



Rita G. Jonse, Mayor  
Gil Burrell, Place 1  
Maria Amezcua, Mayor Pro Tem, Place 2  
Anne Weir, Place 3  
Danny Scarbrough, Place 4  
Deja Hill, Place 5  
Valerie Dye, Place 6

**CITY COUNCIL  
REGULAR MEETING  
AGENDA**

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Wednesday, October 2, 2019

7:00 p.m.

Manor City Hall – Council Chambers  
105 E. Eggleston Street

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**CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT**

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

Comments will be taken from the audience on non-agenda related topics for a length of time, not to exceed three (3) minutes per person. Comments on specific agenda items must be made when the item comes before the Council. To address the City Council, please complete the white card and present it to the City Secretary prior to the meeting. **No Action May be Taken by the City Council During Public Comments**

**CONSENT AGENDA**

All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless requested by the Mayor or a Council Member; in which event, the item will be removed from the consent agenda and considered separately.

1. Consideration, discussion, and possible action to approve the City Council Minutes of the September 18, 2019, Regular Meeting. Lluvia T. Almaraz,  
City Secretary

2. Second and Final Reading: Consideration, discussion and possible action on an ordinance rezoning Las Entradas North being 7.915 acres of land more or less out of the James Manor Survey No. 40, Abstract No. 546, and being located near Gregg Manor Road and Hill Lane, Manor, TX, from Single Family (R-2) to Light Commercial (C-1). **Applicant**: Kimley-Horn & Assoc. **Owner**: Las Entradas Development Corporation  
Scott Dunlop,  
Asst. Dev. Services  
Director
3. Second and Final Reading: Consideration, discussion and possible action on an ordinance rezoning Las Entradas North, Section 1, Block A, Lot 1, 0.9274 acres of land, locally known as 12400 Gregg Manor Road, Manor, TX, from Light Commercial (C-1) to General Office (GO). **Applicant**: Frontier Bank **Owner**: Frontier Bank  
Scott Dunlop,  
Asst. Dev. Services  
Director
4. Second and Final Reading: Consideration, discussion and possible action on a Conditional Use Permit request for Block 11, Lot 1, Town of Manor and locally known as 901 ½ North Burnet Street, Manor, TX, to allow for wireless telecommunication facilities. **Applicant**: Vincent Gerard & Associates, Inc. **Owner**: City of Manor  
Scott Dunlop,  
Asst. Dev. Services  
Director

## PUBLIC HEARINGS

5. Public Hearing: Discussion on the approval of a Service and Assessment Plan for the Lagos Public Improvement District.  
Thomas Bolt,  
City Manager
6. Public Hearing: Discussion on proposed assessments to be levied against the assessable property within the Lagos Public Improvement District (the "District") pursuant to the provisions of Chapter 372 of the Texas Local Government Code to pay costs for certain improvements that will confer a special benefit to the District.  
Thomas Bolt,  
City Manager

## REGULAR AGENDA

7. Consideration, discussion, and possible action on an ordinance approving an assessment roll for the Lagos Public Improvement District (the "District"), levying assessments against assessable property within the District, establishing a lien on property within the District, approving a landowner agreement, and other matters related to and required for the levying of assessments against property located within the District under Chapter 372 of the Texas Local Government Code.  
Thomas Bolt,  
City Manager
8. Consideration, discussion, and possible action on an ordinance amending Manor Code of Ordinances Appendix A Fee Schedule to establish Recreational Vehicle Park Fees and Minor Development Agreement Consultation Fees.  
Scott Dunlop,  
Asst. Dev. Services  
Director
9. Consideration, discussion and possible action on proposed changes to the City of Manor Policies and Procedures Handbook regarding to Electronic Devices, Communication, and Systems Access Use.  
Tracey Vasquez,  
HR Coordinator

10. Consideration, discussion, and possible action on an award for Solid Waste Collection and Disposal and Recycle Services for the City of Manor. Thomas Bolt  
City Manager

## EXECUTIVE SESSION

The City Council will now Convene into executive session pursuant to the provisions of Chapter 551 Texas Government Code, in accordance with the authority contained in:

*Section 551.074 Personnel Matters – Interview Candidates for appointment to the Planning and Zoning Commission for Place No. 7.*

## OPEN SESSION

The City Council will now reconvene into Open Session pursuant to the provisions of Chapter 551 Texas Government Code and take action, if any, on item(s) discussed during Closed Executive Session.

## ADJOURNMENT

In addition to any executive session already listed above, the City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section §551.071 (Consultation with Attorney), §551.072 (Deliberations regarding Real Property), §551.073 (Deliberations regarding Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations regarding Security Devices) and §551.087 (Deliberations regarding Economic Development Negotiations).

## POSTING CERTIFICATION

I, the undersigned authority do hereby certify that this Notice of Meeting was posted on the bulletin board, at the City Hall of the City of Manor, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: Friday, September 27, 2019, by 5:00 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

/s/ Lluvia T. Almaraz, TRMC  
City Secretary for the City of Manor, Texas

## NOTICE OF ASSISTANCE AT PUBLIC MEETINGS:

*The City of Manor is committed to compliance with the Americans with Disabilities Act. Manor City Hall and the Council Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary at 512.272.5555 or e-mail [ltijerina@cityofmanor.org](mailto:ltijerina@cityofmanor.org)*



## AGENDA ITEM SUMMARY FORM

**PROPOSED MEETING DATE:** September 18, 2019

**PREPARED BY:** Lluvia T. Almaraz, City Secretary

**DEPARTMENT:** Administration

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**AGENDA ITEM DESCRIPTION:**

Consideration, discussion, and possible action to approve the City Council Minutes of the September 18, 2019, Regular Meeting.

**BACKGROUND/SUMMARY:**

**PRESENTATION:** ☐ YES ☒ NO

**ATTACHMENTS:** ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

September 18, 2019, Regular Meeting Minutes

**STAFF RECOMMENDATION:**

It is City staff's recommendation that the City Council approve the City Council Minutes of the September 18, 2019, Regular Meeting.

**PLANNING & ZONING COMMISSION:** ☐ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE

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**CITY COUNCIL  
REGULAR SESSION MINUTES  
SEPTEMBER 18, 2019**

**PRESENT:**

Rita G. Jonse, Mayor

**COUNCIL MEMBERS:**

Gil Burrell, Place 1  
Maria Amezcua, Mayor Pro Tem, Place 2  
Anne R. Weir, Place 3  
Danny Scarbrough, Place 4 (Absent)  
Deja Hill, Place 5  
Valerie Dye, Place 6

**CITY STAFF:**

Thomas Bolt, City Manager  
Lluvia T. Almaraz, City Secretary  
Lydia Collins, Director of Finance  
Tracey Vasquez, HR Coordinator  
Sarah Friberg, Court Administrator  
Ryan Phipps, Chief of Police  
Denver Collins, Captain  
Anthony Valchar, Streets/Parks Superintendent

**REGULAR SESSION – 7:00 P.M.**

With a quorum of the Council Members present, the regular session of the Manor City Council was called to order by Mayor Jonse at 7:00 p.m. on Wednesday, September 18, 2019, in the Council Chambers of the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

**PLEDGE OF ALLEGIANCE**

At the request of Mayor Jonse, Captain Collins, led the Pledge of Allegiance.

## **PUBLIC COMMENTS**

No one appeared to speak at this time.

## **CONSENT AGENDA**

### **1. Consideration, discussion, and possible action to approve the City Council Minutes of the September 4, 2019, 2019, Regular Meeting.**

At the request of Mayor Jonse the Police Report was pulled from the Consent Agenda to be discussed separately.

### **2. Consideration, discussion, and possible action on the acceptance of the August 2019 Departmental Reports:**

- **Development Services – Scott Dunlop, Assistant Dev. Services Director**
- **Municipal Court – Sarah Friberg, Court Clerk**
- **Public Works – Mike Tuley, Director of Public Works**
- **Finance – Lydia Collins, Director of Finance**

Council Member Hill inquired about the Development Services report regarding the Residential Deck/Patio fee. She asked if the Gazebo in the Bell Farms subdivision was included in the fees. City Manager Bolt explained that the Gazebo was city property, therefore; the repairs were completed by the city and the fees were not included on the Permit Fee Report.

**MOTION:** Upon a motion made by Mayor Pro Tem Amezcua and seconded by Council Member Weir the Council voted six (6) For and none (0) Against to approve and adopt all items on the Consent Agenda. The motion carried unanimously.

- **Police – Ryan Phipps, Chief of Police**

Mayor Jonse inquired about the reports for Animal Control; DWI Arrests; Traffic Violations; and Victim Services Cases. Chief of Police Phipps explained the reasons why all categories were different for the month of August.

**MOTION:** Upon a motion made by Council Member Weir and seconded by Mayor Pro Tem Amezcua the Council voted six (6) For and none (0) Against to approve the Police Department Monthly Report. The motion carried unanimously.

## CITY EVENTS AND ANNOUNCEMENTS

- **October 10, 2019 – Breakfast Bites**

City Manager Bolt discussed the Breakfast Bites Event that is being sponsored by the City for new business owners. He stated this event would help new business owners on marketing and developing plans within the city. City Manager Bolt stated the event would be held at City Hall starting at 8:30 a.m.

- **October 18, 2019 – Manor Night at the Park**

Chief of Police Phipps discussed the activities for Manor Night at the Park. He stated this event would be taken the place of National Night Out and would be held at Timmerman's Park starting at 5:30 p.m. to 9:30 p.m.

## PUBLIC HEARINGS

**3. Public Hearing and First Reading: Consideration, discussion and possible action on an ordinance rezoning Las Entradas North being 7.915 acres of land more or less out of the James Manor Survey No. 40, Abstract No. 546, and being located near Gregg Manor Road and Hill Lane, Manor, TX, from Single Family (R-2) to Light Commercial (C-1). Applicant: Kimley-Horn & Assoc. Owner: Las Entradas Development Corporation**

Mayor Jonse opened the public hearing.

The City staff's recommendation was that the City Council conduct the Public Hearing and approve the first reading of an ordinance rezoning Las Entradas North being 7.915 acres of land more or less out of the James Manor Survey No. 40, Abstract No. 546, and being located near Gregg Manor Road and Hill Lane, Manor, TX, from Single Family (R-2) to Light Commercial (C-1).

Danny Burnett with Dwyer Realty Companies, 9900 Highway 290 East, Manor, Texas, submitted a card in support of this item; however, he did not wish to speak but was available to address any questions posed by the City Council.

Pete Dwyer with Dwyer Realty Companies, 9900 Highway 290 East, Manor, Texas, submitted a card in support of this item; however, he did not wish to speak but was available to address any questions posed by the City Council.

City Manager Bold discussed the rezoning for Las Entradas North.

The discussion was held regarding the permitted structures for C-1 Light Commercial and the location of the development.

**MOTION:** Upon a motion made by Council Member Weir and seconded by Mayor Pro Tem Amezcua the Council voted six (6) For and none (0) Against to close the Public Hearing. The motion carried unanimously.

**MOTION:** Upon a motion made by Council Member Weir and seconded by Mayor Pro Tem Amezcua the Council voted six (6) For and none (0) Against to approve the first reading of an ordinance rezoning Las Entradas North being 7.915 acres of land more or less out of the James Manor Survey No. 40, Abstract No. 546, and being located near Gregg Manor Road and Hill Lane, Manor, TX, from Single Family (R-2) to Light Commercial (C-1). The motion carried unanimously.

4. **Public Hearing and First Reading:** Consideration, discussion and possible action on an ordinance rezoning 34.29 acres of land more or less out of the A.C. Caldwell Survey No. 52 and L. Kimbro Survey No. 64, and being located at 14704 US Hwy 290 East, Manor, TX, from Single Family (R-1) to Light Industrial (IN-1). Applicant: Doucet Engineers Owner: Chau Dinh

Mayor Jonse opened the public hearing.

The City staff's recommendation was that the City Council deny a rezoning request for 34.29 acres of land more or less out of the A.C. Caldwell Survey No. 52 and L. Kimbro Survey No. 64, and being located at 14704 US Hwy 290 East, Manor, TX, from Single Family (R-1) to Light Industrial (IN-1).

City Manager Bolt discussed the rezoning request for 14704 US Highway 290 East and reasons for denial.

**MOTION:** Upon a motion made by Mayor Pro Tem Amezcua and seconded by Council Member Weir the Council voted six (6) For and none (0) Against to close the Public Hearing. The motion carried unanimously.

**MOTION:** Upon a motion made by Council Member Weir and seconded by Council Member Dye the Council voted six (6) For and none (0) Against to deny a rezoning request for 34.29 acres of land more or less out of the A.C. Caldwell Survey No. 52 and L. Kimbro Survey No. 64, and being located at 14704 US Hwy 290 East, Manor, TX, from Single Family (R-1) to Light Industrial (IN-1). The motion carried unanimously.

5. **Public Hearing and First Reading:** Consideration, discussion and possible action on an ordinance rezoning Las Entradas North, Section 1, Block A, Lot 1, 0.9274 acres of land, locally known as 12400 Gregg Manor Road, Manor, TX, from Light Commercial (C-1) to General Office (GO). Applicant: Frontier Bank Owner: Frontier Bank

Mayor Jonse opened the public hearing.

The City staff's recommendation was that the City Council conduct the Public Hearing and approve the first reading of an ordinance rezoning Las Entradas North, Section 1, Block A, Lot 1, 0.9274 acres of land, locally known as 12400 Gregg Manor Road, Manor, TX, from Light Commercial (C-1) to General Office (GO).

City Manager Bolt discussed the rezoning request for Las Entradas North – 12400 Gregg Manor Road.

**MOTION:** Upon a motion made by Council Member Burrell and seconded by Council Member Weir the Council voted six (6) For and none (0) Against to close the Public Hearing. The motion carried unanimously.

**MOTION:** Upon a motion made by Council Member Dye and seconded by Council Member Weir the Council voted six (6) For and none (0) Against to approve the first reading of an ordinance rezoning Las Entradas North, Section 1, Block A, Lot 1, 0.9274 acres of land, locally known as 12400 Gregg Manor Road, Manor, TX, from Light Commercial (C-1) to General Office (GO). The motion carried unanimously.

**6. Public Hearing: Consideration, discussion and possible action on a Conditional Use Permit request for Block 11, Lot 1, Town of Manor and locally known as 901 ½ North Burnet Street, Manor, TX, to allow for wireless telecommunication facilities. Applicant: Vincent Gerard & Associates, Inc. Owner: City of Manor**

Mayor Jonse opened the public hearing.

The City staff's recommendation was that the City Council approve a Conditional Use Permit request for Block 11, Lot 1, Town of Manor and locally known as 901 ½ North Burnet Street, Manor, TX, to allow for wireless telecommunication facilities.

Vincent Huebinger, 1715 Capital of Texas Highway South, Austin, Texas, submitted a card in support of this item; however, he did not wish to speak but was available to address any questions posed by the City Council.

City Manager Bolt discussed the Conditional Use Permit request for wireless telecommunication facilities.

**MOTION:** Upon a motion made by Council Member Hill and seconded by Mayor Pro Tem Amezcua the Council voted six (6) For and none (0) Against to close the Public Hearing. The motion carried unanimously.

**MOTION:** Upon a motion made by Council Member Hill and seconded by Council Member Dye the Council voted six (6) For and none (0) Against to approve the first reading of a Conditional Use Permit request for Block 11, Lot 1, Town of Manor and locally known as 901 ½ North Burnet Street, Manor, TX, to allow for wireless telecommunication facilities. The motion carried unanimously.

**7. Public Hearing: Consideration, discussion, and possible action on the FY 2019-2020 Proposed Annual Budget of the City of Manor, Texas.**

Mayor Jonse opened the public hearing.

The City staff's recommendation was that the City Council conduct the second public hearing on the FY 2019-2020 Proposed Annual Budget of the City of Manor, Texas.

Lydia Collins, Director of Finance, was available to address any questions posed by the City Council.

City Manager Bolt discussed the FY 2019-2020 Proposed Annual Budget for the City of Manor.

- Administration Department
  - 1) 3% cost of living adjustment for all City staff
  - 2) 8% increase for Health Insurance
  - 3) Two (2) Personnel Salary Adjustments
  - 4) Chief of Police Category Pay Grade Correction
  - 5) Creation of the Community Services Department
- Finance Department
  - 1) Purchasing Agent
- Public Works Department
  - 1) Three (3) New Vehicles
  - 2) Three (3) new positions fully funded
    - a) One (1) position for the Street Department – Street Forman
    - b) One (1) positions for the Park Department – Crewman
    - c) New Position: Assistant Director of Public Works

**MOTION:** Upon a motion made by Council Member Dye and seconded by Council Member Burrell the Council voted six (6) For and none (0) Against to close the Public Hearing. The motion carried unanimously.

**8. Public Hearing: Consideration, discussion, and possible action on the FY 2019-2020 Proposed Property Tax Rate of the City of Manor, Texas.**

Mayor Jonse opened the public hearing.

The City staff's recommendation was that the City Council conduct the second public hearing on the FY 2019-2020 Proposed Tax Rate of the City of Manor, Texas.

Lydia Collins, Director of Finance, was available to address any questions posed by the City Council.

City Manager Bolt discussed the FY 2019-2020 Proposed Property Tax Rate of the City of Manor, Texas.

**MOTION:** Upon a motion made by Council Member Weir and seconded by Council Member Dye the Council voted six (6) For and none (0) Against to close the Public Hearing. The motion carried unanimously.

## **REGULAR AGENDA**

### **9. Consideration, discussion, and possible action on a resolution approving and authorizing a PID financing agreement for the Lagos Public Improvement District.**

The City staff's recommendation that the City Council approve Resolution No. 2019-11 and authorize a PID financing agreement for the Lagos Public Improvement District.

Danny Burnett with Dwyer Realty Companies, 9900 Highway 290 East, Manor, Texas, submitted a card in support of this item; however, he did not wish to speak but was available to address any questions posed by the City Council.

City Manager Bolt discussed the Lagos PID Financing Agreement.

Pete Dwyer with Dwyer Realty Companies thanked the City staff for their hard work regarding the Lagos Public Improvement District.

Council Member Weir inquired about Section 4.01 (c) - Overall Requirements regarding maintenance; and Section 4.02 (d) Progress Payments for Authorized Improvements regarding draws.

Senior Counsel, Sharon Smith with Armbrust & Brown, PLLC discussed Exhibit "D" – Major Improvements Costs and Area Map of the PID Financing Agreement and explained Exhibit "E" Form of Certification for Payment.

Resolution No. 2019-11: A Resolution of The City of Manor, Texas Approving and Authorizing a PID Financing Agreement

**MOTION:** Upon a motion made by Council Member Burrell and seconded by Mayor Pro Tem Amezcua Council voted six (6) For and none (0) Against to approve Resolution No. 2019-11 and authorize a PID financing agreement for the Lagos Public Improvement District. The motion carried unanimously.

### **10. Consideration, discussion, and possible action on a resolution determining the costs of certain authorized improvements to be financed by the Lagos Public Improvement District; and directing the filing of the proposed assessment roll with the City Secretary to make said proposed assessment roll available for public inspection.**

The City staff's recommendation was that the City Council approve Resolution No. 2019-12 determining the costs of certain authorized improvements to be financed by the Lagos Public Improvement District; and directing the filing of the proposed assessment roll with the City Secretary to make said proposed assessment roll available for public inspection.



Danny Burnett with Dwyer Realty Companies, 9900 Highway 290 East, Manor, Texas, submitted a card in support of this item; however, he did not wish to speak but was available to address any questions posed by the City Council.

Pete Dwyer with Dwyer Realty Companies, 9900 Highway 290 East, Manor, Texas, submitted a card in support of this item; however, he did not wish to speak but was available to address any questions posed by the City Council.

At the direction of City Manager Bolt, Jon Snyder with P3 Works discussed the resolution and steps for the creation of the Lagos Public Improvement District.

Resolution No. 2019-12: A Resolution Of The City Of Manor, Texas Determining The Costs Of Certain Authorized Improvements To Be Financed By The Lagos Public Improvement District; Approving A Preliminary Service Plan And Assessment Plan, Including The Proposed Assessment Roll; Calling For And Authorizing Publication And Delivery Of Notice Of A Public Hearing For October 2, 2019 To Consider An Ordinance Levying Assessments On Property Located Within The Lagos Public Improvement District; Directing The Filing Of The Proposed Assessment Roll With The City Secretary To Make Said Proposed Assessment Roll Available For Public Inspection; Directing City Staff To Publish And Mail Notice Of Said Public Hearing; And Resolving Other Matters Related To The Foregoing.

**MOTION:** Upon a motion made by Council Member Weir and seconded by Council Member Dye the Council voted six (6) For and none (0) Against to approve Resolution No. 2019-12 determining the costs of certain authorized improvements to be financed by the Lagos Public Improvement District; and directing the filing of the proposed assessment roll with the City Secretary to make said proposed assessment roll available for public inspection. The motion carried unanimously.

**11. Consideration, discussion, and possible action on a contract between Travis County and the City of Manor for the collection of Lagos PID assessments; and authorizing the Mayor or City Manager to execute the contract.**

The City staff's recommendation was that the City Council approve a contract between Travis County and the City of Manor for the collection of Lagos PID assessments; and authorize the Mayor or City Manager to execute the contract.

City Manager Bolt discussed the contract between Travis County and City of Manor regarding the Lagos PID assessments.

The discussion was held regarding the collection of assessments by Travis County.

**MOTION:** Upon a motion made by Mayor Pro Tem Amezcua and seconded by Council Member Dye the Council voted six (6) For and none (0) Against to approve a contract between Travis County and the City of Manor for the collection of Lagos PID assessments; and authorize the Mayor or City Manager to execute the contract. The motion carried unanimously.



**12. Consideration, discussion, and possible action on adopting an ordinance amending the Code of Ordinances of the City of Manor, Chapter 4, Business Regulations by adding Article 4.10 to Chapter 4 establishing requirements and procedures for the development and construction of new recreational vehicle parks; and providing for related matters.**

The City staff's recommendation was that the City Council approve Ordinance No. 551 amending the Code of Ordinances of the City of Manor, Chapter 4, Business Regulations by adding Article 4.10 to chapter 4 establishing requirements and procedures for the development and construction of new recreational vehicle parks; and providing for related matters.

City Manager Bolt discussed the proposed ordinance for regulations of recreational vehicle (RV) parks.

The discussion was held regarding the current RV park in the City of Manor.

The discussion was held regarding the new requirement regulations for RV Parks within the city limits.

Ordinance No. 551: An Ordinance of The City of Manor, Texas, Amending The Code of Ordinances of The City of Manor, Texas by Adding Article 4.10, to Chapter 4, Business Regulations, Establishing Requirements and Procedures for the Development and Construction of New Recreational Vehicle Parks; Providing for the Expansion, Improvement, or Modification of Existing Recreational Vehicle Parks; Providing for Definitions; Providing for the Management and Operation of Recreational Vehicle Parks; Providing a Penalty Clause; Providing for a Savings Clause; Providing for an Effective Date; Providing for an Open Meetings Clause; and Providing for Related Matters.

**MOTION:** Upon a motion made by Mayor Pro Tem Amezcua and seconded by Council Member Dye the Council voted five (5) For and one (1) Against to approve Ordinance No. 551 amending the Code of Ordinances of the City of Manor, Chapter 4, Business Regulations by adding Article 4.10 to chapter 4 establishing requirements and procedures for the development and construction of new recreational vehicle parks; and providing for related matters. Council Member Weir voted against. The motion carried.

**13. Consideration, discussion, and possible action on renewing the re-rate notice and benefits verification form for FY 2019- 2020 between the City of Manor and the health insurance pool, TML-IEBP; and authorize the City Manager to execute the contracts.**

The City staff's recommendation was that the City Council renew the re-rate notice and benefits verification form for FY 2019- 2020 between the City of Manor and the health insurance pool, TML-IEBP; and authorize the City Manager to execute the contracts.

Tracey Vasquez, HR Coordinator, was available to address any questions posed by the City Council.

City Manager Bolt discussed the renewal rate for health insurance.

**MOTION:** Upon a motion made by Council Member Dye and seconded by Council Member Hill the Council voted six (6) For and none (0) Against to renew the re-rate notice and benefits verification form for FY 2019- 2020 between the City of Manor and the health insurance pool, TML-IEBP; and authorize the City Manager to execute the contracts. The motion carried unanimously.

**14. Consideration, discussion, and possible action on an award for the placement of a new city's playground at Greenbury Village Park.**

The City staff's recommendation was that the City Council award the placement of a new city's playground at Greenbury Village Park to GameTime; and Authorize the City Manager to execute the final contract.

City Manager Bolt discussed the new placement of the city's playground at Greenbury Village Park and the opportunity of a grant for a new park at the Hamilton Point Subdivision that would be discussed on next year's budget.

Council Member Burrell inquired about the cost of the equipment.

Streets/Parks Superintendent Valchar discussed the cost for the city's playground at Greenbury Village Park.

The discussion was held regarding the replacement of certain park equipment.

The discussion was held regarding the three (3) bid proposals submitted to the city.

Anthony Butler, 18132 Topsail Street, Manor, Texas, submitted a card in support of this item. Mr. Butler introduced himself as the HOA President of the Greenbury Subdivision and thanked the Council and City staff for the placement of the new equipment at Greenbury Village Park.

**MOTION:** Upon a motion made by Council Member Weir and seconded by Council Member Dye the Council voted six (6) For and none (0) Against to award the placement of a new city's playground at Greenbury Village Park to GameTime; and Authorize the City Manager to execute the final contract. The motion carried unanimously.

Mayor Jonse adjourned the regular session of the Manor City Council into Executive Session at 8:00 p.m. Wednesday, September 18, 2019, in accordance with the requirements of the Open Meetings Law.

## EXECUTIVE SESSION

The Manor City Council convened into executive session pursuant to the provisions of Chapter 551 Texas Government Code, in accordance with the authority contained in - *Section 551.076 Deliberations regarding Security Devices.*, at 8:00 p.m., on Wednesday, September 18, 2019, City Council Conference Room of the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

The Executive Session was adjourned at 8:22 p.m. on Wednesday, September 18, 2019.

## OPEN SESSION

The City Council reconvene into Open Session pursuant to the provisions of Chapter 551 Texas Government Code and took action on item(s) discussed during Closed Executive Session at 8:22 p.m. on Wednesday, September 18, 2019, in the Council Chambers of the Manor City Hall.

Mayor Jonse opened the floor for action to be taken on the items discussed in the Executive Session.

**MOTION:** Upon a motion made by Mayor Pro Tem Amezcua and seconded by Council Member Weir the Council voted six (6) For and none (0) Against to authorize a stipend for the City Manager's cell phone and authorize the Mayor to execute the Third Amendment to the City Manager's Employment Agreement and authorizing the stipend. The motion carried unanimously.

### **15. Consideration, discussion, and possible action on an ordinance adopting the Annual Budget for the City of Manor for the Fiscal Year beginning October 1, 2019 and ending September 30, 2020.**

The City staff's recommendation was that the City Council approve Ordinance No. 552 adopting the Annual Budget for the City of Manor for the fiscal year beginning October 1, 2019 and ending September 30, 2020.

City Manager Bolt discussed the proposed ordinance adopting the Annual Budget for the City of Manor for FY 2019-2020.

Director of Finance Collins stated there was a new line item added to the Budget regarding cell phone communication devices for City Council.

Ordinance No. 552: An Ordinance of The City of Manor, Texas, Adopting an Annual Budget for The Ensuing Fiscal Year Beginning October 1, 2019, and Ending September 30, 2020; Appropriating the Various Amounts Thereof, and Repealing all Ordinances or Parts of Ordinances in Conflict Therewith; and Providing for an Effective Date.

**MOTION:** Upon a motion made by Council Member Hill and seconded by Council Member Dye the Council voted six (6) For and none (0) Against to approve Ordinance No. 552 adopting the Annual Budget for the City of Manor for the fiscal year beginning October 1, 2019 and ending September 30, 2020. The motion carried unanimously.

**16. Consideration, discussion, and possible action on an ordinance levying Ad Valorem taxes for the use and support of the municipal government of the City of Manor for the fiscal year beginning October 1, 2019 and ending September 30, 2020.**

The City staff's recommendation was that the City Council approve Ordinance No. 553 with the following motion: "I move that the property tax rate be increased by the adoption of a tax rate of \$0.8161 on each \$100.00 valuation of property, which is effectively an 8.50% percent increase in the tax rate."

Lydia Collins, Director of Finance, was available to address any questions posed by the City Council.

City Manager Bolt discussed the proposed ordinance adopting the new Tax Rate for the City of Manor for FY 2019-2020.

Ordinance No. 553: An Ordinance of The City of Manor, Texas, Levying Ad Valorem Taxes for The Use and Support of The Municipal Government of The City for The Fiscal Year Beginning October 1, 2019, and Ending September 30, 2020; Providing for Apportioning Each Levy for Specific Purposes; and Establishing When Taxes Shall Become due and Same Shall Become Delinquent, if not Paid.

**MOTION:** Upon a motion made by Council Member Hill and seconded by Mayor Pro Tem Amezcua the Council voted five (5) For and one (1) Against to approve Ordinance No. 553 with the following motion: "I move that the property tax rate be increased by the adoption of a tax rate of \$0.8161 on each \$100.00 valuation of property, which is effectively an 8.50% percent increase in the tax rate." Council Member Weir voted against. The motion carried.

**17. Consideration, discussion and possible action on a contract with JustFOIA for the purpose of providing transparency in Public Records Request Management; and authorizing the City Manager to execute the contract.**

The City staff's recommendation was that the City Council approve a contract with JustFOIA for the purpose of providing transparency in Public Records Request Management; and authorizing the City Manager to execute the contract.

At the direction of City Manager Bolt, City Secretary Almaraz discussed the proposal with JustFOIA regarding the Public Records Request Management software.

The discussion was held regarding the amount of records that have been requested from 2015 – 2019.

The discussion was held regarding the annual fee for the software.

**MOTION:** Upon a motion made by Council Member Weir and seconded by Council Member Burrell the Council voted six (6) For and none (0) Against to approve the contract with JustFOIA for the purpose of providing transparency in Public Records Request Management; and authorizing the City Manager to execute the contract. The motion carried unanimously.

**18. Acknowledge the resignation of Planning and Zoning Commissioner William Myers, Place No. 7 and declare a vacancy.**

The City staff's recommendation was that the City Council acknowledge the resignation of Planning and Zoning Commissioner William Myers, Place No. 7 and declare a vacancy.

**MOTION:** Upon a motion made by Council Member Hill and seconded by Council Member Dye the Council voted six (6) For and none (0) Against to acknowledge the resignation of Planning and Zoning Commissioner William Myers, Place No. 7 and declare a vacancy. The motion carried unanimously.

**ADJOURNMENT**

The Regular Session of the Manor City Council Adjourned at 8:33 p.m. on Wednesday, September 18, 2019.

These minutes approved by the Manor City Council on the 2<sup>nd</sup> day of October 2019.

**APPROVED:**

---

Rita G. Jonse  
Mayor

**ATTEST:**

---

Lluvia T. Almaraz, TRMC  
City Secretary



## AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: October 2, 2019

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

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### AGENDA ITEM DESCRIPTION:

Second and Final Reading: Consideration, discussion and possible action on an ordinance rezoning Las Entradas North being 7.915 acres of land more or less out of the James Manor Survey No. 40, Abstract No. 546, and being located near Gregg Manor Road and Hill Lane, Manor, TX, from Single Family (R-2) to Light Commercial (C-1). Applicant: Kimley-Horn & Assoc. Owner: Las Entradas Development Corporation

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### BACKGROUND/SUMMARY:

This rezoning was made in response to city comments on the recent larger rezoning of Las Entradas North. Staff had recommended the remaining R-2 area be rezoned to office or commercial. This will replace the remaining single family lots with light commercial.

The Public Hearing and First reading on this item was conducted and approved at the September 18, 2019, Regular Council Meeting.

Planning Commission voted 6-0 for approval

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Ordinance No. 554

Letter of Intent

Rezoning Map

Allowable C-1 Uses

Notice Letter, Mailing Labels

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### STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve Ordinance No. 554 rezoning Las Entradas North being 7.915 acres of land more or less out of the James Manor Survey No. 40, Abstract No. 546, and being located near Gregg Manor Road and Hill Lane, Manor, TX, from Single Family (R-2) to Light Commercial (C-1).

PLANNING & ZONING COMMISSION: ☒ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE

**ORDINANCE NO. 554**

**AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING A PARCEL OF LAND FROM SINGLE FAMILY (R-2) TO LIGHT COMMERCIAL (C-1); MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, the owner of the property described hereinafter (the "Property") has requested that the Property be rezoned;

**Whereas**, after giving ten days written notice to the owners of land within three hundred feet of the Property, the Planning & Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendation on the rezoning to the City Council;

**Whereas**, after publishing notice of the public at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

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

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Amendment of Ordinance.** City of Manor Code of Ordinances Chapter 14 Exhibit A Zoning Ordinance ("Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3.

**Section 3. Rezoned Property.** The Zoning Ordinance is hereby amended by changing the zoning district for the land and parcel of property described in Exhibit "A" (the "Property"), from the current zoning district Single Family (R-2) to zoning district Light Commercial (C-1). The Property is accordingly hereby rezoned to Light Commercial (C-1).

**Section 4. Open Meetings.** That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Texas Gov't. Code.

**PASSED AND APPROVED FIRST READING** on this the 18<sup>th</sup> day of September 2019.

**PASSED AND APPROVED SECOND AND FINAL READING** on this the 2<sup>nd</sup> day of October 2019.

**THE CITY OF MANOR, TEXAS**

\_\_\_\_\_  
Rita G. Jonse,  
Mayor

**ATTEST:**

\_\_\_\_\_  
Lluvia T. Almaraz,  
City Secretary

**EXHIBIT “A”**

Property Address:  
Las Entradas North

Property Legal Description:



**A METES AND BOUNDS  
DESCRIPTION OF A  
7.915 ACRE TRACT OF LAND**

**BEING** a 7.915 acre (344,798 square feet) tract of land situated in the James Manor Survey No. 40, Abstract No. 546, City of Manor, Travis County, Texas; being a portion of a called 104.825 acre tract described in instrument to Las Entradas Development Corporation in Document No. 2007002485 of the Official Public Records of Travis County, and being more particularly described as follows:

**BEGINNING** at a 5/8 inch iron pipe found on the southwesterly right-of-way line of Hill Lane (55 foot wide) marking the northeasterly corner of that certain 275.66 acre "Tract 3" described in instrument to the Butler Family Partnership in Volume 12271, Page 872 of the Official Public Records of Travis County, and also marking the northwesterly corner of said 104.825 acre tract;

**THENCE**, South 63°12'35" East, 875.99 feet along the right-of-way of said Hill Lane to a 1/2 inch iron rod with plastic cap stamped "KHA" found for corner;

**THENCE**, South 35°38'14" West, 417.51 feet departing the southwesterly right-of-way of said Hill Lane and crossing into the said 104.825 acre tract to a 1/2 inch iron rod with plastic cap stamped "KHA" found for corner;

**THENCE**, North 62°27'43" West, 816.62 feet continuing across said 104.825 acre tract to a point for corner on the southeasterly line of said Tract 3;

**THENCE**, North 27°28'12" East, 401.92 feet along the said southeasterly line of said Tract 3 to the **POINT OF BEGINNING** and containing 7.915 acres of land in Travis County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, Central Zone (FIPS 4203) (NAD'83). All distances are on the Surface and shown in U.S. Survey Feet. To convert surface distances to grid, apply the combined Surface to Grid scale factor of 0.99992337881. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

JOHN G. MOSIER  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 6330  
601 NW LOOP 410, SUITE 350  
SAN ANTONIO, TEXAS 78216  
PH. 210-541-9166  
greg.mosier@kimley-horn.com



*John G. Mosier*  
7-31-2019

7.915 ACRE TRACT  
JAMES MANOR SURVEY NO. 40,  
ABSTRACT NO. 546  
CITY OF MANOR  
TRAVIS COUNTY, TEXAS

**Kimley»Horn**

601 NW Loop 410, Suite 350

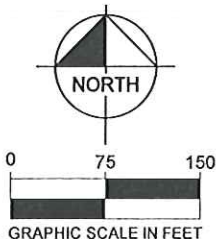
San Antonio, Texas 78216

FIRM # 10193973

Tel. No. (210) 541-9166

www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JAB	JGM	7/31/2019	069241741	1 OF 2



GEODETIC BASIS STATEMENT: The bearings shown hereon are based on the Texas State Plane Coordinate System, Central Zone (FIPS 4203) (NAD'83), as determined by the Global Positioning System (GPS). All distances shown hereon are on the SURFACE. To convert SURFACE distances to the GRID, apply the combined SURFACE to GRID scale factor of 0.99992337881. The unit of linear measurement is U.S. Survey Feet.

24.7833 ACRES  
THE MOST REVEREND JOHN MCCARTHY, BISHOP  
OF THE DIOCESE OF AUSTIN AND HIS  
SUCCESSORS  
VOL.13327, PG.702 OPRTC

6.5063 ACRES  
MANOR INDEPENDENT SCHOOL DISTRICT  
VOL.12597, PG.1548 OPRTC

24.8354 ACRES  
MANOR INDEPENDENT  
SCHOOL DISTRICT  
VOL.12597, PG.1543  
OPRTC

275.66 ACRE  
TRACT 3  
BUTLER FAMILY  
PARTNERSHIP LTD.  
VOL. 12271, PG. 872  
OPRTC  
DESCRIBED IN  
VOL. 4282 PG. 1082  
T.C.D.R.

P.O.B.  
5/8" IPF

PROPOSED  
TRACT 7B

7.915 ACRES  
344,798 SQ. FT.

104.825 ACRES  
LAS ENTRADAS DEVELOPMENT  
CORPORATION  
DOC# 2007002485 OPRTC

N62°27'43"W 816.62'

PROPOSED  
RIGHT-OF-WAY

PROPOSED  
TRACT 7A

S35°38'14"W 417.51'

IRFC  
"KHA"

IRFC  
"KHA"

#### LEGEND

P.O.B. = POINT OF BEGINNING

IRFC = IRON ROD W/CAP FOUND

IPF = IRON PIPE FOUND

OPRTC = OFFICIAL PUBLIC RECORDS TRAVIS COUNTY



7.915 ACRE TRACT  
JAMES MANOR SURVEY NO. 40,  
ABSTRACT NO. 546  
CITY OF MANOR  
TRAVIS COUNTY, TEXAS

JOHN G. MOSIER  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 6330  
601 NW LOOP 410, SUITE 350  
SAN ANTONIO, TEXAS 78216  
PH. 210-541-9166  
greg.mosier@kimley-horn.com

*John G. Mosier*  
7-31-2019

# Kimley»Horn

601 NW Loop 410, Suite 350  
San Antonio, Texas 78216

FIRM # 10193973

Tel. No. (210) 541-9166  
www.kimley-horn.com

Scale

1" = 150'

Drawn by

JAB

Checked by

JGM

Date

7/31/2019

Project No.

069241741

Sheet No.

2 OF 2

August 1, 2019

City of Manor  
Attn: Scott Dunlop  
105 E. Eggleston St.  
Manor, Texas 78653

**Re: Las Entradas North  
7.915-Acre Tract – Letter of Intent  
Northwest of the Intersection of US Highway 290 and Gregg Manor Road  
Manor, Texas 78653**

Dear Staff:

Please accept this Summary Letter for the above referenced project. The proposed Las Entradas North development is located along the westbound frontage of US Highway 290 in Manor, Texas. The existing property consists of a 12.3-acre developed tract, and approximately 92 acres of undeveloped land.

A concept plan for the parent tract was previously approved on 08/14/2013, which had originally designated the subject tracts as single-family residential use. Due to market demand, commercial uses are now being considered for 7.915 acres of land within the existing single family residential use. Therefore, the Owner intends to submit an application to rezone this tract of land from R-2 (Single Family Residential) to C-1 (Light Commercial).

If you have any questions or comments regarding this request, please contact me at 512-418-1771.

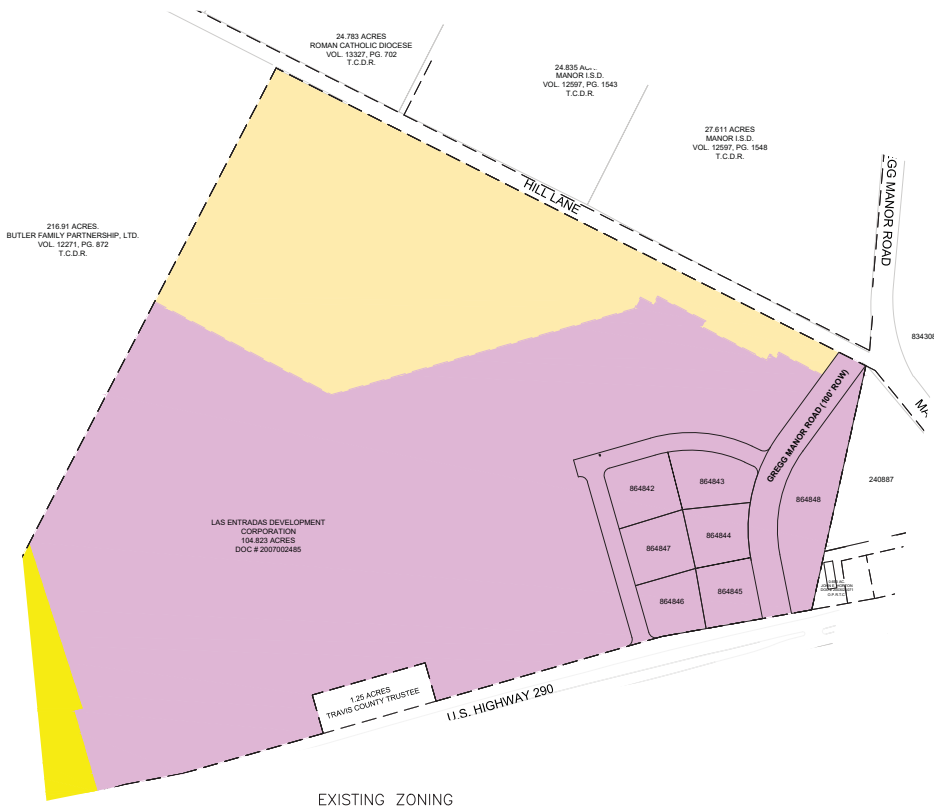
Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

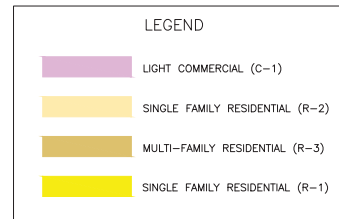
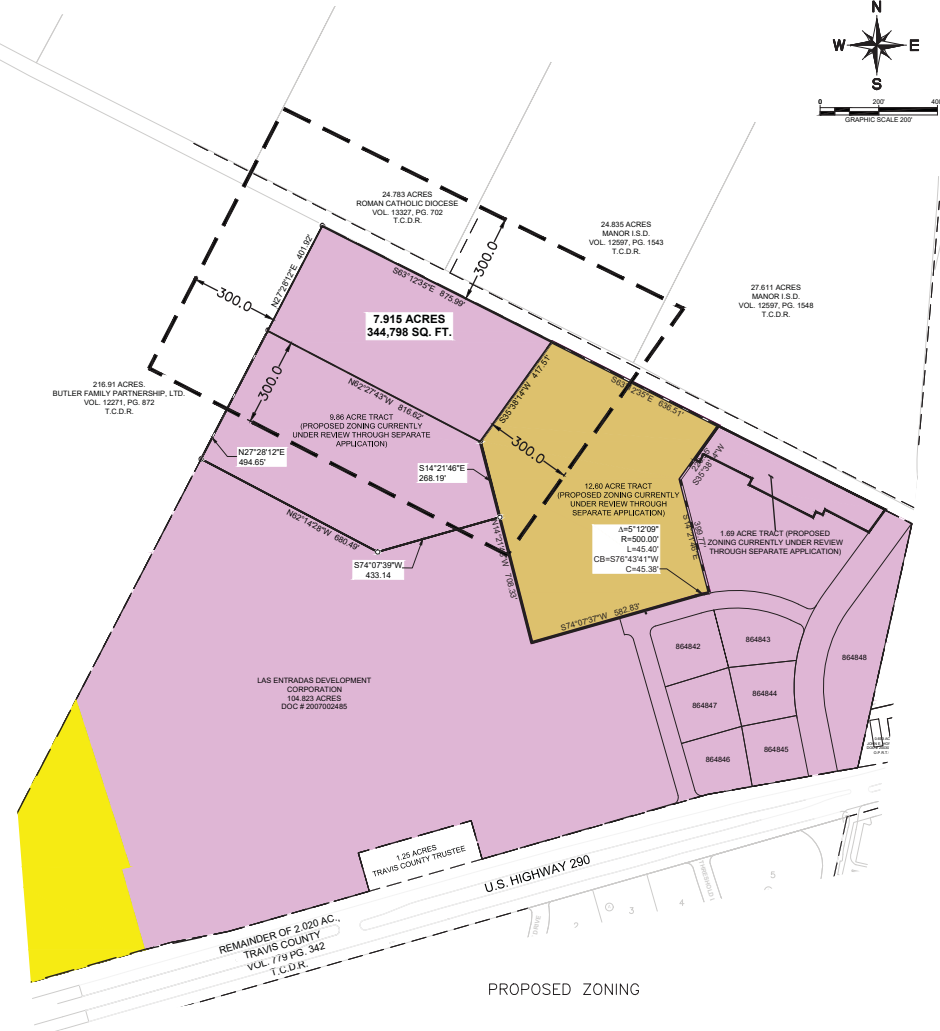


Brandon Hammann, P.E.  
Project Manager





LAS ENTRADAS NORTH - LAND USE COMPARISON			
LAND USE	Existing Acres	Proposed Acres	Delta
Light Commercial (C-1)	70.4	83.5	13.1
Multi Family (R-3)	0	12.6	12.6
Single Family Residential (R-1)	8.5	8.5	0
Single Family Residential (R-2)	25.7	0	-25.7
Total	104.6	104.6	



# LAS ENTRADAS NORTH - ZONING COMPARISON

Manor, Texas  
August 19

FILED: 8/19/2020 10:00 AM  
C:\Users\jordan\Documents\Las Entradas North - Zoning Comparison.dwg  
8/19/2020 10:00 AM

**Kimley** **Horn**

10614 Jollyville Road  
Building IV, Suite 300  
Austin, Texas 78759  
512-418-1771  
State of Texas Registration No. F-928

NOTE: THIS PLAN IS CONSIDERED A PRELIMINARY DESIGN AND SHOULD NOT BE USED WITHOUT CONSULTATION OF A  
KIMLEY-HORN ENGINEER, ARCHITECT, OR OTHER PROFESSIONAL.

# COMMERCIAL DISTRICTS

## C-1 Light Commercial

This District allows a mix of commercial uses including retail, office, light commercial, and similar uses excluding residential and multifamily. Allows the retail of goods and products to which value is added on-site, including sales of goods and services outside of the primary structure.

### Site Development Standards

Lot		Massing	
Minimum Lot Size	5,750 sq ft	Maximum Height	60 ft
Minimum Lot Width	50 ft	Maximum FAR	1.8
Maximum Building Coverage	60%	Minimum Setbacks:	
Maximum Building Coverage		Front Yard	25 ft
with Accessory Buildings	70%	Street Side Yard	15 ft
Landscape Requirement	15%	Side Yard	25 ft*
		Rear Yard	25 ft^

\* 0 or 10 ft side yard to all C, I, IN

^ 10 ft rear yard to all C, I, IN

### Permitted and Conditional Uses

#### Civic

College or University	Cultural Services
Communication Service Facilities	Postal Facilities
Community Events	Religious Assembly
Community Recreation	Safety Services
Private Primary and Secondary	Transportation Terminal
Education Facilities	All Other Civic Uses
Public Primary and Secondary	
Education Facilities	

# C-1

## Light Commercial

### Commercial

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Art Gallery	Game Rooms (c)
Art Workshop	General Retail Sales
Bed and Breakfast	Hotel and Motel
Business and Trade Schools	Indoor Entertainment
Club or Lodge	Indoor Sports and Recreation
Cocktail Lounge	Laundry Services
Commercial Off-Street Parking	Liquor Sales
Consumer Convenience Stores	Monument Retail Sales
Consumer Repair Services	Off-Site Accessory Parking
Counseling Services	Personal Improvement Services
Day Care Services	Personal Services
Financial Services	Pet Services
Florist - no greenhouse	Printing and Publishing
Food Court Establishment (c)	Restaurant
Food Preparation less than 2,500 sq. ft. GFA	Restaurant Drive-Through
Food Sales	Service Station (c)
Funeral Services Not Including Crematory	Theater



August 20, 2019

RE: Las Entradas North Rezoning

Dear Property Owner:

The City of Manor Planning and Zoning Commission and City Council will be conducting public hearings to consider a rezoning request for Las Entradas North. You are being notified because you own property within 300 feet of the property for which this request is being made. The request will be posted on the agenda as follows:

**Public Hearing: Consideration, discussion and possible action on a rezoning request for Las Entradas North being 7.915 acres of land more or less out of the James Manor Survey No. 40, Abstract No. 546, and being located near Gregg Manor Road and Hill Lane, Manor, TX, from Single Family (R-2) to Light Commercial (C-1).**

The Planning and Zoning Commission will convene at 6:30PM on September 11, 2019 at 105 E. Eggleston St. in the City Council Chambers.

The City Council will convene at 7:00PM on September 18, 2019 at 105 E. Eggleston St. in the City Council Chambers.

If you have no interest in the case there is no need for you to attend. You may address any comments to me at the address or phone number listed below. Any communications I receive will be made available to Commission and Council members during the discussion of this item. For your convenience, my email address is [sdunlop@cityofmanor.org](mailto:sdunlop@cityofmanor.org)

Sincerely,

Scott Dunlop  
Assistant Development Director  
512-272-5555 ext. 5

MANOR INDEPENDENT SCHOOL DISTRICT  
PO BOX 359  
MANOR, TX 78653-0359

MANOR INDEPENDENT SCHOOL DISTRICT  
PO BOX 359  
MANOR, TX 78653-0359

BUTLER FAMILY PARTNERSHIP LTD  
PO BOX 9190  
AUSTIN, TX 78766-9190

BUTLER FAMILY PARTNERSHIP LTD  
PO BOX 9190  
AUSTIN, TX 78766-9190

9 SUNNY PARTNERS LP  
2207 LAKE AUSTIN BLVD  
AUSTIN, TX 78703-4547

9 SUNNY PARTNERS LP  
2207 LAKE AUSTIN BLVD  
AUSTIN, TX 78703-4547

ROMAN CATHOLIC DIOCESE  
OF AUSTIN TEXAS  
6225 HWY 290 E  
AUSTIN, TX 78723-1025





## AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: October 2, 2019

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

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### AGENDA ITEM DESCRIPTION:

Second and Final Reading: Consideration, discussion and possible action on an ordinance rezoning Las Entradas North, Section 1, Block A, Lot 1, 0.9274 acres of land, locally known as 12400 Gregg Manor Road, Manor, TX, from Light Commercial (C-1) to General Office (GO). Applicant: Frontier Bank Owner: Frontier Bank

---

### BACKGROUND/SUMMARY:

This property is the Frontier Bank at the corner of US Hwy 290 E and Gregg Manor. The subdivision, Las Entradas North, is zoned C-1 Light Commercial. At the time of permitting, C-1 allowed office type uses. During the construction the zoning ordinance was changed to remove office type uses from C-1. The 2 tenant lease spaces Frontier Bank constructed where built specifically for office type users (real estate, loan company) to compliment their services. Upon completion the bank could no longer lease these areas as the parking is undersized for retail users and the spaces weren't designed to accommodate restaurant users. They are seeking to rezone to General Office to allow for their planned uses. Planning Commission voted 6-0 for approval. The Public Hearing and First reading on this item was conducted and approved at the September 18, 2019, Regular Council Meeting.

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Ordinance No. 555

Letter of Intent

Rezoning Map

Allowable IN-1 Uses

Notice Letter, Mailing Labels

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### STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve the second and final reading of Ordinance No. 555 rezoning Las Entradas North, Section 1, Block A, Lot 1, 0.9274 acres of land, locally known as 12400 Gregg Manor Road, Manor, TX, from Light Commercial (C-1) to General Office (GO).

PLANNING & ZONING COMMISSION: ☒ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE

**ORDINANCE NO. 555**

**AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING A PARCEL OF LAND FROM LIGHT COMMERCIAL (C-1) TO GENERAL OFFICE (GO); MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, the owner of the property described hereinafter (the "Property") has requested that the Property be rezoned;

**Whereas**, after giving ten days written notice to the owners of land within three hundred feet of the Property, the Planning & Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendation on the rezoning to the City Council;

**Whereas**, after publishing notice of the public at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

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

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Amendment of Ordinance.** City of Manor Code of Ordinances Chapter 14 Exhibit A Zoning Ordinance ("Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3.

**Section 3. Rezoned Property.** The Zoning Ordinance is hereby amended by changing the zoning district for the land and parcel of property described in Exhibit "A" (the "Property"), from the current zoning district Light Commercial (C-1) to zoning district General Office (GO). The Property is accordingly hereby rezoned to General Office (GO).

**Section 4. Open Meetings.** That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Texas Gov't. Code.

**PASSED AND APPROVED FIRST READING** on this the 18<sup>th</sup> day of September 2019.

**PASSED AND APPROVED SECOND AND FINAL READING** on this the 2<sup>nd</sup> day of October 2019.

**THE CITY OF MANOR, TEXAS**

\_\_\_\_\_  
Rita G. Jonse,  
Mayor

**ATTEST:**

\_\_\_\_\_  
Lluvia T. Almaraz,  
City Secretary

**EXHIBIT “A”**

Property Address:  
12400 Gregg Manor Road, Manor, TX 78653

Property Legal Description:  
Las Entradas North, Section 1, Block A, Lot 1

August 15, 2019

City of Manor  
105 E Eggleston St  
Manor, Tx 78653

Re: Letter of Intent - Re-Zoning Application

To whom it may concern,

Frontier Bank of Texas is seeking to re-zone the property located at 12400 Gregg Manor Road in Manor, Texas.

Re-zoning this property is being requested because leasing the building has proved to be difficult due to the current zoning restrictions. After construction was completed, there were changes made to the current zoning of the property that prevented the bank from being to lease the property to the very types of businesses we were constructing the building to attract. The bank has also secured two leases that are being reconsidered now due to the change that occurred with the current zoning. These potential leases began to be negotiated before knowledge of the restrictions.

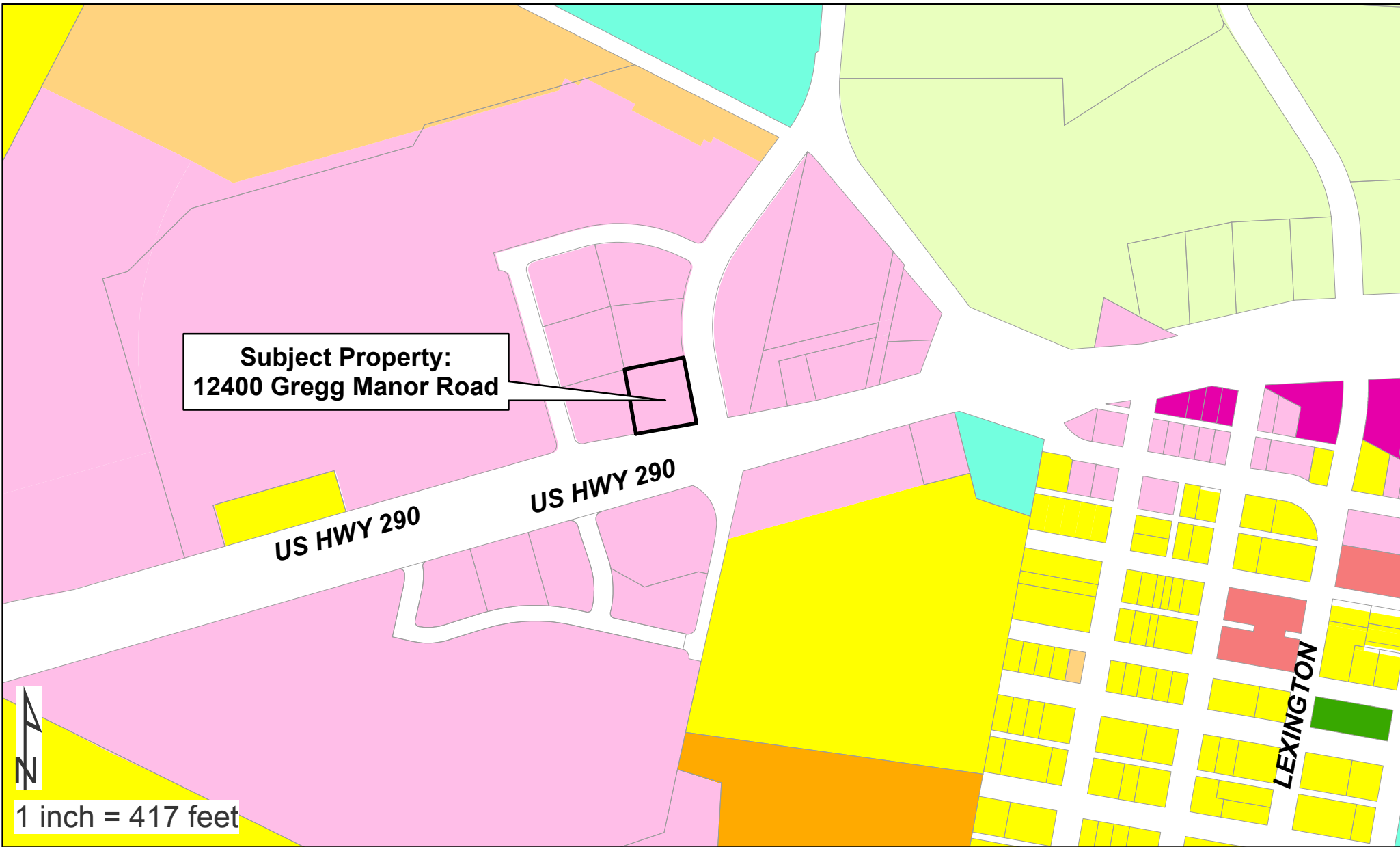
Frontier Bank is also looking to bring businesses to Manor that either do not currently exist here or there are very few of. The goal is to bring more services to our community and have a place to create more jobs in professional fields.

Frontier Bank greatly appreciates your consideration in our request in changing the zoning.

If you have questions, please reach out to Sean Donnelly at 512-270-4785.

Sincerely,

Sean Donnelly, VP Frontier Bank of Texas



# **Proposed Zoning:** **General Office (GO)**

*Current Zoning District:*  
*Light Commercial (C-1)*

Zone		DB - Downtown Business District
R-1 - Single Family		NB - Neighborhood Business
R-2 - Single Family		IN-1 - Light Industrial
R-3 - Multi Family		IN-2 - Heavy Industrial
R-4 - Multi Family Special		I - Institutional
M-1 - Manufactured Housing		PUD - Planned Unit Development
M-2 - Manufactured Housing Park		A - Agricultural
C-1 - Light Commercial		Manor ETJ
C-2 - Medium Commercial		

# GO

## General Office

Established to provide for office buildings and businesses that support large office complexes. This district permits uses that serve the community as a whole and provides regional employment opportunities. This district should be located along arterial roadways; it can also provide for transitional uses between neighborhoods and more intensive commercial and regional activities.

### Site Development Standards

Lot		Massing	
Minimum Lot Size	15,000 sq ft	Maximum Height	60 ft
Minimum Lot Width	100 ft	Maximum FAR	1.8
Maximum Building Coverage	60%	Minimum Setbacks:	
Maximum Building Coverage		Front Yard	25 ft
with Accessory Buildings	70%	Street Side Yard	15 ft
Landscape Requirement	15%^	Side Yard	25 ft*
		Rear Yard	25 ft**

\* 0 or 10 ft side yard to all C, I, IN

\*\* 10 ft rear yard to all C, I, IN

^ Reduced required plantings. See 3.09.002(6)

### Permitted and Conditional Uses

#### Civic

College or University	Public Primary and Secondary
Communication Service Facilities	Education Facilities
Cultural Services	Religious Assembly
Local Utility Services	Safety Services
Postal Facilities	All Other Civic Uses
Private Primary and Secondary	
Education Facilities	

#### Commercial

Administrative Offices	Hospital Services
Administrative Services	Medical Offices
Business and Trade Schools	Personal Improvement Services
Communication Services	Personal Services
Counseling Services	Printing and Publishing
Day-care Services	Produce Development Services (general)
Employee Recreation	Professional Office
Financial Services	Research Services (general)
Funeral Services	Restaurant



August 20, 2019

RE: 12400 Gregg Manor Road Rezoning

Dear Property Owner:

The City of Manor Planning and Zoning Commission and City Council will be conducting public hearings to consider a rezoning request for 12400 Gregg Manor Road. You are being notified because you own property within 300 feet of the property for which this request is being made. The request will be posted on the agenda as follows:

**Public Hearing: Consideration, discussion and possible action on a rezoning request for Las Entradas North, Section 1, Block A, Lot 1, 0.9274 acres of land, locally known as 12400 Gregg Manor Road, Manor, TX, from Light Commercial (C-1) to General Office (GO).**

The Planning and Zoning Commission will convene at 6:30PM on September 11, 2019 at 105 E. Eggleston St. in the City Council Chambers.

The City Council will convene at 7:00PM on September 18, 2019 at 105 E. Eggleston St. in the City Council Chambers.

If you have no interest in the case there is no need for you to attend. You may address any comments to me at the address or phone number listed below. Any communications I receive will be made available to Commission and Council members during the discussion of this item. For your convenience, my email address is [sdunlop@cityofmanor.org](mailto:sdunlop@cityofmanor.org)

Sincerely,

Scott Dunlop  
Assistant Development Director  
512-272-5555 ext. 5

LAS ENTRADAS DEVELOPMENT  
CORPORATION  
9900 US HIGHWAY 290 E  
MANOR, TX 78653-9720

SCOTT BAYLOR & WHITE HEALTH  
MS-20-D642  
2401 S 31ST ST  
TEMPLE, TX 76508-0001

GABS INC  
407 TALKEETNA LN  
CEDAR PARK, TX 78613-2532

HORTON JOHN E  
5201 RAIN CREEK PKWY  
AUSTIN, TX 78759-5641

CVS PHARMACY INC  
% CVS CAREMARK CORP  
1 CVS DR # 10029-01  
WOONSOCKET, RI 02895-6146

JOHNSON ROBERT J & CURT D JOHN  
CURT D JOHNSON &  
501 W KOENIG LN  
AUSTIN, TX 78751





## AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: October 2, 2019

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

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### AGENDA ITEM DESCRIPTION:

Second and Final Reading: Consideration, discussion and possible action on a Conditional Use Permit request for Block 11, Lot 1, Town of Manor and locally known as 901 ½ North Burnet Street, Manor, TX, to allow for wireless telecommunication facilities. Applicant: Vincent Gerard & Associates, Inc. Owner: City of Manor

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### BACKGROUND/SUMMARY:

This conditional use request will permit wireless telecommunication facilities on the unused water tower behind Sonic. Verizon wants to increase signal strength in the old manor and 290/Lexington area and had originally proposed a 150' tower on adjacent property. Staff did not support that proposal and suggest collocating facilities on the water tower. The city rezoned the property from R-1 Single Family to Institutional as well as granted a setback waiver to allow for ground equipment and Right of Entry Agreement so Verizon could test various aspects of the property to ensure it met their requirements. If approved, a lease agreement between the City and Verizon would also need to be approved. Planning Commission voted 6-0 for approval. The Public Hearing and First reading on this item was conducted and approved at the September 18, 2019, Regular Council Meeting.

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Letter of Intent  
Plan  
Photo Simulation  
Notice Letter  
Mailing Labels

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### STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve the second and final reading of a Conditional Use Permit request for Block 11, Lot 1, Town of Manor and locally known as 901 ½ North Burnet Street, Manor, TX, to allow for wireless telecommunication facilities.

PLANNING & ZONING COMMISSION: ☒ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE



VINCENT GERARD & ASSOCIATES, INC.

August 14, 2019

City of Manor - City Hall  
105 E. Eggleston Street  
Manor, Texas 78653

**RE: Request for Conditional Use Permit for Verizon Wireless at 901 ½ N. Burnet Street**

Dear Commissioners and Council Members,

We are respectfully requesting a Conditional Use Permit on behalf of our client, Verizon Wireless. Verizon is proposing to collocate antenna and ground equipment within a 12' x 26' lease area at the City water tank property located at the northwest corner of N. Burnet Street and E. Murray Avenue. Attached to this application are preliminary construction drawings and a Conditional Use site plan for your review.

This site is zoned Institutional and is surrounded by commercial zoning districts, with the exception of residential properties to the southeast. Coupland State Bank is to the east, Sonic Drive-in is adjacent to the north, and Bluebonnet Electric Cooperative is south of the site. The commercially zoned property west of the site is currently vacant.

The appearance, size, and operating characteristics of the proposed wireless telecommunication facility are compatible with the surrounding neighborhood and uses. The water tank is existing; adding antennas to upgrade cellular coverage in the community will not change the existing use of the site. The proposed addition will not have an adverse effect on the value of surrounding properties. This development will benefit surrounding properties by providing better coverage for Verizon customers, especially in emergency situations. Studies show that the top five questions asked by potential home buyers include, "is there cellular coverage in-house?"

The proposed wireless telecommunication facility will not create a nuisance or interfere with a neighbor's enjoyment of their property or operation of their business. Traffic that the proposed use will generate is approximately one maintenance vehicle per month. This land use will not create congestion, a safety hazard, or a parking problem in the area, nor will it disturb the peace and quiet of the neighborhood. This site is the only existing vertical option for collocation in Downtown Manor and was discussed with staff in lieu of a new wireless structure.

The proposed use is not listed in Section 42 of the City of Manor's zoning ordinance as either a permitted or conditional use. We are requesting a Conditional Use Permit in order to obtain authority to make improvements at this property. Please contact our office with any questions or concerns.

Respectfully,

Vincent G. Huebinger



### SITE INFORMATION

JURISDICTION: CITY OF MANOR, TEXAS 78653  
 TRAVIS COUNTY  
 Latitude 30°20'51.576"N (NAD 83)  
 Longitude -97°33'18.899"W (NAD 83)  
 ELEVATION: 552.2' (NAVD 86)  
 OCCUPANCY: UNMANNED  
 USE: TELECOMMUNICATIONS FACILITY  
 ZONING: I - INSTITUTIONAL

### CONTACT INFORMATION

VINCENT GERARD & ASSOCIATES  
 1715 S. CAPITAL OF TEXAS HWY  
 SUITE 207  
 AUSTIN, TEXAS 78746  
 PHONE: (512) 328-2693  
 CONTACT: VINCE HUEBINGER

### UTILITIES

POWER COMPANY: BLUEBONNET ELECTRIC COOP.  
 PHONE: 1-800-842-7708  
 TELEPHONE COMPANY: AT&T  
 PHONE: 1-800-340-1934

## ZONING SITE PLAN

### PROJECT TYPE

EXISTING 123' PEDESHERE  
 ELEVATED STORAGE TANK

### DATE

AUGUST 13, 2019

### SITE ADDRESS

901 1/2 N BURNET ST.  
 CITY OF MANOR, TEXAS 78653

### LEGAL DESCRIPTION

LOT 1 BLK 11 LANE A E ADDN  
 MANOR, TEXAS

### SITE NAME

VERIZON / MANOR DT  
 - SITE LOCATED IN 'C-2' ZONING  
 C2 COMMERCIAL

### DEVELOPER

VERIZON WIRELESS  
 6696 TRI COUNTY PARKWAY  
 SUITE 100  
 SCHERTZ, TEXAS 78154  
 CONTACT: TIM CALETKA  
 PHONE: (210) 834-1664

### LANDLORD

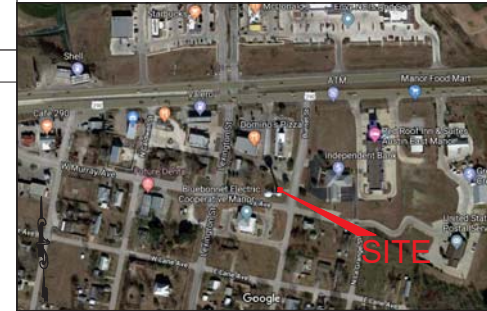
CONTACT: SCOTT DUNLOP  
 (CITY OF MANOR PLANNING)  
 105 E. EGGLESTON ST.  
 MANOR, TEXAS 78653  
 PHONE: (512) 272-5555  
 SDUNLOP@CITYOFMANOR.COM

### PHOTO SIMULATION

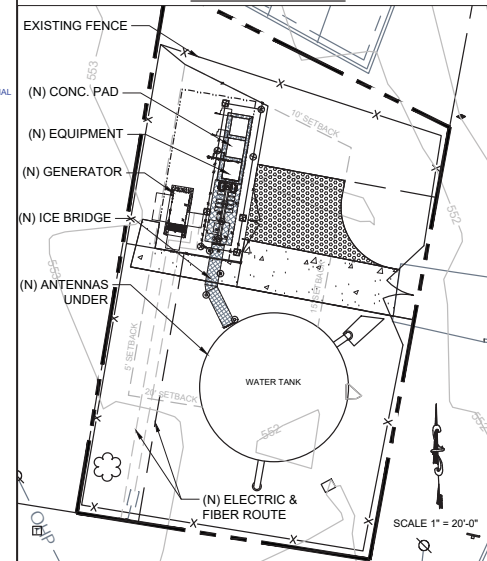


(N) ANTENNAS

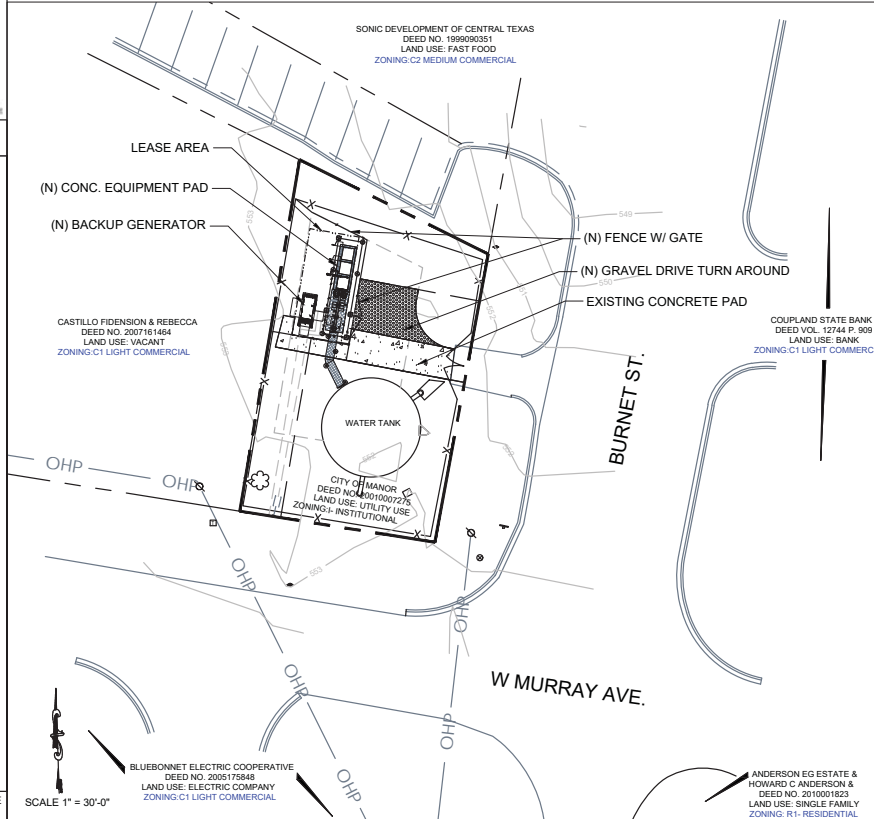
### AERIAL IMAGERY



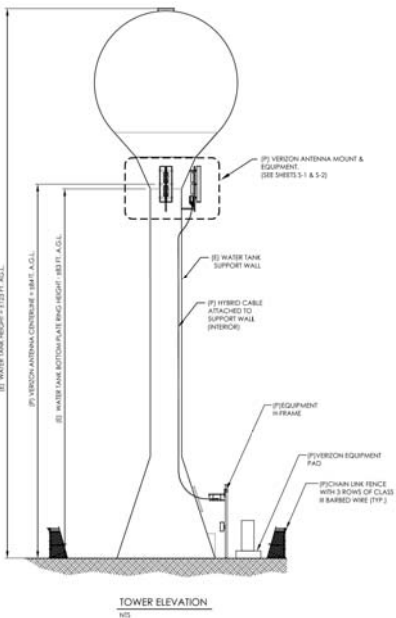
### DETAIL SITE PLAN



### SITE PLAN



### TOWER - TYPICAL



NOTE: TYPICAL LEASE AREA. ACTUAL EQUIPMENT LOCATIONS MAY VARY.

NOT TO SCALE

**verizon**

ZONING SITE PLAN  
 MANOR DT  
 VERIZON  
 MURRAY AVE. & LEXINGTON ST.  
 CITY OF DONNA, TEXAS 78537



**VINCENT GERARD & ASSOCIATES**  
 LAND PLANNING & ZONING CONSULTANTS  
 1715 CAPITAL OF TEXAS HWY SOUTH, STE. 207  
 AUSTIN, TEXAS 78746  
 (512) 328-2693 - vgerard@vincentgerard.com



## PHOTO SIMULATION





August 20, 2019

RE: 901 ½ North Burnet Street Conditional Use Permit

Dear Property Owner:

The City of Manor Planning and Zoning Commission and City Council will be conducting public hearings to consider a Conditional Use Permit request for 901 ½ North Burnet. You are being notified because you own property within 300 feet of the property for which this request is being made. The request will be posted on the agenda as follows:

**Public Hearing: Consideration, discussion and possible action on a Conditional Use Permit request for Block 11, Lot 1, Town of Manor and locally known as 901 ½ North Burnet Street, Manor, TX, to allow for wireless telecommunication facilities.**

The Planning and Zoning Commission will convene at 6:30PM on September 11, 2019 at 105 E. Eggleston St. in the City Council Chambers.

The City Council will convene at 7:00PM on September 18, 2019 at 105 E. Eggleston St. in the City Council Chambers.

If you have no interest in the case there is no need for you to attend. You may address any comments to me at the address or phone number listed below. Any communications I receive will be made available to Commission and Council members during the discussion of this item. For your convenience, my email address is [sdunlop@cityofmanor.org](mailto:sdunlop@cityofmanor.org)

Sincerely,

Scott Dunlop  
Assistant Development Director  
512-272-5555 ext. 5

SONIC DEVELOPMENT OF CENTRAL TEXAS  
PO BOX 17788  
AUSTIN, TX 78760-7788

GARY M WILLIAMS  
P O BOX 480  
MANOR, TX 78653

MKR PROPERTIES LLC  
SERIES 11211 US HWY 290  
5905 YORK BRIDGE CIR  
AUSTIN, TX 78749-2211

BLUEBONNET ELECTRIC COOPERATIVE  
P O BOX 729  
BASTROP, TX 78602-0729

SMA RETAIL COMPANY INC  
PARK PLACE FOODS  
11209 US HIGHWAY 290 E  
MANOR, TX 78653-9703

BOBBY & SHELDON GOSEY  
7300 GILBERT RD  
MANOR, TX 78653-5083

PATRICIA SALMELA  
101 W MURRAY ST  
MANOR, TX 78653-4141

GLASS RETHANN  
17500B GLASS RD  
MANOR, TX 78653-5049

FIDENSIO & REBECCA RAMOS CASTILLO  
16508 FM 973 N  
MANOR, TX 78653-3592

COUPLAND STATE BANK  
PO BOX 616  
MCKINNEY, TX 75070-8141

ANDERSON E G ESTATE &  
HOWARD C ANDERSON  
5702 KILLINGSWORTH LN  
PFLUGERVILLE, TX 78660-8700

MAURICE & HOWARD ANDERSON  
14406 FM 1100  
MANOR, TX 78653-3715

RANDALL & FRANCES TUMLINSON  
PO BOX 414  
MANOR, TX 78653-0414



AGENDA ITEM NO. <sup>5</sup>\_\_\_\_\_

### AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: October 2, 2019

PREPARED BY: Thomas Bolt, City Manager

DEPARTMENT: Administration

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**AGENDA ITEM DESCRIPTION:**

Public Hearing: Discussion on the approval of a Service and Assessment Plan for the Lagos Public Improvement District.

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**BACKGROUND/SUMMARY:**

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☐ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☒ NO

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**STAFF RECOMMENDATION:**

It is City staff's recommendation that the City Council conduct the Public Hearing.

PLANNING & ZONING COMMISSION: ☒ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE



AGENDA ITEM NO. <sup>6</sup>\_\_\_\_\_

### AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: October 2, 2019

PREPARED BY: Thomas Bolt, City Manager

DEPARTMENT: Administration

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**AGENDA ITEM DESCRIPTION:**

Public Hearing: Discussion on proposed assessments to be levied against the assessable property within the Lagos Public Improvement District (the "District") pursuant to the provisions of Chapter 372 of the Texas Local Government Code to pay costs for certain improvements that will confer a special benefit to the District.

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**BACKGROUND/SUMMARY:**

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☐ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☒ NO

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**STAFF RECOMMENDATION:**

It is City staff's recommendation that the City Council conduct the Public Hearing.

PLANNING & ZONING COMMISSION: ☒ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE





AGENDA ITEM NO. 7

## AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: October 2, 2019

PREPARED BY: Thomas Bolt, City Manager

DEPARTMENT: Administration

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### AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on an ordinance approving an assessment roll for the Lagos Public Improvement District (the "District"), levying assessments against assessable property within the District, establishing a lien on property within the District, approving a landowner agreement, and other matters related to and required for the levying of assessments against property located within the District under Chapter 372 of the Texas Local Government Code.

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### BACKGROUND/SUMMARY:

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Ordinance No. 556

Exhibit A - Lagos SAP

Exhibit B - Landowner Agreement

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### STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve Ordinance No. 556 approving an assessment roll for the Lagos Public Improvement District (the "District"), levying assessments against assessable property within the District, establishing a lien on property within the District, approving a landowner agreement, and other matters related to and required for the levying of assessments against property located within the District under Chapter 372 of the Texas Local Government Code.

PLANNING & ZONING COMMISSION: ☒ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE

## **ORDINANCE NO. 556**

**AN ORDINANCE OF THE CITY OF MANOR MAKING A FINDING OF SPECIAL BENEFIT TO THE PROPERTY IN THE LAGOS PUBLIC IMPROVEMENT DISTRICT; PROVIDING FOR THE METHOD OF ASSESSMENT OF SPECIAL ASSESSMENTS AGAINST PROPERTY IN THE DISTRICT; APPROVING AN ASSESSMENT ROLL FOR THE DISTRICT; LEVYING ASSESSMENTS AGAINST PROPERTY WITHIN THE DISTRICT; PROVIDING FOR PAYMENT OF THE ASSESSMENTS; PROVIDING FOR PENALTIES AND INTEREST ON DELINQUENT ASSESSMENTS; ESTABLISHING A LIEN ON PROPERTY WITHIN THE DISTRICT; APPROVING A SERVICE AND ASSESSMENT PLAN; APPROVING A LANDOWNER AGREEMENT; PROVIDING FOR RELATED MATTERS IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR SEVERABILITY**

**WHEREAS**, 706 Investment Partnership, Ltd. and 706 Development Corporation (collectively the “Project Owners”), in accordance with Chapter 372 of the Texas Local Government Code (the “PID Act”), filed a petition (the “Petition”) with the City Secretary on January 31, 2019 requesting that the City authorize the Lagos Public Improvement District (the “District”) to be created within the City limits; and

**WHEREAS**, the Petition contained the signatures of the owners of taxable property representing more than fifty percent of the appraised value of taxable real property liable for assessment within the District, as determined by the then-current ad valorem tax rolls of the Travis Central Appraisal District and the signatures of property owners who own taxable real property that constitutes more than fifty percent of the area of all taxable property that is liable for assessment by the District; and

**WHEREAS**, after providing the notices required by the PID Act and by Chapter 551 of the Texas Government Code, (the “Open Meetings Act”), the City Council conducted a public hearing on March 20, 2019, to hear evidence and make findings as to the advisability of the improvements to be constructed for the benefit of the District (the “Authorized Improvements”); the nature of the Authorized Improvements; the estimated cost of the Authorized Improvements, including the administrative costs of establishing and operating the District (the “Actual Costs”); the boundaries of the District; the apportionment of the Actual Costs to be assessed against property in the District, and between the District and the municipality; and the method of assessment; and

**WHEREAS**, on March 20, 2019, after the closing of the public hearing, the City Council adopted Resolution No. 2019-02 which authorizes the District, and which includes the City Council’s findings as to the advisability of the Authorized Improvements; and

**WHEREAS**, on March 29, 2019, the City published notice of its authorization of the District in the *Manor Community News*, a newspaper of general circulation in the City and no written protests of the District were filed by any owners of record of property within the District within 20 days after March 29, 2019; and

**WHEREAS**, the City Council on September 18, 2019, adopted Resolution No. 2019-11 approving the Lagos Public Improvement District Financing Agreement with the Project Owners (the “Financing Agreement”), and which included as an exhibit a draft service and assessment plan of the type described in Sections 372.013 and 372.014 of the Texas Local Government Code, and the City Council, in approving the Financing Agreement, did not approve, authorize, or levy any assessments against any of the property within the District; and

**WHEREAS**, the City Council, on September 18, 2019, adopted Resolution No. 2019-12, directing the filing of the Major Improvement Area Assessment Roll, a copy of which is included as an appendix to the attached *Exhibit A* and is incorporated herein, making the Major Improvement Area Assessment Roll available for public inspection, and approving the notice published on September 20, 2019 in the *Manor Community News* of a public hearing to be conducted on October 2, 2019 to consider the proposed assessments to be levied against property located in the District (the “Assessments”), and also mailed notice of the same hearing to the Project Owners; and

**WHEREAS**, the City Council conducted said hearing at the City Council meeting on October 2, 2019, at which all persons who appeared, or requested to appear, in person or by their attorney, were given the opportunity to contend for or to contest the Major Improvement Area Assessment Roll, and each proposed assessment, and to offer testimony pertinent to any issue presented on the amount of the Assessment, the apportionment of the costs of the Authorized Improvements, the purpose of the Assessment, the special benefits accruing to the property within the District due to the Authorized Improvements, and the penalties and interest of annual installments and on delinquent annual installments of the Assessment; and

**WHEREAS**, there were no written objections or evidence submitted to the City Secretary either before or at the hearing in opposition to the Service and Assessment Plan, the apportionment of the costs of the Authorized Improvements, the Major Improvement Area Assessment Roll, or the levy of the Assessments; and

**WHEREAS**, the apportionment of the Actual Costs to be assessed against the property in the District, as reflected in the Major Improvement Area Assessment Roll and in the service and assessment plan, a copy of which is attached hereto as *Exhibit A* and is incorporated herein (the attached service and assessment plan, the “Service and Assessment Plan”), is fair and reasonable and is made on the basis of special benefits accruing to each parcel because of the Authorized Improvements, and results in the imposing of equal shares of the Actual Costs on property that is similarly benefitted, and the apportionment of the Actual Costs between the City and the area to be assessed is based on reasonable classifications and formulas; and

**WHEREAS**, the Service and Assessment Plan, which has been amended from the draft service and assessment plan attached to the Financing Agreement approved by the City Council

on September 18, 2019, covers a period of at least five years, defines the District's annual indebtedness and projected Actual Costs, and states provisions relating to due and delinquency dates for the Assessments, interest on Annual Installments, and procedures in connection with the imposition and collection of the Assessments; and

**WHEREAS**, the owners of 100% of the privately-owned and taxable property located within the Major Improvement Area of the District, except for any property contained in the Phase 1 Plat and the Phase 1 Commercial of the Major Improvement Area as those areas are described in the Service and Assessment Plan, and who are persons to be assessed pursuant to this Ordinance, have presented to the City Council for consideration at its meeting on October 2, 2019, a landowner agreement (the "Landowner Agreement"), in which said owners acknowledge, accept, and approve of, without reservation, the Service and Assessment Plan, Major Improvement Area Assessment Roll, this Ordinance, and the levy of the Assessments against their property located within the District, and agree to pay the Assessments when due and payable; and

**WHEREAS**, the City Council finds and determines that the Major Improvement Area Assessment Roll, and the Service and Assessment Plan in a form substantially similar to the attached *Exhibit A*, should be approved and that the Assessments should be levied as provided in this Ordinance and the Service and Assessment Plan and approves the form, terms and provisions of the Landowner Agreement.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR THAT:**

**Section 1. Findings.** The findings and recitations set out in this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

**Section 2. Public Hearing.** The action of the City Council holding and closing the public hearing in these proceedings is hereby ratified and confirmed.

**Section 3. Terms.** Terms not otherwise defined herein are defined in the Service and Assessment Plan substantially in the form attached hereto as *Exhibit A* (Service and Assessment Plan).

**Section 4. Service and Assessment Plan.** The Service and Assessment Plan is hereby approved as the service and assessment plan for the District in substantially the form attached to this Ordinance and the Mayor, the Mayor Pro Tem, the Finance Director, and the City Manager are hereby authorized to make such non-substantive changes to the Service and Assessment Plan as may be required to give full effect to this Ordinance and to the Service and Assessment Plan attached hereto.

**Section 5. Assessment Roll.** The Major Improvement Area Assessment Roll, attached as Exhibit F to the Service and Assessment Plan, is hereby approved as the Major Improvement Area Assessment Roll of the District.

**Section 6. Levy and Payment of Assessments for Actual Costs of Major Improvement Area Project.** (a) The City Council hereby levies an assessment on each tract of property located within the District, except for the Non-Benefited Property, as shown and described on the Service and Assessment Plan and the Major Improvement Area Assessment Roll, in the respective amounts shown on the Major Improvement Area Assessment Roll. There is further levied and assessed against each tract of property located within the District, except for the Non-Benefited Property, additional annual assessments for the Annual Collection Costs and the Additional Interest, as described in the Service and Assessment Plan, which shall be part of the Assessment and the Annual Installment. The amount of the Annual Installment shall be reviewed and determined annually by the City Council following the City Council's annual review of the Service and Assessment Plan for the District. Pursuant to Section 372.015(d), the amount of assessment for each property owner may be adjusted following the annual review of the Service and Assessment Plan.

(b) The levy of the Assessments related to the District shall be effective on the date of execution of this Ordinance levying assessments and strictly in accordance with the terms of the Service and Assessment Plan.

(c) The collection of the Assessments shall be as described in the Service and Assessment Plan.

(d) Each Assessment may be paid in Annual Installments pursuant to the terms of the Service and Assessment Plan.

(e) Each Assessment may be paid in advance in any amount as provided in subsection 372.018(f) of the PID Act and Section VI.E of the Service and Assessment Plan.

(f) Each Assessment shall bear interest at the rate or rates specified in the Service and Assessment Plan.

(g) Each Annual Installment shall be collected each year in the manner set forth in the Service and Assessment Plan.

(h) The Annual Installments for Assessed Properties shall be calculated pursuant to the terms of the Service and Assessment Plan.

**Section 7. Method of Assessment.** The method of apportioning the Actual Costs is set forth in the Service and Assessment Plan.

**Section 8. Penalties and Interest on Delinquent Assessments.** Delinquent Assessments shall be subject to the penalties, interest, procedures, and foreclosure sales set forth in the Service and Assessment Plan. The Assessments shall have lien priority as specified in the PID Act and the Service and Assessment Plan.

**Section 9. Landowner Agreement.** The Landowner Agreement that is by and between the City, 706 Investment Partnership, Ltd., a Texas limited partnership, and Ashton Austin Residential, L.L.C. (collectively, the “Landowner”) is hereby authorized and approved in the substantially final form attached hereto as ***Exhibit B*** and incorporated herein as a part hereof for all purposes and the Mayor or Mayor Pro Tem of the City is hereby authorized and directed to execute and deliver such Landowner Agreement with such changes as may be required to carry out the purposes of this Ordinance. The Mayor’s or Mayor Pro Tem’s signature on the Landowner Agreement may be attested by the City Secretary

**Section 10. Lien Property.** (a) As provided in the Landowner Agreement, the City Council and the Landowner intend for the obligations, covenants and burdens on the Assessed Property that is owned by the Landowner, including without limitation such Landowner’s obligations related to payment of the Assessments and the Annual Installments, to constitute a covenant running with the land. As stated in the Landowner Agreement and in this ordinance, the Assessments and the Annual Installments levied by this ordinance shall be binding upon the Landowner, and their respective transferees, legal representatives, heirs, devisees, successors and assigns in the same manner and for the same period as such parties would be personally liable for the payment of ad valorem taxes under applicable law. Assessments shall have lien priority as specified in the PID Act and the Service and Assessment Plan.

(b) The Assessments and Annual Installments levied and assessed against the property within the District as provided in this Ordinance and the Service and Assessment Plan, together with reasonable attorney’s fees and costs of collection, if incurred, are hereby declared to be and are made a lien upon each tract of property within the District against which the same are levied and assessed, and a personal liability and charge against the real and true owners of each such tract, including the successors and assigns, whether such owners be named herein or not, and said liens shall be and constitute the first enforceable lien and claim against the lot on which such assessments are levied, and shall be a first and paramount lien thereon, superior to all other liens and claims except state, county, school district and City ad valorem taxes.

**Section 11. Appointment of Administrator and Collector of Assessments.** (a) P3Works, LLC is hereby appointed and designated as the initial Administrator of the Service and Assessment Plan and of Assessments levied by this Ordinance. The Administrator shall perform the duties of the Administrator described in the Service and Assessment Plan and in this Ordinance. The Administrator’s fees, charges and expenses for providing such service shall constitute an Annual Collection Cost.

(b) The Finance Director of the City or her designee is hereby appointed as the temporary collector of the Assessments. The Finance Director or her designee shall serve in such capacity until such time as the City shall arrange for the collection duties to be performed by the Travis County Tax Office or any other qualified collection agent selected by the City.

**Section 12. Applicability of Tax Code.** To the extent not inconsistent with this Ordinance, and not inconsistent with the PID Act or the other laws governing public improvement districts, the provisions of the Texas Tax Code governing enforcement of ad

valorem tax liens shall be applicable to the imposition and collection of Assessments by the City, and the Texas Tax Code shall otherwise be applicable to the extent provided by the PID Act.

**Section 13. Severability.** If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**Section 14. Effective Date.** This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the PID Act, and it is accordingly so ordained.

**Section 15. Open Meetings.** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

*[The remainder of this page intentionally left blank.]*

**PASSED AND APPROVED** on this 2<sup>nd</sup> day of October 2019.

**THE CITY OF MANOR, TEXAS**

\_\_\_\_\_  
Rita G. Jonse,  
Mayor

**ATTEST:**

\_\_\_\_\_  
Lluvia T. Almaraz,  
City Secretary

STATE OF TEXAS           §  
                                     §  
COUNTY OF TRAVIS    §

THIS INSTRUMENT is acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2019, by Rita G. Jonse, as Mayor of the City of Manor, Texas and attested to by Lluvia T. Almaraz, City Secretary of the City of Manor, Texas, on behalf of the City.

(NOTARY SEAL)

\_\_\_\_\_  
Notary Public Signature

After Recording Return to:  
City of Manor  
Attn: City Secretary  
105 E. Eggleston Street  
Manor, Texas 78653

[SIGNATURE PAGE]



**EXHIBIT A**

**SERVICE AND ASSESSMENT PLAN FOR THE  
LAGOS PUBLIC IMPROVEMENT DISTRICT**

**EXHIBIT B**

**LANDOWNER AGREEMENT**

# Lagos Public Improvement District

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SERVICE AND ASSESSMENT PLAN  
OCTOBER 2, 2019



AUSTIN, TX | KELLER, TX

## TABLE OF CONTENTS

Table of Contents .....	1
Introduction .....	2
Section I: Definitions .....	2
Section II: The District .....	8
Section III: Authorized Improvements .....	8
Section IV: Service Plan .....	10
Section V: Assessment Plan .....	10
Section VI: Terms of the Assessments .....	12
Section VII: Assessment Roll .....	16
Section VIII: Additional Provisions .....	16
List of Exhibits .....	18
Exhibit A – District Legal Description .....	19
Exhibit B – District Boundary Map .....	21
Exhibit C – Authorized Improvements .....	23
Exhibit D – Service Plan .....	24
Exhibit E – Sources and Uses .....	25
Exhibit F – Major Improvement Area Assessment Roll .....	26
Exhibit G-1 – Major Improvement Area Annual Installments .....	29
Exhibit G-2 – Lot Type 1 Annual Installments .....	30
Exhibit G-3 – Lot Type 2 Annual Installments .....	31
Exhibit H – Major Improvements Allocation .....	32
Exhibit I – Maps of Major Improvements .....	33
Exhibit J – Notice of PID Assessment Termination .....	34
Exhibit K-1 – Phase 1 Commercial Legal Description .....	37
Exhibit K-2 – Phase 1 Plat .....	39
Exhibit L – Concept and Phasing Plan .....	43

## INTRODUCTION

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

On March 20, 2019, the City passed and approved a resolution authorizing the creation of the District in accordance with the PID Act, which authorization was effective upon publication as required by the PID Act. The purpose of the District is to finance the Actual Costs of Authorized Improvements that confer a special benefit on approximately 173 acres located within the City, as described by metes and bounds on **Exhibit A** and depicted on **Exhibit B**.

The PID Act requires a service plan covering a period of at least five years and defining the annual indebtedness and projected cost of the Authorized Improvements. The Service Plan is contained in **Section IV**.

The PID Act requires that the service plan include an assessment plan that assesses the actual costs of the authorized improvements against the District based on the special benefits conferred on the District by the Authorized Improvements. The Assessment Plan is contained in **Section V**.

The PID Act requires an assessment roll that states the assessment against each parcel determined by the method chosen by the City. The assessment against each assessed property must be sufficient to pay its share of the actual costs apportioned to the assessed property and cannot exceed the special benefit conferred on the assessed property by the authorized improvements. The Major Improvement Area Assessment Roll is included as **Exhibit F**.

## SECTION I: DEFINITIONS

**“Actual Costs”** means, with respect to Authorized Improvements, the actual costs paid or incurred by or on behalf of the Owner: (1) to plan, finance, design, acquire, construct, install, and dedicate such improvements to the City; (2) to prepare plans, specifications (including bid packages), contracts, and as-built drawings; (3) to obtain zoning, licenses, plan approvals, permits, inspections, and other governmental approvals; (4) for third-party professional consulting services including but not limited to, engineering, surveying, geotechnical, land planning, architectural, landscaping, legal, accounting, and appraisals; (5) of labor, materials, equipment, fixtures, payment and performance bonds and other construction security, and insurance premiums; and (6) to implement, administer, and manage the above-described activities. Actual Costs shall not include general contractor’s fees in an amount that exceeds a

percentage equal to the percentage of work completed or construction management fees in an amount that exceeds an amount equal to the construction management fee amortized in approximately equal monthly installments over the term of the applicable construction management contract. Amounts expended for costs described in subsections (3), (4), and (6) above shall be excluded from the amount upon which the general contractor and construction management fees are calculated.

**“Additional Interest”** means the amount collected by application of the Additional Interest Rate.

**“Additional Interest Rate”** means the 0.50% additional interest charged on Assessments securing PID Bonds pursuant to Section 372.018 of the PID Act.

**“Administrator”** means the City or the person or firm designated by the City who shall have the responsibility provided in this Service and Assessment Plan, an Indenture, or any other agreement or document approved by the City related to the duties and responsibilities of the administration of the District.

**“Annual Collection Costs”** means the actual or budgeted costs and expenses related to the creation and operation of the District, the issuance and sale of PID Bonds, and the construction, operation, and maintenance of the Authorized Improvements, including, but not limited to, costs and expenses for: (1) the Administrator and City staff; (2) legal counsel, engineers, accountants, financial advisors, and other consultants engaged by the City; (3) calculating, collecting, and maintaining records with respect to Assessments and Annual Installments; (4) preparing and maintaining records with respect to Assessment Rolls and Annual Service Plan Updates; (5) issuing, paying, and redeeming PID Bonds; (6) investing or depositing Assessments and Annual Installments; (7) complying with this Service and Assessment Plan and the PID Act with respect to the administration of a reimbursement agreement and the issuance and sale of PID Bonds, including continuing disclosure requirements; and (8) the paying agent/registrar and Trustee in connection with PID Bonds, including their respective legal counsel. Annual Collection Costs collected but not expended in any year shall be carried forward and applied to reduce Annual Collection Costs for subsequent years.

**“Annual Installment”** means the annual installment payment of an Assessment as calculated by the Administrator and approved by the City Council, that includes: (1) principal; (2) interest; (3) Annual Collection Costs; and (4) Additional Interest.

**“Annual Service Plan Update”** means an update to the Service and Assessment Plan prepared no less frequently than annually by the Administrator and approved by the City Council.

**“Assessed Property”** means any Parcel against which an Assessment is levied.

**“Assessment”** means an assessment levied against a Parcel and imposed pursuant to an Assessment Ordinance and the provisions herein, as shown on an Assessment Roll, subject to

reallocation upon the subdivision of such Parcel or reduction according to the provisions herein and the PID Act.

**“Assessment Ordinance”** means an ordinance adopted by the City Council in accordance with the PID Act that levies an Assessment.

**“Assessment Plan”** means the methodology employed to assess the Actual Costs of the Authorized Improvements against Assessed Property within the District based on the special benefits conferred on such property by the Authorized Improvements, more specifically described in **Section V**.

**“Assessment Roll”** means the Assessment Roll for the Assessed Property, as updated, modified or amended from time to time in accordance with the procedures set forth herein, and in the PID Act, including any Annual Service Plan Updates. The Major Improvement Area Assessment Roll is included in this Service and Assessment Plan as **Exhibit F**.

**“Authorized Improvements”** means improvements authorized by Section 372.003 of the PID Act, including Major Improvements and District Formation and Bond Issuance Costs, as described in **Section III**.

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

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

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

**“Delinquent Collection Costs”** means, for a Parcel, interest, penalties, and other costs and expenses authorized by the PID Act that directly or indirectly relate to the collection of delinquent Assessments, delinquent Annual Installments, or any other delinquent amounts due under this Service and Assessment Plan, including costs and expenses to foreclose liens.

**“District”** means this Lagos Public Improvement District containing approximately 173 acres located within the City and shown on **Exhibit B** and more specifically described in **Exhibit A**.

**“District Formation and Bond Issuance Costs”** means the costs associated with forming the District and issuing PID Bonds, including but not limited to attorney fees, financial advisory fees, consultant fees, appraisal fees, printing costs, publication costs, City costs, capitalized interest, reserve fund requirements, first year Annual Collection Costs, underwriter discount, fees charged by the Texas Attorney General, and any other cost or expense directly associated with the establishment of the District and/or the issuance of PID Bonds.

**“Indenture”** means an Indenture of Trust entered into in connection with the issuance of PID Bonds, as amended or supplemented from time to time, between the City and a Trustee setting forth terms and conditions related to PID Bonds.

**“Landowner”** means, collectively, 706 Investment Partnership, Ltd., a Texas limited partnership, 706 Development Corporation, a Texas corporation and Ashton Austin Residential, LLC, a Texas limited liability company, and any successor and assigns.

**“Lot”** means (1) for any portion of the District for which a subdivision plat has been recorded in the official public records of the County, a tract of land described as a “lot” in such subdivision plat, and (2) for any portion of the District for which a subdivision plat has not been recorded in the official public records of the County, a tract of land anticipated to be described as a “lot” in a final recorded subdivision plat.

**“Lot Type”** means a classification of final building Lots with similar characteristics (e.g. commercial, light industrial, multi-family, single-family residential, etc.), as determined by the Administrator and confirmed and approved by the City Council. In the case of single-family residential Lots, the Lot Type shall be further defined by classifying the residential Lots by the estimated buildout value of the Lot as determined by the Administrator and confirmed and approved by the City Council.

**“Lot Type 1”** means a Lot in the Phase 1 Plat of the Master Improvement Area designated as such on the Master Improvement Area Assessment Roll, marketed or sold to homebuilders as a 50’ Lot. The Annual Installments for Lot Type 1 Lots are attached as **Exhibit G-2**.

**“Lot Type 2”** means a Lot in the Phase 1 Plat of the Master Improvement Area designated as such on the Master Improvement Area Assessment Roll, marketed or sold to homebuilders as a 60’ Lot. The Annual Installments for Lot Type 2 Lots are attached as **Exhibit G-3**.

**“Major Improvement Area”** means all of the Parcels within District, as shown on **Exhibit B** and more specifically described in **Exhibit A**.

**“Major Improvement Area Annual Installment”** means the annual installment payment of the Major Improvement Area Assessment as calculated by the Administrator and approved by the City Council that includes: (1) principal, (2) interest, (3) Annual Collection Costs, and (4) Additional Interest.

**“Major Improvement Area Assessed Property”** means any Parcel within the Major Improvement Area against which a Major Improvement Area Assessment is levied.

**“Major Improvement Area Assessment”** means an Assessment levied against the Major Improvement Area Assessed Property and imposed pursuant to an Assessment Ordinance and the provisions herein, as shown on the Major Improvement Area Assessment Roll, subject to reallocation upon the subdivision of such Parcel or reduction according to the provisions herein and in the PID Act.



**“Major Improvement Area Assessment Roll”** means the Assessment Roll for the Major Improvement Area Assessed Property and included in this Service and Assessment Plan as **Exhibit F**, as updated, modified, or amended from time to time in accordance with the procedures set forth herein and in the PID Act, including updates prepared in connection with the issuance of PID Bonds or in connection with any Annual Service Plan Update.

**“Major Improvement Area Bonds”** mean those certain “City of Manor, Texas, Special Assessment Revenue Bonds, Series 2019 (Lagos – City of Manor Public Improvement District Major Improvement Area)”.

**“Major Improvements”** mean the public improvements authorized the PID Act that provide a special benefit to all of the Major Improvement Area Assessed Property.

**“Maximum Assessment”** means, for each Lot Type, \$3.26 per \$100 of estimated buildout value, inclusive of all other taxing entities. The estimated buildout value for a Lot Type shall be determined by the Administrator and confirmed by the City Council by considering such factors as density, lot size, proximity to amenities, view premiums, location, market conditions, historical sales, builder contracts, discussions with homebuilders, reports from third party consultants, or any other information that may help determine assessed value. The Maximum Assessment shall be calculated for Parcels at the time a final plat is filed and recorded. **Exhibit H** shows the equivalent tax rate per \$100 of estimated buildout value for the Major Improvement Area Assessment.

**“Non-Benefited Property”** means Parcels within the boundaries of the District that accrue no special benefit from the Authorized Improvements. Property is identified as Non-Benefited Property at the time the Assessments (1) are levied or (2) are reallocated pursuant to a subdivision of a Parcel that receives no benefit.

**“Owner”** means, collectively, 706 Development Corporation, a Texas corporation, 706 Investment Partnership, Ltd., a Texas limited partnership, and, where applicable, their designated successors and assigns under the Acquisition and Reimbursement Agreement.

**“Parcel(s)”** means a property, within the District, identified by either a tax map identification number assigned by the Travis Central Appraisal District for real property tax purposes, by metes and bounds description, or by lot and block number in a final subdivision plat recorded in the official public records of the County, or by any other means determined by the City.

**“Phase 1 Commercial”** means the 4.120 acres of commercial area described by metes and bounds in **Exhibit K-1**.

**“Phase 1 Plat”** means the “Lagos Phase 1 Final Plat” recorded in the official public records of Travis County on March 16, 2018, attached hereto as **Exhibit K-2**.

**“PID Act”** means Chapter 372, Texas Local Government Code, as amended.

**“PID Bonds”** mean bonds issued by the City to finance the Actual Costs of the Authorized Improvements including the Major Improvement Area Bonds.

**“Prepayment”** means the payment of all or a portion of an Assessment before the due date thereof. Amounts received at the time of a Prepayment which represent a payment of principal, interest or penalties on a delinquent installment of an Assessment are not to be considered a Prepayment, but rather are to be treated as the payment of the regularly scheduled Annual Installment of the Assessment.

**“Prepayment Costs”** mean interest and Annual Collection Costs incurred up to the date of Prepayment.

**“Remainder Parcel”** means the property located within the Major Improvement Area save and except any property contained within the Phase 1 Plat and the Phase 1 Commercial.

**“Service and Assessment Plan”** means this Service and Assessment Plan as amended.

**“Service Plan”** means the plan that defines the annual indebtedness and projected costs of the Authorized Improvements, and covers a period of at least five years, more specifically described in **Section IV**.

**“Trustee”** means a trustee (or successor trustee) under the applicable Indenture.

## SECTION II: THE DISTRICT

The District includes approximately 173 contiguous acres located within the corporate limits of the City, as more particularly described by metes and bounds on **Exhibit A** and depicted on **Exhibit B**. The Major Improvement Area includes all the Parcels within the District and is anticipated to be developed as 497 single-family residential units, 124 Village Cluster residential units, and 313,768 square feet of commercial use.

## SECTION III: AUTHORIZED IMPROVEMENTS

The City Council, based on information provided by the Landowner and its engineer and reviewed by the City staff and by third-party consultants retained by the City, has determined that the Authorized Improvements confer a special benefit on the Assessed Property. The budget for the Authorized Improvements is shown on **Exhibit C**, and a map depicting the Major Improvements is shown on **Exhibit I**.

### A. Major Improvements

- *Amenity Pond*

Includes one gazebo, trailhead monument, 3,000 LF lake trail system, site landscaping, site sod and revegetation. Irrigation, fishing points and habitat for waterfowl and picnic spots.

- *Murchison Street*

Includes entry landscape improvements, lighting allowance, water, wastewater, storm water management, erosion control/clearing/rough cut, pavement and appurtenances and miscellaneous items

- *Lapoynor Street*

Includes entry landscape improvements, lighting allowance, water, wastewater, storm water management, erosion control/clearing/rough cut, pavement and appurtenances and miscellaneous items

- *S. San Marcos Street*

Includes entry landscape improvements, lighting allowance, water, wastewater, storm water management, erosion control/clearing/rough cut, pavement and appurtenances and miscellaneous items

- *Lagos Grandes Way*

Includes entry landscape improvements, lighting allowance, water, wastewater, storm water management, erosion control/clearing/rough cut, pavement and appurtenances and miscellaneous items

- *FM 973*

Includes sidewalks and striping improvements

- *Brenham Street*

Includes paving associated with turn lanes

- *Soft Costs*

Include engineering services; development fees including design, and other professional services, and a construction management fee of 4% of hard cost; and performance and payment bonds.

**B. District Formation and Bond Issuance Costs**

- *Debt Service Reserve Fund*

Equals the amount required to fund a reserve under an applicable Indenture.

- *Capitalized Interest*

Equals the amount of capitalized interest available for payment of interest on PID Bonds as reflected in an applicable Indenture.

- *Underwriter's Discount*

Equals a percentage of the par amount of a particular series of PID Bonds and includes a fee for underwriter's counsel.

- *Cost of Issuance*

Costs associated with issuing PID Bonds, including but not limited to attorney fees, financial advisory fees, consultant fees, appraisal fees, printing costs, publication costs, County costs, fees charged by the Texas Attorney General, and any other cost or expense directly associated with the issuance of PID Bonds.

- *District Formation*

First year Annual Collection Costs and other costs and expenses directly associated with forming the District.

## SECTION IV: SERVICE PLAN

The PID Act requires the Service Plan to cover a period of at least five years. The Service Plan is required to define the annual projected costs and indebtedness for the Authorized Improvements undertaken within the District during the five-year period. The Service Plan must be reviewed and updated, at least annually, and approved by the City Council. **Exhibit D** summarizes the Service Plan for the District.

**Exhibit E** summarizes the sources and uses of funds required to construct the Authorized Improvements. The sources and uses of funds shown on **Exhibit E** shall be updated each year in the Annual Service Plan Update to reflect any budget revisions and Actual Costs.

## SECTION V: ASSESSMENT PLAN

The PID Act allows the City Council to apportion the costs of the Authorized Improvements to the Assessed Property based on the special benefit received from the Authorized Improvements. The PID Act provides that such costs may be apportioned: (1) equally per front foot or square foot; (2) according to the value of property as determined by the City Council, with or without regard to improvements constructed on the property; or (3) in any other manner approved by the City Council that results in imposing equal shares of such costs on property similarly benefited. The PID Act further provides that the governing body may establish by ordinance reasonable classifications and formulas for the apportionment of the cost between the municipality or the City and the area to be assessed and the methods of assessing the special benefits for various classes of improvements.

The determination by the City Council of the assessment methodologies set forth below is the result of the discretionary exercise by the City Council of its legislative authority and governmental powers and is conclusive and binding on the Landowner and all future owners and developers of the Assessed Property.

### A. Assessment Methodology

The City Council, acting in its legislative capacity based on information provided by the Landowner and its engineer and reviewed by the City staff and by third-party consultants retained by the City, has determined that the Major Improvements shall be allocated to the Major Improvement Area Assessed Property pro rata based on estimated buildout value of each Parcel, as shown on **Exhibit H**.

## **B. Assessments**

Major Improvement Area Assessments will be levied on the Major Improvement Area Assessed Property as shown on the Major Improvement Area Assessment Roll, attached hereto as **Exhibit F**. The projected Major Improvement Area Annual Installments are shown on **Exhibit G-1**, Lot Type 1 Annual Installments are shown on **Exhibit G-2** and Lot Type 2 Annual Installments are shown on **Exhibit G-3**.

## **C. Findings of Special Benefit**

The City Council, acting in its legislative capacity based on information provided by the Landowner and its engineer and reviewed by the City staff and by third-party consultants retained by the City, has found and determined:

### **▪ Major Improvement Area**

1. Major Improvement Area's allocable share of the Authorized Improvements equal \$3,123,396, as shown on **Exhibit C**; and
2. The Major Improvement Area Assessed Property receives special benefit from the Authorized Improvements equal to or greater than the Actual Costs of the Authorized Improvements; and
3. The Major Improvement Area Assessed Property will be allocated 100% of the Major Improvement Area Assessments, which equal \$3,120,000, as shown on the Major Improvement Area Assessment Roll attached hereto as **Exhibit F**; and
4. The special benefit ( $\geq$  \$3,123,396) received by the Major Improvement Area Assessed Property from the Authorized Improvements is equal to or greater than the amount of the Major Improvement Area Assessments (\$3,120,000) levied on the Major Improvement Area Assessed Property.

## **D. Annual Collection Costs**

The Annual Collection Costs shall be paid for on a pro rata basis by each Parcel based on the amount of outstanding Assessment remaining on the Assessed Property. The Annual Collection Costs shall be collected as part of and in the same manner as Annual Installments in the amounts shown on the Assessment Roll, which may be revised based on Actual Costs incurred in Annual Service Plan Updates.

## **E. Interest on Assessments Securing PID Bonds**

The interest rate on Assessments levied on the Assessed Property may exceed the interest rate on the PID Bonds by the Additional Interest Rate. Interest at the rate of the PID Bonds and the Additional Interest shall be collected as part of each Annual Installment and shall be deposited pursuant to the applicable Indenture.

## SECTION VI: TERMS OF THE ASSESSMENTS

### A. Reallocation of Assessments

#### 1. *Upon Division Prior to Recording of Subdivision Plat*

Upon the division of any Assessed Property (without the recording of subdivision plat), the Administrator shall reallocate the Assessment for the Assessed Property prior to the division among the newly divided Assessed Properties according to the following formula:

$$A = B \times (C \div D)$$

Where the terms have the following meanings:

A = the Assessment for the newly divided Assessed Property

B = the Assessment for the Assessed Property prior to division

C = the estimated buildout value of the newly divided Assessed Property

D = the sum of the estimated buildout value for all of the newly divided Assessed Properties

The calculation of the buildout value of an Assessed Property shall be performed by the Administrator based on information from the Landowner, homebuilders, market studies, appraisals, official public records of the County, and any other relevant information regarding the Assessed Property. The calculation as confirmed by the City Council shall be conclusive.

The sum of the Assessments for all newly divided Assessed Properties shall equal the Assessment for the Assessed Property prior to subdivision. The calculation shall be made separately for each newly divided Assessed Property. The reallocation of an Assessment for an Assessed Property that is a homestead under Texas law may not exceed the Assessment prior to the reallocation. Any reallocation pursuant to this section shall be reflected in an update to this Service and Assessment Plan approved by the City Council.

#### 2. *Upon Subdivision by a Recorded Subdivision Plat*

Upon the subdivision of any Assessed Property based on a recorded subdivision plat, the Administrator shall reallocate the Assessment for the Assessed Property prior to the subdivision among the new subdivided Lots based on buildout value according to the following formula:

$$A = [B \times (C \div D)]/E$$

Where the terms have the following meanings:

A = the Assessment for the newly subdivided Lot

B = the Assessment for the Parcel prior to subdivision



C = the sum of the estimated average buildout value of all newly subdivided Lots with same Lot Type

D = the sum of the estimated average buildout value for all of the newly subdivided Lots excluding Non-Benefited Property

E = the number of Lots with same Lot Type

Prior to the recording of a subdivision plat, the Landowner shall provide the City an estimated buildout value as of the date of the recorded subdivision plat for each Lot created by the recorded subdivision plat considering factors such as density, lot size, proximity to amenities, view premiums, location, market conditions, historical sales, discussions with homebuilders, and any other factors that may impact value. The calculation of the estimated average buildout value for a Lot shall be performed by the Administrator and confirmed by the City Council based on information provided by the Landowner, homebuilders, third party consultants, and/or the official public records of the County regarding the Lot.

The sum of the Assessments for all newly subdivided Lots shall not exceed the Assessment for the portion of the Assessed Property subdivided prior to subdivision. The calculation shall be made separately for each newly subdivided Assessed Property. The reallocation of an Assessment for an Assessed Property that is a homestead under Texas law may not exceed the Assessment prior to the reallocation. Any reallocation pursuant to this section shall be reflected in an update to this Service and Assessment Plan approved by the City Council.

### *3. Upon Consolidation*

If two or more Lots or Parcels are consolidated, the Administrator shall allocate the Assessments against the Lots or Parcels before the consolidation to the consolidated Lot or Parcel, which allocation shall be approved by the City Council in the next Annual Service Plan Update.

## **B. True-Up of Assessments if Maximum Assessment Exceeded**

Prior to the approval of a final subdivision plat, the Administrator shall certify that the final plat will not cause the Assessment for any Lot Type to exceed the Maximum Assessment. If the subdivision of any Assessed Property by a final subdivision plat causes the Assessment per Lot for any Lot Type to exceed the applicable Maximum Assessment for such Lot Type, the Landowner shall partially prepay the Assessment for each Assessed Property that exceeds the applicable Maximum Assessment for such Lot Type in an amount sufficient to reduce the Assessment to the applicable Maximum Assessment for such Lot Type. The City's approval of a final subdivision plat without payment of such amounts does not eliminate the obligation of the person or entity filing the plat to pay such Assessments.

### **C. Mandatory Prepayment of Assessments**

If Assessed Property is transferred to a person or entity that is exempt from payment of the Assessment, the owner transferring the Assessed Property shall pay to the Administrator the full amount of the Assessment, plus Prepayment Costs and Delinquent Collection Costs, prior to the transfer. If the owner of the Assessed Property causes the Assessed Property to become Non-Benefited Property, the owner causing the change in status shall pay the full amount of the Assessment, plus Prepayment Costs and Delinquent Collection Costs, prior to the change in status.

### **D. Reduction of Assessments**

If as a result of cost savings or an Authorized Improvement not being constructed, the Actual Costs of completed Authorized Improvements are less than the Assessments, City Council, upon review and approval, shall reduce each Assessment on a pro-rata basis such that the sum of the resulting reduced Assessments for all Assessed Properties equals the reduced Actual Costs. Excess PID Bond proceeds shall be applied to redeem outstanding PID Bonds. The Assessments shall not, however, be reduced to an amount less than the outstanding PID Bonds.

The Administrator shall update (and submit to the City Council for review and approval as part of the next Annual Service Plan Update) the Assessment Roll and corresponding Annual Installments to reflect the reduced Assessments.

### **E. Prepayment of Assessments**

The owner of the Assessed Property may pay, at any time, all or any part of an Assessment in accordance with the PID Act. Interest costs from the date of prepayment to the date of redemption of the applicable PID Bonds, if any, may be paid from a reserve established under the applicable Indenture. If an Annual Installment has been billed prior to the Prepayment, the Annual Installment shall be due and payable and shall be credited against the Prepayment.

If an Assessment is paid in full, with Prepayment Costs: (1) the Administrator shall cause the Assessment to be reduced to zero and the Assessment Roll to be revised accordingly; (2) the Administrator shall prepare the revised Assessment Roll and submit to the City Council for review and approval as part of the next Annual Service Plan Update; (3) the obligation to pay the Assessment and corresponding Annual Installments shall terminate; and (4) the City shall provide the owner with a recordable "Notice of PID Assessment Termination," a form of which is attached hereto as **Exhibit J**.

If an Assessment is paid in part, with Prepayment Costs: (1) the Administrator shall cause the Assessment to be reduced and the Assessment Roll revised accordingly; (2) the Administrator shall prepare the revised Assessment Roll and submit to the City Council for review and approval

as part of the next Annual Service Plan Update; and (3) the obligation to pay the Assessment and corresponding Annual Installments shall be reduced to the extent of the prepayment made.

#### **F. Payment of Assessment in Annual Installments**

**Exhibit G-1** shows the projected Major Improvement Area Annual Installments, **Exhibit G-2** shows the Lot Type 1 Annual Installments and **Exhibit G-3** shows the Lot Type 2 Annual Installments. Assessments that are not paid in full shall be due and payable in Annual Installments. Annual Installments are subject to adjustment in each Annual Service Plan Update.

The Administrator shall prepare and submit to the City Council for its review and approval an Annual Service Plan Update to allow for the billing and collection of Annual Installments. Each Annual Service Plan Update shall include updated Assessment Rolls and updated calculations of Annual Installments. Annual Collection Costs shall be allocated pro rata among Parcels for which the Assessments remain unpaid based on the amount of outstanding Assessment on each Parcel. Annual Installments shall be collected in the same manner and at the same time as ad valorem taxes. Annual Installments shall be subject to the penalties, procedures, and foreclosure sale in case of delinquencies as set forth in the PID Act and in the same manner as ad valorem taxes for the City. The City Council may provide for other means of collecting Annual Installments. Assessments shall have the lien priority specified in the PID Act.

Sales of the Assessed Property for nonpayment of Annual Installments shall be subject to the lien for the remaining unpaid Annual Installments against the Assessed Property, and the Assessed Property may again be sold at a judicial foreclosure sale if the purchaser fails to timely pay the Annual Installments as they become due and payable.

The City reserves the right to refund PID Bonds in accordance with the PID Act. In the event of a refunding, the Administrator shall recalculate the Annual Installments so that total Annual Installments will be sufficient to pay the refunding bonds, and the refunding bonds shall constitute "PID Bonds."

Each Annual Installment of an Assessment, including interest on the unpaid principal of the Assessment, shall be updated annually. Each Annual Installment shall be due when billed and shall be delinquent if not paid prior to February 1 of the following year. The initial Annual Installments shall be due when billed and shall be delinquent if not paid prior to February 1, 2020.

#### **G. Allocating Annual Installments if Assessed Property is Sold**

If Assessed Property is sold, the Annual Installment shall be allocated between the buyer and seller in the same methodology as property taxes.

## **SECTION VII: ASSESSMENT ROLL**

The Major Improvement Area Assessment Roll is attached as **Exhibit F**. The Administrator shall prepare and submit to the City Council for review and approval, proposed revisions to the Major Improvement Area Assessment Roll and Major Improvement Area Annual Installments for each Parcel within the Major Improvement Area Assessed Property as part of each Annual Service Plan Update.

## **SECTION VIII: ADDITIONAL PROVISIONS**

### **A. Calculation Errors**

If the owner of a Parcel claims that an error has been made in any calculation required by this Service and Assessment Plan, including, but not limited to, any calculation made as part of any Annual Service Plan Update, the owner's sole and exclusive remedy shall be to submit a written notice of error to the Administrator by December 1<sup>st</sup> of each year following City Council approval of the calculation; otherwise, the owner shall be deemed to have unconditionally approved and accepted the calculation. Upon receipt of a written notice of error from an owner the Administrator shall provide a written response to the City Council and the owner within 30 days of such referral. The City Council shall consider the owner's notice of error and the Administrator's response at a City Council meeting, and within 30 days after closing such meeting, the City Council shall make a final determination as to whether or not an error has been made. If the City Council determines that an error has been made, the City Council shall take such corrective action as is authorized by the PID Act, this Service and Assessment Plan, the Bond Order, or the Trust Indenture, or is otherwise authorized by the discretionary power of the City Council. The determination by the City Council as to whether an error has been made, and any corrective action taken by the City Council, shall be final and binding on the owner and the Administrator.

### **B. Amendments**

Amendments to this Service and Assessment Plan must be made by the City Council in accordance with the PID Act. To the extent permitted by the PID Act, this Service and Assessment Plan may be amended without notice to owners of the Assessed Property: (1) to correct mistakes and clerical errors; (2) to clarify ambiguities; and (3) to provide procedures to collect Assessments, Annual Installments, and other charges imposed by this Service and Assessment Plan.

### **C. Administration and Interpretation**

The Administrator shall: (1) perform the obligations of the Administrator as set forth in this Service and Assessment Plan; (2) administer the District for and on behalf of and at the direction of the City Council; and (3) interpret the provisions of this Service and Assessment Plan. Interpretations of this Service and Assessment Plan by the Administrator shall be in writing and shall be appealable to the City Council by owners or developers adversely affected by the interpretation. Appeals shall be decided at a meeting of the City Council during which all interested parties have an opportunity to be heard. Decisions by the City Council shall be final and binding on the owners and developers and their successors and assigns.

### **D. Severability**

If any provision of this Service and Assessment Plan is determined by a governmental agency or court to be unenforceable, the unenforceable provision shall be deleted and, to the maximum extent possible, shall be rewritten to be enforceable. Every effort shall be made to enforce the remaining provisions.

## LIST OF EXHIBITS

<b>Exhibit A</b>	District Legal Description
<b>Exhibit B</b>	District Boundary Map
<b>Exhibit C</b>	Authorized Improvements
<b>Exhibit D</b>	Service Plan
<b>Exhibit E</b>	Sources and Uses
<b>Exhibit F</b>	Major Improvement Area Assessment Roll
<b>Exhibit G-1</b>	Major Improvement Area Annual Installments
<b>Exhibit G-2</b>	Lot Type 1 Annual Installments
<b>Exhibit G-3</b>	Lot Type 2 Annual Installments
<b>Exhibit H</b>	Major Improvements Allocation
<b>Exhibit I</b>	Maps of Major Improvements
<b>Exhibit J</b>	Notice of PID Assessment Termination
<b>Exhibit K-1</b>	Phase 1 Commercial Legal Description
<b>Exhibit K-2</b>	Phase 1 Plat
<b>Exhibit L</b>	Concept and Phasing Plan

## EXHIBIT A – DISTRICT LEGAL DESCRIPTION

### LEGAL DESCRIPTION 173.212 ACRES OF LAND

173.212 acres of land located in James Manor Survey No. 40, Abstract No. 546, the Calvin Barker Survey No. 38, Abstract No. 58, the James Manor Survey No. 39, Abstract No. 528, the James H. Manor Survey No. 37, Abstract No. 520 Travis County, Texas and being a portion of that certain tract of land conveyed to 706 Investment Partnership, LTD., a Texas limited partnership, as described in Document Number 2005114143, Official Public Records of Travis County, Texas; said 173.212 acres being more particularly described as follows:

**BEGINNING**, at a set ½ inch iron rod with KHA cap, marking the intersection of the southerly right of way line of Blake Manor Road (variable right of way), with the easterly right of way line of F.M. 973, same being the northwesterly corner of said 706 Investment Partnership, LTD. Tract;

**THENCE**, along the southerly line of said Blake Manor Road, the following courses:

South 79deg 43' 00" East, a distance of 1399.04 feet, to a found ½ inch iron rod with cap;  
North 27deg 58' 57" East, a distance of 1.64 feet, to a found ½ inch iron rod with cap;  
Southeasterly, along the arc of a curve to the right having a radius of 785.51 feet, a central angle of 12deg 02' 09", an arc length of 165.01 feet and a chord bearing: South 64deg 48' 28" East, 164.70 feet, to a found ½ inch iron rod with cap;  
South 58deg 53' 38" East, a distance of 851.34 feet, to a found ½ inch iron rod with cap;  
Southeasterly, along the arc of a curve to the right having a radius of 785.51 feet, a central angle of 29deg 49' 04", an arc length of 408.79 feet and a chord bearing: South 44deg 01' 37" East, 404.20 feet, to a found ½ inch iron rod with cap;  
South 29deg 04' 06" East, a distance of 1115.99 feet, to a set ½ inch iron rod with "KHA" cap;

**THENCE**, leaving the southerly line of Blake Manor Road and across the said 706 Investment Partnership, LTD. tract, the following courses:

South 61deg 50' 31" West, a distance of 2766.50 feet, to a set ½ inch iron rod with "KHA" cap;  
Southwesterly, along the arc of a curve to the right having a radius of 1000.00 feet, a central angle of 36deg 16' 07", an arc length of 633.01 feet and a chord bearing: South 80deg 00' 08" West, 622.49 feet, to a found ½ inch iron rod with cap;  
North 81deg 51' 49" West, a distance of 626.86 feet, to a set ½ inch iron rod with "KHA" cap located in the easterly right of way line of said F.M. 973;

**THENCE**, along the easterly line of said F.M. 973, the following courses:

North 4°17'10" East, 131.97 feet to a point of for corner;  
Northeasterly, along the arc of a curve to the right having a radius of 5679.58 feet, a central angle of 6deg 07' 33", an arc length of 607.25 feet and a chord bearing: North 7deg 22' 34" West, 606.96 feet, to a found ½ inch iron rod with cap marking the southwestern-most corner of that certain 13.34 acre tract of land conveyed to the Board of Trustees of the Manor Independent School District, as described in Document Number 2015151286, Official Public Records of Travis County, Texas;

**THENCE**, departing the easterly line of said F.M. 973 and along the boundary of said 13.34 acre tract, the following courses:

South 76°23'26" East, a distance of 256.24 feet to a found ½ inch iron rod with cap for corner;  
South 80°30'13" East, a distance of 398.47 feet to a found ½ inch iron rod with cap for corner;  
South 87°44'52" East, a distance of 225.56 feet to a found ½ inch iron rod with cap for corner;  
North 48°03'21" East, a distance of 396.94 feet to a found ½ inch iron rod with cap of for corner;  
Northwesterly, along the arc of a curve to the left having a radius of 1365.00 feet, a central angle of 37deg 04' 43", an arc length of 883.35 feet and a chord bearing: North 60deg 29' 01" East, 868.02 feet, to a found ½ inch iron rod with cap;  
North 79°01'23" West, a distance of 268.98 feet to a found ½ inch iron rod with cap of curvature;

Lagos PID – 173.212 acres

Job No. 069241738 – February 22, 2019- Page 1 of 3

JGM  
2-22-2019



Southwesterly, along the arc of a curve to the left having a radius of 25.00 feet, a central angle of 90deg 00' 48", an arc length of 39.28 feet and a chord bearing: South 55deg 58' 13" West, 35.36 feet, to a found ½ inch iron rod with cap located in the easterly right of way line of said F.M. 973;

**THENCE**, North 10°57'49" East, a distance of 2063.79 feet along the easterly right of way line of said F.M. 973 to the **POINT OF BEGINNING**, and containing 173.212 acres of land in Travis County, Texas, as shown in the document saved in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

Basis of Bearings are based on the Texas State Plane Coordinate System (Central Zone, NAD83) which is based GPS observation.

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

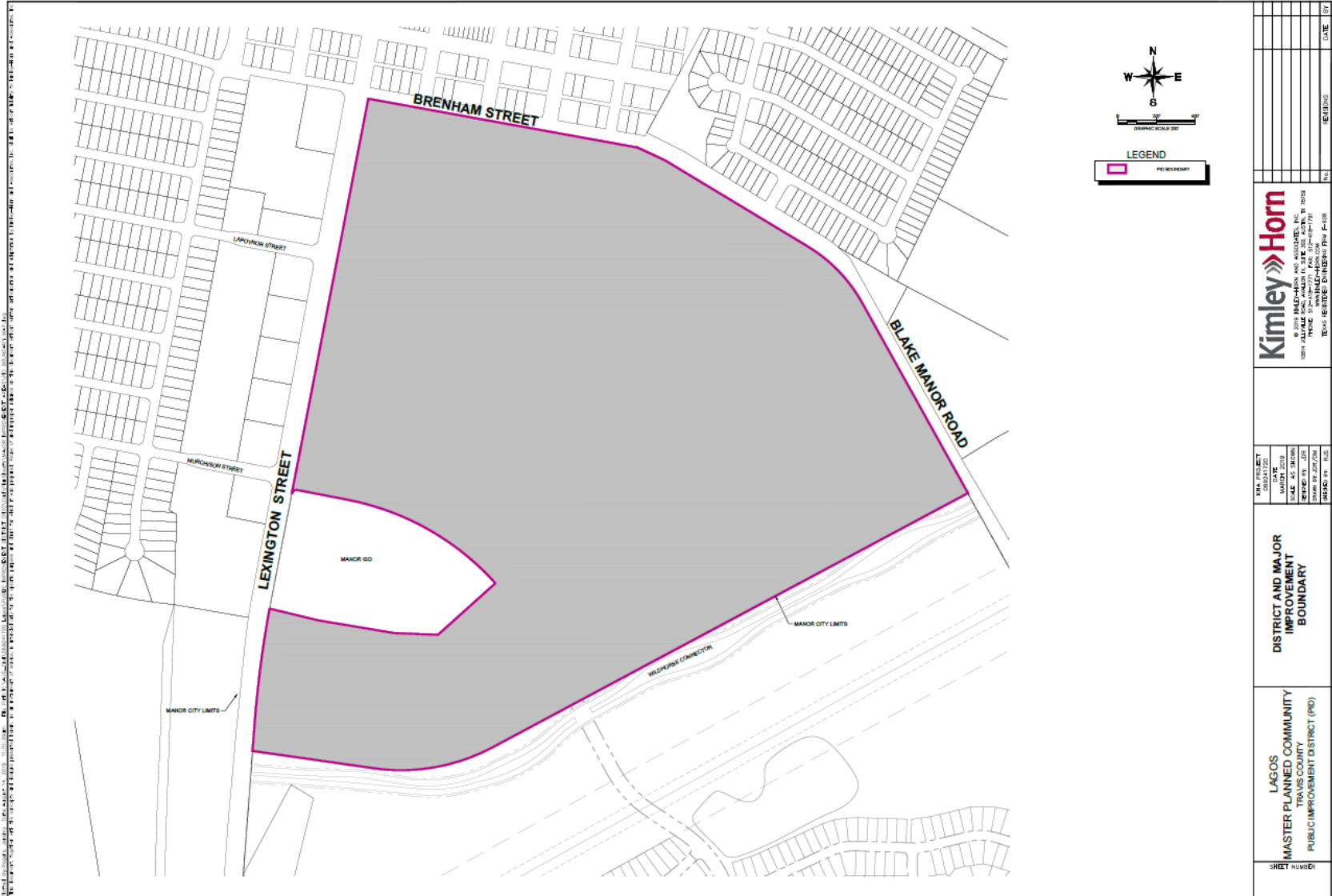
*John G. Mosier 2-22-2019*

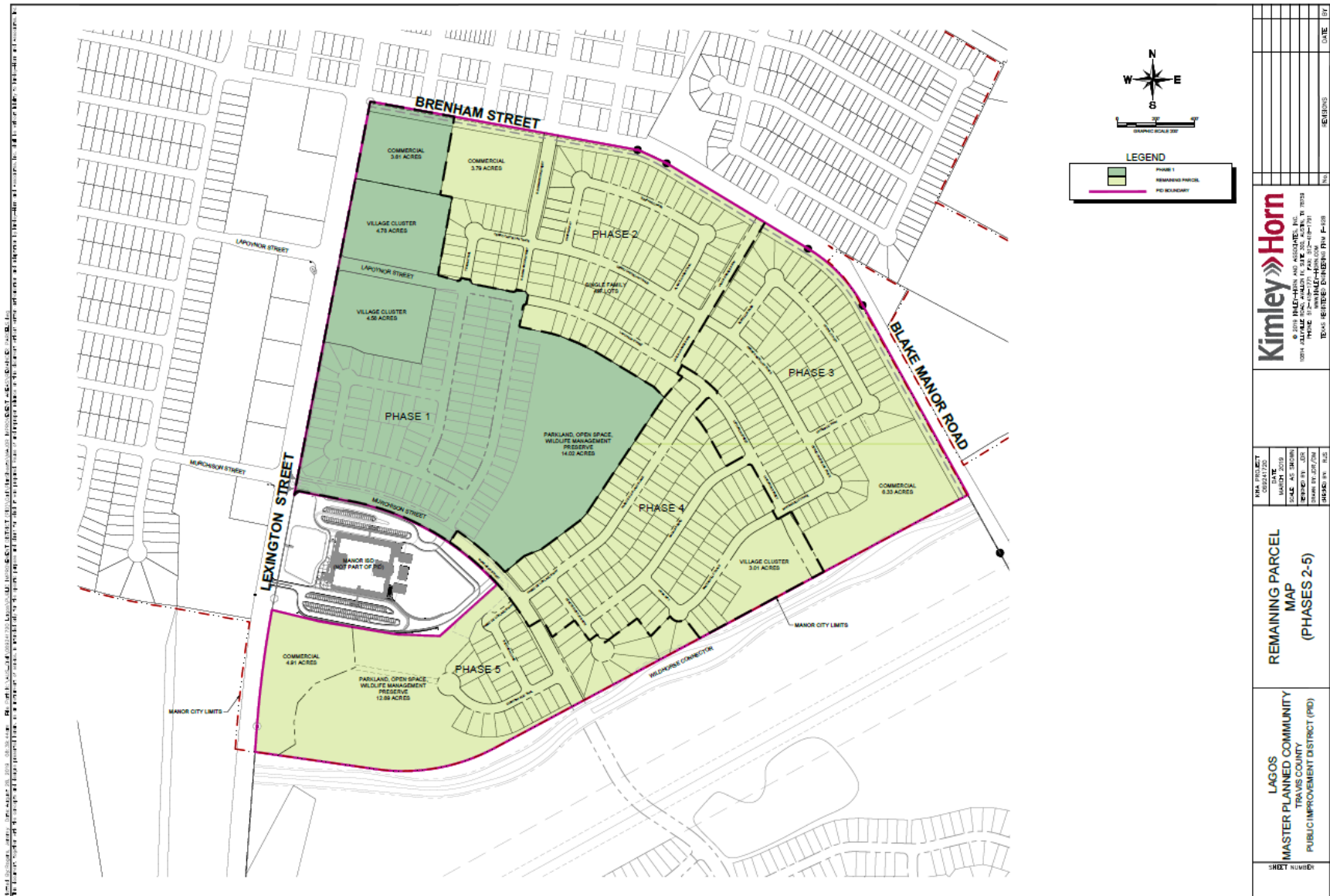
John G. Mosier  
Registered Professional Land Surveyor No. 6330  
Kimley-Horn and Associates, Inc.  
601 NW Loop 410, Suite 350  
San Antonio, Texas 78216  
Ph. 210-541-9166





## EXHIBIT B – DISTRICT BOUNDARY MAP





<p><b>Kimley»Horn</b></p> <p>© 2014 KIMLEY-HORN AND ASSOCIATES, INC. 10001 N. MICHIGAN AVE., SUITE 1000, DALLAS, TX 75243 PHONE: 972-444-1000 FAX: 972-444-1001 TEXAS REGISTERED ENGINEER NO. P-108</p>		<p>DATE</p>	
<p>REMAINING PARCEL MAP (PHASES 2-5)</p>		<p>DATE</p>	
<p>LAGOS MASTER PLANNED COMMUNITY TRAVIS COUNTY PUBLIC IMPROVEMENT DISTRICT (PID)</p>		<p>DATE</p>	
<p>SHEET NUMBER</p>		<p>DATE</p>	

## EXHIBIT C – AUTHORIZED IMPROVEMENTS

	Total Costs	Phase 1		Phase 2		Phase 3		Phase 4		Phase 5	
		%	Cost	%	Cost	%	Cost	%	Cost	%	Cost
<i>Major Improvements</i>											
Amenity Pond	\$ 1,194,440	27.60%	\$ 329,616	17.86%	\$ 213,327	18.34%	\$ 219,085	17.86%	\$ 213,327	18.34%	\$ 219,085
Murchison Street	230,300	27.60%	63,553	17.86%	41,132	18.34%	42,242	17.86%	41,132	18.34%	42,242
Lapoynor Street	143,350	27.60%	39,559	17.86%	25,602	18.34%	26,293	17.86%	25,602	18.34%	26,293
S. San Marcos Street	126,900	27.60%	35,019	17.86%	22,664	18.34%	23,276	17.86%	22,664	18.34%	23,276
Lagos Grandes Way	204,450	27.60%	56,420	17.86%	36,515	18.34%	37,500	17.86%	36,515	18.34%	37,500
FM 973	100,000	27.60%	27,596	17.86%	17,860	18.34%	18,342	17.86%	17,860	18.34%	18,342
Brenham Street	226,379	27.60%	62,471	17.86%	40,431	18.34%	41,523	17.86%	40,431	18.34%	41,523
Soft Costs	411,777	27.60%	113,633	17.86%	73,543	18.34%	75,528	17.86%	73,543	18.34%	75,528
	<u>\$ 2,637,596</u>		<u>\$ 727,866</u>		<u>\$ 471,075</u>		<u>\$ 483,790</u>		<u>\$ 471,075</u>		<u>\$ 483,790</u>
<i>PID Formation and Bond Issuance Costs</i>											
Debt Service Reserve Fund	\$ 205,000	27.60%	\$ 56,571	17.86%	\$ 36,613	18.34%	\$ 37,601	17.86%	\$ 36,613	18.34%	\$ 37,601
Capitalized Interest	-	27.60%	-	17.86%	-	18.34%	-	17.86%	-	18.34%	-
Underwriter Discount	93,600	27.60%	25,830	17.86%	16,717	18.34%	17,168	17.86%	16,717	18.34%	17,168
Cost of Issuance	187,200	27.60%	51,659	17.86%	33,434	18.34%	34,336	17.86%	33,434	18.34%	34,336
	<u>\$ 485,800</u>		<u>\$ 134,061</u>		<u>\$ 86,764</u>		<u>\$ 89,106</u>		<u>\$ 86,764</u>		<u>\$ 89,106</u>
<b>Total</b>	<b>\$ 3,123,396</b>		<b>\$ 861,927</b>		<b>\$ 557,839</b>		<b>\$ 572,895</b>		<b>\$ 557,839</b>		<b>\$ 572,895</b>

## EXHIBIT D – SERVICE PLAN

Major Improvement Area						
Installments Due		1/31/2020	1/31/2021	1/31/2022	1/31/2023	1/31/2024
Principal		\$ 50,000	\$ 50,000	\$ 50,000	\$ 55,000	\$ 55,000
Interest		153,500	153,500	151,000	148,500	145,750
	(1)	\$ 203,500	\$ 203,500	\$ 201,000	\$ 203,500	\$ 200,750
Annual Collection Costs	(2)	\$ 35,000	\$ 35,700	\$ 36,414	\$ 37,142	\$ 37,885
Additional Interest	(3)	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Annual Installment</b>	<b>(4) = (1) + (2) + (3)</b>	<b>\$ 238,500</b>	<b>\$ 239,200</b>	<b>\$ 237,414</b>	<b>\$ 240,642</b>	<b>\$ 238,635</b>

## EXHIBIT E – SOURCES AND USES

Sources of Funds		
Major Improvement Area Bond Par	\$	3,120,000
Owner Contribution		3,396
<b>Total Sources</b>	<b>\$</b>	<b>3,123,396</b>
Uses of Funds		
Major Improvements	\$	2,637,596
<i>District Formation and Bond Issuance Costs</i>		
Debt Service Reserve Fund	\$	205,000
Capitalized Interest		-
Underwriter's Discount		93,600
Cost of Issuance		187,200
	<b>\$</b>	<b>485,800</b>
<b>Total Uses</b>	<b>\$</b>	<b>3,123,396</b>

## EXHIBIT F – MAJOR IMPROVEMENT AREA ASSESSMENT ROLL

Property ID	Geographic ID	Lot Type	Outstanding Assessment	Installment Due 1/31/2020
906078	02316201010000	Non-Benefited	\$ -	\$ -
906079	02316201020000	1	\$ 3,591.53	\$ 274.54
906080	02316201030000	1	\$ 3,591.53	\$ 274.54
906081	02316201040000	1	\$ 3,591.53	\$ 274.54
906082	02316201050000	1	\$ 3,591.53	\$ 274.54
906083	02316201060000	1	\$ 3,591.53	\$ 274.54
906084	02316201070000	1	\$ 3,591.53	\$ 274.54
906085	02316201080000	1	\$ 3,591.53	\$ 274.54
906086	02316201090000	1	\$ 3,591.53	\$ 274.54
906087	02316201100000	1	\$ 3,591.53	\$ 274.54
906088	02316201110000	1	\$ 3,591.53	\$ 274.54
906089	02316201120000	1	\$ 3,591.53	\$ 274.54
906090	02316201130000	1	\$ 3,591.53	\$ 274.54
906091	02316201140000	1	\$ 3,591.53	\$ 274.54
906092	02316201150000	1	\$ 3,591.53	\$ 274.54
906093	02316201160000	1	\$ 3,591.53	\$ 274.54
906094	02316201170000	1	\$ 3,591.53	\$ 274.54
906095	02316201180000	1	\$ 3,591.53	\$ 274.54
906096	02316201190000	1	\$ 3,591.53	\$ 274.54
906097	02316201200000	1	\$ 3,591.53	\$ 274.54
906098	02316201210000	1	\$ 3,591.53	\$ 274.54
906099	02335923010000	N/A	\$ 147,093.60	\$ 11,244.17
906100	02336221010000	N/A	\$ 141,119.94	\$ 10,787.53
906101	02336221020000	Non-Benefited	\$ -	\$ -
906102	02336221030000	1	\$ 3,591.53	\$ 274.54
906103	02336221040000	1	\$ 3,591.53	\$ 274.54
906104	02336221050000	1	\$ 3,591.53	\$ 274.54
906105	02336221060000	1	\$ 3,591.53	\$ 274.54
906106	02336221070000	1	\$ 3,591.53	\$ 274.54
906107	02316202010000	1	\$ 3,591.53	\$ 274.54
906108	02316202020000	1	\$ 3,591.53	\$ 274.54
906109	02316202030000	1	\$ 3,591.53	\$ 274.54
906110	02316202040000	1	\$ 3,591.53	\$ 274.54
906111	02316202050000	1	\$ 3,591.53	\$ 274.54
906112	02316202060000	1	\$ 3,591.53	\$ 274.54
906113	02316202070000	1	\$ 3,591.53	\$ 274.54
906114	02316202080000	1	\$ 3,591.53	\$ 274.54
906115	02316202090000	1	\$ 3,591.53	\$ 274.54
906116	02316202100000	1	\$ 3,591.53	\$ 274.54
906117	02316202110000	1	\$ 3,591.53	\$ 274.54
906118	02315908010000	1	\$ 3,591.53	\$ 274.54
906119	02315908020000	1	\$ 3,591.53	\$ 274.54
906120	02315908030000	1	\$ 3,591.53	\$ 274.54
906121	02315908040000	1	\$ 3,591.53	\$ 274.54
906122	02315908050000	1	\$ 3,591.53	\$ 274.54

Property ID	Geographic ID	Lot Type	Outstanding Assessment	Installment Due 1/31/2020
906123	02315908060000	1	\$ 3,591.53	\$ 274.54
906124	02315908070000	1	\$ 3,591.53	\$ 274.54
906125	02315908080000	1	\$ 3,591.53	\$ 274.54
906126	02315908090000	1	\$ 3,591.53	\$ 274.54
906127	02315908100000	1	\$ 3,591.53	\$ 274.54
906128	02315908110000	1	\$ 3,591.53	\$ 274.54
906129	02315908120000	1	\$ 3,591.53	\$ 274.54
906130	02315908130000	1	\$ 3,591.53	\$ 274.54
906131	02315908140000	1	\$ 3,591.53	\$ 274.54
906132	02315908150000	1	\$ 3,591.53	\$ 274.54
906133	02315908160000	1	\$ 3,591.53	\$ 274.54
906134	02315908170000	1	\$ 3,591.53	\$ 274.54
906135	02315908180000	1	\$ 3,591.53	\$ 274.54
906136	02315908190000	1	\$ 3,591.53	\$ 274.54
906137	02315908200000	Non-Benefited	\$ -	\$ -
906138	02315908210000	1	\$ 3,591.53	\$ 274.54
906139	02315908220000	1	\$ 3,591.53	\$ 274.54
906140	02315908230000	1	\$ 3,591.53	\$ 274.54
906141	02315908240000	1	\$ 3,591.53	\$ 274.54
906142	02315908250000	1	\$ 3,591.53	\$ 274.54
906143	02315908260000	1	\$ 3,591.53	\$ 274.54
906144	02315908270000	1	\$ 3,591.53	\$ 274.54
906145	02336222010000	1	\$ 3,591.53	\$ 274.54
906146	02336222020000	1	\$ 3,591.53	\$ 274.54
906147	02336222030000	1	\$ 3,591.53	\$ 274.54
906148	02336222040000	1	\$ 3,591.53	\$ 274.54
906149	02336222050000	1	\$ 3,591.53	\$ 274.54
906150	02336222060000	1	\$ 3,591.53	\$ 274.54
906151	02336222070000	1	\$ 3,591.53	\$ 274.54
906152	02336222080000	1	\$ 3,591.53	\$ 274.54
906153	02336222090000	1	\$ 3,591.53	\$ 274.54
906154	02316203010000	1	\$ 3,591.53	\$ 274.54
906155	02316203020000	1	\$ 3,591.53	\$ 274.54
906156	02316203030000	1	\$ 3,591.53	\$ 274.54
906157	02316203040000	1	\$ 3,591.53	\$ 274.54
906158	02316203050000	1	\$ 3,591.53	\$ 274.54
906159	02316203060000	1	\$ 3,591.53	\$ 274.54
906160	02316203070000	1	\$ 3,591.53	\$ 274.54
906161	02316203080000	1	\$ 3,591.53	\$ 274.54
906162	02316203090000	1	\$ 3,591.53	\$ 274.54
906163	02316203100000	1	\$ 3,591.53	\$ 274.54
906164	02316203110000	1	\$ 3,591.53	\$ 274.54
906165	02316203120000	1	\$ 3,591.53	\$ 274.54
906166	02316203130000	1	\$ 3,591.53	\$ 274.54
906167	02316203140000	1	\$ 3,591.53	\$ 274.54

Property ID	Geographic ID	Lot Type	Outstanding Assessment	Installment Due 1/31/2020
906168	02316203150000	2	\$ 3,791.06	\$ 289.80
906169	02316203160000	2	\$ 3,791.06	\$ 289.80
906170	02316203170000	2	\$ 3,791.06	\$ 289.80
906171	02316203180000	1	\$ 3,591.53	\$ 274.54
906172	02316203190000	1	\$ 3,591.53	\$ 274.54
906173	02316203200000	1	\$ 3,591.53	\$ 274.54
906174	02316203210000	1	\$ 3,591.53	\$ 274.54
906175	02316203220000	1	\$ 3,591.53	\$ 274.54
906176	02316203230000	1	\$ 3,591.53	\$ 274.54
906177	02316203240000	1	\$ 3,591.53	\$ 274.54
906178	02316203250000	1	\$ 3,591.53	\$ 274.54
906179	02316203260000	1	\$ 3,591.53	\$ 274.54
906180	02316203270000	1	\$ 3,591.53	\$ 274.54
906181	02316203280000	1	\$ 3,591.53	\$ 274.54
906182	02315909010000	1	\$ 3,591.53	\$ 274.54
906183	02315909020000	1	\$ 3,591.53	\$ 274.54
906184	02315909030000	1	\$ 3,591.53	\$ 274.54
906185	02315909040000	1	\$ 3,591.53	\$ 274.54
906186	02315909050000	1	\$ 3,591.53	\$ 274.54
906187	02315909060000	1	\$ 3,591.53	\$ 274.54
906188	02315909070000	1	\$ 3,591.53	\$ 274.54
906189	02315909080000	1	\$ 3,591.53	\$ 274.54
906190	02315909090000	1	\$ 3,591.53	\$ 274.54
906191	02315909100000	1	\$ 3,591.53	\$ 274.54
906192	02315909110000	2	\$ 3,791.06	\$ 289.80
906193	02315909120000	2	\$ 3,791.06	\$ 289.80
906194	02315909130000	2	\$ 3,791.06	\$ 289.80
906195	02316204010000	2	\$ 3,791.06	\$ 289.80
906196	02316204020000	1	\$ 3,591.53	\$ 274.54
906197	02316204030000	1	\$ 3,591.53	\$ 274.54
906198	02316204040000	1	\$ 3,591.53	\$ 274.54
906199	02316204050000	1	\$ 3,591.53	\$ 274.54
906200	02316204060000	1	\$ 3,591.53	\$ 274.54
227196	02266002010000	N/A*	\$ 358,453.69	\$ 27,401.03
227197	02266002020000	N/A*	\$ 553,550.52	\$ 42,314.68
227198	02266002030000	N/A*	\$ 224,112.27	\$ 17,131.66
227199	02266002040000	N/A*	\$ 969,130.22	\$ 74,082.55
227211	02266002160000	N/A*	\$ 212,848.40	\$ 16,270.62
867526	02266002230000	N/A*	\$ 88,494.25	\$ 6,764.70
<b>Major Improvement Area Total</b>			<b>\$ 3,120,000.00</b>	<b>\$ 238,500.00</b>

\*Property IDs are found within the Remainder Parcel of the District. Until a plat has been recorded within the Remainder Parcel, the Assessment and Annual Installment will be allocated between each property ID based on the Travis Central Appraisal District acreage. Phase 1 Commercial is located entirely within Property ID #227196.



## EXHIBIT G-1 – MAJOR IMPROVEMENT AREA ANNUAL INSTALLMENTS

Installments Due	Principal	Interest [a]	Annual Collection Costs	Additional Interest	Annual Installment
1/31/2020	\$ 50,000	\$ 153,500	\$ 35,000	\$ -	\$ 238,500
1/31/2021	\$ 50,000	\$ 153,500	\$ 35,700	\$ -	\$ 239,200
1/31/2022	\$ 50,000	\$ 151,000	\$ 36,414	\$ -	\$ 237,414
1/31/2023	\$ 55,000	\$ 148,500	\$ 37,142	\$ -	\$ 240,642
1/31/2024	\$ 55,000	\$ 145,750	\$ 37,885	\$ -	\$ 238,635
1/31/2025	\$ 60,000	\$ 143,000	\$ 38,643	\$ -	\$ 241,643
1/31/2026	\$ 65,000	\$ 140,000	\$ 39,416	\$ -	\$ 244,416
1/31/2027	\$ 65,000	\$ 136,750	\$ 40,204	\$ -	\$ 241,954
1/31/2028	\$ 70,000	\$ 133,500	\$ 41,008	\$ -	\$ 244,508
1/31/2029	\$ 75,000	\$ 130,000	\$ 41,828	\$ -	\$ 246,828
1/31/2030	\$ 75,000	\$ 126,250	\$ 42,665	\$ -	\$ 243,915
1/31/2031	\$ 80,000	\$ 122,500	\$ 43,518	\$ -	\$ 246,018
1/31/2032	\$ 85,000	\$ 118,500	\$ 44,388	\$ -	\$ 247,888
1/31/2033	\$ 90,000	\$ 114,250	\$ 45,276	\$ -	\$ 249,526
1/31/2034	\$ 95,000	\$ 109,750	\$ 46,182	\$ -	\$ 250,932
1/31/2035	\$ 95,000	\$ 105,000	\$ 47,105	\$ -	\$ 247,105
1/31/2036	\$ 100,000	\$ 100,250	\$ 48,047	\$ -	\$ 248,297
1/31/2037	\$ 105,000	\$ 95,250	\$ 49,008	\$ -	\$ 249,258
1/31/2038	\$ 115,000	\$ 90,000	\$ 49,989	\$ -	\$ 254,989
1/31/2039	\$ 120,000	\$ 84,250	\$ 50,988	\$ -	\$ 255,238
1/31/2040	\$ 125,000	\$ 78,250	\$ 52,008	\$ -	\$ 255,258
1/31/2041	\$ 130,000	\$ 72,000	\$ 53,048	\$ -	\$ 255,048
1/31/2042	\$ 135,000	\$ 65,500	\$ 54,109	\$ -	\$ 254,609
1/31/2043	\$ 145,000	\$ 58,750	\$ 55,191	\$ -	\$ 258,941
1/31/2044	\$ 150,000	\$ 51,500	\$ 56,295	\$ -	\$ 257,795
1/31/2045	\$ 160,000	\$ 44,000	\$ 57,421	\$ -	\$ 261,421
1/31/2046	\$ 165,000	\$ 36,000	\$ 58,570	\$ -	\$ 259,570
1/31/2047	\$ 175,000	\$ 27,750	\$ 59,741	\$ -	\$ 262,491
1/31/2048	\$ 185,000	\$ 19,000	\$ 60,936	\$ -	\$ 264,936
1/31/2049	\$ 195,000	\$ 9,750	\$ 62,155	\$ -	\$ 266,905
<b>Total</b>	<b>\$ 3,120,000</b>	<b>\$ 2,964,000</b>	<b>\$ 1,419,883</b>	<b>\$ -</b>	<b>\$ 7,503,883</b>

[a] Interest is calculated at a 5.00% rate.

*Note: The figures shown above are estimates only and subject to change in annual service plan updates. Changes in administrative expenses, reserve fund requirements, interest earnings, or other available offsets could increase or decrease the amounts shown.*

## EXHIBIT G-2 – LOT TYPE 1 ANNUAL INSTALLMENTS

Installments Due	Principal	Interest [a]	Annual Collection Costs	Additional Interest	Annual Installment
1/31/2020	\$ 57.56	\$ 176.70	\$ 40.29	\$ -	\$ 274.54
1/31/2021	\$ 57.56	\$ 176.70	\$ 41.10	\$ -	\$ 275.35
1/31/2022	\$ 57.56	\$ 173.82	\$ 41.92	\$ -	\$ 273.29
1/31/2023	\$ 63.31	\$ 170.94	\$ 42.76	\$ -	\$ 277.01
1/31/2024	\$ 63.31	\$ 167.78	\$ 43.61	\$ -	\$ 274.70
1/31/2025	\$ 69.07	\$ 164.61	\$ 44.48	\$ -	\$ 278.16
1/31/2026	\$ 74.82	\$ 161.16	\$ 45.37	\$ -	\$ 281.35
1/31/2027	\$ 74.82	\$ 157.42	\$ 46.28	\$ -	\$ 278.52
1/31/2028	\$ 80.58	\$ 153.68	\$ 47.21	\$ -	\$ 281.46
1/31/2029	\$ 86.33	\$ 149.65	\$ 48.15	\$ -	\$ 284.13
1/31/2030	\$ 86.33	\$ 145.33	\$ 49.11	\$ -	\$ 280.78
1/31/2031	\$ 92.09	\$ 141.01	\$ 50.10	\$ -	\$ 283.20
1/31/2032	\$ 97.85	\$ 136.41	\$ 51.10	\$ -	\$ 285.35
1/31/2033	\$ 103.60	\$ 131.52	\$ 52.12	\$ -	\$ 287.24
1/31/2034	\$ 109.36	\$ 126.34	\$ 53.16	\$ -	\$ 288.86
1/31/2035	\$ 109.36	\$ 120.87	\$ 54.22	\$ -	\$ 284.45
1/31/2036	\$ 115.11	\$ 115.40	\$ 55.31	\$ -	\$ 285.82
1/31/2037	\$ 120.87	\$ 109.65	\$ 56.42	\$ -	\$ 286.93
1/31/2038	\$ 132.38	\$ 103.60	\$ 57.54	\$ -	\$ 293.53
1/31/2039	\$ 138.14	\$ 96.98	\$ 58.69	\$ -	\$ 293.81
1/31/2040	\$ 143.89	\$ 90.08	\$ 59.87	\$ -	\$ 293.84
1/31/2041	\$ 149.65	\$ 82.88	\$ 61.07	\$ -	\$ 293.59
1/31/2042	\$ 155.40	\$ 75.40	\$ 62.29	\$ -	\$ 293.09
1/31/2043	\$ 166.91	\$ 67.63	\$ 63.53	\$ -	\$ 298.08
1/31/2044	\$ 172.67	\$ 59.28	\$ 64.80	\$ -	\$ 296.76
1/31/2045	\$ 184.18	\$ 50.65	\$ 66.10	\$ -	\$ 300.93
1/31/2046	\$ 189.94	\$ 41.44	\$ 67.42	\$ -	\$ 298.80
1/31/2047	\$ 201.45	\$ 31.94	\$ 68.77	\$ -	\$ 302.16
1/31/2048	\$ 212.96	\$ 21.87	\$ 70.15	\$ -	\$ 304.98
1/31/2049	\$ 224.47	\$ 11.22	\$ 71.55	\$ -	\$ 307.24
<b>Total</b>	<b>\$ 3,591.53</b>	<b>\$ 3,411.95</b>	<b>\$ 1,634.47</b>	<b>\$ -</b>	<b>\$ 8,637.95</b>

[a] Interest is calculated at a 5.00% rate.

*Note: The figures shown above are estimates only and subject to change in annual service plan updates. Changes in administrative expenses, reserve fund requirements, interest earnings, or other available offsets could increase or decrease the amounts shown.*

### EXHIBIT G-3 – LOT TYPE 2 ANNUAL INSTALLMENTS

Installments Due	Principal	Interest [a]	Annual Collection Costs	Additional Interest	Annual Installment
1/31/2020	\$ 60.75	\$ 186.52	\$ 42.53	\$ -	\$ 289.80
1/31/2021	\$ 60.75	\$ 186.52	\$ 43.38	\$ -	\$ 290.65
1/31/2022	\$ 60.75	\$ 183.48	\$ 44.25	\$ -	\$ 288.48
1/31/2023	\$ 66.83	\$ 180.44	\$ 45.13	\$ -	\$ 292.40
1/31/2024	\$ 66.83	\$ 177.10	\$ 46.03	\$ -	\$ 289.96
1/31/2025	\$ 72.90	\$ 173.76	\$ 46.95	\$ -	\$ 293.62
1/31/2026	\$ 78.98	\$ 170.11	\$ 47.89	\$ -	\$ 296.99
1/31/2027	\$ 78.98	\$ 166.16	\$ 48.85	\$ -	\$ 293.99
1/31/2028	\$ 85.06	\$ 162.21	\$ 49.83	\$ -	\$ 297.10
1/31/2029	\$ 91.13	\$ 157.96	\$ 50.82	\$ -	\$ 299.92
1/31/2030	\$ 91.13	\$ 153.40	\$ 51.84	\$ -	\$ 296.38
1/31/2031	\$ 97.21	\$ 148.85	\$ 52.88	\$ -	\$ 298.93
1/31/2032	\$ 103.28	\$ 143.99	\$ 53.94	\$ -	\$ 301.20
1/31/2033	\$ 109.36	\$ 138.82	\$ 55.01	\$ -	\$ 303.20
1/31/2034	\$ 115.43	\$ 133.36	\$ 56.11	\$ -	\$ 304.90
1/31/2035	\$ 115.43	\$ 127.58	\$ 57.24	\$ -	\$ 300.25
1/31/2036	\$ 121.51	\$ 121.81	\$ 58.38	\$ -	\$ 301.70
1/31/2037	\$ 127.58	\$ 115.74	\$ 59.55	\$ -	\$ 302.87
1/31/2038	\$ 139.73	\$ 109.36	\$ 60.74	\$ -	\$ 309.83
1/31/2039	\$ 145.81	\$ 102.37	\$ 61.96	\$ -	\$ 310.14
1/31/2040	\$ 151.89	\$ 95.08	\$ 63.19	\$ -	\$ 310.16
1/31/2041	\$ 157.96	\$ 87.49	\$ 64.46	\$ -	\$ 309.90
1/31/2042	\$ 164.04	\$ 79.59	\$ 65.75	\$ -	\$ 309.37
1/31/2043	\$ 176.19	\$ 71.39	\$ 67.06	\$ -	\$ 314.64
1/31/2044	\$ 182.26	\$ 62.58	\$ 68.40	\$ -	\$ 313.24
1/31/2045	\$ 194.41	\$ 53.46	\$ 69.77	\$ -	\$ 317.65
1/31/2046	\$ 200.49	\$ 43.74	\$ 71.17	\$ -	\$ 315.40
1/31/2047	\$ 212.64	\$ 33.72	\$ 72.59	\$ -	\$ 318.95
1/31/2048	\$ 224.79	\$ 23.09	\$ 74.04	\$ -	\$ 321.92
1/31/2049	\$ 236.94	\$ 11.85	\$ 75.52	\$ -	\$ 324.31
<b>Total</b>	<b>\$ 3,791.06</b>	<b>\$ 3,601.51</b>	<b>\$ 1,725.28</b>	<b>\$ -</b>	<b>\$ 9,117.84</b>

[a] Interest is calculated at a 5.00% rate.

*Note: The figures shown above are estimates only and subject to change in annual service plan updates. Changes in administrative expenses, reserve fund requirements, interest earnings, or other available offsets could increase or decrease the amounts shown.*

## EXHIBIT H – MAJOR IMPROVEMENTS ALLOCATION

		Estimated				Average Annual		Equivalent Tax	
Lot Type	Units	Buildout Value	Estimated		Average Annual	Assessment Per	Installment per	Rate (per	
		per Unit	Buildout Value	Assessment	Installment	Unit	Unit	\$100/AV)	
Phase 1									
50' Lot	111	\$ 270,000	\$ 29,970,000	\$ 398,660	\$ 31,887	\$ 3,592	\$ 287	\$ 0.1064	
60' Lot	7	\$ 285,000	\$ 1,995,000	\$ 26,537	\$ 2,123	\$ 3,791	\$ 303	\$ 0.1064	
Village Cluster	94	\$ 230,500	\$ 21,667,000	\$ 288,214	\$ 23,053	\$ 3,066	\$ 245	\$ 0.1064	
Office	47,011	\$ 200	\$ 9,402,200	\$ 125,068	\$ 10,003	\$ 2.66	\$ 0.21	\$ 0.1064	
Restaurant	1,567	\$ 180	\$ 282,060	\$ 3,752	\$ 300	\$ 2.39	\$ 0.19	\$ 0.1064	
Retail	7,835	\$ 180	\$ 1,410,300	\$ 18,760	\$ 1,500	\$ 2.39	\$ 0.19	\$ 0.1064	
			<b>\$ 64,726,560</b>	<b>\$ 860,990</b>	<b>\$ 68,866</b>				
Remainder Parcel									
50' Lot	339	\$ 285,505	\$ 96,786,144	\$ 1,287,445	\$ 102,975	\$ 3,798	\$ 304	\$ 0.1064	
60' Lot	40	\$ 299,364	\$ 11,974,560	\$ 159,285	\$ 12,740	\$ 3,982	\$ 319	\$ 0.1064	
Village Cluster	30	\$ 239,720	\$ 7,191,600	\$ 95,662	\$ 7,651	\$ 3,189	\$ 255	\$ 0.1064	
Office	198,722	\$ 214	\$ 42,520,272	\$ 565,603	\$ 45,239	\$ 2.85	\$ 0.23	\$ 0.1064	
Restaurant	25,522	\$ 194	\$ 4,963,350	\$ 66,022	\$ 5,281	\$ 2.59	\$ 0.21	\$ 0.1064	
Retail	33,111	\$ 193	\$ 6,389,437	\$ 84,992	\$ 6,798	\$ 2.57	\$ 0.21	\$ 0.1064	
			<b>\$ 169,825,363</b>	<b>\$ 2,259,010</b>	<b>\$ 180,685</b>				

## EXHIBIT I – MAPS OF MAJOR IMPROVEMENTS



## EXHIBIT J – NOTICE OF PID ASSESSMENT TERMINATION



P3Works, LLC  
350 Rufe Snow Drive, Suite 200  
Keller, TX 76248

[Date]  
Travis County Clerk's Office  
Honorable [County Clerk Name]  
5501 Airport Boulevard  
Austin, Texas 78751

**Re: City of Manor Lien Release documents for filing**

Dear Ms./Mr. [County Clerk Name],

Enclosed is a lien release that the City of Manor is requesting to be filed in your office. Lien release for [insert legal description]. Recording Numbers: [Plat]. Please forward copies of the filed documents below:

City of Manor  
Attn: [City Secretary]  
105 E. Eggleston Street  
Manor, TX 78653

Please contact me if you have any questions or need additional information.

Sincerely,  
[Signature]

P3Works, LLC  
P: (817)393-0353  
admin@p3-works.com

**AFTER RECORDING RETURN TO:**

[City Secretary Name]  
105 E. Eggleston Street  
Manor, TX 78653

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**FULL RELEASE OF PUBLIC IMPROVEMENT DISTRICT LIEN**

STATE OF TEXAS	§	
	§	KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS	§	

**THIS FULL RELEASE OF PUBLIC IMPROVEMENT DISTRICT LIEN** (this "Full Release") is executed and delivered as of the Effective Date by the City of Manor, Texas, a Texas home rule municipality.

**RECITALS**

**WHEREAS**, the governing body (hereinafter referred to as the "City Council") of the City of Manor, Texas (hereinafter referred to as the "City"), is authorized by Chapter 372, Texas Local Government Code, as amended (hereinafter referred to as the "Act"), to create public improvement districts within the corporate limits and extraterritorial jurisdiction of the City; and

**WHEREAS**, on or about March 20, 2019, the City Council for the City, approved Resolution No. 2019-02, creating the Lagos – City of Manor Public Improvement District; and

**WHEREAS**, the Lagos – City of Manor Public Improvement District consists of approximately 173 contiguous acres located within the City; and

**WHEREAS**, on or about October 16, 2019, the City Council, approved an ordinance, (hereinafter referred to as the "Assessment Ordinance") approving a service and assessment plan and assessment roll for the Property within the Lagos – City of Manor Public Improvement District; and





## EXHIBIT K-1 – PHASE 1 COMMERCIAL LEGAL DESCRIPTION

### A METES AND BOUNDS DESCRIPTION OF A 4.120 ACRE TRACT OF LAND

BEING 4.120 acre (179,467 square feet) tract of land situated in the James Manor Survey No. 40, Abstract No. 546, City of Manor, Travis County, Texas; being a portion of that certain 675.6978 acre tract described in instrument to 706 Investment Partnership, LTD, as described in document No. 2005114143 of the Official Public Records of Travis County; and being more particularly described as follows:

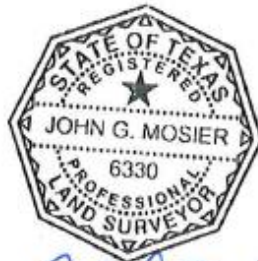
**BEGINNING**, at a 1/2-inch iron rod with a plastic cap stamped "KHA" set at the intersection of the southerly right-of-way line of Blake Manor Road (width varies), with the easterly right-of-way line of F.M. 973 (100' width), marking the northwest corner of said 675.6978 acre tract;

**THENCE**, South 79°43'00" East, 440.25 feet along the southerly right-of-way line of said Blake Manor to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for the northeast corner of herein described tract;

**THENCE**, South 10°19'09" West, 408.18 feet crossing said 675.6978 acre tract to a 1/2-inch iron rod with a plastic cap stamped "KHA" set on the northeasterly line of Lot 1, Block B, Lagos Phase 1, plat of which is recorded in Document No. 201800065 of the Official Public Records of Travis County;

**THENCE**, North 79°02'12" West, 444.81 feet along the northeasterly line of said Lot 1, Block B to a 1/2-inch iron rod with a plastic cap stamped "KHA" set on the easterly right-of-way line of said F.M. 973 for the southwest corner of herein described tract;

**THENCE**, North 10°57'49" East, 402.93 feet along the easterly right-of-way line of said F.M. 973 to the **POINT OF BEGINNING** and containing 4.120 acres of land in Travis County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, Central Zone (FIPS 4203) (NAD'83). This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.



JOHN G. MOSIER  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 6330  
601 NW LOOP 410, SUITE 350  
SAN ANTONIO, TEXAS 78216  
PH. 210-541-9166  
greg.mosier@kimley-horn.com

*John G. Mosier*  
9-3-2019

EXHIBIT OF A  
4.120 ACRE TRACT  
JAMES MANOR SURVEY NO. 40  
ABSTRACT NO. 546  
CITY OF MANOR, TRAVIS COUNTY, TEXAS

**Kimley»Horn**

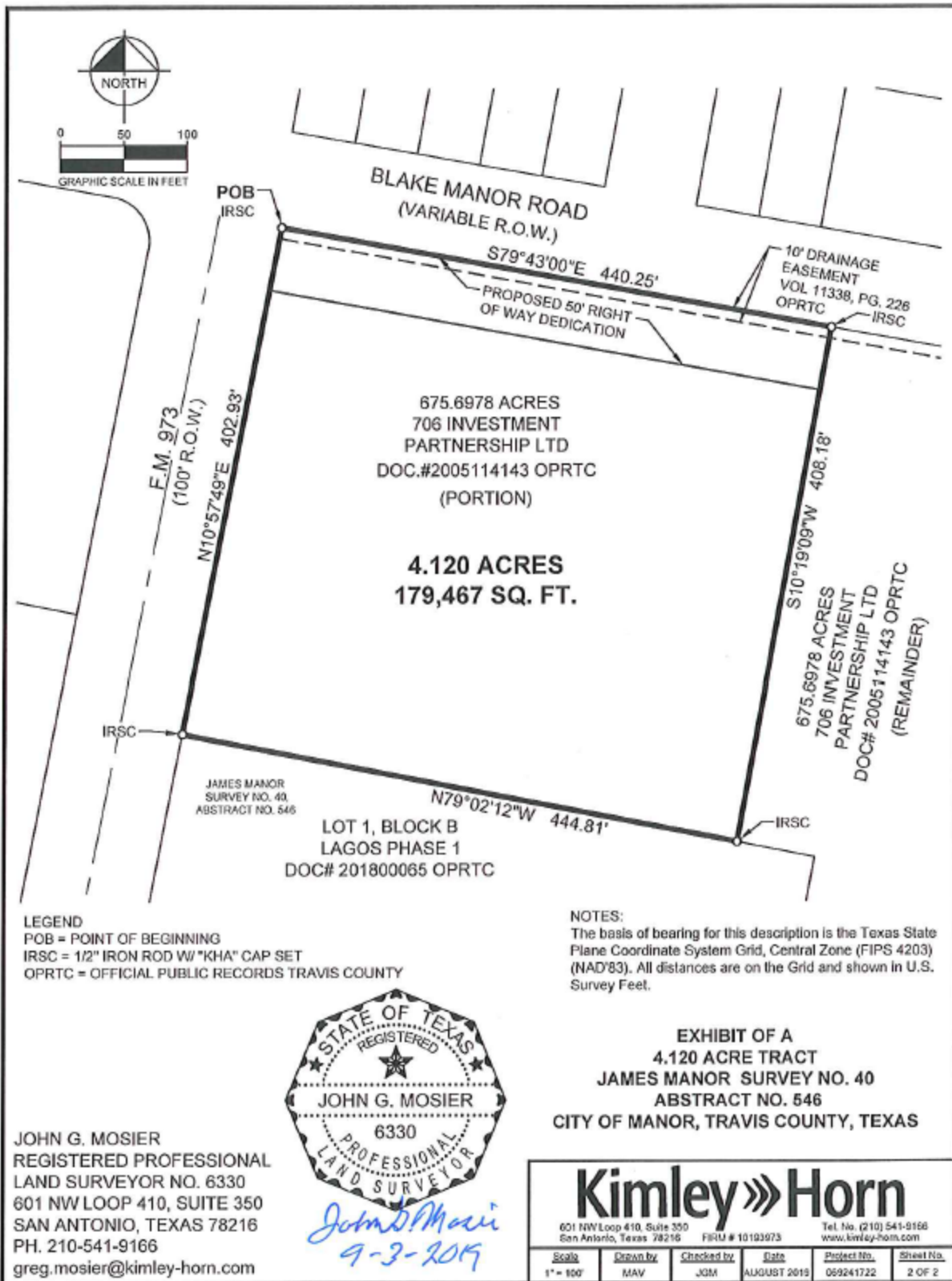
601 NW Loop 410, Suite 350  
San Antonio, Texas 78216

FIRM # 10193973

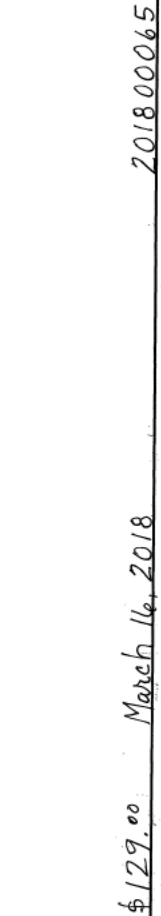
Tel. No. (210) 541-9166  
www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	MAV	JGM	SEP. 2019	069241722	1 OF 2

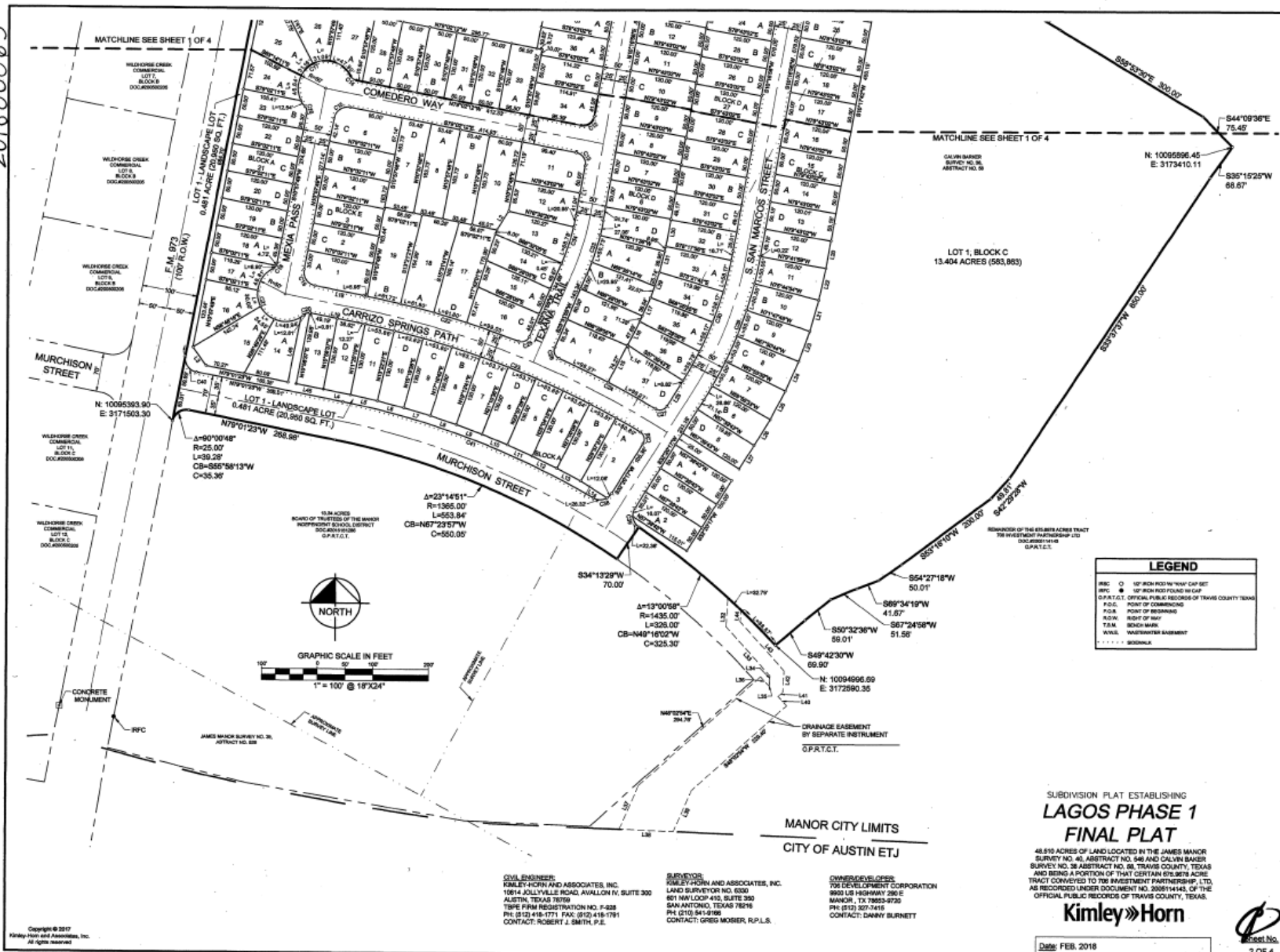
MOSIER, GREG 9/3/2019 10:01 AU \SNAFFO\DATA\PROJECTS\NA\_SURVEY\069241722-LAGOS COMMUNITY\DWG\EXHIBITS\4.120 LEGAL FOR COMMERCIAL TRACT.DWG



## EXHIBIT K-2 – PHASE 1 PLAT







201800065

THE STATE OF TEXAS  
COUNTY OF TRAVIS  
X  
X  
KNOW ALL MEN BY THESE PRESENTS:  
WHEREAS, 706 DEVELOPMENT CORPORATION, A TEXAS CORPORATION, THE OWNER OF 48.510 ACRE TRACT OF LAND IN THE JAMES MANOR SURVEY NUMBER 42, ABSTRACT NUMBER 548, AND CALVIN BAKER SURVEY NUMBER 16, ABSTRACT NUMBER 58, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN CALLED 675.9675 ACRE TRACT, CONVEYED TO 706 INVESTMENT PARTNERSHIP, LTD., AS RECORDED UNDER DOCUMENT NUMBER 200911443, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS, AND DO HEREBY SUBDIVIDE SAID, HAVING BEEN APPROVED FOR SUBDIVISION, PURSUANT TO THE PUBLIC NOTIFICATION AND HEARINGS PROVISION OF CHAPTER 212 AND 232 OF THE LOCAL GOVERNMENT CODE.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED OWNER OF THE LAND SHOWN ON THIS PLAN, AND DESIGNATED HEREIN AS LAGOS PHASE 1 OF THE CITY OF MANOR, TRAVIS COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY SUBDIVIDES SAID 48.510 ACRES OF LAND OF SAID IN ACCORDANCE WITH THE ATTACHED MAP OR PLAT TO BE KNOWN AS LAGOS PHASE 1 AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINAGE, PUBLIC EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSED AND CONSIDERATION THEREON EXPRESSED, SUBJECT TO ANY EASEMENT OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

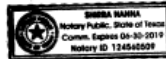
WITNESS MY HAND AND SEAL:

BY: [Signature] 2/26/2018  
706 DEVELOPMENT CORPORATION  
9903 US HIGHWAY 290 E  
MANOR, TX 78655-9732

THE STATE OF TEXAS  
COUNTY OF TRAVIS  
X  
X

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 26 DAY OF FEBRUARY, 2018, BY [Signature] AS President OF 706 DEVELOPMENT CORPORATION, AN 80% HALF OF SAID CORPORATION.

[Signature]  
NOTARY PUBLIC  
NOTARY REGISTRATION NUMBER: 124540509  
MY COMMISSION EXPIRES: 6/30/2019  
COUNTY OF TRAVIS  
THE STATE OF TEXAS



CONSENT OF LIENHOLDER

THE UNDERSIGNED, BEING THE HOLDER OF A DEED OF TRUST LIEN DATED \_\_\_\_\_ RECORDED AS DOCUMENT NO. \_\_\_\_\_ IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND THE DEED OF TRUST LIEN DATED \_\_\_\_\_ AND RECORDED AS \_\_\_\_\_ IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS HEREBY CONSENTS TO THE FOREGOING FINAL PLAT AND AGREES THAT ITS DEED OF TRUST LIEN IS SUBJECT TO AND SUBORDINATE TO THE FINAL PLAT, AND THAT THE UNDERSIGNED HAS AUTHORITY TO EXECUTE AND DELIVER THIS CONSENT OF LIENHOLDER, AND THAT ALL NECESSARY ACTS NECESSARY TO BIND THE LIENHOLDER HAVE BEEN TAKEN.

INTERNATIONAL BANK OF COMMERCE  
BY: [Signature]  
NAME: Robert Barnes  
TITLE: President - ISC Austin

THE STATE OF TEXAS  
COUNTY OF TRAVIS  
X  
X

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 8 DAY OF MARCH, 2018, BY [Signature] AS President OF THE INTERNATIONAL BANK OF COMMERCE, ON BEHALF OF SAID BANK.

[Signature]  
NOTARY PUBLIC  
NOTARY REGISTRATION NUMBER: 124540509  
MY COMMISSION EXPIRES: 6/30/2019  
COUNTY OF TRAVIS  
THE STATE OF TEXAS



THE STATE OF TEXAS  
COUNTY OF TRAVIS  
X  
X

I, ROBERT J. SMITH, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING, AND HEREBY CERTIFY THAT THIS PLAT IS FEASIBLE FROM AN ENGINEERING STAND POINT AND COMPLES WITH THE ENGINEERING RELATED PORTION OF THE CITY OF MANOR, TEXAS SUBDIVISION ORDINANCE, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

THIS SITE IS LOCATED IN THE COTTONWOOD CREEK WATERSHED.

NO PORTION OF THIS SITE LIES WITHIN THE BOUNDARIES OF THE 100 YEAR FLOODPLAIN AS SHOWN ON THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 484830485, EFFECTIVE DATE AUGUST 16, 2014, TRAVIS COUNTY, TEXAS AND INCORPORATED AREAS.

[Signature]  
ROBERT J. SMITH, P.E.  
REGISTERED PROFESSIONAL ENGINEER NO. 106319  
KIMLEY-HORN AND ASSOCIATES, INC.  
10814 JOLLYVILLE ROAD  
AUSTIN, TEXAS 78758



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Kimley-Horn and Associates, Inc.  
All rights reserved.

THE STATE OF TEXAS  
COUNTY OF BEAUFORT  
X  
X

I, JOHN G. MOSSER, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING, AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE SURVEYING RELATED PORTIONS OF THE CITY OF MANOR, TEXAS SUBDIVISION ORDINANCE IS TRUE AND CORRECT, AND WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

[Signature] 1-31-2018  
JOHN G. MOSSER  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 6330  
601 NW LOOP 410, SUITE 300  
SAN ANTONIO, TEXAS 78216  
PH: 210-541-9198



GENERAL NOTES:

1. PROPERTY OWNERS OF THE LOTS ON WHICH THE WASTEWATER EASEMENTS ARE LOCATED AS SHOWN ON THIS PLAT SHALL PROVIDE ACCESS TO THE CITY OF MANOR IN ORDER FOR THE CITY OF MANOR TO INSPECT AND MAINTAIN THE UNDERGROUND FACILITIES LOCATED WITHIN ANY OF SUCH EASEMENTS.
2. A 10' PUBLIC UTILITY AND SIDEWALK EASEMENT IS HEREBY DEDICATED ALONG AND ADJACENT TO ALL STREET RIGHTS OF WAY.
3. PUBLIC SIDEWALKS BUILT TO CITY OF MANOR STANDARDS, ARE REQUIRED ALONG ALL STREETS WITHIN THIS SUBDIVISION. THESE SIDEWALKS SHALL BE IN PLACE PRIOR TO THE ADDING LOT BEING OCCUPIED. FAILURE TO CONSTRUCT THE REQUIRED SIDEWALKS MAY RESULT IN THE WITHHOLDING OF CERTIFICATES OF OCCUPANCY, BUILDING PERMITS, OR UTILITY CONNECTIONS BY THE COVERING BODY OR UTILITY COMPANY.
4. DRIVEWAY AND DRAINAGE CONSTRUCTION STANDARDS SHALL BE IN ACCORDANCE WITH THE REQUIREMENT OF THE CITY OF MANOR STANDARDS UNLESS OTHERWISE SPECIFIED AND APPROVED BY THE CITY OF MANOR.
5. THE OWNER OF THE SUBDIVISION, AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUMES RESPONSIBILITY FOR PLANS FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS WHICH COMPLY WITH APPLICABLE CODES AND REQUIREMENTS OF THE CITY OF MANOR, LAGOS RESIDENTIAL COMMUNITY, INC., A TEXAS CORPORATION, AND/OR ITS SUCCESSORS AND ASSIGNS (THE "HDA") WILL OWN THE FOLLOWING LOTS LOT 1 & 44 BLOCK A. THE HDA WILL MAINTAIN THE FOLLOWING LOT: LOT 1 OF BLOCK C.
6. NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTION IS MADE TO THE CITY OF MANOR WATER AND WASTEWATER SYSTEM.
7. NO BUILDINGS SHALL BE CONSTRUCTED OR MAINTAINED WITHIN THE WASTEWATER EASEMENT OR THE UNDERGROUND STORM WATER FACILITIES EASEMENTS WITHOUT THE PRIOR WRITTEN APPROVAL OF THE CITY OF MANOR. THE CITY OF MANOR IS NOT RESPONSIBLE FOR THE DAMAGE TO OR REPLACING ANY PORTIONS OF ANY FENCINGS, LANDSCAPING OR OTHER IMPROVEMENTS CONSTRUCTED WITHIN ANY OF SUCH THREE EASEMENTS WHICH WERE NOT APPROVED BY THE CITY OF MANOR BEFORE THEIR CONSTRUCTION DUE TO THE NECESSARY AND CUSTOMARY WORK BY THE CITY OF MANOR IN REPAIRING, MAINTAINING, OR REPLACING THE UNDERGROUND PIPES AND RELATED FACILITIES WITHIN SUCH EASEMENTS.
8. ALL STREETS, DRAINAGE IMPROVEMENTS, SIDEWALKS, WATER AND WASTEWATER LINES, AND EROSION CONTROLS SHALL BE CONSTRUCTED AND INSTALLED TO CITY OF MANOR STANDARDS.
9. EROSION CONTROLS ARE REQUIRED FOR ALL CONSTRUCTION ON INDIVIDUAL LOTS, INCLUDING DETACHED SINGLE FAMILY IN ACCORDANCE WITH SECTION 14.03 OF THE ENVIRONMENTAL CRITERIA MANUAL.
10. ALL STREETS IN THE SUBDIVISION SHALL BE CONSTRUCTED TO CITY OF MANOR URBAN STREET STANDARDS. ALL STREETS WILL BE CONSTRUCTED WITH CURB AND GUTTER.
11. PRIOR TO CONSTRUCTION, EXCEPT DETACHED SINGLE FAMILY ON ANY LOT IN THIS SUBDIVISION, A SITE DEVELOPMENT PERMIT MUST BE OBTAINED FROM THE CITY OF MANOR.
12. THE SUBDIVISION OWNER/DEVELOPER AS IDENTIFIED ON THIS PLAN IS RESPONSIBLE FOR POSTING FISCAL SURVEY FOR THE CONSTRUCTION OF ALL SIDEWALKS AS SHOWN OR LISTED ON THE PLAN, WHETHER INSTALLED BY THE OWNER/DEVELOPER OR INDIVIDUAL HOMEBUILDERS. IT IS THE RESPONSIBILITY OF THE OWNER/DEVELOPER TO ENSURE ALL SIDEWALKS ARE ADA COMPLIANT UNLESS A WAIVER HAS BEEN GRANTED BY THE TEXAS DEPARTMENT OF LICENSING AND REGULATION.
13. DEVELOPMENT FOR THE LOTS WITHIN THIS SUBDIVISION SHALL COMPLY WITH THE LAGOS PLANNED UNIT DEVELOPMENT.

CIVIL ENGINEER  
KIMLEY-HORN AND ASSOCIATES, INC.  
10814 JOLLYVILLE ROAD, AUSTIN, TEXAS 78758  
TELEPHONE REGISTRATION NO. F-428  
PH: (512) 418-1771 FAX: (512) 418-1791  
CONTACT: ROBERT J. SMITH, P.E.

SURVEYOR  
KIMLEY-HORN AND ASSOCIATES, INC.  
LAND SURVEYOR NO. 6330  
AUSTIN, TEXAS 78758  
601 NW LOOP 410, SUITE 300  
SAN ANTONIO, TEXAS 78216  
PH: (210) 541-9198  
CONTACT: GREG MOSSER, R.P.L.S.

OWNER/DEVELOPER:  
706 DEVELOPMENT CORPORATION  
9903 US HIGHWAY 290 E  
MANOR, TX 78655-9732  
PH: (512) 327-3415  
CONTACT: DARBY BURNETT

CITY OF MANOR ACKNOWLEDGMENTS

THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF MANOR CORPORATE CITY LIMITS AS OF THIS DATE 15 DAY OF March, 2018.

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF MANOR, TEXAS, ON THIS DATE 13 DAY OF Dec, 2017.

[Signature]  
WILLIAM J. JONES, CHAIRMAN  
ATTEST: [Signature]  
LILIANA TUERNA, CITY SECRETARY

ACCEPTED AND AUTHORIZED FOR RECORD BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, ON THIS DATE 13 DAY OF Dec, 2017.

[Signature]  
RITA G. JONES, MAYOR  
ATTEST: [Signature]  
LILIANA TUERNA, CITY SECRETARY



COUNTY OF TRAVIS  
STATE OF TEXAS  
KNOW ALL ME BY THESE PRESENTS:

I, DANA DEBEAULVOIR, CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE DATE 16 DAY OF MARCH, 2018, AT 2:45 O'CLOCK P.M. RECORDED ON THE DAY OF 16 DAY OF MARCH, 2018, AT 2:45 O'CLOCK P.M. IN THE PLAT RECORDS OF SAID COUNTY AND STATE IN DOCUMENT NUMBER 201800065 OFFICIAL RECORDS OF TRAVIS COUNTY, TEXAS.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THIS 16 DAY OF March, 2018.

DANA DEBEAULVOIR, COUNTY CLERK, TRAVIS COUNTY, TEXAS

BY: [Signature]  
Michael P. Gonzales  
Michael P. Gonzales



SUBDIVISION PLAT ESTABLISHING  
LAGOS PHASE 1  
FINAL PLAT

48.510 ACRES OF LAND LOCATED IN THE JAMES MANOR SURVEY NO. 42, ABSTRACT NO. 548 AND CALVIN BAKER SURVEY NO. 16, ABSTRACT NO. 58, TRAVIS COUNTY, TEXAS AND BEING A PORTION OF THAT CERTAIN 675.9675 ACRE TRACT CONVEYED TO 706 INVESTMENT PARTNERSHIP, LTD. AS RECORDED UNDER DOCUMENT NO. 200911443, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

Kimley-Horn

Date: FEB. 2018

Sheet No.  
3 OF 4

201800065

**LEGAL DESCRIPTION**  
**48.530 ACRES OF LAND**

48.530 acres of land located in James Manor Survey No. 40, Abstract No. 546 and the Cable Barker Survey No. 38, Abstract No. 58, Travis County, Texas and being a portion of that certain called 675.6978 acre tract conveyed to 706 Investment Partnership, LTD., a Texas limited partnership, as described in Document Number 20051314343, Official Public Records of Travis County, Texas, said 48.530 acres being more particularly described as follows:

**COMMENCEMENT** at a set N 1/4 inch iron rod with KVA cap, marking the intersection of the southerly right of way line of Blake Manor Road (variable right of way, with the easterly right of way line of F.M. 979 (DOW R.O.W.)), same being the northwesterly corner of said 675.6978 acre tract;

**THENCE** South 15deg 57' 48" West, along the easterly right of way line of F.M. 979, a distance of 402.86 feet, to a set N 1/4 inch iron rod with KVA cap, for the SET N 1/4 INCH (NON RCD WITH) KVA CAP OF BEGINNING of the herein described tract;

**THENCE** leaving the easterly right of way line of said F.M. 979 and into the said 675.6978 acre tract, the following courses:

South 79°02'53" East, a distance of 507.38 feet to a set N 1/4 inch iron rod with KVA cap;  
South 10°25'58" West, a distance of 404.84 feet to a set N 1/4 inch iron rod;  
Southeasterly, along the arc of a curve to the right having a radius of 400.00 feet, a central angle of 57deg 50' 27", an arc length of 51.35 feet and a chord bearing South 75deg 50' 40" East, 21.21 feet, to a set N 1/4 inch iron rod with KVA cap;  
Southeasterly, along the arc of a curve to the left having a radius of 380.00 feet, a central angle of 57deg 50' 40", an arc length of 53.05 feet and a chord bearing South 75deg 17' 52" East, 53.99 feet, to a set N 1/4 inch iron rod with KVA cap;  
Northeasterly, along the arc of a curve to the left having a radius of 15.00 feet, a central angle of 55deg 20' 49", an arc length of 28.84 feet and a chord bearing North 55deg 00' 22" East, 21.48 feet, to a set N 1/4 inch iron rod with KVA cap;  
North 30°12'59" East, a distance of 5.89 feet to a set N 1/4 inch iron rod with KVA cap;  
South 79°42'02" East, a distance of 50.00 feet to a set N 1/4 inch iron rod with KVA cap;  
South 10°25'58" West, a distance of 4.54 feet to a set N 1/4 inch iron rod with KVA cap;  
Southeasterly, along the arc of a curve to the left having a radius of 15.00 feet, a central angle of 55deg 16' 50", an arc length of 23.37 feet and a chord bearing South 54deg 23' 02" East, 21.08 feet, to a set N 1/4 inch iron rod with KVA cap;  
South 79°02'53" East, a distance of 232.02 feet to a set N 1/4 inch iron rod with KVA cap;  
Northeasterly, along the arc of a curve to the left having a radius of 15.00 feet, a central angle of 55deg 43' 50", an arc length of 23.75 feet and a chord bearing North 55deg 00' 50" East, 21.33 feet, to a set N 1/4 inch iron rod with KVA cap;  
South 79°02'53" East, a distance of 50.00 feet to a set N 1/4 inch iron rod with KVA cap;  
Southeasterly, along the arc of a curve to the left having a radius of 15.00 feet, a central angle of 55deg 16' 50", an arc length of 23.37 feet and a chord bearing South 54deg 23' 02" East, 21.08 feet, to a set N 1/4 inch iron rod with KVA cap;  
South 79°02'53" West, a distance of 50.00 feet to a set N 1/4 inch iron rod with KVA cap;  
Southeasterly, along the arc of a curve to the left having a radius of 15.00 feet, a central angle of 55deg 43' 50", an arc length of 23.75 feet and a chord bearing South 55deg 00' 50" West, 21.33 feet, to a set N 1/4 inch iron rod with KVA cap;  
South 10°25'58" West, a distance of 354.82 feet to a set N 1/4 inch iron rod with KVA cap;  
South 79°02'53" East, a distance of 40.98 feet to a set N 1/4 inch iron rod with KVA cap;  
South 70°32'42" East, a distance of 46.88 feet to a set N 1/4 inch iron rod with KVA cap;  
South 07°33'28" East, a distance of 46.88 feet to a set N 1/4 inch iron rod with KVA cap;  
South 84°38'38" East, a distance of 48.88 feet to a set N 1/4 inch iron rod with KVA cap;  
South 01°09'04" East, a distance of 48.88 feet to a set N 1/4 inch iron rod with KVA cap;  
South 08°23'13" East, a distance of 50.00 feet to a set N 1/4 inch iron rod with KVA cap;  
South 58°59'39" East, a distance of 500.00 feet to a set N 1/4 inch iron rod with KVA cap;  
South 14°09'56" East, a distance of 75.45 feet to a set N 1/4 inch iron rod with KVA cap;  
South 15°12'25" West, a distance of 68.47 feet to a set N 1/4 inch iron rod with KVA cap;  
South 15°12'23" West, a distance of 63.00 feet to a set N 1/4 inch iron rod with KVA cap;  
South 43°18'38" West, a distance of 48.88 feet to a set N 1/4 inch iron rod with KVA cap;  
South 23°38'50" West, a distance of 200.00 feet to a set N 1/4 inch iron rod with KVA cap;  
South 54°27'38" West, a distance of 50.00 feet to a set N 1/4 inch iron rod with KVA cap;  
South 08°34'23" West, a distance of 41.27 feet to a set N 1/4 inch iron rod with KVA cap;  
South 07°34'58" West, a distance of 51.56 feet to a set N 1/4 inch iron rod with KVA cap;  
South 00°23'30" West, a distance of 59.00 feet to a set N 1/4 inch iron rod with KVA cap;  
South 49°42'30" West, a distance of 65.80 feet to a set N 1/4 inch iron rod with KVA cap;  
Northeasterly, along the arc of a curve to the left having a radius of 1450.00 feet, a central angle of 18deg 00' 58", an arc length of 352.00 feet and a chord bearing North 55deg 16' 50" West, 325.30 feet, to a set N 1/4 inch iron rod with KVA cap;  
South 54°12'23" West, a distance of 70.00 feet to a set N 1/4 inch iron rod with KVA cap located in the northerly line of that certain 13.54 acre tract of land conveyed to Board Trustees of the Manor Independent School District, as described in Document Number 2015131286, Official Public Records of Travis County, Texas;

**THENCE** along the said 13.54 acre tract, the following courses:

Northeasterly, along the arc of a curve to the left having a radius of 1365.00 feet, a central angle of 18deg 54' 51", an arc length of 323.84 feet and a chord bearing North 63deg 28' 53" West, 590.00 feet, to a set N 1/4 inch iron rod with KVA cap;  
North 79°12'23" West, a distance of 208.88 feet to a set N 1/4 inch iron rod with KVA cap;  
Southeasterly, along the arc of a curve to the left having a radius of 25.00 feet, a central angle of 55deg 03' 48", an arc length of 38.28 feet and a chord bearing South 55deg 00' 18" West, 35.38 feet, to a set N 1/4 inch iron rod with KVA cap located in the easterly right of way line F.M. 979;

**THENCE** North 10°12'49" East, along the easterly right of way line F.M. 979, a distance of 1860.00 feet, to the POINT OF BEGINNING and containing 48.530 acres (1,113,106 square feet) of land, more or less.

**Note:** Bearings are based on the Texas State Plane Coordinate System (Central Zone, NAD83) which is based GPS observation.

**LAGOS PHASE 1**  
**GENERAL INFORMATION:**

TOTAL ACREAGE.....48.510 ACRES  
LINEAR FOOT OF 50' ROW.....4,449'  
LINEAR FOOT OF 70' ROW.....1,375'  
NUMBER OF SINGLE FAMILY LOTS.....118  
ACREAGE OF SINGLE FAMILY LOTS.....25.284 ACRES  
NUMBER OF NON-RESIDENTIAL LOTS.....5  
ACREAGE OF NON-RESIDENTIAL LOTS.....23.226 ACRES  
TOTAL ACREAGE OF LOTS.....123

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**CIVIL ENGINEER:**  
KIMLEY-HORN AND ASSOCIATES, INC.  
18014 JOLLYVILLE ROAD, AVALON IV, SUITE 500  
AUSTIN, TEXAS 78758  
TELEPHONE REGISTRATION NO. F-4038  
PH: (512) 418-1771 FAX: (512) 418-1791  
CONTACT: ROBERT J. SMITH, P.E.

**SURVEYOR:**  
KIMLEY-HORN AND ASSOCIATES, INC.  
LAND SURVEYOR NO. 6330  
AUSTIN, TEXAS 78758  
601 NAV LOOP 410, SUITE 280  
SAN ANTONIO, TEXAS 78216  
PH: (210) 841-4766  
CONTACT: GREG MORIER, R.P.L.S.

**OWNER/DEVELOPER:**  
706 DEVELOPMENT CORPORATION  
8600 US HIGHWAY 290 E  
MANOR, TX 78656-4722  
PH: (512) 327-7418  
CONTACT: DANNY BURNETT

SUBDIVISION PLAT ESTABLISHING  
**LAGOS PHASE 1**  
**FINAL PLAT**

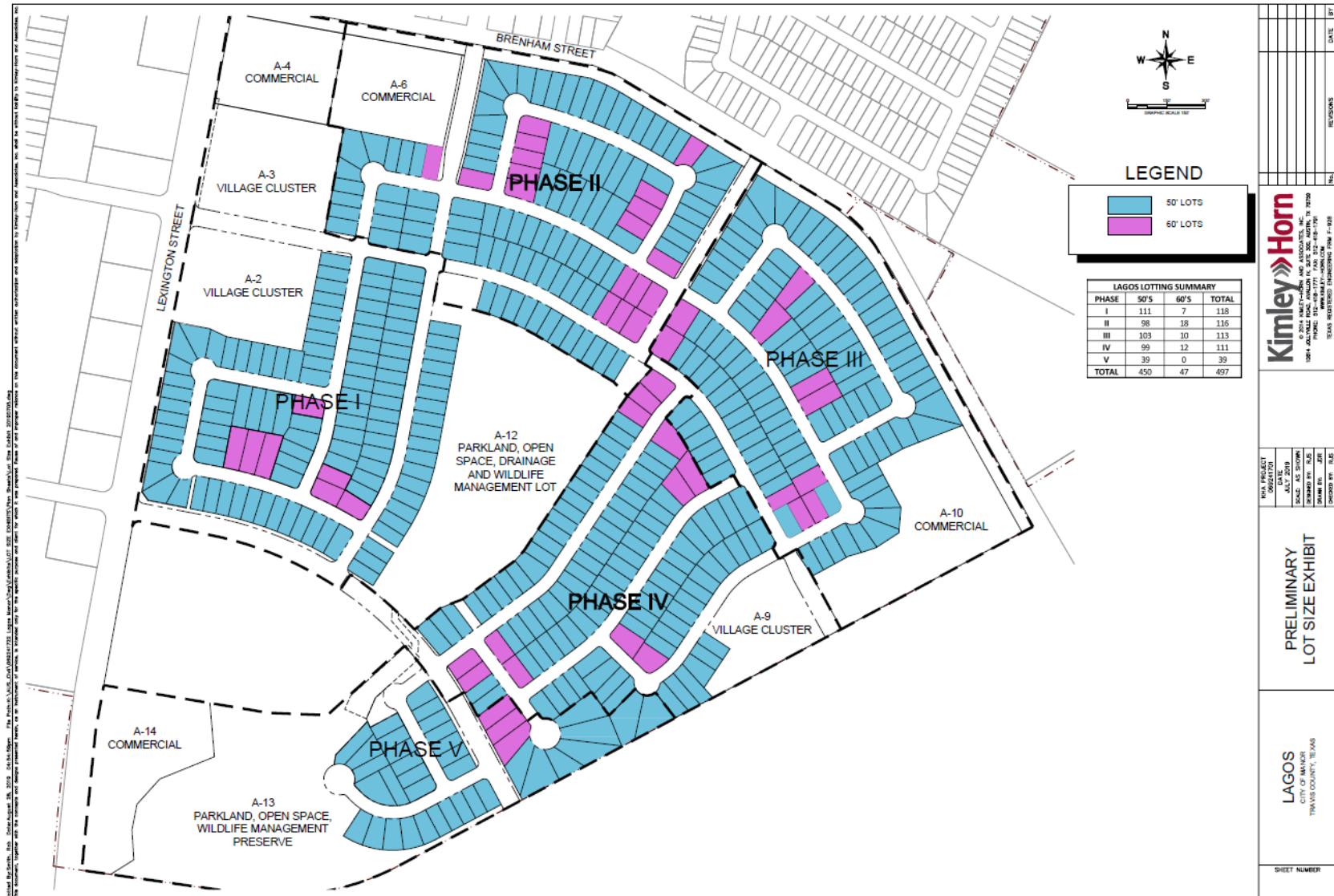
48.510 ACRES OF LAND LOCATED IN THE JAMES MANOR SURVEY NO. 40, ABSTRACT NO. 546 AND CALVIN BAKER SURVEY NO. 38 ABSTRACT NO. 58, TRAVIS COUNTY, TEXAS AND BEING A PORTION OF THAT CERTAIN 675.6978 ACRE TRACT CONVEYED TO 706 INVESTMENT PARTNERSHIP LP, LTD. AS RECORDED UNDER DOCUMENT NO. 200514143 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

**Kimley-Horn**

Date: FEB. 2018

Sheet No.  
4 OF 4

## EXHIBIT L – CONCEPT AND PHASING PLAN





**LAGOS PUBLIC IMPROVEMENT DISTRICT**

**LANDOWNER AGREEMENT  
AND NOTICE OF ASSESSMENTS**

among

**CITY OF MANOR, TEXAS**

and

**706 INVESTMENT PARTNERSHIP, LTD.,**

and

**ASHTON AUSTIN RESIDENTIAL L.L.C.**

Dated as of:

**October 2, 2019**



**LANDOWNER AGREEMENT AND NOTICE OF ASSESSMENTS**  
**(Lagos Public Improvement District)**

This **LANDOWNER AGREEMENT AND NOTICE OF ASSESSMENTS** (the “Agreement”) is entered into among the **CITY OF MANOR**, a political subdivision of the State of Texas (the “City”), **706 INVESTMENT PARTNERSHIP, LTD.**, a Texas limited partnership (the “Project Owner”), and **ASHTON AUSTIN RESIDENTIAL L.L.C.**, a Texas limited liability company (the “Builder”) (collectively the “Landowners”). The Landowners and the City are referred to herein collectively as the “Parties.” This Agreement shall be effective on the latest date it is executed by all the Parties (the “Effective Date”).

**RECITALS**

WHEREAS, the Lagos Public Improvement District (the “District”) was created by the City pursuant to the authority of Chapter 372, Texas Local Government Code, as amended (the “PID Act”), and consists of the approximately 173.212 acres, more particularly described in Exhibit “A” (the “**Property**”), and located in the City of Manor, Travis County, Texas;

WHEREAS, the Project Owner owns all of the Property not described in Exhibit “B-1” or Exhibit “B-2”;

WHEREAS, Ashton Austin Residential L.L.C., (“Builder”) owns certain land within the District and the Property, which is more particularly described in attached Exhibit “B-1”;

WHEREAS, other persons not party to this Agreement own certain land within the District and the Property, which land is more particularly described in the attached Exhibit “B-2”;

WHEREAS, the Property constitutes taxable, privately-owned land located within the District;

WHEREAS, the Project Owner and the City have entered into that certain Lagos Public Improvement District Financing Agreement (as such agreement may be amended from time to time as provided therein, the “PID Financing Agreement”), relating to, among other matters, the levy of assessments on the Land, the issuance of revenue bonds secured by such assessments, and the construction of the “Authorized Improvements” as defined therein;

WHEREAS, the City Council of the City of Manor (the “City Council”) has contemporaneously herewith adopted an assessment ordinance (Ordinance No. \_\_\_\_\_) (including all exhibits, the “Assessment Ordinance”) that levied an Assessment on each assessed parcel within District (“Assessed Parcel”), which Assessments will be pledged as security for the payment of PID Bonds issued by the City to pay for, among other things, the costs of constructing the Authorized Improvements that will confer a special benefit on the property in the District;

WHEREAS, the Assessment Ordinance includes a “Service and Assessment Plan”; and

WHEREAS, the Service and Assessment Plan includes an “Assessment Roll” setting forth the amount of the Assessment for each Assessed Parcel, including the amount of the “Annual Installments” for each Assessment paid in installments.

NOW THEREFORE, for and in consideration of the mutual promises, covenants, obligations, and benefits hereinafter set forth, the Parties agree as follows:

## **ARTICLE I**

### **DEFINITIONS; APPROVAL OF AGREEMENTS**

Definitions. Capitalized terms used but not defined in this Agreement (including the exhibits hereto) shall have the meanings given to them in the PID Financing Agreement.

Affirmation of Recitals. The matters set forth in the Recitals of this Agreement are true and correct and are incorporated in this Agreement as official findings of the City Council.

## **ARTICLE II**

### **AGREEMENT OF LANDOWNERS**

- A. Landowners ratify, confirm, accept, agree to, and approve:
  - (i) the creation of the District, the boundaries of the District, and the boundaries of the Assessed Parcels;
  - (ii) the location and construction of the Authorized Improvements;
  - (iii) the determinations and findings of special benefit to the Assessed Parcels made by the City Council in the Assessment Ordinance and Service and Assessment Plan; and
  - (iv) the Assessment Ordinance and the Service and Assessment Plan.
  
- B. Landowners consent, acknowledge, accept, and agree:
  - (i) to the Assessments to be levied against the applicable Assessed Parcels as shown on the Assessment Roll, as the Assessment Roll may be amended from time to time;
  - (ii) that the Authorized Improvements confer a special benefit on the Assessed Parcels in an amount that exceeds the Assessments against the Assessed Parcels as shown on the Assessment Roll;
  - (iii) that the Assessments against the Assessed Parcels are final, conclusive, and binding upon the Landowner and its successors and assigns;
  - (iv) to pay the Assessments against the Assessed Parcels when due and in the amounts stated in the Assessment Ordinance, Service and Assessment Plan, and Assessment Roll;
  - (v) that each Assessment or reassessment against the Assessed Parcels, with interest, the expense of collection, and reasonable attorney’s fees, if incurred, is a first and prior lien against the Assessed Parcels, superior to all other liens claims except liens or claims for state, county, school district or municipality ad valorem taxes, and is a personal liability of and charge against the owner of the Assessed Parcels regardless of whether the owner is named;
  - (vi) that Assessment liens on the Assessed Parcels are liens and covenants that run with the land and are effective from the date of the Assessment Ordinance and continue

until the Assessments are paid in full and may be enforced by the governing body of the City in the same manner that ad valorem tax liens against real property may be enforced;

(vii) that delinquent installments of Assessments against the Assessed Parcels shall incur and accrue interest, penalties, and attorney's fees as provided in the PID Act;

(viii) that the owner of an Assessed Parcel may pay at any time the entire Assessment against the Assessed Parcel, with interest that has accrued on the Assessment to the date of such payment;

(ix) that Annual Installments may be adjusted, decreased, and extended and that owners of the Assessed Parcels shall be obligated to pay such Annual Installments as adjusted, decreased, or extended, when due and without the necessity of further action, assessments, or reassessments by the City Council; and

(x) that the Landowner has received, or hereby waives, all notices required by State law (including, but not limited to the PID Act) in connection with the creation of the District and the adoption and approval by the City Council of the Assessment Ordinance, the Service and Assessment Plan, and the Assessment Roll.

C. Landowners hereby waive:

(i) any and all defects, irregularities, illegalities or deficiencies in the proceedings establishing the District, defining the Assessed Parcels, adopting the Assessment Ordinance, Service and Assessment Plan, and Assessment Roll, levying of the Assessments, and determining the amount of the annual assessments of the Assessments;

(ii) any and all notices and time periods provided by the PID Act including, but not limited to, notice of the establishment of the District and notice of public hearings regarding the approval of the Assessment Ordinance, Service and Assessment Plan, and Assessment Roll and regarding the levying of the Assessments and determining the amount of the annual installments of the Assessments;

(iii) any and all actions and defenses against the adoption or amendment of the Assessment Ordinance, Service and Assessment Plan, and Assessment Roll;

(iv) any and all actions and defenses against the City's finding of "special benefit" pursuant to the PID Act and as set forth in the Service and Assessment Plan and the levying of the Assessments and determining the amount of the annual installments of the Assessments; and

(v) any right to object to the legality of the Assessment Ordinance, Service and Assessment Plan, Assessment Roll, or Assessments or to any proceedings connected therewith.

### **ARTICLE III**

### **AGREEMENT OF BUILDER**

Builder covenants and agrees to execute any and all documents necessary, appropriate, or incidental to the purposes of this Agreement, as long as such documents are consistent with this Agreement and do not create additional liability of any type to, or reduce the rights of, Builder by virtue of execution thereof.

**ARTICLE IV**  
**TEXAS PROPERTY CODE SECTION 5.014 NOTICE**

The following notice is required to be given by any seller of any Assessed Parcel that is “residential real property” as defined in Section 5.014 of the Texas Property Code to the purchaser of such residential real property:

**NOTICE OF OBLIGATION TO PAY PUBLIC IMPROVEMENT  
DISTRICT ASSESSMENT TO THE CITY OF MANOR, TEXAS,  
CONCERNING ASSESSED PARCELS.**

As the purchaser of a parcel of residential real property located in a public improvement district, you are obligated to pay an Assessment to the City for improvement projects undertaken by the District under Chapter 372, Local Government Code. Information about the Assessment (such as its due date or how it is paid) may be obtained by contacting the City. The Assessment against your parcel may be paid in full at any time together with interest through the date of payment. If you do not elect to pay the Assessment in full, it will be due and payable in annual payments, including interest and collection costs. Your failure to pay the Assessment or any annual payment could result in a lien on and the foreclosure of your Parcel.

**ARTICLE VI**  
**DEDICATION OF AUTHORIZED IMPROVEMENTS**

Landowners acknowledge that the Authorized Improvements, together with the land, easements, or other rights-of-way needed for the Authorized Improvements, shall be dedicated to the City, Travis County, or Owner’s Association. Landowners will execute such conveyances and/or dedications as may be reasonably required to evidence the same.

**ARTICLE VI**  
**MEMORANDUM OF ASSESSMENT ORDINANCE; ADDITIONAL NOTICE  
REGARDING ASSESSMENTS**

At its election, the City may record in the Official Public Records of Travis County a memorandum against the District (or such applicable portions thereof) each time an Assessment Ordinance is approved by the City Council that further evidences the lien and encumbrances created upon the District (or such applicable portions thereof) and/or the name and contact information of the Administrator of the District who can provide additional information and documentation regarding the Assessments. The seller of any assessed parcel shall be required to provide to the purchaser of any assessed parcel on or before the closing of such transaction, the estimated amount of any special assessments then effecting the property being purchased, as well as the name and contact information of the administrator of the district who can provide additional information and documentation regarding the special assessments.

**ARTICLE VII**  
**MISCELLANEOUS**

A. Notices. Any notice or other communication (a “Notice”) required or contemplated by this Agreement shall be given at the addresses set forth below. Notices as to one or more Assessed Parcels shall only be given to the Landowner that owns the applicable Assessed Parcels. Notices as to all of the Land shall be given to all Landowners. Notices shall be in writing and shall be deemed given: (i) five business days after being deposited in the United States Mail, Registered or Certified Mail, Return Receipt Requested; or (ii) when delivered by a nationally recognized private delivery service (e.g., FedEx or UPS) with evidence of delivery signed by any person at the delivery address. Each Party may change its address by written notice to the other Parties in accordance with this section.

Landowners:

c/o Dwyer Realty Co. Inc.  
Attn: Pete Dwyer  
9900 Hwy 290 East  
Manor, TX 78653

Ashton Austin Residential LLC  
Attn: Keith Pearson  
10721 Research Boulevard, Suite B-210  
Austin, Texas 78759

Ashton Woods  
Attn: Emily Sweitzer  
1405 Old Alabama Road, Suite 200  
Roswell, Georgia 30076

With a copy to:  
Armbrust & Brown, PLLC  
Attn: Sharon J. Smith  
100 Congress Avenue, Suite 1300  
Austin, Texas 78701  
Facsimile: (512) 435-6590

City:  
City of Manor  
Attn: Tom Bolt, City Manager  
105 E. Eggleston  
Manor, Texas 78653

B. Parties in Interest. In the event of the sale or transfer of an Assessed Parcel or any portion thereof, the purchaser or transferee shall be deemed to have assumed the obligations of the Landowners with respect to such Assessed Parcel or such portion thereof, and the seller or

transferor shall be released with respect to such Assessed Parcel or portion thereof. Notwithstanding the foregoing, the holders of PID Bonds are express beneficiaries of this Agreement and shall be entitled to pursue any and all remedies at law or in equity to enforce the obligations of the Parties.

C. Amendments. This Agreement may be amended only by a written instrument executed by all the Parties. No termination or amendment shall be effective until a written instrument setting forth the terms thereof has been executed by the then-current owners of the Land and recorded in the Official Public Records of Travis County, Texas.

D. Estoppels. Within 10 days after written request from any Party, the other Party shall provide a written certification indicating whether this Agreement remains in effect as to an Assessed Parcel and whether any Party is then in default hereunder.

E. Termination. This Agreement shall terminate as to each Assessed Parcel upon payment in full of the Assessment against the Assessed Parcel.

[SIGNATURE PAGES TO FOLLOW]

EXECUTED by the Parties on the dates stated below.

**CITY OF MANOR, TEXAS**

By: \_\_\_\_\_

Attest:

By: \_\_\_\_\_  
Lluvia T. Almaraz, City Secretary

STATE OF TEXAS           §  
                                     §  
COUNTY OF \_\_\_\_\_ §

THIS INSTRUMENT is acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2019, by \_\_\_\_\_, as \_\_\_\_\_ of the City of Manor, Texas and attested to by Lluvia T. Almaraz, City Secretary of the City of Manor, Texas, on behalf of the City.

(SEAL)

\_\_\_\_\_  
Notary Public Signature

**706 INVESTMENT PARTNERSHIP, LTD.,**  
a Texas limited partnership

By: 706 Investment GP, Inc.,  
a Texas corporation, its General Partner

By: \_\_\_\_\_  
Name: Peter A. Dwyer  
Title: President

**ACKNOWLEDGMENT**

THE STATE OF \_\_\_\_\_ §

COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Peter A. Dwyer, President of 706 Investment GP, Inc., a Texas corporation, General Partner of 706 Investment Partnership, Ltd., a Texas limited partnership on behalf of the partnerships.

\_\_\_\_\_  
Notary Public Signature

(SEAL)



**ASHTON AUSTIN RESIDENTIAL L.L.C.,**  
a Texas limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**ACKNOWLEDGMENT**

THE STATE OF \_\_\_\_\_

§

COUNTY OF \_\_\_\_\_

§

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by \_\_\_\_\_, \_\_\_\_\_ of Ashton Austin Residential L.L.C., a Texas limited liability company, on behalf of the company.

\_\_\_\_\_  
Notary Public Signature

(SEAL)

After Recording Return to:  
City of Manor  
Attn: City Secretary  
105 E. Eggleston Street  
Manor, Texas 78653

## EXHIBIT A to LANDOWNER AGREEMENT

### LEGAL DESCRIPTION 173.212 ACRES OF LAND

173.212 acres of land located in James Manor Survey No. 40, Abstract No. 546, the Calvin Barker Survey No. 38, Abstract No. 58, the James Manor Survey No. 39, Abstract No. 528, the James H. Manor Survey No. 37, Abstract No. 520 Travis County, Texas and being a portion of that certain tract of land conveyed to 706 Investment Partnership, LTD., a Texas limited partnership, as described in Document Number 2005114143, Official Public Records of Travis County, Texas; said 173.212 acres being more particularly described as follows:

**BEGINNING**, at a set ½ inch iron rod with KHA cap, marking the intersection of the southerly right of way line of Blake Manor Road (variable right of way), with the easterly right of way line of F.M. 973, same being the northwesterly corner of said 706 Investment Partnership, LTD. Tract;

**THENCE**, along the southerly line of said Blake Manor Road, the following courses:

South 79deg 43' 00" East, a distance of 1399.04 feet, to a found ½ inch iron rod with cap;  
North 27deg 58' 57" East, a distance of 1.64 feet, to a found ½ inch iron rod with cap;  
Southeasterly, along the arc of a curve to the right having a radius of 785.51 feet, a central angle of 12deg 02' 09", an arc length of 165.01 feet and a chord bearing: South 64deg 48' 28" East, 164.70 feet, to a found ½ inch iron rod with cap;  
South 58deg 53' 38" East, a distance of 851.34 feet, to a found ½ inch iron rod with cap;  
Southeasterly, along the arc of a curve to the right having a radius of 785.51 feet, a central angle of 29deg 49' 04", an arc length of 408.79 feet and a chord bearing: South 44deg 01' 37" East, 404.20 feet, to a found ½ inch iron rod with cap;  
South 29deg 04' 06" East, a distance of 1115.99 feet, to a set ½ inch iron rod with "KHA" cap;

**THENCE**, leaving the southerly line of Blake Manor Road and across the said 706 Investment Partnership, LTD. tract, the following courses:

South 61deg 50' 31" West, a distance of 2766.50 feet, to a set ½ inch iron rod with "KHA" cap;  
Southwesterly, along the arc of a curve to the right having a radius of 1000.00 feet, a central angle of 36deg 16' 07", an arc length of 633.01 feet and a chord bearing: South 80deg 00' 08" West, 622.49 feet, to a found ½ inch iron rod with cap;  
North 81deg 51' 49" West, a distance of 626.86 feet, to a set ½ inch iron rod with "KHA" cap located in the easterly right of way line of said F.M. 973;

**THENCE**, along the easterly line of said F.M. 973, the following courses:

North 4°17'10" East, 131.97 feet to a point of for corner;  
Northeasterly, along the arc of a curve to the right having a radius of 5679.58 feet, a central angle of 6deg 07' 33", an arc length of 607.25 feet and a chord bearing: North 7deg 22' 34" West, 606.96 feet, to a found ½ inch iron rod with cap marking the southwestern most corner of that certain 13.34 acre tract of land conveyed to the Board of Trustees of the Manor Independent School District, as described in Document Number 2015151286, Official Public Records of Travis County, Texas;

**THENCE**, departing the easterly line of said F.M. 973 and along the boundary of said 13.34 acre tract, the following courses:

South 76°23'26" East, a distance of 256.24 feet to a found ½ inch iron rod with cap for corner;  
South 80°30'13" East, a distance of 398.47 feet to a found ½ inch iron rod with cap for corner;  
South 87°44'52" East, a distance of 225.56 feet to a found ½ inch iron rod with cap for corner;  
North 48°03'21" East, a distance of 396.94 feet to a found ½ inch iron rod with cap of for corner;  
Northwesterly, along the arc of a curve to the left having a radius of 1365.00 feet, a central angle of 37deg 04' 43", an arc length of 883.35 feet and a chord bearing: North 60deg 29' 01" East, 868.02 feet, to a found ½ inch iron rod with cap;  
North 79°01'23" West, a distance of 268.98 feet to a found ½ inch iron rod with cap of curvature;

Lagos PID – 173.212 acres

Job No. 069241738 – February 22, 2019- Page 1 of 3

JGM  
2-22-2019

Southwesterly, along the arc of a curve to the left having a radius of 25.00 feet, a central angle of 90deg 00' 48", an arc length of 39.28 feet and a chord bearing: South 55deg 58' 13" West, 35.36 feet, to a found 1/4 inch iron rod with cap located in the easterly right of way line of said F.M. 973;

**THENCE**, North 10°57'49" East, a distance of 2063.79 feet along the easterly right of way line of said F.M. 973 to the **POINT OF BEGINNING**, and containing 173.212 acres of land in Travis County, Texas, as shown in the document saved in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

Basis of Bearings are based on the Texas State Plane Coordinate System (Central Zone, NAD83) which is based GPS observation.

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

*John G. Mosier 2-22-2019*

John G. Mosier  
Registered Professional Land Surveyor No. 6330  
Kimley-Horn and Associates, Inc.  
601 NW Loop 410, Suite 350  
San Antonio, Texas 78216  
Ph. 210-541-9166



Lagos PID – 173.212 acres  
Job No. 069241738 – February 22, 2019 Page 2 of 3

## EXHIBIT B-1 to LANDOWNER AGREEMENT

### EXHIBIT B-1

#### LAGOS LOTS OWNED BY ASHTON AUSTIN RESIDENTIAL, LLC

Blocks and lots located on the Lagos Phase 1 Final Plat recorded in the plat records of Travis County in Document Number 201800065 of the Official Records of Travis County, Texas - September 3, 2019							
	Block A		Block C		Block D		Block E
	4		3		5		8
	5		5		6		18
	6		7		7		
	15		8		8		
	20		17		9		
	21		18		10		
	22		19		11		
	23				12		
	24				14		
	28				18		
	32				26		
	37				27		
	39				28		
	43				29		
					30		
					31		
					32		
					34		
					35		
					36		
<b>Total</b>	<b>14</b>		<b>7</b>		<b>20</b>		<b>2</b>

## EXHIBIT B-2 to LANDOWNER AGREEMENT

### EXHIBIT B-2

#### LAGOS LOTS SOLD BY ASHTON AUSTIN RESIDENTIAL, LLC

Blocks and lots located on the Lagos Phase 1 Final Plat recorded in the plat records of Travis County in Document Number 201800065 of the Official Records of Travis County, Texas - September 3, 2019							
	Block A		Block C		Block D		Block E
	2		11		3		2
	3		20		4		7
	7		21		13		9
	8				15		17
	9				16		19
	10				17		
	11				19		
	12				20		
	13				21		
	36				22		
	38				23		
	40				24		
	41				25		
	42				33		
					37		
<b>Total</b>	<b>14</b>		<b>3</b>		<b>15</b>		<b>5</b>



AGENDA ITEM NO. 8

## AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: October 2, 2019

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

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### AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on an ordinance amending Manor Code of Ordinances Appendix A Fee Schedule to establish Recreational Vehicle Park Fees and Minor Development Agreement Consultation Fees.

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### BACKGROUND/SUMMARY:

The new RV Park ordinance approved on 9/18 stipulated new fees necessary to gain approval. The fees are \$50 for a request for a new park, \$50 for a request to modify an existing park, \$50 for a request to enlarge a park, \$10/per space license fee (which renews yearly at the same rate). All site plan and building permit fees apply too. This amendment also adds a Minor Development Agreement Consultation fee. The previous fee was \$25,000 which for small projects with uncomplicated development agreements following the city's form was a high cost. We added a Minor DA fee of \$5,000 to allow these smaller projects to deposit a smaller fee.

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Ordinance No. 557

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### STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve Ordinance No. 557 amending Manor Code of Ordinances Appendix A Fee Schedule to establish Recreational Vehicle Park Fees and Minor Development Agreement Consultation Fees.

PLANNING & ZONING COMMISSION: ☐ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE

**CITY OF MANOR, TEXAS**  
**ORDINANCE NO. 557**

**AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING MANOR CODE OF ORDINANCES APPENDIX A FEE SCHEDULE BY ESTABLISHING RECREATIONAL VEHICLE PARKS FEES; ESTABLISHING MINOR DEVELOPMENT AGREEMENT CONSULTATION FEES; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the City of Manor is experiencing significant growth and development and such growth is expected to continue;

**WHEREAS**, the City's fees and charges are not adequate to cover the City's actual costs of providing reviews, inspections, and services required to be provided by the City;

**WHEREAS**, the City's growth has presented increasingly more complex and time-consuming planning, engineering, and legal issues that have required increased expenditures for professional consulting, including, but not limited to, planning, engineering, and legal fees and expenses;

**WHEREAS**, the City Council of the City of Manor, Texas (the "City Council") has determined that the proposed provisions are reasonable and necessary to more effectively regulate recreational vehicle parks and minor development agreements;

**WHEREAS**, it is the general policy of the City that, to the greatest extent possible, all new development should pay for itself and not pose an undue financial burden on the City or its residents;

**WHEREAS**, the City finds that it is in the best interest of the City and its residents for each such protect to bear the cost of expenditures for professional consulting related thereto, including, but not limited to, planning, engineering, and legal fees and expenses;

**WHEREAS**, the City's fee schedule needs to be updated to establish fees for certain types of services not previously established;

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

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Amendment to Appendix A, Article A2.000, Section A2.004 Zoning, variances, special services and conditional use permits.** The City Council hereby amends the Manor Code of Ordinances Appendix A Fee Schedule to read as follows:

**Section A2.004 – Zoning, variances, special services and specific use permits.**

The following fees and charges are established and shall be collected with an application for consideration by a board, commission, or consultant prior to consideration and action by any authority having jurisdiction:

	Permit Fee	Insp Rate	Tech Fee
<b>Zoning</b>			
Zoning Request	\$300 + \$30.00 per acre		\$15.00
Public Hearing Notice (newspaper)	\$150.00		
Property Owner Notification	\$5.00 per property owner		
Verification	\$50.00		\$10.00
<b>Special Services</b>			
GIS Mapping Pre-Made Hardcopy			
8.5" x 11"	\$2.00		
11" x 17"	\$5.00		
Larger Formats	Per engineer costs		
GIS Digital Data by Layer	\$10.00 first layer, \$5.00 each additional layer		
<b>Development Agreement Consultation</b>			
Deposit (Minor Agreement)	\$5,000.00		
Deposit (Major Agreement)	\$25,000.00		



Actual Costs	Costs billed for engineering and legal consultation		
<b>Planned Unit Development</b>	\$600.00 + \$40.00 per acre		\$25.00
Amendment	½ original fee		\$15.00
<b>Specific Use Permit</b>	\$250.00		\$10.00
Public Hearing Notice (newspaper)	\$150.00		
Property Owner Notification	\$5.00 per property owner		
<b>Variance</b>	\$250.00 + \$30.00 per acre		\$10.00
Public Hearing Notice (newspaper)	\$150.00		
Property Owner Notification	\$5.00 per property owner		
<b>Temporary Use Request</b>	\$250.00 + \$30.00 per acre		\$10.00
Public Hearing Notice (newspaper)	\$150.00		
Property Owner Notification	\$5.00 per property owner		
<b>Appeal of Administrative Decision</b>	\$400.00		\$10.00
<b>Appeal of Planning and Zoning Decision</b>	\$400.00		\$10.00

**Section 3. Amendment to Appendix A, Article A2.000, Section A2.008 Recreational vehicle parks.** The City Council hereby amends the Manor Code of Ordinances Appendix A Fee Schedule to read as follows:

**Section A2.008 - Recreational vehicle park permit and approval fees and charges.**

The following fees and charges are established and shall be in addition to any fees otherwise applicable. All fees and charges are non-refundable.

(a) Double fees and charges apply when work or activity begins before first obtaining the appropriate permit or approval.

(b) No new permit or approval will be issued to an address or property until all applicable fees have been paid.

(c) All fees must be paid current before a Certificate of Occupancy or Certificate of Completion is issued.

(d) Fees.

(1) Request for approval of a plan to develop and construct a recreational vehicle park - \$50.00.

(2) Request for approval to modify an existing recreational vehicle park - \$50.00.

(3) Request for approval to expand an existing recreational vehicle park - \$50.00.

(4) The fee for a license to operate a recreational vehicle park is \$10.00 per RV Space. The license is valid for one year.

(5) The fee to renew a license to operate a recreational vehicle park is \$10.00 per RV Space.

(6) Site Plan Engineer Review fees in this Appendix A applicable to buildings shall apply to site plans for buildings in recreational vehicle parks.

(7) Construction permit fees in this Appendix A applicable to buildings shall apply to construction permits for service buildings in recreational vehicle parks.

(8) Inspection fees in this Appendix A applicable to commercial buildings, structures, and operations shall apply to recreational vehicle parks facilities and operations.

(9) Tech fees in this Appendix A applicable to commercial buildings, structures, and operations shall apply to recreational vehicle parks facilities and operations.

**Section 4. Repealing all Conflicting Ordinances.** All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City of Manor ("City"), the terms and provisions of this ordinance shall control.

**Section 5. Savings Clause.** This City Council of the City of Manor, Texas hereby declares that if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction, that, in such event that it would have passed and ordained any and all remaining portions of this ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declares that its intent is to make no portion of this Ordinance dependent upon the validity of any portion thereof, and that all said remaining portions shall continue in full force and effect.

**Section 6. Severability.** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**Section 7. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance was considered was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

**Section 8. Effective Date.** This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

**PASSED AND APPROVED THIS** the 2<sup>nd</sup> day of October 2019.

**THE CITY OF MANOR, TEXAS**

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Rita G. Jonse, Mayor

**ATTEST:**

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Lluvia T. Almaraz, City Secretary



## AGENDA ITEM SUMMARY FORM

**PROPOSED MEETING DATE:** October 2, 2019

**PREPARED BY:** Tracey Vasquez, HR Coordinator

**DEPARTMENT:** Human Resources

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**AGENDA ITEM DESCRIPTION:**

Consideration, discussion and possible action on proposed changes to the City of Manor Policies and Procedures Handbook regarding to Electronic Devices, Communication, and Systems Access Use.

**BACKGROUND/SUMMARY:**

As management enforces provisions of the City of Manor Personnel Policies and Procedures Handbook, opportunities for both clarification of policy regarding legislative updates and employee requests have been acknowledged. The following changes which reflect earlier policy provisions and the modifications to current provisions. (Highlights will be the additions/revisions)

- 1) Cell Phone- City Provided (combine with Electronic Devices, Communications, and Systems Access Use)
- 2) Electronic Communications and Systems Access Use (retitled)
- 3) Electronic Device, Communications, and Systems Access Use (New title including ALL electronic devices)

**PRESENTATION:** ☐ YES ☒ NO

**ATTACHMENTS:** ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Sections of the Policy Handbook with added or clarified provisions.

**STAFF RECOMMENDATION:**

It is City staff's recommendation that the City Council approve the proposed changes to the City of Manor Personnel Policies and Procedures Handbook regarding to Electronic Devices, Communication, and Systems Access Use.

**PLANNING & ZONING COMMISSION:** ☐ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE

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### **CELL PHONE – CITY PROVIDED**

The City provides cellular telephones to certain employees for the purpose of conducting City business. Cellular telephones are provided based on a written recommendation from the Department Director. The City acknowledges that an employee may occasionally use their City cellular telephone for personal business. Such use is, per the IRS regulations, considered as a de minimis fringe benefit and excluded as a taxable wage. No phone allowances shall be given to the employees.

Each Department Director shall be responsible for auditing the use of each cellular telephone assigned to their department and take corrective action as necessary. Employees must properly use, maintain and secure their cellular telephone. If an employee damages or loses their City cell phone, the employee must immediately report it to their supervisor. Improper use of any City cellular telephone may result in disciplinary action. The City may terminate any employee's use of a City cell phone at any time for any reason.

**COMBINE WITH - ELECTRONIC DEVICES,  
COMMUNICATIONS, AND SYSTEMS ACCESS USE**

# CURRENT

## ELECTRONIC COMMUNICATIONS AND SYSTEMS ACCESS USE

The City provides access to a computer network, Internet service, email, telephones, pagers, digital cameras, voicemail, and fax communication systems for use by City employees in the performance of their job duties. These communication devices are referred to collectively in this policy as “electronic communications systems” or “systems.” These electronic communications systems are designed to support and enhance the communication, research and information capabilities of City employees and to encourage work-related communication and sharing of informational resources within the City. This policy governs user behavior pertaining to access and usage of the City’s electronic communications systems. This policy applies to all City employees, contractors, volunteers and other affiliates who use the City’s electronic communications systems. The City’s electronic communications systems access must be used in a professional, responsible, efficient, ethical and legal manner.

**Internet and Email Access** - Users desiring Internet and/or email access must obtain written permission from their Department Director and provide it to the IT Department. Users must acknowledge an understanding of this policy and its guidelines as a condition of receiving an Internet and/or email access account. Failure to adhere to this policy and its guidelines may result in suspending or revoking the offender’s privilege of access and/or other disciplinary action under City policies, up to and including termination of employment.

**Acceptable Use** - Acceptable uses of the City’s electronic communication systems are limited to those activities that support reference, research, internal/external communication and conducting City business in line with the user’s job responsibilities. Network users are encouraged to develop uses which meet their individual needs and which take advantage of the City’s internal network function. The City prohibits connection to sites or forwarding of information that contain materials that may be offensive to others including, but not limited to, sites or information containing sexually explicit material.

Users must understand that use of any City-provided, publicly accessible computer network such as the Internet and email is a privilege. Minimal personal use of the Internet or email and other electronic communications systems, whether it be from city owned or personally owned devices, is allowed under this policy as long as such use is not excessive and does not impede job performance or the performance of City business. The City is not responsible for personal communications sent on its electronic communications systems.

Unacceptable Uses of Electronic Communications Systems include:

- Using profanity, obscenity or other language which may be offensive or harassing to



other coworkers or third parties.

- Accessing, displaying, downloading or distributing sexually explicit material (excluding an official police criminal investigation authorized by the Chief of Police).
- Accessing, displaying, downloading or distributing profane, obscene, harassing, offensive or unprofessional material, messages or content.
- Posting unfavorable comments related to work or business that would reflect negatively upon the City.
- Copying or downloading any commercial software is strictly prohibited.
- Using the systems for financial gain or for any commercial activity unrelated to City business.
- Using the systems in such a manner as to create a security breach of the City network.
- Looking or applying for work or business opportunities other than for internal City postings.
- Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, color, sex, national origin, age, disability, physical attributes or sexual preferences.
- Transmitting or sharing information regarding a coworker's health status without his/her permission.
- Expressing opinions or personal views that could be misconstrued as being those of the City.
- Expressing opinions or personal views regarding management of the City or other political views.
- Using the electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.
- Downloading or installing any un-approved third-party software is prohibited.
- ALL third-party software MUST be approved through the IT Department.
- Uploading of any City of Manor file to a file share program/cloud storage is prohibited and grounds for automatic termination.
- The changing of a password to ANY City of Manor contract or vendor account is strictly done by the IT Department, City Manager or Department Director.

**Filtering** - The City uses software to filter inappropriate Internet sites. The City will review this filtering on a periodic basis and may modify prohibited sites without notification to City employees, contractors, volunteers or other affiliates. The City Manager (or designee) may grant exceptions and exemptions to Internet and instant messaging filtering only after a review of the requested information has been conducted and a determination that the City's current filtering practice impedes the requestor's ability to perform his/her job duties.

**Responsibility** - The person in whose name a City-provided Internet, email or other electronic communications system account is issued is responsible at all times for its proper use, regardless of the user's location. Exchanges that occur in the course of conducting City business

on the City's electronic communications systems will be considered a communication of the City and held to the same standards as formal letters.

**No Right of Privacy/Monitoring.** Users of City electronic communications systems may not assume they are provided any degree of anonymity and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality. The Internet itself is not secure. To ensure proper use of its electronic communications systems, the City will monitor their use. Management staff has the ability and will, with or without advance notice, monitor and view usage, including but not limited to: employee email, voice mail and instant messages, information and material transmitted, received or stored using City systems and user Internet access and usage patterns to assure that the City's Internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy.

**Restrictions** – No software can be downloaded into the City's terminal services servers unless authorized by the City Manager or designee and approved by the City's IT service provider as to compliance with any copyright restrictions, annual licensing and maintenance agreements and compatibility to the City's operating systems. Under no circumstances will the City allow any software or other material relating to music, entertainment software or games to be downloaded.



## **ELECTRONIC DEVICES, COMMUNICATIONS, AND SYSTEMS ACCESS USE**

The City provides access to cellular phones, iPads, personal computers, laptops, television monitors, telephones, pagers, digital cameras, along with access to computer networks, internet service, email, voicemails, and fax communication systems for use by the City employees in the performance of their job duties. These communication devices are referred to collectively in this policy as "electronic devices" "communication systems". These electronic communications systems are designed to support and enhance the communication, research, and information capabilities of the City employees and to encourage work-related communication sharing of information resources within the City. This policy applies to all City employees, contracted employees, contractors, volunteers and other affiliates who use the City's electronic communication systems. The City's electronic communications systems access must be used in a professional, responsible, efficient, ethical, and legal manner.

**ALL Electronic Devices-** The City provides cellular phones, iPads, personal computers, laptops, television monitors, telephones, pagers, digital cameras, etc. for the sole purpose of conducting City business. All City-owned electronic devices will comply with chapter 552 of the Texas Government Code regarding Public Information, Open Records, and retention guidelines, therefore, City business may not be conducted on any personal electronic device. The IT Department shall be responsible for auditing the use of all electronic devices issued by the City. City employees must properly use, maintain, and secure all issued electronic devices. Improper use of any electronic device may result in disciplinary action up to and including termination. The City may terminate any employee's use of electronic devices at any time for any reason.

**Internet and Email Access-** Internet and email access must be obtained through the IT Department.

Users must acknowledge an understanding of this policy and its guidelines as a condition of receiving and internet/email access account. Failure to adhere to this policy and its guidelines may result in suspending or revoking the offender's privilege of access and/or other disciplinary action under City policies, up to and including termination of employment.

**Acceptable Use-** Acceptable uses of the City's electronic communication systems are limited to those activities that support reference, research, internal/external communication and conducting City business in line with the user's job responsibilities. The City prohibits connection to sites or forwarding of information that contain materials that may be offensive to others including, but not limited to, sites or information containing sexually explicit material.

Users must understand that use of any City-provided, publicly accessible computer network such as the internet and email is a privilege. Minimal personal use of the internet, email and other electronic communications systems, whether it be used from personally owned devices, is allowed under this policy if such use is not excessive and does not impede job performance or the performance of City business. The City is not responsible for personal communications sent on its electronic communications systems.

Unacceptable uses of electronic devices and communication systems:

- Accessing, displaying, downloading, or distributing sexually explicit material (excluding an official police criminal investigation authorized by the Chief of Police).
- Accessing, displaying, downloading, using or distributing profane, obscene, offensive or unprofessional material, images, messages, or content.
- Using profanity, obscenity, or other language which may be offensive or harassing to other



- Posting unfavorable comments or images related to work or business that would reflect negatively upon the City.
- Copying or downloading any commercial software is strictly prohibited.
- Using **electronic devices** or communication systems for financial gain or for any commercial activity unrelated to City business.
- Using **electronic devices** or communication systems in such a manner as to create a security breach of the City network.
- Looking or applying for work or business opportunities other than for internal City postings.
- Accessing any site or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, color, sex, national origin, age, disability, physical attributes, or sexual preference.
- Posting unfavorable comments related to work or business that would reflect negatively upon the City.
- Copying or downloading any commercial software is strictly prohibited.
- Using the systems for financial gain or for any commercial activity unrelated to City business.
- Using the systems in such a manner as to create a security breach of the City network.
- Looking or applying for work or business opportunities other than for internal City postings.
- Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, color, sex, national origin, age, disability, physical attributes or sexual preferences.
- Transmitting or sharing information regarding a coworker's health status without his/her permission.
- Expressing opinions or personal views that could be misconstrued as being those of the City.
- Expressing opinions or personal views regarding management of the City or other political views.
- Using the electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.
- Downloading or installing any un-approved third-party software is prohibited.
- ALL third-party software MUST be approved through the IT Department.
- Uploading of any City of Manor file to a file share program/cloud storage is prohibited and grounds for automatic termination.
- The changing of a password to ANY City of Manor contract or vendor account is strictly done by the IT Department, City Manager or Department Director.

**Filtering** - The City uses software to filter inappropriate Internet sites. The City will review this filtering on a periodic basis and may modify prohibited sites without notification to City employees, contractors, volunteers or other affiliates. The City Manager (or designee) may grant exceptions and exemptions to Internet and instant messaging filtering only after a review of the requested information has been conducted and a determination that the City's current filtering practice impedes the requestor's ability to perform his/her job duties.

**Responsibility** - The person in whose name a City-provided Internet, email or other electronic communications system account is issued is responsible at all times for its proper use, regardless of the user's location. Exchanges that occur in the course of conducting City business on the City's electronic communications systems will be considered a communication of the City and held to the same standards as formal letters.

No Right of Privacy/Monitoring. Users of City electronic **devices** and communications systems may not assume they are provided any degree of anonymity and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality. The Internet itself is not secure. To ensure proper use of its electronic communications systems, the City will monitor their use. Management staff has the ability and will, with or without advance notice, monitor and view usage, including but not limited to: employee email, voice mail and instant messages, information and material transmitted, received or stored using City systems and user Internet access and usage patterns to assure that the City's Internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy.

**Restrictions** – No software can be downloaded into the City's terminal services servers unless authorized by the City Manager or designee and approved by the City's IT service provider as to compliance with any copyright restrictions, annual licensing and maintenance agreements and compatibility to the City's operating systems. Under no circumstances will the City allow any software or other material relating to music, entertainment software or games to be downloaded.



## AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: October 2, 2019

PREPARED BY: Thomas Bolt, City Manager

DEPARTMENT: Administration

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### AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on an award for Solid Waste Collection and Disposal and Recycle Services for the City of Manor.

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### BACKGROUND/SUMMARY:

The City entertained bids for solid waste collection and disposal along with recycle services. The current contract with Waste Management is in the final months of its term. We received 3 bids. The bids details aren't easily captured here but after interviewing two of the three bidders staff has a recommendation we would like Council to consider. The third bidder was more expensive in several areas in the types of service they would provide.

Based on the bid submission and subsequent interviews for types of waste removal and recycle services, customer service and minimal interruption to current routes for pick up we are recommending Waste Connection.

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Bid Tabulation for Waste Connections; Waste Management; and Texas Disposal Systems

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### STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council award the Solid Waste Collection and Disposal and Recycle Services for the City of Manor to Waste Connections; and Authorize the City Manager to negotiate and execute a final contract.

PLANNING & ZONING COMMISSION: ☒ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE

CITY OF MANOR  
SOLID WASTE COLLECTION AND DISPOSAL AND RECYCLE SERVICES RFP #2019-33

Submitter				Waste Connections	Waste Management	Texas Disposal Systems	
1	Residential Solid Waste and Recycling Collection Rate (90 - 95 gallon poly cart for solid waste and poly cart for recycle materials)	\$		\$15.62	\$16.50	\$16.55	
2	Additional solid waste poly cart	\$		\$7.00	\$7.00	\$12.00	
3	Additional recycling poly cart	\$		\$7.00	\$7.00	\$12.00	
For the solid waste services provided to Commercial, Industrial, Institutional, and Multi-Family sites the Applicant shall charge per month for each container utilized the following rates:							
	Container Size	Collections Per Week	Monthly Rate				
4	1 yard	One	\$	\$56.49	N/A	N/A	
5	2 yards	One	\$	\$56.49	\$51.96	\$82.00	
6	2 yards	Two	\$	\$112.97	\$103.92	\$154.00	
7	3 yards	One	\$	\$85.58	\$77.94	\$93.00	
8	3 yards	Two	\$	\$171.17	\$155.88	\$175.00	
9	4 yards	One	\$	\$91.29	\$84.79	\$104.00	
10	4 yards	Two	\$	\$178.01	\$168.42	\$196.00	
11	6 yards	One	\$	\$111.26	\$127.84	\$132.00	
12	6 yards	Two	\$	\$219.09	\$252.01	\$244	
13	8 yards	One	\$	\$134.65	\$168.42	\$154.00	
14	8 yards	Two	\$	\$264.74	\$340.08	\$286.00	
15	10 yards	One	\$	\$171.17	N/A	N/A	
16	10 yards	Two	\$	\$342.24	N/A	N/A	
For the recycle material services provided to Commercial, Industrial, Institutional, and Multi-Family sites the Applicant shall charge per month for each container utilized the following rates:							
	Container Size	Collections Per Week	Monthly Rate	Waste Connections	Waste Management	Texas Disposal Systems	
17	1 yard	One	\$	\$56.49	N/A	\$13 every other week	
18	2 yards	One	\$	\$56.49	N/A	\$85 one time per week	
19	2 yards	Two	\$	\$112.97	N/A	\$85.00 one time a week	
20	3 yards	One	\$	\$85.58	N/A	\$95.00 one time per week	
21	3 yards	Two	\$	\$171.17	N/A	\$71 for every other week	
22	4 yards	One	\$	\$91.29	N/A	\$105.00 one time per week	
23	4 yards	Two	\$	\$178.01	N/A	\$79.00 every other week	
24	6 yards	One	\$	\$111.26	N/A	\$130.00 one time per week	every other week \$98.00
25	6 yards	Two	\$	\$219.09	N/A	\$241.00 2x per week	
26	8 yards	One	\$	\$134.65	N/A	\$150.00 is one time a week	\$113.00 every other week
27	8 yards	Two	\$	\$264.74	N/A	\$280.00 2x per week	
28	10 yards	One	\$	\$171.17	N/A	N/A	
29	10 yards	Two	\$	\$342.24	N/A	N/A	
Submitter	Waste Management			Waste Connections	Waste Management	Texas Disposal Systems	
30	For any collection that the Applicant is required to make in excess of the above weekly figures, the Applicant shall charge an additional \$ per month per solid waste container.	\$					
31	and an additional \$ per month per recycle materials container. The foregoing rates apply to all Commercial, Industrial, Institutional, and Multi-Family sites that are located within the city limits of Manor, Texas and the adjacent subdivision of Shadowglen.	\$					
Subject to adjustment by the Applicant in its sole discretion, for the services provided the Applicant shall charge for each roll-off utilized for Commercial, Industrial, Institutional, and Multi-Family sites the following fees:							
32	Delivery Fee	\$		\$95.00	\$97.00	\$140.00	
33	Rental Fee	\$	per day	\$3.00	\$3.00	\$5.00	
34	Haul Fee – 20 yard	\$		\$255.00	\$537.45	\$300.00	
35	Haul Fee – 30 yard	\$		\$295.00	\$631.45	\$300.00	
36	Haul Fee – 40 yard	\$		\$345.00	\$714.45	\$300.00	
37	Disposal Fee	\$	per ton	\$35.00	\$30.00	\$55.00	
						Minimum Fee \$100 per container	
<b>EXTRA ROLL OFF CONTAINERS:</b>							
38	20 Cubic Yard Per Haul	\$		\$255.00	\$537.45	\$300.00	
39	30 Cubic Yard Per Haul	\$		\$295.00	\$631.45	\$300.00	
40	40 Cubic Yard Per Haul	\$		\$345.00	\$714.45	\$300.00	
41	Delivery and Exchange	\$		\$95.00	\$97.00	\$140.00	
42	Daily Container Rental	\$		\$3.00	\$3.00	\$5.00	
Additional Rates or Fees not covered above:				FEL lockbar-\$8.00 per month Container caster \$10 per month. Extra pick up is \$50 per month. <b>Only ones to state franchise fees are not included.</b>	5 tons included in pricing \$30 per ton there after. Unusual accumulations \$135. Commercial Lockbar \$5 monthly. Commercial FEL exchange fee \$97. Extra pick-up \$98.00	No Haul \$140.00 each. Container relocate \$140.00 each. Blocked Container \$140.00 each. Storm Debris/or emergency clean-up. Rear load truck 2 employees. \$200 per our all truck time plus disposal \$55 per ton. Price is good for year 1-3 only.	
43	\$						
44	\$						
45	\$						
46	\$						