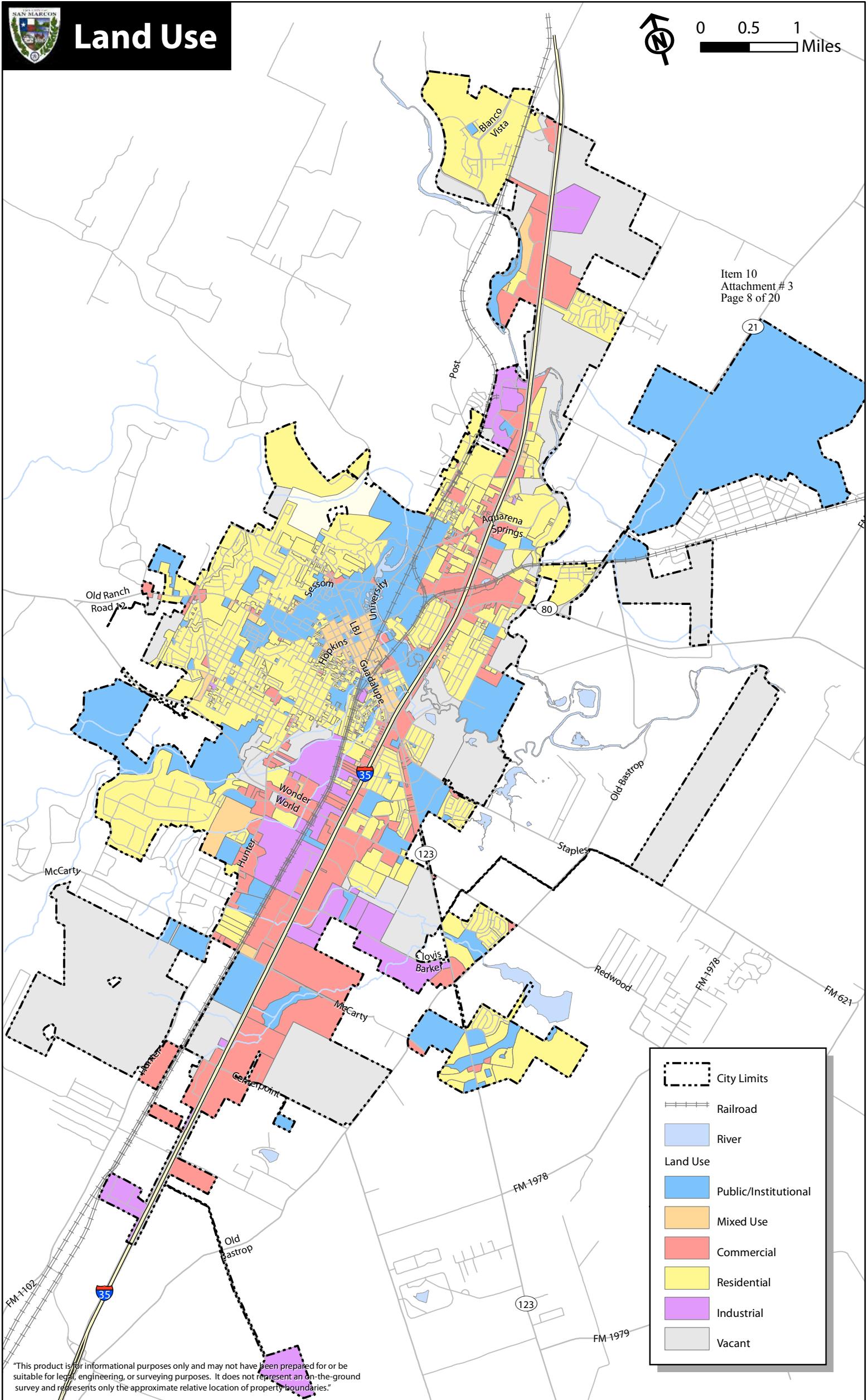


Land Use



0 0.5 1 Miles

Item 10
Attachment # 3
Page 8 of 20



| | |
|-----------------|----------------------|
| | City Limits |
| | Railroad |
| | River |
| Land Use | |
| | Public/Institutional |
| | Mixed Use |
| | Commercial |
| | Residential |
| | Industrial |
| | Vacant |

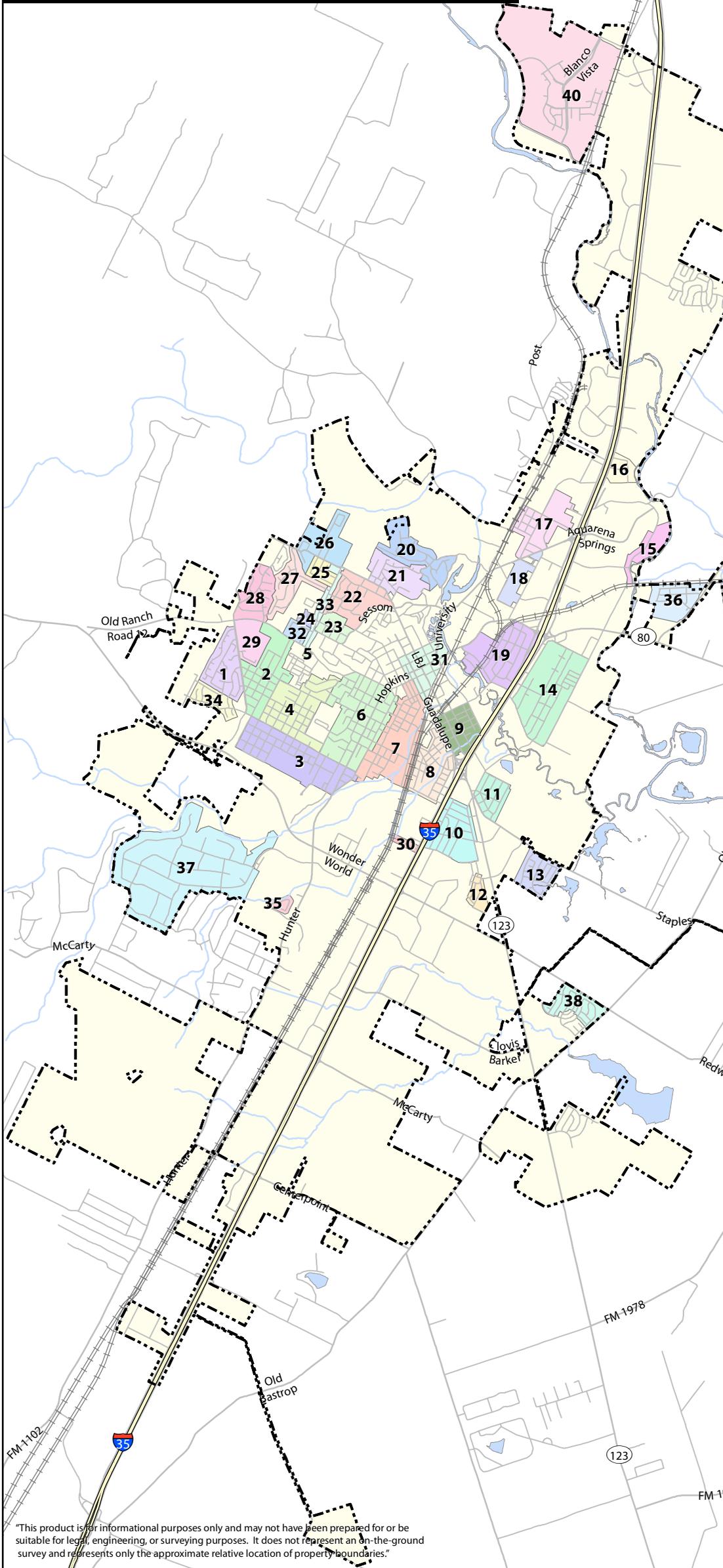
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CONA Neighborhoods



0 0.5 1 Miles



- City Limits
 - Railroad
 - River
- Item 10
Attachment # 3
Page 9 of 20
- Neighborhood
1. Greater Castle Forest
 2. Oak Heights
 3. Westover
 4. Southwest Hills
 5. Park Place
 6. Heritage
 7. Dunbar
 8. Victory Gardens
 9. East Guadalupe
 10. Sunset Acres
 11. Wallace Addition
 12. Mockingbird Hills
 13. Hills of Hays
 14. Blanco Gardens
 15. Two Rivers East
 16. Fairlawn
 17. Millview East
 18. Millview West
 19. Rio Vista
 20. Spring Lake Hills
 21. Forest Hills
 22. Sessom Creek
 23. Alamo
 24. Holland Hills
 25. Highland
 26. Tanglewood
 27. Sierra Circle
 28. Hughson Heights
 29. Weatherford Heights
 30. Feltner
 31. Downtown Association
 32. Coers
 33. Holland Street
 34. Franklin Square
 35. Hunters Hill
 36. Blanco River North
 37. Willow Creek
 38. El Camino Real
 40. Blanco Vista

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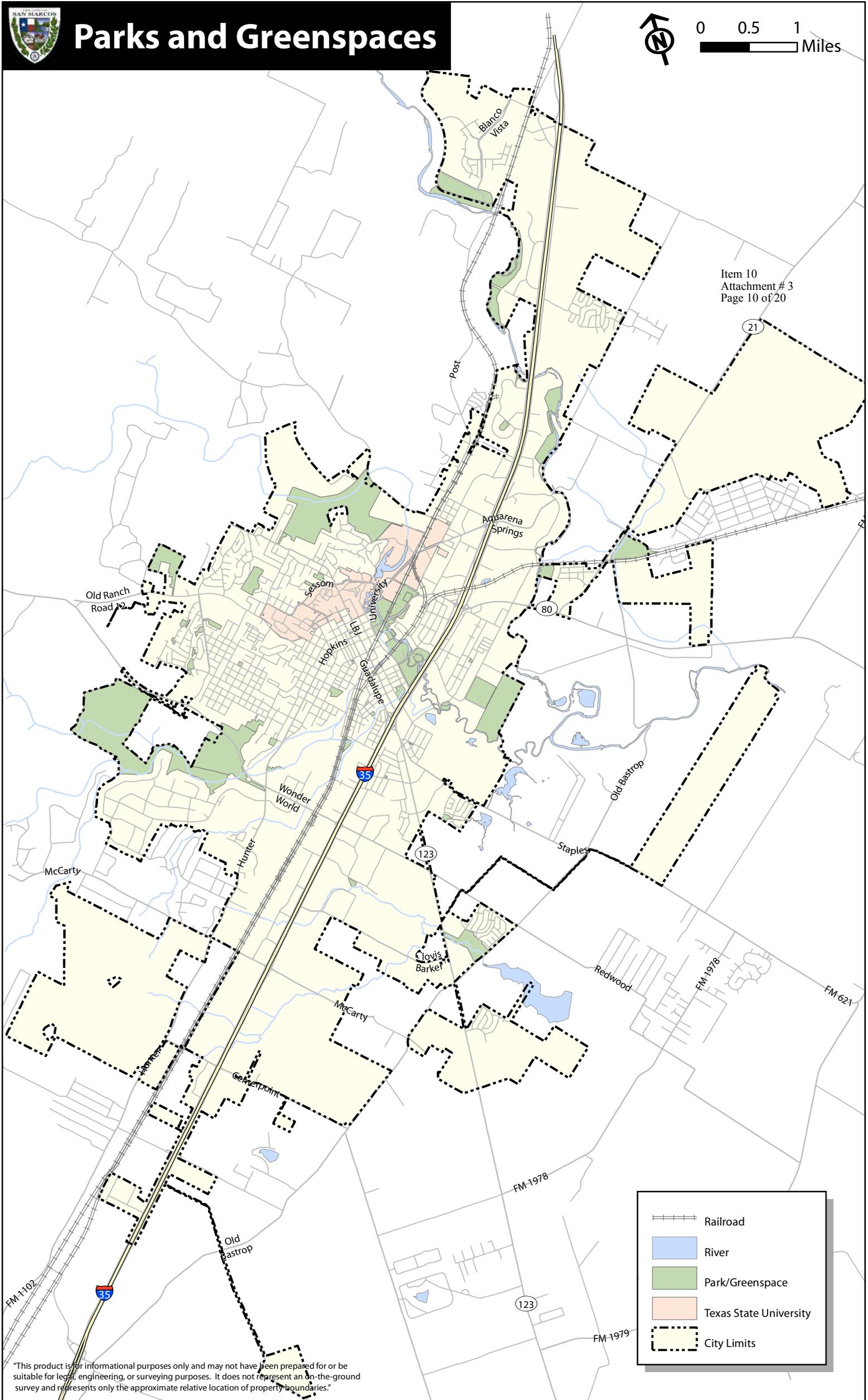


Parks and Greenspaces



0 0.5 1 Miles

Item 10
Attachment # 3
Page 10 of 20



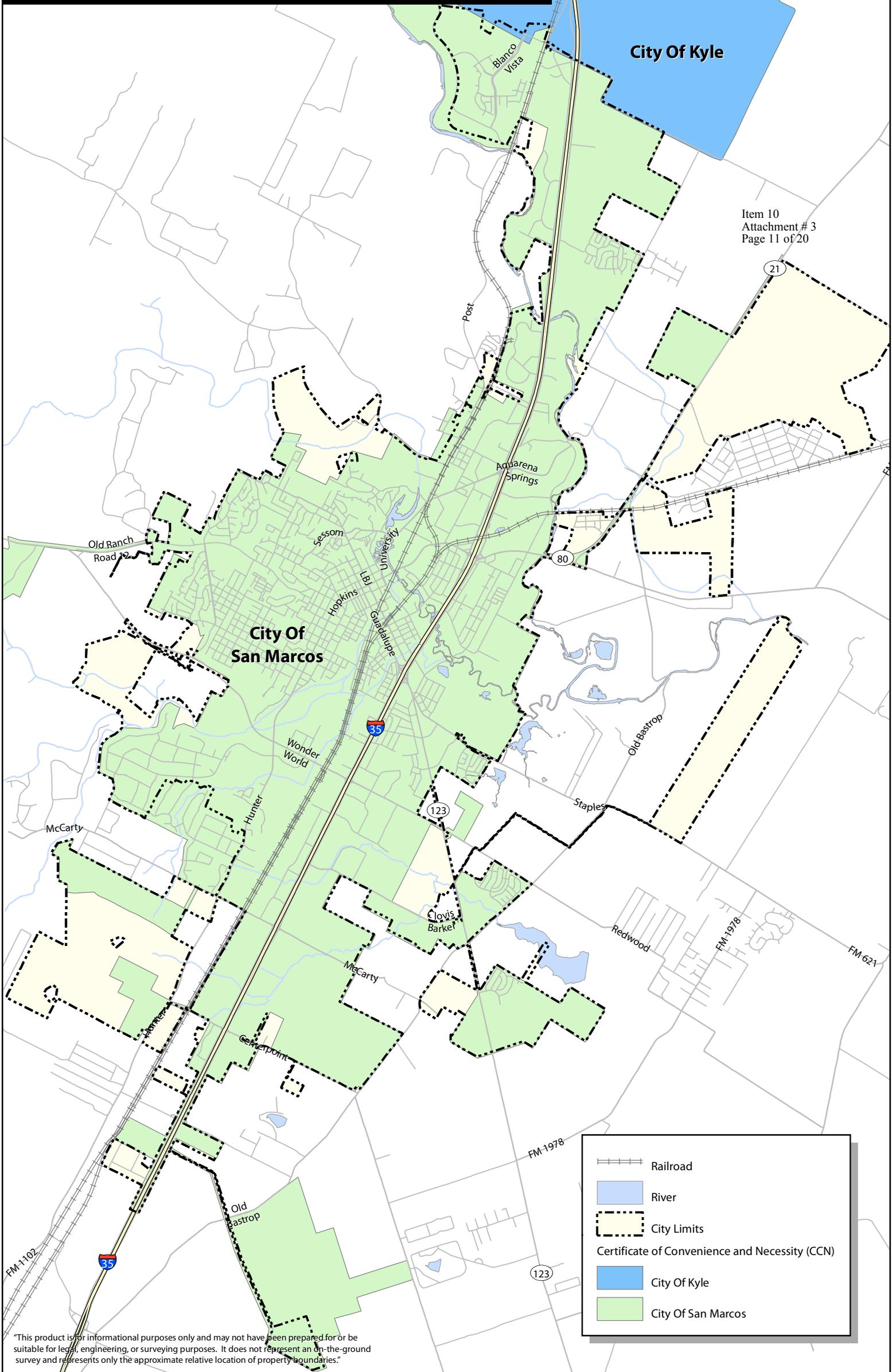
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Wastewater CCN Boundaries



0 0.5 1 Miles

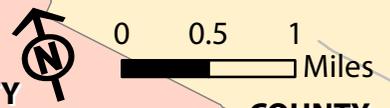


Item 10
Attachment # 3
Page 11 of 20

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Water CCN Boundaries



CITY OF KYLE

COUNTY LINE WSC

AQUA TEXAS INC

ROCKET WATER CO INC

BLANCO RIVER RANCH HOA

MAXWELL WSC

Item 10
Attachment # 3
Page 12 of 20

CITY OF SAN MARCOS

MARTINDALE WSC

CRYSTAL CLEAR WSC

| | |
|--|------------------------|
| | City Limits |
| | Railroad |
| | River |
| Certificate of Convenience and Necessity (CCN) | |
| | Aqua Texas Inc |
| | Blanco River Ranch HOA |
| | City Of Kyle |
| | City Of San Marcos |
| | County Line WSC |
| | Crystal Clear |
| | Martindale WSC |
| | Maxwell WSC |
| | Rocket Water Co Inc |

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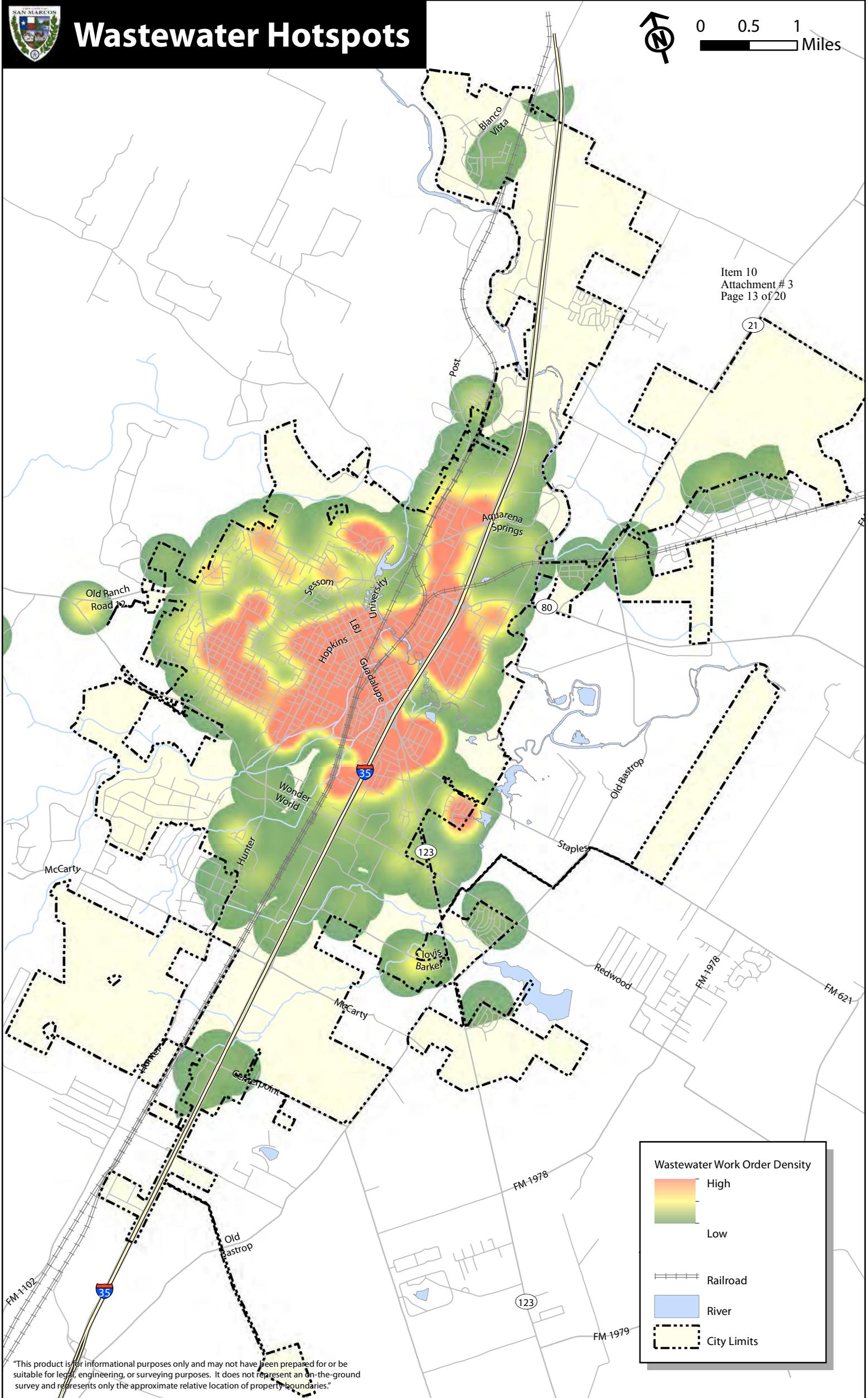


Wastewater Hotspots



0 0.5 1 Miles

Item 10
Attachment # 3
Page 13 of 20



Wastewater Work Order Density

| | |
|--|------|
| | High |
| | Low |

Railroad
 River
 City Limits

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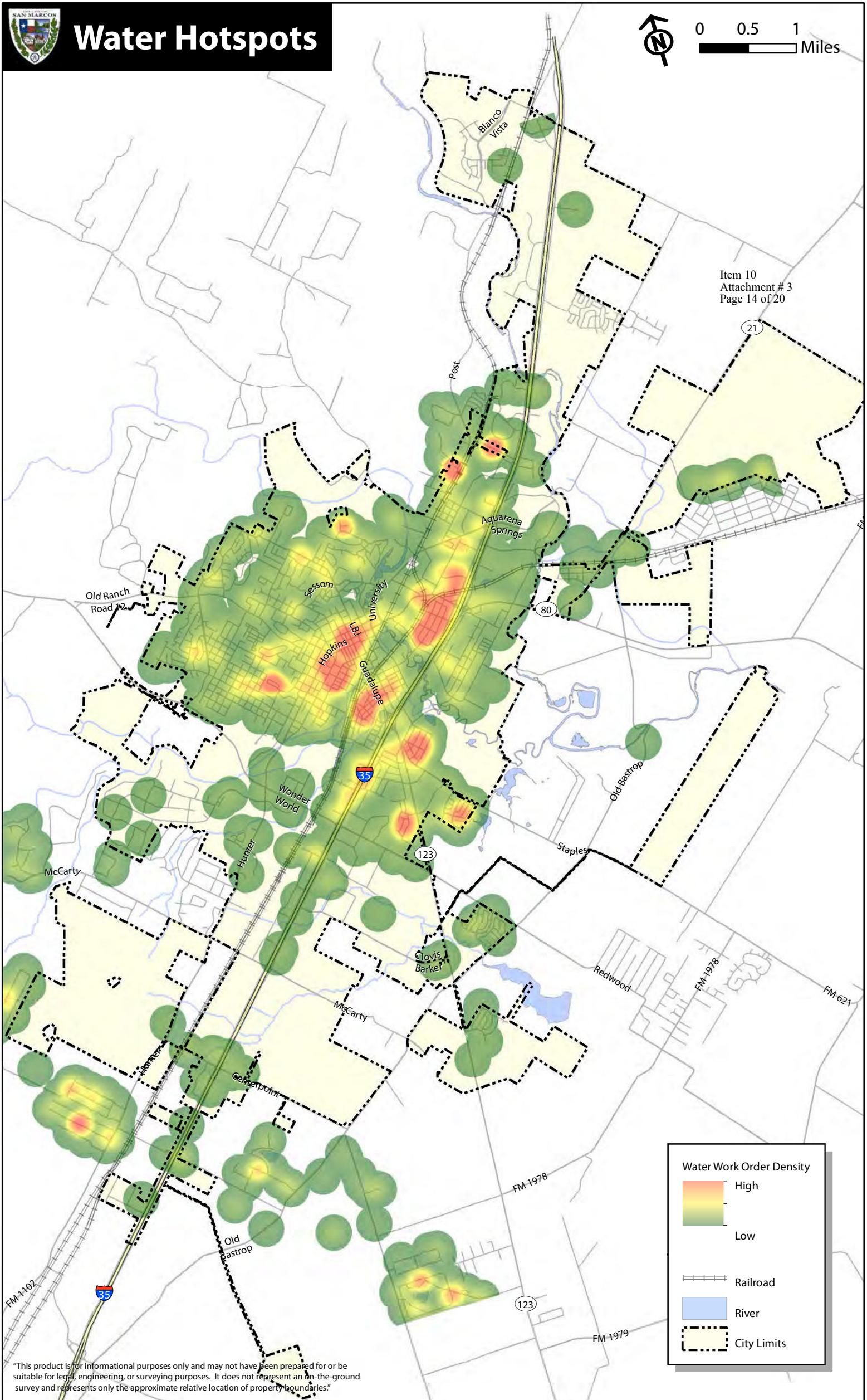


Water Hotspots



0 0.5 1 Miles

Item 10
Attachment # 3
Page 14 of 20



Water Work Order Density

| | |
|--|------|
| | High |
| | Low |

Railroad
 River
 City Limits

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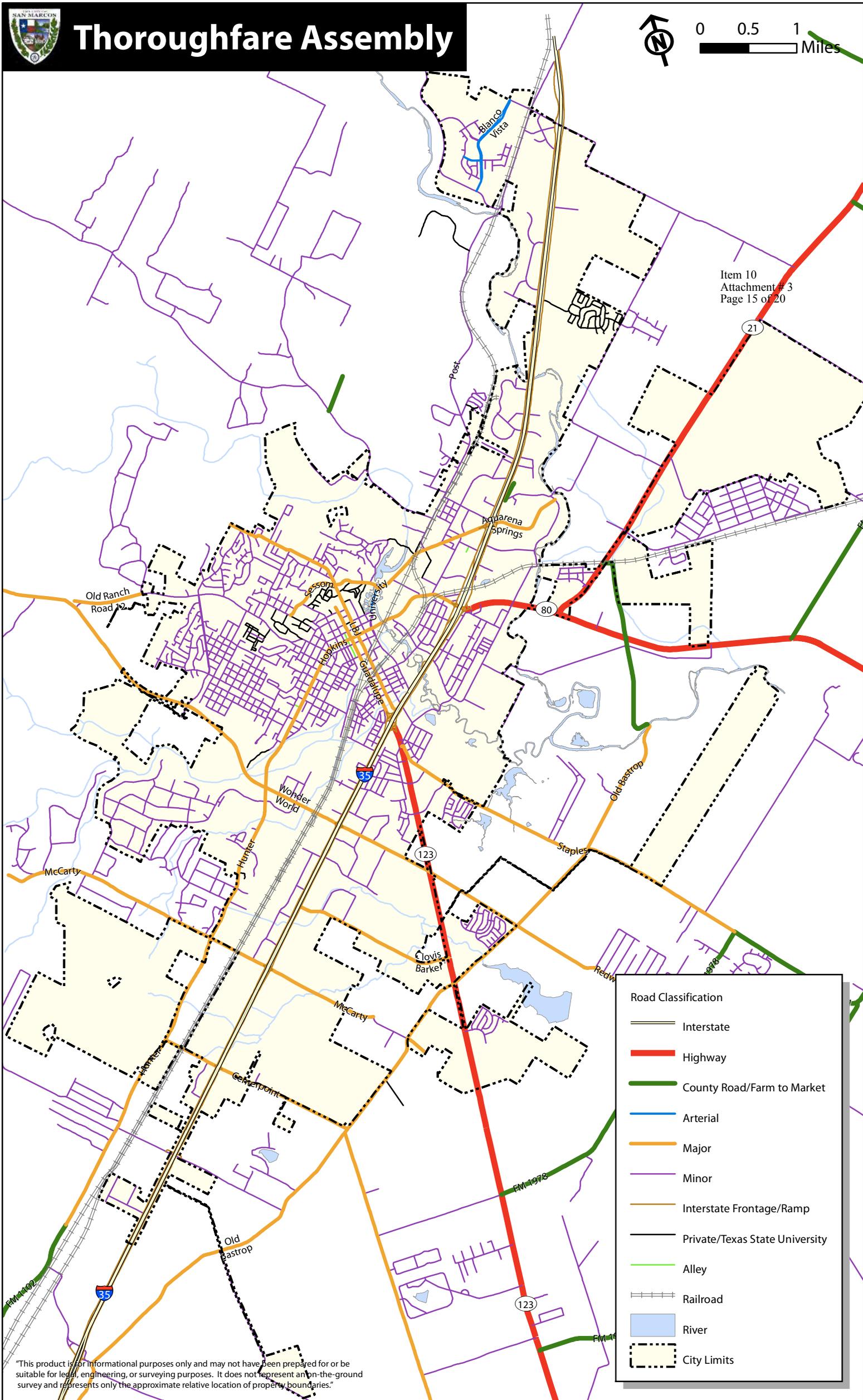


Thoroughfare Assembly



0 0.5 1 Miles

Item 10
Attachment # 3
Page 15 of 20



| Road Classification | |
|---------------------|--------------------------------|
| | Interstate |
| | Highway |
| | County Road/Farm to Market |
| | Arterial |
| | Major |
| | Minor |
| | Interstate Frontage/Ramp |
| | Private/Texas State University |
| | Alley |
| | Railroad |
| | River |
| | City Limits |

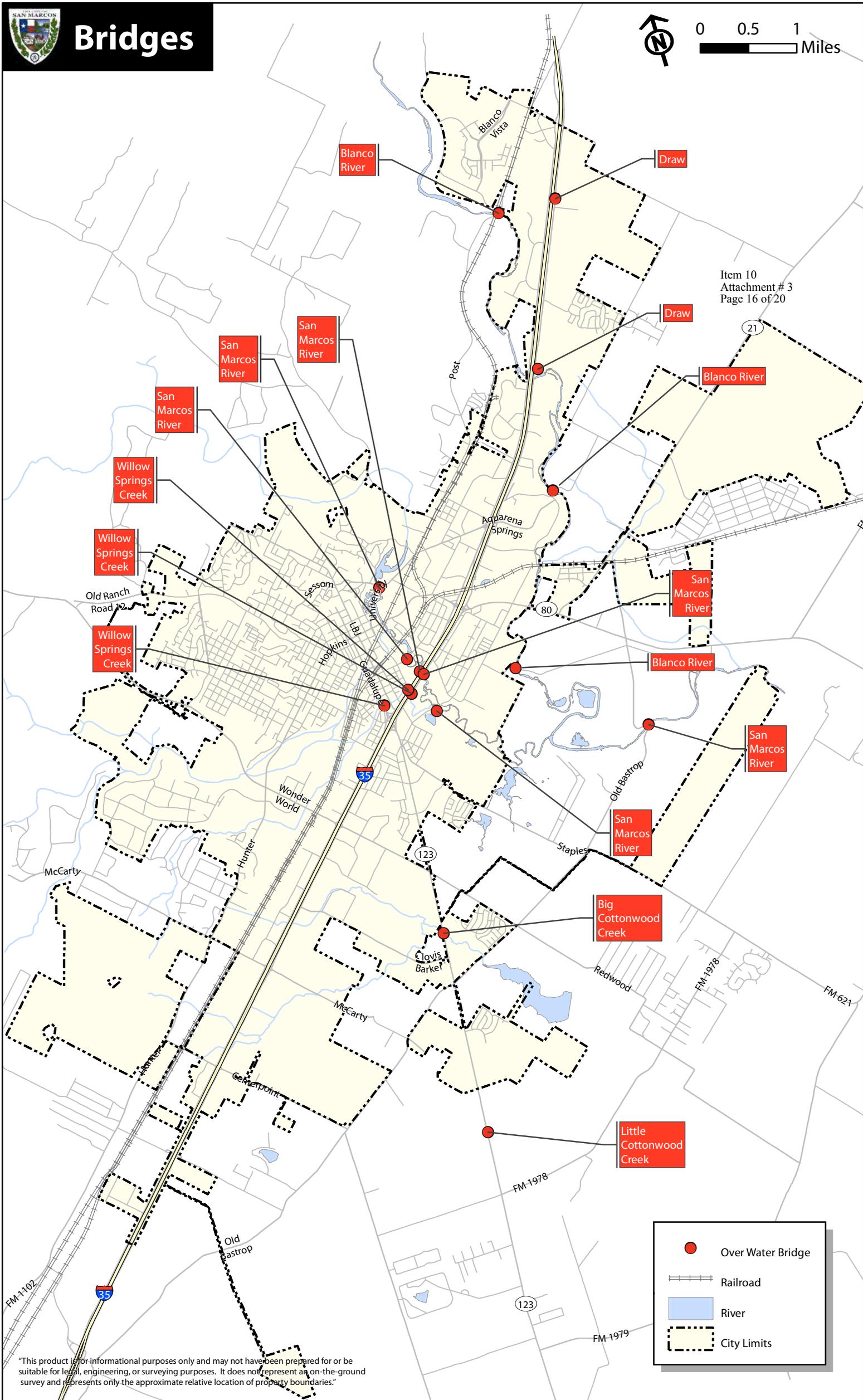
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Bridges



0 0.5 1 Miles



Item 10
Attachment # 3
Page 16 of 20

- Over Water Bridge
- Railroad
- River
- City Limits

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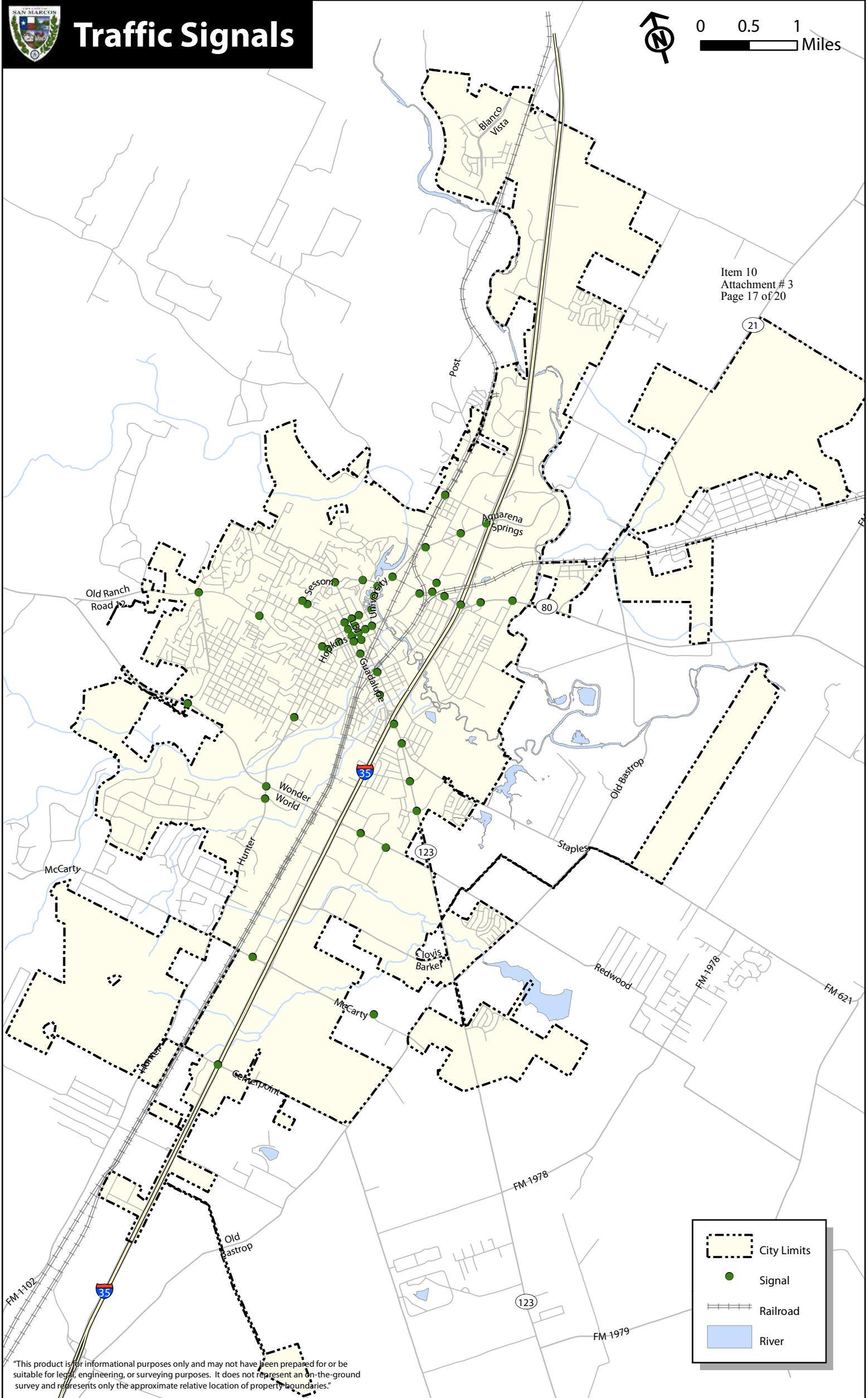


Traffic Signals



0 0.5 1 Miles

Item 10
Attachment # 3
Page 17 of 20



| | |
|--|-------------|
| | City Limits |
| | Signal |
| | Railroad |
| | River |

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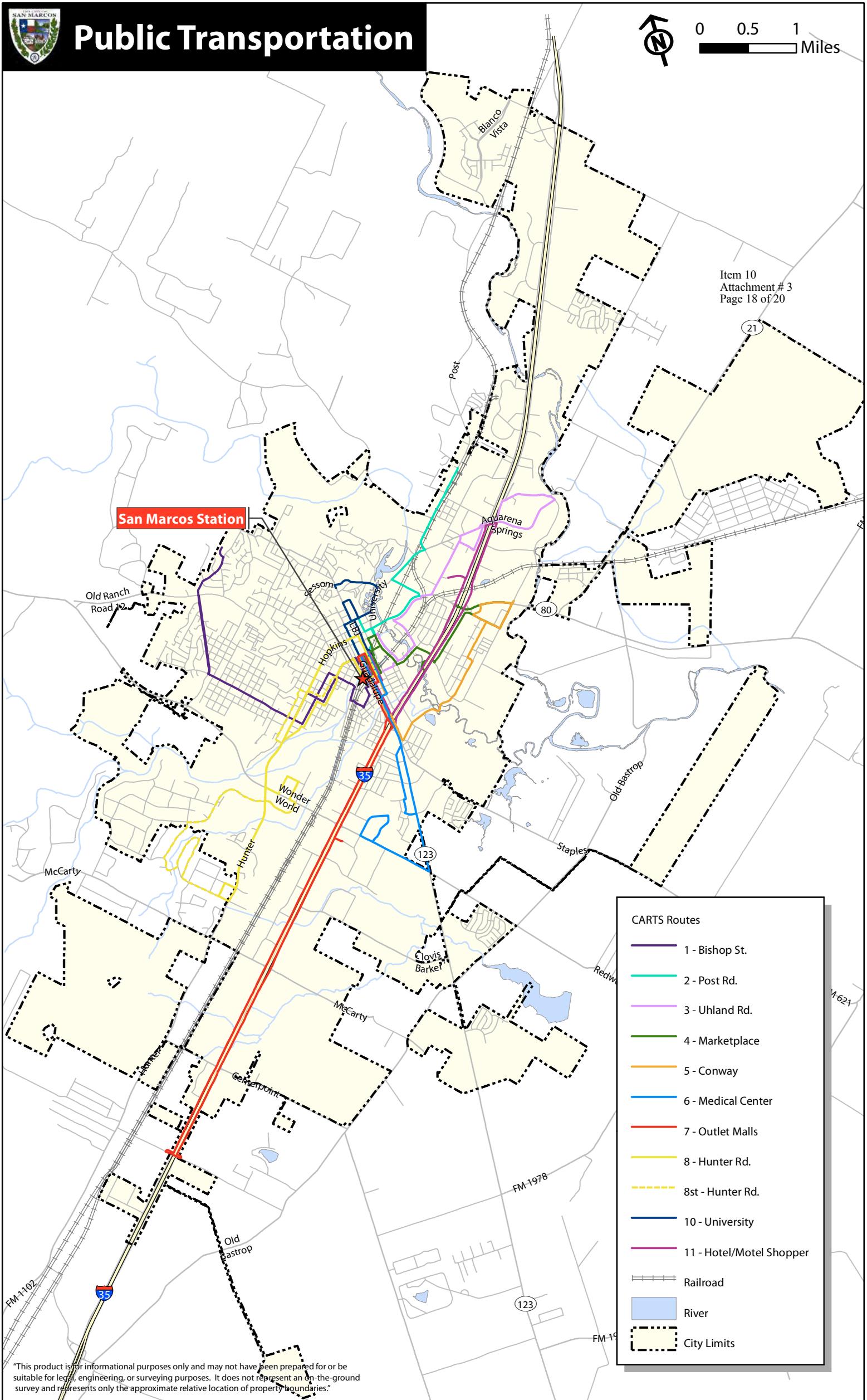


Public Transportation



0 0.5 1 Miles

Item 10
Attachment # 3
Page 18 of 20



CARTS Routes

- 1 - Bishop St.
- 2 - Post Rd.
- 3 - Uhland Rd.
- 4 - Marketplace
- 5 - Conway
- 6 - Medical Center
- 7 - Outlet Malls
- 8 - Hunter Rd.
- - - 8st - Hunter Rd.
- 10 - University
- 11 - Hotel/Motel Shopper
- Railroad
- River
- City Limits

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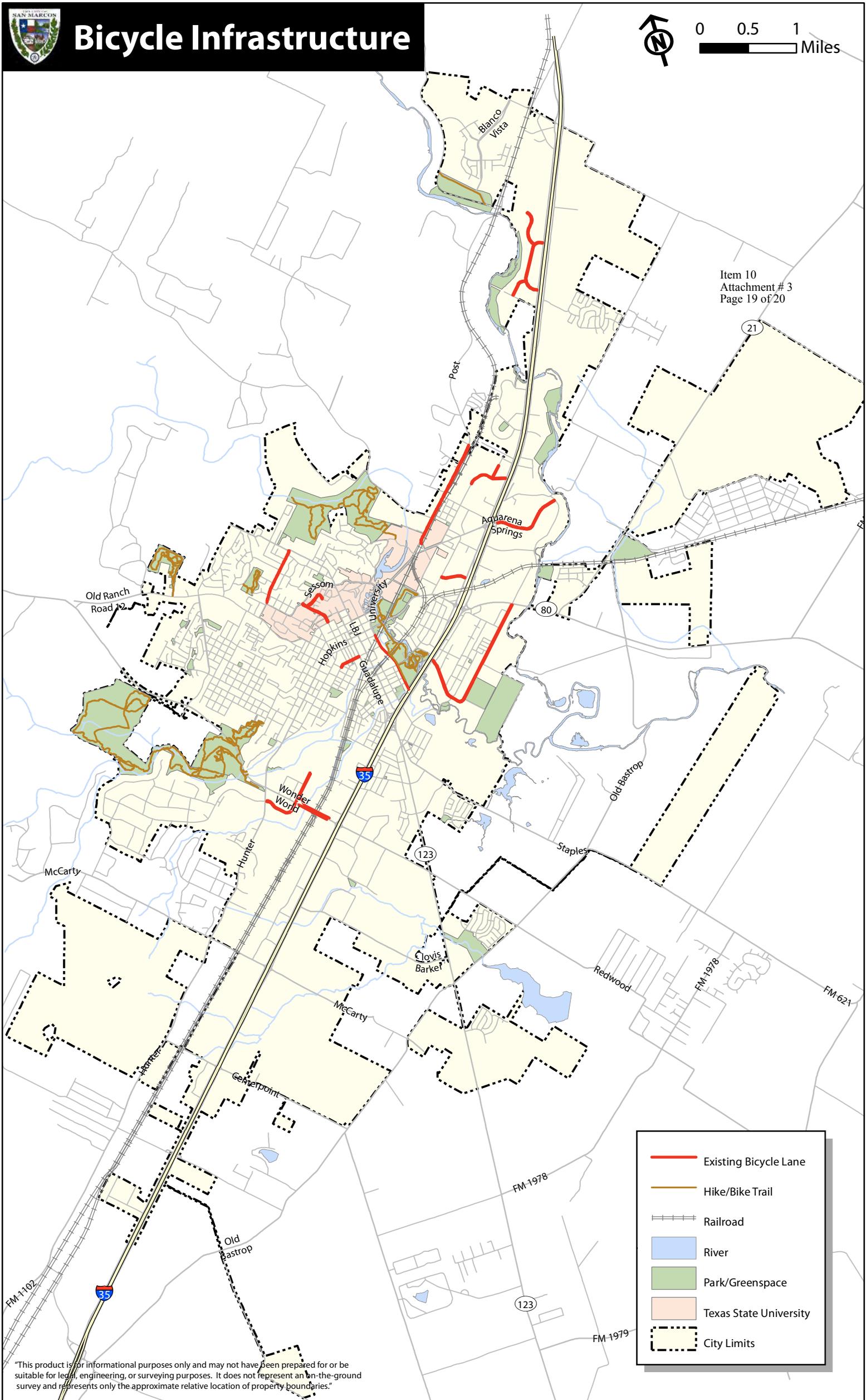


Bicycle Infrastructure



0 0.5 1 Miles

Item 10
Attachment # 3
Page 19 of 20



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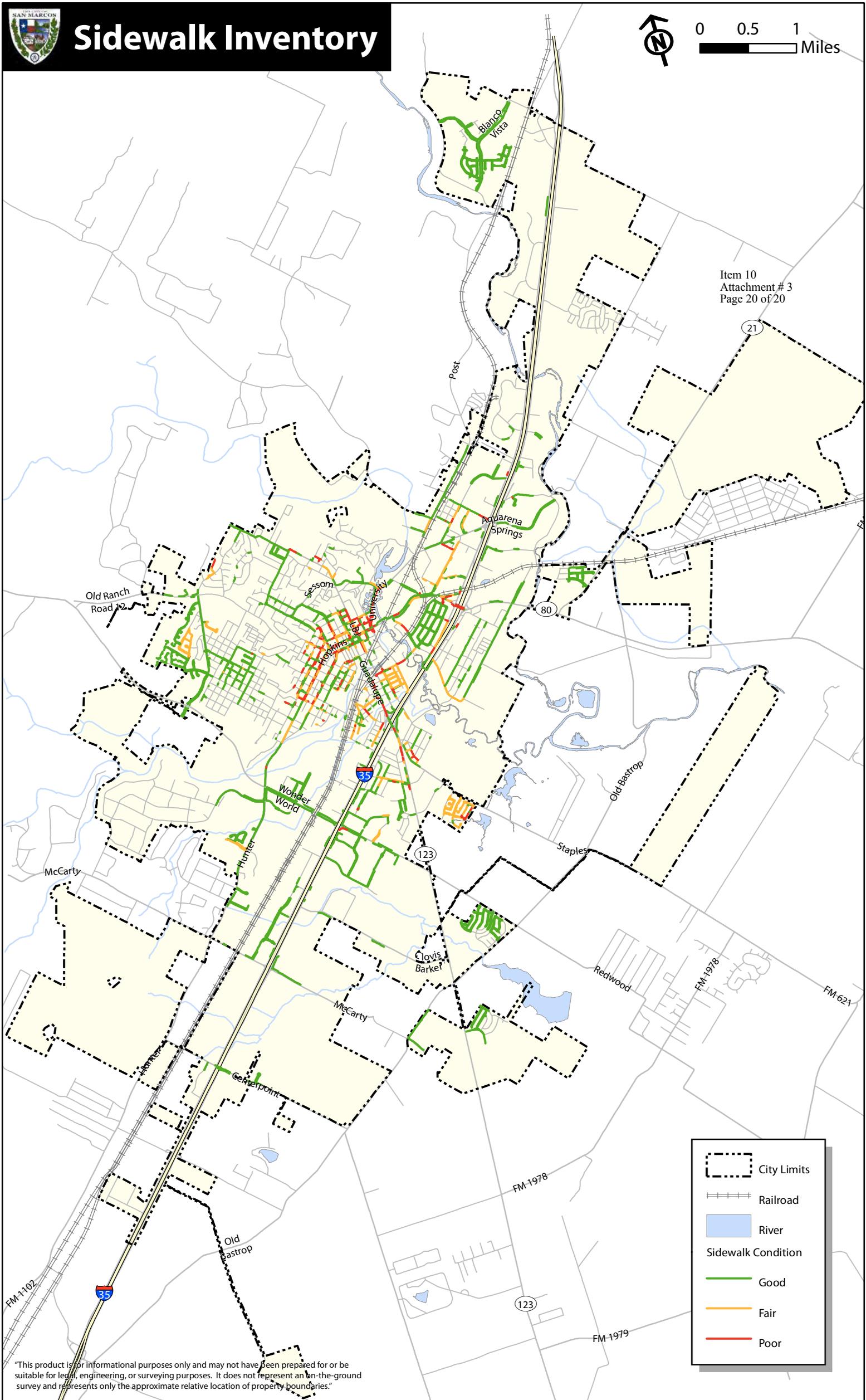


Sidewalk Inventory



0 0.5 1 Miles

Item 10
Attachment # 3
Page 20 of 20



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Agenda Information

AGENDA CAPTION:

MUD 13-01 (LaSalle Municipal Utility Districts 2, 3, 4 and 5) Request of Michael Schroeder on behalf of LaSalle Holdings, Ltd. for consent to create LaSalle Municipal Utility Districts 2, 3, 4 and 5 on an approximately 1,437 acre site out of the William Hemphill Survey, generally located between IH 35 and SH 21 north of Yarrington Road.

Meeting date: March 12, 2013

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL:

Big Picture Infrastructure

BACKGROUND:

LaSalle Holdings, Ltd. is requesting consent to create LaSalle Municipal Utility Districts 2, 3, 4 and 5. This property is not located within any City of San Marcos utility service areas and will be served by the City of Kyle, Maxwell Water Supply Corporation and County Line Water Supply Corporation. A preliminary engineering report is attached along with the consent agreement.

Staff recommends support of the consent agreement to create four municipal utility districts within the City of San Marcos ETJ with the condition that all requirements for the preparation of a market study and development agreement are met prior to development and Conditions and Criteria for Consent to Creation of Districts (Sec. 70.052) are met.

ATTACHMENTS:

Notification Map

Petition for City Consent

Consent Agreement

Staff Report

Ch 70 San Marcos Code

Engineering Report

Metes & Bounds

STATE OF TEXAS

§
§
§

COUNTY OF HAYS

**PETITION REQUESTING CONSENT OF CITY OF SAN MARCOS FOR
CREATION OF A MUNICIPAL UTILITY DISTRICTS TO BE KNOWN AS
“LASALLE MUNICIPAL UTILITY DISTRICT NOS. 2, 3, 4 and 5”**

To the City of San Marcos:

The undersigned Petitioners (the “Petitioners”), being the persons who hold title to land which represents a majority in value of the land, as indicated by the tax rolls of Hays County, Texas, hereinafter described by metes & bounds, and acting pursuant to the provisions of Chapters 49 and 54 of the Texas Water Code, hereby petition the City of San Marcos (the “City”) to consent to the creation of a municipal utility district (“the District”) as described herein:

I. Requested Action

Petitioners request that the City consent to the creation of 4 municipal utility districts to include approximately 1,437 acres of land, partially within the extraterritorial jurisdiction of the City of San Marcos, Texas. The name of the proposed District shall be the LaSalle Municipal Utility District No. 2, 3, 4 and 5 (the “Districts”). There are no other conservation or reclamation districts in Hays County, Texas, with the same name.

II. Description of Land to be Included

The Districts shall contain an area of approximately 1,437 acres of land, situated wholly within Hays County, Texas, and are generally described by metes and bounds in **Exhibit A**, (the “Property”). The Property is within the extraterritorial jurisdiction of the City of San Marcos, Texas. Petitioners formally request the City’s consent to the creation of the Districts pursuant to Section 54.016 of the Texas Water Code and Section 42.042 of the Texas Local Government Code. The area comprising the District is contiguous, and is within one or more areas covered by a Certificate of Convenience and Necessity (CCN) for water service, and one area covered by a CCN for wastewater service.

III. Formation and Authority of District

Upon the granting of written consent by the City, Petitioners shall approach the Texas Legislature for creation of the special law districts, or petition the Texas Commission on Environmental Quality (“TCEQ”) to create the Districts. The Districts shall be organized, created, and established, and shall exist under, and shall have the powers, rights, privileges, duties, authority and functions authorized by the terms and

provisions of Article XVI, Section 59 of the Constitution of Texas, and Chapters 49 and 54 of the Texas Water Code.

IV. Ownership of Land to be Included

The Petitioners hold fee simple title to Property within the proposed Districts, and are the owners of more than fifty percent (50%) in value of the land therein as shown on the tax rolls of Hays County, Texas.

The Petitioners certify and agree that:

- (1) there are no lien holders on the Property.
- (2) there are no persons residing on the Property to be included in the Districts.

V. Nature of Work to be Done by District

The general nature of the work to be done by the Districts at the present time is the acquisition, construction, operation, and maintenance of water, wastewater, roads and drainage systems for domestic, industrial, and commercial purposes, and all other purchase, construction, acquisition, ownership, lease, operation, maintenance, repair, improvement, and extension of such additional improvements, facilities, plants, equipment, and appliances as shall be consonant with the purposes for which the Districts shall be organized, including powers to construct and/or maintain roads. The project, including the proposed improvements, is practicable and feasible, in that water supply is available and the terrain of the territory to be included in the Districts is of such a nature that a waterworks system, a drainage system, roadway systems and a wastewater system can be constructed at a reasonable cost. In addition, there is a public necessity for the project and the project would be a benefit to the land to be included in the Districts, in that such land will be developed for residential and commercial purposes, thereby furthering the public welfare.

VI. Estimate of Costs

It is now estimated by Petitioners, from such information as is available at this time, that the ultimate cost of the project described in paragraph V will be approximately \$90,683,000.

VII. Necessity of Work

The above-described work is necessary for the development of the Property. The area proposed to be within the Districts is located within the extraterritorial jurisdiction of the City of San Marcos, and is urban in nature. It is within the growing environs of Central Texas, in proximity to populous and developing sections of Hays County, Texas, and is expected to experience substantial and sustained residential and commercial

growth within the immediate future. The area is currently without an adequate waterworks system, wastewater system, or drainage system. The health and welfare of the present and future inhabitants of the area within the Districts, and of territories adjacent thereto, require the acquisition, construction, maintenance and operation of an adequate waterworks system, wastewater system and drainage system. As such, a public necessity exists for the organization of the Districts to provide for the purchase, construction, extension, improvement, maintenance and operation of such waterworks system, wastewater system and drainage system, so as to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

WHEREFORE, Petitioners request that this Petition for Consent be properly considered and granted. Pursuant to Section 54.016 of the Texas Water Code and Section 42.042 of the Local Government Code, the City is required to act within 90 days of its receipt of this Petition.

RESPECTFULLY SUBMITTED this ____ day of _____, 2013.

LaSalle Holdings, Ltd.
A Texas Limited Partnership

By: _____
Name: _____
Title: _____

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was executed by Michael Schroeder, as the in his capacity as an authorized representative of LaSalle Holdings, Ltd., before me on this, the ___th day of January, 2013.

Notary Public, State of Texas

Printed Name: _____
My Commission Expires: _____

CONSENT AGREEMENT

THE STATE OF TEXAS §
 §
COUNTY OF HAYS §

This Consent Agreement (“Agreement”) is between the City of San Marcos, Texas (“the City”), a home-rule city located in Hays County, Texas, and LaSalle Holdings, Ltd. a Texas limited partnership. (the “Developer”). City consents to the creation of 4 municipal utility districts to include approximately 1437 acres of land, partially within the extraterritorial jurisdiction of the City of San Marcos, Texas. The name of the proposed District shall be the LaSalle Municipal Utility District No. 2, 3, 4 and 5 (the “Districts”). The Districts will be created pursuant Texas Water Code Sections 49 and 54 by special act of the Texas legislature.

INTRODUCTION

The Developer owns approximately 1437 acres of land located within the extraterritorial jurisdiction of the City (the “Land”). The Developer desires to have the City’s consent to the creation of four municipal utility districts.

The City has adopted an ordinance that regulates the creation and review of special districts within the City’s limits and its ETJ.

The City has determined that, pursuant to the terms of this Agreement, and the requirements of CHAPTER 70 OF THE SAN MARCOS CODE the City will benefit from: (i) the quality of the development that will result from the plan set forth in the Development Agreement; and (ii) the creation of the Districts to finance the water and wastewater and drainage systems for the Districts. The Developer has determined that, pursuant to the terms of this Agreement, it will benefit from: (i) the certainty and assurance of the development regulations applicable to the development of the Land under this Agreement; and (ii) the ability to obtain the financial commitments that are necessary for development of this scope to become competitive in the marketplace.

The City hereby finds that:

- (1) it is not likely to annex the District or serve the district within three (3) years from the date of the approval of this consent petition.
- (2) it is not likely that the City will service the District with water or wastewater;
- (3) the District is in the City’s preferred growth area;
- (4) the District is entirely within the city’s extraterritorial jurisdiction;
- (5) the development supported by the District provides the following extraordinary public benefits:

Therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, including the agreements set forth below, the parties contract as follows.

ARTICLE I DEFINITIONS

Section 1.01. Definitions. In addition to the terms defined elsewhere in this Agreement or in the City's ordinances, the following terms and phrases used in this Agreement will have the meanings set out below:

Agreement: This Consent Agreement between the City of San Marcos, Texas and the Developer.

Bonds. As used throughout this Agreement, bonds includes notes and other obligations.

The area is currently without an adequate waterworks system, wastewater system, or drainage system. The Districts will provide financing mechanisms to provide these items. Further, the Districts will assist in financing road improvements including the San Marcos Loop. Finally, the District will provide parks and open space.

City: The City of San Marcos, Texas, a home rule city located in Hays County, Texas.

Commission: The Texas Commission on Environmental Quality or its successor state agency.

Developer: LaSalle Holdings, Ltd., a Texas Limited Partnership, or its successors and assigns under this Agreement.

Development Agreement: The Development Agreement concerning the LaSalle Project, as amended from time to time by the parties.

Districts: The financing districts to be created by special act of the Texas Legislature, with the City's consent, over the portion of the Land described by metes and bounds in Exhibit A. The anticipated names of the Districts are LaSalle Municipal Utility Districts Nos. 2, 3, 4 and 5.

Effective Date: The last date when one or more counterparts of this Agreement, individually or taken together, bear the signature of the City and the Developer.

Land: Approximately 1437 acres of land located in the City's extraterritorial jurisdiction, described by metes and bounds on Exhibit A.

ARTICLE II DISTRICT CREATION

Section 2.01. Consent to Creation of Districts. The City acknowledges receipt of the Developer's request, in accordance with SECTION 54.016 OF THE TEXAS WATER CODE AND SECTION 42.042 OF THE TEXAS LOCAL GOVERNMENT CODE, for creation of four financing districts (the "District") over the Land that may exercise all powers granted by CHAPTERS 49 AND 54 OF THE TEXAS WATER CODE. On the Effective Date of this Agreement, the City has approved the ordinance attached as Exhibit B, consenting to the inclusion of the Land described on Exhibit A within the Districts. The City agrees that this resolution will be deemed to constitute the City's consent to the creation of the Districts within its extraterritorial jurisdiction. No further action will be required on the part of the City to evidence its consent however, the City agrees to provide any additional confirmation of its consent that may be required by the Developer or the District if requested to do so.

2.02 Strategic Partnership Agreement.

- (a) At the organizational meeting of the District's Board, the Board will authorize the negotiation and execution of a Strategic Partnership Agreement setting forth the terms and conditions of the City's annexation of the Land for limited purposes and the terms and conditions upon which the District will be converted to a limited district that will continue to exist following the City's full purpose annexation of all of the land within the District in accordance with Section 43.0751, TEXAS LOCAL GOVERNMENT CODE, and the Enabling Legislation. The Strategic Partnership Agreement shall permit the City to impose a sales and use tax on all eligible commercial and retail activities in areas annexed for limited purposes at the same rate it is imposed within the City as authorized under CHAPTER 321 OF THE TAX CODE and imposed by the City. and that the City shall pay to the District an amount equal to forty percent (40%) of the Sales and Use Tax revenues collected and paid to the City as reflected in sales tax reports provided by the Comptroller to the City and City will retain the remainder (60%).

The Strategic Partnership Agreement must be approved by the District and an original, executed by the District, returned to the City not later than 180 days after the organizational meeting of the Board. The SPA shall be limited in scope to provide for limited purpose and full purpose annexation and sales and use tax. It shall not contain any land development or other related matters.

- (b) The District may not issue bonds until a Strategic Partnership Agreement is negotiated by the City and the District and an original Strategic Partnership Agreement, executed by the District, returned to the City. .

Section 2.03. General

- a. The Developer shall submit to the City a satisfactory review of the Developer's financial position, certified by a third party financial analyst. This requirement

is satisfied by submitting a copy of the District's annual audit to the City when the audit is required by TCEQ rule.

b. All records, files, books, information, etc., of the District shall be a matter of public record and available for city inspection at all times.

Section 2.04. Expiration; Dissolution. The City's consent to the creation of the District shall be deemed withdrawn if:

(a) formal approval of the District is not granted by the state within 24 months after the date of the ordinance granting the City's consent;

(b) developer fails to commence substantial construction of improvements within the District within five (5) years after the date of the ordinance granting the City's consent;

The City's consent shall be deemed withdrawn and the District shall be dissolved if:

(a) The District has not held a confirmation election within two (2) years from the date of its creation by legislature; or

(b) upon the expiration of ten (10) years from the date of its creation if the District has been inactive for five consecutive years which means that the District has not performed any of the functions for which it was created, and the District has no outstanding bonded indebtedness.

Section 2.06. Annexation by the District. Any district created pursuant to this Agreement or a resulting district may not annex any additional land into its boundaries without the prior written consent of the City. Provided, however, that a district created pursuant to this Agreement or a resulting district may annex property that is within the boundaries of the Land. Any land annexed into the District must be located entirely within the city's ETJ.

The District and any resulting District and the Developer, on behalf of itself and respective successors and assignees, covenant and agree that, except upon written consent of the City, neither the District and any resulting district nor the Developer will: (1) seek or support any effort to incorporate the Land or any part thereof; or (2) sign, join in, associate with, or direct to be signed any petition seeking to incorporate the Land or seeking to include the Land within the boundaries of any other special district, assessment jurisdiction, other municipality, or any other incorporated entity other than the City.

2.07 Administrative Fee and Master Development Fee.

(a) As additional consideration for this Agreement, the Developer shall pay the City an Administrative Fee and a Master Development Fee, which amounts will be full payment to the City of all fees due to the City in connection with the approval of this Agreement, but which is in addition to any other applicable City fees and sums due under the Development Agreement.

(b) Administrative Fee. An Administrative Fee of \$10,000.00 shall be paid to the City by the Developer on or before the Effective Date of this Agreement. This fee shall be for the sole use and benefit of the City for any purpose as the City in its discretion may decide.

(c) Master Development Fee. A Master Development Fee of one million dollars (\$1,000,000) shall be paid to the City out of the net Developer reimbursement from the proceeds from the issuance of bonds by the District and any resulting district at the rate of 5% of each net bond reimbursement received by the Developer from the District and any resulting district, if any, in accordance with the formula attached hereto as Exhibit D.

The City, the Developer and the District and any resulting district agree that the payment of the Master Development Fee is to be paid from the net Developer reimbursement from the proceeds of bonds issued by the District and any resulting district in conjunction with the closing of each such series of bonds but in any event not later than 30 days from the date of closing on a series of bonds. To the extent the full amount of the Master Development Fee is not paid by the 10th anniversary of the Effective Date of this Agreement, the percentage of net Developer reimbursement from each series of bonds is subject to increase as the City may determine.

(d) Assignment. The Developer hereby makes a partial assignment of its reimbursement rights to the City, as evidenced by Exhibit D attached hereto and made a part hereof for all purposes. No assignment of Developer's reimbursement rights shall be effective unless and until the City receives notice of such assignment accompanied by a fully executed Partial Assignment of Reimbursement Rights pursuant to which the City has a right to receive the Master Development Fee payable out of developer reimbursements as bonds are issued in accordance with this Agreement

Section 2.08. Bonds. The Districts shall have authority to issue bonds for its water, wastewater, drainage and roadway projects, as well as parks and recreational facilities, and other matters such as organizational costs, operation and maintenance, interest during construction, etc., subject to, and allowed by, the Commission rules. Bonding of land or easements necessary for Districts' projects shall be subject to the limitations set forth in the San Marcos Code as of the date of this Agreement. The Districts, including resulting districts, shall not issue bonds to provide services to land or projects outside the boundaries of the districts. Bonds issued for one purpose shall not be used for another purpose except for surplus funds in a bond issue which surplus funds result from lower interest rate costs or lower project costs and as approved in accordance with Commission rules for the use of surplus bond funds; or TCEQ approved change in scope of authorized bond funds.

ARTICLE III DEVELOPMENT PLAN, PARKS AND ROADWAYS

Section 3.01. Land Use. Developer agrees to enter into a Development Agreement with the City to delay annexation of the District by the City, establish certain restrictions and commitments imposed and made in connection with the development of LaSalle MUD Districts 2, 3, 4 and 5 in order to provide increased certainty to Developer and City

concerning the development approval process and the development requirements of the City for a period of years; and to identify land uses and other aspects of the development of the District under the authority granted by SECTION 212.172 OF THE TEXAS LOCAL GOVERNMENT CODE. The Development Agreement must be executed by Developer, approved by City and filed in the Hays County Deed Records prior to any development of the land within the Project or any issuance of permits to develop the Land.

The Land shall be developed in accordance with the standards and requirements set forth in the Development Agreement.

The City accepts the Conceptual Land Plan submitted in the Developer's Preliminary Engineering and Creation Report (Revised January 2013) to illustrate the general proposed land uses. Notwithstanding the foregoing, any proposed development of the Property shall be subject to and governed by the terms of the City's Land Development Code and a Development Agreement which will supersede and replace the Conceptual Land Plan.

Section 3.02 Parks and Open Space. Park, open space and shall be dedicated in accordance with the Development Agreement.

Section 3.03. Roadway improvements, right-of-way, easements and other land dedications. Roadway improvements, right-of-way and the traffic plan shall also be developed in accordance with the Development Agreement. All rights-of-way for roads, and easements including but not limited to utility and drainage easements shall be dedicated to the public in accordance with the Development Agreement.

ARTICLE IV WATER AND WASTEWATER, AND OTHER MUNICIPAL SERVICES

Section 4.01. Water Services. Water service to the District shall be provided by third parties that hold the CCN to serve areas of the District within its service boundary. Currently, the City of Kyle holds the Certificate of Convenience and Necessity ("CCN") for over most of the property and it is anticipated that it will provide water to the Land in conjunction with any other CCN holders.

Section 4.02. Wastewater Services. Retail wastewater service to the District shall be provided by a third party. It is anticipated that the City of Kyle will provide that service.

Any wastewater treatment plant constructed in whole or in part with bond proceeds will be subject to review and comment by the San Marcos City Council prior to the issuance of the state permit or any amendment thereto. Any wastewater treatment package plant designed and constructed to provide wastewater service to the District will be designed to be capable of and shall treat wastewater to tertiary standard. Further, the District's package plant shall meet or exceed the effluent limitations (5.5.2.1) and minimum self-monitoring requirements (5 times per week for CBOD, TSS, Ammonia Nitrogen and Total Phosphorus; and daily for E. coli bacteria, colonies per 100 ml) contained in City of San Marcos' TPDES Permit. Any wastewater treatment package plant providing wastewater service to the District

shall be operated by Class A wastewater operator on a full-time basis. "Full time basis" does not mean an operator has to be on site for 40 hours per week but must monitor plant as plant as required by State of Texas regulation and meet or exceed the self-monitoring requirements in San Marcos' TPDES Permit, or meet requirements established by separate agreement with the City.

Section 4.03. Connection of Utilities. The District shall comply with TEXAS LOCAL GOVERNMENT CODE §212.012 and TEXAS WATER CODE §54.106 regarding connection of utilities.

Section 4.04 Ownership, Maintenance and Operation of Roadways. All roadways will be dedicated to the public and maintained by Hays County.

Section 4.05 City Services. No City services, other than services related to planning and zoning (including environmental quality), enforcement of planning and zoning regulations (including environmental regulations), and any other services that the City may agree to provide under separate contract with the District or the Developer will be provided to any area within the District boundaries prior to the City's annexation of such land for full purposes.

ARTICLE V AUTHORITY

Section 5.01. Authority. This Agreement is entered into under the statutory authority of SECTION 54.016 OF THE TEXAS WATER CODE AND SECTION 42.042 AND 212.172 OF THE TEXAS LOCAL GOVERNMENT CODE. The parties intend that this Agreement guarantee the continuation of the extraterritorial status of the Land within the District; authorize certain general uses and development on the Land; provide for infrastructure for the Land; specify the uses and development of the Land after annexation; and provide other lawful terms and considerations relating to the Land.

ARTICLE VI ISSUANCE OF BONDS; SETTING TAX RATES:

Section 6.01. Issuance of Bonds; The District and any resulting district may issue Bonds as permitted by SECTION 70.053 OF THE SAN MARCOS CODE and this Agreement, as each may be amended from time to time. TCEQ administrative rule 30 TAC 293.47 shall apply in determining the bonding allowed for water, wastewater and drainage. Except as authorized by this Agreement, the District and any resulting district shall not issue Bonds without the prior approval of the City Council and not until the documents required by Article II are executed in accordance therewith. Bonds shall be issued only for the purposes authorized in this consent agreement and bonds authorized for one purpose shall not be used for another purpose.

Section 6.02. Bond Requirements. The District and any resulting district shall obtain all necessary authorizations for Bonds in accordance with this Agreement and with CHAPTER 70, SECTION 70.053 OF THE SAN MARCOS CODE. To the extent of a conflict with Section 70.053 of the San Marcos Code, this Agreement shall control. All Bonds, including refunding bonds, issued by the District and any Resulting District shall comply with the following requirements:

- (a) Maximum maturity of 25 years from the date of issuance for any one series of Bonds; and
- (b) The net effective interest rate will not exceed two percent (2%) above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one month period immediately preceding the date that the notice of sale of such Bonds is given; and
- (c) The Bonds shall expressly provide that the District and any resulting district shall reserve the right to redeem Bonds at any time beginning not later than the tenth (10th) anniversary of the date of issuance, without premium. No variable rate Bonds shall be issued by the District and any resulting district; and
- (d) Any refunding Bonds of the District and any resulting district must provide for a minimum of three percent (3%) present value savings, and, further, must provide that the latest maturity of the refunding Bonds may not extend beyond the latest maturity of the refunded Bonds; and

Section 6.03 Economic Feasibility. At least thirty (30) days before the issuance of bonds, except refunding bonds, the District's financial advisor shall certify in writing that the bonds are being issued within the existing economic feasibility guidelines established by the TCEQ for the districts issuing bonds for water, sewer or drainage facilities in Hays County and shall deliver such certification to the City Manager and the City Clerk. First District and all Resulting Districts agree to provide a copy of TCEQ Bond Order and Memo prior to issuance to reduce cost to District.

Section 6.04. Notice of Bond Issues. At least thirty (30) days before the issuance of bonds, the District or any resulting district shall deliver to the City Manager and City Attorney notice containing: (a) the amount of Bonds being proposed for issuance; (b) a general description of the projects to be funded by such bonds; and (c) the proposed debt service tax rate after the issuance of the Bonds.

If the District and any resulting district is not required to obtain TCEQ approval of the issuance of the Bonds (other than refunding bonds), the District and any resulting district shall deliver such other notice required in this Section at least sixty (60) days prior to the issuance of Bonds. Within thirty (30) days after the District or any resulting district closes the sale of a series of bonds, the District or resulting district shall deliver to the City Manager a copy of the final official statement for such series of bonds. If the City requests additional

information regarding such issuance, the District or resulting district shall promptly provide such information at no cost to the City.

Section 6.05. Compliance with Agreements. At least thirty (30) days before issuance of Bonds, the District and any resulting district shall certify in writing that it is in substantial compliance with the consent resolution approved by the city council, the consent agreement, and to the extent such agreements impose requirements on the District, with the consent agreement and all other agreements executed by the City and the District and shall promptly deliver such certification to the City Manager, and City Clerk.

Section 6.06. Certifications. With respect to any matter required by this Article VI to be certified in writing, the Agreement also requires, and the District and any resulting district hereby warrants, that every statement in any certification shall be true and correct in all material respects and that the person signing the certification has been given the requisite authority to do so on behalf of such district.

Section 6.07. Tax Rate. The District's and any resulting district's Tax Rate will approximate but not be less than the City's tax rate.

Section 6.08. Notice of Tax Rate. The District and any resulting district shall send a copy of the order or other action setting an ad valorem tax rate to the City Manger, and City Clerk within thirty (30) days after District's adoption of the rate.

Additional Requirements relating to Bonds:

The District shall provide copies of any material event notices filed under applicable federal securities laws or regulations to the city manager, city attorney within thirty (30) days after filing such notices with the applicable federal agency;

Before the District issues bid invitations for its bonds, the city council shall have the right of review of all bond issues and sales, including bond prices, interest rates and redemption premiums, and copies of all documents submitted to state agencies shall be concurrently submitted to the City. Provided, however, that the city council must provide any comments within 30 days of receiving the bid invitations.

No bond funds shall be expended or bonds issued to provide service outside the District boundaries without the prior consent of the City Council.

The District shall prepare for and submit to the City annual reports on the status of construction and bond sales.

ARTICLE VII TERM, ASSIGNMENT AND REMEDIES

Section 7.01. Term.

a. As between the City and the Developer, the term of this Agreement will commence on the Effective Date and continue for 20 years thereafter, unless terminated on an earlier date under other provisions of this Agreement or by written agreement of the City and the Developer. Upon the expiration of 20 years, this Agreement may be extended, at the

Developer's request and with City Council approval, for up to two successive ten-year periods.

b. As between the City and the District, the term of this Agreement will commence on the date that the District Board of Directors executes this Agreement and will continue for 40 years thereafter, unless the District is annexed by the City on an earlier date.

Section 7.02. Assignment.

a. The rights and obligations of the Developer under this Agreement may be assigned by the Developer in accordance with the provisions of Section 6.02(b) and (c).

b. If the Developer assigns its rights and obligations hereunder as to a portion of the Land, then the rights and obligations of any assignee and the Developer will be severable, and the Developer will not be liable for the nonperformance of the assignee and vice versa. However, Developer will continue to be responsible and liable for all obligations up to the effective date of the assignment. In the case of nonperformance by one developer, the City may pursue all remedies against that nonperforming developer, but will not impede development activities of any performing developer as a result of that nonperformance.

c. Developer, as Owner, may assign this Agreement and including any obligation, right, title or interest of Developer under this Agreement, to the District or any resulting district (after the District Confirmation Date), and to any person or entity (an "Assignee") provided that the following conditions are satisfied: (1) the City has also given its written consent to allow the Assignee to assume all of the obligations of the Developer under the Development Agreement as amended; (2) if not the District or resulting district, Assignee is a successor owner of all or any part of the Land or is a lender to a successor owner of all or any part of the Land; (3) if not the District or any resulting District, Assignee has a contractual right to be reimbursed for water, sewer or drainage improvements from Bonds (or has a lien or other security interest in such reimbursements); (4) the assignment is in writing executed by Developer, as Owner, Assignee and the City in the form of assigned attached as Exhibit D; (5) Assignee expressly assumes in the assignment any assigned obligations and expressly agrees in the assignment to observe, perform, and be bound by this Agreement to the extent this Agreement relates to the obligations, rights, titles, or interests assigned; (6) Developer is then in compliance with all terms and conditions of the Development Agreement as amended; (7) a copy of the executed assignment is provided to all Parties within 15 days after execution; and (8) Assignee has executed a Partial Assignment of Reimbursement Rights in favor of the City in substantially the same form as Exhibit D. Provided all of the foregoing conditions are satisfied, from and after the date the assignment is executed by Developer and Assignee, the City agrees to look solely to Assignee for the performance of all obligations assigned to Assignee and agrees that Owner shall be released from performing the assigned obligations and from any liability that results from the Assignee's failure to perform the assigned obligations. No assignment by Owner shall release Owner from any liability that resulted from an act or omission by Owner that occurred prior to the effective date of the assignment. Owner shall maintain written records of all assignments made by Owner (including, for each Assignee, the Notice information required by this Agreement, and including a copy of each executed assignment) and, upon written request from any Party or Assignee, shall provide a copy of such records to the requesting person or entity.

It is specifically intended that this Agreement as may be amended, and all terms, conditions and covenants herein, shall survive a transfer, conveyance, or assignment occasioned by the exercise of foreclosure of lien rights by a creditor or a Party, whether judicial or non-judicial. This Agreement shall be binding upon and inure to the benefit of the Parties and their respective successors and Assignees. Notwithstanding the foregoing, however, Developer shall not have the right to assign this Agreement, or any right, title, or interest of Owner under this Agreement, until the District and all resulting districts have become a Party.

d. This Agreement is not intended to be binding upon, or create any encumbrance to title as to, any ultimate consumer who purchases a fully developed and improved lot within the Land.

Section 7.03. Remedies. In the event of default by any party, a non-defaulting party may give the defaulting party written notice specifying the default (the “Notice”). If the defaulting party fails to fully cure any default that can be cured by the payment of money (“Monetary Default”) within 30 days after receipt of the Notice, or fails to commence the cure of any default specified in the Notice that is not a Monetary Default within 30 days of the date of the Notice, and thereafter to diligently pursue such cure to completion, then the other party shall be entitled to a proper writ issued by a court of competent jurisdiction compelling and requiring the defaulting party to observe and perform the covenants, obligations and conditions described in this Agreement. The non-defaulting party may employ attorneys to pursue its legal rights and if it prevails before any court or agency of competent jurisdiction, the defaulting party shall be obligated to pay all expenses incurred by the non-defaulting party, including reasonable attorneys’ fees not to exceed the usual and customary rate charged by the City attorney.

No Bonds shall be issued during any period in which Developer is not in compliance with any court order compelling performance under this Agreement as amended. Further, during the cure period and continuing until the default or breach is cured, the District is prohibited from taking any affirmative act to issue Bonds until the default or breach has been cured. The City shall have all rights to enjoin the issuance of Bonds during any period during which a default or breach remains uncured under this Section. If Developer fails to cause the District to cure any default or breach, Developer shall not enter into any agreements with the District or seek reimbursement from the District for any expenses incurred in connection with the District or the development of the Land until the default or breach has been cured

Section 7.04. Cooperation.

a. The City, the Developer, and the District each agree to execute such further documents or instruments as may be necessary to evidence their agreements hereunder.

b. In the event of any third party lawsuit or other claim relating to the validity of this Agreement or any actions taken hereunder, the City, the Developer, and the District agree to cooperate in the defense of such suit or claim, and to use their respective best efforts to resolve the suit or claim without diminution in their respective rights and obligations under this Agreement.

ARTICLE VIII MISCELLANEOUS PROVISIONS

Section 8.01. Notice. Any notice giver under this Agreement must be in writing and may be given: (i) by depositing it in the United States mail, certified, with return receipt requested, addressed to the party to be notified and with all charges prepaid; or (ii) by depositing it with Federal Express or another service guaranteeing “next day deliver”, addressed to the party to be notified and with all charges prepaid; (iii) personally delivering it to the party, or any agent of the party listed in this Agreement, or (iv) by facsimile with confirming copy sent by one of the other described methods of notice set forth. Notice by United States mail will be effective on the earlier of the date of receipt or 3 days after the date of mailing. Notice given in any other manner will be effective only when received. For purposed of notice, the addresses of the parties will, until changed as provided below, be as follows:

| | |
|------------------------|--|
| City: | City of San Marcos 630 East Hopkins San Marcos, Texas 78666 Attn: City Manager |
| With Required Copy to: | City Attorney, Legal Department 630 East Hopkins San Marcos, Texas 78666 |
| Developer: | Mike Schroeder Managing Member LaSalle Holdings, Ltd. 6109 FM 390N Brenham, TX 77833 USA |
| With a Copy to: | Andy Barrett 3006 Bee Cave Road, Suite D-310 Austin, Texas 78746 |
| District: | Matt Kutac 3006 Bee Cave Road, Suite D-310 Austin, Texas 78746 |

The parties may change their respective addresses to any other address within the United States of America by giving at least 5 days’ written notice to the other party. The Developer and the District may, by giving at least 5 days’ written notice to the City, designate additional parties to receive copies of notices under this Agreement.

Section 8.02. Severability; Waiver.

a. If any provision of this Agreement is illegal, invalid, or unenforceable, under present or future laws, it is the intention of the parties that the remainder of this Agreement not be affected, and, in lieu of each illegal, invalid, or unenforceable provision, that a provision be added to this Agreement which is legal, valid and enforceable and is as similar in terms to the illegal, invalid or enforceable provision as is possible.

b. Any failure by a party to insist upon strict performance by the other party of any material provision of this Agreement will not be deemed a waiver thereof or of any other provision, and such party may at any time thereafter insist upon strict performance of any and all of the provisions of this Agreement.

Section 8.03. Applicable Law and Venue. The interpretation, performance, enforcement and validity of this Agreement are governed by the laws of the State of Texas. Venue will be in a court of appropriate jurisdiction in Hays County, Texas.

Section 8.04. Entire Agreement. This Agreement contains the entire agreement of the parties. There are no other agreements or promises, oral or written, between the parties regarding the subject matter of this Agreement. This Agreement can be amended only by written agreement signed by the parties. This Agreement supersedes all other agreements between the parties concerning the subject matter.

Section 8.05. Exhibits, Headings, Construction and Counterparts. All schedules and exhibits referred to in or attached to this Agreement are incorporated into and made a part of this Agreement for all purposes. The paragraph headings contained in this Agreement are for convenience only and do not enlarge or limit the scope or meaning of the paragraphs. Whenever appropriate, words of the masculine gender may include the feminine or neuter, and the singular may include the plural, and vice-versa. The parties acknowledge that each of them have been actively and equally involved in the negotiation of this Agreement. Accordingly, the rule of construction that any ambiguities are to be resolved against the drafting party will not be employed in interpreting this Agreement or any exhibits hereto. This Agreement may be executed in any number of counterparts, each of which will be deemed to be an original, and all of which will together constitute the same instrument. This Agreement will become effective only when one or more counterparts, individually or taken together, bear the signatures of all of the parties.

Section 8.06. Time. Time is of the essence of this Agreement. In computing the number of days for purposes of this Agreement, all days will be counted, including Saturdays, Sundays and legal holidays; however, if the final day of any time period falls on a Saturday, Sunday or legal holiday, then the final day will be deemed to be the next day that is not a Saturday, Sunday or legal holiday.

Section 8.07. Authority for Execution. The City certifies, represents, and warrants that the execution of this Agreement is duly authorized and adopted in conformity with its City Charter and City ordinances. The Developer hereby certifies, represents, and warrants that the execution of this Agreement is duly authorized and adopted in conformity with the articles of incorporation and bylaws or partnership agreement of each entity executing on behalf of the Developer.

Section 8.08. Exhibits. The following exhibits are attached to this Agreement, and made a part hereof for all purposes:

- Exhibit A - Metes and Bounds Description of the Land
- Exhibit B - District Consent Ordinance
- Exhibit C - Master Development Calculation Form
- Exhibit D - Assignment and Assumption Agreement

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the dates indicated below:

SIGNATURE PAGES FOLLOW

City of San Marcos

By: _____
Daniel Guerrero, Mayor

ATTEST:

Jamie Lee Pettijohn
City Clerk

STATE OF TEXAS §
 §
COUNTY OF HAYS §

This instrument was acknowledged before me the _____ day of _____, 2013 by _____ of the City of San Marcos, Texas, a home-rule city, on behalf of the City.

Notary Public, State of Texas

Printed Name: _____

My Commission Expires: _____

LaSalle Holdings, Ltd.
a Texas Limited Partnership

By: LaSalle Management, LLC
a Texas limited liability company
its General Partner

Name: _____
Title: Manager

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was executed by Michael Schroeder, as the in his capacity as an authorized representative of LaSalle Holdings, Ltd., before me on this, the ___ day of _____, 2013.

Notary Public, State of Texas

Printed Name: _____

My Commission Expires: _____

EXHIBIT A

[Metes and Bounds Description of the Land]

HOLT CARSON, INC.
PROFESSIONAL LAND SURVEYORS
1904 FORTVIEW ROAD
AUSTIN, TEXAS 78704
TELEPHONE: (512) 442-0990
FACSIMILE: (512) 442-1084
www.hciaustin.com

MUD #2

FIELD NOTE DESCRIPTION OF 305.41 ACRES OF LAND OUT OF THE WILLIAM HEMPHILL SURVEY ABSTRACT No. 221 IN HAYS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN (765.035 ACRE) TRACT OF LAND AS CONVEYED TO LASALLE HOLDINGS, LTD. BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 2909 PAGE 684 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found in the Southwest line of Hays County Road No. 158 and for an angle corner in the Northeast line of that certain (765.035 acre) tract of land as conveyed to LaSalle Holdings, Ltd. by Special Warranty Deed recorded in Volume 2909 Page 684 of the Official Public Records of Hays County, Texas, and being the most Northerly corner and **PLACE OF BEGINNING** of the herein described tract of land, and from which a capped iron rod found (marked "Byrn") for an angle corner in the Northeast line of said LaSalle Holdings (765.035 acre) tract bears N 44 deg. 12' 41" E 9.20 ft.;

THENCE with the Southwest line of Hays County Road No. 158 and with the Northeast line of said LaSalle Holdings (765.035 acre) tract, the following four (4) courses;

- 1) S 45 deg. 36' 48" E 2564.23 ft. to a ½" iron rod found;
- 2) S 28 deg. 19' 21" E 180.67 ft. to a ½" iron rod found;
- 3) S 45 deg. 36' 07" E 787.93 ft. to a ½" iron rod found;
- 4) S 00 deg. 52' 46" E 57.01 ft. to a ½" iron rod found for an Easterly angle corner of said LaSalle Holdings (765.035 acre) tract and being an Easterly angle corner of this tract;

THENCE with the Northwest line of Hays County Road No. 158 and with the Southeast line of said LaSalle Holdings (765.035 acre) tract, the following two (2) courses;

- 1) S 43 deg. 23' 26" W 2355.38 ft. to a ½" iron rod found;
- 2) S 43 deg. 23' 01" W 1294.66 ft. to a point for the most Southerly corner of this tract and from which a ½" iron rod found in the Northwest line of Hays County Road No. 158 and in the Southeast line of said LaSalle Holdings (765.035 acre) tract bears S 43 deg. 23' 01" W 302.20 ft.;

305.41 ACRES

THENCE leaving the Northwest line of Hays County Road No. 158 and crossing the interior of said LaSalle Holdings (765.035 acre) tract with the Southwest line of this tract, N 45 deg. 39' 03" W 3568.62 ft. to a point in a Northwesterly line of said LaSalle Holdings (765.035 acre) tract for the most Westerly Northwest corner of this tract;

THENCE with a Northwesterly line of said LaSalle Holdings (765.035 acre) tract, N 43 deg. 28' 18" E 700.00 ft. to a capped iron rod found (marked "Byrn") for an angle corner of said LaSalle Holdings (765.035 acre) tract and being an angle corner of this tract, and from which a 1" iron pipe found for an angle corner in a Southwesterly line of said LaSalle Holdings (765.035 acre) tract bears N 45 deg. 13' 18" W 487.22 ft.;

THENCE re-crossing the interior of said LaSalle Holdings (765.035 acre) tract with the Northwest line of this tract, N 43 deg. 27' 55" E 3046.28 ft. to the **PLACE OF BEGINNING**, containing 305.41 acres of land.

PREPARED: January 30, 2013

Holt Carson

Registered Professional Land Surveyor No. 5166

HOLT CARSON, INC.
PROFESSIONAL LAND SURVEYORS
1904 FORTVIEW ROAD
AUSTIN, TEXAS 78704
TELEPHONE: (512) 442-0990
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MUD #3

FIELD NOTE DESCRIPTION OF 320.71 ACRES OF LAND OUT OF THE WILLIAM HEMPHILL SURVEY ABSTRACT No. 221 IN HAYS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN (765.035 ACRE) TRACT OF LAND AS CONVEYED TO LASALLE HOLDINGS, LTD. BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 2909 PAGE 684 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, TOGETHER WITH A PORTION OF THAT CERTAIN (171.236) ACRE) TRACT OF LAND AS CONVEYED TO LASALLE HOLDINGS, LTD. BY GENERAL WARRANTY DEED RECORDED IN VOLUME 3030 PAGE 657 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at ½" iron rod found in the Northeast right-of-way line of Yarrington Road for the most Westerly corner of that certain (765.035 acre) tract of land as conveyed to LaSalle Holdings, Ltd. By Special Warranty Deed recorded in Volume 2909 Page 684 of the Official Public Records of Hays County, Texas, and for the most Southerly corner of that certain (468.288 acre) tract of land described as "Tract 2" in deed to F.M. 158 Land, Ltd. As recorded in Volume 2702 Page 613 of the Official Public Records of Hays County, Texas;

THENCE leaving the Northeast right-of-way line of Yarrington Road with a Northwesterly line of said LaSalle Holdings (765.035 acre) tract, N 44 deg. 14' 37" E 963.10 ft. to a point for the North corner and **PLACE OF BEGINNING** of the herein described tract of land;

THEN continuing with a Northwesterly line of said LaSalle Holdings (765.035 acre) tract, the following three (3) courses;

- 1) N 44 deg. 14' 37" E 2807.00 ft.;
- 2) N 45 deg. 27' 33" W 240.49 ft.;
- 3) N 43 deg. 28' 18" E 1300.84 ft. to a point for the most Northerly corner of this tract, and from which a capped iron rod found (marked "Byrn" for an angle corner of said LaSalle Holdings (765.035 acre) tract bears N 43 deg. 28' 18" E 700.00 ft.;

THENCE crossing the interior of said LaSalle Holdings (765.035 acre) tract with the Northeast line of this tract, S 45 deg. 39' 03" E 3568.62 ft. to a point in the Northwest line of Hays County Road No. 158 and in the Southeast line of said LaSalle Holdings (765.035 acre) tract and being the most Easterly corner of this tract, and from which a ½" iron rod found in the Northwest line of Hays County Road No. 158 and in the Southeast line of said LaSalle Holdings (765.035 acre) tract bears N 43 deg. 23' 01" E 1294.66 ft.;

THENCE with the Northwest line of Hays County Road No. 158 and with the Southeast line of said LaSalle Holdings (765.035 acre) tract, the following two (2) courses;

- 1) S 43 deg. 23' 01" W 302.20 ft. to a ½" iron rod found;
- 2) S 43 deg. 23' 51" W 1010.30 ft. to a ½" iron rod found for the most Southerly corner of said LaSalle Holdings (765.035 acre) tract and for the most Easterly corner of that certain (171.236 acre) tract of land as conveyed to LaSalle Holdings, Ltd. By General Warranty Deed recorded in Volume 3030 Page 657 of the Official Public Records of Hays County, Texas;

THENCE with the Northwest line of Hays County Road No. 158 and with the Southeast line of said LaSalle Holdings (171.236 acre) tract, the following four (4) courses;

- 1) S 43 deg. 29' 43" W 1818.92 ft. to a capped iron rod found (marked "4069");

- 2) S 44 deg. 22' 05" W 453.62 ft. to a capped iron rod found (marked "4069);
- 3) S 43 deg. 10' 19" W 425.56 ft. to a 1/2" iron rod found;
- 4) S 44 deg. 50' 25" W 57.00 ft. to a point for the West corner of this tract and from which a capped iron rod found (marked "4069), bears S 44 deg. 50' 25" W 65.22 ft.;

THENCE leaving the Northwest line of Hays County Road No. 158 and crossing the interiors of said LaSalle Holdings (171.236 acre) tract and LaSalle Holdings (765.035 acre) tract with the Northwest line of this tract, N 46 deg. 21' 22" W 3360.37 ft. to the **PLACE OF BEGINNING**, containing 320.71 acres of land.

PREPARED: January 30, 2013

Holt Carson

Registered Professional Land Surveyor No. 5166

HOLT CARSON, INC.
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MUD #4

FIELD NOTE DESCRIPTION OF 535.54 ACRES OF LAND OUT OF THE WILLIAM HEMPHILL SURVEY ABSTRACT No. 221 IN HAYS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN (811.38 ACRE) TRACT OF LAND AS CONVEYED TO LASALLE HOLDINGS, LTD. BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 2909 PAGE 684 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a capped iron rod found (marked "ProTech") in the Northwest line of the Old San Antonio Road for the most Easterly corner of that certain (811.38 acre) tract of land as conveyed to LaSalle Holdings by Special Warranty Deed recorded in Volume 2909 Page 684 of the Official Public Records of Hays County, Texas, and being the most Easterly corner and **PLACE OF BEGINNING** of the herein described tract of land;

THENCE with the Southeast line of said LaSalle Holdings (811.38 acre) tract, S 48 deg. 44' 13" W 178.85 ft. to a capped iron rod found (marked "Byrn") at the point of intersection with the curving Northwest right-of-way line State Highway No. 21 for an angle corner of this tract;

THENCE with the Northwest right-of-way line of State Highway No. 21, the following two (2) courses;

1) along a curve to the left with a radius of 5779.51 ft. for an arc length of 830.52 ft. and which chord bears S 52 deg. 53' 22" W 829.80 ft. to a PK nail found in a broken

concrete monument for a point of tangency;

2) S 48 deg. 46' 22" W 1475.74 ft. to a ½" iron rod found for the most Southerly corner of said LaSalle Holdings (811.38 acre) tract and for the most Southerly corner of

this tract;

THENCE leaving the Northwest right-of-way line of State Highway No. 21 with a Southerly line of said LaSalle Holdings (811.38 acre) tract, the following two (2) courses;

1) N 45 deg. 31' 36" W 2950.62 ft.;

2) S 44 deg. 02' 00" W 1300.00 ft. to a point for a Southwesterly angle corner of this tract;

535.54 ACRES

THENCE crossing the interior of said LaSalle Holdings (811.38 acre) tract with a Southwesterly line of this tract, N 45 deg. 39' 03" W 4231.53 ft. to a point in the Southeast line of Hays County Road No. 158 and in the Northwest line of said LaSalle Holdings (811.38 acre) tract and being the most Westerly corner of this tract, and from which a ½" iron rod found in the Southeast line of Hays County Road No. 158 and in the Northwest line of said LaSalle Holdings (811.38 acre) tract bears S 43 deg. 26' 25" W 605.66 ft.;

THENCE with the Southeast line of Hays County Road No. 158 and with the Northwest line of said LaSalle Holdings (811.38 acre) tract, the following three (3) courses;

1) N 43 deg. 26' 25" E 482.55 ft. to a capped iron rod found (marked "Byrn");

2) N 43 deg. 23' 06" E 1527.54 ft.;

3) N 43 deg. 39' 30" E 1505.40 ft. to a capped iron rod found (marked "Byrn") for an angle corner of said LaSalle Holdings (811.38 acre) tract and for the West corner of that certain (1.00 acre) tract of land as conveyed to Drue B. Ewald, et ux, by deed recorded in Volume 269 Page 202 of the Deed Records of Hays County, Texas;

THENCE leaving the Southeast line of Hays County Road No. 158 with the common line of said LaSalle Holdings (811.38 acre) tract, the following two (2) courses;

1) S 44 deg. 58' 54" E 221.56 ft. to a capped iron rod found (marked "Jones-Carter");

2) N 43 deg. 24' 04" E 198.54 ft. to a ½" iron rod found for an angle corner of said LaSalle Holdings (811.38 acre) tract and for the East corner of said Ewald (1.00 acre) tract and being angle corner of this tract;

THENCE with the Northeast line of said LaSalle Holdings (811.38 acre) tract, the following three (3) courses;

1) S 46 deg. 09' 07" E 3771.42 ft.;

2) S 45 deg. 57' 07" E 2455.99 ft.;

3) S 46 deg. 02' 10" E 1031.75 ft. to the **PLACE OF BEGINNING**, containing 535.54 acres of land.

PREPARED: January 30, 2013

Holt Carson

Registered Professional Land Surveyor No. 5166

HOLT CARSON, INC.
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MUD #5

FIELD NOTE DESCRIPTION OF 275.81 ACRES OF LAND OUT OF THE WILLIAM HEMPHILL SURVEY ABSTRACT No. 221 IN HAYS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN (811.38 ACRE) TRACT OF LAND AS CONVEYED TO LASALLE HOLDINGS, LTD. BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 2909 PAGE 684 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a capped iron rod found (marked "ProTech") in the Northwest line of the Old San Antonio Road for the most Easterly corner of that certain (811.38 acre) tract of land as conveyed to LaSalle Holdings by Special Warranty Deed recorded in Volume 2909 Page 684 of the Official Public Records of Hays County, Texas;

THENCE with the Southeast line of said LaSalle Holdings (811.38 acre) tract, S 48 deg. 44' 13" W 178.85 ft. to a capped iron rod found (marked "Byrn") at the point of intersection with the curving Northwest right-of-way line State Highway No. 21;

THENCE with the Northwest right-of-way line of State Highway No. 21, the following two (2) courses;

1) along a curve to the left with a radius of 5779.51 ft. for an arc length of 830.52 ft. and which chord bears S 52 deg. 53' 22" W 829.80 ft. to a PK nail found in a broken concrete monument for a point of tangency;

2) S 48 deg. 46' 22" W 1475.74 ft. to a ½" iron rod found for the most Southerly corner of said LaSalle Holdings (811.38 acre) tract;

THENCE leaving the Northwest right-of-way line of State Highway No. 21 with a Southerly line of said LaSalle Holdings (811.38 acre) tract, the following two (2) courses;

1) N 45 deg. 31' 36" W 2950.62 ft.;

2) S 44 deg. 02' 00" W 1300.00 ft. to a point for an Easterly angle corner and **PLACE OF BEGINNING** of the herein described tract of land;

THENCE continuing with a Southerly or Southeasterly line of said LaSalle Holdings (811.38 acre) tract, S 44 deg. 02' 00" W 1863.28 ft. to a point for the most Southerly corner of this tract;

275.81 ACRES

THENCE continuing with a Southerly line of said LaSalle Holdings (811.38 acre) tract, the following thirteen (13) courses;

- 1) N 54 deg. 17' 20" W 771.66 ft.;
- 2) S 83 deg. 08' 18" W 840.88 ft.;
- 3) N 52 deg. 17' 55" W 690.89 ft.;
- 4) N 62 deg. 00' 02" W 69.27 ft.;
- 5) N 68 deg. 09' 41" W 56.18 ft.;
- 6) N 72 deg. 20' 49" W 88.29 ft.;
- 7) N 73 deg. 00' 27" W 53.89 ft.;
- 8) N 78 deg. 17' 31" W 427.31 ft.;
- 9) N 88 deg. 16' 13" W 82.92 ft.;
- 10) S 89 deg. 50' 43" W 252.84 ft.;
- 11) N 77 deg. 42' 55" W 289.03 ft.;
- 12) N 69 deg. 45' 12" W 133.17 ft.;

13) N 65 deg. 20' 24" W 1059.29 ft. to a point in the Southeast line of Hays County Road No.158 for the most Westerly corner of said LaSalle Holdings (811.38 acre) tract and being the most Westerly corner of this tract;

THENCE with the Southeast line of Hays County Road No. 158 and with the Northwest line of said LaSalle Holdings (811.38 acre) tract, the following two (2) courses;

1) N 43 deg. 32' 03" E 3243.31 ft. to a ½" iron rod found;

2) N 43 deg. 26' 25" E 605.66 ft. to a point for the most Northerly corner of this tract, and from which a capped iron rod found (marked "Byrn") in the Southeast line of Hays County Road No. 158 and in the Northwest line of said LaSalle Holdings (811.38 acre) tract bears N 43 deg. 26' 25" E 482.55 ft.;

THENCE crossing the interior of said LaSalle Holdings (811.38 acre) tract with the Northeast line of this tract, S 45 deg. 39' 03" E 4231.53 ft. to the **PLACE OF BEGINNING**, containing 275.81 acres of land.

PREPARED: January 30, 2013

Holt Carson

Registered Professional Land Surveyor No. 5166

EXHIBIT B

DISTRICT CONSENT ORDINANCE

AN ORDINANCE GRANTING THE CONSENT OF THE CITY OF SAN MARCOS, TEXAS, TO THE CREATION OF LASALLE MUNICIPAL UTILITY DISTRICT NOS. 2, 3, 4 and 5 WITHIN THE CITY'S EXTRATERRITORIAL JURISDICITON

WHEREAS, the City of San Marcos ("City") received a Petition for Consent to the Creation of four (4) MUNICIPAL UTILITY DISTRICTS for 1437 acres currently located in the City's extraterritorial jurisdiction, a copy of which petition is attached as Exhibit A; and

WHEREAS, SECTION 54.016 OF THE TEXAS WATER CODE AND SECTION 42.042 OF THE LOCAL GOVERNMENT CODE provide that land within a municipality's extraterritorial jurisdiction may not be included within a district without the municipality's written consent;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

That the City Council of the City of San Marcos, Texas, gives its written consent to the creation of the LaSalle Municipal Utility Districts Nos. 2, 3, 4 and 5 as described in the attached petition, provided, however, that said consent is expressly subject to the conditions set forth in the Consent Agreement which is attached hereto as Exhibit B and incorporated herein to this Consent Ordinance

PASSED AND APPROVED on the _____ day of _____, 2013.

Daniel Guerrero, Mayor

ATTEST:

Jamie Lee, Pettijohn,
City Clerk

EXHIBIT C

Master Development Fee Calculation Form

| | | |
|--|-----|--------|
| TOTAL DISTRICT BONDS SOLD | \$. | _____ |
| Less: | | |
| Surplus and Escrowed Funds | \$. | _____ |
| Non-Construction Costs: | | |
| Legal and Financial Advisory Fees: | \$ | _____ |
| Interest Costs: | | |
| Capitalized Interest | \$. | _____ |
| Developer Interest | \$. | _____ |
| Bond Discount | \$. | _____ |
| Administrative and Organization (including creation costs and operating advances) | \$ | _____ |
| Bond Application, Market Study, and other bond issuance costs | \$, | _____ |
| TCEQ Bond Issuance Fee | \$, | _____ |
| Application, Review and Inspection Fees | \$. | _____ |
| Site Costs | \$. | _____ |
| Off-Site Costs | \$ | _____ |
| Total Deductions: | \$. | _____ |
| NET DEVELOPER REIMBURSEMENT AMOUNT | \$. | _____* |

MASTER DEVELOPMENT FEE PERCENTAGE: MASTER DEVELOPMENT FEE
AMOUNT:

X 5%

\$._____

* based upon costs approved for reimbursement under applicable TCEQ rules, and an audit of developer reimbursables performed at the time of each Bond issue

EXHIBIT D

**ASSIGNMENT AND ASSUMPTION
AGREEMENT**

THIS ASSIGNMENT AND ASSUMPTION AGREEMENT ("Assignment") is made and entered into as of the _____ day of _____ between _____ a _____ ("Assignor"), and _____ a _____ ("Assignee") (Assignor and Assignee are hereinafter sometimes collectively referred to as the "Parties" and singularly as a "Party").

RECITALS:

A. Assignor is the owner of the rights of the Owner under that certain "Consent Agreement" (the "Agreement") effective as of _____, among **LaSalle, Holdings, Ltd.**, a Texas limited partnership, its successors and assigns, collectively as Owner, the City of San Marcos, Texas, as the City, and LaSalle Municipal Utility Districts No. __, as the District, relating to the creation and operation of the District, to the extent that the Agreement covers, affects, and relates to the lands described on **Exhibit A** attached to and made a part hereof of this Assignment for all purposes (the "Transferred Premises").

B. Assignor desires to assign certain of its rights under the Agreement as it relates to the Transferred Premises to Assignee, and Assignee desires to acquire such rights, on and subject to the terms and conditions of this Assignment.

NOW, THEREFORE, in consideration of the premises, the mutual covenants and obligations set forth herein, and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the Parties hereby agree and act as follows:

1. **Certain Defined Terms.** Unless indicated otherwise herein, capitalized terms in this Assignment shall have the same respective meanings as are ascribed to them in the Agreement.

2. **Assignment.** Subject to all of the terms and conditions of this Assignment, Assignor hereby assigns all [**or describe specifically assigned rights if partial**] of its rights under the Agreement, insofar as the Agreement covers, affects, and

relates to the Transferred Premises.

3. **Assumption.** Assignee hereby assumes all obligations of Assignor and any liability that may result from acts or omissions by Assignee under the Agreement as it relates to the Transferred Premises that may arise or accrue from and after the effective date of this Assignment, and Assignor is hereby released from all such obligations and liabilities from and after the effective date of this Assignment; provided, however, this Assignment does not release Assignor from any liability that resulted from an act or omission by Assignor that occurred prior to the effective date of this Assignment unless the City approves the release in writing.

4. **Governing Law.** This Assignment must be construed and enforced in accordance with the laws of the State of Texas, as they apply to contracts performed within the State of Texas and without regard to any choice of law rules or principles to the contrary.

5. **Counterpart/Facsimile Execution.** This Assignment has been prepared in multiple counterparts, each of which shall constitute an original hereof, and the execution of any one of such counterparts by any signatory shall have the same force and effect and shall be binding upon such signatory to the same extent as if the same counterpart were executed by all of the signatories. Facsimile copies of signatures may be appended hereto with the same force and effect as legally delivered original signatures.

6. **Notice to City.** A copy of this Assignment shall be provided to the City within fifteen (15) days after execution.

7. **Binding Effect.** This Assignment, when accompanied by a Partial Assignment of Reimbursement Rights in favor of the City for the Master Development Fee described in the Agreement, shall be binding upon and shall inure to the benefit of Assignor and Assignees and their respective heirs, personal representatives, successors, and assigns.

8. **Partial Assignment of Reimbursement Rights.** Assignee hereby assigns to the City of San Marcos Texas its right to reimbursements from bond proceeds in the amount equal to the Engineer's Cost Estimate (as that term is defined in the Agreement and in the Amended and Restated Development Agreement).

EXECUTED as of the day and year first above written.

ASSIGNOR:

By: _____

Printed Name: _____

Title: _____

ASSIGNEE:

By: _____

Printed Name: _____

Title: _____

Municipal Utility District (MUD) MUD 13-01 LaSalle Municipal Utility Districts 2, 3, 4 and 5



Summary: The applicant is requesting consent to form four Municipal Utility Districts within the City of San Marcos' Extraterritorial Jurisdiction. The 1,437 acre site out of the William Hemphill Survey, is generally located between IH 35 and SH 21 north of Yarrington Road

Applicant: Michael Schroeder, Manager
LaSalle Management, LLC
P.O. Box 163234
Austin, TX 78716

Owner: LaSalle Holdings, Ltd.

Property/Area Profile:

Legal Description: A 1,437 acre site out of the William Hemphill Survey
Location: Between IH 35 and SH 21 north of Yarrington Road
Existing Use of Property: Vacant (ETJ)
Proposed Use of Property: Residential, Mixed Use, Institutional, Parks & Open Space
Future Land Use Map: Very Low and Low Density Residential
Existing Zoning: ETJ
Proposed Zoning: ETJ
Sector: ETJ

Area Zoning and Land Use Pattern:

| | Zoning | Existing Land Use | Future Land Use |
|---------------|---------------|---------------------------|---|
| N of Property | ETJ | Residential / Vacant | Kyle ETJ |
| S of Property | FD/ETJ | Vacant | Very Low and Low Density Residential / Commercial |
| E of Property | ETJ | Residential / Ag / Vacant | Very Low and Low Density Residential |
| W of Property | ETJ | Residential / Ag / Vacant | Very Low Density Residential / Kyle ETJ |

Case Summary

LaSalle Holdings, Ltd owns approximately 1511 acres of unplatted, vacant land out of the William Hemphill Survey between IH 35 and SH 21 north of Yarrington Road. Approximately 1,437 acres of this property is located within the City of San Marcos Extraterritorial Jurisdiction (ETJ). The applicant is proposing to create four Municipal Utility Districts within the 1,437 acres to construct a residential and mixed use development which will be created by special act of the Texas legislature. A portion of the additional land to the west (MUD 1) is located within the City of Kyle ETJ and a portion to the south, a corporate campus, is not part of this request.

The City of San Marcos will not be providing water or wastewater service to the MUD. LaSalle MUD's 2 and 3 are located entirely within the City of Kyle's water and wastewater Certificated Area of Convenience and Necessity (CCN No. 11024 / CCN No. 20410) and will receive water and wastewater service from the City of Kyle. LaSalle MUD's 4 and 5 are both partially within Maxwell Water Supply Corporation's (WSC) water CCN (CCN No. 10293) and the County Line WSC's CCN (CCN No. 10292). LaSalle MUD's 4 and 5 are not located within any wastewater CCN. However, LaSalle has requested the City of Kyle to provide service at the location of its existing wastewater treatment plant.

The applicant has provided a preliminary engineering report addressing the existing conditions for topography, vegetation, soils, etc. The report also addresses potential effects of development in accordance with TCEQ rules. The area is generally flat and the development is not anticipated to have major impacts to the environment.

This project is expected to develop over a period of 10 years and a concept plan has been submitted. The development is proposed to have a future population of approximately 18,245 based on 7,074 units of mixed residential densities. The development will also contain mixed use, commercial, school, parks and open spaces.

Financial estimates are provided in the preliminary engineering report for construction of on and off-site infrastructure as well as impact fees that will be due to the City of Kyle, Maxwell WSC and County Line WSC. In addition, the report details the estimated assessed value, total bondable cost recovery and projected tax rates for each of the districts. The projected tax rates range from \$0.85 to \$1.06. This development, which is not connecting to City of San Marcos utilities is not anticipated to impact the costs of current San Marcos utility users.

The report notes economic development and job creation as a benefit of this project. It further states that the property owners are committed to following the City of San Marcos Comprehensive Plan which will be addressed in the development agreement. A development agreement and market study will be required to be completed prior to development of the property.

A Consent Agreement for these MUDs has been negotiated with the city manager and city staff. The consent agreement outlines the conditions under which the city is willing to consent to the creation of the district. Both the Consent Petition and the Consent Agreement are included in your packet. A brief summary of some of the main points contained in the Consent Agreement are:

- Provisions for automatic withdrawal and/or dissolution of the City's consent to the district if the district fails to meet certain requirements;;
- Establishment of requirements and limitations on the issuance of bonds for district improvements;
- A requirement that a Master Development Fee of one million dollars will be paid to the City from the Developer's reimbursement from the issuance of bonds;
- Agreement that the district's tax rates approximate but not be less than the city's ad valorem tax rate;
- Commitment that the district will enter into a development agreement for the development of the property (which will allow the city to impose its zoning and land use regulations on the property within the district as well as city codes relating to health and safety);

- Restriction of the size (total acreage) and number (4) of the districts created;
- Provision that the district will enter into a strategic partnership agreement within 180 days of the district's organizational meeting.

All aspects of land development will be addressed at a later date through a development agreement entered into with the Developer. No development may take place or permits issued until a development agreement is approved by the City and filed in the Hays County Deed Records.

Comments from other Departments:

The contents of the petition meet the requirements of Section 54.015 of the Texas Water Code.

Planning Department Analysis

The purpose of the policy relating to the creation of a Municipal Utility District according to Sec. 70.051 of the City of San Marcos Code of Ordinances are:

- Encourage quality development
- Allow the city to enforce reasonable land use and development regulations
- Provide for construction of infrastructure consistent with city standards and city inspection of such infrastructure
- Facilitate cost-effective construction of infrastructure consistent with city standards and city inspection of such infrastructure
- Provide notice to residents of the district that the city may annex the district at some future time
- Establish guidelines for reasonable conditions to be placed on 1) issuance of bonds; and 2) the City's consent to creation of the district including conditions consistent with the city's water and sewer bond ordinances regarding creation of districts that might otherwise detrimentally compete with the city's utility systems
- Establish guidelines for other mutually beneficial agreements by the city and the district
- Provide a procedural framework for responding to a petition seeking the city's consent to the creation of the district within the City's municipal boundaries or ETJ.

If the City Council consents to the creation of a MUD then it should impose the following requirements as conditions of the city's consent unless the city council determines that the requirements are not appropriate:

| Evaluation | | | Conditions and Criteria for Consent to Creation of Districts (Sec. 70.052) |
|------------|--------------|---------|--|
| Consistent | Inconsistent | Neutral | |
| X | | | 1) The utility district shall contain acreage necessary to ensure the economic viability of the utility district but no more acreage than can be feasibly annexed at one time. In general a district is not expected to include less than 200 nor more than 500 acres. <i>Generally, the districts are meeting this requirement, the size of the districts are approximately 305, 294, 534 and 280 acres respectively</i> |
| X | | | 2) The economic viability of the utility district must be shown in the same manner as required by the state. <i>The engineering report addresses the economic vtability</i> |
| X | | | 3) The consent ordinance and consent agreement must reflect and |

| Evaluation | | | Conditions and Criteria for Consent to Creation of Districts (Sec. 70.052) |
|------------|--------------|---------|---|
| Consistent | Inconsistent | Neutral | |
| | | | <p>conform to all the applicable stipulations of this policy as adopted by the city council.</p> <p><i>The Legal Department has worked with the applicant to address conformity with City Codes</i></p> |
| X | | | <p>4) The city council must determine that the utility district is not likely to be annexed by the city or be served by city water and wastewater within three years. This determination shall not be binding on the city however.</p> <p><i>While adjacent to the city limits, it was determined that this property was not likely to be served by city utilities within three years.</i></p> |
| X | | | <p>5) When the city council receives a petition for creation of a utility district within the city's extraterritorial jurisdiction, it shall be evaluated in accordance with the master plan, the impacts of the utility district and the policy set forth in this division.</p> <p><i>The property is adjacent to Future Development zoning and has a future land use of residential. This area is also adjacent to an Employment Center indicated on the preferred scenario developed as part of the current comprehensive plan update.</i></p> |
| X | | | <p>6) It is in the city's preferred growth area</p> <p><i>The property is adjacent to Future Development zoning and has a future land use of residential. This area is also adjacent to an Employment Center indicated on the preferred scenario developed as part of the current comprehensive plan update.</i></p> |
| X | | | <p>7) The city does not support MUDS that are in industrial or commercial areas</p> <p><i>These MUDs are located on vacant property and the corporate campus commercial area is not included in the MUD request</i></p> |
| X | | | <p>8) The districts ad valorem tax rate will approximate or exceed the city's rate</p> <p><i>The proposed tax rates approximate the city's rate</i></p> |
| X | | | <p>9) It must be located entirely within the city's extraterritorial jurisdiction</p> <p><i>The MUDs included in this request are located in the city's ETJ</i></p> |
| X | | | <p>10) The city discourages the use of sewer package treatment plants</p> <p><i>An existing City of Kyle wastewater treatment plant will be utilized</i></p> |
| X | | | <p>11) It will require the developer(s) to contribute a portion of infrastructure without reimbursement by the MUD or the city</p> <p><i>All infrastructure will be extended from existing City of Kyle and / or Maxwell and County Line WSCs infrastructure</i></p> |
| | | X | <p>12) The development supported by the MUD provides extraordinary</p> |

| Evaluation | | | Conditions and Criteria for Consent to Creation of Districts (Sec. 70.052) |
|------------|--------------|---------|--|
| Consistent | Inconsistent | Neutral | |
| | | | <p>public benefits (such as extension or enhancement of infrastructure, affordable housing, environmental improvement, public transportation facilities and open space). Whether development supported by the MUD provides sufficient public benefits should be determined by weighing the value of the benefits to the community and to the property in the MUD, against the costs to the city including delayed annexation. The city council will consider benefits including but [not] limited to:</p> <ul style="list-style-type: none"> a. Land use controls (including land plans) that otherwise would not be available in the city's ETJ b. Amenities that would not typically accompany a development with conventional financing c. Connectivity with other existing city infrastructure d. The potential for city capital improvements program funds to be redirected to other high priority needs by financing capital infrastructure with alternative MUD financing and by the application of post annexation surcharges e. School and public safety sites, and transportation infrastructure sufficient to meet development needs <p><i>The MUDs will require a development agreement to ensure the development provides the extraordinary public benefits.</i></p> |

Additionally, the requirements of the Consent Agreement must be met.

Staff recommends support of the Consent Agreement to create four Municipal Utility Districts within the City of San Marcos Extraterritorial Jurisdiction with the condition that all requirements for the preparation of a market study and development agreement are met prior to development and Conditions and Criteria for Consent to Creation of Districts (Sec. 70.052) are met.

| Planning Department Recommendation: | |
|-------------------------------------|---|
| <input type="checkbox"/> | Approve as submitted |
| <input checked="" type="checkbox"/> | Approve with conditions or revisions as noted |
| <input type="checkbox"/> | Alternative |
| <input type="checkbox"/> | Denial |

The Commission's Responsibility:

The Commission is required pursuant to Chapter 70, Section 70.102 of the San Marcos Code to review and make an advisory recommendation to the City Council regarding the city's consent and conditions on its consent. The recommendation of the Commission is forwarded to the city council.

A copy of Chapter 70 of the San Marcos Code is attached.

Prepared by:

Amanda Hernandez, AICP Senior Planner March 4, 2012

Name **Title** **Date**

San Marcos, Texas, Code of Ordinances >> Subpart A - GENERAL ORDINANCES >> Chapter 70 - SPECIAL DISTRICTS
>> ARTICLE 2. - UTILITY DISTRICTS >>

ARTICLE 2. - UTILITY DISTRICTS [\[67\]](#)

[DIVISION 1. - GENERALLY](#)

[DIVISION 2. - POLICY FOR CREATION OF DISTRICTS](#)

[DIVISION 3. - REQUIREMENTS FOR CREATION OF DISTRICTS](#)

[DIVISION 4. - REVIEW PROCESS](#)

FOOTNOTE(S):

⁽⁶⁷⁾ *Cross reference— Utilities, ch. 86; drainage and erosion control, § 94.046 et seq.; subdivisions, ch. 110; zoning, ch. 114.*

[\(Back\)](#)

San Marcos, Texas, Code of Ordinances >> Subpart A - GENERAL ORDINANCES >> Chapter 70 - SPECIAL DISTRICTS
>> ARTICLE 2. - UTILITY DISTRICTS >> DIVISION 1. - GENERALLY >>

DIVISION 1. - GENERALLY

[Sec. 70.026. - Out of district service requests for utility districts.](#)

[Sec. 70.027. - Fees established.](#)

[Secs. 70.028—70.050. - Reserved.](#)

Sec. 70.026. - Out of district service requests for utility districts.

- (a) The review process in this section for out of district service request for utility districts is established.
- (b) Petitions for out of district service for a utility district shall be reviewed by the staff and planning and zoning commission prior to city council action. The request shall be filed with the city clerk. Upon receipt of the filed request, the city clerk shall immediately inform the city council, and the city manager. The recommendations of the staff and commission shall be forwarded to the city council for consideration within 30 days of the filing.

(Ord. No. 1986-85, Part C, 7-21-86; Ord. No. 2011-54, § 1, 10-18-11)

Sec. 70.027. - Fees established.

Under this article, an initial fee in the amount of \$5,000.00 shall accompany the pre-application review request of any MUD petition. The petitioner shall reimburse the city for expenses incurred by the city in connection with the city's consent to formation of the district, including but not limited to professional fees incurred in connection with the review, negotiation and preparation of the consent resolution, consent agreement, development agreement, impact statements and plans of any proposed or newly formed political subdivision authorized to be created by the Texas Water Code is established by the city council.

(Ord. No. 1986-85, Part D, 7-21-86; Ord. No. 2011-54, § 1, 10-18-11)

Secs. 70.028—70.050. - Reserved.

DIVISION 2. - POLICY FOR CREATION OF DISTRICTS

[Sec. 70.051. - Adoption; purpose and intent.](#)

[Sec. 70.052. - Conditions and criteria for consent to creation of districts.](#)

[Sec. 70.053. - Bonds.](#)

[Sec. 70.054. - Additional requirements and policy statement.](#)

[Secs. 70.055—70.075. - Reserved.](#)

Sec. 70.051. - Adoption; purpose and intent.

The policy relating to the political subdivisions created pursuant to article III, section 52, or article XVI, section 59, of the state constitution is adopted pursuant to the applicable sections of V.T.C.A., Water Code and the Texas Municipal Annexation Act, to be equitably applied to all petitioners for new utility districts within the city's extraterritorial jurisdiction.

- (a) The purposes of this policy are to:
- (1) Encourage quality development;
 - (2) Allow the city to enforce reasonable land use and development regulations;
 - (3) Provide for construction of infrastructure consistent with city standards and city inspection of such infrastructure;
 - (4) Facilitate cost-effective construction of infrastructure consistent with city standards and city inspection of such infrastructure;
 - (5) Provide notice to residents of the district that the city may annex the district at some future time;
 - (6) Establish guidelines for reasonable conditions to be placed on:
 - a. Issuance of bonds by the district; and
 - b. The city's consent to creation of the district, including conditions consistent with the city's water and sewer bond ordinances regarding creation of districts that might otherwise detrimentally compete with the city's utility systems;
 - (7) Establish guidelines for other mutually beneficial agreements by the city and the district; and
 - (8) Provide a procedural framework for responding to a petition seeking the city's consent to the creation of the district.

(Ord. No. 1986-85, Part E, 7-21-86; Ord. No. 1987-18, §§ 1—4, 2-9-87; Ord. No. 2011-54, § 1, 10-18-11)

Sec. 70.052. - Conditions and criteria for consent to creation of districts.

- (a) If the city council consents to the creation of, or inclusion of land within a MUD then it should impose the following requirements as conditions of the city's consent, and such requirements shall be stipulated in the consent resolution and other ancillary agreement, unless the city council determines that the requirements are not appropriate with regard to a specific district.
- (1) The utility district shall contain acreage necessary to ensure the economic viability of the utility district but no more acreage than can be feasibly annexed at one time. In general, a district is not expected to include less than 200 nor more than 500 acres.
 - (2) The economic viability of the utility district must be shown in the same manner as required by the state.
 - (3) The consent resolution and agreement must reflect and conform to all the applicable stipulations of this policy.

- (4) The city council must determine that the utility district is not likely to be annexed by the city or be served by city water and wastewater within three years. This determination shall not be binding on the city however.
 - (5) When the city council receives a petition for creation of a utility district within the city's extraterritorial jurisdiction, it shall be evaluated in accordance with the master plan, the impacts of the utility district, and the policy set forth in this division.
 - (6) It is in the city's preferred growth area.
 - (7) The city does not support MUDS that are in industrial or commercial areas.
 - (8) The district's ad valorem tax rate will approximate or exceed the city's rate.
 - (9) It must be located entirely within the city's extraterritorial jurisdiction.
 - (10) The city discourages the use of sewer package treatment plants.
 - (11) It will require the developer(s) to contribute a portion of infrastructure without reimbursement by the MUD or the city.
 - (12) The development supported by the MUD provides extraordinary public benefits (such as extension or enhancement of infrastructure, affordable housing, environmental improvement, public transportation facilities, and open space). Whether development supported by the MUD provides sufficient public benefits should be determined by weighing the value of the benefits to the community, and to the property in the MUD, against the costs to the city including delayed annexation. The city council will consider benefits including but limited to:
 - a. Land use controls (including land plans') that otherwise would not be available in the city's ETJ;
 - b. Amenities that would not typically accompany a development with conventional financing;
 - c. Connectivity with other existing city infrastructure;
 - d. The potential for city capital improvement program funds to be redirected to other high priority needs by financing capital infrastructure with alternative MUD financing and by the application of post-annexation surcharges;
 - e. School and public safety sites, and transportation infrastructure, sufficient to meet development needs.
- (b) The city shall not consent to the creation of any special taxing or public financing district within the city limits unless, in addition to the findings set forth in section (a) above, the city council finds that:
- (1) The land within the district shall be developed to a higher development standard than that required under the city's land development code and other applicable development ordinances;
 - (2) The quality of the development over time shall be assured through restrictive covenants applicable to all of the property within the district that are:
 - a. Approved by the city council; and
 - b. Enforceable by a mandatory homeowners' association with assessment power, which the city may compel to perform its enforcement duties;
 - (3) The roads, parks, and utility infrastructure within the district shall generally be of higher quality than that required under the land development code, and other applicable development ordinances and regulations so as to reduce operation and maintenance costs to the city over time;
 - (4) The creation of the district shall contribute to the economic development of the city and improve the quality of life for residents of the city;
 - (5) Any loss of ad valorem property taxes incurred by the city as a result of the creation of a district may be made up through the collection of other fees and utility rates generated within the district; and
 - (6) The district shall connect to the city's water and sewer system. If the district is located within a geographical area that falls within the certificated service territory of another utility, the district shall purchase the certificated service area and transfer it to the city at no cost.

- (a) *Water, wastewater and drainage.* A utility district shall be permitted the bonding permitted under the state law and the rules of the Texas Commission on Environmental Quality ("TCEQ") for: (1) construction, and for (2) land and easement costs for water, sewer, and drainage improvements. Further, the 30 percent of the district's construction costs shall be paid by the developer as provided in Chapter 30 of the Texas Administrative Code shall apply in determining the bonding allowed for water, wastewater and drainage. Additionally, that oversize portion of a water or wastewater approach main which the city has required to be constructed to serve areas outside of the boundaries of the utility district may be financed with bonds. In these cases, the city shall repay the utility district annually for the city's pro rata share of the debt retirement cost of the facility. The city shall retain the right to impose impact fees as defined in the San Marcos Land Development Code as amended, pro rata charges as defined in Chapter 86 of the San Marcos Code as amended, or any other recovery method permitted under state law to recover for its pro rata share. However, the following items shall not be allowed to be financed by the issuance of bonds and, therefore, shall not be included in the bonding package:

Land or easements within the utility district or any property owned by the developers of the utility district dedicated for any water or wastewater line or facility, including treatment plants for any function related to drainage. However, bonds may be authorized for the purchase of land for irrigation purposes connected with a package treatment plant. Provided further that irrigation land purchased from the developers of the utility district must be purchased at the central appraisal district valuation.

- (b) *Intangibles.*
- (1) A contingency factor of ten percent shall be allowed on all water, wastewater and drainage costs.
 - (2) Construction costs shall include ten percent for engineering and shall include all fees.
 - (3) Interest during construction and capitalized interest shall be allowed to the full extent of the state law for all costs that qualify for bond financing.
 - (4) Other non-construction costs allowed for bond financing are fiscal agent fees, legal fees and administration, organizational expense and printing the bonds, as allowed by state law.
- (c) *Bonded amenities.* Additional bonding authority may be used as the city council specifies for any of the following items. The city council must approve the need for each item, the site location and design. The aggregate of the city requirements shall be limited by the economic viability of utility district. Bonded authority for any land under this section shall be based on raw land cost and carrying expenses.
- (1) Fire station sites.
 - (2) Parklands, nature preserves, hike and bike trails, lakes and greenbelts in addition to those required by the city.
 - (3) Water quality monitoring stations, holding ponds and stormwater treatment facilities.
 - (4) Other items that might be mutually agreed upon by the city council and the petitioners and that are permitted by the state.
- (d) *Nonbonded amenities.* The following amenities are required and shall not be financed by the issuance of bonds or by the incurrence of debt by the utility district:
- (1) Traffic control signs and devices constructed within the utility district.
 - (2) Sidewalks, installed in accordance with the City of San Marcos Land Development Code.
- (e) Bonds, including refunding bonds issued by the district, shall, unless otherwise agreed to by the city, comply with the following requirements, provided such requirements do not generally render the bonds unmarketable:
- (1) Maximum maturity of 25 years for any one series of bonds;
 - (2) The net effective interest rate will not exceed two percent above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one-month period preceding the date notice of sale is given.
 - (3) The bonds shall expressly provide that the district shall reserve the right to redeem bonds at any time subsequent to the tenth anniversary of the date of issuance, without premium. No variable rate

- bonds shall be issued by a district without city council approval;
- (4) Any refunding bonds of the district must provide for a minimum of three percent value savings and that the latest maturity of the refunding bonds may not extend beyond the latest maturity of the refunded bonds unless approved by the city council.
- (f) The city shall require the following information with respect to bond issuance:
- (1) At least 30 days before issuance of bonds, except refunding bonds, the district's financial advisor shall certify in writing that the bonds are being issued within the existing economic feasibility guidelines established by the TCEQ for districts issuing bonds for water, sewer or drainage facilities in the county in which the district is located and shall deliver certification to the city clerk, the city manager and the director of finance.
 - (2) At least 30 days before the issuance of bonds. The district shall deliver to the city manager, city attorney and the director of finance notice as to:
 - a. The amount of the bonds being proposed for issuance;
 - b. The projects to be funded by such bonds; and
 - c. The proposed debt service tax rate after issuance of the bonds.
 - (3) If the district is not required to obtain TCEQ approval of the issuance of the bonds (other than refunding bonds), the district shall deliver such notice required in this section at least 60 days prior to issuing such bonds. Within 30 days after the district closes the sale of a series of bonds, the district shall deliver to the city manager a copy of the final official statement for such series of bonds. If the city requests additional information regarding such issuance, the district shall promptly provide such information at no cost to city.
 - (4) At least 30 days before issuance of bonds, the district shall certify in writing that the district is in full compliance with the consent resolution approved by the city council and, to the extent such agreements impose requirements on the district, with the consent agreement, strategic partnership agreement and all other agreements executed by the city and the district, and shall deliver the certification to the city manager, city attorney and the city clerk.

(Ord. No. 1986-85, Part E, § 2, 7-21-86; Ord. No. 1987-18, §§ 1—4, 2-9-87; Ord. No. 2011-54, § 1, 10-18-11)

Sec. 70.054. - Additional requirements and policy statement.

The city should require the following of all utility districts as permitted by Texas law, and these requirements shall be stipulated by the appropriate set of consent resolutions and agreements:

- (1) All development activities within the utility district shall conform to all of the substantive aspects of all city ordinance requirements in existence on the date of approval of the creation petition by the city council.
- (2) Underground utilities may be required by the city council.
- (3) All development construction by the utility district or the developers must be designed and constructed in accordance with the city standards for similar facilities, including, without limitation, fire flow standards and utility and road design, construction and installation standards in accordance with plans and specifications approved by the city before construction begins.
- (4) All public improvements shall be constructed in accordance with the City of San Marcos Land Development Code.
- (5) The city shall have the right to inspect all facilities of the utility district at any time during construction. Final approval by the city must be obtained by the applicant before additional construction in the district can begin. In addition, the city shall have the right to charge inspection fees for review of facilities, the cost of which is not covered by other appropriate charges.
- (6) Bonds shall be issued only for those purposes specifically authorized by the consent agreement, and bonds authorized for one purpose shall not be used for another.
- (7) Before the utility district issues bid invitations for its bonds, the city council shall have the right of review of all bond issues and sales, including bond prices, interest rates and redemption premiums,

- and copies of all documents submitted to state agencies shall be concurrently submitted to the city.
- (8) All records, files, books, information, etc., of the utility district shall be a matter of public record and available for city inspection at all times.
 - (9) The utility district shall prepare for and submit to the city annual reports on the status of construction and bond sales.
 - (10) The utility district shall comply with V.T.C.A., Local Government Code § 212.012 and V.T.C.A., Water Code § 54.106 regarding connection of utilities.
 - (11) The utility district shall not provide service outside its boundaries unless approval is obtained from the city council. If permission is granted, no bond funds shall be expended or indebtedness incurred to provide service without approval of the city council.
 - (12) No land within the utility district shall be allowed at any time in the future to incorporate, join in an incorporation or be annexed into any incorporated city other than the City of San Marcos.
 - (13) No land may be annexed to or acquired by a utility district without the approval of the city council.
 - (14) Right-of-way, public parkland, utility and drainage easements and all other appropriate lands and easements shall be dedicated to the public, by the utility district and its ultimate successor.
 - (15) Any wastewater treatment plant constructed in whole or in part with bond proceeds under this policy must be reviewed and approved by the city council prior to the issuance of the state permit or any amendment thereto if it is to discharge instead of irrigate.
 - (16) The district shall provide copies of any material event notices filed under applicable federal securities laws or regulations to the city manager, city attorney and finance director within 30 days after filing such notices with the applicable federal agency.
 - (17) Construction of capital improvements such as fire stations and recreational amenities will be encouraged.
 - (18) Sharing of fire stations, recreation amenities and other capital improvements by the city and the district will be encouraged.
 - (19) The city and the owners of all land in the proposed district may reach agreement on the terms of a development agreement pursuant to V.T.C.A., Local Government Code § 212.171, et seq. to extend the city's planning authority over land included in the district by providing for approval of a development plan, authorizing enforcement by the city of land use and development regulations, and including other lawful terms and considerations the parties consider appropriate. The development agreement may include provisions that mutually acceptable to the parties relating to the following matters:
 - a. Land use plan reflecting all approved land uses and residential densities;
 - b. Compliance with city construction codes, including permit requirements;
 - c. Compliance with city and other applicable stormwater and water quality regulations;
 - d. Development standards comparable to city zoning regulations; and
 - e. Dedication and development of park areas.The above list is not intended to be exhaustive. It is expected that the parties will cooperate to identify those matters unique to that district that may be addressed in a development agreement.
 - (20) The district shall send a copy of the order or other action setting an ad valorem tax rate to the city manager, city clerk and city attorney within 30 days after district adoption of the rate.
 - (21) The district shall send a copy of its annual audit to the city manager and finance director within 30 days after approval.

(Ord. No. 1986-85, Part E, § 3, 7-21-86; Ord. No. 1987-18, §§ 1—4, 2-9-87; Ord. No. 2011-54, § 1, 10-18-11)

Secs. 70.055—70.075. - Reserved.

DIVISION 3. - REQUIREMENTS FOR CREATION OF DISTRICTS

Sec. 70.076. - Requirements established.

Sec. 70.077. - Preapplication review.

Sec. 70.078. - Preapplication submittals by applicant.

Sec. 70.079. - Petition submitted by applicant.

Secs. 70.080—70.100. - Reserved.

Sec. 70.076. - Requirements established.

The requirements in this division for information and a review process for petition for the creation of utility districts are established.

(Ord. No. 1986-85, Part A, 7-21-86)

Sec. 70.077. - Preapplication review.

- (a) For a period beginning at least 60 days prior to the submission of a petition for creation of a utility district, the applicant shall confer with the city manager concerning the purpose of the utility district, the conceptual design of public improvements, land use and transportation plans and tentative construction schedules. The purpose of this review period shall be for the city to provide a pre-application checklist of items specified in section 170.078 to the applicant and to receive and review the documents required by this article and provide an opportunity for the city and applicant to identify and resolve differences prior to submission of the petition and the statutory 120-day review period. The 60-day minimum pre-application review shall be initiated by a letter to the city manager officially requesting a pre-application review meeting. The 60-day review period shall commence on the day of receipt of the letter by the city.

(Ord. No. 1986-85, Part A, § 1, 7-21-86; Ord. No. 2011-54, § 1, 10-18-11)

Sec. 70.078. - Preapplication submittals by applicant.

The applicant under this division shall file the following documents with the city manager in electronic format as well as three printed copies concurrent with the letter to the city manager initiating the pre-application review process:

- (1) A market study prepared in conformance with state standards.
- (2) A preliminary engineering report, containing the items required by the rules of the TCEQ and, in particular, a description of the area, land use plan, existing and projected populations, tentative cost estimates of the proposed improvements, projected tax rate and water and sewer rates, investigation and evaluation of the availability of comparable service from other systems and bond issue requirements.
- (3) Environmental maps of the district at a scale of one inch to 500 feet. These shall include:
 - a. Contour intervals of ten feet or less.
 - b. Delineation of all areas sloping one percent or less; one percent to 15 percent; 16 percent to 25 percent; 26 percent or more.
 - c. All aquifer recharge structures to include the following: caves, sinkholes, cracks, fractures or fissures at the surface and watercourses or drainageways which have recharge structures within them.
 - d. One-hundred-year floodplain and floodway.
 - e. Any trees 50 feet or taller and all trees with a caliper of 30 inches or greater.

- f. The habitat of endangered or threatened species of fauna or flora.
 - g. Soils with high shrink/swell ratios, soils that are easily eroded, and soils that are classified as prime agricultural by the state department of agriculture or the United States Department of Agriculture.
 - h. Wetlands.
 - i. Archaeological sites.
 - j. Manmade structures over 75 years old.
- (4) Land use map at a scale of one inch to 500 feet. This shall include:
- a. The location of all existing and proposed roads with a right-of-way of 60 feet or more.
 - b. Land use categories using the same categories as shown on the master plan's future land use plan.
 - c. School sites, fire stations, recreational buildings.
 - d. Parks and the parks' uses.
 - e. The number of residential units for each residential land use category.
 - f. The number of units per acre for each residential land use category.
 - g. The acreage of each land use.
- (5) Environmental impact statement. A description of how the proposed land use plan relates to:
- a. The environmental constraints in the utility district; and
 - b. The master plan's natural and cultural resources and land use section goals, objectives and policies.
- (6) Transportation impact statement which includes:
- a. A description of the number of average daily trips (ADT) that will be generated and/or attracted to the utility district and a delineation on a map of that ADT in the existing roadway system within one mile of the utility district.
 - b. A statement and justification, including calculations, as to whether the existing roadway system within the city and its extraterritorial jurisdiction has the capacity to carry the utility district's ADT or not.
 - c. A description of the utility district's transportation plan and its ADT transportation impact as they relate to the master plan's transportation goals, objectives and policies.
- (7) Proposed utility service maps showing all water and wastewater facilities and lines of six inches or larger.
- (8) Drainage maps showing preconstruction and post construction runoff rates and proposed detention and filtration pond sizings and locations.
- (9) The capacity calculations for sizing the facilities and a comparison of service levels to TCEQ utility requirements for supply, storage and treatment.
- (10) Proposed consent ordinance.
- (11) Proposed consent agreement.
- (12) Proposed utility agreement if contract bonds with the city for city services are sought by the utility district.
- (13) Proposed construction participation agreements for any facilities the utility district plans to construct or use in participation with any other utility district or entity.
- (14) Proposed solid waste management plan.
- (15) Proposed future utility district annexations or future service areas outside of the initial utility district boundaries.
- (16) Annexation impact statements.
- a. The applicant shall provide a document comparing the relationship of the indebtedness of the utility district to construction plans for water and wastewater lines and facilities and to the tax base or value of taxable development at one, three, five and ten years from the formation

of the utility district.

- b. The applicant shall describe how fire and police protection will be provided five years and ten years from creation of the utility district.
- (17) Justification statement. The applicant shall justify the creation of the utility district. The justification statement shall include but not be limited to the following issues:
- a. The probability of the city providing water and wastewater service to the area proposed to be a utility district within the next three years.
 - b. Job creation and economic base development for the citizens of the city by the utility district.
 - c. Improving the city's ability to participate in providing adequate and safe utilities to the utility district and elsewhere.
 - d. The utility district development's conformance to the master plan.
 - e. The economic viability of the utility district shown in the same manner as required by the state.
 - f. The costs of utilities to users of the utility district's facilities related to the cost of utilities for users of the city's utilities. The rates or taxes used to pay the costs of the city's facilities shall be compared to the rates or taxes used to pay the costs of the utility district's facilities if the latter were built.
- (18) Application and fees for any city master plan amendments, if necessary.

(Ord. No. 1986-85, Part A, § 2, 7-21-86; Ord. No. 2011-54, § 1, 10-18-11)

Sec. 70.079. - Petition submitted by applicant.

The applicant shall file the petition for creation of a utility district and one copy of the documents which are on a list which is on file with the city clerk. Upon receipt of the petition, the city clerk shall immediately inform the city council of the filing. Concurrently, the applicant shall also submit the petition and other documents required by the state in a creation petition to the city manager in electronic format along with three printed copies. The city manager shall be responsible for all formal staff contact with the applicant and shall coordinate the staff and commission review process.

(Ord. No. 1986-85, Part A, § 3, 7-21-86; Ord. No. 2011-54, § 1, 10-18-11)

Secs. 70.080—70.100. - Reserved.

San Marcos, Texas, Code of Ordinances >> Subpart A - GENERAL ORDINANCES >> Chapter 70 - SPECIAL DISTRICTS >> ARTICLE 2. - UTILITY DISTRICTS >> DIVISION 4. - REVIEW PROCESS >>

DIVISION 4. - REVIEW PROCESS

[Sec. 70.101. - Staff review.](#)

[Sec. 70.102. - Planning and zoning commission review process.](#)

[Sec. 70.103. - City council review and action period.](#)

Sec. 70.101. - Staff review.

- (a) The city manager is authorized to establish and implement a staff review process to review and comment on the proposed utility district.

(Ord. No. 1986-85, Part B, § 1, 7-21-86; Ord. No. 2011-54, § 1, 10-18-11)

Sec. 70.102. - Planning and zoning commission review process.

- (a) Within 30 days after the completion of the staff review, the petition and the staffs review and comments shall be placed on the planning and zoning commission's agenda for review and recommendations to the city council.
- (b) The recommendation of the planning and zoning commission shall be forwarded to the city council not less than 30 days before the end of the review period. The city manager shall then compile all commission recommendations and all staff recommendations in a single binding, and forward them to the mayor, each member of the city council, the city clerk, and the applicant. Copies shall be available to the public at all times.

(Ord. No. 1986-85, Part B, § 2, 7-21-86; Ord. No. 2011-54, § 1, 10-18-11)

Sec. 70.103. - City council review and action period.

- (a) The city attorney shall prepare the final consent ordinance, agreements and contracts under this division and provide them in writing to the city council.
- (b) The city manager shall place the proposal on the city council agenda for posting of the public hearing and action no later than the next to the last regularly scheduled meeting of the city council during this review period.

(Ord. No. 1986-85, Part B, § 3, 7-21-86; Ord. No. 2011-54, § 1, 10-18-11)

PRELIMINARY ENGINEERING & CREATION REPORT

FOR

**LASALLE MUNICIPAL UTILITY DISTRICTS No.'s 2, 3, 4 & 5
of Hays County**

October 2012

Revised January 2013
Revised February 2013
Revised March 2013

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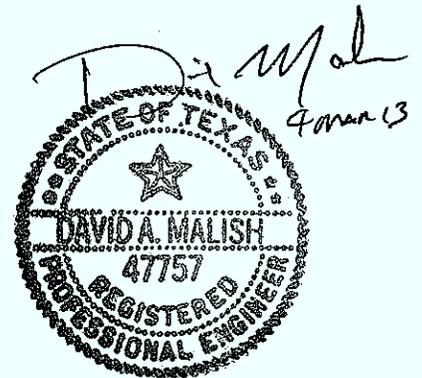


TABLE OF CONTENTS

| | |
|---|----|
| Section 1.0 | 3 |
| INTRODUCTION | 3 |
| Section 2.0 | 4 |
| DESCRIPTION OF THE AREA | 4 |
| Location | 4 |
| Adjacent Areas | 4 |
| Existing Conditions | 4 |
| Topography | 4 |
| Vegetation | 5 |
| Geology & Soils | 5 |
| Water Resources | 8 |
| Wetlands | 8 |
| Recharge zone | 8 |
| Archaeological Sites | 8 |
| Endangered Species and Flora | 9 |
| Section 3.0 | 10 |
| LAND USE PLAN | 10 |
| Section 4.0 | 12 |
| FLOODPLAIN DETERMINATIONS | 12 |
| Section 5.0 | 13 |
| EXISTING AND PROJECTED POPULATIONS | 13 |
| Section 6.0 | 14 |
| PRELIMINARY ENGINEERING COST ESTIMATES | 14 |
| Section 7.0 | 20 |
| WATER AND WASTEWATER UTILITY SERVICES | 20 |
| Section 8.0 | 21 |
| PROJECTED TAX RATE AND WATER AND SEWER SERVICE RATES | 21 |
| Current and Proposed Tax Rates | 21 |
| Water and Sewer Rates | 26 |
| Section 9.0 | 29 |
| ALTERNATIVES FOR PROVIDING WATER AND WASTEWATER UTILITIES | 29 |
| Water | 29 |
| Wastewater | 29 |
| Section 10.0 | 30 |
| POTENTIAL EFFECTS OF PROPOSED DEVELOPMENT | 30 |
| Land Elevation | 30 |
| Subsidence | 30 |
| Groundwater Level | 30 |
| Recharge Capability of a Groundwater Source | 31 |
| Natural Run-off Rates & Drainage | 31 |
| Water Quality | 31 |
| Section 11.0 | 32 |
| JUSTIFICATION FOR CREATION | 32 |

APPENDICES

- APPENDIX A: GENERAL LOCATION MAP
- APPENDIX B: TOPOGRAPHIC MAP AND SLOPE MAP
- APPENDIX C: SOILS MAP
- APPENDIX D: GENERAL LAND USE PLAN
- APPENDIX E: FLOODPLAIN MAPS
- APPENDIX F: WATER SERVICE PLAN
- APPENDIX G: WASTEWATER SERVICE PLAN
- APPENDIX H: WATER CCNs
- APPENDIX I: WASTEWATER CCNs
- APPENDIX J: WSC CONFIRMATIONS FOR WATER SERVICE

Section 1.0 INTRODUCTION

This preliminary engineering report is prepared and submitted in support of consideration of the creation of LaSalle Municipal Utility Districts 2 , 3, 4 and 5 (the Districts). This report is prepared to provide background information and projected land uses, allowing for development of preliminary cost estimates for water, wastewater, and drainage facilities for economic assessment. More specifically, this report presents a physical description of the area, a land use plan summary, existing and projected population data, preliminary engineering cost estimates of proposed improvements, a projected tax rate and estimated water and wastewater service rates, a brief assessment of alternatives for providing water and wastewater services, and an evaluation of the potential physical effects the proposed development may have on the area in accordance with TCEQ requirements.

The Districts collectively include 1437.47 acres and are situated almost entirely within the City of San Marcos Extraterritorial Jurisdiction (ETJ) with only a small portion along the northwest boundaries of LaSalle MUDs 2 and 4 in the City of Kyle's ETJ. It is understood that the exact interface between the City of San Marcos ETJ and the City of Kyle's ETJ remains in dispute at this time. LaSalle MUDs 2 and 3 are located entirely within the City of Kyle's Water Certificated Area of Convenience and Necessity (CCN No. 11024) and therefore will receive water from the City of Kyle. LaSalle MUDs 4 and 5 are both situated partially within the Maxwell Water Supply Corporation's (WSC) water CCN (CCN No. 10293) and the County Line WSC's CCN (CCN No. 10292). Discussions with personnel or staff of both Maxwell WSC and County Line WSC indicate that both of these WSCs intend to serve their respective portions of each District.

LaSalle MUDs 2 and 3 are located wholly within the City of Kyle's wastewater CCN (CCN No. 20410). LaSalle MUDs 4 and 5 are not located within any wastewater CCN. From discussion with City of Kyle staff the City agrees to provide service to the four LaSalle MUDs at the location of its existing wastewater treatment plant. The specific provisions for this service to each of the Districts are discussed in more detail later in this report.

This report is prepared in support of consideration for creation of the four Districts with consent from the City of San Marcos. The petitioners own 100% of the value of all of the land within the proposed four Districts.

Section 2.0 DESCRIPTION OF THE AREA

Location

The proposed LaSalle Municipal Utility Districts 2, 3, 4 and 5 (the Districts) are basically located east of IH 35, northeast of the City of San Marcos, and Southeast of the City of Kyle. These Districts are also located west of SH 21. A general location map of these four Districts is shown in Appendix A.

Adjacent Areas

The adjacent land areas have typically been utilized for agricultural purposes, but several tracts in the area have been developed into rural, typically low-density and/or mobile home subdivisions. The area to the north is in the City of Kyle's incorporated limits or its ETJ and has been developed with urban (mostly residential) subdivisions.

Existing Conditions

The area included within the Districts' boundaries has been maintained primarily as agricultural fields for more than fifty years. Aerial photos between the 1950's and today show a fairly consistent agricultural land use for the property. No significant trees currently exist on the property.

Topography

The topographical information within the four proposed Districts was derived from the two foot contour interval provided by the San Marcos geographical information systems dated November 2009 and is shown in Appendix B. As is shown, the topography within all four districts can be characterized as gently sloping with slopes generally less than 15%. Slopes ranging from 15-25% occur in a very small area in the northern portion of LaSalle MUD No. 2. In addition, slopes between 15% and 25% and in excess of 25% also occur in a small area near the center of LaSalle MUD No. 4. Nominal ground elevations within LaSalle MUD No. 2 range from approximate 652' MSL to near 666' MSL. Nominal ground elevations within LaSalle MUD No. 3 range from near 660' MSL in the eastern corner to just over 672' MSL in the western corner of the District. Nominal ground elevations within LaSalle MUD No. 4 range from approximately 634' MSL near the eastern corner of the District 664' MSL at the western corner of the District. Finally, nominal ground elevations within LaSalle MUD No. 5 range from approximately 638'

MSL on the eastern portion of the District to the near 662' MSL on the northern corner of the District.

Vegetation

Aerial photographs of the District reveal that the area has been cleared and used exclusively for agricultural purposes for over 50 years. No significant trees are currently located within any of the four Districts.

Geology & Soils

The District lies in the Blackland Prairie Land Resource Area, east of the Balcones Escarpment. Soils occurring in the District were identified and mapped by the former U.S. Department of Agriculture, Soil Conservation Service (USDA, SCS) in the *Soil Survey of Comal and Hays Counties, Texas*. A summary of the combined mapping is shown in *Appendix C: Soils Map*.

Soils identified as occurring within the Districts belong to the Altoga, Branyon, Gruene, Heiden, Houston Black, Krum, Lewisville, Real and Tinn soils series. Slopes are generally less than five percent. The Districts drain to the Plum Creek watershed. General descriptions of the soils as provided by the former SCS are outlined below.

Altoga silty clay, 5 to 8 percent slopes, eroded. (AgD3)

This is a deep, sloping soil on convex, smooth hill slopes. The areas are irregular in shape and range from 5 to 450 acres in size. Sheet and rill erosion have removed 25 to 50 percent of the surface layer. Gullies less than 3 feet deep and generally 500 to 600 feet apart are scattered throughout the areas. These soils exhibit a high shrink-swell potential near the surface to a depth of approximately 13" and a moderate shrink-swell potential at greater depths.

Branyon clay, 0 to 1 percent slopes. (ByA)

This is a deep, nearly level soil on ancient high stream terraces in the Blackland Prairie Land Resource Area. Most areas are irregular in shape and range from 10 to 800 acres in size. These soils exhibit a very high shrink-swell potential.

Branyon clay, 1 to 3 percent slopes. (ByB)

This is a deep, gently sloping soil on ancient high stream terraces in the Blackland Prairie Land Resource Area. Most areas are irregular in shape and range from 10 to 300 acres in size. These soils exhibit a very high shrink-swell potential.

Gruene clay, 1 to 5 percent slopes. (GrC)

This is a shallow to very shallow soil on stream terraces. Slopes are convex. The areas are long and narrow in shape and range from 5 to 650 acres in size. Typically, the surface layer is very dark grayish brown clay about 13 inches thick. The underlying material to a depth of 22 inches is strongly cemented, massive caliche containing embedded gravel. The underlying material to a depth of about 80 inches is very gravelly loam. The soil is mildly alkaline and noncalcareous above the cemented layer. These soils have a moderate shrink-swell potential near the surface to a depth of approximately 13”.

Heiden clay, 3 to 5 percent slopes, eroded. (HeC3)

This is a deep, gently sloping soil on convex side slopes on low hills and ridges on uplands in the Blackland Prairie Land Resource Area. The areas of this soil are long and narrow or irregular in shape and range from 10 to 150 acres in size. Shallow gullies 1 to 4 feet deep and 200 to 500 feet apart are few to common in all mapped areas. These soils have a very high shrink-swell potential.

Heiden clay, 5 to 8 percent slopes, eroded. (HeD3)

This is a deep, sloping soil on the steeper side slopes of hills and ridges in the Blackland Prairie Land Resource Area. The slopes are convex. Areas are mostly long and narrow in shape. They range from 5 to 150 acres in size. These soils have a very high shrink-swell potential.

Houston Black clay, 1 to 3 percent slopes. (HoB)

This is a deep, gently sloping soil on narrow ridgetops and long smooth foot slopes on uplands in the Blackland Prairie Land Resource Area. Slopes are mostly convex. The mapped areas are irregular in shape and range from 25 to 2,000 acres in size. These soils have a very high shrink-swell potential.

Houston Black gravelly clay, 3 to 8 percent (HvD)

This is a deep, sloping soil on convex side slopes of ridges in the Blackland Prairie Land Resource Area. The mapped areas are generally long and narrow or irregular in shape and range from 10 to 250 acres in size. These soils have a very high shrink-swell potential.

Krum clay, 0 to 1 percent slopes. (KrA)

This is a deep, nearly level soil on stream terraces and valley fills. Slopes are plane or slightly concave. The areas are mostly long and narrow or oblong in shape and range from 10 to 360 acres in size. These soils have a high shrink-swell potential.

Krum clay, 1 to 3 percent slopes. (KrB)

This is a deep, gently sloping soil on stream terraces and valley fills. Slopes are plane or concave. Areas are long and narrow or oblong in shape and range from 10 to 400 acres in size. These soils have a high shrink-swell potential.

Lewisville silty clay, 0 to 1 percent slopes. (LeA)

This is a deep, nearly level soil on plane to slightly convex slopes on stream terraces. The areas are irregular in shape and range from 5 to 400 acres in size. Typically, the surface layer is dark grayish brown, silty clay about 17 inches thick. The subsoil to a depth of 36 inches is brown silty clay, and to a depth of 54 inches it is yellowish brown silty clay. The underlying material to a depth of 61 inches is brown silty clay. The soil is moderately alkaline and calcareous throughout. These soils have a high shrink-swell potential.

Lewisville silty clay, 1 to 3 percent slopes. (LeB)

This is a deep, gently sloping soil on stream terraces. Slopes are convex. Areas are irregular in shape and range from 5 to 200 acres in size. These soils have a high shrink-swell potential.

Real gravelly loam, 1 to 8 percent slopes. (RaD)

This is a shallow, gently sloping to sloping soil on convex slopes of low hills and ridges on uplands in the Edwards Plateau Land Resource Area. The areas of this soil are irregular in shape and range from 75 to 600 acres in size. These soils have a low shrink-swell potential from the surface to approximately 9" deep.

Tinn clay, frequently flooded. (Tn)

This is a deep, nearly level soil on flood plains along small streams. The areas are long and narrow in shape and range from 10 to 200 acres in size. These soils have a high shrink-swell potential.

Water Resources

The District lies just east of IH-35. Both groundwater and surface water resources are limited in the area and potable water in sufficient quantities for development must be imported to the Districts.

Information on groundwater resources is somewhat limited as only a few wells in the area have reported data. The Districts lie over the eastern extent of the Trinity Aquifer. The Trinity aquifer is accessed from 1,500 to 2,000 feet deep and its water quality is considered suspect due to observed periodic high sulfate levels. This aquifer has perhaps not been accessed due to the excessive depth and cost to develop along with its suspect quality.

Several livestock/irrigation ponds are located throughout the Districts. The capacity or yield of these ponds has not been determined, but significant production should be considered low and insufficient for domestic water supply owing to the small drainage areas.

Wetlands

Wetlands delineations are generally mapped by the US Fish and Wildlife Service (USFWS) and overlain on USGS 7.5 minute topographical maps. The USGS Buda quadrangle immediately north of the proposed Districts has been mapped by the USFWS for wetlands delineation. However, these Districts located in the Uhland quadrangle have not been mapped. Although it is suspected that wetlands do exist within the Districts, none have been identified at this time.

Recharge zone

The proposed Districts are located east of IH 35. The Edwards Aquifer Recharge zone as mapped by the TCEQ does not extend beyond IH 35. No critical environment features such as sink holes, bluff lines etc. have been identified within the proposed Districts.

Archaeological Sites

Archaeological sites or potential archaeological sites have been delineated on historical maps maintained by the Texas General Land Office (GLO). US 21 along the eastern boundary of proposed LaSalle MUD 4 has been identified as El Camino Real Highway and may have some archaeological significance. In addition, the Kyle-Lockhart Railroad once operated just north of and in close proximity to the Districts and has also been identified as potentially archaeological significance as mapped by the GLO.

Endangered Species and Flora

As previously discussed, the geographical area within and surrounding the Districts has historically and extensively been entirely cultivated for agricultural purposes. While no endangered or threatened species of fauna or flora studies have been initiated for this specific area, it is doubtful that such species or flora currently exists within the Districts' boundaries.

Section 3.0 LAND USE PLAN

The proposed LaSalle Municipal Utility Districts collectively encompass approximately 1437.47 acres in the eastern portion of Hays County. The Districts are projected to develop over a period of 10 years. A summary of the proposed land use plan within each of the four Districts is presented below in Table 1. A general land use plan is also provided in Appendix D.

Table 1: Combined Land Use Summary

| M.U.D. #2 | | | | |
|------------------------|---------|---------|-------|---------|
| | Acreage | Density | Units | Percent |
| Residential | | | | |
| LDR | 167.5 | 4.0 | 670 | 54.8% |
| MDR | 24.7 | 8.0 | 198 | 8.1% |
| HDR | 44.7 | 25.0 | 1117 | 14.6% |
| Sub-Total | 236.9 | | 1985 | |
| Non-Residential | | | | |
| ROW | 6.3 | | | 2.1% |
| OS, LS, FP | 62.2 | | | 20.4% |
| Sub-Total | 68.5 | | | |
| Totals | 305.4 | | 1985 | 100.0% |

| M.U.D. #3 | | | | |
|------------------------|---------|---------|-------|---------|
| | Acreage | Density | Units | Percent |
| Residential | | | | |
| LDR | 3.1 | 4.0 | 12 | 1.0% |
| MDR | 195.0 | 8.0 | 1560 | 60.8% |
| Sub-Total | 198.1 | | 1572 | |
| Non-Residential | | | | |
| MU | 78.3 | 18.0 | 1409 | 24.4% |
| ROW | 21.2 | | | 6.6% |
| OS, LS, FP | 23.1 | | | 7.2% |
| Sub-Total | 122.6 | | | |
| Totals | 320.7 | | 2981 | 100.0% |

| M.U.D. #4 | | | | |
|------------------------|---------|---------|-------|---------|
| | Acreage | Density | Units | Percent |
| Residential | | | | |
| LDR | 81.2 | 4.0 | 325 | 15.2% |
| MDR | 195.3 | 8.0 | 1562 | 36.5% |
| HDR | 2.9 | 25.0 | 72 | 0.5% |
| Sub-Total | 279.4 | | 1959 | |
| Non-Residential | | | | |
| Commercial | 39.5 | | | 7.4% |
| Elem. School | 12.0 | | | 2.2% |
| Parks | 23.1 | | | 4.3% |
| ROW | 27.7 | | | 5.2% |
| OS, LS, FP | 153.8 | | | 28.7% |
| Sub-Total | 256.1 | | | |
| Totals | 535.5 | | 1959 | 100.0% |

| M.U.D. #5 | | | | |
|------------------------|---------|---------|-------|---------|
| | Acreage | Density | Units | Percent |
| Residential | | | | |
| LDR | 126.5 | 4.0 | 506 | 45.9% |
| MDR | 131.3 | 8.0 | 1050 | 47.6% |
| Sub-Total | 257.8 | | 1556 | |
| Non-Residential | | | | |
| MU | 3.0 | 18.0 | 54 | 1.1% |
| Parks | 4.0 | | | 1.7% |
| ROW | 1.4 | | | 0.5% |
| OS, LS, FP | 9.0 | | | 3.2% |
| Sub-Total | 18.0 | | | |
| Totals | 275.81 | | 1610 | 100.0% |

Section 4.0 FLOODPLAIN DETERMINATIONS

Certified floodplain determinations have not yet been completed within the District. Such certifications will be made with the subdivision designs during development plan preparation. However, the Federal Emergency Management Agency (FEMA) has identified Zone A floodplains within each of the Districts on Flood Insurance Rate Map numbers 48209C0405F and 48209C0415F dated September 2, 2005. These maps are provided in Appendix E with delineation of each of the four proposed Districts. As is shown, a Zone A floodplain is identified on each of the four proposed Districts. With FEMA Zone A determinations no base floodplain elevations are determined.

Section 5.0 EXISTING AND PROJECTED POPULATIONS

As previously discussed, the entire geographic area within the four proposed MUDs is currently used for agricultural purposes and is under cultivation. At this time there are no dwelling structures on the property and the population is considered to be zero in each of the four Districts at this time.

Assuming 3.5 persons for low density dwelling units, 2.5 persons for medium density dwelling units and 1.7 persons for high density dwelling units, the estimated ultimate population for each of the Districts is itemized below:

Table 2 - Population

| | Ultimate Population |
|-------------------|----------------------------|
| LaSalle MUD No. 2 | 4,741 |
| LaSalle MUD No. 3 | 3,942 |
| LaSalle MUD No. 4 | 5,166 |
| LaSalle MUD No. 5 | 4,396 |
| Total | 18,245 |

Section 6.0

PRELIMINARY ENGINEERING COST ESTIMATES

The four proposed LaSalle Municipal Utility Districts are situated almost entirely within the City of San Marcos Extraterritorial Jurisdiction (ETJ). LaSalle MUDs 2 and 3 are located entirely within the City of Kyle's Water Certificated Area of Convenience and Necessity and therefore will receive water from the City of Kyle. LaSalle MUDs 4 and 5 are both situated partially within the Maxwell Water Supply Corporation's (WSC) water CCN and the County Line WSC's CCN. Discussions with personnel or staff of both Maxwell WSC and County Line WSC indicate that both of these WSCs intend to serve their respective portions of each District.

LaSalle MUDs 2 and 3 are located wholly within the City of Kyle's wastewater CCN. LaSalle MUDs 4 and 5 are not located within any wastewater CCN. From discussion with City of Kyle staff the City agrees to provide service to the four LaSalle MUDs at the location of its existing wastewater treatment plant.

Construction cost estimates for internal bondable utilities including water, wastewater, and drainage facilities were prepared based on the general land use categories and acreage quantities within each District. Cost estimates for major offsite utilities for delivery of water and treatment and discharge of wastewater are based on general conceptual utility plans using existing facilities of the responsible utility. It should be noted that impact fees were also included for each of the providing entities to account for the use of existing facilities.

Proposed major or offsite conceptual water supply plans are shown in Appendix F. As is shown, LaSalle MUDs 2 and 3 will receive water service from the extension of a 11,125 lineal feet of 12-inch water transmission main extending from the Kyle water distribution system near IH 35 and Yarrington Road. Portions of LaSalle MUDs 4 and 5 within the Maxwell Water Supply Corporation service area will be served with the extension of 10,425 lineal feet of 12-inch water transmission main from the existing 0.5 MG Maxwell Water Supply Corporation elevated storage tank located near the intersection of Yarrington Road and Harris Hill Road. The remaining portions of LaSalle MUDs 4 and 5 which are within the County Line Water Supply Corporation service area will receive water service directly from an existing 12-inch water transmission main located parallel to SH 21.

It is understood that the City of Kyle will provide wastewater service to each of the four proposed LaSalle Municipal Utility Districts with treatment at the existing 3.0 MGD wastewater treatment facility. This facility is permitted for treatment up to 4.5 MGD. Cost estimates for these facilities were based on the conceptual wastewater service plan. Projected ultimate wastewater flows from each of the LaSalle Districts are as follows:

LaSalle MUD No 2: 400,000 GPD

LaSalle MUD No 3: 500,000 GPD

LaSalle MUD No 4: 500,000 GPD

LaSalle MUD No 5: 450,000 GPD

The major wastewater service plan for all 4 Districts is shown in Appendix G. As is shown wastewater will be transferred to the City of Kyle wastewater treatment plant using three proposed lift stations. Lift Station No. 1 will basically provide service to MUDs 2 and 3 and will require a capacity of approximately 3700 GPM. This lift station will transfer wastewater to Lift Station No. 2 through a 20-inch diameter force main with a length of approximately 10,500 lineal feet. Lift Station No. 3 will primarily serve LaSalle MUD No. 5 and perhaps a small portion of LaSalle MUD No. 4. This station will require a capacity of approximately 1600 GPM and will also discharge to proposed Lift Station No. 2 through 6,000 lineal feet of 12-inch diameter force main. Lift Station No. 2 will primarily serve LaSalle MUD No. 4 as well as receive flows from Lift Station No. 1 and Lift Station No. 3 as previously discussed. This lift station will require a capacity of approximately 7200 gpm and will discharge to the City of Kyle wastewater treatment plant through approximately 21,000 lineal feet of 24-inch diameter force main.

Construction Cost estimates for LaSalle MUDs 2, 3, 4, and 5 are provided in Tables 3, 4, 5, and 6 respectively. Please note that these cost estimates include provisions for contingency as well as engineering and surveying and represent the total estimated hard cost for future bond issues. It should be noted that a unit price of \$8,750 per acre, \$10,000 per acre, and \$6,250 per acre is used for internal water, wastewater and drainage facilities respectively. Also note that the cost estimates also include the current published impact fee for each of the serving entities.

**LaSalle MUD 2
Utility Construction Cost Estimates**

| | Quantity | Unit Cost | District Share | Total |
|----------------------------|------------------------------------|------------------|-----------------------|---------------|
| Internal Facilities | | | | |
| Water | 305.4 acres | \$8,750 / acre | 100% | \$ 2,672,250 |
| Wastewater | 305.4 acres | \$10,000 / acre | 100% | \$ 3,054,000 |
| Drainage | 305.4 acres | \$6,250 / acre | 100% | \$ 1,908,750 |
| Off Site | | | | |
| Water Mains | 11,125 l.f. of 12" Main | \$72 / l.f. | 42% | \$ 336,420 |
| Liftstations | | | | |
| 1 | 3700 gpm | \$225 / gpm | 42% | \$ 349,650 |
| 2 | 7200 gpm | \$225 / gpm | 21% | \$ 340,200 |
| Forcemains | | | | |
| 1 | 10,500 l.f. of 20" forcemain | \$120 / l.f. | 42% | \$ 529,200 |
| 2 | 21,000 l.f. of 24" forcemain | \$144 / l.f. | 21% | \$ 635,040 |
| Subtotal | | | | \$ 9,825,510 |
| Contingency @ 15% | | | | \$ 1,473,827 |
| Subtotal | | | | \$ 11,299,337 |
| Engineering @ 12% | | | | \$ 1,355,920 |
| Subtotal | | | | \$ 12,655,257 |
| Impact Fee | | | | |
| City of Kyle - Water | 1,651 LUE | \$2,115 / LUE | 100% | \$ 3,491,865 |
| City of Kyle - WW | 1,651 LUE | \$2,216 / LUE | 100% | \$ 3,658,616 |
| Subtotal | | | | \$ 7,150,481 |
| TOTAL | | | | \$ 19,805,738 |

**LaSalle MUD 3
Utility Construction Cost Estimates**

| | Quantity | Unit Cost | District Share | Total |
|----------------------------|------------------------------------|------------------|-----------------------|---------------|
| Internal Facilities | | | | |
| Water | 320.7 acres | \$8,750 / acre | 100% | \$ 2,806,125 |
| Wastewater | 320.7 acres | \$10,000 / acre | 100% | \$ 3,207,000 |
| Drainage | 320.7 acres | \$6,250 / acre | 100% | \$ 2,004,375 |
| Off Site | | | | |
| Water Mains | 11,125 l.f. of 20" Main | \$72 / l.f. | 58% | \$ 464,580 |
| Liftstations | | | | |
| 1 | 3700 gpm | \$225 / gpm | 58% | \$ 482,850 |
| 2 | 7200 gpm | \$225 / gpm | 30% | \$ 486,000 |
| Forcemains | | | | |
| 1 | 10,500 l.f. of 20" forcemain | \$120 / l.f. | 58% | \$ 730,800 |
| 2 | 21,000 l.f. of 24" forcemain | \$144 / l.f. | 30% | \$ 907,200 |
| Subtotal | | | | \$ 11,088,930 |
| Contingency @ 15% | | | | \$ 1,663,340 |
| Subtotal | | | | \$ 12,752,270 |
| Engineering @ 12% | | | | \$ 1,530,272 |
| Subtotal | | | | \$ 14,282,542 |
| Impact Fee | | | | |
| City of Kyle - Water | 2,277 LUE | \$2,115 / LUE | 100% | \$ 4,815,855 |
| City of Kyle - WW | 2,277 LUE | \$2,216 / LUE | 100% | \$ 5,045,832 |
| Subtotal | | | | \$ 9,861,687 |
| TOTAL | | | | \$ 24,144,229 |

**LaSalle MUD 4
Utility Construction Cost Estimates**

| | Quantity | Unit Cost | District Share | Total |
|----------------------------|------------------------------------|------------------|---------------------------|---------------|
| Internal Facilities | | | | |
| Water | 535.5 acres | \$8,750 / acre | 100% | \$ 4,685,625 |
| Wastewater | 535.5 acres | \$10,000 / acre | 100% | \$ 5,355,000 |
| Drainage | 535.5 acres | \$6,250 / acre | 100% | \$ 3,346,875 |
| Off Site | | | | |
| Water Mains | 10,425 l.f. of 12" Main | \$72 / l.f. | 20% | \$ 150,120 |
| Liftstations | | | | |
| 2 | 7200 gpm | \$225 / gpm | 29% | \$ 469,800 |
| Forcemains | | | | |
| 2 | 21,000 l.f. of 24" forcemain | \$144 / l.f. | 29% | \$ 876,960 |
| | | | Subtotal | \$ 14,884,380 |
| | | | Contingency @ 15% | \$ 2,232,657 |
| | | | Subtotal | \$ 17,117,037 |
| | | | Engineering @ 12% | \$ 2,054,044 |
| | | | Subtotal | \$ 19,171,081 |
| Impact Fees | | | | |
| City of Kyle - Water | - | - | - | |
| City of Kyle - WW | 2,205 LUE | \$2,216 / LUE | 100% | \$ 4,886,280 |
| Maxwell WSC | 1,985 LUE | \$3,500 / LUE | 100% | \$ 6,947,500 |
| County Line WSC | 220 LUE | \$3,750 / LUE | 100% | \$ 825,000 |
| | | | Subtotal | \$ 12,658,780 |
| | | | TOTAL | \$ 31,829,861 |

**LaSalle MUD 5
Utility Construction Cost Estimates**

| | Quantity | Unit Cost | District Share | Total |
|----------------------------|------------------------------------|-----------------|-------------------|---------------|
| Internal Facilities | | | | |
| Water | 275.8 acres | \$8,750 / acre | 100% | \$ 2,413,250 |
| Wastewater | 275.8 acres | \$10,000 / acre | 100% | \$ 2,758,000 |
| Drainage | 275.8 acres | \$6,250 / acre | 100% | \$ 1,723,750 |
| Off Site | | | | |
| Water Mains | 10,425 l.f. of 12" Main | \$72 / l.f. | 80% | \$ 600,480 |
| Liftstations | | | | |
| 2 | 7200 gpm | \$225 / gpm | 20% | \$ 324,000 |
| 3 | 1600 gpm | \$225 / gpm | 100% | \$ 360,000 |
| Forcemains | | | | |
| 2 | 21,000 l.f. of 24" forcemain | \$144 / l.f. | 20% | \$ 604,800 |
| 3 | 06,000 l.f. of 12" forcemain | \$072 / l.f. | 100% | \$ 432,000 |
| Subtotal | | | | \$ 9,216,280 |
| Contingency @ 15% | | | | \$ 1,382,442 |
| Subtotal | | | | \$ 10,598,722 |
| Engineering @ 12% | | | | \$ 1,271,847 |
| Subtotal | | | | \$ 11,870,569 |
| Impact Fees | | | | |
| City of Kyle - Water | - | - | - | |
| City of Kyle - WW | 1,583 LUE | \$2,216 / LUE | 100% | \$ 3,507,928 |
| Maxwell WSC | 791 LUE | \$3,500 / LUE | 100% | \$ 2,768,500 |
| County Line WSC | 792 LUE | \$3,750 / LUE | 100% | \$ 2,970,000 |
| Subtotal | | | | \$ 9,246,428 |
| TOTAL | | | | \$ 21,116,997 |

Section 7.0

WATER AND WASTEWATER UTILITY SERVICES

As previously discussed in other sections of this report these four Districts are situated within the boundaries of three water supply Certificates of Convenience and Necessity (CCN) including the City of Kyle, County Line Water Supply Corporation, and Maxwell Water Supply Corporation. The boundaries of these CCNs with respect to the four LaSalle MUDs is shown in Appendix H. As is shown, LaSalle MUDs 2 and 3 are within the City of Kyle's water CCN and LaSalle MUDs 4 and 5 are both situated with portions within both the Maxwell Water Supply Corporation CCN and County Line Water Supply Corporation CCN. Based on conversations with personnel and staff of each of these jurisdictions the Districts will receive water service from the jurisdictions within which they are located. Confirmation of the staff's intention to provide service is provided in the email communications attached in Attachment 1.

Also as previously discussed, the LaSalle MUDs 2 and 3 are located within the City of Kyle's wastewater CCN and LaSalle MUDs 4 and 5 are not located within any jurisdictional CCN as shown in Appendix I. Based on conversations with the City of Kyle staff the City of Kyle agrees to provide wastewater service to the four LaSalle Districts.

Section 8.0

PROJECTED TAX RATE AND WATER AND SEWER SERVICE RATES

Current and Proposed Tax Rates

The four Districts are situated within seven existing taxing jurisdiction. Table 7 provides a summary of these taxing jurisdictions along with the currently published tax rate. As is shown the current total overlapping tax rate within the geographic area is \$2.1652/\$100 assessed value.

Table 7: Existing 2011 Tax Rates

| Entity | Tax Rate (\$/\$100 value) |
|---|------------------------------|
| Hays County | 0.4251 |
| Hays Consolidated Independent School District | \$1.4613 |
| Austin Community College District | 0.0948 |
| Hays County Emergency Services District No. 5 | 0.1000 |
| Plum Creek Groundwater | 0.0200 |
| Special Road | 0.0440 |
| Plum Creek Conservation District | 0.0200 |
| Total Existing Tax Rate | \$2.1652 |

Creation of the Districts and the subsequent issuance of bonds to finance water, wastewater, and drainage facilities to serve the Districts will result in the imposition of ad valorem taxes to service debt payments. Using the cost estimates presented in Section 6.0 of this application, preliminary bond issue sizes for each of the Districts were prepared by SAMCO Capital Markets, Inc. which are provided in Tables 8 through 11 for MUDs 2, 3, 4, and 5 respectively. Table 12 provides a summary of the projected bond issue for each District along with the subsequent projected debt service tax rates. As is shown, debt service tax rates will range from \$0.59 to \$0.87 per \$100 assessed value.

| LASALLE | | | |
|--|--------------------------------------|--|---------------------|
| MUNICIPAL UTILITY DISTRICT NO. 2 | | | |
| ESTIMATED SUMMARY OF COSTS | | | |
| \$24,990,000 | | | |
| Unlimited Tax Bonds | | | |
| | | | |
| Construction Costs | | | |
| Water | | | \$ 2,672,250 |
| Wastewater | | | \$ 3,054,000 |
| Drainage | | | \$ 1,908,750 |
| Water Mains | | | \$ 336,420 |
| Liftstations | | | |
| One | | | \$ 349,650 |
| Two | | | \$ 340,200 |
| Force mains | | | |
| One | | | \$ 529,200 |
| Two | | | \$ 635,040 |
| | Sub-Total: | | \$ 9,825,510 |
| Contingency @ 15% | | | \$ 1,473,827 |
| | Sub-Total: | | \$ 11,299,337 |
| Engineering @ 12% | | | \$ 1,355,920 |
| | Sub-Total: | | \$ 12,655,257 |
| Impact Fee | | | |
| City of Kyle (Water) | | | \$ 3,491,865 |
| City of Kyle (Wastewater) | | | \$ 3,658,616 |
| | Sub-Total: | | \$ 7,150,481 |
| UPDATED ADDED HARD COSTS (2/28/13): | | | |
| | TOTAL COSTS: | | \$ 19,805,738 |
| Non-Construction Costs | | | |
| Legal Fees (2%) | | | \$499,800 |
| Financial Advisory Fees (2%) | | | 499,800 |
| Capitalized Interest (1yr @ 4.50%) | | | 1,124,550 |
| Bond Discount (Estimated @ 3%) | | | 749,700 |
| Bond Issuance Expenses | | | 231,064 |
| Creation Costs | | | 200,000 |
| Organization & Administration | | | 150,000 |
| Operation Advances | | | 100,000 |
| TCEQ Bond Issuance Fee (.25%) | | | 62,475 |
| Bond Application Report | | | 417,333 |
| AG Fees | | | 24,990 |
| Developer Interest (2 yrs @ 4.50%) | | | 1,124,550 |
| | TOTAL NON-CONSTRUCTION COSTS: | | \$5,184,262 |
| | TOTAL BOND ISSUE: | | \$24,990,000 |

| LASALLE | | |
|--|--------------------------------------|---------------------|
| MUNICIPAL UTILITY DISTRICT NO. 3 | | |
| ESTIMATED SUMMARY OF COSTS | | |
| \$30,355,000 | | |
| Unlimited Tax Bonds | | |
| Construction Costs | | |
| Water | | \$ 2,806,125 |
| Wastewater | | \$ 3,207,000 |
| Drainage | | \$ 2,004,375 |
| Water Mains | | \$ 464,580 |
| Liftstations | | |
| One | | \$ 482,850 |
| Two | | \$ 486,000 |
| Force mains | | |
| One | | \$ 730,800 |
| Two | | \$ 907,200 |
| | Sub-Total: | \$ 11,088,930 |
| Contingency @ 15% | | |
| | | \$ 1,663,340 |
| | Sub-Total: | \$ 12,752,270 |
| Engineering @ 12% | | |
| | | \$ 1,530,272 |
| | Sub-Total: | \$ 14,282,542 |
| Impact Fee | | |
| City of Kyle (Water) | | \$ 4,815,855 |
| City of Kyle (Wastewater) | | \$ 5,045,832 |
| | Sub-Total: | \$ 9,861,687 |
| UPDATED ADDED HARD COSTS (2/28/13): | | |
| | | |
| | TOTAL COSTS: | \$ 24,144,229 |
| Non-Construction Costs | | |
| Legal Fees (2%) | | \$607,100 |
| Financial Advisory Fees (2%) | | 607,100 |
| Capitalized Interest (1 yr @ 4.50%) | | 1,365,975 |
| Bond Discount (Estimated @ 3%) | | 910,650 |
| Bond Issuance Expenses | | 290,800 |
| Creation Costs | | 200,000 |
| Organization & Administration | | 150,000 |
| Operation Advances | | 100,000 |
| TCEQ Bond Issuance Fee (.25%) | | 75,888 |
| Bond Application Report | | 506,929 |
| AG Fees | | 30,355 |
| Developer Interest (2 yrs @ 4.50%) | | 1,365,975 |
| | TOTAL NON-CONSTRUCTION COSTS: | \$6,210,771 |
| | TOTAL BOND ISSUE: | \$30,355,000 |
| LaSalle Cost Summary - MUD 3 | | |
| 04-Mar-13 | | |

| LASALLE | | |
|--|--------------------------------------|---------------------|
| MUNICIPAL UTILITY DISTRICT NO. 4 | | |
| ESTIMATED SUMMARY OF COSTS | | |
| \$39,865,000 | | |
| Unlimited Tax Bonds | | |
| Construction Costs | | |
| Water | | \$ 4,685,625 |
| Wastewater | | \$ 5,355,000 |
| Drainage | | \$ 3,346,875 |
| Water Mains | | \$ 150,120 |
| Liftstations | | |
| One | | \$ - |
| Two | | \$ 469,800 |
| Force mains | | |
| One | | \$ - |
| Two | | \$ 876,960 |
| | Sub-Total: | \$ 14,884,380 |
| Contingency @ 15% | | |
| | | \$ 2,232,657 |
| | Sub-Total: | \$ 17,117,037 |
| Engineering @ 12% | | |
| | | \$ 2,054,044 |
| | Sub-Total: | \$ 19,171,081 |
| Impact Fee | | |
| City of Kyle (Water) | | \$ - |
| City of Kyle (Wastewater) | | \$ 4,886,280 |
| Maxwell WSC | | \$ 6,947,500 |
| County Line WSC | | \$ 825,000 |
| | Sub-Total: | \$ 12,658,780 |
| UPDATED REDUCED HARD COSTS (2/28/13): | | |
| | | |
| | TOTAL COSTS: | \$ 31,829,861 |
| Non-Construction Costs | | |
| Legal Fees (2%) | | \$797,300 |
| Financial Advisory Fees (2%) | | 797,300 |
| Capitalized Interest (1 yr @ 4.50%) | | 1,793,925 |
| Bond Discount (Estimated @ 3%) | | 1,195,950 |
| Bond Issuance Expenses | | 401,466 |
| Creation Costs | | 200,000 |
| Organization & Administration | | 150,000 |
| Operation Advances | | 100,000 |
| TCEQ Bond Issuance Fee (.25%) | | 99,663 |
| Bond Application Report | | 665,746 |
| AG Fees | | 39,865 |
| Developer Interest (2 yrs @ 4.50%) | | 1,793,925 |
| | TOTAL NON-CONSTRUCTION COSTS: | \$8,035,139 |
| | TOTAL BOND ISSUE: | \$39,865,000 |
| LaSalle Cost Summary - MUD 4 | | 04-Mar-13 |

| LASALLE | | |
|--|--------------------------------------|---------------------|
| MUNICIPAL UTILITY DISTRICT NO. 5 | | |
| ESTIMATED SUMMARY OF COSTS | | |
| \$26,645,000 | | |
| Unlimited Tax Bonds | | |
| Construction Costs | | |
| Water | | \$ 2,413,250 |
| Wastewater | | \$ 2,758,000 |
| Drainage | | \$ 1,723,750 |
| Water Mains | | \$ 600,480 |
| Liftstations | | |
| Two | | \$ 324,000 |
| Three | | \$ 360,000 |
| Forcemains | | |
| Two | | \$ 604,800 |
| Three | | \$ 432,000 |
| | Sub-Total: | \$ 9,216,280 |
| Contingency @ 15% | | \$ 1,382,442 |
| | Sub-Total: | \$ 10,598,722 |
| Engineering @ 12% | | \$ 1,271,847 |
| | Sub-Total: | \$ 11,870,569 |
| Impact Fee | | |
| City of Kyle (Water) | | \$ - |
| City of Kyle (Wastewater) | | \$ 3,507,928 |
| Maxwell WSC | | \$ 2,768,500 |
| County Line WSC | | \$ 2,970,000 |
| | Sub-Total: | \$ 9,246,428 |
| UPDATED REDUCED HARD COSTS (2/28/13): | | |
| | TOTAL COSTS: | \$ 21,116,997 |
| Non-Construction Costs | | |
| Legal Fees (2%) | | \$532,900 |
| Financial Advisory Fees (2%) | | 532,900 |
| Capitalized Interest (1 yr @ 4.50%) | | 1,199,025 |
| Bond Discount (Estimated @ 3%) | | 799,350 |
| Bond Issuance Expenses | | 276,574 |
| Creation Costs | | 200,000 |
| Organization & Administration | | 150,000 |
| Operation Advances | | 100,000 |
| TCEQ Bond Issuance Fee (.25%) | | 66,613 |
| Bond Application Report | | 444,972 |
| AG Fees | | 26,645 |
| Developer Interest (2 yrs @ 4.50%) | | 1,199,025 |
| | TOTAL NON-CONSTRUCTION COSTS: | \$5,528,003 |
| | TOTAL BOND ISSUE: | \$26,645,000 |

Table 12

UPDATED: March 1, 2013

| L.SALLE MUD No. 2 | | L.SALLE MUD No. 3 | |
|---|----------------|--|----------------|
| Number of LUEs: | 1,651 | Number of LUEs: | 2,277 |
| MULTIPLIED BY - Estimated Value Per LUE: | \$ 175,000 | MULTIPLIED BY - Estimated Value Per LUE: | \$ 175,000 |
| = Estimated Total Assessed Value: | \$288,925,000 | = Estimated Total Assessed Value: | \$398,475,000 |
| Construction Cost: | \$ 19,805,738 | Construction Cost: | \$24,144,229 |
| Plus Estimated Soft Cost: | \$ 5,184,262 | Plus Estimated Soft Cost: | \$ 6,210,771 |
| Equals Projected Total: | \$ 24,990,000 | Equals Projected Total: | \$30,355,000 |
| PROJECTED TOTAL BOND AMOUNT: | \$ 24,990,000 | PROJECTED TOTAL BOND AMOUNT: | \$ 30,355,000 |
| Est. Average Annual Payment for \$24,990,000: (4.50% for 20 years) | \$ 1,921,204 | Est. Avg. Annual Payment for \$30,355,000: (4.50% for 20 years) | \$ 2,333,555 |
| (DIVIDED BY) Projected Total AV: | \$288,925,000 | (DIVIDED BY) Projected Total AV: | \$398,475,000 |
| Projected Debt Service Tax Rate: | \$ 0.66 | Projected Debt Service Tax Rate: | \$ 0.59 |

BASED ON CURRENT MARKET INTEREST RATES

| L.SALLE MUD No. 4 | | L.SALLE MUD No. 5 | |
|--|----------------|--|----------------|
| Number of LUEs: | 2,205 | Number of LUEs: | 1,583 |
| MULTIPLIED BY - Estimated Value Per LUE: | \$ 175,000 | MULTIPLIED BY - Estimated Value Per LUE: | \$ 175,000 |
| = Estimated Total Assessed Value: | \$385,875,000 | = Estimated Total Assessed Value: | \$277,025,000 |
| Construction Cost: | \$ 31,829,861 | Construction Cost: | \$21,116,997 |
| Plus Estimated Soft Cost: | \$ 8,035,139 | Plus Estimated Soft Cost: | \$ 5,528,003 |
| Equals Projected Total: | \$ 39,865,000 | Equals Projected Total: | \$26,645,000 |
| PROJECTED TOTAL BOND AMOUNT: | \$ 39,865,000 | PROJECTED TOTAL BOND AMOUNT: | \$26,645,000 |
| Est. Avg. Annual Payment for \$39,865,000: (4.50% for 20 years) | \$ 3,064,700 | Est. Average Annual Payment for \$26,645,000 (4.50% for 20 years) | \$ 2,048,380 |
| (DIVIDED BY) Projected Total AV: | \$385,875,000 | (DIVIDED BY) Projected Total AV: | \$277,025,000 |
| Projected Debt Service Tax Rate: | \$ 0.79 | Projected Debt Service Tax Rate: | \$ 0.74 |

INFORMATION USED TO PREPARE FOR THE ABOVE CHART PROVIDED BY MURFEE ENGINEERING.

Water and Sewer Rates

Current water rates for Maxwell Water Supply Corporation, County Line Water Supply Corporation and the City of Kyle are shown in Tables 13, 14, and 15 respectively. Current wastewater rates for the City of Kyle are shown in Table 16

**Table 13
 Maxwell Water Supply Corporation Water Rates**

| | |
|-------------------------|----------------------------------|
| < 10,000 Gallons | \$7.00 + 7.25 / 1000 Gallons |
| 10,001 – 15,000 Gallons | \$70.00 + 7.25 / 1000 Gallons |
| 15,001 – 20,000 Gallons | \$106.25 + 7.50 / 1000 Gallons |
| > 20,000 Gallons | \$143.75 + \$7.75 / 1000 Gallons |

**Table 14
 County Line Water Supply Corporation Water Rates**

| METER SIZE | MONTHLY RATE |
|---------------------|-----------------------|
| 5/8" x 3/4" | \$35.00 |
| 3/4" | \$52.50 |
| 1" | \$87.50 |
| 1 1/2" | \$175.00 |
| 2" | \$280.00 |
| 3" | \$315.00 |
| Gallonage Charge | |
| < 10,000 Gallons | \$3.00 / 1000 Gallons |
| 10 – 15,000 Gallons | \$3.25 / 1000 Gallons |
| 15 – 20,000 Gallons | \$3.50 / 1000 Gallons |
| > 20,000 | \$3.75 / 1000 Gallons |

Table 15
City of Kyle Water Rates

| | | |
|---|---------------------------|---------|
| Outside City Limits | Single Family Residential | |
| | < 4,000 Gallons | \$3.96 |
| | 4,001 – 8,000 Gallons | \$4.94 |
| | 8,001 – 12,000 Gallons | \$5.92 |
| | 12,001 – 16,000 Gallons | \$6.92 |
| | 16,001 – 20,000 Gallons | \$7.90 |
| | 20,001 – 30,000 Gallons | \$8.89 |
| | 30,001 – 50,000 Gallons | \$9.87 |
| | > 50,001 Gallons | \$11.84 |
| | Multifamily Residential | |
| | 1 – 99,999,999 Gallons | \$7.13 |
| | Commercial | |
| | 1 – 99,999,999 Gallons | \$7.13 |
| | Irrigation | |
| | 1 – 99,999,999 Gallons | \$8.32 |
| | Construction | |
| | 1 – 99,999,999 Gallons | \$5.94 |
| Emergency Interconnect Wholesale Water Rate (per 1,000 gallons) | | |
| | \$4.14 | |

Table 16
City of Kyle Wastewater Rates

| | | |
|---------------------|-----------------------|---------------|
| Outside City Limits | Residential | \$3.42 / 1000 |
| | Non-Residential | \$3.86 / 1000 |
| | Commercial Sewer Only | \$3.86 / 1000 |

Section 9.0

ALTERNATIVES FOR PROVIDING WATER AND WASTEWATER UTILITIES

Water

As previously discussed, LaSalle MUDs 2 and 3 are located entirely within the City of Kyle's Water Certificated Area of Convenience and Necessity (CCN No. 11024) and therefore will receive water from the City of Kyle. LaSalle MUDs 4 and 5 are both situated partially within the Maxwell Water Supply Corporation's (WSC) water CCN (CCN No. 10293) and the County Line WSC's CCN (CCN No. 10292). Discussions with personnel or staff of both Maxwell WSC and County Line WSC indicate that both of these WSCs intend to serve their respective portions of each District. Due to the lack of any apparent readily available alternative water supply source and the stated willingness of personnel from each of the supplying jurisdictions the Districts have no other water service alternatives at this time.

Wastewater

As previously discussed, LaSalle MUDs 2 and 3 are located wholly within the City of Kyle's wastewater CCN (CCN No. 20410). LaSalle MUDs 4 and 5 are not located within any wastewater CCN. From discussion with City of Kyle staff, the City agrees to provide service to the four LaSalle MUDs at the location of its existing wastewater treatment plant. LaSalle MUDs 4 and 5 could possibly be served by a separate permitted wastewater treatment plant. However it is doubtful that the TCEQ would issue a permit for such a facility if the City of Kyle is willing to provide service through their existing readily available facilities. Therefore it does not appear that the LaSalle MUDs have any other wastewater treatment options at this time.

Section 10.0

POTENTIAL EFFECTS OF PROPOSED DEVELOPMENT

This section presents an evaluation of the potential physical effects that the development of the proposed District may have on the existing area in accordance with the rules of the TCEQ. This information is used in an effort to identify and develop mitigation measures, if any, to minimize and eliminate significant and potentially significant adverse impacts.

Since any type of land development will have some impact on the area involved, it is important to evaluate the potential effects to determine their magnitude and develop mitigation measures to minimize or eliminate adverse impacts. This section comments on the areas specified in the rules of the TCEQ, specifically 30 TAC Section 293.11.

Land Elevation

As shown in Appendix B, the topography within the District is generally characterized as less than 15% with only a small exception primarily within LaSalle MUD No. 4. Ground level elevation differentials across each of the Districts are minimal, generally in the 10 – 20 foot range. The land elevations will be affected locally by the grading required to implement appropriate drainage to protect structures and downstream run-off peaking conditions. As is typical for developments on gently rolling terrain such as exists in the District, the impacts to land elevation will be the minimum possible and balanced between cut and fill such that no appreciable amounts of earth are required to be imported or disposed of off-site. Due to the construction of several stock ponds across the proposed District through the years, the largest effects on land elevation will result from leveling the ponds to create suitable grades for streets and building pads.

Subsidence

The District's infrastructure system improvements and the subsequent development are not foreseen to have any impact on subsidence. The most common conditions causing subsidence, which include oil and gas extraction, mining, limestone dissolution, and groundwater pumping, will not be present within the District's boundaries and are unlikely to be realized anywhere within the immediate area.

Groundwater Level

The Districts are not anticipated to have any effect on groundwater levels in the area primarily due to the fact that groundwater resources will not be used to serve the Districts' water needs. Additionally, due to the relative lack of feasibility of development

of groundwater resources in the area, development around the Districts that may be indirectly influenced by the Districts are also unlikely to have any effect on groundwater levels.

Recharge Capability of a Groundwater Source

As described above in Section 2.0, the District is underlain by thick layers of heavy clay soils with characteristically low permeability and transmissivity. As such, the hydrogeology of the District does not favor recharge of groundwater resources and that condition is not anticipated to change or be affected in any way by construction of infrastructure improvements within the District or by the subsequent development. In addition this area has not been identified by the TCEQ as a recharge area.

Natural Run-off Rates & Drainage

Natural run-off rates and drainage will not significantly be affected by the development. Local land development codes will require the installation of stormwater control and detention facilities to maintain runoffs rates at near preexisting conditions. In addition, as discussed above topographical slopes in the area are generally less than 15% and it is not anticipated that these slopes will be increased through development.

Water Quality

Similarly to run-off effects, the development within the Districts will adhere to City of San Marcos' water quality design standards. It is envisioned that the development design will include water quality control structures.

Section 11.0 JUSTIFICATION FOR CREATION

To determine the economic feasibility of development through the creation of municipal utility districts, an absorption study with respective assessed real estate values will be completed. This study will be based on historical growth trends within this geographical area and the proposed land use plan presented in this report. Table 17 provides a summary of the estimated assessed value, total bondable cost recovery, and projected tax rate for each of the proposed Districts.

Table 17

| District | Assessed Value | Projected Bond Recovery | Project Tax Rate (\$ / \$100) |
|---------------|----------------|-------------------------|----------------------------------|
| LaSalle MUD 2 | \$288,925,000 | \$24,990,000 | \$0.66 |
| LaSalle MUD 3 | \$398,475,000 | \$30,555,000 | \$0.59 |
| LaSalle MUD 4 | \$385,875,000 | \$39,865,000 | \$0.79 |
| LaSalle MUD 5 | \$277,025,000 | \$26,950,000 | \$0.74 |

It should be noted that the tax rate provided herein is based on a 4.5% interest rate which is prevalent at this time. Nonetheless the projected tax rates are shown to be feasible.

Water and wastewater service utilities are not currently available to the site. Part of the District's function is to finance the extension of utility service. This service will be provided by the City of Kyle or other certificate holders.

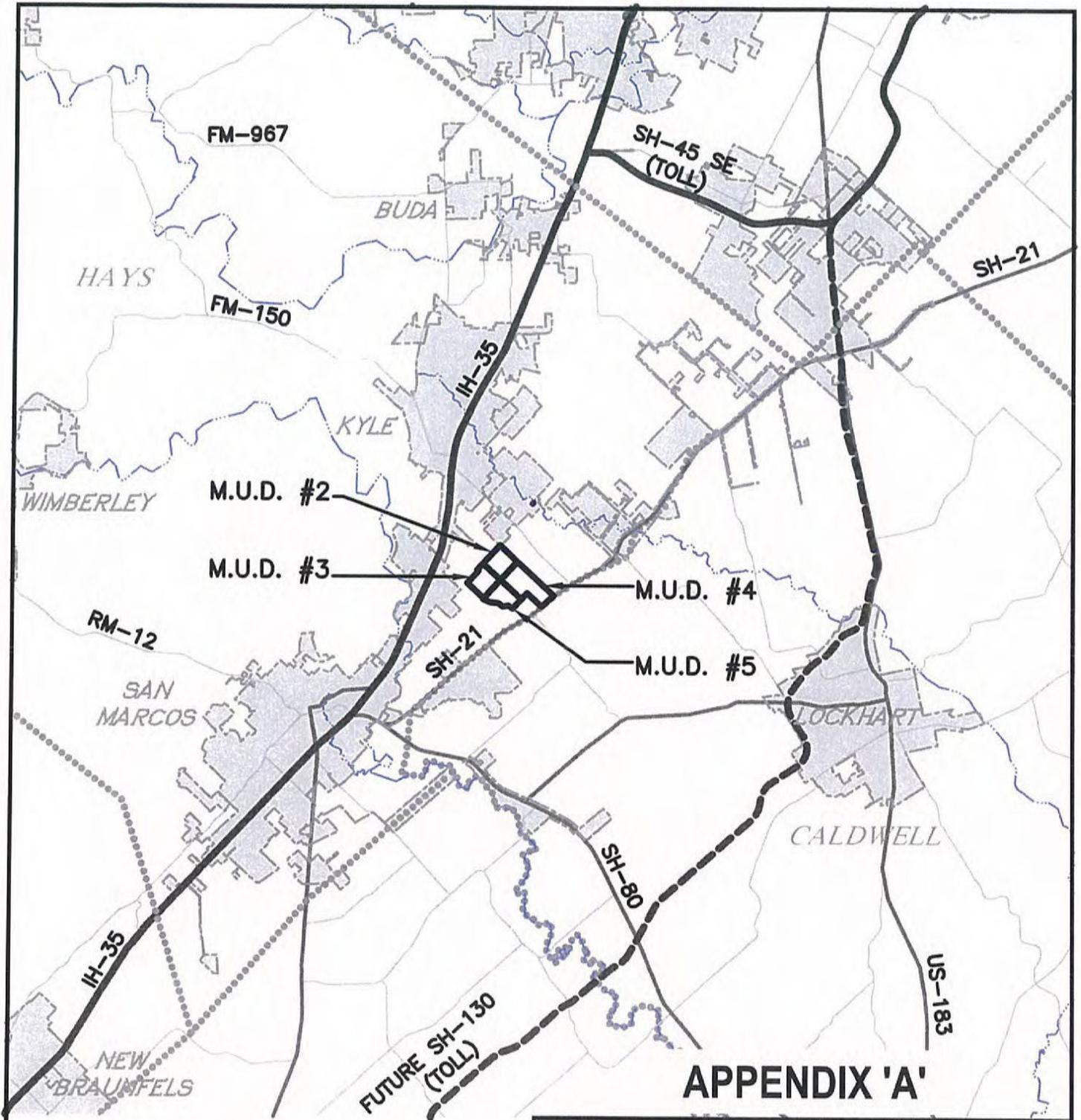
The design and construction of the necessary water, wastewater, and drainage facilities proposed herein are also considered a technically feasible approach for providing utility service for the benefit of all the property included in the proposed District. If the planned development for this District is determined to be both economically and technically feasible and provides for expanded utilities to accommodate the centralization of water and wastewater service, it is recommended that the proposed LaSalle Municipal Utility Districts be created.

The development is expected to energize economic development and job creation in the area. The project has plans for a corporate campus and other commercial enterprises. This job growth will augment San Marcos' already thriving economy. Finally, the property owners are committed to following the City of San Marcos' Master Plan, which will be addressed in the Developer's Agreement. As the City of San Marcos will not be providing any service to the project there will be no impact on costs to users of the City's utilities.



APPENDIX A

GENERAL LOCATION MAP



APPENDIX 'A'



NOT TO SCALE



Murfee Engineering Company

LaSALLE M.U.D.'s #2, #3, #4 & #5 GENERAL LOCATION MAP

1101 Capital of Texas Highway South, Building D, Suite 110, Austin, Texas 78746 (512) 327-9204

Texas Registered Engineering Firm F-353

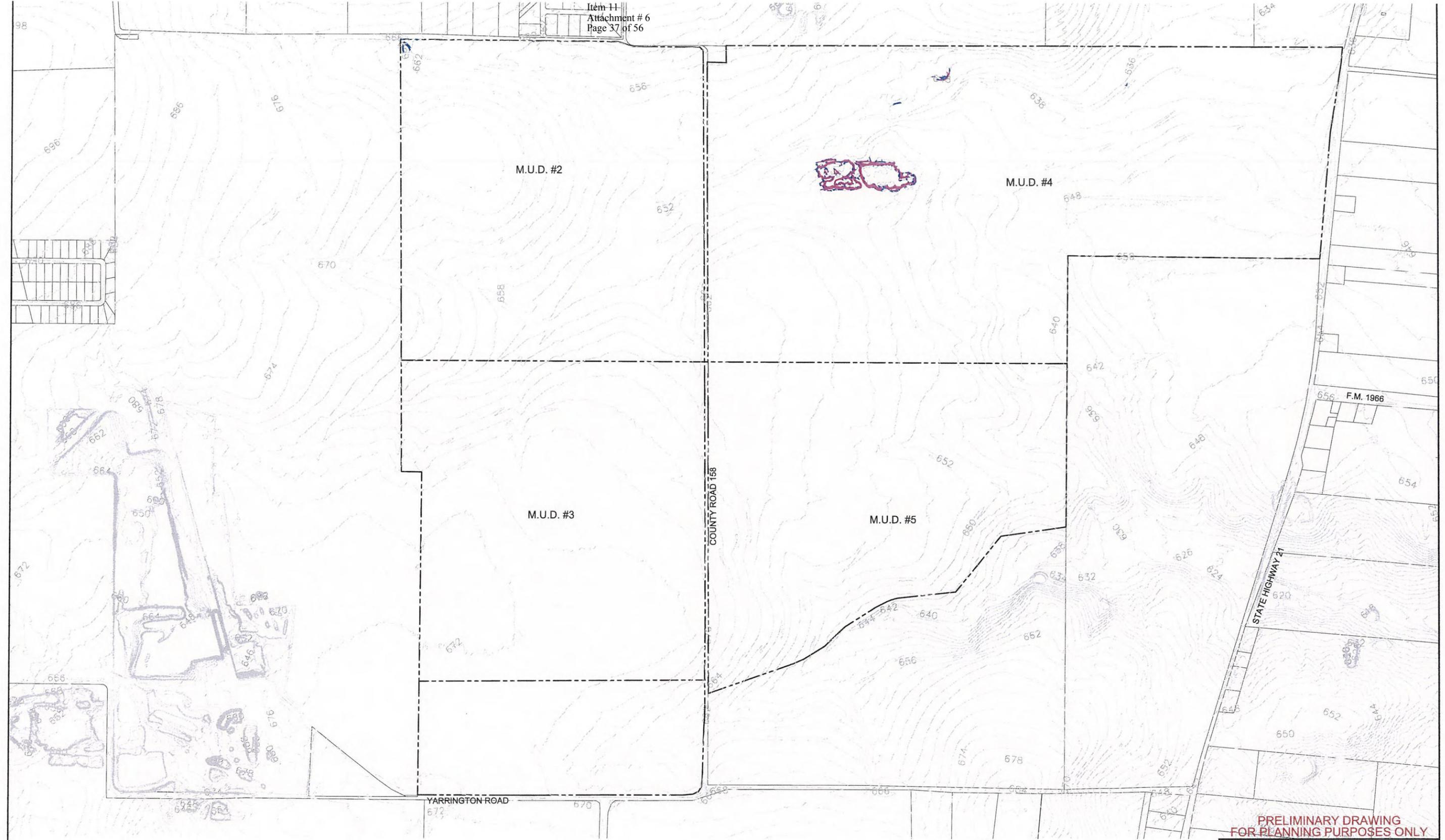
FILE(LAYOUT): O:\09\029\10\09-029.10-MUD-LOCATION.dwg(LOCATION)

DATE: 9/11/2012



APPENDIX B

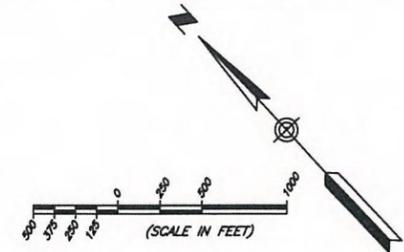
TOPOGRAPHIC MAP AND SLOPE MAP



SLOPE LEGEND

| | |
|--|---------------|
| | SLOPES 0-15% |
| | SLOPES 15-25% |
| | SLOPES >25% |

NOTE:
1. TWO FOOT CONTOUR INTERVALS PER CITY OF SAN MARCOS GEOGRAPHICAL INFORMATION SYSTEMS DATA.

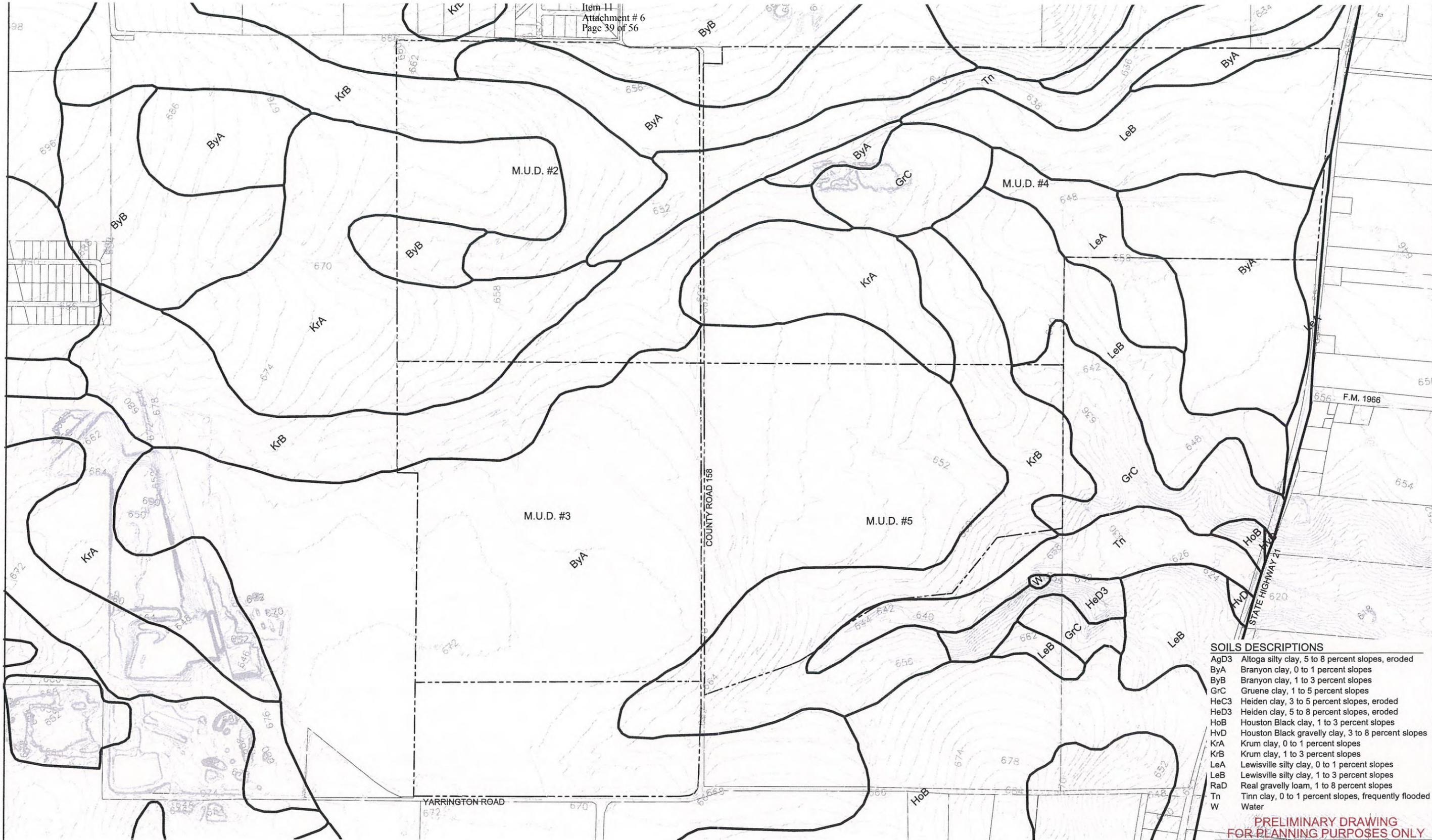


PRELIMINARY DRAWING FOR PLANNING PURPOSES ONLY

| | | | | | |
|---|-----------|----------------------------|-----------|---|--------|
| | | Murfee Engineering Company | | Texas Registered Engineering Firm F-353 | |
| APPENDIX 'B' | | | | | |
| LaSALLE M.U.D.'s #2, #3, #4 & #5 | | | | | |
| TOPOGRAPHIC MAP & SLOPE MAP | | | | | |
| 1101 Capital of Texas Highway South, Building D, Suite 110, Austin, Texas 78746, (512) 327-9204 | | | | | |
| JOB NO. | 09-029.10 | SCALE: | AS NOTED | SHEET: | 1 OF 1 |
| DESIGNED BY: | DAM | DATE: | 8/31/2012 | | |
| DRAWN BY: | RWH | DATE: | 9/26/2012 | | |
| FILE[LAYOUT]: O:\09\029\10\09-029.10-CONTOUR-BASE.dwg(CONTOUR) | | | | | |

APPENDIX C

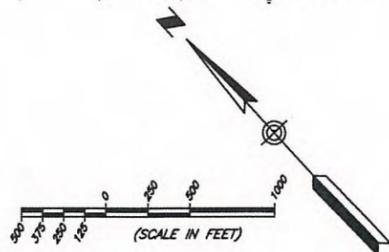
SOILS MAP



- SOILS DESCRIPTIONS**
- AgD3 Altoga silty clay, 5 to 8 percent slopes, eroded
 - ByA Branyon clay, 0 to 1 percent slopes
 - ByB Branyon clay, 1 to 3 percent slopes
 - GrC Gruene clay, 1 to 5 percent slopes
 - HeC3 Heiden clay, 3 to 5 percent slopes, eroded
 - HeD3 Heiden clay, 5 to 8 percent slopes, eroded
 - HoB Houston Black clay, 1 to 3 percent slopes
 - HvD Houston Black gravelly clay, 3 to 8 percent slopes
 - KrA Krum clay, 0 to 1 percent slopes
 - KrB Krum clay, 1 to 3 percent slopes
 - LeA Lewisville silty clay, 0 to 1 percent slopes
 - LeB Lewisville silty clay, 1 to 3 percent slopes
 - RaD Real gravelly loam, 1 to 8 percent slopes
 - Tn Tinn clay, 0 to 1 percent slopes, frequently flooded
 - W Water

PRELIMINARY DRAWING FOR PLANNING PURPOSES ONLY

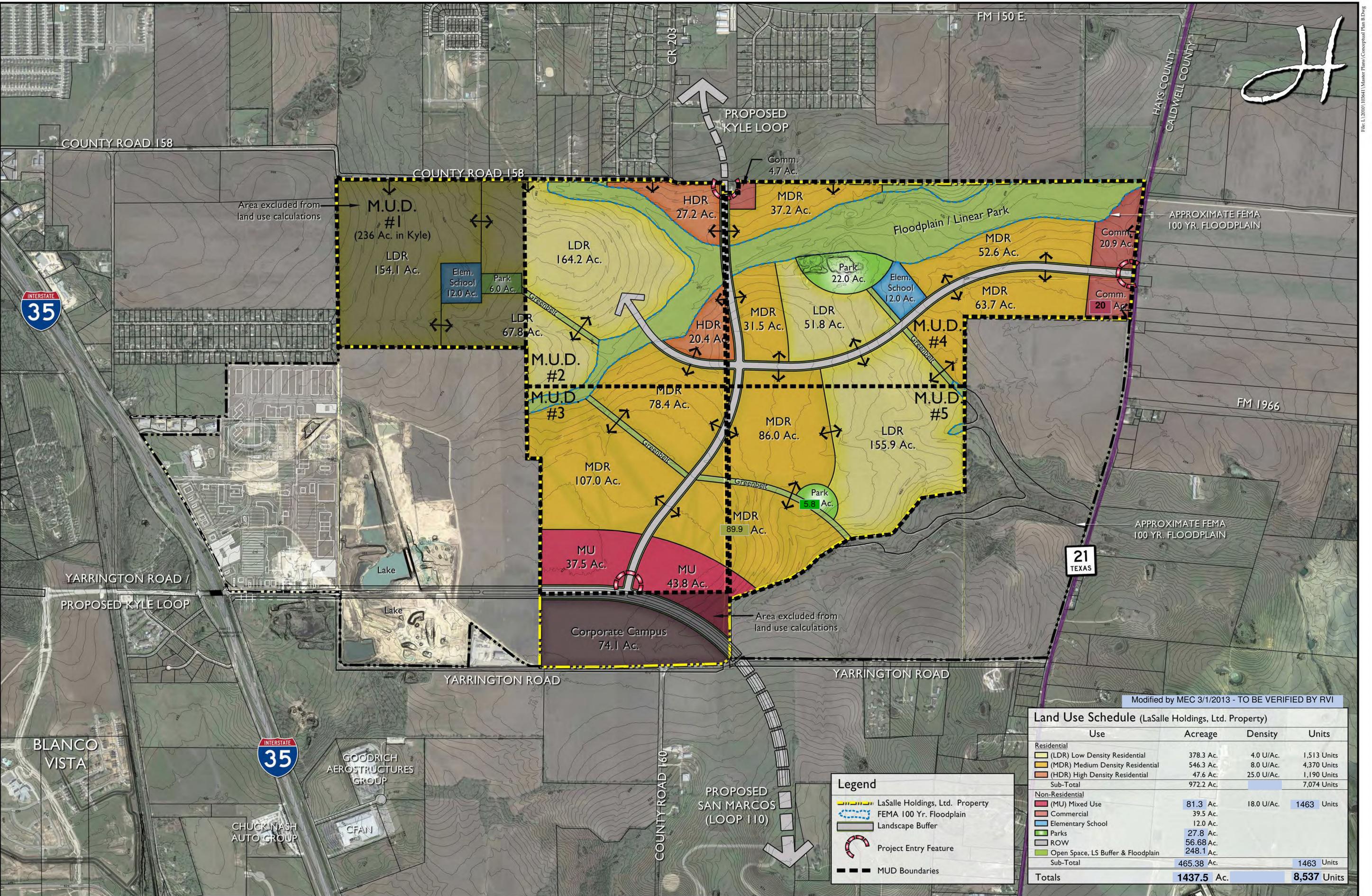
LEGEND
—— SOILS BOUNDARY



| | | |
|---|-----------------|---|
| MEC Murfee Engineering Company | | Texas Registered Engineering Firm F-383 |
| APPENDIX 'C' LaSALLE M.U.D.'s #2, #3, #4 & #5 SOILS MAP | | |
| 1101 Capital of Texas Highway South, Building D, Suite 110, Austin, Texas 78746, (512) 327-9204 | | |
| JOB NO. 09-028.10 | SCALE: AS NOTED | SHEET: 1 OF 1 |
| DESIGNED BY: DAM | DATE: 8/31/2012 | |
| DRAWN BY: RWH | DATE: 9/28/2012 | |
| FILE(LAYOUT): 0:\09\028\10\09-028.10-CONTOUR-BASE.dwg(SOILS) | | |

APPENDIX D

GENERAL LAND USE PLAN



Modified by MEC 3/1/2013 - TO BE VERIFIED BY RVI

| Land Use Schedule (LaSalle Holdings, Ltd. Property) | | | | |
|---|--------------------|------------|--------------------|--|
| Use | Acreage | Density | Units | |
| Residential | | | | |
| (LDR) Low Density Residential | 378.3 Ac. | 4.0 U/Ac. | 1,513 Units | |
| (MDR) Medium Density Residential | 546.3 Ac. | 8.0 U/Ac. | 4,370 Units | |
| (HDR) High Density Residential | 47.6 Ac. | 25.0 U/Ac. | 1,190 Units | |
| Sub-Total | 972.2 Ac. | | 7,074 Units | |
| Non-Residential | | | | |
| (MU) Mixed Use | 81.3 Ac. | 18.0 U/Ac. | 1,463 Units | |
| Commercial | 39.5 Ac. | | | |
| Elementary School | 12.0 Ac. | | | |
| Parks | 27.8 Ac. | | | |
| ROW | 56.68 Ac. | | | |
| Open Space, LS Buffer & Floodplain | 248.1 Ac. | | | |
| Sub-Total | 465.38 Ac. | | 1,463 Units | |
| Totals | 1,437.5 Ac. | | 8,537 Units | |

Legend

- LaSalle Holdings, Ltd. Property
- FEMA 100 Yr. Floodplain
- Landscape Buffer
- Project Entry Feature
- MUD Boundaries

APPENDIX E

FLOODPLAIN MAPS

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The community map repository should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where Base Flood Elevations (BFEs) and/or Floodways have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies the FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Boundaries of the floodways were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by flood control structures. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures in the jurisdiction.

The projection used in the preparation of this map was Universal Transverse Mercator (UTM) zone 14. The horizontal datum was NAD 83, GRS80 spheroid. Differences in datum, spheroid projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to actual and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at www.ngs.noaa.gov or contact the National Geodetic Survey at the following address:

Spatial Reference System Division
National Geodetic Survey, NOAA
Silver Spring Metro Center
1215 East-West Highway
Silver Spring, Maryland 20910
(301) 713-3121

To obtain current elevation, description, and/or location information about the bench marks shown on the map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit their website at www.ngs.noaa.gov.

Base map information shown on this FIRM was derived from Texas Natural Resources Information System Digital Orthorectified Quadangles (DOQs) provided at a scale of 1:12,000 from photography dated 1995.

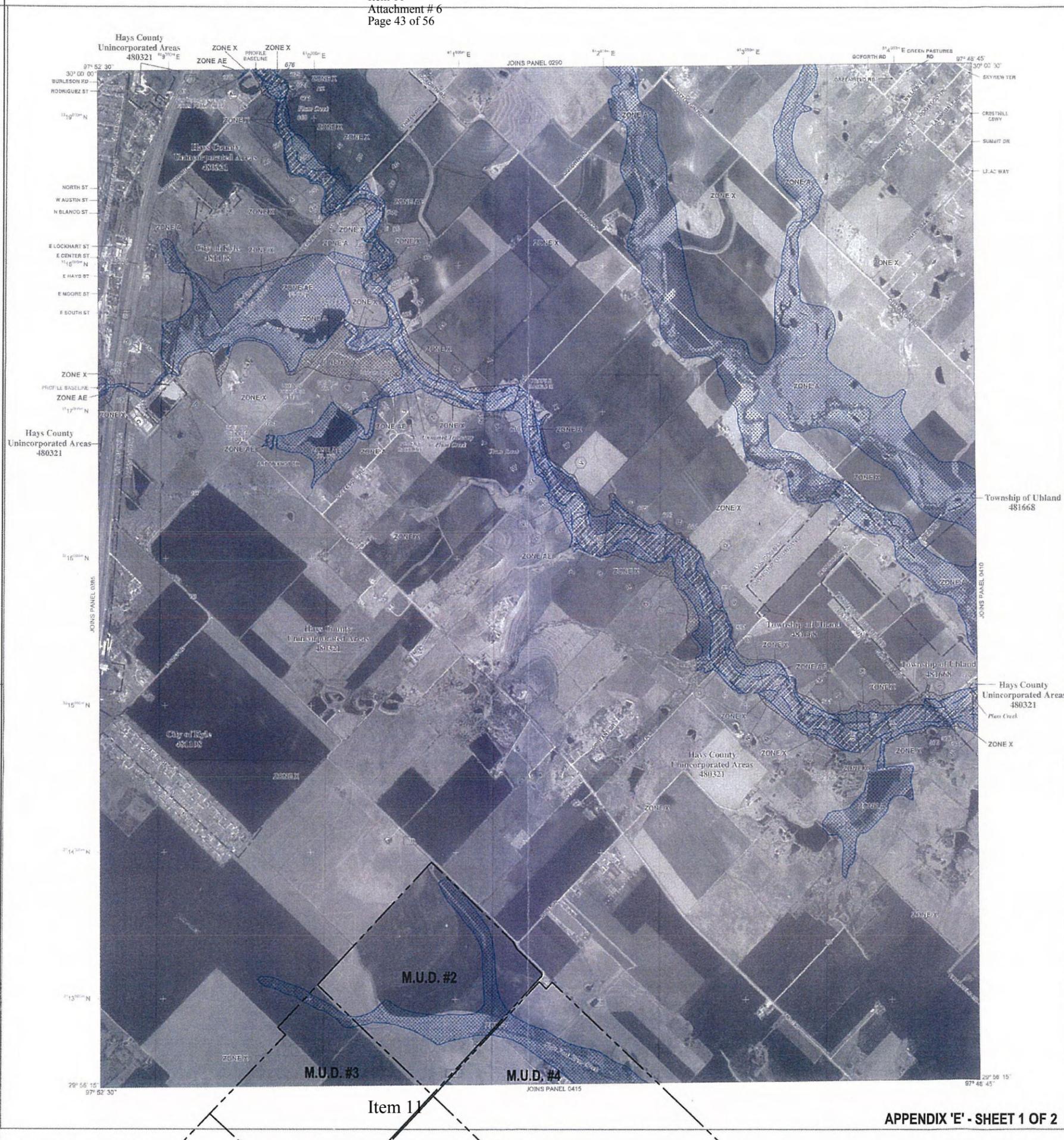
This map reflects more detailed up-to-date stream channel configurations than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study report (which contain authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after the map was published, map users should contact appropriate community officials to verify current corporate line locations.

Please refer to the separately printed Map Index for an overview map of the county showing the layout of map panels, community map repository addresses, and a listing of Communities table containing National Flood Insurance Program data for each community as well as a listing of the panels on which each community is located.

Contact the FEMA Map Service Center at 1-800-358-9616 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Service Center may also be reached by Fax at 1-800-358-9620 and their website at www.fema.gov/mfc.

If you have questions about this map or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA-MAP (1-877-352-2677) or visit the FEMA website at www.fema.gov.



LEGEND

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual chance flood (100-year flood) is known as the "base flood" to the flood plain. This is the 1% chance of being equalled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zone A, AE, AH, AD, AR, A99, V, and VE. The Base Flood Elevation is the water surface elevation of the 1% annual chance flood.

ZONE A
No Base Flood Elevations determined.

ZONE AE
Base Flood Elevations determined.

ZONE AH
Areas subject to 1 to 3 feet (30 to 90 cm) of flooding. Base Flood Elevation determined.

ZONE AD
Flood depths of 1 to 3 feet (30 to 90 cm) on sloping terrain; average depth determined. For areas of flood for flooding, no special flood hazard.

ZONE AR
Special Flood Hazard Areas formerly delineated from the 1% annual chance flood by a flood control system that was subsequently decommissioned. Zone AR areas have the same flood control system as being delineated to provide protection from the 1% annual chance or greater flood.

ZONE A99
Areas to be protected from 1% annual chance flood by a Federal flood protection system under construction to Base Flood Elevations determined.

ZONE V
Coastal flood zone with velocity hazard (wave action). No Base Flood Elevations determined.

ZONE VE
Coastal flood zone with velocity hazard (wave action). Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment to that the 1% annual chance flood can be carried without substantial increases in flood height.

OTHER FLOOD AREAS

ZONE X
Areas of 2% annual chance flood, areas of 1% annual chance flood with average depths of less than 1 foot or with storage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X
Areas determined to be outside the 0.2% annual chance floodplain.

ZONE D
Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally updated within or adjacent to Special Flood Hazard Areas.

- 1% annual chance floodplain boundary
- 0.2% annual chance floodplain boundary
- Floodway boundary
- Zone D boundary
- CBRS and OPA boundary
- Boundary of Special Flood Hazard Areas of different Base Flood Elevations. See legend for details.
- Base Flood Elevation line and value. Elevation in feet.
- (EL 987)
- Base Flood Elevation value where uniform within section. Elevation in feet.
- Reference to the North American Vertical Datum 1988
- 1:500 scale Universal Transverse Mercator grid cells, zone 14
- Grid north 1000 coordinate in Notes to Users section of the FIRM panel.
- 1:500 scale
- 1:500 scale

MAP REPOSITORY
Refer to listing of Map Repositories on this index.

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP
FEBRUARY 18, 2005

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL
September 2, 2005. In update corporate limits and map format to add roads and road names, and to incorporate previously issued Letters of Map Revision.

For Community map revision history, refer to community map history table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-438-9520.



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0405F

FIRM

FLOOD INSURANCE RATE MAP

HAYS COUNTY, TEXAS AND INCORPORATED AREAS

PANEL 405 OF 495

SEE MAP INDEX FOR FIRM PANEL LAYOUT.

| COMMUNITY | NUMBER | PANEL | SHEET |
|--------------------|--------|-------|-------|
| HAYS COUNTY | 480321 | 0405F | F |
| ROYLE CITY OF | 481108 | 0405F | F |
| UHLAND TOWNSHIP OF | 481900 | 0405F | F |

Note to User: The Map Number shown below should be used when placing map orders. The Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
48209C0405F

MAP REVISED
SEPTEMBER 2, 2005

Federal Emergency Management Agency

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The community map repository should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where Base Flood Elevations (BFEs) and/or Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIR, users should be aware that BFEs shown on the FIR represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIR for purposes of construction and/or floodplain management.

Boundaries of the floodways were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with respect to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by flood control structures. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures in this jurisdiction.

The projection used in the preparation of this map was Universal Transverse Mercator (UTM) zone 14. The horizontal datum was NAD 83, GRS80 spheroid. Differences in datum, spheroid projection or UTM zones used in the production of FIRs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of the FIR.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at www.ngs.noaa.gov or contact the National Geodetic Survey at the following address:

Sealair Reference System Division
National Geodetic Survey, NOAA
Silver Spring Metro Center
1315 East-West Highway
Silver Spring, Maryland 20910
(301) 713-3131

To obtain current elevation, description, and/or location information about the bench marks shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit their website at www.ngs.noaa.gov.

Base map information shown on this FIR was derived from Texas Natural Resources Information System Digital Orthophoto Quadrangles (DOQs) produced at a scale of 1:112,000 from photographic data 1993.

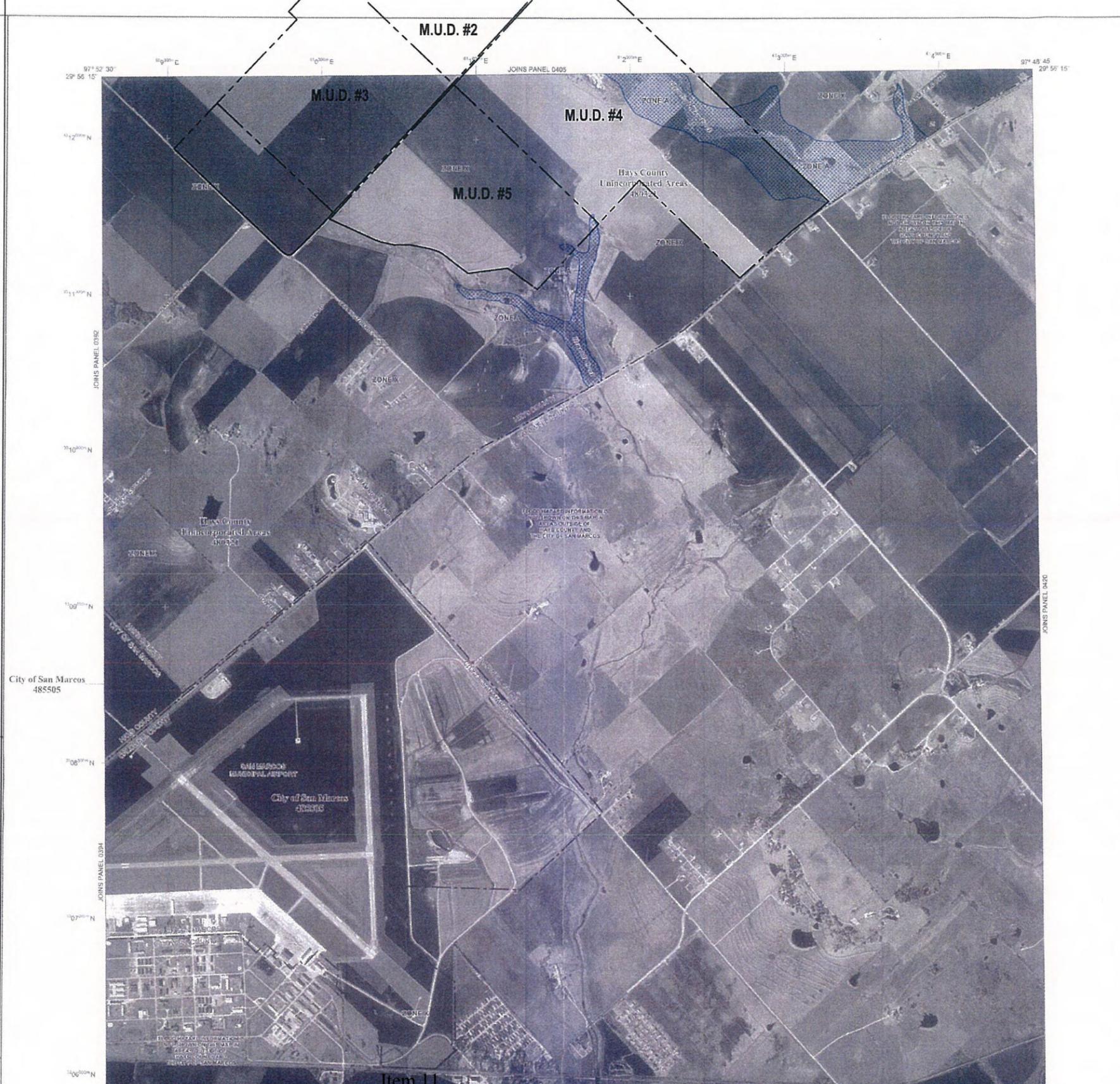
This map reflects more detailed up-to-date stream channel configurations than those shown on the previous FIR for this jurisdiction. The floodplains and floodways that were transferred from the previous FIR may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or dis-annexations may have occurred since this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed Map Index for an overview map of the county showing the layout of map panels, community map repository addresses, and a listing of Communities table containing National Flood Insurance Program data for each community as well as a listing of the panels on which each community is located.

Contact the FEMA Map Service Center at 1-800-358-9616 for information on available products associated with this FIR. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of the map. The FEMA Map Service Center may also be reached by Fax at 1-800-358-9620 and their website at www.fema.gov/mssc.

If you have questions about this map or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA-MAP (1-877-352-6271) or visit the FEMA website at www.fema.gov.



LEGEND

- SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD
The 1% annual chance flood (100-year flood) also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zone A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.
- ZONE A
No Base Flood Elevations determined.
- ZONE AE
Base Flood Elevations determined.
- ZONE AH
Flood depths of 1 to 3 feet (usually) areas of ponding. Base Flood Elevations determined.
- ZONE AO
Flood depths of 1 to 3 feet (usually) under flow or sloping terrain; average depths determined. For areas of alluvial fan flooding, velocities also determined.
- ZONE AR
Special Flood Hazard Areas formerly included in the 1% annual chance flood by a flood control system that was subsequently removed. Zone AR includes all the former flood control system as being subject to on-site protection, for the 1% annual chance flood or greater flood.
- ZONE A99
Areas to be protected from 1% annual chance flood by a Federal flood production system under construction; no Base Flood Elevations determined.
- ZONE V
Coastal flood zone with velocity hazard (waves and/or) no Base Flood Elevations determined.
- ZONE VE
Coastal flood zone with velocity hazard (waves and/or) no Base Flood Elevations determined.
- FLOODWAY AREAS IN ZONE AE
The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried around, under and through flood heights.
- OTHER FLOOD AREAS
ZONE X
Areas of 0.2% annual chance flood areas of 1% annual chance flood with average depths of less than 1 foot in floodway areas. Areas of 1 to 3 feet in floodway areas and areas protected by areas from 1% annual chance flood.
- OTHER AREAS
ZONE X
Areas determined to be outside the 0.2% annual chance floodway.
- ZONE D
Areas in which flood hazards are undetermined, but possible.
- COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS
CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.
- OTHERWISE PROTECTED AREAS (OPAs)
OPAs are normally located within or adjacent to Special Flood Hazard Areas.
- 1% annual chance floodplain boundary
- 0.2% annual chance floodplain boundary
- Floodway boundary
- Zone D boundary
- CBRS and OPA boundary
- Boundary, Existing Special Flood Hazard Areas of Off-and On-site Flood Control, Flood Depths or Flood Velocities
- Base Flood Elevation line and value (elevation in feet)
- Base Flood Elevation as shown where uniform within zone; elevation in feet
- (EL 987)
- Reference to the North American Vertical Datum 1988
- Circle section line
- Traction line
- Geographic coordinates referenced to the North American Datum of 1983 (NAD 83); Western Hemisphere
- 100 meter Universal Transverse Mercator grid values; zone 14
- Bench mark (see explanation in notes to users section of this FIR)
- Well
- MAP REPOSITORY
Refer to listing of Map Repositories on Map Index
- EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP
FEBRUARY 16, 1998
- EFFECTIVE DATE(S) OF REVISIONS TO THIS PANEL
- September 2, 2015 - to update corporate limit and map format, include roads and mail routes and to incorporate previously issued Letters of Map Revision
- For Community information history prior to community meeting, refer to the community Map History table located in the Flood Insurance Study report for this jurisdiction
- To determine if flood insurance is available in the community, contact your insurance agent or call the National Flood Insurance Program at 1-866-636-6323

NFIP
NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0415F

FIRM
FLOOD INSURANCE RATE MAP
HAYS COUNTY, TEXAS
AND INCORPORATED AREAS

PANEL 415 OF 495

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

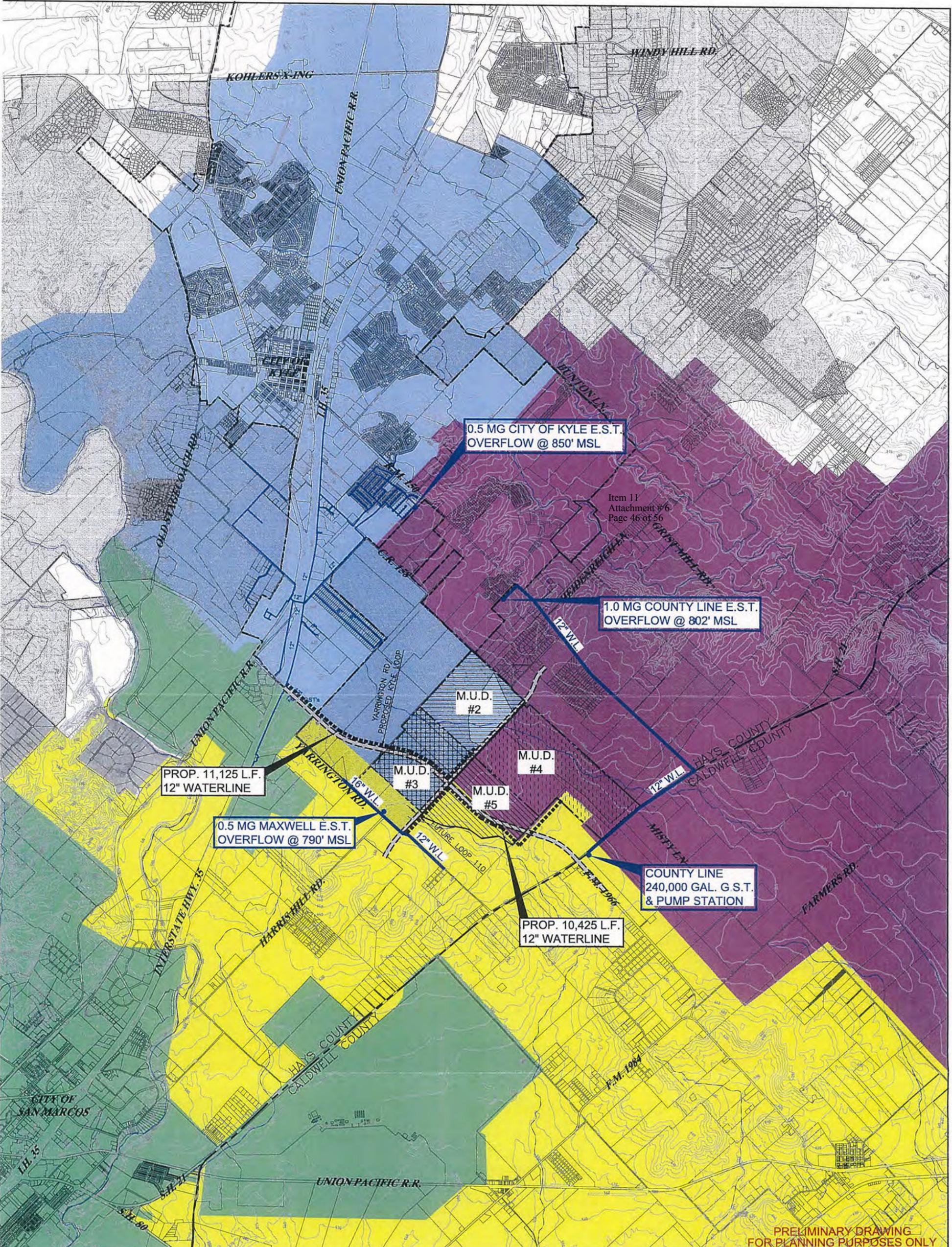
| COMMUNITY | MINIMUM | EXCESS | SURTY |
|--------------------|---------|--------|-------|
| HAYS COUNTY | 48505 | 48515 | |
| SAN MARCOS CITY OR | 48505 | 0415 | F |

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
48209C0415F

APPENDIX F

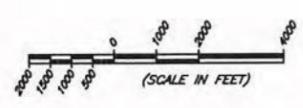
WATER SERVICE PLAN



Item 11
Attachment #6
Page 46 of 56

LEGEND

| | |
|--|---------------------------------|
| | KYLE CITY LIMITS |
| | KYLE E.T.J. |
| | KYLE EXISTING WATER UTILITIES |
| | FUTURE ROADWAY ALIGNMENTS |
| | PROPOSED W.W. FORCE MAIN |
| | CITY OF KYLE WATER C.C.N. |
| | CITY OF SAN MARCOS WATER C.C.N. |
| | COUNTY LINE W.S.C. WATER C.C.N. |
| | MAXWELL W.S.C. WATER C.C.N. |

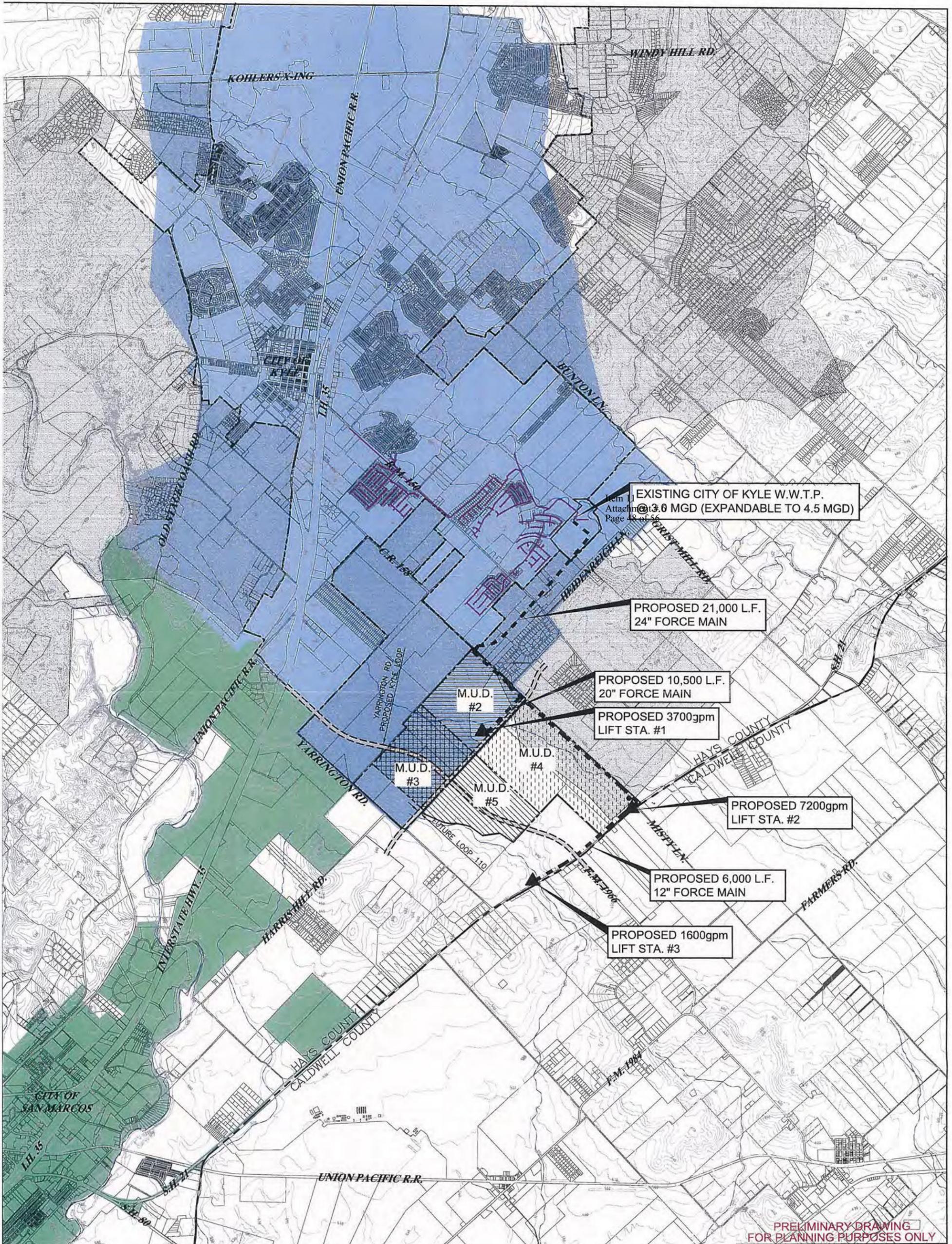


PRELIMINARY DRAWING FOR PLANNING PURPOSES ONLY

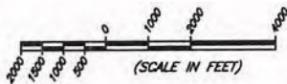
| | | | | | |
|---|-----------|----------------------------|-----------|---|--------|
| | | Murfee Engineering Company | | Texas Registered Engineering Firm F-353 | |
| APPENDIX 'F' | | | | | |
| LaSALLE M.U.D.'s #2, #3, #4 & #5 | | | | | |
| WATER UTILITIES MAP | | | | | |
| 1101 Capital of Texas Highway South, Building D, Suite 110, Austin, Texas 78745, (512) 327-9204 | | | | | |
| JOB NO. | 09-029.10 | SCALE: | AS NOTED | SHEET: | 1 OF 1 |
| DESIGNED BY: | DAM | DATE: | 7/22/2010 | | |
| DRAWN BY: | RWH | DATE: | 9/28/2012 | | |
| FILE(LAYOUT): O:\09\029\10\09-029.10-UTILITY.dwg(WTR) | | | | | |

APPENDIX G

WASTEWATER SERVICE PLAN



- LEGEND**
- KYLE CITY LIMITS
 - KYLE E.T.J.
 - KYLE EXISTING W.W. UTILITIES
 - FUTURE ROADWAY ALIGNMENTS
 - PROPOSED W.W. FORCE MAIN
 - CITY OF KYLE SEWER C.C.N.
 - CITY OF SAN MARCOS SEWER C.C.N.

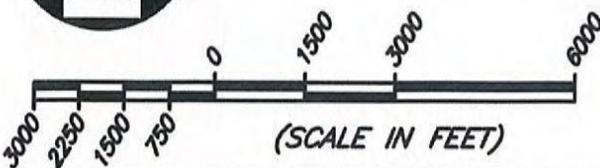
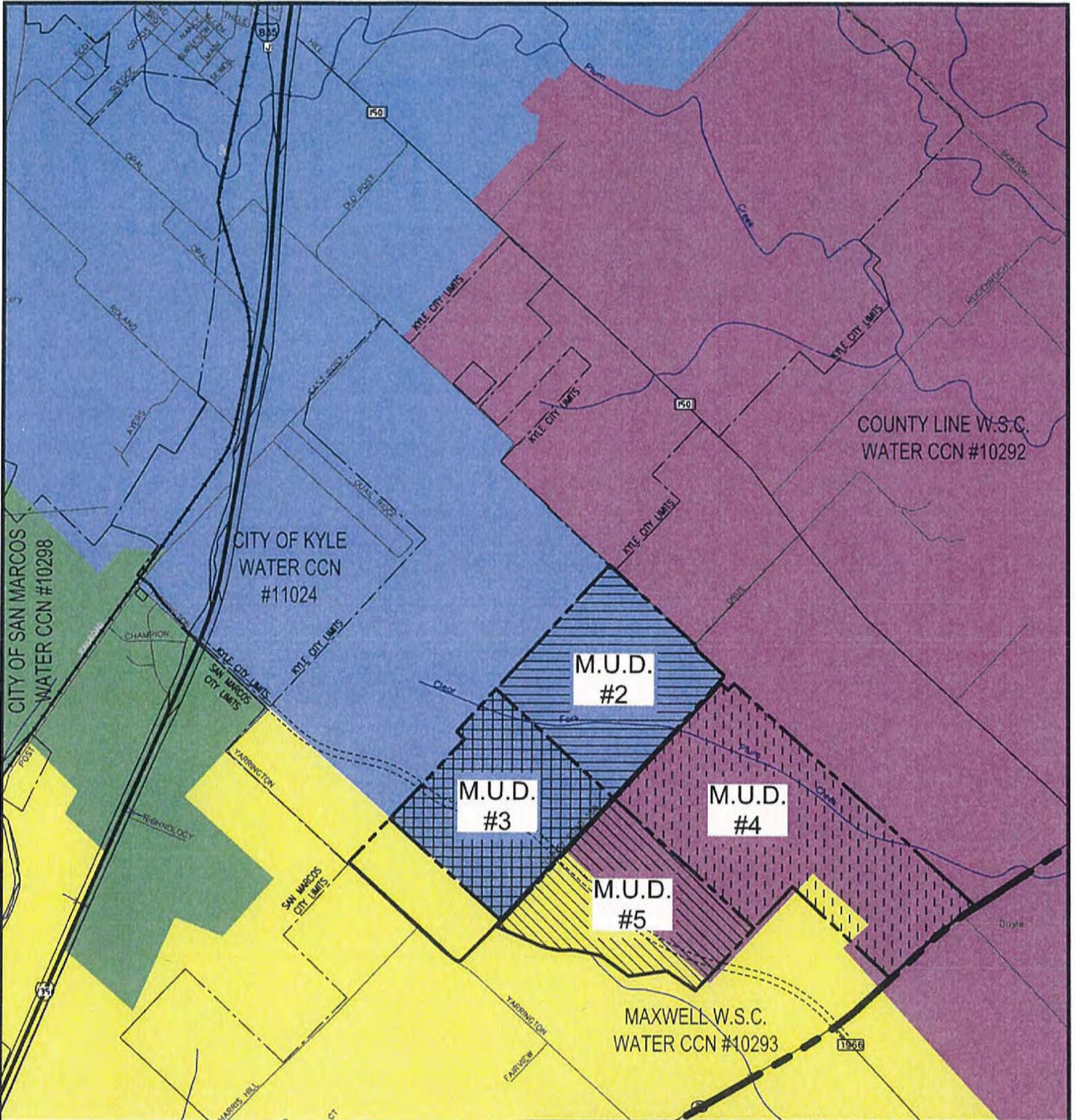


PRELIMINARY DRAWING
FOR PLANNING PURPOSES ONLY

| | | | |
|---|----------------|---|--|
| MEC Murfee Engineering Company | | Texas Registered Engineering Firm F-333 | |
| APPENDIX 'G' | | | |
| LaSALLE M.U.D.'s #2, #3, #4 & #5 | | | |
| WASTEWATER UTILITIES MAP | | | |
| 1101 Capital of Texas Highway South, Building D, Suite 110, Austin, Texas 78746, (512) 337-9204 | | | |
| JOB NO. 09-029.10 | SCALE AS NOTED | SHEET: 1 OF 1 | |
| DESIGNED BY: DAM | | DATE: 7/23/2010 | |
| DRAWN BY: RWH | | DATE: 9/28/2012 | |
| FILE(LAYOUT): O:\09029\1009-029.10-UTILITY.dwg(WW) | | | |

APPENDIX H

WATER CCN



Murfee Engineering Company

APPENDIX H LaSALLE MUNICIPAL UTILITY DISTRICTS WATER C.C.N.'s

1101 Capital of Texas Highway South, Building D, Suite 110, Austin, Texas 78746 (512) 327-9204

Texas Registered Engineering Firm F-353

FILE(LAYOUT): 0:\09\029\10\09-029.10-CCN.dwg(ATTACH-B-WATER-CCN)

DATE: 8/10/2012

DRAWN: RWH

APPENDIX I

WASTEWATER CCN

APPENDIX J

WSC CONFIRMATIONS FOR WATER SERVICE

APPENDIX I

WASTEWATER CCN

Re: Water service to LaSalle MUDs 4 & 5

Subject: Re: Water service to LaSalle MUDs 4 & 5
From: Daniel Heideman <heideman@clws.com>
Date: 1/10/2013 9:24 AM
To: David Malish <davidm@murfee.com>

Mr. Malish; County Line currently has excess water supply and is a partner in The Hays/Caldwell Public Utility Agency which owns a project that will provide additional supplies to our area. County Line is committed to providing water service to the CCN area that we hold. As you know, water supply is short and developing supply in the future is an unknown. We look forward to working with you.

Thank you
Daniel

On Wed, Jan 9, 2013 at 3:40 PM, David Malish <davidm@murfee.com> wrote:

Daniel, Thanks for taking my call today and helping with this issue. As I previously stated, my client, Mike Schroeder, has filed an application for consent to create several municipal utility districts with the City of San Marcos. Most of the proposed MUD 4 and about one half of proposed MUD 5 are situated within the County Line WSC CCN water service area. MUD 4 is estimated to have approximately 1500 equivalent connections within your CCN and MUD 5 is estimated to have an additional approximately 500 equivalent connections within your service area. All other proposed development within these MUDs is situated outside your service area. The San Marcos staff has asked us to request additional written confirmation that it is the County Lines WSC intention to serve those connections within its service area. My client is totally aware of the current situation with respect to water availability in this entire geographical area and is not asking for any firm immediate commitment. It is our projection that development will not be initiated in this area for perhaps five years or more depending of course on market demands. I really appreciate your help. Let me know if you need any additional information.

--

Daniel R. Heideman
General Manager
County Line Special Utility District
131 S. Camino Real
Uhland, TX 78640
512-398-4748

Subject: LaSalle tract
From: "Daniel Pepin" <gm@maxwellwsc.com>
Date: 2/7/2013 2:24 PM
To: <davidm@murfee.com>
CC: <corymc@austin.rr.com>, <ann@coyoteridgetx.com>, "Carol Peters"
<capeters12@austin.rr.com>

David,

Thank you for getting in touch with Maxwell WSC to discuss your development plans for the LaSalle tract. This email is in response to your request for a statement from Maxwell Water Supply Corporation (MWSC) regarding future water service for that portion of the LaSalle tract within the MWSC service area (CCN) just north of Yarrington Road in San Marcos.

At the time of this email (February 7, 2013) MWSC has available water capacity and is committed to providing water service to existing and future customers within its CCN. Presently, MWSC is partnered with two agencies in projects to supply future water to its members.

We at MWSC want to thank you and Mr. Schroeder for communicating with us about your development plans for the LaSalle tract, and we look forward to working with you in the future.

Sincerely,

Daniel Pepin, General Manager
Maxwell Water Supply Corporation
office (512) 357-6253
fax (512) 357-0152
cell (512) 757-4104
gm@maxwellwsc.com

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MUD #2

FIELD NOTE DESCRIPTION OF 305.41 ACRES OF LAND OUT OF THE WILLIAM HEMPHILL SURVEY ABSTRACT No. 221 IN HAYS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN (765.035 ACRE) TRACT OF LAND AS CONVEYED TO LASALLE HOLDINGS, LTD. BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 2909 PAGE 684 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found in the Southwest line of Hays County Road No. 158 and for an angle corner in the Northeast line of that certain (765.035 acre) tract of land as conveyed to LaSalle Holdings, Ltd. by Special Warranty Deed recorded in Volume 2909 Page 684 of the Official Public Records of Hays County, Texas, and being the most Northerly corner and **PLACE OF BEGINNING** of the herein described tract of land, and from which a capped iron rod found (marked "Byrn") for an angle corner in the Northeast line of said LaSalle Holdings (765.035 acre) tract bears N 44 deg. 12' 41" E 9.20 ft.;

THENCE with the Southwest line of Hays County Road No. 158 and with the Northeast line of said LaSalle Holdings (765.035 acre) tract, the following four (4) courses;

- 1) S 45 deg. 36' 48" E 2564.23 ft. to a ½" iron rod found;
- 2) S 28 deg. 19' 21" E 180.67 ft. to a ½" iron rod found;
- 3) S 45 deg. 36' 07" E 787.93 ft. to a ½" iron rod found;
- 4) S 00 deg. 52' 46" E 57.01 ft. to a ½" iron rod found for an Easterly angle corner of said LaSalle Holdings (765.035 acre) tract and being an Easterly angle corner of this tract;

THENCE with the Northwest line of Hays County Road No. 158 and with the Southeast line of said LaSalle Holdings (765.035 acre) tract, the following two (2) courses;

- 1) S 43 deg. 23' 26" W 2355.38 ft. to a ½" iron rod found;
- 2) S 43 deg. 23' 01" W 1294.66 ft. to a point for the most Southerly corner of this tract and from which a ½" iron rod found in the Northwest line of Hays County Road No. 158 and in the Southeast line of said LaSalle Holdings (765.035 acre) tract bears S 43 deg. 23' 01" W 302.20 ft.;

Page 2 of 2
305.41 ACRES

THENCE leaving the Northwest line of Hays County Road No. 158 and crossing the interior of said LaSalle Holdings (765.035 acre) tract with the Southwest line of this tract, N 45 deg. 39' 03" W 3568.62 ft. to a point in a Northwesterly line of said LaSalle Holdings (765.035 acre) tract for the most Westerly Northwest corner of this tract;

THENCE with a Northwesterly line of said LaSalle Holdings (765.035 acre) tract, N 43 deg. 28' 18" E 700.00 ft. to a capped iron rod found (marked "Byrn") for an angle corner of said LaSalle Holdings (765.035 acre) tract and being an angle corner of this tract, and from which a 1" iron pipe found for an angle corner in a Southwesterly line of said LaSalle Holdings (765.035 acre) tract bears N 45 deg. 13' 18" W 487.22 ft.;

THENCE re-crossing the interior of said LaSalle Holdings (765.035 acre) tract with the Northwest line of this tract, N 43 deg. 27' 55" E 3046.28 ft. to the **PLACE OF BEGINNING**, containing 305.41 acres of land.

PREPARED: January 30, 2013

Holt Carson
Registered Professional Land Surveyor No. 5166

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MUD #3

FIELD NOTE DESCRIPTION OF 320.71 ACRES OF LAND OUT OF THE WILLIAM HEMPHILL SURVEY ABSTRACT No. 221 IN HAYS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN (765.035 ACRE) TRACT OF LAND AS CONVEYED TO LASALLE HOLDINGS, LTD. BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 2909 PAGE 684 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, TOGETHER WITH A PORTION OF THAT CERTAIN (171.236) ACRE) TRACT OF LAND AS CONVEYED TO LASALLE HOLDINGS, LTD. BY GENERAL WARRANTY DEED RECORDED IN VOLUME 3030 PAGE 657 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at ½” iron rod found in the Northeast right-of-way line of Yarrington Road for the most Westerly corner of that certain (765.035 acre) tract of land as conveyed to LaSalle Holdings, Ltd. By Special Warranty Deed recorded in Volume 2909 Page 684 of the Official Public Records of Hays County, Texas, and for the most Southerly corner of that certain (468.288 acre) tract of land described as “Tract 2” in deed to F.M. 158 Land, Ltd. As recorded in Volume 2702 Page 613 of the Official Public Records of Hays County, Texas; THENCE leaving the Northeast right-of-way line of Yarrington Road with a Northwesterly line of said LaSalle Holdings (765.035 acre) tract, N 44 deg. 14’ 37” E 963.10 ft. to a point for the North corner and **PLACE OF BEGINNING** of the herein described tract of land; THEN continuing with a Northwesterly line of said LaSalle Holdings (765.035 acre) tract, the following three (3) courses;

- 1) N 44 deg. 14’ 37” E 2807.00 ft.;
- 2) N 45 deg. 27’ 33” W 240.49 ft.;
- 3) N 43 deg. 28’ 18” E 1300.84 ft. to a point for the most Northerly corner of this tract, and from which a capped iron rod found (marked “Byrn” for an angle corner of said LaSalle Holdings (765.035 acre) tract bears N 43 deg. 28’ 18” E 700.00 ft.;

THENCE crossing the interior of said LaSalle Holdings (765.035 acre) tract with the Northeast line of this tract, S 45 deg. 39’ 03” E 3568.62 ft. to a point in the Northwest line of Hays County Road No. 158 and in the Southeast line of said LaSalle Holdings (765.035 acre) tract and being the most Easterly corner of this tract, and from which a ½” iron rod found in the Northwest line of Hays County Road No. 158 and in the Southeast line of said LaSalle Holdings (765.035 acre) tract bears N 43 deg. 23’ 01” E 1294.66 ft.;

THENCE with the Northwest line of Hays County Road No. 158 and with the Southeast line of said LaSalle Holdings (765.035 acre) tract, the following two (2) courses;

- 1) S 43 deg. 23' 01" W 302.20 ft. to a ½" iron rod found;
- 2) S 43 deg. 23' 51" W 1010.30 ft. to a ½" iron rod found for the most Southerly corner of said LaSalle Holdings (765.035 acre) tract and for the most Easterly corner of that certain (171.236 acre) tract of land as conveyed to LaSalle Holdings, Ltd. By General Warranty Deed recorded in Volume 3030 Page 657 of the Official Public Records of Hays County, Texas;

THENCE with the Northwest line of Hays County Road No. 158 and with the Southeast line of said LaSalle Holdings (171.236 acre) tract, the following four (4) courses;

- 1) S 43 deg. 29' 43" W 1818.92 ft. to a capped iron rod found (marked "4069");
- 2) S 44 deg. 22' 05" W 453.62 ft. to a capped iron rod found (marked "4069");
- 3) S 43 deg. 10' 19" W 425.56 ft. to a ½" iron rod found;
- 4) S 44 deg. 50' 25" W 57.00 ft. to a point for the West corner of this tract and from which a capped iron rod found (marked "4069), bears S 44 deg. 50' 25" W 65.22 ft.;

THENCE leaving the Northwest line of Hays County Road No. 158 and crossing the interiors of said LaSalle Holdings (171.236 acre) tract and LaSalle Holdings (765.035 acre) tract with the Northwest line of this tract, N 46 deg. 21' 22" W 3360.37 ft. to the **PLACE OF BEGINNING**, containing 320.71 acres of land.

PREPARED: January 30, 2013

Holt Carson
Registered Professional Land Surveyor No. 5166

HOLT CARSON, INC.

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MUD #4

FIELD NOTE DESCRIPTION OF 535.54 ACRES OF LAND OUT OF THE WILLIAM HEMPHILL SURVEY ABSTRACT No. 221 IN HAYS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN (811.38 ACRE) TRACT OF LAND AS CONVEYED TO LASALLE HOLDINGS, LTD. BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 2909 PAGE 684 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a capped iron rod found (marked "ProTech") in the Northwest line of the Old San Antonio Road for the most Easterly corner of that certain (811.38 acre) tract of land as conveyed to LaSalle Holdings by Special Warranty Deed recorded in Volume 2909 Page 684 of the Official Public Records of Hays County, Texas, and being the most Easterly corner and **PLACE OF BEGINNING** of the herein described tract of land;

THENCE with the Southeast line of said LaSalle Holdings (811.38 acre) tract, S 48 deg. 44' 13" W 178.85 ft. to a capped iron rod found (marked "Byrn") at the point of intersection with the curving Northwest right-of-way line State Highway No. 21 for an angle corner of this tract;

THENCE with the Northwest right-of-way line of State Highway No. 21, the following two (2) courses;

- 1) along a curve to the left with a radius of 5779.51 ft. for an arc length of 830.52 ft. and which chord bears S 52 deg. 53' 22" W 829.80 ft. to a PK nail found in a broken concrete monument for a point of tangency;
- 2) S 48 deg. 46' 22" W 1475.74 ft. to a ½" iron rod found for the most Southerly corner of said LaSalle Holdings (811.38 acre) tract and for the most Southerly corner of this tract;

THENCE leaving the Northwest right-of-way line of State Highway No. 21 with a Southerly line

of said LaSalle Holdings (811.38 acre) tract, the following two (2) courses;

- 1) N 45 deg. 31' 36" W 2950.62 ft.;
- 2) S 44 deg. 02' 00" W 1300.00 ft. to a point for a Southwesterly angle corner of this tract;

end of Page 1

Page 2 of 2
535.54 ACRES

THENCE crossing the interior of said LaSalle Holdings (811.38 acre) tract with a Southwesterly line of this tract, N 45 deg. 39' 03" W 4231.53 ft. to a point in the Southeast line of Hays County Road No. 158 and in the Northwest line of said LaSalle Holdings (811.38 acre) tract and being the most Westerly corner of this tract, and from which a ½" iron rod found in the Southeast line of Hays County Road No. 158 and in the Northwest line of said LaSalle Holdings (811.38 acre) tract bears S 43 deg. 26' 25" W 605.66 ft.;

THENCE with the Southeast line of Hays County Road No. 158 and with the Northwest line of said LaSalle Holdings (811.38 acre) tract, the following three (3) courses;

- 1) N 43 deg. 26' 25" E 482.55 ft. to a capped iron rod found (marked "Byrn");
- 2) N 43 deg. 23' 06" E 1527.54 ft.;
- 3) N 43 deg. 39' 30" E 1505.40 ft. to a capped iron rod found (marked "Byrn") for an angle corner of said LaSalle Holdings (811.38 acre) tract and for the West corner of that certain (1.00 acre) tract of land as conveyed to Drue B. Ewald, et ux, by deed recorded in Volume 269 Page 202 of the Deed Records of Hays County, Texas;

THENCE leaving the Southeast line of Hays County Road No. 158 with the common line of said LaSalle Holdings (811.38 acre) tract, the following two (2) courses;

- 1) S 44 deg. 58' 54" E 221.56 ft. to a capped iron rod found (marked "Jones-Carter");
- 2) N 43 deg. 24' 04" E 198.54 ft. to a ½" iron rod found for an angle corner of said LaSalle Holdings (811.38 acre) tract and for the East corner of said Ewald (1.00 acre) tract and being angle corner of this tract;

THENCE with the Northeast line of said LaSalle Holdings (811.38 acre) tract, the following three (3) courses;

- 1) S 46 deg. 09' 07" E 3771.42 ft.;
- 2) S 45 deg. 57' 07" E 2455.99 ft.;
- 3) S 46 deg. 02' 10" E 1031.75 ft. to the **PLACE OF BEGINNING**, containing 535.54 acres of land.

PREPARED: January 30, 2013

Holt Carson
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MUD #5

FIELD NOTE DESCRIPTION OF 275.81 ACRES OF LAND OUT OF THE WILLIAM HEMPHILL SURVEY ABSTRACT No. 221 IN HAYS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN (811.38 ACRE) TRACT OF LAND AS CONVEYED TO LASALLE HOLDINGS, LTD. BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 2909 PAGE 684 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a capped iron rod found (marked "ProTech") in the Northwest line of the Old San Antonio Road for the most Easterly corner of that certain (811.38 acre) tract of land as conveyed to LaSalle Holdings by Special Warranty Deed recorded in Volume 2909 Page 684 of the Official Public Records of Hays County, Texas;

THENCE with the Southeast line of said LaSalle Holdings (811.38 acre) tract, S 48 deg. 44' 13" W 178.85 ft. to a capped iron rod found (marked "Byrn") at the point of intersection with the curving Northwest right-of-way line State Highway No. 21;

THENCE with the Northwest right-of-way line of State Highway No. 21, the following two (2) courses;

- 1) along a curve to the left with a radius of 5779.51 ft. for an arc length of 830.52 ft. and which chord bears S 52 deg. 53' 22" W 829.80 ft. to a PK nail found in a broken concrete monument for a point of tangency;
- 2) S 48 deg. 46' 22" W 1475.74 ft. to a ½" iron rod found for the most Southerly corner of said LaSalle Holdings (811.38 acre) tract;

THENCE leaving the Northwest right-of-way line of State Highway No. 21 with a Southerly line of said LaSalle Holdings (811.38 acre) tract, the following two (2) courses;

- 1) N 45 deg. 31' 36" W 2950.62 ft.;
- 2) S 44 deg. 02' 00" W 1300.00 ft. to a point for an Easterly angle corner and **PLACE OF BEGINNING** of the herein described tract of land;

THENCE continuing with a Southerly or Southeasterly line of said LaSalle Holdings (811.38 acre)

tract, S 44 deg. 02' 00" W 1863.28 ft. to a point for the most Southerly corner of this tract;

end of Page 1

Page 2 of 2
275.81 ACRES

THENCE continuing with a Southerly line of said LaSalle Holdings (811.38 acre) tract, the following thirteen (13) courses;

- 1) N 54 deg. 17' 20" W 771.66 ft.;
- 2) S 83 deg. 08' 18" W 840.88 ft.;
- 3) N 52 deg. 17' 55" W 690.89 ft.;
- 4) N 62 deg. 00' 02" W 69.27 ft.;
- 5) N 68 deg. 09' 41" W 56.18 ft.;
- 6) N 72 deg. 20' 49" W 88.29 ft.;
- 7) N 73 deg. 00' 27" W 53.89 ft.;
- 8) N 78 deg. 17' 31" W 427.31 ft.;
- 9) N 88 deg. 16' 13" W 82.92 ft.;
- 10) S 89 deg. 50' 43" W 252.84 ft.;
- 11) N 77 deg. 42' 55" W 289.03 ft.;
- 12) N 69 deg. 45' 12" W 133.17 ft.;
- 13) N 65 deg. 20' 24" W 1059.29 ft. to a point in the Southeast line of Hays County Road No.158 for the most Westerly corner of said LaSalle Holdings (811.38 acre) tract and being the most Westerly corner of this tract;

THENCE with the Southeast line of Hays County Road No. 158 and with the Northwest line of said LaSalle Holdings (811.38 acre) tract, the following two (2) courses;

- 1) N 43 deg. 32' 03" E 3243.31 ft. to a ½" iron rod found;
- 2) N 43 deg. 26' 25" E 605.66 ft. to a point for the most Northerly corner of this tract, and from which a capped iron rod found (marked "Byrn") in the Southeast line of Hays County Road No. 158 and in the Northwest line of said LaSalle Holdings (811.38 acre) tract bears N 43 deg. 26' 25" E 482.55 ft.;

THENCE crossing the interior of said LaSalle Holdings (811.38 acre) tract with the Northeast line of this tract, S 45 deg. 39' 03" E 4231.53 ft. to the **PLACE OF BEGINNING**, containing 275.81 acres of land.

PREPARED: January 30, 2013

Holt Carson
Registered Professional Land Surveyor No. 5166

Agenda Information

AGENDA CAPTION:

Development Services Report

Meeting date: March 12, 2013

Department: Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL:

Strengthen the Middle Class, Encourage Strong Neighborhoods, Education and Workforce

BACKGROUND: