



DRIPPING SPRINGS  
Texas

# CITY COUNCIL WORKSHOP & REGULAR MEETING

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, April 04, 2023 at 6:00 PM

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## AGENDA

### CALL TO ORDER AND ROLL CALL

#### City Council Members

Mayor Bill Foulds, Jr.  
Mayor Pro Tem Taline Manassian  
Council Member Place 2 Wade King  
Council Member Place 3 Geoffrey Tahuahua  
Council Member Place 4 Travis Crow  
Council Member Place 5 Sherrie Parks

#### Staff, Consultants & Appointed/Elected Officials

City Administrator Michelle Fischer  
Deputy City Administrator Ginger Faught  
City Attorney Laura Mueller  
City Treasurer Shawn Cox  
People & Communications Director Lisa Sullivan  
City Secretary Andrea Cunningham  
IT Director Jason Weinstock  
Public Works Director Aaron Reed  
Planning Director Tory Carpenter  
Parks & Community Services Director Andy Binz  
Community Events Coordinator Johnna Krantz  
Planning & Zoning Commission Chair Mim James

### PLEDGE OF ALLEGIANCE

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### WORKSHOP

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*Workshop items are for discussion only and no action will be taken.*

- 1. Public hearing and discussion of an Ordinance rezoning a 97.44-acre property to Planned Development District with a base zoning of SF-3 and GR, with 68.38-acres of residential uses, approximately 6.7-acres of commercial uses, and approximately 22.36-acres of open space, as amended by the ordinance language herein, for property located on U.S. 290 and north of the intersection of Drifting Wind Run commonly known as “Gateway Village”. Applicant: John Doucet, Doucet and Associates**

- a. Applicant Presentation
- b. Staff Report

- c. Planning & Zoning Commission Report
- d. Public Hearing
- e. Ordinance Discussion

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## CITY COUNCIL

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### PRESENTATION OF CITIZENS

*A member of the public who desires to address the City Council regarding any item on an agenda for an open meeting may do so at presentation of citizens before an item or at a public hearing for an item during the City Council's consideration of that item. Citizens wishing to discuss matters not contained within the current agenda may do so, but only during the time allotted for presentation of citizens. Speakers are allowed two (2) minutes to speak during presentation of citizens or during each public hearing. Speakers may not cede or pool time. Members of the public requiring the assistance of a translator will be given twice the amount of time as a member of the public who does not require the assistance of a translator to address the City Council. It is the request of the City Council that members of the public wishing to speak on item(s) on the agenda with a noticed Public Hearing hold their comments until the item(s) are presented for consideration. Speakers are encouraged to sign in. Anyone may request a copy of the City's policy on presentation of citizens from the city secretary. By law no action may be taken during Presentations of Citizens.*

### CONSENT AGENDA

*The following items are anticipated to require little or no individualized discussion due to their nature being clerical, ministerial, mundane or routine. In an effort to enhance the efficiency of City Council meetings, it is intended that these items will be acted upon by the City Council with a single motion because no public hearing or determination is necessary. However, a City Council Member or citizen may request separate deliberation for a specific item, in which event those items will be removed from the consent agenda prior to the City Council voting on the consent agenda as a collective, singular item. Prior to voting on the consent agenda, the City Council may add additional items that are listed elsewhere on the same agenda.*

- 2. Approval of the February 21, 2023, City Council regular meeting minutes.**
- 3. Approval of the March 21, 2023, City Council regular meeting minutes.**
- 4. Approval of a Resolution Accepting Improvements and Approving and Accepting a Maintenance Bond for Big Sky Subdivision Phase 1 Streets, Drainage, and Wastewater Improvements and Releasing a Construction Bond.**

### BUSINESS AGENDA

- 5. Presentation and consideration of approval of the City of Dripping Springs Fiscal Year 2021-2022 Audit.**
- 6. Public hearing and consideration of approval of an Ordinance regarding CUP2023-0001: an application for a Conditional Use Permit to allow a warehouse/office use at 27950 RR 12. Applicant: Jon Thompson**



- a. Applicant Presentation
- b. Staff Report
- c. Planning & Zoning Commission Report
- d. Public Hearing
- e. Ordinance

**7. Public hearing and consideration of approval of Ordinances annexing property and regarding ZA2023-0001: an application for a zoning map amendment from Agriculture (AG) to Commercial Services (CS) for approximately 5.02 acres out of the C. H. Mallot Survey located at 1300 E US 290. Applicant: Victor Ostiguin, Doucet & Associates**

- a. Applicant Presentation
- b. Staff Report
- c. Planning & Zoning Commission Report
- d. Public Hearing
- e. Annexation Ordinance
- f. Zoning Ordinance

**8. Discuss and consider approval of a Resolution of the City of Dripping Springs declaring a need for a regional housing authority within the city limits and authorizing an agreement with the Texas Housing Foundation. Sponsor: Mayor Pro Tem Taline Manassian.**

**9. Discuss and consider approval of a Wastewater Facilities Agreement with Cuncashca, LLC. Sponsor: Mayor Bill Foulds, Jr.**

**10. Discuss and consider approval of a Special Event Permit Application requesting use of the Parking Lot at Founders Memorial Park on Saturday, April 29, 2023 from 6-10pm for a private event at The Pound House. Applicant: The Polkinghorn Group.**

**11. Discuss and consider approval of Parking Agreement between the City of Dripping Springs and Roxie's LLC for the use of the parking lot located at 299 Mercer Street for the 2023 Founders Day Festival as an in-kind sponsorship. Sponsor: Council Member Sherrie Parks.**

**12. Discuss and consider approval of the selection of a firm and authorization for staff to negotiate an agreement for the procurement of the Rathgeber Natural Resources Park Master Plan. Sponsor: Council Member Sherrie Parks.**

**13. Discuss and consider possible action of an Agreement and Related Documents regarding transition of the Dripping Springs Visitors Bureau. Sponsor: Mayor Bill Foulds, Jr.**

**14. Discuss and consider approval of Job Descriptions for Dripping Springs Visitors Bureau Director of Tourism and Dripping Springs Visitors Bureau Brand Manager, and authorization for the City Administrator to hire for the positions. Sponsor: Mayor Bill Foulds, Jr.**

## REPORTS

*Reports of Staff, Boards, Commissions, Committees, Boards and Agencies. All reports are on file and available for review upon request. The City Council may provide staff direction; however, no action may be taken.*

### 15. Planning Department Report

## EXECUTIVE SESSION AGENDA

*The City Council for the City of Dripping Springs has the right to adjourn into executive session at any time during the course of this meeting to discuss any matter as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development). The City Council for the City of Dripping Springs may act on any item listed in Executive Session in Open Session or move any item from Executive Session to Open Session for action.*

- 16. Consultation with Attorney related to settlement of litigation related to code enforcement.** *Consultation with Attorney, 551.071*
- 17. Consultation with Attorney and Deliberation of Real Property regarding property acquisition related to the South Regional Water Reclamation Project and East Interceptor.** *Consultation with Attorney, 551.071; Deliberation of Real Property, 551.072*
- 18. Consultation with Attorney related to litigation regarding the South Regional Water Reclamation Project, Wastewater and Amendment 2 Permits, and related items.** *Consultation with Attorney, 551.071*
- 19. Consultation with Attorney and Deliberation of Real Property regarding legal and real estate issues related to potential civic sites and street extensions and expansions.** *Consultation with Attorney, 551.071; Deliberation Regarding Real Property, 551.072*
- 20. Consultation with Attorney regarding legal issues related to coordination with the Dripping Springs Visitors Bureau.** *Consultation with City Attorney, 551.071*
- 21. Consultation with Attorney and Deliberation of Personnel Matters regarding job descriptions, benefits, and compensation for the proposed Dripping Springs Visitors Bureau Director or Tourism and the Dripping Springs Visitors Bureau Brand Manger.** *Consultation with City Attorney, 551.071, Deliberation of Personnel Matters, 551.074*

## UPCOMING MEETINGS

### City Council & Board of Adjustment Meetings

April 18, 2023, at 6:00 p.m. (CC)

May 2, 2023, at 6:00 p.m. (CC & BOA)

May 16, 2023, at 6:00 p.m. (CC)

June 6, 2023, at 6:00 p.m. (CC & BOA)

**Board, Commission & Committee Meetings**

April 5, 2023, DSRP Board at 11:00 a.m.

April 6, 2023, Historic Preservation Commission at 6:00 p.m.

April 10, 2023, TIRZ No. 1 & No. 2 Board at 4:00 p.m.

April 10, 2023, Founders Day Commission at 6:00 p.m.

April 11, 2023, Planning & Zoning Commission at 6:00 p.m.

April 12, 2023, Utility Commission at 4:00 p.m.

**ADJOURN**

**TEXAS OPEN MEETINGS ACT PUBLIC NOTIFICATION & POSTING OF MEETING**

*All agenda items listed above are eligible for discussion and action unless otherwise specifically noted. This notice of meeting is posted in accordance with Chapter 551, Government Code, Vernon's Texas Codes. Annotated. In addition, the City Council may consider a vote to excuse the absence of any City Council Member for absence from this meeting.*

*I certify that this notice of meeting was posted at the City of Dripping Springs City Hall and website, [www.cityofdrippingsprings.com](http://www.cityofdrippingsprings.com), on **March 31, 2023, at 3:15 p.m.***

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City Secretary

*This facility is wheelchair accessible. Accessible parking spaces are available. Request for auxiliary aids and services must be made 48 hours prior to this meeting by calling (512) 858-4725.*



# City Council Planning Department Staff Report

Item # 1.

**Planning & Zoning Commission meeting:** April 4, 2023

**Project No:** PDD2021-0004

**Project Planner:** Tory Carpenter, AICP, Planning Director

**Recommendation:** Staff recommends approval of the PDD

### Item Details

**Project Name:** Gateway Village

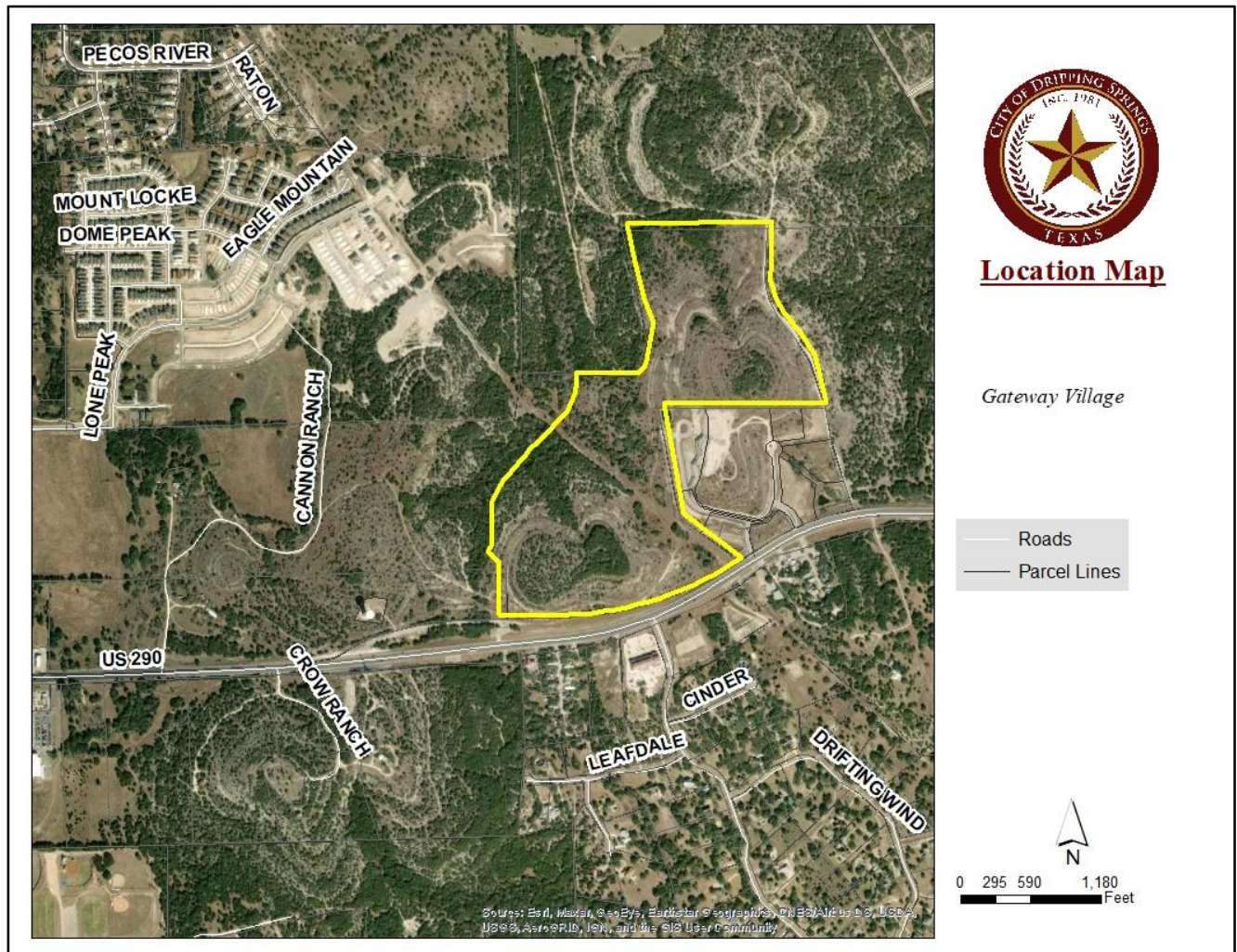
**Property Location:** US 290 across from Drifting Wind

**Legal Description:** 97.44 acres out of the Philip A Smith, William Walker, Edward Brown, and Davis Jr suveys

**Applicant:** John Doucet, Doucet & Associates

**Property Owner:** Cannon Family Ranch Partnership, LLC

**Request:** PDD



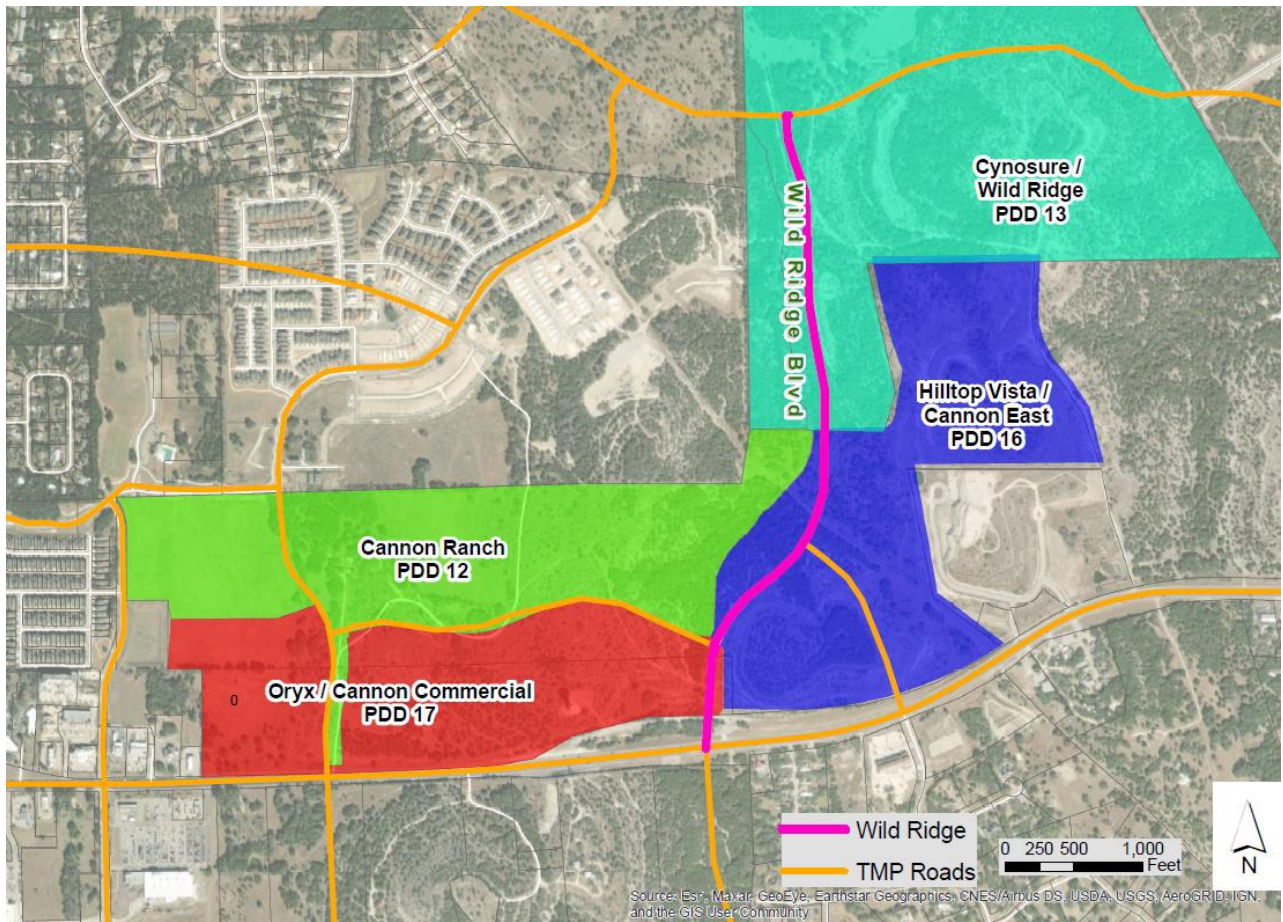


**Background**

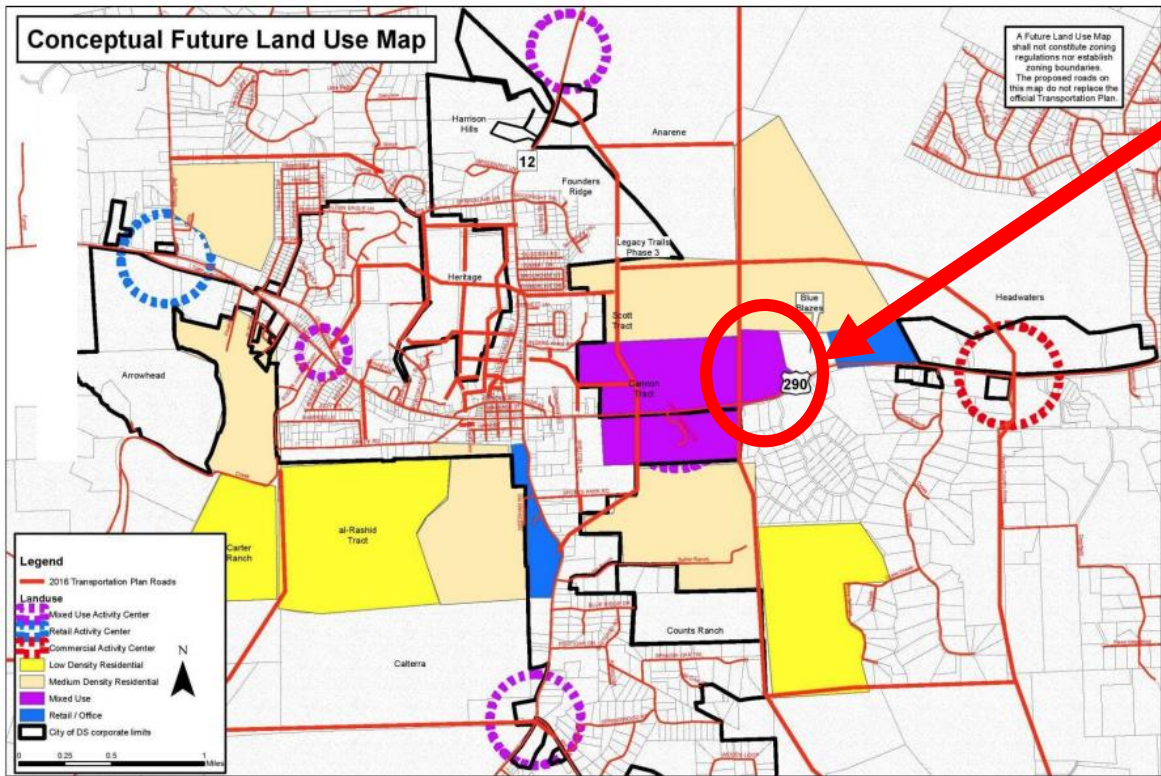
The applicant is requesting the creation of a Planned Development District for a commercial and single family development. The plan consists of 307 single family residences with lot widths ranging from 50' to 60'. The plan also includes 7.2 acres of commercial land and 22.36 acres of open space. The applicant is also requesting expansion for Dripping Springs MUD #1 to the site which was originally established for the Village Grove development. The City will provide wastewater to the development.

**Surrounding Developments**

The property is one of three developments in various stages of entitlement within the existing property known as Cannon Ranch. The site is south of the Cynosure / Wild Ridge development and west of Blue Blazes.



**Comprehensive Plan**



The current comprehensive plan identifies this area as “Mixed Use” on the future land use map. The plan specifically states that this area is suitable for “mixed retail, office, and residential uses, also appropriate for multifamily residential.”

**Transportation**

The property will take its primary access via the proposed Wild Ridge Blvd which will be extended by the Wild Ridge developer. The latest roadway agreement indicates that this development will be responsible for 12% of the cost of Wild Ridge Blvd. The plan also includes residential road connections to the approved Wild Ridge / Cynosure development and a roundabout at the entrance of the commercial development.

The Transportation Master Plan shows an extension of Drifting Wind through the property as a collector road. However, after reviewing the traffic impact analysis, staff found that any minimal benefit did not outweigh the concerns of an increase in cut and fill and traffic conflicts on US 290 with the extension of Drifting Wind.

The applicant is requesting a 54 foot right-of-way for the residential roads as opposed to our standard 65 foot cross section. The applicant has shown that this cross section will work with proposed utility placement. The Transportation Committee and staff are supportive of this change.

**Previous Meetings**

- 3/09/22 – DAWG met with applicant and provided comments
- 2/06/23 – Parks & Recreation Commission approved the parks plan.
- 2/24/23 – DAWG met with applicant to discuss latest draft of the plan
- 2/27/23 – The Transportation Committee approved the proposed traffic improvements
- 2/28/23 – Planning & Zoning Commission Workshop
- 3/27/23 – Transportation Commission approved the residential ROW
- 3/28/23 – Planning & Zoning Committee voted unanimously to recommend approval.







**Approval Criteria for Zoning Amendment (Chapter 30 Zoning, Exhibit A, Sec 2.28.1 and 2.28.2)**

2.28.2 The Planning & Zoning Commission and the City Council shall consider the following factors:

Factors	Staff Comments
1. whether the proposed change will be appropriate in the immediate area concerned;	This zoning change is consistent with recent development in the area.
2. their relationship to the general area and the City as a whole;	This zoning change would allow for additional single-family residences.
3. whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;	The property is not within any existing or proposed City Plans.
4. the amount of undeveloped land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such undeveloped land unavailable for development;	This request would not make other land unavailable for development.
5. the recent rate at which land is being developed in the same zoning classification, particularly in the vicinity of the proposed change;	Land with the same zoning classification has been developing rapidly.
6. how other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved;	No areas designated for similar development will be affected by this proposed amendment.
7. whether the proposed change treats the subject parcel of land in a manner which is significantly different from decisions made involving other, similarly situated parcels; and	Approval of this zoning amendment would not be significantly different from decisions made involving other similar parcels.
8. any other factors which will substantially affect the public health, safety, morals, or general welfare.	The rezoning does not negatively affect the public health, safety, morals, or general welfare.

**Recommendation**

For this workshop, staff is only providing general information about the development and not a formal recommendation. Staff will, however, provide a recommendation at the Planning and Zoning Commission Action meeting.

The Planning & Zoning Commission, Transportation Committee, and Parks & Recreation Commission have each recommended approval of this request.

*2.36.1 After a public hearing is held before the City Council regarding the zoning application, the City Council May:*

- (a) Approve the request in whole or in part;*
- (b) Deny the request in whole or in part;*
- (c) Continue the application to a future meeting, specifically citing the city council meeting to which it was continued; or*
- (d) Refer the application back to the P&Z for further study.*

**Public Notification**

Staff provided legal notice advertising the public hearing in the Dripping Springs Century-News, signs posted on the-site, notice placed on the City Website, and all property owners within a 300-foot radius of the site notified of the zoning map amendment. To date, no letters for or against the request have been received.

**PLANNED DEVELOPMENT DISTRICT No. \_\_:**  
**Gateway Village**

Planned Development District Ordinance  
Approved by the Planning & Zoning Commission on:

\_\_\_\_\_, 2023

Approved by the City Council on:

\_\_\_\_\_, 2023

**THIS PLANNED DEVELOPMENT DISTRICT ORDINANCE** (“Ordinance”) is enacted pursuant to City of Dripping Springs Code of Ordinances, Article 30.3.

**WHEREAS**, the Owner is the owner of certain real property consisting of approximately 97.44 acres located within the City Limits of the City of Dripping Springs (“City”), in Hays County, Texas, commonly known as “Gateway Village” and as more particularly identified and described in **Exhibit A** (the “Property”) to **Attachment “A”**; and

**WHEREAS**, the Property will be subdivided and developed by Owner, its affiliates or their successors and assigns, for construction and use in general accordance with the PD Master Plan shown as **Exhibit B** to **Attachment “A”**; and

**WHEREAS**, the Owner, its affiliates or their successors and assigns intends to develop a master-planned community that will include a mix of land uses, together with parkland and roadway connections described herein;

**WHEREAS**, the Owner has submitted an application to the City to rezone the Property to Planned Development District (“PDD”), designating it “PDD – \_\_\_”; and

**WHEREAS**, after public notice, the Planning and Zoning Commission conducted a public hearing and recommended approval on \_\_\_\_\_, 2023; and

**WHEREAS**, pursuant to the City’s Planned Development Districts Ordinance, Article 30.03 of the City’s Code of Ordinances (the “PD Ordinance”), the Owner has submitted a PD Master Plan that conceptually describes the Project, which is attached to this Ordinance as **Exhibit B** to **Attachment “A”**; and

**WHEREAS**, this Ordinance, PD Master Plan, and the Code of Ordinances shall be read in harmony, will be applicable to the Property, and will guide development of the Property; and

**WHEREAS**, the City Council has reviewed this proposed Ordinance, the PD Master Plan, and the Annexation and MUD Consent Agreement for Gateway Village and has determined that it promotes the health, safety, and general welfare of the citizens of Dripping Springs; complies with the intent of the City of Dripping Springs Comprehensive Plan; and is necessary in light of changes in the neighborhood; and

**WHEREAS**, the City Council finds that this proposed Ordinance ensures the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes under Code §30.03.004: provides for a superior design of lots or buildings; provides for increased recreation and/or open space opportunities for public use; provides amenities or features that would be of special benefit to the property users or community; protects or preserves natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, hills, viewscapes, and wildlife habitats; protects or preserves existing historical buildings, structures, features or places; provides an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and meets or exceeds the present standards of this article;

**WHEREAS**, the City Council is authorized to adopt this Ordinance in accordance with Texas Local Government Code Chapters 51 and 211; and

**WHEREAS**, the Ordinance has been subject to public notices and public hearings and has been reviewed and approved by the City’s Planning and Zoning Commission.

**NOW, THEREFORE, BE IT ORDAINED by the City Council of Dripping Springs:**

### **1. FINDINGS OF FACT**

The City Council finds that the facts and matters in the foregoing recitals are true and correct; and, are hereby incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

### **2. ENACTMENT**

**A. Zoning District Created.** PDD – \_\_\_ is hereby established consistent with **Attachment “A,”** which is attached hereto and incorporated into this Ordinance for all intents and purposes. Code of Ordinances Chapter 30, Exhibit A [Zoning Ordinance], § 3.1 [Zoning Districts] is hereby amended to add the zoning district identified as PDD – \_\_\_.

**B. Zoning Map Amended.** The official zoning map of the City is hereby amended to demarcate the boundaries of PDD – \_\_\_ consistently with the boundaries of the Property delineated in the Property Legal Description, **Exhibit A** to **Attachment “A”**.

**C. PD Master Plan Approved.** The PD Master Plan attached as **Exhibit B** to **Attachment “A”** is hereby approved. The PD Master Plan, together with **Attachment “A”**, constitutes the zoning regulations for the Project. All construction, land use and development of the Property must substantially conform to the terms and conditions set forth in the PD Master Plan, this Ordinance, **Attachment “A”** and the exhibits. The PD Master Plan is intended to serve as a guide to illustrate the general vision and design concepts. The PD Master Plan is to serve as the conceptual basis for the site plan(s) subsequently submitted to the City seeking site development permit approval. If this Ordinance and the PD Master Plan conflict, this Ordinance controls. This approval shall not be interpreted as approval of a variance, utility sources, or other site plan or plat requirements without specific reference in the ordinance or variance chart, or in future approvals.

**D. Administrative Approval of Minor Modifications.** In order to provide flexibility with respect to certain details of the development of the Project, the City Administrator is authorized to approve minor modifications. Minor modifications do not require consent or action of the Planning & Zoning Commission or City Council. Examples of minor modifications include the location of use classifications; slight adjustments to the internal street and drive alignments; building envelopes; number of buildings; orientation

of buildings; and adjustments that do not result in overall increases to traffic, density, or impervious cover. The City Administrator may approve minor modifications in writing following consultation with the City Engineer. Any appeal of the City Administrator’s determination regarding whether or not a change is a minor modification may be appealed by any aggrieved party to the Board of Adjustment.

**E. Code of Ordinances.** The Code of Ordinances as of the effective date of this Ordinance shall be applicable to the Project, except as specifically provided for by this Ordinance, *Attachment “A”*, or the PD Master Plan.

**F. Resolution of Conflicts.** The documents governing the PDD should be read in harmony to the extent possible. If a conflict arises between the charts included in the exhibits and the illustrations contained in the exhibits, the charts shall control. If a conflict arises between the terms of this Ordinance and the exhibits, the terms of this Ordinance shall control.

**G. Attachments and Exhibits Listed.** The following attachment and exhibits thereto are incorporated into this Ordinance in their entirety, as though set forth fully in the text of this Ordinance:

*Attachment “A”* – Planned Development District No. and Zoning Map

<b>Exhibit A</b>	<b>Property Legal Description</b>
<b>Exhibit B</b>	<b>PD Concept/Master/Lotting Plan</b>
<b>Exhibit C</b>	<b>Parks, Trails and Open Space Plan</b>
<b>Exhibit D</b>	<b>PD Code Modifications Chart</b>
<b>Exhibit E</b>	<b>PD Phasing Plan</b>
<b>Exhibit F</b>	<b>PD Uses Chart</b>
<b>Exhibit G</b>	<b>Street Standards</b>
<b>Exhibit H</b>	<b>Water Quality Buffer Zones</b>
<b>Exhibit I</b>	<b>Highway 290 Landscape Buffer</b>

**3. REPEALER**

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

**4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**5. PENALTY**

Any person, firm, association or persons, company, corporations or their agents or employees violating or failing to comply with any of the provisions of this Ordinance may be subject to a fine pursuant to Section 54.001 of the Texas Local Government Code, upon conviction of not more than Two Thousand Dollars (\$2,000.00). The foregoing fine may be cumulative of other remedies provided by State law, and the power on injunction as provided by Texas Local Government Code 54.012 and as may be amended, may be exercised in enforcing this Ordinance whether or not there has been a complaint filed.

**6. CODIFICATION**

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City’s Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

**7. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapters 52 and 211 of the Texas Local Government Code.

**8. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon approval by the City Council and publication as required by law.

**PASSED & APPROVED** this, the \_\_\_\_ day of \_\_\_\_\_, 2023 by a vote of \_\_\_\_\_ (*ayes*) to \_\_\_\_\_ (*nays*) to \_\_\_\_\_ (*abstentions*) of the City Council of Dripping Springs.

**CITY OF DRIPPING SPRINGS:**

by: \_\_\_\_\_  
Bill Foulds, Mayor

**ATTEST:**

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Andrea Cunningham, City Secretary

City of Dripping Springs

CODE OF ORDINANCES

ARTICLE 30.03: PLANNED DEVELOPMENT DISTRICTS

PLANNED DEVELOPMENT DISTRICT NO. \_\_:

ARTICLE I. GENERAL PROVISIONS

- 1.1. **Popular Name.** This Chapter shall be commonly cited as the "PDD – \_\_ Ordinance", also referred to as "this Ordinance" herein.
- 1.2. **Scope.** This Ordinance applies to the Property.
- 1.3. **PD Master Plan.** The PD Master Plan has been approved by the City and shall guide permitting, development and use of the Property.
- 1.4. **Definitions.** Words and terms used herein shall have their usual meaning except as they may be specifically defined herein, or, if capitalized and not defined herein, as defined in the Code (hereinafter defined):

**City:** The City of Dripping Springs, an incorporated Type A, general-law municipality located in Hays County, Texas.

**City Administrator or Administrator:** The chief administrative officer of the City of Dripping Springs, Texas. The term also includes the Deputy City Administrator and City Administrator's designee.

**City Council:** The governing body of the City of Dripping Springs, Texas.

**City Engineer:** The person or firm designated by the City Council as the engineer for the City of Dripping Springs, Texas.

**Code, City's Code of Ordinances or City of Dripping Springs Code of Ordinances:** The entirety of the City's ordinances, regulations and official policies in effect as of \_\_\_\_\_, 2023 except as modified by the Project Approvals and variances granted under the Development Agreement and this Ordinance. This term does not include Zoning or Building Codes, Sign Ordinance, the Water Quality Protection Ordinance or regulations mandated by state law, or that are necessary to prevent imminent harm to human safety or property, which may be modified and made applicable to the Project even after the Effective Date.

**Dripping Springs Technical Criteria:** The criteria adopted in Article 28.07 of the City of Dripping Springs Code of Ordinances that includes technical criteria standard specifications and adopted in Ordinance 2021-35 and as modified.

**Effective Date:** The Effective Date of this Ordinance shall be the date of approval by the City Council and publication as required by law.

**Homeowners Association:** A community group that is organized with respect to the Property in which individual owners of lots share common interests and responsibilities for costs and upkeep of common space or facilities. The group may take the form of a Home Owners Association or Property Owners Association.

**Impervious Cover:** Buildings, parking areas, roads, and other impermeable man-made improvements covering the natural land surface that prevent infiltration as determined by City Engineer. For purposes of compliance with this document, the term expressly excludes storage tanks for rainwater collection systems.

**Impervious Cover Percentage:** The percentage calculated by dividing the total area of impervious cover on the lot by the total area of the lot, excluding any public improvements for rights of way and sidewalks.

**Landscaping Ordinance:** Article 28.06, Landscaping and Tree Preservation, of Chapter 28, Subdivisions and Site Development of the City of Dripping Springs Code of Ordinances.

**Outdoor Lighting Ordinance:** Article 24.06, Outdoor Lighting, of Chapter 24 of the City of Dripping Springs Code of Ordinances.

**Owner:** North DSP, LLC, a Texas limited liability company, and its successors and assigns as subsequent owners of any portion of the Property.

**Project:** A land use and development endeavor proposed to be performed on the Property, as provided by this Ordinance and generally depicted on the PD Master Plan on **Exhibit B**.

**Project Approvals:** The approvals, waivers and exceptions to the Applicable Rules approved by the City with respect to the development of the Property, as set forth in **Exhibit D**.

**Property:** The land as more particularly described in **Exhibit A**.

**TCEQ:** The Texas Commission on Environmental Quality, or its successor agency.

**TIA:** Traffic Impact Analysis, as specified in Chapter 28, Article 28.02: Exhibit A-Subdivision Ordinance, Section 11.11 of the Dripping Springs Code of Ordinances.



**TxDOT:** The Texas Department of Transportation or its successor agency.

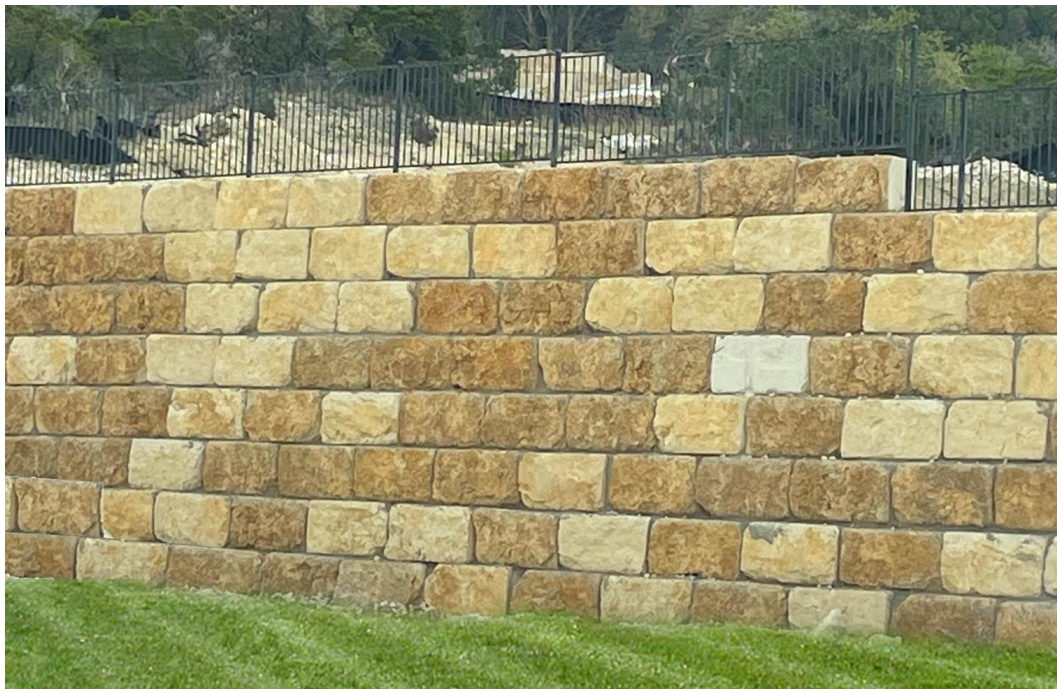
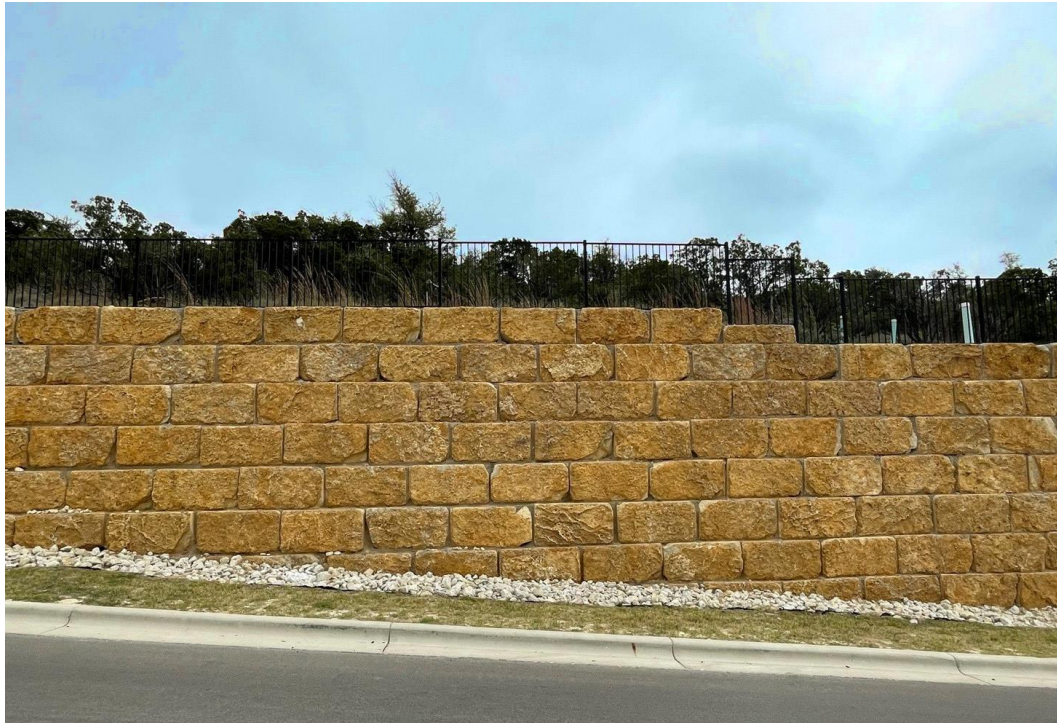
**Water Quality Protection Ordinance:** Article 22.05 of Chapter 22, General Regulations of the Code.

## ARTICLE II. DEVELOPMENT STANDARDS

- 2.1. General Regulations.** Except as otherwise provided in this Ordinance and the PD Master Plan, the Property shall be governed by the site regulations and development standards contained in the Code of Ordinances.
- 2.2. Phasing.** The Property may be developed in phases. The Project is intended to be developed in phases as shown on **Exhibit E**. Owner may change the phasing of development from time to time in response to market conditions or other factors. Phases may be developed concurrently. Construction Plans or site plans shall be submitted to the City for approval with each phase. Each plat filed with the City shall contain parkland required for that phase and parkland for the entire Land shall be submitted by separate exhibit with each plat application including the amount associated with prior platted areas and the amount associated with the area subject to such plat. The chart shall also show the average lot size computation for the Land as a whole and resulting from the plat and prior platted areas. In addition, an impervious cover and LUE tracking chart shall be submitted as an exhibit with each plat filed indicating the amount of impervious cover proposed for the entire Land, the amount associated with prior platted areas and the amount associated with the area subject to such plat.
- 2.3. Permitted Uses.**
- 2.3.1. Base Zoning:** The base zoning district for the residential portion of the Property shall be SF-3, which shall be the basis for all zoning specifications not addressed in this Ordinance or the PD Master Plan. The Commercial portion of the Property shall be GR.
- 2.3.2. Allowed Uses:** Those uses listed in the PD Uses Chart attached as **Exhibit F** are hereby permitted by right within the Project.
- 2.4. Commercial Design Specifications.**
- 2.4.1 Design Standards.** The Commercial portion of the Property may be developed consistent with applicable Zoning Regulations and Article 24.03 Exterior Design and Architectural Standards established in the Code.
- 2.5. Residential Design Specifications.**
- 2.5.1 Impervious Cover.** Each residential or commercial lot shall be developed with an Impervious Cover limit compliant with respective base zoning district assigned per Section 2.3.1.
- 2.5.2 Minimum Lot Area.** Six thousand (6,000) square feet.
- 2.5.3 Building Height.** Buildings shall not exceed 2 ½ stories or forty (40) feet, whichever is less, measured from the average elevation of the finished grade adjacent to the building to the highest point of a flat or multi-level or as defined in Section 28.05.004 of the 2017 City of Dripping Springs Code of Ordinances.
- 2.5.4 Minimum Lot Width.** Fifty (50) feet measured from the front setback line.
- 2.5.5 Setbacks.** Building setbacks in residential areas shall be as follows:
- a. Minimum Front Yard:** Building setbacks shall be twenty (20) feet from the street right of way.
  - b. Minimum Side Yard:** Building setbacks shall be five (5) feet; provided, however corner lots will be set back a minimum of ten (10) feet from the street right of way.
  - c. Minimum Rear Yard:** Building setbacks shall be ten (10) feet.
  - d. Minimum Garage Setback:** Garage doors shall be set back a minimum of twenty (20) feet from the front street right of way or ten (10) feet from the side street right-of-way. Garage doors must also be set back 18 feet from the nearest sidewalk.
  - e. Minimum Setback for Accessory Building:** Five (5) feet; no accessory buildings or structures are permitted in any front yard.
  - f. Maximum Height of Fence Outside Street Yard:** Six (6) feet measured from average natural grade. All fences shall provide a finished face to abutting streets and these fences shall not conflict with sight triangles at street intersections or obstruct views from adjacent driveways. Fences shall not extend into the front yard.

**2.5.6 Cut & Fill.** Improvements requiring a site development permit will be subject to cut and fill limits as stated in Exhibit E, Modification Chart.

**2.5.7 Retaining Walls.** Retaining walls shall be required within the Property as a typical part of development of the Property. All retaining walls within the Property shall be finished with natural limestone material consistent with the following photo images. Retaining walls taller than 8 feet may be required to be terraced so that no vertical segment is taller than 8 feet. The terracing requirement for walls over 8 feet will be decided the City Development Review Committee on a case-by-case basis



**2.5.8 Parking.**

- a. Residential Parking:** Development of the Property shall include parking at a minimum of two off-street spaces per residence. On street parking shall be allowed along one (1) side of each internal local street. And such side will be the side where there are no fire hydrants; sufficient red paint with “No Parking – Fire Lane” lettering will be placed on no parking side curb. If fire hydrants are on both sides of the street, then parking shall be allowed on only one side and sufficient “No Parking – Fire Lane” lettering painted on curb shall extend past either side of the fire hydrant in compliance with fire code.
- b. Commercial Parking:** Parking shall be provided for the commercial areas; the number of parking spaces within the Commercial Area shall be determined in accordance with City ordinances and the proposed use of the commercial spaces. The total number of parking stalls for the commercial areas may be determined by a shared use parking study provided by Owner and accepted by City.
- c. Amenity Center Parking:** Parking shall be provided for recreational sites that provide a community pool and other recreational facilities. The Amenity Center site shall include, but not be limited to, the following: A private access resort-style pool, pool restroom building, pavilion(s) and shade structure(s), a multi-age and ADA compliant playground facility, and an open lawn for passive recreation. The quantity of parking required will be one (1) parking space per 300 square feet of pool surface area.
- d. Undeveloped Parkland Parking:** If it is determined by City staff that the dedication of the public parks requires parking to be provided for future recreational uses built by the City, the quantity of spaces shall be determined under

Section 5.6.2 (12) Commercial amusement (outdoor) of the City's Zoning Ordinances. The required parking spaces shall be met by on-street parallel parking where specifically approved by the City's development review committee or an off-road parking lot constructed by the owner.

### 2.5.9 Design of Residences.

- a. **Front Elevations and Materials:** The requirements for architectural and exterior design compliance are conditions of approval of the code modifications in **Exhibit D**. As such, architectural and exterior design of residences within Project shall meet requirements set out below. All residences shall consist of 100% masonry on all front facing and street facing elevations. Native Stone and/or Brick masonry, plus doors and window openings shall comprise a minimum of 75% of these elevations, with a preference for a predominance of Native Stone Masonry. Stucco, and cementitious siding elements shall be deemed appropriate materials to satisfy the remaining 25% front and street facing masonry elevation requirement. A variety of masonry material is encouraged in the design of each residence.
- b. **Elevations:** The front elevation of all homes shall contain wall plane articulation. No elevation shall be single wall plan across the entire width of the front elevation. Each front elevation shall contain a minimum of two of the following elements, to be identified on the architectural plans submitted for building permit:
  1. A minimum of two wall planes on the front elevation, offset a minimum of 18 inches;
  2. Covered front porches or patio with a minimum size of 60 square feet;
  3. A side-entry or swing-in garage entry (for garage doors that do not face the front street);
  4. A garage door recessed from the primary front facade a minimum of four feet (for garage doors that face the street);
  5. Shed roof or trellis (at least 18'' deep) above garage door for additional architectural detail;
  6. A combination of at least two roof types (e.g. hip and gable) or two different roof planes of varying height and/or direction;
  7. Two or more masonry finishes to compliment the architectural style of the home; and
  8. The addition of one or more dormers on the front elevation to compliment the architectural style of the home.
- c. **Floorplans:** Floorplans will be available in single and two-story housing plans. A minimum of six (6) floorplans will be available, offering a variation of front elevations so that there is no discernable repetition in any street scape. Articulation on the front face should be used to ensure a nonrepetitive street scene. Where building pads are interrupted by a street or open space lot of at least 50 feet in width, a plan may repeat. A plan can be repeated every third building pad (Example: Plan A 1, Plan B 1, Plan A 1, Plan B 2), although elevations shall be different on the two houses.
- d. **Roofs and Overhead Structures:** On buildings with pitched roofs, the minimum main roof pitch is 5:12. Lower roof pitches are acceptable on porch elements, awnings or architectural feature elements.
- e. **Design Review and Compliance.** The City shall retain the right to review all building permits for consistency with the requirements of this section. Upon review, City Staff may approve or deny individual building permits based on compliance determinations with the provisions of this Section, and consistency with this Ordinance. The Applicant may appeal City Staff's determinations(s) to the Board of Adjustments for a final decision(s). Buildings with issued permits shall be deemed acceptable and approved for the purposes of this Ordinance.

**2.5.10 Density of Development.** With respect to the density of the Project, Owner will have the right to develop the Residential Land at a density not to exceed 3.4 dwelling units per acre.

**2.5.11 Parkland.** The Project is required to have 13.35 acres of Parkland. The Project will include approximately 13.73 net acres that will be dedicated for Parkland, the area being shown more fully shown on **Exhibit C** attached hereto and incorporated herein for all purposes (the "Parkland"). This dedication of the Parkland shall fulfill all parkland dedication requirements of the Project to the City, including, but not limited to the requirements of the Parkland Dedication Ordinance under the City's Code of Ordinances and any applicable requirements within the Subdivision Ordinance. Owner has prepared a Master Parks and Open Space Plan which has been approved by City. The Owner will pay the Parkland Development Fee per City's Code of Ordinances. The Parkland Development Fee will be paid based on the number of dwelling units as required by City Code.

**2.5.12 Highway 290 Landscape Buffer.** The Project boundary along Highway 290 consists of steep topographic conditions that limit accessibility and visibility to the Project from the roadway. A minimum fifty (50) feet landscape buffer shall be provided along the residential frontage of Highway 290. The Owner will install landscaping within the landscape buffer to screen houses from the highway road surface as shown in **Exhibit I**.

**2.6. Parks, Trails and Open Space.** Parkland and open space and associated improvements shall be in accordance the standards shown on **Exhibit C** attached hereto. A Master Parks and Trails Plan shall be submitted to the City for approval prior to approval of the first preliminary plat for the Project. No public trails shall be surfaced with decomposed granite. The Master Parks and



Trails Plan shall address all issues regarding public dedication, public access, maintenance and compliance with the City-wide trails plan. The Owner shall maintain parks and open space within the Project.

## **2.7. Access.**

**2.7.1 Traffic Impact Analysis.** Owner has provided to the City, and the City has approved a Traffic Impact Analysis.

**2.7.2 Roadway Alignments:** The roadway alignments shown on the PD Master Plan are approved by the City. All roadways and driveways not shown on the PD Master Plan shall be subject to the approval of the City Administrator, which approval shall not be unreasonably withheld.

**2.7.3 Offsite Roads:** Construction of the offsite roads and improvements to existing roads are addressed in the Offsite Road Agreement, as the same may be amended from time to time

**2.8. Streets.** All streets designed and constructed on the Property shall be fifty four (54) feet right-of-way local streets and seventy-five (75) feet right-of-way collector streets designed consistent with **Exhibit G**.

**2.9. Utilities.** All proposed utilities within the Property will be located underground (other than above-ground appurtenances to such underground utilities).

**2.10. Lighting and Signage.** All illumination for street lighting, signage, security, exterior, landscaping, and decorative facilities for the Project shall comply with Article 24.06 of the City's Code of Ordinances ("Outdoor Lighting Ordinance"), as may be amended, from time to time. To the extent any portion of the Agreement conflicts or is inconsistent with the Outdoor Lighting Ordinance, the Outdoor Lighting Ordinance shall control. Owner, homeowners, end users and/or a Property Owner Association will be required to operate and maintain the lighting within the Project according to the Applicable Rules. Owner agrees that the CCR's for the Project shall reinforce this provision and be applied to all construction and builders. A Master Sign Plan shall be submitted for City approval prior to the placement of any signs that are not in compliance with either (i) the City's Sign Ordinance or (ii) the variances described in the PD Modifications Chart attached hereto as **Exhibit D**.

**2.11. Water Quality Buffer Zones.** The Water Quality Buffer Zones are depicted on Exhibit "H".

**2.12. Water Quality.** Owner agrees to implement and comply with the City's Water Quality Protection Ordinance in place on the Effective Date except as modified by this Ordinance or by specific variance.

**2.13. Tree Preservation:** Landscaping Ordinance: Article 28.06, Landscaping and Tree Preservation, of Chapter 28, Subdivisions and Site Development of the City of Dripping Springs City Code shall apply to the project except as modified by this Agreement. Full tree survey to be submitted with each preliminary plat. An aerial tree survey may be used in lieu of a full tree survey if approved by the City Administrator.

### **2.13.1 Tree Replacement Plan.**

**a. Replacement Plan:** Subject to 2.13.1. b below, the Tree Replacement Plan shall be in accordance with the City of Dripping Springs Code of Ordinances – Chapter 28, Article 28.06 Landscaping and Tree Preservation.

**b. Cash-in-Lieu Requirements:** The cash-in-lieu fee requirements are determined to be \$513,000. There will be 85.5 acres of Disturbed Trees (85.5 acres times \$6,000 equals \$513,000). Owner shall receive credit against the cash-in-lieu fees equal to the following:

- 306 lots with two 2.5-inch caliper size trees at \$830.00 per tree for a total lot credit of \$507,960, plus 20 2.5-inch caliper size trees to be located in the amenity center at \$830.00 per tree for a total of \$16,600.

The combined total credit will be \$524,560. The total cost of tree replacements in the Tree Replacement Plan exceeds the minimum the total cost per acre of disturbance in the Tree Removal Plan.

**EXHIBIT A**  
**Property Legal Description**



Exhibit " \_ " "

7401B Highway 71 West, Suite 160  
Austin, TX 78735  
Office: 512.583.2600  
Fax: 512.583.2601

[Doucetengineers.com](http://Doucetengineers.com)

97.44-Acre Tract  
Hays County, Texas

D&A Job No. 1455-003  
June 21, 2022

**DESCRIPTION**  
**97.44-Acre Tract**

BEING A 97.44-ACRE TRACT OUT OF THE PHILIP A SMITH SURVEY, ABSTRACT NUMBER 415, THE C.H. MALOTT SURVEY, ABSTRACT NUMBER 693, THE IV DAVIS JR SURVEY NUMBER 130, ABSTRACT NUMBER 475, EDWARD W. BROWN SURVEY NUMBER 136, ABSTRACT NUMBER 44, AND THE WILLIAM WALKER SURVEY NUMBER 130, ABSTRACT NUMBER 475, HAYS COUNTY, TEXAS, BEING A PORTION OF A THE REMAINDER OF A CALLED 69.91-ACRE TRACT DESCRIBED TO DENNIS P. CANNON AND KATHERINE CANNON RECORDED IN VOLUME 211, PAGE 177 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS [O.P.R.H.C.T.], ALSO BEING A PORTION OF A CALLED 277.23-ACRE TRACT, CONVEYED TO CANNON FAMILY, LTD. (KNOWN AS SHARE NUMBER TWO) RECORDED IN VOLUME 198, PAGE 151 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS [O.P.R.H.C.T.]; SAID 97.44-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a Concrete Highway monument found in the existing north right-of-way line of East Highway 290, a 100-foot wide right-of-way, according to TxDot right-of-way map AUS011307AD, for the southwest corner of said 277.23-acre tract, and for the southeast corner of a called 58.000-acre tract, conveyed to Oryx Cannon 58 LLC, recorded in Document Number 20023358 [O.P.R.H.C.T.], and for the southwest corner of the tract described herein;

**THENCE**, N00°23'49"E, departing the existing north right-of-way line of said East Highway 290, with the common line of said 277.23-acre tract and said 58.000-acre tract, for a distance of 344.11 feet to a 1/2-inch iron rod with cap stamped "DOUCET" set for the beginning of a curve to the right, for the south corner of a 8.787-acre proposed roadway parcel, and for an angle corner of the tract described herein;

**THENCE**, with the southeast line of said 8.787-acre proposed roadway parcel and over and across said 277.23-acre tract, the following six (6) courses:

- 1) With said curve to the right, having an arc length of 26.27 feet, a radius of 943.00 feet, a delta angle of 01°35'47", and a chord which bears N20°28'08"E, for a distance of 26.27 feet to a 1/2-inch iron rod with cap stamped "DOUCET" set for an angle corner of the tract described herein,
- 2) N21°16'01"E, for a distance of 550.66 feet to a 1/2-inch iron rod with cap stamped "DOUCET" set for the beginning of a curve to the right and for an angle corner of the tract described herein,
- 3) With said curve to the right, having an arc length of 332.63 feet, a radius of 943.00 feet, a delta angle of 20°12'37", and a chord which bears N31°22'20"E, for a distance of 330.91 feet to a 1/2-inch iron rod with cap stamped "DOUCET" set for an angle corner of the tract described herein,
- 4) N41°28'38"E, for a distance of 315.03 feet to a 1/2-inch iron rod with cap stamped "DOUCET" set for the beginning of a curve to the left and for an angle corner of the tract described herein,

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COMMITMENT YOU EXPECT.  
EXPERIENCE YOU NEED.  
PEOPLE YOU TRUST.



- 5) With said curve to the right, having an arc length of 681.06 feet, a radius of 1,057.00 feet, a delta angle of  $36^{\circ}55'03''$ , and a chord which bears  $N23^{\circ}01'06''E$ , for a distance of 669.34 feet to a 1/2-inch iron rod with cap stamped "DOUCET" set for an angle corner of the tract described herein, and
- 6)  $N04^{\circ}33'35''E$ , for a distance of 12.95 feet to a 1/2-inch iron rod with cap stamped "DOUCET" set in the common line of said 277.23-acre tract and a remainder of a called 291-1/3-acre tract, conveyed to Cynosure Corporation, recorded in Volume 258, Page 123 of the Deed Records of Hays County, Texas [D.R.H.C.T.], and for an angle corner of the tract described herein, from which a 1/2-inch iron rod with cap stamped "DOUCET" found bears  $S89^{\circ}00'33''W$ , for a distance of 244.21 feet;

**THENCE**, with the common line of said 277.23-acre tract and said 291-1/3-acre tract, the following eight (8) courses:

- 1)  $N89^{\circ}00'33''E$ , for a distance of 322.22 feet to a 1/2-inch iron pipe found for an angle corner of the tract described herein,
- 2)  $N50^{\circ}38'14''E$ , for a distance of 53.17 feet to a 1/2-inch iron rod with cap stamped "DOUCET" set for an angle corner of the tract described herein,
- 3)  $N21^{\circ}13'11''E$ , for a distance of 64.75 feet to a MAG nail found for an angle corner of the tract described herein,
- 4)  $N09^{\circ}17'53''E$ , for a distance of 327.10 feet to a MAG nail found for an angle corner of the tract described herein,
- 5)  $N20^{\circ}28'59''W$ , for a distance of 204.36 feet to a calculated point for an angle corner of the tract described herein, from which a MAG nail found bears  $S13^{\circ}52'35''E$ , for a distance of 2.61 feet,
- 6)  $N14^{\circ}46'26''W$ , for a distance of 324.06 feet to a 1/2-inch iron pipe found for an angle corner of the tract described herein,
- 7)  $N11^{\circ}59'53''W$ , for a distance of 327.25 feet to a 1/2-inch iron pipe with 60D nail found for the northwest corner of the tract described herein, and
- 8)  $N89^{\circ}15'51''E$ , for a distance of 1,222.57 feet to an 8-inch Cedar Fence Post for the northeast corner of a called 1.097-acre tract, conveyed to Bordie Partners LP, recorded in Volume 5086, Page 174 [O.P.R.H.C.T.], and for the northeast corner of the tract described herein;

**THENCE**, with the common line of said 277.23-acre tract and said 1.097-acre tract, the following ten (10) courses:

- 1)  $S02^{\circ}19'16''W$ , for a distance of 418.07 feet to a 6-inch Cedar Fence Post for an angle corner of the tract described herein,
- 2)  $S05^{\circ}15'07''E$ , for a distance of 88.61 feet to a 6-inch Cedar Fence Post for an angle corner of the tract described herein,
- 3)  $S16^{\circ}28'50''E$ , for a distance of 73.40 feet to a 6-inch Cedar Fence Post for an angle corner of the tract described herein,
- 4)  $S03^{\circ}28'59''E$ , for a distance of 14.21 feet to a 10-inch Cedar Fence Post for an angle corner of the tract described herein,
- 5)  $S11^{\circ}47'06''E$ , for a distance of 7.00 feet to a 10-inch Cedar Fence Post for an angle corner of the tract described herein,

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- 6) S22°31'47"E, for a distance of 32.14 feet to a 6-inch Cedar Fence Post for an angle corner of the tract described herein,
- 7) S27°26'26"E, for a distance of 141.35 feet to a 6-inch Cedar Fence Post for an angle corner of the tract described herein,
- 8) S39°07'52"E, for a distance of 222.18 feet to a 6-inch Cedar Fence Post for an angle corner of the tract described herein,
- 9) S32°56'45"E, for a distance of 229.21 feet to a calculated point for an angle corner of the tract described herein, from which a 5/8-inch iron rod bears, N88°54'02"E, for a distance of 47.22 feet, and
- 10) S14°21'53"E, for a distance of 407.89 feet to a to a calculated point in the north line of Lot 4, Block A, Blue Blazes Ranch Phase 1 Subdivision, recorded in Document Number 18010223 of the Plat Records of Hays County, Texas [P.R.H.C.T.], for the southeast corner of said 277.23-acre tract and for the southwest corner of said 1.097-acre tract and for the southeast corner of the tract described herein, from which a 5/8-inch iron rod bears, N89°22'55"E, for a distance of 30.48 feet,

**THENCE**, S89°22'55"W, with the common line of said 277.23-acre tract and said Lot 4, for a distance of 165.73 feet to a 1/2-inch iron rod with cap stamped "G&R" found for the northwest corner of said Lot 4, Block A, same being for the northeast corner of Lot 5, Block A of said Blue Blazes Ranch Phase 1 Subdivision, a distance of 264.31 feet passing a 1/2-inch iron rod with cap stamped "G&R" found for the northwest corner of said Lot 5, Block A, and the northeast corner of the remainder of Tract A-3 of Vista Tract Ranch Tract A, a subdivision recorded in Volume 14, Page 12 [P.R.H.C.T.], a distance of 547.78 feet passing a 1/2-inch iron rod found for the northeast corner of said Tract A-3, and for the northeast corner of Lot 4, Block B of said Blue Blazes Ranch Phase 1 Subdivision and continuing for a total distance of 1,370.57 feet to a 5/8-inch iron rod with cap stamped "Charles Swart" found for the northwest corner of said Lot 4, Block B, for the northeast corner of a called 14.3372-acre tract, conveyed to Cannon Family LTD, recorded in Volume 1641, Page 423 [O.P.R.T.C.T.], same being for an angle corner of the tract described herein,

**THENCE**, with the common line of said 14.3372-acre tract and said Block B of said Blue Blazes Ranch Phase 1 Subdivision, the following two (2) courses:

- 1) S10°17'27"E, for a distance of 721.25 feet passing a 1/2-inch iron rod with cap stamped "G&R" found for the southwest corner of said Lot 4, Block B and for the northwest corner of Lot 3, Block B, of said Blue Blazes Ranch Phase 1 Subdivision, and continuing for a total distance of 937.32 feet to a 1/2-inch iron rod found for the west corner of Lot 3, Block B, same being for an angle corner of the tract described herein, and
- 2) S52°44'27"E, for a distance of 221.16 feet passing a 1/2-inch iron rod with cap stamped "Charles Swart" found for the south corner of said Lot 3, Block B, same being the southwest corner of Lot 2, Block B of said Blue Blazes Ranch Phase 1 Subdivision, and continuing for a total distance of 610.29 feet to a 1/2-inch iron rod found for the south corner of said Lot 2, Block B and the southeast corner of said 14.3372-acre tract, same being in the existing north right-of-way line of said East Highway 290, and for the southeast corner of the tract described herein;

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THENCE with the existing north right-of-way line of said East Highway 290, the following three (3) courses:

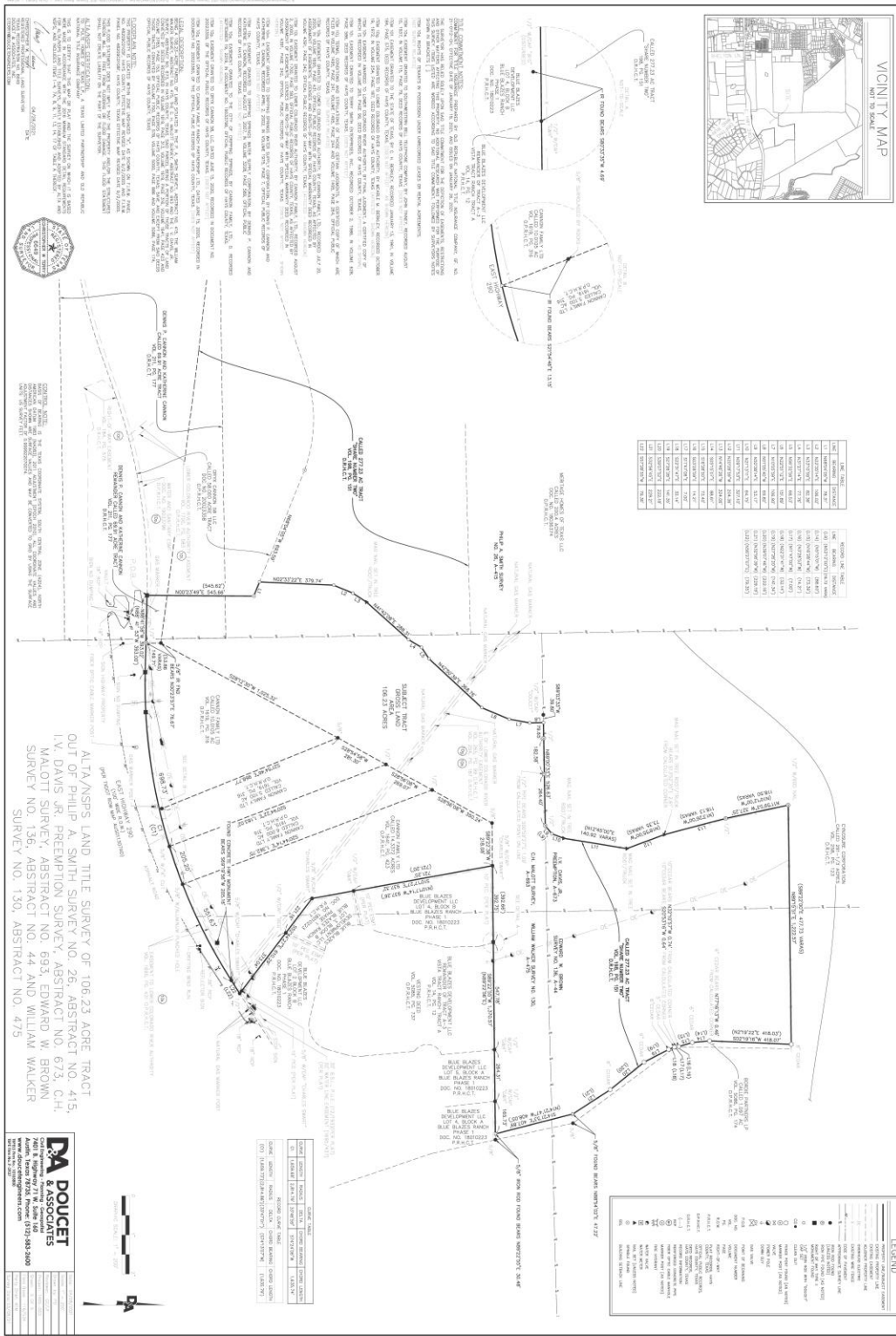
- 1) S57°28'55"W, for a distance of 79.36 feet to 1/2-inch iron rod with cap stamped "Charles Swart" found for the beginning of a curve to the right and for an angle corner of the tract described herein.
- 2) With said curve to the right, having an arc length of 551.63 feet passing a 5/8-inch iron rod with aluminum punched hole found for the southwest corner of said 14.3372-acre tract, same being the southeast corner of a called 6.000-acre tract conveyed to Cannon Family, LTD., recorded in Volume 1619, Page 316 [O.P.R.H.C.T.], an arc length of 756.83 feet passing a 1/2-inch iron rod found for the southwest corner of said 6.000-acre tract, same being the southeast corner of a called 5.100-acre tract conveyed to Cannon Family, LTD., recorded in Volume 1619, Page 316, [O.P.R.H.C.T.], an arc distance of 1,455.56 feet passing a Concrete Highway Monument Found, and continuing a total arc length of 1,659.68 feet, a radius of 2,814.79 feet, a delta angle of 33°46'59", and a chord which bears S74°24'06"W, for a distance of 1635.74 feet to a concrete highway monument found for an angle corner of the tract described herein;
- 3) N88°41'58"W, for a distance of 149.71 feet passing a 1/2-inch iron pipe found for the southwest corner of a called 10.0105-acre tract conveyed to Cannon Family, LTD., recorded in Volume 1619, Page 316 [O.P.R.H.C.T.], and continuing for a total distance of 393.02 feet to the **POINT OF BEGINNING** and containing 97.44 acres.

Basis of bearings is the Texas Coordinate System, South Central Zone [4204], NAD83 (2011), Epoch 2010. All distances are surface values and may be converted to grid by dividing by the surface adjustment factor of 1.000077936.  
Units: U.S. Survey Feet.

I, Christopher W. Terry, Registered Professional Land Surveyor, hereby certify that this description and accompanying exhibit of even date represent an actual survey performed on the ground.

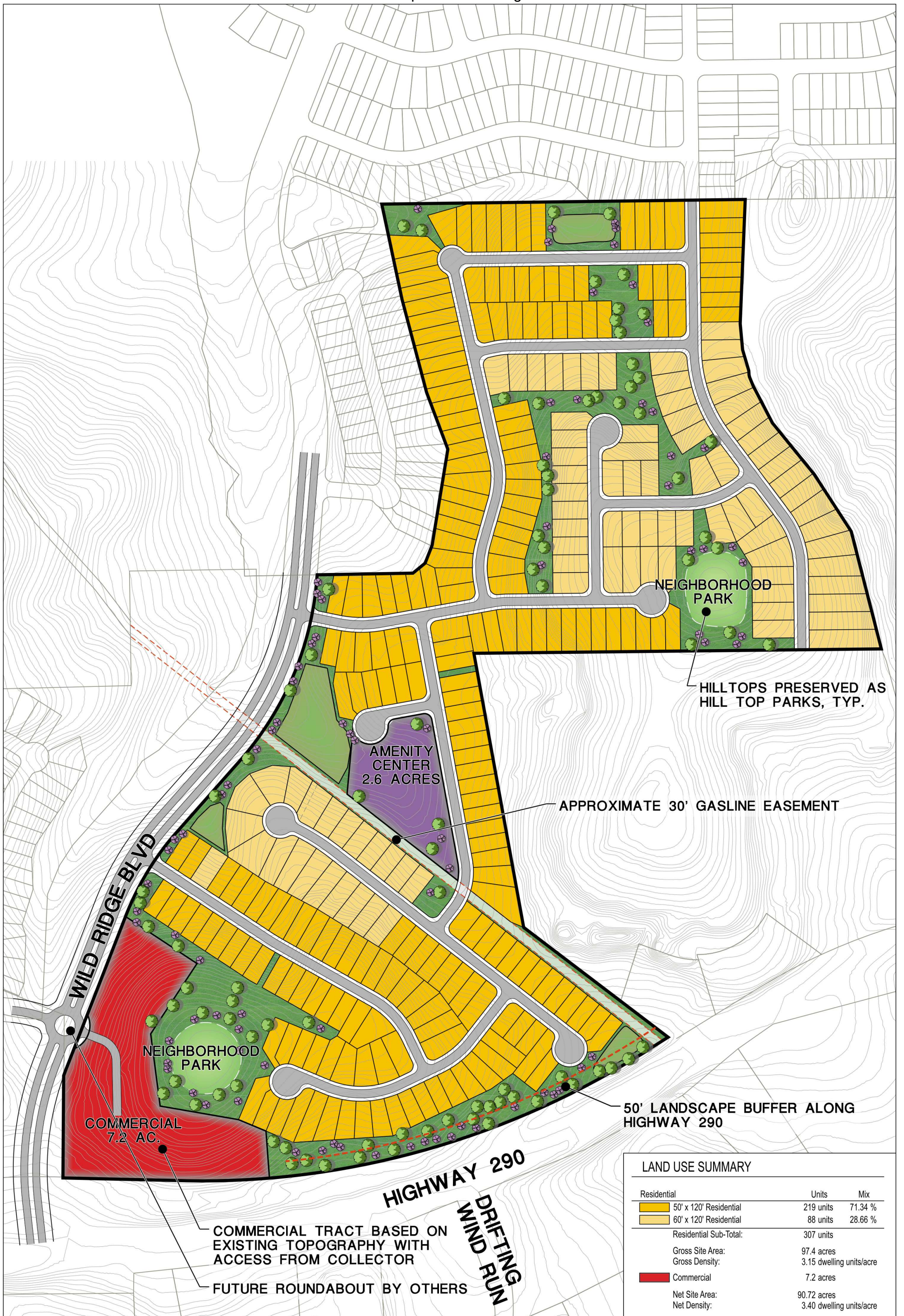
  
 \_\_\_\_\_ 06/21/2022  
 Christopher W. Terry Date  
 Registered Professional Land Surveyor  
 Texas Registration No. 6649  
 Doucet & Associates  
 Cterry@DoucetEngineers.com  
 TBPELS Firm Registration No. 10105800



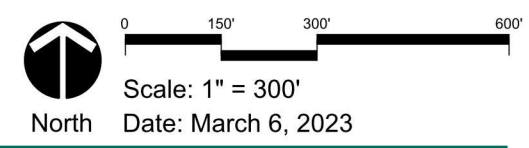


**EXHIBIT I**  
**Highway 290 Landscape Buffer**



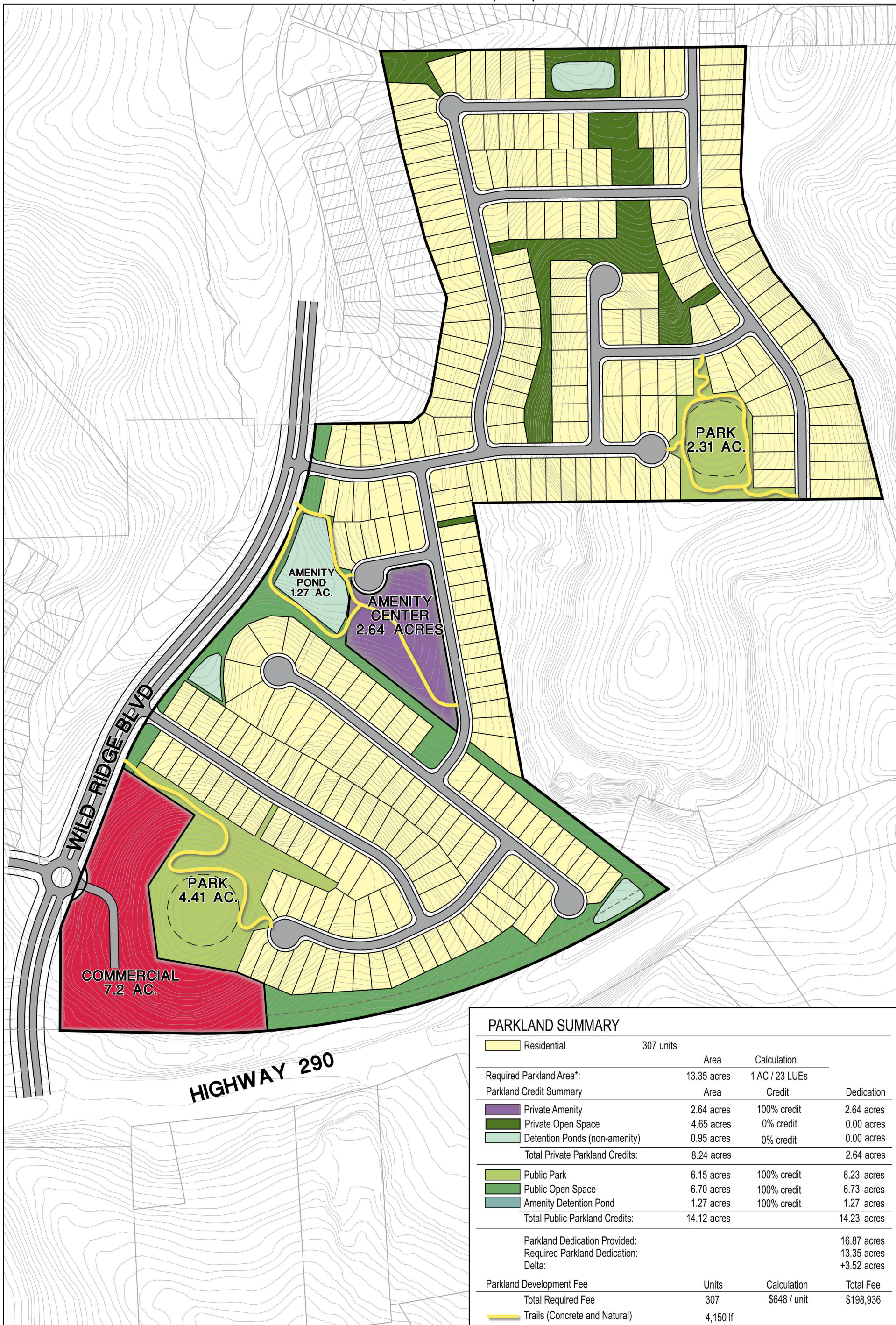


LAND USE SUMMARY		
Residential	Units	Mix
50' x 120' Residential	219 units	71.34 %
60' x 120' Residential	88 units	28.66 %
<b>Residential Sub-Total:</b>	<b>307 units</b>	
Gross Site Area:	97.4 acres	
Gross Density:	3.15 dwelling units/acre	
<b>Commercial</b>	<b>7.2 acres</b>	
Net Site Area:	90.72 acres	
Net Density:	3.40 dwelling units/acre	

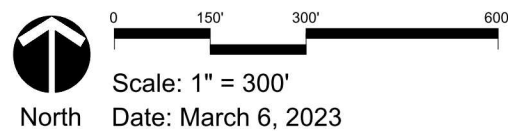




**Exhibit C**  
**PD Parks, Trails and Open Space**



PARKLAND SUMMARY				
Residential	307 units			
		Area	Calculation	
Required Parkland Area*		13.35 acres	1 AC / 23 LUEs	
Parkland Credit Summary		Area	Credit	Dedication
Private Amenity		2.64 acres	100% credit	2.64 acres
Private Open Space		4.65 acres	0% credit	0.00 acres
Detention Ponds (non-amenity)		0.95 acres	0% credit	0.00 acres
Total Private Parkland Credits:		8.24 acres		2.64 acres
Public Park		6.15 acres	100% credit	6.23 acres
Public Open Space		6.70 acres	100% credit	6.73 acres
Amenity Detention Pond		1.27 acres	100% credit	1.27 acres
Total Public Parkland Credits:		14.12 acres		14.23 acres
Parkland Dedication Provided:			16.87 acres	
Required Parkland Dedication:			13.35 acres	
Delta:			+3.52 acres	
Parkland Development Fee	Units	Calculation	Total Fee	
Total Required Fee	307	\$648 / unit	\$198,936	
Trails (Concrete and Natural)	4,150 lf			





**EXHIBIT D**  
**Modification Chart (Project Approvals, including Variances and Exceptions)**

<b>EXHIBIT D: LIST OF VARIANCES &amp; ALTERNATIVE STANDARDS</b>					
#	Ordinance	Description	Requirement	Requested Variance	Justification
<i>Chapter 11 - Water Quality Protection</i>					
1	22.05.016(a)(2)	Maximum Impervious Cover	Sets maximum impervious cover for site development plans within the Edwards Aquifer Contributing Zone and the ETJ to 35%.	The area designation and impervious cover will be as follows: SF3 - 65%, and GR - 60%	
2	22.05.015(c)(3)	Performance Standards	Establishes 90% removal of total suspended solids, total phosphorus, and oil and grease	Use water quality BMPs that achieve a TSS removal of 89% and comply with the TCEQ Optional Enhanced Measures (EOM) load management requirements per West Travis County Public Utility Agency requirements	Providing stream buffer per the TCEQ OEM that exceed the City of Dripping Springs water quality buffer requirements, including the LCRA Streambank Erosion Control volume in the water quality pond to protect natural waterways and habitat. Will create better use of the land, less long-term maintenance burden, more attractive water quality measures, and be consistent with State standards.
<i>Chapter 26 - Signs</i>					
3	26.06.063(b) & (c)	Monument signs for subdivisions	Maximum area of a sign shall not exceed 32 sq. ft. Maximum height for a sign shall not exceed 6 ft.	Maximum area and height for monument signs shall refer to the configuration of the letters only.	Allows flexibility for signage to be included as part of a decorative structure.

**EXHIBIT D (continued)**  
**Modification Chart (Project Approvals, including Variances and Exceptions)**

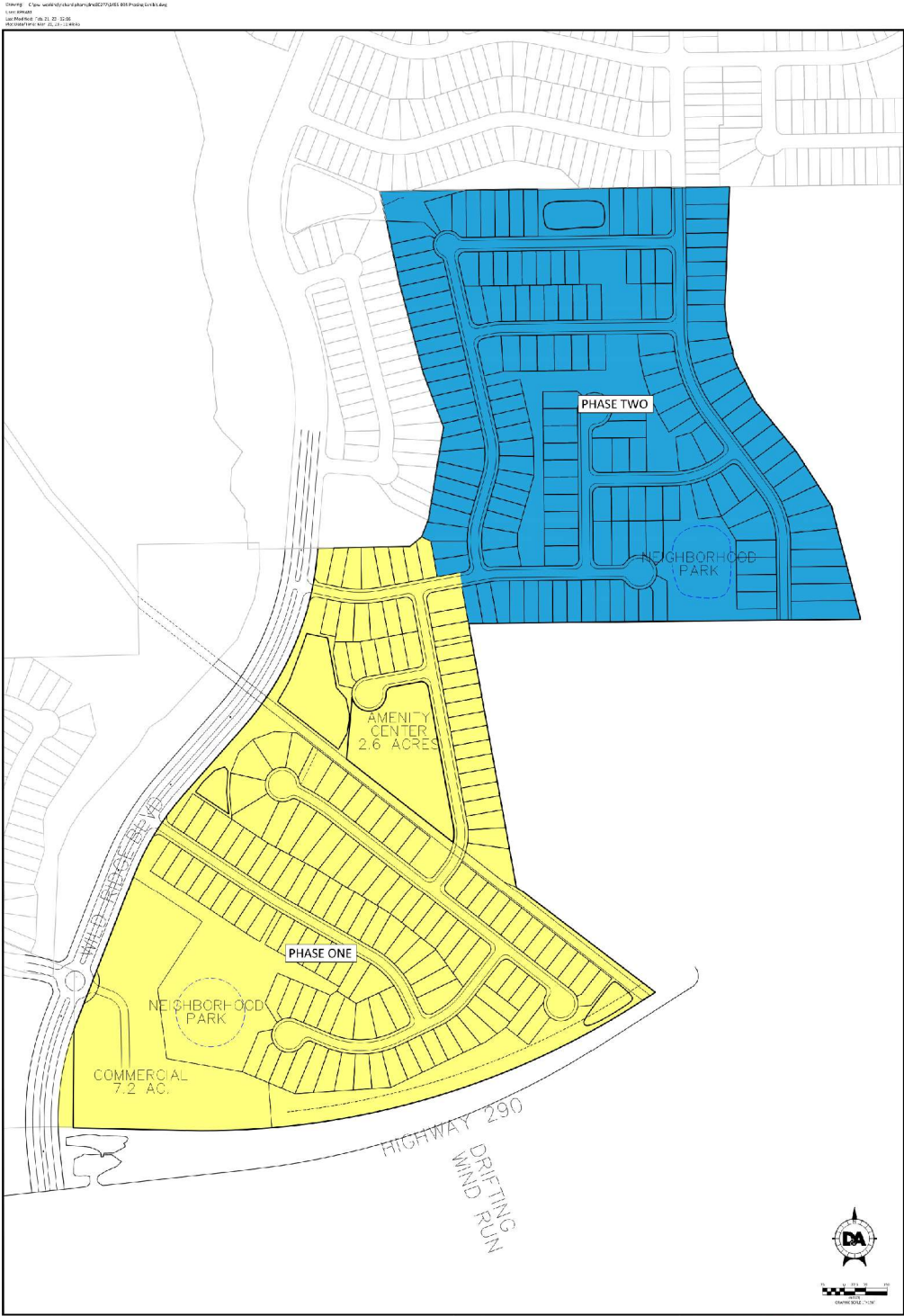
#	Ordinance	Description	Requirement	Requested Variance	Justification
<i>Chapter 28 - Subdivisions and Site Development</i>					
4	Exhibit A, 3.13	Lapse of plat approval	Preliminary Plat: All of the following shall occur within 183 calendar days following Preliminary Plat approval: 1) City Engineer's approval of engineering plans for all proposed public improvements; and 2) payment of all applicable fees that are traditionally collected prior to release for site construction. In addition to the above, an application for approval of the final plat shall be submitted to the City within 365 calendar days following approval of the preliminary plat in order to avoid lapse of the approved improvements; and 2) payment of all applicable fees that are traditional collected prior to release for site construction. In addition to the above, an application for approval of the final plat shall be submitted to the City within 365 calendar days following approval of the preliminary plat in order to avoid lapse of the approved Preliminary Plat (unless such is extended or reinstated pursuant to provisions in this Chapter.)	Preliminary Plat: All of the following shall occur within the one hundred and eighty-three (183) calendar days following Multi-Phased Preliminary Plat approval: 1) City Engineer's approval of engineering plans for Phase 1 or additional phases of proposed public improvements; and 2) payment of all applicable fees that are traditionally collected prior to release for site construction for Phase 1 or additional phases. In addition to the above, an application for approval of the Phase 1 final plat shall be submitted to the City within three hundred sixty-five (365) calendar days following approval of the preliminary plat to avoid lapse of the approved Preliminary Plat (unless such is extended or reinstated pursuant to provisions in this Chapter). Once conditions of Phase 1 are met the Preliminary Plat shall be valid for 10 years. Regardless of whether City wastewater service is available, the City will review and approve all documents and permits necessary for development to proceed and infrastructure be accepted. However, no certificates of occupancy for structures within the Project shall be issued until suitable wastewater service is available or, the City's pending discharge permit has been cleared by the Texas court system or the City approves otherwise.	Allows time for the construction of infrastructure improvements prior to recordation of plats.
5	Exhibit A, 3.13	Lapse of plat approval	Final plat approved by the City Council but not yet filed with Hays County - All materials necessary to file the plat at the county, including plat mylars, filing fees, etc., shall be submitted to the City within 30 calendar days of the date of final approval. (The 30 day period shall commence upon County approval of final plat if the property is in the ETJ.)	Final plat approved by the City Council but not yet filed with Hays County - All materials necessary to file the plat at the County, including plat mylars, filing fees, etc., shall be submitted to the City within 365 calendar days of the date of final approval.	Allows time for the construction of infrastructure improvements prior to recordation of plats.
6	Exhibit A, 11.21.1	Residential block lengths	Shall not exceed 1,200 ft. between centerlines of street intersections	Shall not exceed 3,000 ft. between centerlines of street intersections at the perimeter of the property	This relates only to the perimeter of the property where access to neighboring property is limited by topographic conditions and adjacent land use.



**EXHIBIT D (continued)**  
**Modification Chart (Project Approvals, including Variances and Exceptions)**

#	Ordinance	Description	Requirement	Requested Variance	Justification
7	Exhibit A, 30.2	Performance Guarantees	Required for public improvements	Performance guarantees shall be issued in the name of each current and future owner of public improvements.	Public improvement will be owned and maintained by separate entities and thus performance guarantees shall be issued for each entity's benefit for the improvements that will be dedicated to them.
8	28.04.018	Cuts and fills	No fill or cut on any building site shall exceed a maximum of 6 ft. of depth.	Improvements requiring a site development permit will be held to no more than 18 feet of cut and/or fill. Cut and fill for public infrastructure improvements, including but not limited to roadways and stormwater control ponds, may exceed 18 feet where specifically reviewed and approved by the City Engineer. Cut and fill for residential lot grading of up to 18 feet of cut and 18 feet of fill may be allowed in specific locations where approved by the City Engineer. All retaining walls and cut walls shall have native limestone facade and be approved by City Engineer. Retaining walls taller than 8 feet may be required to be terraced so that no vertical segment is taller than 8 feet. The terracing requirement for walls over 8 feet will be decided by the City's Development Review Committee on a case-by-case basis. Cut and fill for public infrastructure improvements, including but not limited to roadways and stormwater control ponds, and Project perimeter cut and fill conditions, may exceed 18 feet where specifically reviewed and approved by the City Engineer	To respond to topographic conditions and provide roadways that meet design requirements
9	28.06.051 (a) & (B)	Residential Street Tree Requirements	Street trees (2 each, 4-inch caliper trees/50 linear ft.) to be planted adjacent to or near street right-of-way per associated zoning classification.	Two (2) 2-1/2" -inch street trees per residential lot; 4-inch street trees along arterials, and within the Amenity Center lot to satisfy City tree replacement requirements.	Consistency with industry standards for residential lot trees. The development will provide a strong streetscape with mature trees earlier in the life of the project with this street tree planting plan.
<i>Hays County Development Regulations (2017), Chapter 721 - Roadway Standards</i>					
10	Table 721.02	Cul-de-sac ROW/Pavement Radius (feet)	70/45 for Urbanized Local and Minor Collector	60/48 for Urbanized Local Streets (complies with fire code)	To preserve the natural character of the site by minimizing roadway impacts.
11	Table 721.02	Knuckles	No provision	Knuckles are allowed. Minimum ROS radius is 50 ft. Minimum pavement radius is 40 ft.	Preserves natural character by minimizing roadway impacts and concentrating residential density.
12	Section 5.6	Parking requirement for Private Amenity Sites	One parking space is required per 100 sq. ft. of pool deck plus pool surface area	One parking space per 300 sq. ft. of pool surface area	Private Amenity Centers are meant to be walkable for the community, reducing the reliance on large parking areas. Trail connections and bike racks will be provided at the amenity to reduce the need for excessive parking.

# EXHIBIT E Phasing Plan



DATE	01/11/2017
BY	DA
PROJECT NO.	1805-014
<b>EXHIBIT</b>	

CANNON EAST  
DRIPPING SPRINGS, TEXAS

PHASING EXHIBIT

**DOUCET**  
Civil Engineering // Entitlements // Geospatial  
2401 S. Highway 91 W. Ste. 140  
Austin, TX 78726, Tel: (512) 258-2400  
www.doucet-engineers.com  
1825 Firm Number: 3917  
TPELS Firm Number: 10106800

**EXHIBIT F**  
**PD Uses Chart**

The uses permitted in PDD – \_\_ are as follows:

**Residential Areas:**

- Single-Family Dwelling, Detached;
- Accessory Building/Structure (Residential);
- Home Occupation;
- Swimming Pool, Private;
- Community Center, Private; and
- Those uses listed in the City's zoning ordinance for SF-3 Districts, or any less intense residential district, are hereby permitted by right within the Project. Uses designated as allowed by issuance of a Conditional Use Permit (CUP) are allowed within the Project upon issuance of a CUP

**Commercial Areas:**

- **Those uses listed in the City's zoning ordinance for GR Districts are hereby permitted by right within the Project. Uses designated as allowed by issuance of a Conditional Use Permit (CUP) are allowed within the Project upon issuance of a CUP. Land uses not permitted in GR Districts but are permitted in lesser zoning districts are not allowed.**

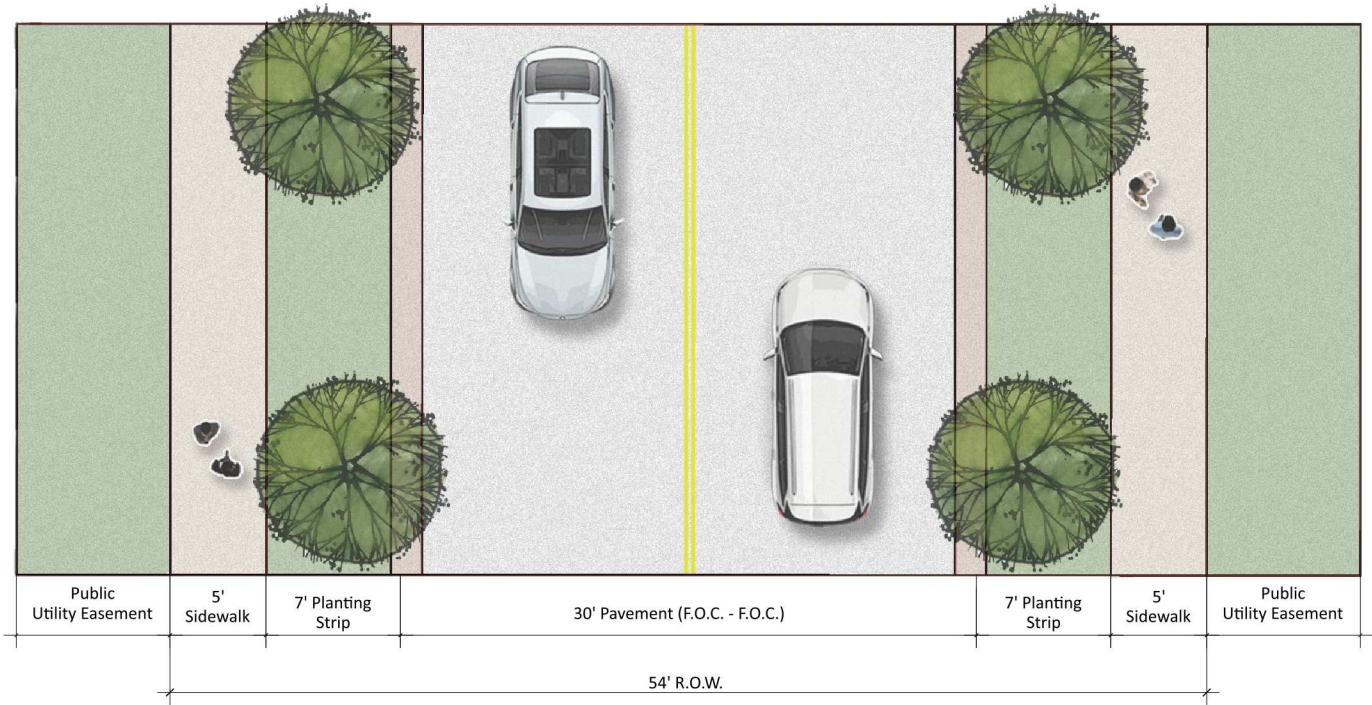
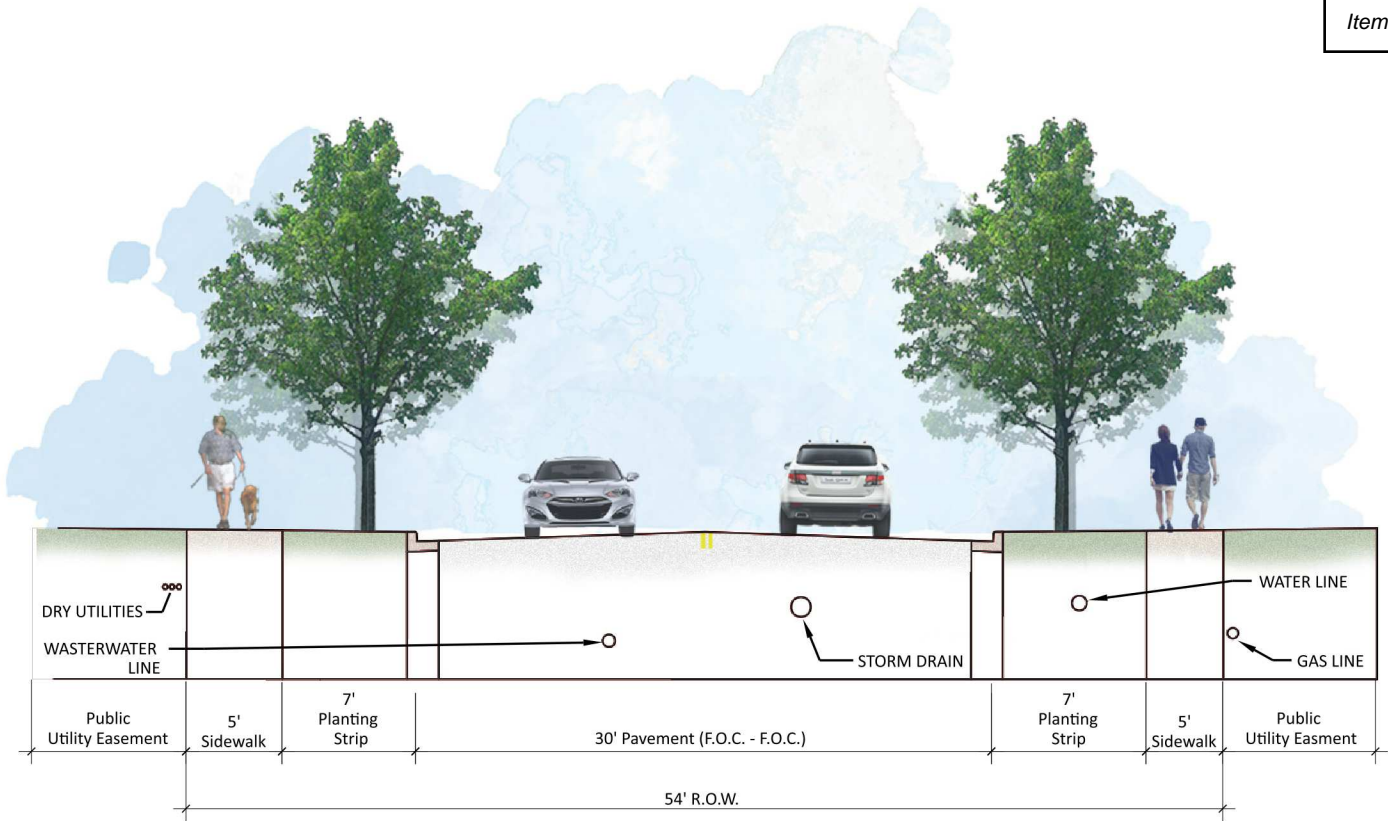
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**Notwithstanding, the following uses will not be allowed.**

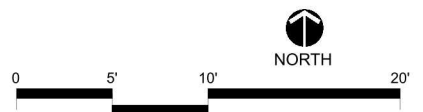
- **Farm Animals**
- **Check Cashing Service**
- **Telemarketing Center**
- **Appliance Repair, unless accessory to appliance retail sales**
- **Auto Supply Store**
- **Building Material Sales**
- **Lawnmower Sales and Repair**
- **Live-in Security Quarters**
- **Locksmith**
- **Major Appliance Repair, unless accessory to appliance retail sales**
- **Restaurant (With Drive-Through Service)**
- **Tool and Machinery Rental**
- **Vacuum Cleaner Sales and Repair**
- **Auto Tire Sales and Repair**
- **Auto Washing Facility, Attended**
- **Auto Washing Facility, Unattended**
- **Automobile Repair, Minor**
- **Tire Dealer, Indoor Storage**
- **Psychic Reading Services**
- **Video Rentals/Sales**

- **Wireless Communication Tower**
- **Radio, Television, Microwave Tower**
- **Wastewater Treatment Plant**
- **Pawnshop**
- **Multiple-Family Dwelling**





**54' R.O.W. STREET TYPICAL SECTION**  
Scale: 1" = 10'

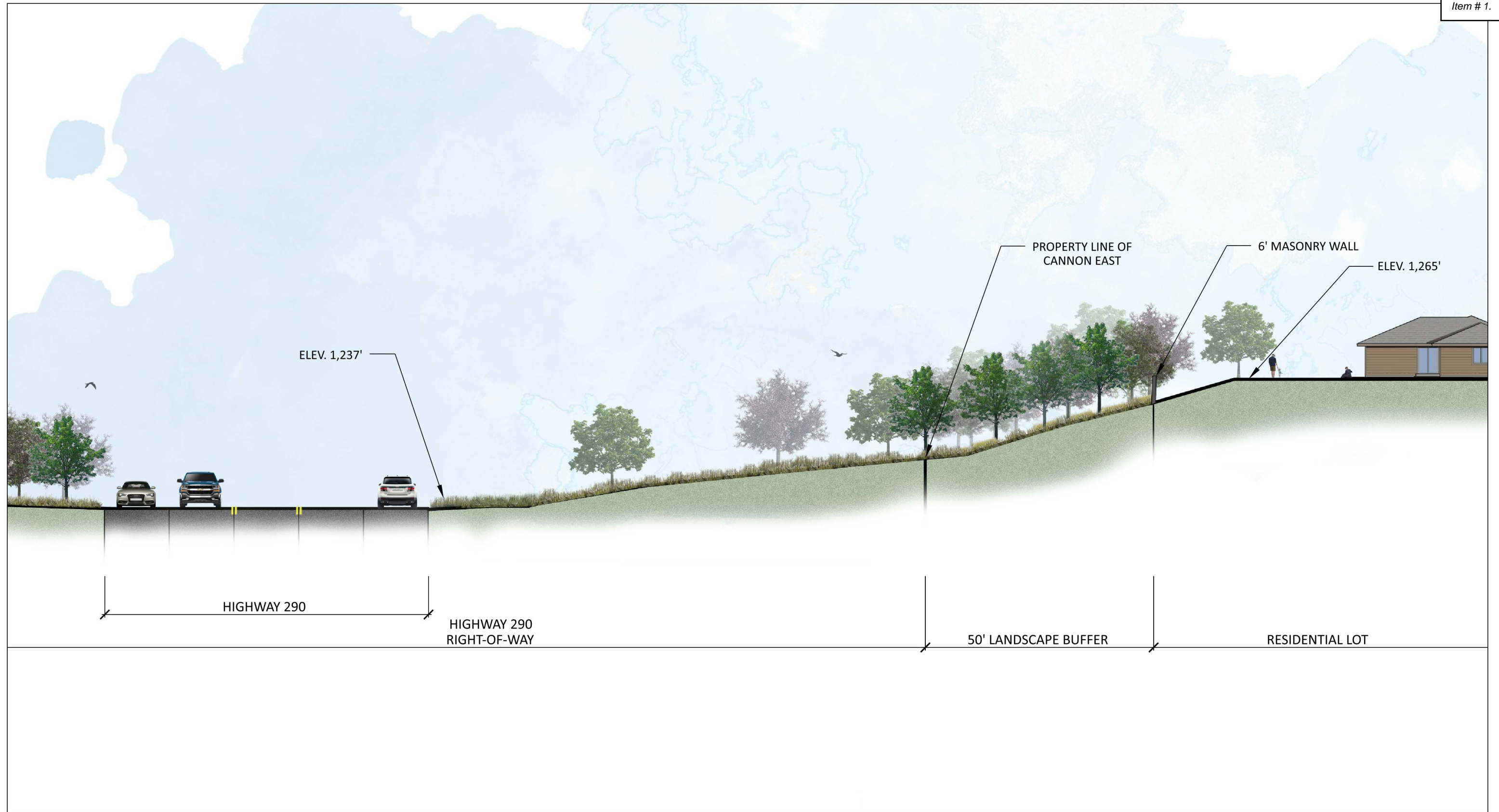




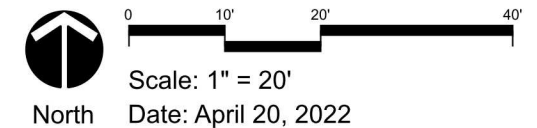
# EXHIBIT H Water Quality Buffer Zones







HIGHWAY 290 LANDSCAPE BUFFER SECTION  
CANNON EAST





DRIPPING SPRINGS  
Texas

**CITY COUNCIL REGULAR MEETING**  
**City of Dripping Springs**  
**Council Chambers, 511 Mercer St, Dripping Springs, TX**  
**Tuesday, February 21, 2023 at 6:00 PM**

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**MINUTES**

**CALL TO ORDER AND ROLL CALL**

With a quorum of the City Council present, Mayor Foulds, Jr. called the meeting to order at 6:00 p.m.

**City Council Members present were:**

Mayor Bill Foulds, Jr.  
Mayor Pro Tem Taline Manassian  
Council Member Place 2 Wade King  
Council Member Place 5 Sherrie Parks

**City Council Members absent were:**

Council Member Place 3 Geoffrey Tahuahua  
Council Member Place 4 Travis Crow

**Staff, Consultants & Appointed/Elected Officials present were:**

City Administrator Michelle Fischer  
Deputy City Administrator Ginger Faught  
City Treasurer Shawn Cox  
City Secretary Andrea Cunningham  
Deputy City Secretary Cathy Gieselman  
Planning Director Tory Carpenter  
City Planner Warlan Rivera  
People & Communications Director Lisa Sullivan  
Public Works Director Aaron Reed  
Deputy Public Works Director Craig Rice  
Building Official Shane Pevehouse  
Parks & Community Services Director Andy Binz  
Community Events Coordinator Johnna Krantz  
Emergency Management Coordinator Roman Baligad  
Administrative Assistant Ryane Maceyra  
Utilities Operator Gray Lahrman  
City Maintenance Robert Hutson  
City Inspector Riley Sublett  
Content Marketing Specialist Stephanie Hartnett  
TIRZ Project Manager Keenan Smith  
Planning & Zoning Commission Chair Mim James  
Founders Day Commission Vice Chair Jake Adams



City Maintenance Lead Sonny Garza  
Transportation Consultant Leslie Pollack

## PLEDGE OF ALLEGIANCE

Council Member King led the Pledge of Allegiance to the Flag.

## PRESENTATION OF CITIZENS

*A member of the public who desires to address the City Council regarding any item on an agenda for an open meeting may do so at presentation of citizens before an item or at a public hearing for an item during the City Council's consideration of that item. Citizens wishing to discuss matters not contained within the current agenda may do so, but only during the time allotted for presentation of citizens. Speakers are allowed two (2) minutes to speak during presentation of citizens or during each public hearing. Speakers may not cede or pool time. Members of the public requiring the assistance of a translator will be given twice the amount of time as a member of the public who does not require the assistance of a translator to address the City Council. It is the request of the City Council that members of the public wishing to speak on item(s) on the agenda with a noticed Public Hearing hold their comments until the item(s) are presented for consideration. Speakers are encouraged to sign in. Anyone may request a copy of the City's policy on presentation of citizens from the city secretary. By law no action may be taken during Presentations of Citizens.*

No one spoke during Presentation of Citizens.

## PRESENTATIONS

- 1. Ice Storm Mara Presentation**  
*Craig Rice, Deputy Public Works Director*

Craig Rice recognized Sonny Garza, Johnathon Hill, Robert Hutson, Andrew Thompson, Riley Sublett, and Gray Lahrman for their contributions towards the City's successful recovery from Ice Storm Mara.

- 2. State of the City Presentation, Look Back and Look Ahead.**  
*City Staff*

Michelle Fischer introduced the item. Members of staff gave a presentation regarding achievements and future projects. This presentation is on file and available for review upon request.

- 3. Old Fitzhugh Road Project Presentation**  
*Keenan Smith, TIRZ Project Manager*

Keenan Smith gave a presentation on the Old Fitzhugh Road Project which is on file and available for review upon request.

A motion was made by Mayor Pro Tem Taline Manassian to request a short break of the City Council meeting. Council Member Parks seconded the motion which carried unanimously 3 to 0.

Mayor Foulds, Jr. returned the meeting to Open Session at 7:13 p.m.

## CONSENT AGENDA

The following items are anticipated to require little or no individualized discussion due to their nature being clerical, ministerial, mundane or routine. In an effort to enhance the efficiency of City Council meetings, it is intended that these items will be acted upon by the City Council with a single motion because no public hearing or determination is necessary. However, a City Council Member or citizen may request separate deliberation for a specific item, in which event those items will be removed from the consent agenda prior to the City Council voting on the consent agenda as a collective, singular item. Prior to voting on the consent agenda, the City Council may add additional items that are listed elsewhere on the same agenda.

4. **Approval of the February 7, 2023, City Council & Board of Adjustment regular meeting minutes.**
5. **Approval of an Ordinance Cancelling the May 7, 2022, General Election and declaring each unopposed candidate elected to office; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause and providing an effective date.**

### **Filed as Ordinance No. 2023-05**

6. **Approval of Julia Houston and her firm Orrick as Disclosure Counsel for the Heritage Public Improvement District.** *Applicant: Julia Houston*
7. **Approval of Amendment No. 7 to Wholesale Water Supply Agreement between West Travis County Public Utility and City of Dripping Springs for the Driftwood Creek Commercial Tract.** *Sponsor: Mayor Foulds, Jr.*
8. **Approval of Wholesale Water Services Agreement between West Travis County Public Utility Agency and the City of Dripping Springs for the Cannon Ranch Subdivision.** *Sponsor: Mayor Bill Foulds, Jr.*
9. **Approval of Carter Tract Escrow Agreements for traffic signal at FM 150 and Ranch Road 12 and Road Widening of Mount Gainor Road.** *Sponsor: Council Member Crow*
10. **Approval of a Founders Day Participation Agreement with the Lions Club regarding Carnival and Food.** *Sponsor: Council Member Parks*
11. **Approval of a Founders Day Participation Agreement with St. Martin de Porres Catholic Church regarding Arts & Crafts Booths.** *Sponsor: Council Member Parks*
12. **Approval of a Founders Day Participation Agreement with the Dripping Springs Cook-Off Club regarding Cooker's Booths.** *Sponsor: Council Member Parks*
13. **Approval of the January 2023 City Treasurer's Report.**

A motion was made by Mayor Pro Tem Manassian to approve Consent Agenda Items 4 – 13. Council Member Parks seconded the motion which carried unanimously 3 to 0.

## BUSINESS AGENDA

- 14. Public hearing and consideration of approval of an Ordinance regarding ZA2022-0007: an application for a zoning map amendment from Agriculture (AG) to Commercial Services (CS) for approximately 5.00 acres out of the H. B. Hargraves Survey located at 4300 E US 290. Applicant: Daniel Besa**
- a. Applicant Presentation** – Applicant Daniel Besa was available for questions from the City Council.
  - b. Staff Report** – Tory Carpenter presented the staff report which is on file. Staff recommends approval of the zoning amendment.
  - c. Planning & Zoning Commission Report** – Mim James presented the report. The Planning & Zoning Commission recommended approval 5 to 0, with direction to staff to address traffic issues.
  - d. Public Hearing** – No one spoke during the Public Hearing.
  - e. ZA2022-0007** – A motion was made by Council Member King to approve an Ordinance regarding ZA2022-0007: an application for a zoning map amendment from Agriculture (AG) to Commercial Services (CS) for approximately 5.00 acres out of the H. B. Hargraves Survey located at 4300 E US 290. Mayor Pro Tem Manassian seconded the motion which carried unanimously 3 to 0.

### **Filed as Ordinance No. 2023-07**

- 15. Discuss and consider acceptance of an Annexation Petition and direction to staff to negotiate an Annexation Agreement with owners to annex approximately 5.02 acres in the Extraterritorial Jurisdiction, situated out of the C.H. Mallot Survey located at 1300 E US 290. Applicant: Victor Ostiguin, Doucet & Associates.**

Tory Carpenter presented the staff report which is on file. Staff recommends acceptance of the petition.

A motion was made by Mayor Pro Tem Manassian to accept an Annexation Petition and direction to staff to negotiate an Annexation Agreement with owners to annex approximately 5.02 acres in the Extraterritorial Jurisdiction, situated out of the C.H. Mallot Survey located at 1300 E US 290. Council Member Parks seconded the motion which carried unanimously 3 to 0.

- 16. Public hearing and consideration of approval of a Sign Variance Request to exceed maximum square footage for window signs at HTeaO, located at 12680 W. Highway 290, Austin, Texas, 78737. Applicant: Christie Sanders**
- a. Applicant Presentation** – Applicant Christie Sanders spoke regarding the request and was available for questions from the City Council.



**b. Staff Report** – Shane Pevehouse presented the staff report which is on file. Staff recommends denial of the request.

**c. Public Hearing** – No one spoke during the Public Hearing.

**d. HTeaO Sign Variance** – A motion was made by Mayor Pro Tem Manassian to deny approval of a Sign Variance Request to exceed maximum square footage for window signs at HTeaO, located at 12680 W. Highway 290, Austin, Texas, 78737.

The motion dies for lack of second.

No action was taken regarding this item.

- 17. Discuss and consider approval of Founders Day Festival Sponsorship and Vendor Agreements related to the sale of food and beverage, including alcohol beverages.** *Sponsor: Mayor Foulds, Jr.*

Jake Adams presented the item.

A motion was made by Council Member Parks to approve the Founders Day Festival Sponsorship and Vendor Agreements related to the sale of food and beverage, including alcoholic beverages with direction to the Commission that they either pursue a percentage of the food or beverage sales or a higher sponsorship level. Mayor Pro Tem Manassian seconded the motion which carried unanimously 3 to 0.

- 18. Discuss and consider approval of an Ordinance Amending Article 16.02 Parks and Recreation in the City Code of Ordinances.** *Sponsor: Council Member Parks.*

Andy Binz presented the staff report which is on file. Staff and the Parks & Recreation Commission recommend approval of the amendment.

A motion was made by Mayor Pro Tem Manassian to postpone consideration of the item to the regular City Council meeting on March 7, 2023. Council Member King seconded the motion which carried unanimously 3 to 0.

- 19. Discuss and consider approval of a bid submission from Lone Star Siteworks, LLC and authorization for staff to negotiate an agreement for the Founders Parking Lot Expansion Project.** *Sponsor: Council Member Parks*

Craig Rice presented the staff report which is on file. Staff recommends approval of the selection of Lone Star Siteworks related to the Founders Parking Lot Expansion Project.

A motion was made by Mayor Pro Tem Manassian to approve of the selection of Lone Star Siteworks, LLC and authorization for staff to negotiate an agreement for the Founders Parking Lot Expansion Project. Council Member Parks seconded the motion which carried unanimously 3 to 0.

- 20. Discuss and consider approval to change the City's Benefit Waiting Period to the first day of the month following a new employee's start date.** *Sponsor: Mayor Bill Foulds, Jr.*

Michelle Fischer presented the staff report which is on file. Staff recommends approval of the change to the City's Benefit Waiting Period.

A motion was made by Mayor Pro Tem Manassian approve of change the City's Benefit Waiting Period to the first day of the month following a new employee's start date. Council Member King seconded the motion which carried unanimously 3 to 0.

## REPORTS

*Reports of Staff, Boards, Commissions, Committees, Boards and Agencies are on file and available for review upon request. The City Council may provide staff direction; however, no action may be taken.*

**21. Report on Code Enforcement Litigation related to Site Development Permit.**  
*Laura Mueller, City Attorney*

Report was postponed and will be presented at the March 7, 2023, City Council regular meeting.

**22. Planning and Development Department Report**

Report is on file and available for review upon request.

## EXECUTIVE SESSION AGENDA

*The City Council for the City of Dripping Springs has the right to adjourn into executive session at any time during the course of this meeting to discuss any matter as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development). The City Council for the City of Dripping Springs may act on any item listed in Executive Session in Open Session or move any item from Executive Session to Open Session for action.*

- 23. Consultation with City Attorney related to legal issues regarding annexation and zoning of properties.** *Consultation with Attorney, 551.071*
- 24. Consultation with City Attorney and Deliberation of Real Property regarding property acquisition related to the South Regional Water Reclamation Project.** *Consultation with Attorney, 551.071; Deliberation of Real Property, 551.072*
- 25. Consultation with Counsel related to litigation regarding the South Regional Water Reclamation Project, Wastewater Permits, Code Enforcement, and related items.** *Consultation with Attorney, 551.071*
- 26. Consultation with City Attorney related to legal issues on rezoning and alcohol regulation on city property.** *Consultation with Attorney, 551.071*

The City Council did not meet in Executive Session.

**UPCOMING MEETINGS**

**City Council & Board of Adjustment Meetings**

- March 7, 2023, at 6:00 p.m. (CC & BOA)
- March 21, 2023, at 6:00 p.m. (CC)
- April 4, 2023, at 6:00 p.m. (CC & BOA)
- April 18, 2023, at 6:00 p.m. (CC)

**Boards, Commissions & Committees**

- February 22, 2023, Economic Development Committee at 4:00 p.m.
- February 27, 2023, Transportation Committee at 3:30 p.m.
- February 27, 2023, Founders Day Commission at 6:30 p.m.
- February 28, 2023, Planning & Zoning Commission at 6:00 p.m.
- March 1, 2023, DSRP Board at 11:00 a.m.
- March 2, 2023, Historic Preservation Commission at 4:00 p.m.
- March 6, 2023, Parks & Recreation Commission at 6:00 p.m.
- March 8, 2023, Utility Commission at 4:00 p.m.

**ADJOURN**

A motion was made by Mayor Pro Tem Manassian to adjourn the meeting. Council Member Parks seconded the motion which carried unanimously 3 to 0.

This regular meeting adjourned at 8:22 p.m.

**APPROVED ON:** March 21, 2023

---

Bill Foulds, Jr., Mayor

**ATTEST:**

---

Andrea Cunningham, City Secretary





**CITY COUNCIL REGULAR MEETING**  
**City of Dripping Springs**  
**Council Chambers, 511 Mercer St, Dripping Springs, TX**  
**Tuesday, March 21, 2023 at 6:00 PM**

## MINUTES

### CALL TO ORDER AND ROLL CALL

With a quorum of the City Council present, Mayor Foulds, Jr. called the meeting to order at 6:00 p.m.

**City Council Members present were:**

Mayor Bill Foulds, Jr.  
 Mayor Pro Tem Taline Manassian  
 Council Member Place 2 Wade King  
 Council Member Place 3 Geoffrey Tahuahua  
 Council Member Place 4 Travis Crow  
 Council Member Place 5 Sherrie Parks

**Staff, Consultants & Appointed/Elected Officials present were:**

Deputy City Administrator Ginger Faught  
 City Attorney Laura Mueller  
 City Treasurer Shawn Cox  
 People & Communications Director Lisa Sullivan  
 City Secretary Andrea Cunningham  
 IT Director Jason Weinstock  
 Parks & Community Services Director Andy Binz  
 DSRP Manager Emily Nelson  
 Architectural Consultant Keenan Smith

### PLEDGE OF ALLEGIANCE

Joshua and Spencer from Austin Scout Troop 550 led the Pledge of Allegiance.

### PRESENTATION OF CITIZENS

*A member of the public who desires to address the City Council regarding any item on an agenda for an open meeting may do so at presentation of citizens before an item or at a public hearing for an item during the City Council's consideration of that item. Citizens wishing to discuss matters not contained within the current agenda may do so, but only during the time allotted for presentation of citizens. Speakers are allowed two (2) minutes to speak during presentation of citizens or during each public hearing. Speakers may not cede or pool time. Members of the public requiring the assistance of a translator will be given twice the amount of time as a member of the public who does not require the assistance of a translator to address the City Council. It is the request of the City Council that members of the public wishing to speak on item(s) on the agenda with a noticed Public Hearing hold their comments until the item(s) are presented for consideration. Speakers are encouraged to sign in. Anyone may*

*request a copy of the City's policy on presentation of citizens from the city secretary. By law no action may be taken during Presentations of Citizens.*

No one spoke during Presentation of Citizens.

## **PROCLAMATIONS & PRESENTATIONS**

- 1. Proclamation of the City of Dripping Springs Proclaiming March 31, 2023, as "Pam Owens Day".** *Sponsor: Mayor Bill Foulds, Jr.*

Mayor Pro Tem Manassian read the proclamation and presented it to Pam Owens.

- 2. Proclamation of the City of Dripping Springs Proclaiming the Week of April 15-22, 2023, as "International Dark Sky Week".** *Sponsor: Mayor Bill Foulds, Jr.*

Council Member Parks read the proclamation.

## **CONSENT AGENDA**

*The following items are anticipated to require little or no individualized discussion due to their nature being clerical, ministerial, mundane or routine. In an effort to enhance the efficiency of City Council meetings, it is intended that these items will be acted upon by the City Council with a single motion because no public hearing or determination is necessary. However, a City Council Member or citizen may request separate deliberation for a specific item, in which event those items will be removed from the consent agenda prior to the City Council voting on the consent agenda as a collective, singular item. Prior to voting on the consent agenda, the City Council may add additional items that are listed elsewhere on the same agenda.*

- 3. Approval of the February 21, 2023, City Council regular meeting minutes.**
- 4. Approval of the March 7, 2023, City Council regular meeting minutes.**
- 5. Approval of the February 2023 City Treasurer's Report.**
- 6. Approval of an Escrow Agreement for the Mount Gainor Road Widening related to the Carter Tract.** *Sponsor: Council Member Crow*

A motion was made by Mayor Pro Tem Manassian to approve Consent Agenda Items 4 – 6. Council Member Parks seconded the motion which carried unanimously 5 to 0.

Mayor Pro Tem Manassian and Council Member Parks requested a review of the February 21, 2023, minutes, specifically regarding Business Item 17.

## **BUSINESS AGENDA**

- 7. Presentation and possible action regarding Feasibility Study, Concept Plan, and Cost Estimates for the Stephenson Building.** *Larry Irsik, Architexas. Sponsor: Mayor Bill Foulds, Jr.*

Keenan Smith introduced the item. Larry Irsik gave a presentation which is on file. Staff is recommending authorization to negotiate an agreement for the production of construction

plans and authorization for staff to apply for a Certificate of Appropriateness with the Historic Preservation Commission.

A motion was made by Council Member Parks to authorize staff to apply for a Certificate of Appropriateness with the Historic Preservation Commission, and to authorize staff to negotiate a Professional Services Agreement with Architexas for construction drawings. Council Member King seconded the motion which carried 4 to 0 to 1, with Council Member Tahuahua abstaining.

- 8. Discuss and consider approval of the selection of vendor(s) for Dripping Springs Ranch Park Network and Audio-Visual Request For Proposals and authorization for staff to negotiate respective professional services agreements.** *Sponsor: Council Member Parks.*

Jason Weinstock presented the staff report which is on file. Staff recommends the selection of Felix Media Solutions and UniVista.

A motion was made by Mayor Pro Tem Manassian to authorize staff negotiate professional services agreements with Felix Media Solutions and UniVista for the Dripping Springs Ranch Park Network and Audio-Visual project. Council Member Parks seconded the motion which carried unanimously 5 to 0.

- 9. Discuss and consider approval of a Co-Sponsorship Agreement between the City of Dripping Springs and The Little Longhorn for Eggstravaganza at Dripping Springs Ranch Park on April 8, 2023.** *Sponsor: Council Member Parks.*

Emily Nelson presented the staff report which is on file. Staff recommends approval of the agreement.

A motion was made by Council Member Parks to approve a Co-Sponsorship Agreement between the City of Dripping Springs and The Little Longhorn for Eggstravaganza at Dripping Springs Ranch Park on April 8, 2023. Council Member Crow seconded the motion which carried unanimously 5 to 0.

## REPORTS

*Reports of Staff, Boards, Commissions, Committees, Boards and Agencies are on file and available for review upon request. The City Council may provide staff direction; however, no action may be taken.*

Reports are on file and available for review upon request.

- 10. February Maintenance Report**  
*Craig Rice, Deputy Public Works Director*
- 11. Planning Department Report**  
*Tory Carpenter, Planning Director*

A motion was made by Mayor Pro Tem Manassian to adjourn into Executive Session under Texas Government Code Sections 551.071, Consultation with City Attorney and 551.072, Deliberation of Real Property and regarding Executive Session Agenda Items 12 – 16. Council Member Crow seconded the motion which carried unanimously 5 to 0.



## EXECUTIVE SESSION AGENDA

*The City Council for the City of Dripping Springs has the right to adjourn into executive session at any time during the course of this meeting to discuss any matter as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development). The City Council for the City of Dripping Springs may act on any item listed in Executive Session in Open Session or move any item from Executive Session to Open Session for action.*

- 12. Consultation with City Attorney regarding legal issues related to coordination with the Dripping Springs Visitors Bureau.** *Consultation with City Attorney, 551.071*
- 13. Consultation with City Attorney related to opioid lawsuits.** *Consultation with Attorney, 551.071*
- 14. Consultation with City Attorney and Deliberation of Real Property regarding property acquisition related to the South Regional Water Reclamation Project and East Interceptor.** *Consultation with Attorney, 551.071; Deliberation of Real Property, 551.072*
- 15. Consultation with Counsel related to litigation regarding the South Regional Water Reclamation Project, Wastewater Permits, Code Enforcement, and related items.** *Consultation with Attorney, 551.071*
- 16. Consultation with City Attorney and Deliberation of Real Property regarding legal and real estate issues related to potential civic sites.** *Consultation with Attorney, 551.071; Deliberation Regarding Real Property, 551.072*

The City Council met in Executive Session from 7:14 – 7:57 p.m.

No vote or action was taken during Executive Session. Mayor Foulds, Jr. returned the meeting to Open Session at 7:57 p.m.

## OPEN SESSION

A motion was made by Mayor Pro Tem Manassian to discuss and consider possible action regarding Executive Session Agenda Items 12 and 13. Council Member Crow seconded the motion which carried unanimously 5 to 0.

- 12. Consultation with City Attorney regarding legal issues related to coordination with the Dripping Springs Visitors Bureau.** *Consultation with City Attorney, 551.071*

A motion was made by Council Member Parks to direct People & Communications Director Lisa Sullivan and other staff to coordinate with the Visitors Bureau and explore future options related to the Bureau. Council Member Crow seconded the motion which carried unanimously 5 to 0.

**13. Consultation with City Attorney related to opioid lawsuits.** *Consultation with Attorney, 551.071*

A motion was made by Mayor Pro Tem to approve the resolution authorizing participation with the State of Texas through the Office of the Attorney General, in the latest opioid settlements and authorizing the Mayor to execute all related documents. Council Member Tahuahua seconded the motion which carried unanimously 5 to 0.

**Filed as Resolution No. 2023-R13**

**UPCOMING MEETINGS**

**City Council & Board of Adjustment Meetings**

April 4, 2023, at 6:00 p.m. (CC & BOA)

April 18, 2023, at 6:00 p.m. (CC)

May 2, 2023, at 6:00 p.m. (CC & BOA)

May 16, 2023, at 6:00 p.m. (CC)

**Board, Commission & Committee Meetings**

March 22, 2023, Economic Development Committee at 4:00 p.m.

March 23, 2023, Emergency Management Commission at 12:00 p.m.

March 27, 2023, Transportation Committee at 3:30 p.m.

March 27, 2023, Founders Day Commission at 6:30 p.m.

March 28, 2023, Planning & Zoning Commission at 6:00 p.m.

March 30, 2023, Farmers Market Committee at 10:00 a.m.

April 3, 2023, Parks & Recreation Commission at 6:00 p.m.

**ADJOURN**

A motion was made by Mayor Pro Tem Manassian to adjourn the meeting. Council Member Parks seconded the motion which carried unanimously 5 to 0.

This regular meeting adjourned at 7:59 p.m.

**APPROVED ON:** April 4, 2023

---

Bill Foulds, Jr., Mayor

**ATTEST:**

---

Andrea Cunningham, City Secretary

CITY OF DRIPPING SPRINGS

RESOLUTION NO. 2023-    

**ACCEPTING IMPROVEMENTS AND APPROVING MAINTENANCE BOND FOR BIG SKY SUBDIVISION PHASE 4 GRADING, STREET, STORM SEWER, AND WASTEWATER IMPROVEMENTS AND RELEASING CONSTRUCTION BOND**

A RESOLUTION OF THE CITY OF DRIPPING SPRINGS, TEXAS (“CITY”), ACCEPTING IMPROVEMENTS AND APPROVING AND ACCEPTING A MAINTENANCE BOND FOR BIG SKY SUBDIVISION PHASE 4 GRADING, STREET, STORM SEWER, AND WASTEWATER IMPROVEMENTS AND RELEASING A CONSTRUCTION BOND, PROVIDING FOR EFFECTIVE DATE; AND PROPER NOTICE & MEETING

**WHEREAS**, CC Carlton Industries, Ltd. (“Contractor”) recently completed, and the City Engineer for the City of Dripping Springs has inspected, Big Sky Subdivision Phase 4 Streets, Drainage, and Wastewater improvements (“Improvements”) for the City of Drippings Springs; and

**WHEREAS**, the City desires to accept as being complete in accordance with applicable development the Improvements in Big Sky Subdivision Phase 4; and

**WHEREAS**, the City of Dripping Springs City Council (“City Council”) seeks the Contractor to provide a Maintenance Bond (Attachment “A”) conditioned to guarantee for the period of Two (2) Years from and after the date of substantial completion of the Improvements, guaranteeing the materials and workmanship related to Contractor’s Improvements; and

**WHEREAS**, this Resolution conforms with the Maintenance and Guarantee regulation of the City’s Code requiring all public improvements be free from defects for a period of two (2) years; and

**WHEREAS**, substantial completion of the Work was verified by engineer letter (Attachment “B”) as of February 21, 2023 and the maintenance bond period of Two (2) Years begins on that date; and

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

**WHEREAS**, the City Council finds that it is necessary and proper for the good government, peace or order of the City to approve this Resolution.



**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dripping Springs City, Texas, that:**

1. The foregoing recitals are adopted as facts and are incorporated into this Resolution by reference as findings of fact as if expressly set forth herein.
2. The City Council hereby accepts the Streets, Storm Sewer, and Wastewater Improvements at the Big Sky Subdivision Phase 4.
3. The City Council hereby approves and accepts the Contractor's proposed Maintenance Bond No. 800131784, from Atlantic Specialty Insurance Company ("Insurer"), included and attached herein (Attachment "A").
4. The City Council hereby releases the Contractor's Construction Bond No. 7901102198.
5. Conditioned upon the fiscal guarantee for maintenance from the Contractor and the Insurer, the City shall assume responsibility for the repair, maintenance, and regulation of the Improvements for the benefit of the public.
6. The City Council hereby authorizes the Mayor or the Mayor's designee to execute any documentation on the City's behalf necessary to effectuate the intent and purpose of this Resolution.
7. This Resolution shall take effect immediately upon passage.
8. The meeting at which this Resolution was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

**PASSED & APPROVED this, the [REDACTED] day of [REDACTED], 2023, by a vote of \_\_\_ (ayes) to \_\_\_ (nays) to \_\_\_ (abstentions) of the City Council of Dripping Springs, Texas.**

**CITY OF DRIPPING SPRINGS:**

by: \_\_\_\_\_  
Mayor Bill Foulds Jr.

**ATTEST:**

\_\_\_\_\_  
Andrea Cunningham, City Secretary

*Attachment "A"*

**(Insert Maintenance Bond No. 800131784: CC Carlton Industries, Ltd., and Atlantic Specialty Insurance Company)**



7401B Highway 71 West, Suite 160  
Austin, TX 78735  
Office: 512.583.2600  
Fax: 800.587.2817  
DoucetEngineers.com

February 21, 2023

Aaron Reed, Public Works Coordinator  
City of Dripping Springs, Texas  
511 Mercer Street  
Dripping Springs, Texas 78620

**Re: Engineer's Letter of Concurrence  
Big Sky Ranch Subdivision – Phase 4  
SUB2021-0039**

Aaron:

On this day, I, the undersigned professional engineer of record, made a final visual observation of the above referenced project. I have also visited the site during construction, and observed that the grading, street, water, wastewater, and drainage improvements were constructed in general conformance with the City-approved plans, and documented field modifications, with insignificant deviation.

We trust that you will find this information helpful when considering final approvals for this project. If you should have any questions, or need additional information regarding Big Sky Ranch, please let us know.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Reid".

Christopher A. Reid, PE  
Senior Project Manager



MAINTENANCE BOND

BOND NO. 800131784

KNOW ALL MEN BY THESE PRESENTS:

That we CC Carlton Industries, Ltd. as Principal, and Atlantic Specialty Insurance Company as Surety, are held and firmly bound unto City of Dripping Springs as Obligee in the sum of One Hundred Eighty-four Thousand Nine Hundred Forty-two And 89/100 Dollars (\$ 184,942.89 ) for which sum, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally by these presents.

WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, Principal entered into a contract with the Obligee for: Big Sky Ranch Phase 4 Streets, Drainage and Wastewater Improvements

Which contract is by reference made a part hereof and is hereafter referred to as the Contract.

NOW THEREFORE, the condition of this obligation is such, that if the Contractor shall make good any defect in material or construction that shall appear within Two (2) year(s) from the date of the substantial completion, ( 2/20/2025 ) this shall be null and void and otherwise remain in full force and effect.

Signed, sealed and dated this 15th day of March, 2023.

CC Carlton Industries, Ltd.

[Signature] Witness

BY: [Signature] Principal

ITS: Joe Guerrero, President CC Carlton Industries Ltd.

[Signature] Witness

Atlantic Specialty Insurance Company BY: [Signature] Attorney-In-Fact John W. Schuler

2/

605 Highway 169 North, Suite 800 Plymouth, Minnesota, USA 55441 Web: intactspecialty.com/surety E-mail: surety@intactinsurance.com





Power of Attorney

KNOW ALL MEN BY THESE PRESENTS, that ATLANTIC SPECIALTY INSURANCE COMPANY, a New York corporation with its principal office in Plymouth, Minnesota, does hereby constitute and appoint: Walter E. Benson Jr, Steve Dobson, John W. Schuler, each individually if there be more than one named, its true and lawful Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof; provided that no bond or undertaking executed under this authority shall exceed in amount the sum of: unlimited and the execution of such bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof in pursuance of these presents, shall be as binding upon said Company as if they had been fully signed by an authorized officer of the Company and sealed with the Company seal. This Power of Attorney is made and executed by authority of the following resolutions adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the President, any Senior Vice President or Vice-President (each an "Authorized Officer") may execute for and in behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and affix the seal of the Company thereto; and that the Authorized Officer may appoint and authorize an Attorney-in-Fact to execute on behalf of the Company any and all such instruments and to affix the Company seal thereto; and that the Authorized Officer may at any time remove any such Attorney-in-Fact and revoke all power and authority given to any such Attorney-in-Fact.

Resolved: That the Attorney-in-Fact may be given full power and authority to execute for and in the name and on behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and any such instrument executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed and sealed by an Authorized Officer and, further, the Attorney-in-Fact is hereby authorized to verify any affidavit required to be attached to bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof.

This power of attorney is signed and sealed by facsimile under the authority of the following Resolution adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the signature of an Authorized Officer, the signature of the Secretary or the Assistant Secretary, and the Company seal may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing an Attorney-in-Fact for purposes only of executing and sealing any bond, undertaking, recognizance or other written obligation in the nature thereof, and any such signature and seal where so used, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

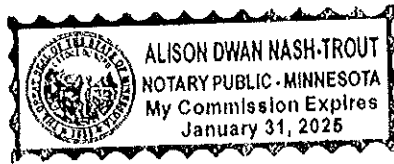
IN WITNESS WHEREOF, ATLANTIC SPECIALTY INSURANCE COMPANY has caused these presents to be signed by an Authorized Officer and the seal of the Company to be affixed this twenty-seventh day of April, 2020.



By *Paul J. Brehm*  
Paul J. Brehm, Senior Vice President

STATE OF MINNESOTA  
HENNEPIN COUNTY

On this twenty-seventh day of April, 2020, before me personally came Paul J. Brehm, Senior Vice President of ATLANTIC SPECIALTY INSURANCE COMPANY, to me personally known to be the individual and officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, that he is the said officer of the Company aforesaid, and that the seal affixed to the preceding instrument is the seal of said Company and that the said seal and the signature as such officer was duly affixed and subscribed to the said instrument by the authority and at the direction of the Company.



*Alison Nash-Trout*  
Notary Public

I, the undersigned, Secretary of ATLANTIC SPECIALTY INSURANCE COMPANY, a New York Corporation, do hereby certify that the foregoing power of attorney is in full force and has not been revoked, and the resolutions set forth above are now in force.

Signed, sealed and dated this 15th day of March, 2023

This Power of Attorney expires  
January 31, 2025



*Kara Barrow*  
Kara Barrow, Secretary

**IMPORTANT NOTICE**

To obtain information or make a complaint:

You may contact your agent.

You may call your Insurance Carrier's toll-free telephone number for information or to make a complaint at:

**1-800-321-2721**

You may also write to your Insurance Carrier  
at

Atlantic Specialty Insurance Company  
Paralegal

605 Highway 169 North, Suite 800  
Plymouth, MN 55441

1-781-332-7671

You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints  
at

**1-800-252-3439**

You may write the Texas Department of Insurance:

P.O. Box 149104, Austin, TX 78714-9104

Fax: (512) 490-1007  
Web: [www.tdi.texas.gov](http://www.tdi.texas.gov)  
E-mail: [ConsumerProtection@tdi.texas.gov](mailto:ConsumerProtection@tdi.texas.gov)

**PREMIUM OR CLAIM DISPUTES:** Should you have a dispute concerning your premium or about a claim you should contact the agent first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

**ATTACH THIS NOTICE TO YOUR POLICY:** This notice is for information only and does not become a part or condition of the attached document.

**AVISO IMPORTANTE**

Para obtener informacion o para someter una queja:

Puede comunicarse con su agente.

Usted puede llamar al numero de telefono gratis de su compa ia de seguros para informacion o para someter una queja al:

**1-800-321-2721**

Usted tambien puede escribir a su compa ia de seguros en:

Atlantic Specialty Insurance Company  
Paralegal

605 Highway 169 North, Suite 800  
Plymouth, MN 55441

1-781-332-7671

Puede comunicarse con el Departamento de Seguros de Texas para obtener informacion acerca de companias, coberturas, derechos o quejas al:

**1-800-252-3439**

Puede escribir al Departamento de Seguros de Texas:

P.O. Box 149104, Austin, TX 78714

Fax: (512) 490-1007  
Web: [www.tdi.texas.gov](http://www.tdi.texas.gov)  
E-mail: [ConsumerProtection@tdi.texas.gov](mailto:ConsumerProtection@tdi.texas.gov)

**DISPUTAS SOBRE PRIMAS** □ **RECLAMOS:** Si tiene una disputa concerniente a su prima o a un reclamo, debe comunicarse con el agente primero. Si no se resuelve la disputa, puede entonces comunicarse con el departamento (TDI).

**UNA ESTE AVISO A SU POLIZA:** Este aviso es solo para proposito de informacion y no se convierte en parte condicion del documento adjunto.

**SUBDIVISION BOND**

Bond No.: 7901102198

Principal Amount: \$1,304,045.47

KNOW ALL MEN BY THESE PRESENTS, that we  
Meritage Homes of Texas, LLC  
8920 Business Park Drive, Suite 350, Austin, TX 78759  
 as Principal, and  
Nationwide Mutual Insurance Company  
7 World Trade Center, 37th Floor, 250 Greenwich Street, New York, NY 10007 a OH  
Corporation, as Surety, are held and firmly bound unto  
City of Dripping Springs,  
511 Mercer Street, Dripping Springs, TX 78620  
 as Obligee, in the penal sum of  
One Million Three Hundred Four Thousand Forty Five and 47/100 \_\_\_\_\_  
 \_\_\_\_\_ (Dollars) (\$1,304,045.47 \_\_\_\_\_), lawful money of the  
 United States of America, for the payment of which well and truly to be made, we bind ourselves,  
 our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these  
 presents.

WHEREAS, Meritage Homes of Texas, LLC has agreed to construct in  
Big Sky Ranch, Phase 4 Subdivision, in \_\_\_\_\_ Dripping Springs, TX the following  
 improvements:

Grading, Erosion, Sanitary, Storm, Paving, Concrete, Curb, Signage & Water  
 \_\_\_\_\_  
 \_\_\_\_\_

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said  
 Principal shall construct, or have constructed, the improvements herein described, and shall save the  
 Obligee harmless from any loss, cost or damage by reason of its failure to complete said work, then  
 this obligation shall be null and void, otherwise to remain in full force and effect, and the Surety,  
 upon receipt of a resolution of the Obligee indicating that the improvements have not been installed  
 or completed, will complete the improvements or pay to the Obligee such amount up to the  
 Principal amount of this bond which will allow the Obligee to complete the improvements.

Upon approval by the Obligee, this instrument may be proportionately reduced as the public  
 improvements are completed.

Signed, sealed and dated, this 14th day of July, 2022

Meritage Homes of Texas, LLC

Principal

By: *Glen A. Tule*  
GLEN A. TULE

VP - NATIONAL LAND DEVELOPMENT

Nationwide Mutual Insurance Company

Surety

By: *James I Moore*  
James I Moore Attorney-in-Fact



On Your Side®

# Nationwide Mutual Insurance Company

Home Office: Columbus, Ohio  
Surety Administrative Office:  
7 World Trade Center, 37<sup>th</sup> Floor  
250 Greenwich Street  
New York, NY 10007-0033

## IMPORTANT NOTICE

Notice of claim may be made by contacting the following:

You may contact your agent.

You may call Nationwide Mutual Insurance Company at 1-800-421-3535.

You may write to Nationwide Mutual Insurance Company at the following address:

Nationwide Mutual Insurance Company  
1 Nationwide Plaza  
Columbus, Ohio 43215  
ATTN: Claim Department

You may contact the Texas Department of Insurance to obtain the address of the surety company to which any notice of claim should be sent, and to obtain information on companies, coverages, rights or complaints at: 1-800-252-3439

You may write to the Texas Department of Insurance at the following address:

P.O. Box 149104  
Austin, Texas 78714-9104  
Fax number: (512) 475-1771  
Web: <http://www.tdi.state.tx.us>  
Email: [ConsumerProtection@tdi.state.tx.us](mailto:ConsumerProtection@tdi.state.tx.us)

## CLAIM OR PREMIUM DISPUTES

Should you have a dispute concerning your premium or about a claim you should contact the agent first. You may also contact the Texas Department of Insurance.



STATE OF ILLINOIS

COUNTY OF DUPAGE}

On July 14, 2022, before me, Lisa Marotta, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared, James I Moore known to me to be Attorney-in-Fact of Nationwide Mutual Insurance Company the corporation described in and that executed the within and foregoing instrument, and known to me to be the person who executed the said instrument in behalf of the said corporation, and duly acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year stated in this certificate above.

My Commission Expires, February 7, 2026

  
Lisa Marotta, Notary Public

Commission No. 946275



Power of Attorney

Item # 4.

KNOW ALL MEN BY THESE PRESENTS THAT:

Nationwide Mutual Insurance Company, an Ohio corporation

hereinafter referred to severally as the "Company" and collectively as "the Companies" does hereby make, constitute and appoint:

JAMES I MOORE, STEPHEN T KAZMER, DAWN L MORGAN, MELISSA SCHMIDT, AMY WICKETT, KELLY A GARDNER, JENNIFER J MCCOMB, TARIESE M PISCIOTTO, DIANE M RUBRIGHT, MARTIN MOSS

each in their individual capacity, its true and lawful attorney-in-fact, with full power and authority to sign, seal, and execute on its behalf any and all bonds and undertakings, and other obligatory instruments of similar nature, in penalties not exceeding the sum of

UNLIMITED

and to bind the Company thereby, as fully and to the same extent as if such instruments were signed by the duly authorized officers of the Company; and all acts of said Attorney pursuant to the authority given are hereby ratified and confirmed.

This power of attorney is made and executed pursuant to and by authority of the following resolution duly adopted by the board of directors of the Company:

"RESOLVED, that the president, or any vice president be, and each hereby is, authorized and empowered to appoint attorneys-in-fact of the Company, and to authorize them to execute and deliver on behalf of the Company any and all bonds, forms, applications, memorandums, undertakings, recognizances, transfers, contracts of indemnity, policies, contracts guaranteeing the fidelity of persons holding positions of public or private trust, and other writings obligatory in nature that the business of the Company may require; and to modify or revoke, with or without cause, any such appointment or authority; provided, however, that the authority granted hereby shall in no way limit the authority of other duly authorized agents to sign and countersign any of said documents on behalf of the Company."

"RESOLVED FURTHER, that such attorneys-in-fact shall have full power and authority to execute and deliver any and all such documents and to bind the Company subject to the terms and limitations of the power of attorney issued to them, and to affix the seal of the Company thereto; provided, however, that said seal shall not be necessary for the validity of any such documents."

This power of attorney is signed and sealed under and by the following bylaws duly adopted by the board of directors of the Company.

Execution of Instruments. Any vice president, any assistant secretary or any assistant treasurer shall have the power and authority to sign or attest all approved documents, instruments, contracts, or other papers in connection with the operation of the business of the company in addition to the chairman of the board, the chief executive officer, president, treasurer or secretary; provided, however, the signature of any of them may be printed, engraved, or stamped on any approved document, contract, instrument, or other papers of the Company.

IN WITNESS WHEREOF, the Company has caused this instrument to be sealed and duly attested by the signature of its officer the 20th day of August, 2021.

[Handwritten signature of Antonio C. Albanese]

Antonio C. Albanese, Vice President of Nationwide Mutual Insurance Company

ACKNOWLEDGMENT

STATE OF NEW YORK COUNTY OF NEW YORK: ss

On this 20th day of August, 2021, before me came the above-named officer for the Company aforesaid, to me personally known to be the officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, deposes and says, that he is the officer of the Company aforesaid, that the seal affixed hereto is the corporate seal of said Company, and the said corporate seal and his signature were duly affixed and subscribed to said instrument by the authority and direction of said Company.



Stephanie Rubino McArthur
Notary Public, State of New York
No. 02MC6270117
Qualified in New York County
Commission Expires October 19, 2024

[Handwritten signature of Stephanie Rubino McArthur]

Notary Public
My Commission Expires
October 19, 2024

CERTIFICATE

I, Laura B. Guy, Assistant Secretary of the Company, do hereby certify that the foregoing is a full, true and correct copy of the original power of attorney issued by the Company; that the resolution included therein is a true and correct transcript from the minutes of the meetings of the boards of directors and the same has not been revoked or amended in any manner; that said Antonio C. Albanese was on the date of the execution of the foregoing power of attorney the duly elected officer of the Company, and the corporate seal and his signature as officer were duly affixed and subscribed to the said instrument by the authority of said board of directors; and the foregoing power of attorney is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of said Company this 14th day of July, 2022.

[Handwritten signature of Laura B. Guy]

Assistant Secretary



**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78602**

---

**Submitted By:** Aaron Reed, Public Works Director

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**Council Meeting Date:** 03/31/2023

**Agenda Item Wording:** Approval of a Resolution Accepting Improvements and Approving and Accepting a Maintenance Bond for Big Sky Subdivision Phase 1 Streets, Drainage, and Wastewater Improvements and Releasing a Construction Bond.

**Agenda Item Requestor:** Council Member Crow

---

**Summary/Background:** Big Sky Phase 4 public improvements have been completed and inspected. The City Engineer, City Inspector and Public Works Director have performed a final walk with the Design Engineer and found all improvements to be completed in conformance with the approved construction plans. Water improvements have been inspected and approved by DSWSC.

**Commission  
Recommendations:**

**Recommended  
Council Actions:** City staff recommends approval.

**Attachments:**

**Next Steps/Schedule:** Send to City Secretary for execution

**CITY OF DRIPPING SPRINGS, TEXAS**



**FINANCIAL STATEMENTS  
AND OTHER FINANCIAL INFORMATION**

**For the Fiscal Year Ended  
September 30, 2022**





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## FINANCIAL SECTION







## INDEPENDENT AUDITOR'S REPORT

To the Honorable Mayor and  
 Members of City Council  
 City of Dripping Springs, Texas

### Report on the Audit of the Financial Statements

#### *Opinions*

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of City of Dripping Springs, Texas City of Dripping Springs, Texas (the City), as of and for the year ended September 30, 2022, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

In our opinion, the accompanying financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City, as of September 30, 2022, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

#### *Basis for Opinions*

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the City, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

#### *Responsibilities of Management for the Financial Statements*

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

To the Honorable Mayor and  
Members of City Council  
City of Dripping Springs, Texas

### ***Auditor's Responsibilities for the Audit of the Financial Statements***

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

### ***Required Supplementary Information***

Accounting principles generally accepted in the United States of America require that management's discussion and analysis, budgetary comparison schedule, pension system, and other post-employment benefit supplementary information, as listed in the table of contents, be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

To the Honorable Mayor and  
Members of City Council  
City of Dripping Springs, Texas

**Supplementary Information**

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The combining nonmajor fund financial statements are presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining nonmajor fund financial statements are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

**Other Reporting Required by Government Auditing Standards**

In accordance with *Government Auditing Standards*, we have also issued our report dated March 29, 2023 on our consideration of the City's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control over financial reporting and compliance.



Austin, Texas  
March 29, 2023





**CITY OF DRIPPING SPRINGS, TEXAS**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS**

As management of the City of Dripping Springs, Texas (the City), we offer readers of the City's financial statements this narrative overview and analysis of the financial activities of the City for the fiscal year ended September 30, 2022. We encourage readers to consider the information presented here in conjunction with the City's financial statements, which follow this section.

**Financial Highlights**

- The assets and deferred outflows of resources of the City exceeded its liabilities and deferred inflows of resources at the close of the most recent fiscal year by \$58,313,052 (net position). The unrestricted net position, which represents the amounts available to meet the City's ongoing obligations to citizens and creditors, was a \$24,810,783.
- The City's total net position increased \$24,069,853, including an increase to beginning net position in the amount of \$2,538,335. The increase is primarily due to increase in charges for services and capital contributions during the current period.
- At the close of the current fiscal year, the City's governmental funds reported combined fund balances of \$12,279,573, an increase of \$3,737,768 in comparison with the prior year. Of this amount, \$7,721,876, or 63%, is available for spending at the City's discretion (*unassigned fund balance*).
- At the end of the current fiscal year, unassigned fund balance for the general fund was \$7,721,876, or approximately 103% of total general fund expenditures.

**Overview of the Financial Statements**

The discussion and analysis serves as an introduction to the City's basic financial statements. The City's basic financial statements are comprised of three components, government-wide financial statements, fund financial statements, and notes to the financial statements. The report also contains other supplementary information in addition to the basic financial statements.

**Government-Wide financial statements**

The government-wide financial statements are comprised of the Statement of Net Position and the Statement of Activities. These two statements are designed to provide readers with a broad overview of the City's finances utilizing the full accrual method of accounting, in a manner similar to private-sector business. Under the full accrual method of accounting, transactions are reported as soon as the underlying event giving rise to the change occurs. Therefore, assets, liabilities, revenues and expenses are reported in these statements for some items that will result in cash flows in future periods.

The Statement of Net Position presents information on all of the City's assets and liabilities, including capital assets, with the difference between the two reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the City as a whole is improving or deteriorating.

The Statement of Activities presents information showing how the City's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, *regardless of the timing of related cash flows*. Thus, revenues and expenses are reported for some items that will only result in cash flows in future fiscal periods (e.g., uncollected taxes).

Both of the government-wide financial statements distinguish functions of the City that are principally supported by taxes and intergovernmental revenues (*governmental activities*) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (*business-type activities*). The governmental activities of the City include general government, development, public safety, public works, and culture and recreation. The business-type activities of the City include water and wastewater.

The Tax Increment Reinvestment Zone Number One and Tax Increment Reinvestment Zone Number Two are included as blended component units.

**CITY OF DRIPPING SPRINGS, TEXAS**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS (continued)**

**Reporting on the City's Most Significant Funds**

**Fund Financial Statements**

The fund financial statements focus on current available resources and are organized and operated on the basis of funds, which are defined as a fiscal and accounting entity with a self-balancing set of accounts established for the purpose of carrying on specific activities. The City has two governmental funds.

**Governmental Funds** – The City reports most of its basic services in governmental funds. Governmental funds use the modified accrual basis of accounting (a method that measures the receipt and disbursement of cash and other financial assets that can be readily converted to cash) and they report balances that are available for future spending. Governmental fund statements provide a detailed short-term view of the City's general operations and the basic services it provides. We describe the accounting differences between governmental activities (reported in the Statement of Net Position and the Statement of Activities) and governmental funds in the reconciliation schedules found within the governmental fund statements.

The City adopts an annual appropriated budget for the governmental fund. Budgetary comparison statements for the General Fund are included in the Required Supplementary Information of this report.

**Proprietary Funds** – The City uses proprietary (business-type) funds to account for its water and wastewater operations. The full-accrual basis of accounting is used for all proprietary type funds.

**Notes to the Financial Statements**

The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements.

**Other Information**

In addition to the basic financial statements and the accompanying notes, this report also presents certain required supplementary information concerning the City's progress in funding its obligation to provide other postemployment benefits, pension information and general fund budgetary comparisons. Required supplementary information can be found in the City's Annual Financial Report.

The combining statements referred to earlier in connection with nonmajor governmental funds are presented immediately following the required supplementary information. Combining and individual fund statements and supporting schedules can be found in the City's Annual Financial Report.

**CITY OF DRIPPING SPRINGS, TEXAS**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS (continued)**

**Government-Wide Financial Analysis**

**Statement of Net Position** - Net position serves as one useful indicator of a government's financial position. The City's net position increased from \$34,243,199 to \$58,313,052. The \$32,644,258 portion of the City's net position consists of net investment in capital assets; land, buildings, infrastructure, and equipment, less any outstanding debts used to acquire these assets. The City uses capital assets to provide services to the citizens they serve; consequently, these assets are not available for future spending.

**City of Dripping Springs, Texas**  
 Summary of Statement of Net Position  
 As of September 30, 2022 and 2021

	Governmental Activities		Business-type Activities		Total	
	2022	2021	2022	2021	2022	2021
Current and other assets	\$ 14,425,111	\$ 8,956,593	\$ 55,759,024	\$ 32,664,744	\$ 70,184,135	\$ 41,621,337
Capital assets, net	16,918,176	13,705,155	19,080,522	7,955,257	35,998,698	21,660,412
<b>Total Assets</b>	31,343,287	22,661,748	74,839,546	40,620,001	106,182,833	63,281,749
<b>Deferred Outflows</b>	127,618	(5,277)	10,680	-	138,298	(5,277)
Other liabilities	2,133,260	1,387,248	833,243	642,796	2,966,503	2,030,044
Long-term Liabilities	689,124	775,146	44,243,488	25,910,000	44,932,612	26,685,146
<b>Total Liabilities</b>	2,822,384	2,162,394	45,076,731	26,552,796	47,899,115	28,715,190
<b>Deferred Inflows</b>	100,548	318,083	8,416	-	108,964	318,083
<b>Net Position</b>						
Net investment in capital assets	16,448,176	13,165,155	16,196,082	3,500,714	32,644,258	16,665,869
Restricted	858,011	100,190	-	1,691,841	858,011	1,792,031
Unrestricted	11,241,786	6,910,649	13,568,997	8,874,650	24,810,783	15,785,299
<b>Total Net Position</b>	\$ 28,547,973	\$ 20,175,994	\$ 29,765,079	\$ 14,067,205	\$ 58,313,052	\$ 34,243,199

The largest portion of the City's net position (56%) is reflected in its capital assets. Since the City uses these capital assets to provide services to its citizens, they are not available for future spending. Net positions subject to external restriction on how they may be used comprise 2 percent of the City's net position. Unrestricted net position comprises 42% of net position. Unrestricted net position may be used to meet the City's ongoing obligations to its citizens and creditors.

**CITY OF DRIPPING SPRINGS, TEXAS**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS (continued)**

**Statement of Activities** - The City's overall net position increased \$24,069,853 from the prior fiscal year. The increase includes a restatement (increase) to beginning net position in the amount of \$2,538,335. The reasons for this overall increase are discussed below.

**City of Dripping Springs, Texas**  
**Changes in Net Position**  
**Years Ended September 30, 2022 and 2021**

	Governmental Activities		Business-type Activities		Total	
	2022	2021	2022	2021	2022	2021
<b>Revenues</b>						
Program revenues:						
Charges for Services	\$ 5,479,593	\$ 722,620	\$ 4,754,635	\$ 2,327,954	\$ 10,234,228	\$ 3,050,574
Operating grants and contributions	279,513	-			279,513	-
Capital grants and contributions	3,671,853	-	11,976,506		15,648,359	-
General revenues:						
Property taxes	2,491,548	2,192,485	-	-	2,491,548	2,192,485
Other taxes	4,441,473	3,819,236	1,232,424	352,293	5,673,897	4,171,529
Development fees	-	3,375,669	-	-	-	3,375,669
Interest Income	134,830	80,587	261,275	130,222	396,105	210,809
Grant income	-	814,240	-	-	-	814,240
Miscellaneous	153,783	310,434	(65,293)	116,104	88,490	426,538
<b>Total Revenues</b>	<b>16,652,593</b>	<b>11,315,271</b>	<b>18,159,547</b>	<b>2,926,573</b>	<b>34,812,140</b>	<b>14,241,844</b>
<b>Expenses</b>						
General government	3,314,422	7,051,414	-	-	3,314,422	7,051,414
Development services	2,115,651	-	-	-	2,115,651	-
Public safety	119,796	-	-	-	119,796	-
Public works	1,536,519	-	-	-	1,536,519	-
Parks and community	1,986,992	862,680	-	-	1,986,992	862,680
Interest on debt	23,973	25,108	-	137,735	23,973	162,843
Water and wastewater	-	-	4,183,269	1,739,938	4,183,269	1,739,938
<b>Total Expenses</b>	<b>9,097,353</b>	<b>7,939,202</b>	<b>4,183,269</b>	<b>1,877,673</b>	<b>13,280,622</b>	<b>9,816,875</b>
<b>Increase in Net Position</b>						
<b>Before Transfers</b>	7,555,240	3,376,069	13,976,278	1,048,900	21,531,518	4,424,969
Transfers	(155,721)	(740,260)	155,721	740,260	-	-
<b>Change in Net Position</b>	7,399,519	2,635,809	14,131,999	1,789,160	21,531,518	4,424,969
Net position, Beginning	20,175,994	17,540,185	14,067,205	12,278,045	34,243,199	29,818,230
Prior period adjustment	972,460	-	1,565,875	-	2,538,335	-
<b>Net Position, Ending</b>	<b>\$ 28,547,973</b>	<b>\$ 20,175,994</b>	<b>\$ 29,765,079</b>	<b>\$ 14,067,205</b>	<b>\$ 58,313,052</b>	<b>\$ 34,243,199</b>

Net position in governmental activities increased \$20.2 million over prior year mainly due to a significant increase in revenues offset by an increase in expenses. Total governmental revenues increased approximately \$5.8 million from the previous year. This increase was caused primarily by developer contributions of \$3.7 million in the current year and an increase in sales tax and charges for services. Total governmental expenses increased approximately \$1.2 million over the previous year. The increases were due mainly to increased general government expenses.

**CITY OF DRIPPING SPRINGS, TEXAS**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS (continued)**

Net position in business-type activities increased \$14.1 million over prior year mainly due to a significant increase in revenues offset by an increase in expenses. Total business-type revenues increased approximately \$15.2 million from previous year. The increase in revenues is due to a \$12 million dollar contribution from developers along with an increase in charges for services. Business-type activities' expenses increased approximately \$2.3 million over prior year. The increase is due to increase in operating expenses.

**Financial Analysis of the City's Funds**

**Governmental Funds** - The City has nine governmental funds - the general fund, the debt service fund, and seven special revenue funds. For the year ended September 30, 2022, the governmental fund balances increased by \$3.7 million to \$12.3 million. The restricted portion of the fund balance totaled \$2.7 million; \$1.8 million in fund balance is committed; and \$7.7 million in fund balance is unassigned. The General Fund accounts for all the unassigned portion of fund balance at year-end.

**Proprietary Fund** - The proprietary fund is used to account for operating activity of the water and wastewater system. The proprietary fund net position increased \$14.1 million to \$29.8 million total. The increase is due to increase in charges for services and over \$11 million in developer contributions.

**Capital Assets and Debt Administration**

**Capital Assets** - At September 30, 2022, the government-wide financials fund had \$35,998,698, net of depreciation, invested in capital assets. Capital assets increased \$14.3 million in the current year. The increase is due to developer contributions offset by depreciation during the year. Capital Assets, net of depreciation, are as follows:

	Governmental Activities		Business-type Activities		Total	
	2022	2021	2022	2021	2022	2021
Land	\$ 5,930,814	\$ 5,930,814	\$ -	\$ -	\$ 5,930,814	\$ 5,930,814
Buildings	615,545	323,727	-	-	615,545	323,727
Improvements	6,314,663	7,096,854	-	-	6,314,663	7,096,854
Machinery and equipment	370,904	219,715	135,077	-	505,981	219,715
Infrastructure	3,686,250	134,045	18,945,445	7,955,257	22,631,695	8,089,302
Totals	\$ 16,918,176	\$ 13,705,155	\$ 19,080,522	\$ 7,955,257	\$ 35,998,698	\$ 21,660,412

**Debt** – Bonded debt increased \$18.3 million during the year. The increase is due to an issuance in the current year in the amount of \$18,895,000. The increase is offset by the principal payments made during the year on the other bonds. Bonded debt for the City is as follow:

	Governmental Activities		Business-type Activities		Total	
	2022	2021	2022	2021	2022	2021
General Obligation Bonds	\$ -	\$ -	\$ 2,620,000	\$ 3,285,000	\$ 2,620,000	\$ 3,285,000
Certificates of Obligation	470,000	540,000	41,620,000	22,625,000	42,090,000	23,165,000
Totals	\$ 470,000	\$ 540,000	\$ 44,240,000	\$ 25,910,000	\$ 44,710,000	\$ 26,450,000

**General Fund Budgetary Highlights**

The largest single revenue source is Sales Tax Revenue collected and were estimated at \$4.2 million for 2022. Licenses and permits were budgeted at \$4.2 million while property taxes were budgeted at \$2.1 million. Overall, the City's actual revenues were approximately \$470,000 under budget. General Fund expenditures were budgeted at \$7,566,264 for fiscal year 2022. For the year ended September 30, 2022, the City's actual expenditures were approximately \$69,000 below the legally adopted appropriations.



**CITY OF DRIPPING SPRINGS, TEXAS**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS (continued)**

**Economic Factors and Next Year's Budget And Rates**

For Fiscal Year 2022-2023, the City's total appraised property value rose \$428,670,328 from \$1,077,373,009 to \$1,506,043,377. As a result, the City was able to lower its tax rate from \$.1900 to \$.1778 per \$100 valuation. Additionally, it is anticipated that commercial and residential growth will continue, further improving the City's ability to provide unique living experience for Dripping Springs's residents. For this fiscal year, the City anticipates completing its Comprehensive Plan - Reimagine Dripping Springs, which when completed will establish priorities for the area's future land use and major development projects.

Similar to Fiscal Year 2021-2022, the City's provision of utilities has continued to expand. In Fiscal Year 2022-2023, the City began providing retail water services, in addition to wastewater services. While the City anticipated providing retail water service to over 6,500 LUE's (living unit equivalents) only 20 are anticipated to be online by the end of the fiscal year.

Additionally, the City anticipated resolving all issues related to its approved TCEQ Wastewater Discharge permit, allowing the City to begin construction to expand its existing wastewater system. This construction has already been fully funded through the Texas Water Development Board.

**Contacting the City's Financial Management**

This financial report is intended to provide our citizens, taxpayers, customers, and creditors with a general overview of the City's resources and to show the City's accountability for the money it receives and disburses.

If you have questions about the report or need additional financial information, contact the City Administrator at the City of Dripping Springs.

## **BASIC FINANCIAL STATEMENTS**



**CITY OF DRIPPING SPRINGS, TEXAS**  
**STATEMENT OF NET POSITION**  
**September 30, 2022**

Item # 5.

	<b>Governmental Activities</b>	<b>Business-type Activities</b>	<b>Total</b>
<b>Assets</b>			
Cash and cash equivalents	\$ 13,660,144	\$ 13,235,318	\$ 26,895,462
Restricted assets - cash and cash equivalents	-	41,355,560	41,355,560
Receivables (net of allowance for uncollectibles)	764,967	1,168,146	1,933,113
Capital assets not subject to depreciation	5,930,814	-	5,930,814
Capital assets, net of accumulated depreciation	10,987,362	19,080,522	30,067,884
<b>Total Assets</b>	<b>31,343,287</b>	<b>74,839,546</b>	<b>106,182,833</b>
<b>Deferred Outflows of Resources</b>			
Pension related	117,006	9,792	126,798
OPEB related	10,612	888	11,500
<b>Total Deferred Outflows of Resources</b>	<b>127,618</b>	<b>10,680</b>	<b>138,298</b>
<b>Liabilities</b>			
Current Liabilities:			
Accounts payable	890,668	281,267	1,171,935
Accrued liabilities	573,209	-	573,209
Accrued interest payable	1,563	139,305	140,868
Deposits payable	161,952	412,671	574,623
Unearned revenue	505,868	-	505,868
Non-current liabilities:			
Due within one year	247,451	2,455,000	2,702,451
Due in more than one year	441,673	41,788,488	42,230,161
<b>Total Liabilities</b>	<b>2,822,384</b>	<b>45,076,731</b>	<b>47,899,115</b>
<b>Deferred Inflows of Resources</b>			
Pension related	93,660	7,839	101,499
OPEB related	6,888	577	7,465
<b>Total Deferred Inflows of Resources</b>	<b>100,548</b>	<b>8,416</b>	<b>108,964</b>
<b>Net Position</b>			
Net Investment in capital assets	16,448,176	16,196,082	32,644,258
Restricted for:			
Debt service	-	-	-
Development	589,328	-	589,328
Culture and recreation	268,683	-	268,683
Unrestricted	11,241,786	13,568,997	24,810,783
<b>Total Net Position</b>	<b>\$ 28,547,973</b>	<b>\$ 29,765,079</b>	<b>\$ 58,313,052</b>

**CITY OF DRIPPING SPRINGS, TEXAS**  
**STATEMENT OF ACTIVITIES**  
**For the Year Ended September 30, 2022**

Functions/Programs	Program Revenues				Net (Expense) Revenues and Changes in Net Position		
	Expenses	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Primary Government		
					Governmental Activities	Business-type Activities	Total
<b>Primary Government:</b>							
<b>Governmental Activities:</b>							
General government	\$ 3,314,422	\$ 613,012	\$ 279,513	\$ -	\$ (2,421,897)	\$ -	\$ (2,421,897)
Development	2,115,651	4,326,717	-	-	2,211,066	-	2,211,066
Public safety	119,796	-	-	-	(119,796)	-	(119,796)
Public works	1,536,519	-	-	3,671,853	2,135,334	-	2,135,334
Culture and recreation	1,986,992	539,864	-	-	(1,447,128)	-	(1,447,128)
Interest on long-term debt	23,973	-	-	-	(23,973)	-	(23,973)
<b>Total Governmental Activities</b>	<b>9,097,353</b>	<b>5,479,593</b>	<b>279,513</b>	<b>3,671,853</b>	<b>333,606</b>	<b>-</b>	<b>333,606</b>
<b>Business-type Activities:</b>							
Water and wastewater	4,183,269	4,754,635	-	11,976,506	-	12,547,872	12,547,872
<b>Total Business-type Activities:</b>	<b>4,183,269</b>	<b>4,754,635</b>	<b>-</b>	<b>11,976,506</b>	<b>-</b>	<b>12,547,872</b>	<b>12,547,872</b>
<b>Total Primary Government</b>	<b>\$ 13,280,622</b>	<b>\$ 10,234,228</b>	<b>\$ 279,513</b>	<b>\$ 15,648,359</b>	<b>333,606</b>	<b>12,547,872</b>	<b>12,881,478</b>
<b>General Revenues and Transfers:</b>							
Taxes:							
Property taxes					2,491,548	-	2,491,548
Sales and use taxes					4,273,465	906,155	5,179,620
Other taxes					168,008	326,269	494,277
Miscellaneous					153,783	(65,293)	88,490
Transfers					(155,721)	155,721	-
<b>Total General Revenues and Transfers</b>					<b>7,065,913</b>	<b>1,584,127</b>	<b>8,650,040</b>
<b>Change in Net Position</b>							
					7,399,519	14,131,999	21,531,518
Net Position, beginning					20,175,994	14,067,205	34,243,199
Prior period adjustment					972,460	1,565,875	2,538,335
Net Position, beginning - restated					21,148,454	15,633,080	36,781,534
<b>Net Position, Ending</b>					<b>\$ 28,547,973</b>	<b>\$ 29,765,079</b>	<b>\$ 58,313,052</b>



**CITY OF DRIPPING SPRINGS, TEXAS**  
**BALANCE SHEET GOVERNMENTAL FUNDS**  
**September 30, 2022**

Item # 5.

	<u>General</u>	<u>Nonmajor Governmental Funds</u>	<u>Total Governmental Funds</u>
<b>Assets</b>			
Current Assets:			
Cash and cash equivalents	\$ 8,884,126	\$ 4,776,018	\$ 13,660,144
Property Taxes Receivable	13,841	-	13,841
Sales Tax Receivable	270,154	-	270,154
Other Receivables	480,972	-	480,972
<b>Total Assets</b>	<u>\$ 9,649,093</u>	<u>\$ 4,776,018</u>	<u>\$ 14,425,111</u>
<b>Liabilities:</b>			
Accounts payable	\$ 672,647	\$ 218,021	\$ 890,668
Unearned revenues	505,868	-	505,868
Developer deposits	161,652	-	161,652
<b>Total Liabilities</b>	<u>1,913,376</u>	<u>218,321</u>	<u>2,131,697</u>
<b>Fund Balances:</b>			
Restricted for:			
Development	-	2,340,986	2,340,986
Culture and recreation	-	268,683	268,683
Committed:			
Reserve and debt service	-	1,948,028	1,948,028
Unassigned:	7,721,876	-	7,721,876
<b>Total Fund Balances</b>	<u>7,721,876</u>	<u>4,557,697</u>	<u>12,279,573</u>
<b>Total Liabilities and Fund Balances</b>	<u>\$ 9,649,093</u>	<u>\$ 4,776,018</u>	<u>\$ 14,425,111</u>

**CITY OF DRIPPING SPRINGS, TEXAS**  
**RECONCILIATION OF THE GOVERNMENTAL FUNDS BALANCE SHEET**  
**TO THE STATEMENT OF NET POSITION**  
**September 30, 2022**

Total Fund Balance - Governmental Funds	\$ 12,279,573
Amounts reported for governmental activities in the Statement of Net Position are different because:	
Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the funds.	16,918,176
Certain other long-term assets (property taxes) are not available to pay current period expenditures and therefore are not reported in this fund financial statement, but are reported in the governmental activities of the statement of net position.	13,841
Some liabilities and deferred outflows and inflows are not due and payable in the current period and are not included in the fund financial statement, but are included in the governmental activities of the statement of net position.	
Bonds payable	(470,000)
Interest payable	(1,563)
Compensated absences	(177,451)
Deferred inflows/outflows related to pensions	23,346
Deferred inflows/outflows related to OPEB	3,724
Net pension liability	(2,228)
Total OPEB liability	(39,445)
Net Position of governmental activities	<u>\$ 28,547,973</u>

## CITY OF DRIPPING SPRINGS, TEXAS

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE  
GOVERNMENTAL FUNDS

For the Year Ended September 30, 2022

	General	Nonmajor Governmental Funds	Total Governmental Funds
<b>Revenues</b>			
Taxes:			
Ad Valorem Taxes	\$ 1,845,325	\$ 632,382	\$ 2,477,707
Sales and use taxes	3,342,204	931,261	4,273,465
Franchise taxes	45,563	31,377	76,940
Mixed drink tax	91,068	-	91,068
Licenses and permits	4,332,356	-	4,332,356
Intergovernmental revenues	279,513	1,000	280,513
Charges for services	692,491	313,184	1,005,675
Interest Income	97,912	36,906	134,818
Donations	8,206	3,445	11,651
Miscellaneous	66,437	216,269	282,706
<b>Total Revenues</b>	<b>10,801,075</b>	<b>2,165,824</b>	<b>12,966,899</b>
<b>Expenditures</b>			
<b>Current:</b>			
General government	2,520,813	554,014	3,074,827
Public safety	131,803	-	131,803
Public works	1,750,065	-	1,750,065
Development	2,192,078	-	2,192,078
Culture and recreation	902,501	929,726	1,832,227
<b>Debt Service:</b>			
Principal	-	70,000	70,000
Interest and fiscal charges	-	22,410	22,410
<b>Total Expenditures</b>	<b>7,497,260</b>	<b>1,576,150</b>	<b>9,073,410</b>
<b>Excess of Revenues Over Expenditures</b>	<b>3,303,815</b>	<b>589,674</b>	<b>3,893,489</b>
<b>Other Financing Sources (Uses)</b>			
Transfers in	132,833	1,103,019	1,235,852
Transfers out	(887,260)	(504,313)	(1,391,573)
<b>Total Other Financing Sources (Uses)</b>	<b>(754,427)</b>	<b>598,706</b>	<b>(155,721)</b>
<b>Net Change in Fund Balance</b>	<b>2,549,388</b>	<b>1,188,380</b>	<b>3,737,768</b>
<b>Fund Balances, Beginning</b>	<b>5,431,312</b>	<b>2,138,033</b>	<b>7,569,345</b>
<b>Prior period adjustment</b>	<b>(258,824)</b>	<b>1,231,284</b>	<b>972,460</b>
<b>Fund Balances, Ending</b>	<b>\$ 7,721,876</b>	<b>\$ 4,557,697</b>	<b>\$ 12,279,573</b>

**CITY OF DRIPPING SPRINGS, TEXAS****RECONCILIATION OF THE STATEMENT OF REVENUES , EXPENDITURES, AND  
CHANGES IN FUND BALANCE OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES  
For the Year Ended September 30, 2022**

Net Changes in Fund Balance -- Governmental Fund	\$ 3,737,768
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Amounts reported for governmental activities in the Statement of Activities are different because:

Governmental funds report capital outlays as expenditures. However, in the statement of activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. Amount is net of impact of prior year restatement of beginning net position.	182,503
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Developers contributions are not reported in governmental funds.	3,671,853
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Governmental funds report capital outlays as expenditures. However, in the Statement of Activities the cost of those assets is allocated over the estimated useful lives and is reported as depreciation expense. This is the amount of depreciation expense for the current year. Amount is net of impact of prior year restatement of beginning net position.	(641,335)
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Certain revenues in the government-wide statement of activities that do not provide current financial resources are not reported as revenue in the governmental funds.	13,841
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Repayment of long-term debt principal is an expenditure in the governmental funds, but the repayment reduces long-term liabilities in the Statement of Activities.	70,000
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Total OPEB expense is not recognized in governmental funds	305,280
--	---------

Total Pension Expense is not recognized in governmental funds	140,751
---	---------

Some expenses reported in the statement of activities do not require the use of current financial resources and these are not reported as expenditures in governmental funds:

Increase in compensated absences	(79,579)
Increase in accrued interest	(1,563)
	<u>                    </u>

Changes in Net Position of Governmental Activities	<u><u>\$ 7,399,519</u></u>
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**CITY OF DRIPPING SPRINGS, TEXAS**  
**STATEMENT OF NET POSITION**  
**PROPRIETARY FUNDS**  
**September 30, 2022**

	<u>Water and Wastewater</u>
<b>Assets</b>	
<b>Current Assets:</b>	
Cash and cash equivalents	\$ 13,235,318
Restricted cash, cash equivalents	41,355,560
Accounts receivable, net of allowance for doubtful accounts	<u>1,168,146</u>
<b>Total Current Assets</b>	<u>55,759,024</u>
<b>Noncurrent Assets:</b>	
Capital assets:	
Infrastructure	25,368,133
Equipment	168,846
Less accumulated depreciation	<u>(6,456,457)</u>
<b>Total Noncurrent Assets</b>	<u>19,080,522</u>
<b>Total Assets</b>	<u>74,839,546</u>
<b>Deferred Outflows of Resources</b>	
Pension related	9,792
OPEB related	<u>888</u>
<b>Total Deferred Outflows of Resources</b>	<u>10,680</u>
<b>Liabilities</b>	
<b>Current liabilities:</b>	
Accounts payable	281,267
Accrued interest payable	139,305
Customer deposits	412,671
Bonds payable - current	655,000
Certificates of obligation - current	<u>1,800,000</u>
<b>Total Current Liabilities</b>	<u>3,288,243</u>
<b>Noncurrent Liabilities:</b>	
Bonds payable	1,965,000
Certificates of obligation	39,820,000
Net pension liability	187
Total OPEB liability	<u>3,301</u>
<b>Total Noncurrent Liabilities</b>	<u>41,788,488</u>
<b>Total Liabilities</b>	<u>45,076,731</u>
<b>Increase (decrease) in total OPEB liability</b>	
Deferred inflows related to pensions	7,839
Deferred inflows related to OPEB	<u>577</u>
<b>Total Deferred Inflows of Resources</b>	<u>8,416</u>
<b>Net Position</b>	
Net investment in capital assets	16,196,082
Unrestricted	<u>13,568,997</u>
<b>Total Net Position</b>	<u>\$ 29,765,079</u>



**CITY OF DRIPPING SPRINGS, TEXAS****STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND NET POSITION  
PROPRIETARY FUNDS***For the Year Ended September 30, 2022*

	<b>Water and Wastewater</b>
<b>Operating Revenues</b>	
Charges for services	\$ 4,754,440
Sales taxes	906,155
Miscellaneous	266,541
<b>Total Operating Revenues</b>	<u>5,927,136</u>
<b>Operating Expenses</b>	
Personnel	255,817
Supplies and materials	73,991
Contractual services	747,896
Other services	827,620
Repairs and maintenance	505,054
Depreciation	1,020,087
<b>Total Operating Expenses</b>	<u>3,430,465</u>
<b>Operating Income</b>	<u>2,496,671</u>
<b>Non-Operating Revenues (Expenses)</b>	
Interest expense	(758,174)
Interest Income	261,275
<b>Total Non-Operating Expenses</b>	<u>(496,899)</u>
<b>Income Before Contributions and Transfers</b>	<u>1,999,772</u>
<b>Contributions and Transfers</b>	
Capital contributions	11,976,506
Transfers in	155,721
<b>Total Contributions and Transfers</b>	<u>12,132,227</u>
<b>Change in Net Position</b>	14,131,999
<b>Net Position, Beginning</b>	14,067,205
<b>Prior period adjustment</b>	<u>1,565,875</u>
<b>Net Position, Ending</b>	<u><u>\$ 29,765,079</u></u>

**CITY OF DRIPPING SPRINGS, TEXAS**  
**STATEMENT OF CASH FLOWS**  
**PROPRIETARY FUNDS**  
**For the Year Ended September 30, 2022**

	<u>Water and Wastewater</u>
<b>Cash Flows from Operating Activities</b>	
Receipts from customers	4,348,404
Other receipts	1,172,696
Payments to suppliers and service providers	(2,140,550)
Payment to employees for salaries and benefits	(255,817)
<b>Net Cash Provided by Operating Activities</b>	<u>3,124,733</u>
<b>Cash Flows From Noncapital Financing Activities</b>	
Transfers from other funds	155,721
<b>Net Cash Provided by Noncapital Financing Activities</b>	<u>155,721</u>
<b>Cash Flows From Capital and Related Financing Activities</b>	
Principal paid on capital debt	(1,565,000)
Proceeds from issuance of debt	19,895,000
Acquisition and construction of capital assets	(168,846)
Interest paid on capital debt	(618,869)
<b>Net Cash from Capital and Related Financing Activities</b>	<u>17,542,285</u>
<b>Cash Flows from Investing Activities</b>	
Interest Income	261,275
<b>Net Cash Provided by Investing Activities</b>	<u>261,275</u>
<b>Net Change in Cash and Cash Equivalents</b>	21,084,014
Cash and cash equivalents, beginning (including \$21,455,457 reported as restricted cash, as reported in prior year audit)	31,940,989
Additional cash recorded as part of the prior period adjustment for cash not previously recorded	1,565,875
<b>Cash and Cash Equivalents, Ending (including \$41,355,560 reported as restricted cash)</b>	<u>\$ 54,590,878</u>
<b>Reconciliation of operating income to net cash provided by operating activities:</b>	
Operating income	\$ 2,496,671
Adjustments to reconcile operating income to net cash provided by operating activities:	
Depreciation expense	1,020,087
Increase in accounts receivable	(444,391)
Increase in pension related deferred outflows of resources	(9,792)
Increase in OPEB related deferred outflows of resources	(888)
Increase in accounts payable	12,787
Increase in deposits payable	38,355
Increase in net pension liability	187
Increase in net OPEB liability	3,301
Increase in pension related deferred inflows of resources	7,839
Increase in OPEB related deferred inflows of resources	577
<b>Net cash provided by operating activities</b>	<u>\$ 3,124,733</u>

**Note 1 - Summary of Significant Accounting Policies**

Reporting Entity

The City of Dripping Springs, Texas (the City) provides a full range of municipal services including public safety, public works, development, culture and recreation, and general administrative services. In addition, the City provides water and wastewater service as a proprietary function of the City. The accounting policies of the City of Dripping Springs conform to generally accepted accounting principles issued by the Governmental Accounting Standards Board which is the recognized financial accounting standard setting body for governmental entities. The notes to the financial statements are an integral part of the City's basic financial statements.

The City is a general law city governed by an elected mayor and a five-member City Council. The City's financial statements include its component units. The accompanying basic financial statements comply with the provisions of the Governmental Accounting Standards Board (GASB) Statement No. 14, "The Financial Reporting Entity," in that the financial statements include all organizations, activities, functions and component units for which the City (the primary government) is financially accountable. Financial accountability is defined as the appointment of a voting majority of a legally separate organization's governing body and either (1) the City's ability to impose its will over the organization, or (2) the potential that the organization will provide a financial benefit to or impose a financial burden on the City.

Blended Component Units

The City of Dripping Springs Tax Increment Reinvestment Zone No. 1 (TIRZ#1) is fiscally dependent on the City, as the City approves their budgets and any debt issuances; TIRZ#1 qualifies for blending because the City's Council controls the Board as they appoint the majority of the Board. TIRZ#1 is also financially dependent on the City. TIRZ#1 is reported as a blended component unit of the City and it does not issue separate financial statements.

The City of Dripping Springs Tax Increment Reinvestment Zone No. 2 (TIRZ#2) is fiscally dependent on the City, as the City approves their budgets and any debt issuances; TIRZ#1 qualifies for blending because the City's Council controls the Board as they appoint the majority of the Board. TIRZ#2 is also financially dependent on the City. TIRZ#2 is reported as a blended component unit of the City and it does not issue separate financial statements.

**CITY OF DRIPPING SPRINGS, TEXAS**  
**NOTES TO THE FINANCIAL STATEMENTS (continued)**

**Note 1 - Summary of Significant Accounting Policies (continued)**

**Government-Wide and Fund Financial Statements**

The government-wide financial statements (i.e. the Statement of Net Position and the Statement of Activities) report information on all of the activities of the primary government and its component units. For the most part, the effect of interfund activity has been removed from these statements.

Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support.

The Statement of Net Position reports the assets and liabilities of the primary government. The net position section of this statement represents the residual amount of assets less their associated liabilities. The net position section is divided into three categories. The first category is Net Investment in Capital Assets, which includes all capital assets, net of accumulated depreciation, less any outstanding debt associated with the assets. Capital assets cannot readily be sold and converted into cash. The second category is Restricted Net Position, which includes those assets that have a constraint placed on their use. The constraints are either: 1) externally imposed by creditors, such as through debt covenants, grantors, contributors, or laws and regulations of other governments, or 2) imposed by law through constitutional provisions or enabling legislation. The final section is Unrestricted Net Position, and this represents net position that generally can be used for any purpose. However, they are not necessarily in a spendable form, like cash.

The Statement of Activities demonstrates the degree to which the direct expenses of a given function or segment, are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as general revenues.

Separate fund financial statements are provided for governmental and proprietary funds. Major individual governmental funds and the enterprise fund are reported as separate columns in the fund financial statements.

Measurement focus, basis of accounting, and financial statement presentation

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the proprietary fund financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental Funds

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due.

**CITY OF DRIPPING SPRINGS, TEXAS**  
**NOTES TO THE FINANCIAL STATEMENTS (continued)**

**Note 1 - Summary of Significant Accounting Policies (continued)**

**Government-Wide and Fund Financial Statements (continued)**

Governmental Funds (continued)

Property taxes, franchise taxes, licenses, and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Only the portion of special assessments receivable due within the current fiscal period is considered to be susceptible to accrual as revenue of the current period. All other revenue items are considered to be measurable and available only when cash is received by the government.

The government reports the following major governmental funds:

**The General Fund** - is the City's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund. The General Fund balance is available for any purpose, provided it is expended or transferred in accordance with the legally adopted budget of the City.

Nonmajor governmental funds include the debt service fund, which accounts for the accumulation of resources that are for the payment of principal and interest on the City's general long-term debt. The City also reports seven special revenue funds that are considered nonmajor. These funds account for specific revenue sources that are restricted or committed to expenditures for particular purposes.

Proprietary Funds

Proprietary funds are those used to account for the City's ongoing organizations and activities which are similar to those found in the private sector. The measurement focus is upon capital maintenance and upon determination of net position and changes in net position.

The government has one proprietary fund and it is reported as a major fund.

**The Water Wastewater Fund** - The fund accounts for the activities for which outside users are charged a fee roughly equal to the cost of providing water and wastewater services.

Budgetary Information

The City Mayor submits an annual budget to the City Council. In September, the City Council adopts annual fiscal year budgets for specific City funds. Budgets for the General Fund are adopted on a basis consistent with U.S. generally accepted accounting principles. The budget is properly amended throughout the year.

The appropriated budget is prepared by fund, function, and department. The City's department heads may make transfers of appropriations within a department. Transfers of appropriations between departments require the approval of the Council. The legal level of budgetary control (i.e., the level at which expenditures may not legally exceed appropriations) is the department level.

Use of Estimates

The preparation of basic financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenue and expenses/expenditures during the reporting period. Actual results could differ from those estimates.

**CITY OF DRIPPING SPRINGS, TEXAS**  
**NOTES TO THE FINANCIAL STATEMENTS (continued)**

**Note 1 - Summary of Significant Accounting Policies (continued)**

**Assets, Liabilities, Deferred Inflows/Outflows of Resources and Fund Balances/Net Position (continued)**

Deposits and Investments

For purposes of the Statement of Cash Flows, the City’s cash and cash investments are considered to be cash on hand, demand deposits, and highly liquid investments with original maturities of three months or less from the date of acquisition. The depository bank pays the City interest on all funds on deposit.

As of September 30, 2022, the City does not hold any investments and only has interest bearing cash accounts.

Property Taxes

Property taxes are levied by October 1 on the assessed value listed as of the prior January 1 for all real and business personal property located in the City in conformity with Subtitle E, Texas Property Tax Code. Taxes are due on receipt of the tax bill and are delinquent if not paid before February 1 of the year following the year in which imposed. On January 31 of each year, a tax lien attaches to property to secure the payment of all taxes, penalties, and interest ultimately imposed. Property tax revenues are considered available (1) when they become due or past due and receivable within the current period and (2) when they are expected to be collected during a 60-day period after the close of the fiscal year.

Allowances for uncollectible tax receivables are based on historical experience in collecting property taxes. Uncollectible personal property taxes are periodically reviewed and written off, but the City is prohibited from writing off real property taxes without specific statutory authority from the Texas Legislature. As of September 30, 2022, the City does not have an allowance for uncollectible tax receivables as the total balance of the taxes receivable is not significant to the financial statements.

Restricted Assets

In accordance with applicable covenants of bond issues or other agreements, appropriate assets have been restricted.

Capital Assets

Capital assets, which include property, plant, equipment, and infrastructure assets, are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets are defined by the government as assets with an initial, individual cost of more than \$5,000 and an estimated useful life in excess of two years. Such assets are recorded at historical cost if purchased or constructed. Donated capital assets are recorded at acquisition value at the date of donation. The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are not capitalized but are charged to operations as incurred. Improvements and betterments which materially extend the useful lives of capital assets are capitalized.

Major outlays for capital assets and improvements are capitalized as projects are constructed. Interest incurred during the construction phase of the capital assets of business-type activities is included a part of the capitalized value of the assets constructed. Contributions of capital assets from external sources are recorded as capital contribution revenue. Property, plant, and equipment of the primary government are depreciated using the straight-line method over the following estimated useful lives:

<u>Asset Description</u>	<u>Estimated Useful Life</u>
Buildings	15-40 years
Building improvements	15-40 years
Infrastructure	10-40 years
Machinery and equipment	5-10 years



**CITY OF DRIPPING SPRINGS, TEXAS**  
**NOTES TO THE FINANCIAL STATEMENTS (continued)**

**Note 1 - Summary of Significant Accounting Policies (continued)**

**Assets, Liabilities, Deferred Inflows/Outflows of Resources and Fund Balances/Net Position (continued)**

Compensated Absences

It is the City's policy to permit employees to accumulate earned but unused vacation and sick pay benefits. Vacation is accrued depending on level of employment and years of service. Vacation can be accrued depending on years of service with the City. Accrued vacation is paid upon retirement or termination. All vacation pay is accrued when incurred in the government-wide and proprietary fund financial statements. A liability for these amounts is reported in governmental funds only if they are matured, for example, unused reimbursable leave payable as a result of employee resignations and retirements.

Long-term Obligations

In the government-wide financial statements and proprietary fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund type statement of net position.

Pensions and Other Post-Employment Benefits (OPEB)

The City has Pension and OPEB for supplemental death benefits fund (SDBF) with the Texas Municipal Retirement System (TMRS). For purposes of measuring the net pension and total OPEB liability from TMRS, pension/OPEB related deferred outflows and inflows of resources, and pension/OPEB expense, City specific information about its Fiduciary Net Position in TMRS and additions to/deductions from the City's Fiduciary Net Position have been determined on the same basis as they are reported by TMRS. For this purpose, plan contributions to TMRS are recognized in the period that compensation is reported for the employee, which is when contributions are legally due. Benefit payments and refunds are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value. Information regarding the City's Total Pension and Total OPEB Liabilities is obtained from TMRS through reports prepared for the City by TMRS consulting actuary, Gabriel Roeder Smith & Company, in compliance with Governmental Accounting Standards Board (GASB) Statements No. 68 and 75. The OPEB for health benefits is an unfunded plan. The same actuaries used for pensions and OPEB from TMRS are used to provide the reporting information for the OPEB for health benefits.

Deferred Outflows/Inflows of Resources

Deferred outflows and inflows of resources are reported in the financial position as described below:

A *deferred outflow of resources* is a consumption of a government's net position (a decrease in assets in excess of any related decrease in liabilities or an increase in liabilities in excess of any related increase in assets) by the government that is applicable to a future reporting period. The City has two items that qualify for reporting in this category:

- Deferred outflows of resources for pension – Reported in the government-wide financial statement of net position, this deferred outflow results from pension plan contributions made after the measurement date of the net pension liability and the results 1) differences between projected and actual earnings on pension plan investments; 2) changes in actuarial assumptions; 3) differences between expected and actual actuarial experiences and 4) changes in the City's proportional share of pension liabilities. The deferred outflows of resources related to pensions resulting from City's contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability in the next fiscal year. The deferred outflows resulting from differences between projected and actual earnings on pension plan investments will be amortized over a closed five-year period. The remaining pension related deferred outflows will be amortized over the expected remaining service lives of all employees (active and inactive employees) that are provided with pensions through the pension plan.

**CITY OF DRIPPING SPRINGS, TEXAS**  
**NOTES TO THE FINANCIAL STATEMENTS (continued)**

**Note 1 - Summary of Significant Accounting Policies (continued)**

**Assets, Liabilities, Deferred Inflows/Outflows of Resources and Fund Balances/Net Position (continued)**

Deferred Outflows/Inflows of Resources (continued)

- Deferred outflows of resources for other post-employment benefits (OPEB) other than pension – Reported in the government wide financial statement of net position, this deferred outflow results from OPEB plan contributions made after the measurement date of the total OPEB liability and the results of 1) differences between projected and actual earnings on OPEB plan investments; 2) changes in actuarial assumptions; 3) differences between expected and actual actuarial experiences and 4) changes in the City’s proportional share of OPEB liabilities. The deferred outflows of resources related to OPEB resulting from City contributions subsequent to the measurement date will be recognized as a reduction of the total OPEB liability in the next fiscal year. The deferred outflows resulting from differences between projected and actual earnings on OPEB investments will be amortized over a closed five-year period. The remaining postemployment related deferred outflows will be amortized over the expected remaining service lives of all employees (active and inactive employees) that are provided with OPEB through the OPEB plan.

A *deferred inflow of resources* is an acquisition of a government's net positions (an increase in assets in excess of any related increase in liabilities or a decrease in liabilities in excess of any related decrease in assets) by the government that is applicable to a future reporting period. The City has three items that qualify for reporting in this category:

- Deferred inflows of resources for unavailable revenues - Reported only in the governmental funds balance sheet, unavailable revenues from property taxes arise under the modified accrual bases of accounting. These amounts are deferred and recognized as an inflow of resources in the period that the amounts become available.
- Deferred inflows of resources for pension – reported in the government-wide financial statement of net position, these deferred inflows result primarily from 1) changes in actuarial assumptions; 2) differences between expected and actual actuarial experiences and 3) changes in the City’s proportional share of pension liabilities. These pension related deferred inflows will be amortized over the expected remaining service lives of all employees (active and inactive employees) that are provided with pensions through the pension plan.
- Deferred inflows of resources for OPEB – Reported in the government wide financial statement of net position, this deferred inflow results primarily from 1) changes in actuarial assumptions; and 2) differences between expected and actual actuarial experiences. These OPEB related deferred inflows will be amortized over the expected remaining service lives of all employees (active and inactive employees) that are provided with OPEB through the OPEB plan.

Fund Balance

The City has adopted the provisions of GASB Statement No. 54, *Fund Balance Reporting and Government Fund Type Definitions*. The objective of the statement is to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied and by clarifying the existing government fund type definitions. The statement establishes fund balance classifications that comprise a hierarchy based primarily on the extent to which a government is bound to observe constraints imposed upon the use of the resources reported in governmental funds. Fund balance classifications, under GASB 54 are Nonspendable, Restricted, Committed, Assigned, and Unassigned.

These classifications reflect not only the nature of funds, but also provide clarity to the level of restriction placed upon fund balance. Fund balance can have different levels of constraint, such as external versus internal compliance requirements. Unassigned fund balance is a residual classification within the General Fund. The General Fund should be the only fund that reports a positive unassigned balance. In all other funds, unassigned is limited to negative residual fund balance.

**CITY OF DRIPPING SPRINGS, TEXAS**  
**NOTES TO THE FINANCIAL STATEMENTS (continued)**

**Note 1 - Summary of Significant Accounting Policies (continued)**

**Assets, Liabilities, Deferred Inflows/Outflows of Resources and Fund Balances/Net Position (continued)**

Fund Balance (continued)

*In accordance with GASB 54, the City classifies governmental fund balances as follows:*

- *Committed fund balance* – includes amounts that can be used only for the specific purposes determined by a formal action of the government’s highest level of decision-making authority (City Council). Commitments may be changed or lifted only by the government taking the same formal action (resolution) that imposed the constraint originally (i.e. park acquisition and improvement, recreation, etc).
- *Restricted fund balance* - fund balance includes amounts that can be spent only for the specific purposes stipulated by external resource providers such as grantors or enabling federal, state, or local legislation. Restrictions may be changed or lifted only with the consent of the resource providers.
- *Unassigned fund balance* – is the residual classification of the general fund and includes all amounts not contained in other classifications. Unassigned amounts are technically available for any purpose.

Order of Expenditure of Funds – When multiple categories of fund balance are available for expenditure, the City will start with the most restricted category and spend those funds first before moving down to the next category with available funds. The general fund is the only fund that reports a positive unassigned fund balance amount. In other governmental funds it is not appropriate to report a positive unassigned fund balance amount. However, in governmental funds other than general fund, if expenditures incurred for specific purposes exceed the amounts that are restricted, committed, or assigned to those purposes, it may be necessary to report a negative unassigned fund balance in that fund.

Net Position

*Restricted* – The City restricts net position to serve different purposes. In the City’s governmental funds, net position is restricted for the retirement of long-term debt, development, and parks and community.

Implementation of New Standards

GASB No. 87, *Leases*, was issued to better meet the information needs of financial statement users by improving accounting and financial reporting for leases by governments. This Statement increases the usefulness of governments’ financial statements by requiring recognition of certain lease assets and liabilities for leases that previously were classified as operating leases and recognized as inflows of resources or outflows of resources based on the payment provisions of the contract. It establishes a single model for lease accounting based on the foundational principle that leases are financings of the right to use an underlying asset. Under this Statement, a lessee is required to recognize a lease liability and an intangible right-to-use lease asset, and a lessor is required to recognize a lease receivable and a deferred inflow of resources, thereby enhancing the relevance and consistency of information about governments’ leasing activities. The City has determined that this statement does not have a material effect on the financial statements.

No. 97 *Certain Component Unit Criteria, and Accounting and Financial Reporting for Internal Revenue Code Section 457 Deferred Compensation Plans – An Amendment of GASB Statements No. 14 and No. 84, and a Supersession of GASB Statement No. 32* was issued in June 2020. This Statement provides guidance regarding the financial reporting of defined contribution pension plans, defined contribution OPEB plans, and other employee benefit plans. The Statement will also enhance (1) information related to Section 457 plans that meet the definition of a pension plan and the benefits provided through those plans and (2) investment information for all Section 457 plans. Paragraphs 4 and 5 of the Statement were effective immediately whereas the remaining requirements of this Statement are effective for periods beginning after June 15, 2021. The City has evaluated the effects of this standard and has determined that this Statement does not impact the financial statements.

**CITY OF DRIPPING SPRINGS, TEXAS**  
**NOTES TO THE FINANCIAL STATEMENTS (continued)**

**Note 2 - Deposits and Investments**

The investment policy of the City is governed by State statute and a Council adopted City Investment Policy. Major controls stipulated in the Investment Policy include: depository limitations require Federal Deposit Insurance Corporation ("FDIC") insurance or full 100 percent collateralization; depositories are limited to Texas banking institutions; all collateral for repurchase agreements and deposits held by independent third party trustees; all settlement is delivery versus payment; all authorized investments are defined; and diversification guidelines are set as are maximum maturity and maximum weighted average maturity.

State statutes require all time and demand deposits to be fully insured or collateralized. Cash and cash equivalents are considered to be cash on hand, demand deposits with banks and other financial institutions, and any other kind of account that has the general characteristics of demand deposits where funds may be added or withdrawn at any time without penalty or prior notice. Cash equivalents are defined as liquid investments that are both readily convertible to known amounts of cash and so near their maturity, they present insignificant risk or changes in value because of changes in interest rates.

At September 30, 2022, the carrying amount of deposits was \$68,251,022 and the respective bank balances were \$70,522,239. The City's bank balances were fully insured or collateralized with securities held by the City's agent in the City's name.

Custodial Credit Risk for Deposits: State law requires governmental entities to contract with financial institutions in which funds will be deposited to secure those deposits with insurance or pledged securities with a fair value equaling or exceeding the amount on deposit at the end of each business day. The pledged securities must be in the name of the governmental entity and held by the entity or its agent. Since the City complied with this law for the year ended September 30, 2022, it had no custodial credit risk for deposits.

The *Public Funds Investment Act* (Government Code Chapter 2256) contains specific provisions in the areas of investment practices, management reports, and establishment of appropriate policies. Among other things, it requires the City to adopt, implement, and publicize an investment policy. That policy must address the following areas: (1) safety or principal and liquidity, (2) portfolio diversification, (3) allowable investments, (4) acceptable risk levels, (5) expected rates of return, (6) maximum allowable stated maturity of portfolio investments, (7) maximum average dollar-weighted maturity allowed based on the state maturity date for the portfolio, (8) investment staff quality and capabilities, (9) and bid solicitation preferences for certificates of deposit.

Statutes authorize the City to invest in (1) obligations of the U.S. Treasury, certain U.S. agencies, and the State of Texas, (2) certificates of deposit, (3) certain municipal securities, (4) money market savings accounts, (5) repurchase agreements, (6) bankers acceptances, (7) mutual funds, (8) investment pools, (9) guaranteed investment contracts, (10) and common trust funds. The Act also requires the City to have independent auditors perform test procedures related to investment practices as provided by the Act. The City is in substantial compliance with the requirements of the Act and with local policies.

As of September 30, 2022, the City does not hold any investments.

**CITY OF DRIPPING SPRINGS, TEXAS**  
**NOTES TO THE FINANCIAL STATEMENTS (continued)**

**Note 3 - Property Taxes**

The appraisal of property within the City is the responsibility of the Hays Central Appraisal District (the Appraisal District). The Appraisal District is required under the Property Tax Code to appraise all property within the county on the basis of 100% of its market value. The value of real property within the Appraisal District must be reviewed every five years; however, the City may, at its own expense, require annual reviews of appraised values. The City may challenge appraised values established by the Appraisal District through various appeals and, if necessary, take legal action. Under this legislation, the City continues to set tax rates on City property. The Texas Legislature enacted new legislation for property taxes which calculates the no new revenue tax rate (the rate will raise the same amount of property tax revenue from same properties as prior year). The voter approved rate is the highest tax rate the City may adopt without holding an election. The City's property taxes are levied annually in October on the basis of the Appraisal District's assessed values as of January 1 of that calendar year. Appraised values are established by the Appraisal District at market value, assessed at 100% of appraised value and certified by the Appraisal District Board of Review. The City property taxes are billed and collected by the City's Tax Assessor/Collector. Such taxes are applicable to the fiscal year in which they are levied and become delinquent with an enforceable lien on property on February 1 of the current calendar year.

Within the \$2.50 maximum levy, there is no legal limit upon the amount of property taxes, which can be levied for debt service. The property tax rates to finance general governmental services for fiscal year 2022 was \$0.19 per \$100 of assessed valuation. The 2021 assessed value and total tax levy as adjusted through September 30, 2022 were \$1,076,562,825 and \$2,046,902, respectively.

Property taxes are levied by October 1 in conformity with Subtitle E, Texas Property Tax Code. Taxes are due on receipt of the tax bill and are delinquent if not paid before February 1 of the year following the year in which imposed. On January 1 of each year, a tax lien attaches to property to secure the payment of all taxes, penalties, and interest ultimately imposed. The Appraisal District establishes appraised values. Taxes are levied by the City Council based on the appraised values and operating needs of the City.

**CITY OF DRIPPING SPRINGS, TEXAS**  
**NOTES TO THE FINANCIAL STATEMENTS (continued)**

**Note 4 - Receivables**

Receivables as of September 30, 2022 for the City’s individual major funds and nonmajor funds in the aggregate, including applicable allowances for uncollectible accounts, are as follows:

	<u>General Fund</u>	<u>Total Governmental Funds</u>
Receivables		
Property taxes	\$ 13,841	\$ 13,841
Sales taxes	270,154	270,154
Other	480,972	480,972
Gross receivable	<u>764,967</u>	<u>764,967</u>
Less: Allowance for uncollectible	-	-
Net Receivables.	<u>\$ 764,967</u>	<u>\$ 764,967</u>

	<u>Water and Wastewater Fund</u>	<u>Total Business-Type Activities</u>
Receivables		
Sales tax	\$ 67,539	\$ 67,539
Customer	1,100,607	1,100,607
Gross receivable	<u>1,168,146</u>	<u>1,168,146</u>
Less: Allowance for uncollectible	-	-
Net Receivables.	<u>\$ 1,168,146</u>	<u>\$ 1,168,146</u>



**CITY OF DRIPPING SPRINGS, TEXAS**  
**NOTES TO THE FINANCIAL STATEMENTS (continued)**

**Note 5 - Capital Assets**

Capital assets activity for the year ended September 30, 2022, was as follows:

	Balance October 1, 2021 Restated	Additions	Retirements and Transfers	Balance September 30, 2022
<b>Governmental activities:</b>				
Capital assets, not being depreciated				
Land	\$ 5,930,814	\$ -	\$ -	\$ 5,930,814
Total capital assets, not being depreciated	5,930,814	-	-	5,930,814
Capital assets being depreciated:				
Buildings	1,075,825	-	-	1,075,825
Improvements other than buildings	9,236,290	-	-	9,236,290
Machinery and equipment	1,394,970	185,745	-	1,580,715
Infrastructure	703,818	3,671,853	-	4,375,671
Total capital assets being depreciated	12,410,903	3,857,598	-	16,268,501
Less accumulated depreciation for:				
Buildings	(423,004)	(37,276)	-	(460,280)
Improvements other than buildings	(2,606,046)	(315,581)	-	(2,921,627)
Machinery and equipment	(1,066,106)	(143,705)	-	(1,209,811)
Infrastructure	(431,110)	(258,311)	-	(689,421)
Total accumulated depreciation	(4,526,266)	(754,873)	-	(5,281,139)
Total capital assets being depreciated, net	7,884,637	3,102,725	-	10,987,362
Governmental activities capital assets, net	<u>\$ 13,815,451</u>	<u>\$ 3,102,725</u>	<u>\$ -</u>	<u>\$ 16,918,176</u>
	Balance October 1, 2021	Additions	Retirements and Transfers	Balance September 30, 2022
<b>Business-type activities:</b>				
Business-type assets, being depreciated				
Infrastructure	\$ 13,391,627	\$ 11,976,506	\$ -	\$ 25,368,133
Machinery and equipment	-	168,846	-	168,846
Total capital assets being depreciated	13,391,627	12,145,352	-	25,536,979
Less accumulated depreciation for:				
Infrastructure	(5,436,370)	(986,318)	-	(6,422,688)
Machinery and equipment	-	(33,769)	-	(33,769)
Total accumulated depreciation	(5,436,370)	(1,020,087)	-	(6,456,457)
Business Type activities capital assets, net	<u>\$ 7,955,257</u>	<u>\$ 11,125,265</u>	<u>\$ -</u>	<u>\$ 19,080,522</u>

**Note 5 - Capital Assets (continued)**

Depreciation was charged to functions/programs of the primary government as follows:

Governmental Activities:	
General government	\$ 454,134
Public works	31,379
Parks and recreation	269,360
Total Governmental Activities	<u>\$ 754,873</u>
Business-type Activities:	
Water and Wastewater	\$ 1,020,087
Total Business-type Activities	<u>\$ 1,020,087</u>

**Note 6 - Long-Term Liabilities**

The City issues general obligation bonds, certificates of obligation bonds, and contractual obligation bonds to provide funds for the acquisition and construction of major capital facilities. General obligation bonds have been issued for both governmental which includes blended component units and business-type activities. These issues are direct obligations and pledge the full faith and credit of the City.

General Obligation Bonds	Original Borrowings	Final Maturity	Interest Rates	Balance at September 30, 2022	
				Governmental	Business-Type
General Obligation Refunding Bonds, Series 2015	\$ 7,410,000	2026	0.437 - 2.352%	\$ -	\$ 2,620,000
Total General Obligation Bonds				<u>\$ -</u>	<u>\$ 2,620,000</u>

Certificates of Obligation	Final Maturity	Final Maturity	Interest Rates	Balance at September 30, 2022	
				Governmental	Business-Type
Combination Tax and Limited Revenue Certificates of Obligation, Series 2013	\$ 1,000,000	2028	4.15%	\$ 470,000	\$ -
Combination Tax and Surplus Revenue Certificates of Obligation, Series 2019	23,500,000	2040	0.04 - 0.61%	-	21,725,000
Combination Tax and Revenue Certificates of Obligation, Series 2022	19,895,000	2042	0.61 - 2.01%		19,895,000
Total Certificates of Obligation				<u>\$ 470,000</u>	<u>\$ 41,620,000</u>

**CITY OF DRIPPING SPRINGS, TEXAS**  
**NOTES TO THE FINANCIAL STATEMENTS (continued)**

**Note 6 - Long-Term Liabilities (continued)**

Changes in the City's long-term liabilities for the year ended September 30, 2022 are as follows:

	Balance October 1 2021	Additions	Reductions	Balance September 30 2022	Amounts Due Within One Year
<b>Governmental Activities:</b>					
Bonds payable:					
Certificates of obligation	\$ 540,000	\$ -	\$ (70,000)	\$ 470,000	\$ 70,000
Total bonds payable	540,000	-	(70,000)	470,000	70,000
Compensated absences	97,872	79,579	-	177,451	177,451
Net pension liability	99,058	-	(96,830)	2,228	-
Total OPEB liability	38,216	1,229	-	39,445	-
<b>Total Governmental Activities</b>	<u>\$ 775,146</u>	<u>\$ 80,808</u>	<u>\$ (166,830)</u>	<u>\$ 689,124</u>	<u>\$ 247,451</u>
<b>Business-type Activities:</b>					
Bonds Payable:					
General obligation bonds	\$ 3,285,000	\$ -	\$ (665,000)	\$ 2,620,000	\$ 655,000
Certificates of obligation	22,625,000	19,895,000	(900,000)	41,620,000	1,800,000
Total Bonds Payable	25,910,000	19,895,000	(1,565,000)	44,240,000	2,455,000
Net pension liability	-	187	-	187	-
Total OPEB liability	-	3,301	-	3,301	-
<b>Total Business-type Activities</b>	<u>\$ 25,910,000</u>	<u>\$ 19,898,488</u>	<u>\$ (1,565,000)</u>	<u>\$ 44,243,488</u>	<u>\$ 2,455,000</u>

Long-term liabilities applicable to the City's governmental activities are not due and payable in the current period and, accordingly, are not reported as fund liabilities in the governmental funds. Compensated absences generally are paid by the General Fund for the governmental activities.

General Obligation Bonds and Certificates of Obligation

General Obligation Bonds are direct obligations issued on a pledge of the general taxing power for the payment of the debt obligations of the City. General Obligations bonds and Certificates of Obligation require the City to compute, at the time other taxes are levied, the rate of tax required to provide (in each year bonds are outstanding) a fund to pay interest and principal maturity. The City is in compliance with this requirement.

Fiscal Year	Governmental Activities	
	Certificates of Obligation	
	Principal	Interest
2023	\$ 70,000	\$19,505
2024	75,000	16,600
2025	75,000	13,488
2026	80,000	10,375
2027	85,000	7,055
2028	85,000	3,527
	<u>\$ 470,000</u>	<u>\$ 70,550</u>

**CITY OF DRIPPING SPRINGS, TEXAS**  
**NOTES TO THE FINANCIAL STATEMENTS (continued)**

**Note 6 - Long-Term Liabilities (continued)**

General Obligation Bonds and Certificates of Obligation (continued)

Fiscal Year	Business-type Activities					
	General Obligation Bonds		Certificates of Obligation		Total	
	Principal	Interest	Principal	Interest	Principal	Interest
2023	\$ 655,000	\$ 56,232	\$ 1,800,000	\$ 377,847	\$ 2,455,000	\$ 434,079
2024	655,000	43,498	1,830,000	378,842	2,485,000	422,340
2025	655,000	29,901	1,865,000	370,442	2,520,000	400,343
2026	655,000	15,405	1,905,000	360,322	2,560,000	375,727
2027	-	-	1,945,000	349,731	1,945,000	349,731
2028-2032	-	-	10,420,000	1,543,788	10,420,000	1,543,788
2033-2037	-	-	11,750,000	1,054,945	11,750,000	1,054,945
2038-2042	-	-	10,105,000	389,792	10,105,000	389,792
	<u>\$ 2,620,000</u>	<u>\$ 145,036</u>	<u>\$41,620,000</u>	<u>\$4,825,709</u>	<u>\$44,240,000</u>	<u>\$4,970,745</u>

**Current Year Issuance of Debt**

During fiscal year 2022, the City issued \$19,895,000 in Certificates of Obligation, Series 2022. The bonds have a rate that range between 0.61% and 2.01. The proceeds will be used for construction and renovation to the City's water and wastewater system. The bonds mature in fiscal year 2042.

**Note 7 - Interfund Receivables, Payables and Transfers**

The composition of interfund transfers for the year are as follows:

Transfers From	Transfers To			Totals
	General	Governmental Funds	Water and wastewater Fund	
General Fund	\$ -	\$ 731,539	\$ 155,721	\$ 887,260
Other Governmental	132,833	371,480	-	504,313
Totals	<u>\$ 132,833</u>	<u>\$ 1,103,019</u>	<u>\$ 155,721</u>	<u>\$ 1,391,573</u>

During the year, transfers are used to (1) move revenues from the fund with collection authorization to the debt service fund as debt service principal and interest payments become due and (2) move general fund resources to provide an annual subsidy to other funds.

**CITY OF DRIPPING SPRINGS, TEXAS**  
**NOTES TO THE FINANCIAL STATEMENTS (continued)**

**Note 8 - Defined-Benefit Pension Plans**

**Plan Description and Provisions**

The City participates as one of 895 plans in the nontraditional, joint contributory, hybrid defined benefit pension plan administered by the Texas Municipal Retirement System (TMRS). TMRS is an agency created by the State of Texas and administered in accordance with the TMRS Act, Subtitle G, Title 8, Texas Government Code (the TMRS Act) as an agent multiple-employer retirement system for municipal employees in the State of Texas. The TMRS Act places the general administration and management of the System with a six-member Board of Trustees. Although the Governor, with the advice and consent of the Senate, appoints the Board, TMRS is not fiscally dependent on the State of Texas. TMRS’s defined benefit pension plan is a tax-qualified plan under Section 401 (a) of the Internal Revenue Code. TMRS issues a publicly available annual comprehensive financial report (annual report) that can be obtained at [www.tMrs.com](http://www.tMrs.com).

All eligible employees of the City are required to participate in TMRS.

TMRS provides retirement, disability, and death benefits. Benefit provisions are adopted by the governing body of the City, within the options available in the state statutes governing TMRS.

At retirement, the benefit is calculated as if the sum of the employee’s contributions, with interest, and the city-financed monetary credits with interest were used to purchase an annuity. Members may choose to receive their retirement benefit in one of seven actuarially equivalent payments options. Members may also choose to receive a portion of their benefit as a Partial Lump Sum Distribution in an amount equal to 12, 24, or 36 monthly payments, which cannot exceed 75% of the member’s deposits and interest.

The City has approved an annually repeating (automatic) basis a monetary credit referred to as an updated service credit (USC) which is a theoretical amount which takes into account salary increases or plan improvements. If at any time during their career an employee earns a USC, this amount remains in their account earning interest at 5% until retirement. At retirement, the benefit is calculated as if the sum of the employee's accumulated contributions with interest and the employer match plus employer-financed monetary credits, such as USC, with interest were used to purchase an annuity. Additionally, City provides on an annually repeating (automatic) basis cost of living adjustments (COLA) for retirees equal to a percentage of the change in the consumer price index (CPI).

A summary of plan provisions for the City are as follows:

Employee deposit rate:	6%
Matching ratio (City to employee):	2 to 1
Years required for vesting:	10
Service retirement eligibility:	20 years at any age, 10 years at age 60 and above
Updated Service Credit:	100% Repeating Transfers
Annuity Increase to retirees:	70% of CPI Repeating
Supplemental death benefit – active employees and retirees	Yes

**CITY OF DRIPPING SPRINGS, TEXAS**  
**NOTES TO THE FINANCIAL STATEMENTS (continued)**

**Note 8 - Defined-Benefit Pension Plans (continued)**

**Benefits Provided**

At the December 31, 2021 valuation and measurement date, the following employees were covered by the benefit terms:

Inactive employees or beneficiaries currently receiving benefits	2
Inactive employees entitled to but not yet receiving benefits	36
Active employees	<u>40</u>
Total	<u>78</u>

**Contributions**

The contribution rates for employees in TMRS are either 5%, 6%, or 7% of employee gross earnings, and the City matching percentages are either 100%, 150%, or 200%, both as adopted by the governing body of the City. Under the State law governing TMRS, the contribution rate for each City is determined annually by the consulting actuary, using the Entry Age Normal (EAN) actuarial cost method. The actuarially determined rate is the estimated amount necessary to finance the cost of benefits earned by employees during the year, with an additional amount to finance any unfunded accrued liability.

Employees for the City were required to contribute 6% of their annual gross earnings during the fiscal year. The contribution rates for the City were 6% in calendar years 2022 and 2021.

**Net Pension Liability**

The City’s net pension liability was measured as of December 31, 2021, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of that date.

**Actuarial Assumptions**

The total pension liability in the December 31, 2021 actuarial valuation was determined using the following actuarial assumptions:

Inflation:	2.50%
Overall payroll growth:	3.5% to 11.50% including inflation
Investment Rate of Return:	6.75%, net of pension plan investment expense, including inflation

Salary increases are assumed to occur once a year on January 1 so that the pay used for the period year following the valuation is equal to the reported pay for the prior year. Salaries are assumed to increase on a graduated service-based scale.

Actuarial assumptions were developed primarily from the actuarial investigation of the experience of TMRS over the four-year period from December 31, 2014 to December 31, 2018. They were adopted in 2019 and first used in the December 31, 2019 actuarial valuation. The post-retirement mortality assumption for annuity purchase rates is based on the Mortality Experience Investigation Study covering 2009 through 2011 and dated December 31, 2013. Plan assets are managed on a total return basis with an emphasis on both capital appreciation as well as the production of income, in order to satisfy the short-term and long-term funding needs of TMRS.



**CITY OF DRIPPING SPRINGS, TEXAS**  
**NOTES TO THE FINANCIAL STATEMENTS (continued)**

**Note 8 - Defined-Benefit Pension Plans (continued)**

**Actuarial Assumptions (continued)**

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. In determining their best estimate of a recommended investment return assumption under the various alternative asset allocation portfolios, GRS focused on the area between (1) arithmetic mean (aggressive) without an adjustment for time (conservative) and (2) the geometric mean (conservative) with an adjustment for time (aggressive). The target allocation and best estimates of real rates of return for each major asset class in fiscal year 2022 are summarized in the table below:

<u>Asset Class</u>	<u>Strategic Target Allocation Index</u>
Core fixed income	6.0%
Non-Core fixed income	20.0%
Global public equity	35.0%
Real Estate	12.0%
Hedge funds	5.0%
Other public & private market	12.0%
Private equity	10.0%
Cash equivalents	0.0%
Total	<u>100.0%</u>

**Discount Rate**

The discount rate used to measure the total pension liability was 6.75%. The projection of cash flows used to determine the discount rate assumed that employee and employer contributions will be made at the rates specified in statute. Based on that assumption, the pension plan’s fiduciary net position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

**CITY OF DRIPPING SPRINGS, TEXAS**  
**NOTES TO THE FINANCIAL STATEMENTS (continued)**

**Note 8 - Defined-Benefit Pension Plans (continued)**

**Changes in the Net Pension Liability**

	Total Pension Liability (a)	Increase (Decrease) Plan Fiduciary Net Position (b)	Net Pension Liability (a) - (b)
Balance at 12/31/2020	\$ 1,297,440	\$ 1,198,382	\$ 99,058
Changes for the year:			
Service cost	248,908	-	248,908
Interest	95,314	-	95,314
Difference between expected and actual experience	(21,189)	-	(21,189)
Changes in assumptions	-	-	-
Contributions - employer	-	130,324	(130,324)
Contributions - employee	-	132,987	(132,987)
Net investment income	-	157,083	(157,083)
Benefit payments, including refunds, of employee contributions	(19,657)	(19,657)	-
Administrative expense	-	(723)	723
Other charges	-	5	(5)
Net changes	303,376	400,019	(96,643)
Balance at 12/31/2021	\$ 1,600,816	\$ 1,598,401	\$ 2,415

**Sensitivity of the Net Pension Liability**

The following presents the net pension liability of the City, calculated using the discount rate of 6.75%, as well as what the City's net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (5.75%) or 1-percentage-point higher (7.75%) than the current rate:

	1% Decrease to 5.75%	Current Single Rate Assumption 6.75%	1% Increase to 7.75%
City's net pension liability	\$ 250,125	\$ 2,415	\$ (203,824)

**Pension Plan Fiduciary Net Position**

Detailed information about the pension plan's fiduciary net position is available in a separately issued TMRS financial report. That report may be obtained on the Internet at the following location: [TMRS 2021 ACFR](#).

**CITY OF DRIPPING SPRINGS, TEXAS**  
**NOTES TO THE FINANCIAL STATEMENTS (continued)**

**Note 8 - Defined-Benefit Pension Plans (continued)**

**Pension Expense and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions**

For the year ended September 30, 2022, the City recognized pension expense of \$108,316 related to the TMRS plan.

At September 30, 2022, the City reported deferred outflows and inflows of resources related to pensions from the following sources:

	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences between actuarial assumptions and actual experience	\$ 8,795	\$ (23,642)
Changes in actuarial assumptions used	3,087	-
Differences between projected and actual investment earnings	-	(77,857)
Contributions subsequent to the measurement date	114,916	-
Total	<u>\$ 126,798</u>	<u>\$ (101,499)</u>

Deferred outflows of resources resulting from contributions subsequent to the measurement date of \$114,916 will be recognized as a reduction of the net pension liability for the fiscal year ending September 30, 2023. Other amounts reported as deferred outflows and inflows of resources related to pensions will be recognized in pension expense as follows:

<u>Fiscal Year</u>	<u>net deferred outflows (inflows) of resources</u>
2023	\$ (19,209)
2024	(31,564)
2025	(21,907)
2026	(16,937)
Total	<u>\$ (89,617)</u>

**CITY OF DRIPPING SPRINGS, TEXAS**  
**NOTES TO THE FINANCIAL STATEMENTS (continued)**

**Note 9 - Other Post-Employment Benefits**

**Benefit Plan Description**

The City also participates in the cost sharing multiple-employer defined benefit group-term life insurance plan operated by the Texas Municipal Retirement System (TMRS) known as the Supplemental Death Benefits Fund (SDBF). The City elected, by ordinance, to provide group-term life insurance coverage to both current and retired employees. The City may terminate coverage under and discontinue participation in the SDBF by adopting an ordinance before November 1 of any year to be effective the following January 1.

The death benefit for active employees provides a lump-sum payment approximately equal to the employee’s annual salary (calculated based on the employee’s actual earnings, for the 12-month period preceding the month of death); retired employees are insured for \$7,500; this coverage is another post-employment benefit (OPEB). As the SDBF covers both active and retiree participants, with no segregation of assets, the SDBF is considered to be an unfunded OPEB plan (i.e. no assets are accumulated).

Membership in the plan as of the measurement date of December 31, 2021 was as follows:

Inactive employees currently receiving benefits	1
Inactive employees entitled to but not yet receiving benefits	4
Active employees	<u>40</u>
Total	<u>45</u>

**Contributions**

Contributions are made monthly based on the covered payroll of employee members of the participating member city. The contractually required contribution rate is determined annually for each city (currently 0.12% of covered payroll). The rate is based on the mortality and service experience of all employees covered by the SDBF and the demographics specific to the workforce of the city. There is a one-year delay between the actuarial valuation that serves as the basis for the employer contribution rate and the calendar year when the rate goes into effect. The funding policy of this plan is to assure that adequate resources are available to meet all death benefit payments for the upcoming year; the intent is not to prefund retiree term life insurance during employees’ entire careers. As such, contributions are utilized to fund active member deaths on a pay-as-you-go basis; any excess contributions and investment income over payments then become net position available for benefits.

**Discount Rate**

The TMRS SDBF program is treated as unfunded OPEB plan because the SDBF trust covers both active employees and retirees and the assets are not segregated for these groups. Under GASB Statement No. 75, the discount rate for an unfunded OPEB plan should be based on 20-year tax-exempt AA or higher Municipal Bonds. Therefore, a discount rate of 1.84% based on the 20 Year Bond GO Index published by bondbuyer.com is used as of the measurement date of December 31, 2021.

**CITY OF DRIPPING SPRINGS, TEXAS**  
**NOTES TO THE FINANCIAL STATEMENTS (continued)**

**Note 9 - Other Post-Employment Benefits (continued)**

**Actuarial Assumptions**

The City’s total OPEB liability was measured at December 31, 2021 and was determined by an actuarial valuation as of that date using the following actuarial assumptions:

<i>Valuation Date:</i>	December 31, 2021
<i>Methods and Assumptions:</i>	
Inflation:	2.50%
Salary Increases:	3.50% to 11.50%, including inflation
Discount rate:	1.84%. The discount rate was based on the Fidelity Index’s “20-Year Municipal GO AA Index” rate as of December 31, 2021.
Retirees’ share of benefit related costs:	\$0
Administrative expenses:	All administrative expenses are paid through the Pension Trust and accounted for under reporting requirements under GASB Statement No. 68.
Mortality rates – service retirees:	2019 Municipal Retirees of Texas Mortality Tables. The rates are projected on a fully generational basis with scale UMP.
Mortality rates – disabled retirees:	2019 Municipal Retirees of Texas Mortality Tables with a 4-year set-forward for males and a 3-year set-forward for females. In addition, a 3.5% and 3% minimum mortality rate will be applied to reflect the impairment for younger members who become disabled for males and females, respectively. The rates are projected on a fully generational basis by Scale UMP to account for future mortality improvements subject to the floor.

**CITY OF DRIPPING SPRINGS, TEXAS**  
**NOTES TO THE FINANCIAL STATEMENTS (continued)**

**Note 9 - Other Post-Employment Benefits (continued)**

**Actuarial Assumptions (continued)**

The actuarial assumptions used in the December 31, 2021 valuation were based on the results of an actuarial experience study for the period December 31, 2014 to December 31, 2018.

**Changes in the Total OPEB Liability**

<b>Total OPEB Liability</b>	
Service cost	\$ 8,201
Interest	844
Changes of benefit terms	-
Difference between expected and actual experience of the total OPEB liability	(5,943)
Changes of assumptions	1,650
Benefit payments	<u>(222)</u>
Net change in total OPEB liability	4,530
Total OPEB liability - beginning	<u>38,216</u>
Total OPEB liability - ending	<u><u>\$ 42,746</u></u>
Covered payroll	\$ 2,216,455
Total OPEB liability as a percentage of covered payroll	1.93%

**Sensitivity Analysis**

The following presents the total OPEB liability of the employer, calculated using the discount rate of 1.84%, as well as what the City’s total OPEB liability would be if it were calculated using a discount rate that is 1 percentage point lower (0.84%) or 1 percentage point higher (2.84%) than the current rate. Note that the healthcare cost trend rate does not affect the total OPEB liability, so sensitivity to the healthcare cost trend rate is not shown.

	<b>Current Discount Rate Assumption</b>		
	<u>1% Decrease to 0.84%</u>	<u>1.84%</u>	<u>1% Increase to 2.84%</u>
	\$ 55,190	\$ 42,746	\$ 33,459

**OPEB Expense and Deferred Outflows of Resources and Deferred Inflows of Resources Related to OPEB Activity**

For the year ended September 30, 2022, the City recognized OPEB expense of \$9,837 related to the TMRS Supplemental Death Benefits plan.



**CITY OF DRIPPING SPRINGS, TEXAS**  
**NOTES TO THE FINANCIAL STATEMENTS (continued)**

**Note 9 - Other Post-Employment Benefits (continued)**

**OPEB Expense and Deferred Outflows of Resources and Deferred Inflows of Resources Related to OPEB Activity (continued)**

As of September 30, 2022, the City reported deferred outflows of resources related to OPEB from the following sources:

	<b>Deferred Outflows of Resources</b>	<b>Deferred Inflows of Resources</b>
Differences between expected and actual experience	\$ 846	\$ (6,763)
Changes assumptions	10,458	(702)
Contributions subsequent to the measurement date	196	-
<b>Total</b>	<b>\$ 11,500</b>	<b>\$ (7,465)</b>

The \$196 reported as deferred outflows of resources related to OPEB resulting from City contributions subsequent to the measurement date will be recognized as a reduction of the total OPEB liability in the year ending September 30, 2022.

Amounts currently reported as deferred outflows of resources related to OPEB, excluding contributions subsequent to the measurement date, will be recognized in OPEB expense as follows:

<b>Fiscal Year</b>	<b>Net deferred outflows (inflows) of resources</b>
2023	\$ 792
2024	792
2025	633
2026	954
2027	1,123
Thereafter	(455)
<b>Total</b>	<b>\$ 3,839</b>

**Note 10 - Risk Management**

The City is exposed to various risks of loss related to torts, theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; employee health benefits; and other claims of various natures. The City purchases commercial insurance to indemnify it in event of loss. For the past three years, settlements did not exceed coverage.

**CITY OF DRIPPING SPRINGS, TEXAS**  
**NOTES TO THE FINANCIAL STATEMENTS (continued)**

**Note 11 – Prior Period Adjustment**

Adjustments to prior period’s net position and fund balance were necessary in the governmental activities, business-type activities and some of the governmental funds. The table below summarizes the prior period adjustment followed by the reason for the adjustment:

	<u>General Fund</u>	<u>Nonmajor Governmental Funds</u>	<u>Governmental Activities</u>	<u>Business-Type Activities</u>
Fund Balance/Net Position at September 30, 2021, as originally presented	\$ 5,431,312	\$ 2,138,033	\$ 20,175,994	\$ 14,067,205
Prior period adjustment	<u>(258,824)</u>	<u>1,231,284</u>	<u>972,460</u>	<u>1,565,875</u>
<b>Fund Balance/Net Position at September 30, 2021, as restated</b>	<u>\$ 5,172,488</u>	<u>\$ 3,369,317</u>	<u>\$ 21,148,454</u>	<u>\$ 15,633,080</u>

- **General Fund** – During the audit, it was noted that the City carried certain accounts that are considered to be noncurrent in nature in the general fund. Noncurrent balances should not be accounted for at the fund level and the net impact to fund balance in the general fund was a reduction of \$258,824.
- **Nonmajor Governmental Funds** – The TIRZ#1 and TIRZ#2 were previously reported as discretely presented component units, thus not included as part of the primary government. An analysis was performed during the audit and it was determined that TIRZ#1 and TIRZ#2 should be reported as blended component units and be included as part of the primary government. Accordingly, for fiscal year 2022, TIRZ#1 and TIRZ#2 are presented as blended component units. Additionally, in prior period, the TIRZ#1 reported a long-term liability due to the City in the amount of \$500,000. The City recoded the \$500,000 as a transfer to the component unit and not as a corresponding receivable. During the audit, it was determined that the \$500,000 was not a loan to the component unit. The total prior period adjustment is \$1,231,284 which is the net of bringing in last year’s net position to fund balance in the amount of \$731,284, as previously presented, plus the addition of \$500,000 to adjust for the long-term liability.
- **Governmental Activities** – The prior period adjustment to Governmental Activities is the net of the adjustment to the General Fund and Nonmajor Governmental Funds above.
- **Business-Type activities** – The prior period adjustment to net position for business-type activities is mainly due to an incorrect cash balance included in prior periods. The City’s bond proceeds issued for the finance, planning, acquisition, design and construction of certain wastewater system improvements were obtained through the purchase of bonds through the Texas Water Development Board (TWDB) financial assistance which includes \$1,000,000 of principal forgiveness. The proceeds are placed in an escrow account and outlays are requested by the City from TWDB. There is a total of three different escrow bank accounts related to the bonds issued that the City was not properly reconciling. In prior years, the balance of the escrow bank accounts was not properly stated. Additionally, the income derived from these escrow bank accounts was not fully recognized by the City. As part of the fiscal year 2022 audit, account balances were confirmed directly with third parties and it was determined that a prior period adjustment was necessary in the amount of \$1,565,875 to properly state cash and cash equivalents in the water and wastewater fund (business-type activities).



**REQUIRED SUPPLEMENTARY INFORMATION**

## CITY OF DRIPPING SPRINGS, TEXAS

## GENERAL FUND

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE -  
BUDGET AND ACTUAL

For the Year Ended September 30, 2022

	Budgeted Amounts		Actual Amounts	Variance with Final Budget
	Original	Final		
<b>Revenues</b>				
Taxes:				
Ad Valorem Taxes	\$ 1,987,492	\$ 2,081,549	\$ 1,845,325	\$ (236,224)
Sales and use taxes	3,796,126	4,193,078	3,342,204	(850,874)
Franchise taxes	40,000	45,563	45,563	-
Mixed drink tax	60,000	85,000	91,068	6,068
Licenses and permits	2,537,199	4,245,146	4,332,356	87,210
Intergovernmental revenues	707,181	713,871	279,513	(434,358)
Charges for services	224,900	206,146	692,491	486,345
Interest Income	40,000	90,000	97,912	7,912
Donations	9,027	8,206	8,206	-
Miscellaneous	40,250	40,250	66,437	26,187
<b>Total Revenues</b>	<b>9,442,175</b>	<b>11,708,809</b>	<b>10,801,075</b>	<b>(907,734)</b>
<b>Expenditures</b>				
<b>Current:</b>				
General government	3,954,587	3,679,192	2,520,813	1,158,379
Public safety	60,948	60,330	131,803	(71,473)
Public works	1,998,785	1,158,317	1,750,065	(591,748)
Development services	1,054,500	1,896,285	2,192,078	(295,793)
Parks and community services	842,941	772,140	902,501	(130,361)
<b>Total Expenditures</b>	<b>7,911,761</b>	<b>7,566,264</b>	<b>7,497,260</b>	<b>69,004</b>
<b>Excess (Deficiency) of Revenues Over (Under) Expenditures</b>	<b>1,530,414</b>	<b>4,142,545</b>	<b>3,303,815</b>	<b>(838,730)</b>
<b>Other Financing Sources (Uses)</b>				
Transfers in	520,437	250,640	132,833	(117,807)
Transfers out	(1,484,469)	(1,946,907)	(887,260)	1,059,647
<b>Total Other Financing Sources (Uses)</b>	<b>(964,032)</b>	<b>(1,696,267)</b>	<b>(754,427)</b>	<b>941,840</b>
<b>Net Change in Fund Balance</b>	<b>566,382</b>	<b>2,446,278</b>	<b>2,549,388</b>	<b>103,110</b>
<b>Fund Balances, Beginning</b>	<b>5,431,312</b>	<b>5,431,312</b>	<b>5,431,312</b>	<b>-</b>
<b>Prior period adjustment</b>	<b>-</b>	<b>-</b>	<b>(258,824)</b>	<b>(258,824)</b>
<b>Fund Balances, Ending</b>	<b>\$ 5,997,694</b>	<b>\$ 7,877,590</b>	<b>\$ 7,721,876</b>	<b>\$ (155,714)</b>

Actual expenditures exceeded final budget in public safety, public works, development services, and parks and community services.





**SCHEDULE OF CHANGES IN NET PENSION LIABILITY AND RELATED RATIOS  
Last Seven Measurement Years**

	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>
<b>Total pension liability</b>				
Service Cost	\$ 248,908	\$ 215,769	\$ 163,515	\$ 129,750
Interest (on the Total Pension Liability)	95,314	74,816	59,115	48,199
Changes of benefit terms	-	-	-	-
Difference between expected and actual experience	(21,189)	12,809	(6,464)	(14,071)
Changes of assumptions	-	-	3,380	-
Benefit payments, including refunds of employee contributions	(19,657)	(12,910)	(13,212)	(24,895)
Net change in total pension liability	303,376	290,484	206,334	138,983
Total pension liability – beginning	1,297,440	1,006,956	800,622	661,639
Total pension liability – ending	<u>\$ 1,600,816</u>	<u>\$ 1,297,440</u>	<u>\$ 1,006,956</u>	<u>\$ 800,622</u>
<b>Plan fiduciary net position</b>				
Contributions – employer	\$ 130,324	\$ 114,507	\$ 92,626	\$ 78,968
Contributions – employee	132,987	115,077	87,441	68,470
Net investment income	157,083	69,581	100,230	(16,201)
Benefit payments, including refunds of employee contributions	(19,657)	(12,910)	(13,212)	(24,895)
Administrative Expense	(723)	(448)	(564)	(313)
Other	5	(18)	(18)	(17)
Net change in plan fiduciary net position	400,019	285,789	266,503	106,012
Plan fiduciary net position – beginning	1,198,382	912,593	646,090	540,078
Plan fiduciary net position – ending	<u>\$ 1,598,401</u>	<u>\$ 1,198,382</u>	<u>\$ 912,593</u>	<u>\$ 646,090</u>
<b>Net pension liability</b>	<u>\$ 2,415</u>	<u>\$ 99,058</u>	<u>\$ 94,363</u>	<u>\$ 154,532</u>
<b>Plan fiduciary net position as a percentage of the total pension liability</b>	99.85%	92.37%	90.63%	80.70%
<b>Covered payroll</b>	\$ 2,216,455	\$ 1,917,948	\$ 1,457,351	\$ 1,141,163
<b>Net pension liability as a percentage of covered employee payroll</b>	0.11%	5.16%	6.47%	13.54%

GASB 68 requires 10 fiscal years of data to be provided in this schedule. The City will continue to build this schedule over the next 10-year period as the information becomes available.

**CITY OF DRIPPING SPRINGS, TEXAS**  
**SCHEDULE OF CHANGES IN NET PENSION LIABILITY AND RELATED RATIOS**  
**Last Seven Measurement Years**

	<u>2017</u>	<u>2016</u>	<u>2015</u>
<b>Total pension liability</b>			
Service Cost	\$ 67,410	\$ 50,354	\$ 30,743
Interest (on the Total Pension Liability)	38,747	29,124	24,446
Changes of benefit terms	62,645	-	-
Difference between expected and actual experience	18,543	(4,706)	1,741
Changes of assumptions	-	-	15,501
Benefit payments, including refunds of employee contributions	(6,768)	-	-
Net change in total pension liability	180,577	74,772	72,431
Total pension liability – beginning	481,062	406,290	333,859
Total pension liability – ending	<u>\$ 661,639</u>	<u>\$ 481,062</u>	<u>\$ 406,290</u>
<b>Plan fiduciary net position</b>			
Contributions – employer	\$ 28,309	\$ 14,212	\$ 8,735
Contributions – employee	55,761	38,205	24,994
Net investment income	56,460	22,471	440
Benefit payments, including refunds of employee contributions	(6,768)	-	-
Administrative Expense	(292)	(253)	(268)
Other	(15)	(14)	(13)
Net change in plan fiduciary net position	133,455	74,621	33,888
Plan fiduciary net position – beginning	406,623	332,002	298,114
Plan fiduciary net position – ending	<u>\$ 540,078</u>	<u>\$ 406,623</u>	<u>\$ 332,002</u>
<b>Net pension liability</b>	<u>\$ 121,561</u>	<u>\$ 74,439</u>	<u>\$ 74,288</u>
<b>Plan fiduciary net position as a percentage of the total pension liability</b>	81.63%	84.53%	81.72%
<b>Covered payroll</b>	\$ 984,086	\$ 764,092	\$ 499,885
<b>Net pension liability as a percentage of covered employee payroll</b>	12.35%	9.74%	14.86%

GASB 68 requires 10 fiscal years of data to be provided in this schedule. The City will continue to build this schedule over the next 10-year period as the information becomes available.

**CITY OF DRIPPING SPRINGS, TEXAS**  
**SCHEDULE OF PENSION CONTRIBUTIONS**  
**Last Seven Fiscal Years**

	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>
Actuarially Determined Contribution	\$ 158,663	\$ 229,584	\$ 180,067	\$ 147,438
Contributions in relation to the actuarially determined contribution	<u>(158,663)</u>	<u>(229,584)</u>	<u>(180,067)</u>	<u>(147,438)</u>
Contribution deficiency (excess)	\$ -	\$ -	\$ -	\$ -
Covered payroll	\$ 2,644,390	\$ 1,917,948	\$ 1,457,351	\$ 1,141,163
Contributions as a percentage of covered payroll	6.00%	11.97%	12.36%	12.92%
	<u>2018</u>	<u>2017</u>	<u>2016</u>	
Actuarially Determined Contribution	\$ 84,070	\$ 52,417	\$ 33,729	
Contributions in relation to the actuarially determined contribution	<u>(84,070)</u>	<u>(52,417)</u>	<u>(33,729)</u>	
Contribution deficiency (excess)	\$ -	\$ -	\$ -	
Covered payroll	\$ 984,086	\$ 764,092	\$ 499,885	
Contributions as a percentage of covered payroll	8.54%	6.86%	6.75%	

Note: This schedule is required to have 10 years of information, but the information prior to 2014 is not available.

**NOTES TO SCHEDULE OF CONTRIBUTIONS**

**Valuation Date:** Actuarially determined contribution rates are calculated as of December 31 and become effective in January 13 months later.

**Methods and Assumptions Used to Determine Contribution Rates:**

Actuarial Cost Method	Entry Age Normal
Amortization Method	Level Percentage of Payroll, Closed
Remaining Amortization Period	23 years
Asset Valuation Method	10 Year smoothed market; 12% soft corridor
Inflation	2.50%
Salary Increases	3.50% to 11.50% including inflation
Discount rate	6.75%
Retirement Age	Experienced-based table of rates that are specific to the City's plan of benefits. Last updated for the 2019 valuation pursuant to an experience study of the period 2014-2018.
Mortality	Post-retirement: 2019 Municipal Retirees of Texas Mortality Tables. The rates are projected on a fully generational basis with scale UMP. Pre Retirement: PUB 10 mortality tables, with the Public Safety table used for males and the General Employee table used for females. The rates are projected on a fully generational basis with scale UMP.

**Other Information:**

Notes: There were no benefit changes during the year.

**CITY OF DRIPPING SPRINGS, TEXAS****SCHEDULE OF CHANGES IN TOTAL OPEB LIABILITY AND RELATED RATIOS****Last Five Measurement Years**

<b>Total OPEB Liability</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Service cost	\$ 8,201	\$ 6,329	\$ 2,769	\$ 2,511
Interest on the total OPEB liability	844	732	589	588
Difference between expected and actual experience of the total OPEB liability	(5,943)	1,190	(114)	(3,494)
Changes in assumptions	1,650	6,621	5,872	(1,534)
Benefit payments	(222)	(192)	(146)	-
Net change in total OPEB liability	4,530	14,680	8,970	(1,929)
Total OPEB Liability - Beginning	38,216	23,536	14,566	16,495
Total OPEB Liability - Ending	<u>\$ 42,746</u>	<u>\$ 38,216</u>	<u>\$ 23,536</u>	<u>\$ 14,566</u>
Covered payroll	\$ 2,216,455	\$ 1,917,948	\$ 1,457,351	\$ 1,141,163
Total OPEB liability as a percentage of covered payroll	1.93%	1.99%	1.61%	1.28%

**Notes to the Required Supplementary Information**

Ten years of data should be presented but data was unavailable prior to 2017.

TMRS Supplementary Death Benefit Fund (SDBF) is considered to be an unfunded OPEB plan; therefore, no plan fiduciary net position and related ratios are reported in the above schedule.

<b>Total OPEB Liability</b>	<b>2017</b>
Service cost	\$ 1,968
Interest on the total OPEB liability	496
Changes in benefit terms	-
Difference between expected and actual experience of the total OPEB liability	-
Changes in assumptions	1,905
Benefit payments	-
Net change in total OPEB liability	4,369
Total OPEB Liability - Beginning	12,126
Total OPEB Liability - Ending	<u>\$ 16,495</u>
Covered payroll	\$ 984,086
Total OPEB liability as a percentage of covered payroll	1.68%

**Notes to the Required Supplementary Information**

Ten years of data should be presented but data was unavailable prior to 2017.

TMRS Supplementary Death Benefit Fund (SDBF) is considered to be an unfunded OPEB plan; therefore, no plan fiduciary net position and related ratios are reported in the above schedule.

**CITY OF DRIPPING SPRINGS, TEXAS**  
**SCHEDULE OF OPEB CONTRIBUTIONS**  
**TEXAS MUNICIPAL RETIREMENT SYSTEM**  
*Fiscal Year 2022*

	<u>2022</u>
Actuarially Determined Contribution	\$ 3,173
Contributions in relation to the actuarially determined contribution	<u>(3,173)</u>
Contribution deficiency (excess)	\$ -
Covered payroll	\$ 2,644,390
Contributions as a percentage of covered payroll	0.12%

**Notes to the Required Supplementary Information**

Ten years of data should be presented but data was unavailable prior to 2022.

TMRS Supplementary Death Benefit Fund (SDBF) is considered to be an unfunded OPEB plan; therefore, no plan fiduciary net position and related ratios are reported in the above schedule.

## SUPPLEMENTARY INFORMATION

**CITY OF DRIPPING SPRINGS, TEXAS**  
**COMBINING BALANCE SHEET**  
**NONMAJOR GOVERNMENTAL FUNDS**  
**September 30, 2022**

	<u>Special Revenue Funds</u>				
	<u>Debt Service Fund</u>	<u>Hotel/Motel Tax</u>	<u>PEG Fund</u>	<u>Reserve Fund</u>	<u>Dripping Spring Ranch Park</u>
<b>Assets</b>					
Current Assets:					
Cash and cash equivalents	\$ 99,029	\$ 483,467	\$ 175,740	\$ 1,848,999	\$ 355,165
<b>Total Assets</b>	<u>\$ 99,029</u>	<u>\$ 483,467</u>	<u>\$ 175,740</u>	<u>\$ 1,848,999</u>	<u>\$ 355,165</u>
<b>Liabilities and Fund Balances</b>					
<b>Liabilities:</b>					
Accounts payable	-	69,879	-	-	139,493
Accrued liabilities	-	-	-	-	300
<b>Total Liabilities</b>	<u>-</u>	<u>69,879</u>	<u>-</u>	<u>-</u>	<u>139,793</u>
<b>Fund Balances:</b>					
Restricted for:					
Debt service	-	-	-	-	-
Development	-	413,588	175,740	-	-
Parks and community	-	-	-	-	215,372
Committed to:					
Reserve and Debt Service	99,029	-	-	1,848,999	-
<b>Total Fund Balances</b>	<u>99,029</u>	<u>413,588</u>	<u>175,740</u>	<u>1,848,999</u>	<u>215,372</u>
<b>Total Liabilities and Fund Balances</b>	<u>\$ 99,029</u>	<u>\$ 483,467</u>	<u>\$ 175,740</u>	<u>\$ 1,848,999</u>	<u>\$ 355,165</u>



**CITY OF DRIPPING SPRINGS, TEXAS**  
**COMBINING BALANCE SHEET**  
**NONMAJOR GOVERNMENTAL FUNDS**  
**September 30, 2022**

	<u>Special Revenue Funds</u>			<u>Total Nonmajor Special Revenue Funds</u>	<u>Total Nonmajor Governmental Funds</u>
	<u>Farmers Market</u>	<u>Town Center TIRZ (TIRZ #1)</u>	<u>Arrowhead TIRZ (TIRZ #2)</u>		
<b>Assets</b>					
Current Assets:					
Cash and cash equivalents	\$ 53,311	\$ 1,109,544	\$ 650,763	\$ 4,676,989	\$ 4,776,018
<b>Total Assets</b>	<u>\$ 53,311</u>	<u>\$ 1,109,544</u>	<u>\$ 650,763</u>	<u>\$ 4,676,989</u>	<u>\$ 4,776,018</u>
<b>Liabilities and Fund Balances</b>					
<b>Liabilities:</b>					
Accounts payable	-	7,337	1,312	218,021	218,021
Accrued liabilities	-	-	-	300	300
<b>Total Liabilities</b>	<u>-</u>	<u>7,337</u>	<u>1,312</u>	<u>218,321</u>	<u>218,321</u>
<b>Fund Balances:</b>					
Restricted for:					
Debt service	-	-	-	-	-
Development	-	1,102,207	649,451	2,340,986	2,340,986
Parks and community	53,311	-	-	268,683	268,683
Committed to:					
Reserve and Debt Service	-	-	-	1,848,999	1,948,028
<b>Total Fund Balances</b>	<u>53,311</u>	<u>1,102,207</u>	<u>649,451</u>	<u>4,458,668</u>	<u>4,557,697</u>
<b>Total Liabilities and Fund Balances</b>	<u>\$ 53,311</u>	<u>\$ 1,109,544</u>	<u>\$ 650,763</u>	<u>\$ 4,676,989</u>	<u>\$ 4,776,018</u>

**CITY OF DRIPPING SPRINGS, TEXAS**

**COMBINING STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE  
NONMAJOR GOVERNMENTAL FUNDS  
For the Year Ended September 30, 2022**

	Special Revenue Funds				Dripping Springs Ranch Park
	Debt Service Fund	Hotel/Motel Tax	PEG Fund	Reserve Fund	
<b>Revenues</b>					
Taxes:					
Ad Valorem Taxes	\$ -	\$ -	\$ -	\$ -	\$ -
Sales and use taxes	-	931,261	-	-	-
Franchise taxes	-	-	31,377	-	-
Interest income	1,744	109	1,905	18,511	1,541
Intergovernmental revenues					
Charges for services	-	-	-	-	263,585
Donations	-	-	-	-	-
Miscellaneous	-	-	-	-	215,478
<b>Total Revenues</b>	<u>1,744</u>	<u>931,370</u>	<u>33,282</u>	<u>18,511</u>	<u>480,604</u>
<b>Expenditures</b>					
<b>Current:</b>					
General government	-	306,095	-	-	-
Culture and recreation	-	-	-	-	867,627
<b>Debt Service:</b>					
Principal	70,000	-	-	-	-
Interest and fiscal charges	22,410	-	-	-	-
<b>Total Expenditures</b>	<u>92,410</u>	<u>306,095</u>	<u>-</u>	<u>-</u>	<u>867,627</u>
<b>Excess (Deficiency) of Revenues Over (Under) Expenditures</b>	<u>(90,666)</u>	<u>625,275</u>	<u>33,282</u>	<u>18,511</u>	<u>(387,023)</u>
<b>Other Financing Sources (Uses)</b>					
Transfers in	89,505	-	-	300,000	562,377
Transfers out	-	(473,007)	-	-	(5,731)
<b>Total Other Financing Sources (Uses)</b>	<u>89,505</u>	<u>(473,007)</u>	<u>-</u>	<u>300,000</u>	<u>556,646</u>
<b>Change in Fund Balance</b>	(1,161)	152,268	33,282	318,511	169,623
<b>Fund Balances, Beginning</b>	100,190	261,320	142,458	1,530,488	45,749
<b>Prior period adjustment</b>	-	-	-	-	-
<b>Fund Balances, Ending</b>	<u>\$ 99,029</u>	<u>\$ 413,588</u>	<u>\$ 175,740</u>	<u>\$ 1,848,999</u>	<u>\$ 215,372</u>

**CITY OF DRIPPING SPRINGS, TEXAS**

**COMBINING STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE  
NONMAJOR GOVERNMENTAL FUNDS  
For the Year Ended September 30, 2022**

	Special Revenue Funds			Total Nonmajor Special Revenue Funds	Total Nonmajor Governmental Funds
	Farmers Market	Town Center TIRZ (TIRZ #1)	Arrowhead TIRZ (TIRZ #2)		
<b>Revenues</b>					
Taxes:					
Ad Valorem Taxes	\$ -	\$ 285,543	\$ 346,839	\$ 632,382	\$ 632,382
Hotel Motel Taxes	-	-	-	931,261	931,261
TWC Fees	-	-	-	31,377	31,377
Interest income	83	8,916	4,097	35,162	36,906
Intergovernmental revenues	1,000	-	-	1,000	1,000
Charges for services	49,599	-	-	313,184	313,184
Donations	3,445	-	-	3,445	3,445
Miscellaneous	791	-	-	216,269	216,269
<b>Total Revenues</b>	<u>54,918</u>	<u>294,459</u>	<u>350,936</u>	<u>2,164,080</u>	<u>2,165,824</u>
<b>Expenditures</b>					
<b>Current:</b>					
General government	-	225,371	22,548	554,014	554,014
Culture and recreation	62,099	-	-	929,726	929,726
<b>Debt service:</b>					
Principal	-	-	-	-	70,000
Interest and fiscal charges	-	-	-	-	22,410
<b>Total Expenditures</b>	<u>62,099</u>	<u>225,371</u>	<u>22,548</u>	<u>1,483,740</u>	<u>1,576,150</u>
<b>Excess (Deficiency) of Revenues Over (Under) Expenditures</b>	<u>(7,181)</u>	<u>69,088</u>	<u>328,388</u>	<u>680,340</u>	<u>589,674</u>
<b>Other Financing Sources (Uses)</b>					
Transfers in	2,664	148,473	-	1,013,514	1,103,019
Transfers to other funds	-	-	(25,575)	(504,313)	(504,313)
<b>Total Other Financing Sources (Uses)</b>	<u>2,664</u>	<u>148,473</u>	<u>(25,575)</u>	<u>509,201</u>	<u>598,706</u>
<b>Change in Fund Balance</b>	(4,517)	217,561	302,813	1,189,541	1,188,380
<b>Fund Balances, Beginning</b>	57,828	-	-	2,037,843	2,138,033
<b>Prior period adjustment</b>	-	884,646	346,638	1,231,284	1,231,284
<b>Fund Balances, Ending</b>	<u>\$ 53,311</u>	<u>\$ 1,102,207</u>	<u>\$ 649,451</u>	<u>\$ 4,458,668</u>	<u>\$ 4,557,697</u>



**COMPLIANCE AND INTERNAL CONTROL SECTION**





**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL  
 REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN  
 AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE  
 WITH GOVERNMENT AUDITING STANDARDS**

To the Honorable Mayor and Members  
 of the City Council  
 City of Dripping Springs, Texas

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Dripping Springs, Texas (the City), as of and for the year ended September 30, 2022, and the related notes to the financial statements, which collectively comprise the City's basic financial statements, and have issued our report thereon dated March 29, 2023.

***Report on Internal Control over Financial Reporting***

In planning and performing our audit of the financial statements, we considered the City's internal control over financial reporting (internal control) as a basis for designing the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that have not been identified. However, as described in the accompanying schedule of findings and responses, we identified certain deficiencies in internal control that we consider to be material weaknesses and significant deficiencies.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. We consider the deficiencies described in the accompanying schedule of findings and responses as items 2022-001 and 2022-002 to be material weaknesses.

A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. We consider the deficiencies described in the accompanying schedule of findings and responses as items 2022-003, 2022-004, and 2022-005 to be significant deficiencies.



To the Honorable Mayor and Members  
of the City Council  
City of Dripping Springs, Texas

### **Report on Compliance and Other Matters**

As part of obtaining reasonable assurance about whether The City of Dripping Springs, Texas' financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

### **City of Dripping Springs's Response to Findings**

The City's response to the findings identified in our audit are described in the accompanying schedule of findings and responses. The City's response was not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.

### **Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



Austin, Texas  
March 29, 2023

**Finding 2022-001 Internal Control Over Financial Reporting: Fiscal Year End Closing Procedures**

Type of Finding: Material Weakness

Criteria: Proper controls over financial reporting include a system designed to provide for the preparation of the financial statements and accompanying notes to the financial statements that are materially correct and in accordance with accounting principles generally accepted in the United States of America. Monthly and annual reconciliations are necessary to ensure that accounts are properly stated.

Condition: During our audit, we identified journal entries to correct year-end balances. Entries were made to reconcile sales tax receivable, capital assets, debt, and transfers.

Cause: Internal controls not properly designed to regularly reconcile accounts leads to inaccurate balances and reporting at the end of a reporting period.

Effect: The lack of internal controls increases the risk of misappropriation of assets and potential misreporting of financial statement amounts due to error or fraud.

Recommendation: We recommend that the City review its internal control procedures over financial reporting to ensure controls are in place to identify and record all transactions in the correct period and reconcile accounts on a timely basis. Management should establish and follow financial close procedures and ensure that all reconciliations are completed monthly for all significant financial accounts, which includes timely and effective review and/or approval of all transactions and reconciliations of account balances by the appropriate level of management. In addition, management should retain supporting documentation for all transactions entered into its general ledger.

Management's Response: Management will develop and implement a "Journal Entry Policy." This policy will outline the steps and approvals required to enter a journal entry. Each Journal Entry will be prepared and approved prior to being made, and the appropriate paperwork will be maintained for each journal entry approved.

**Finding 2022-002                      Internal Control Over Financial Reporting: Prior Period Adjustment**

Type of Finding:                      Material Weakness

Criteria:                                      Management is responsible for the accuracy and completeness of the financial records and for establishing and maintaining effective internal controls over financial reporting.

Condition:                                      There was a period adjustment to net position and fund balance of several opinion units due to the City not reconciling certain accounts including cash, debt, and capital assets. The prior period adjustment was also a result of improperly reporting two funds in prior year. During the audit, we identified an error in the beginning fund balance in the general fund and beginning net position in the governmental activities and business-type activities. We also identified two funds that were improperly reported as discretely presented component units.

Cause:    Lack of internal controls over reconciliation of financial accounts.

Effect:    The lack of internal controls increases the risk of misappropriation of assets and potential misreporting of financial statement amounts due to error or fraud.

Recommendation:                              We recommend that the City review its internal control procedures over financial reporting to ensure that controls are in place to properly identify and reconcile their financial accounts and account for all the activity during the reporting period.

Management's Response: The City will review its internal control procedures over financial reporting to ensure that controls are in place to properly identify and reconcile their financial accounts and account for all the activity during the reporting period.

**CITY OF DRIPPING SPRINGS, TEXAS**  
**SCHEDULE OF FINDINGS AND RESPONSES**  
**For the Year Ended September 30, 2022**

**Finding 2022-003 Internal Control Over Financial Reporting: Segregation of Duties - Payroll**

Type of Finding: Significant Deficiency

Criteria: The City is required to maintain internal controls over financial reporting to provide a high level of assurance that the financial amounts are accurate and valid.

Condition: During our testing procedures related to payroll, we noted that timesheet information is manually entered and calculated prior to being entered into the system. The data input is not reviewed after being manually calculated and entered by the accounting clerk. Additionally, the accounting clerk is responsible for processing payroll.

Cause: Internal controls not properly designed to ensure the information being inputted to calculate payroll is reviewed and approved. Additionally, a lack of segregation of duties exists as the person entering the information is the same person who processes payroll.

Effect: The lack of internal controls increases the risk of misappropriation of assets and potential misreporting of financial statement amounts due to error or fraud.

Recommendation: We recommend for the City to establish procedures to ensure that an appropriate level of segregation of duties is established. Procedures should be established to ensure there are checks and balances throughout the payroll process.

Management's Response: The City will establish procedures to ensure separation of duties and to provide a system of checks and balances for the payroll process. The City also anticipates utilizing a new time management system.

**Finding 2022-004 Internal Control Over Financial Reporting: Accounts Payable – Purchase Orders**

Type of Finding: Significant Deficiency

Criteria: The City is required to maintain internal controls over financial reporting to provide a high level of assurance that the financial amounts are accurate and valid.

Condition: During our testing procedures related to accounts payable, we noted that purchase orders are not being utilized. The City's policy states that purchase orders are required for all purchases exceeding \$100.

Cause: Internal controls not properly designed to follow the City's policy to ensure purchase orders are created, reviewed, and approved prior to services being performed.

Effect: The lack of internal controls increases the risk of misappropriation of assets and potential misreporting of financial statement amounts due to error or fraud.

Recommendation: We recommend for the City to establish procedures to ensure that purchase orders are created, reviewed, and approved prior to services being performed.

Management's Response: The City intends to update its purchasing policy to better fit the current and future needs of the City, while meeting or exceeding requirements and standards. Anticipated changes to the current policy are expected to be updated spending limits and standards for the requirement of Purchase Orders.

**CITY OF DRIPPING SPRINGS, TEXAS**  
**SCHEDULE OF FINDINGS AND RESPONSES**  
**For the Year Ended September 30, 2022**

**Finding 2022-005                      Internal Control Over Financial Reporting: Policies and Procedures**

Type of Finding:                      Significant Deficiency

Criteria:                                      The City is required to maintain internal controls over financial reporting to provide a high level of assurance that the financial amounts are accurate and valid.

Condition:                                    During our testing procedures over user access, it was noted that the individual over accounts payable has the ability to change vendor information and process payments. The individual over payroll has the ability to change pay rates and process payroll disbursements. Individuals in the finance department have the ability to initiate, approve and post journal entries into the accounting system without a second review or approval. Additionally, it was noted that the City does not have formal policies for many of the significant financial areas.

Cause:                                         Improperly designed internal controls.

Effect:                                         Unauthorized activity may impact data integrity and financial reporting. Unauthorized user access may lead to erroneous transaction, undetected transactions, and compromised data resulting in unreliable financial reports.

Recommendation:                         We recommend for the City to adopt formal internal control policies and procedures. User access rights should be periodically reviewed, properly documented, and adequate actions should be taken to address issues noted.

Management's Response: The City is reviewing all policies and will make necessary amendments to ensure proper checks and balances. Additionally, the City will develop and implement all necessary policies which are currently lacking.



# City Council Planning Department Staff Report

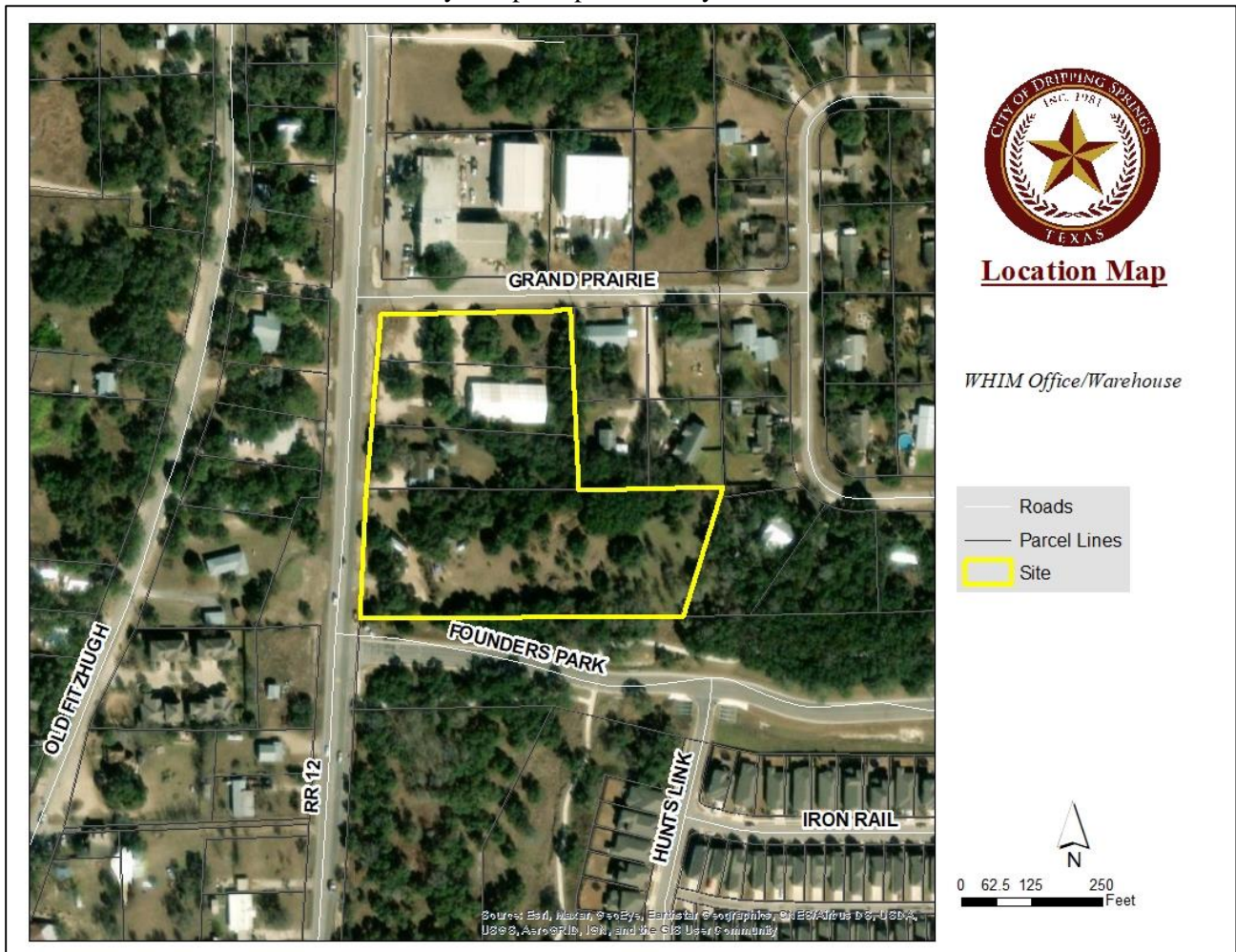
Item # 6.

**Planning & Zoning Commission Meeting:** April 4, 2023  
**Project No:** CUP2023-0001  
**Project Planner:** Tory Carpenter, AICP – Senior Planner

### Item Details

**Project Name:** WHIM Warehouse/Office  
**Property Location:** 27950 Ranch Road 12  
**Legal Description:** Grand Prairie Subdivision Lot 1  
**Applicant:** Jon Thompson  
**Property Owner:** Lucy Hanks Properties  
**Request:** Conditional Use Permit (CUP) for a warehouse/office

**Staff Recommendation:** Approval with the following conditions:  
1. Locations of buildings and parking areas shall generally be consistent with the site plan provided with this request.  
2. Delivery and pickups shall only be allowed between the hours of 7 a.m. and 7 p.m.



# Planning Department Staff Report

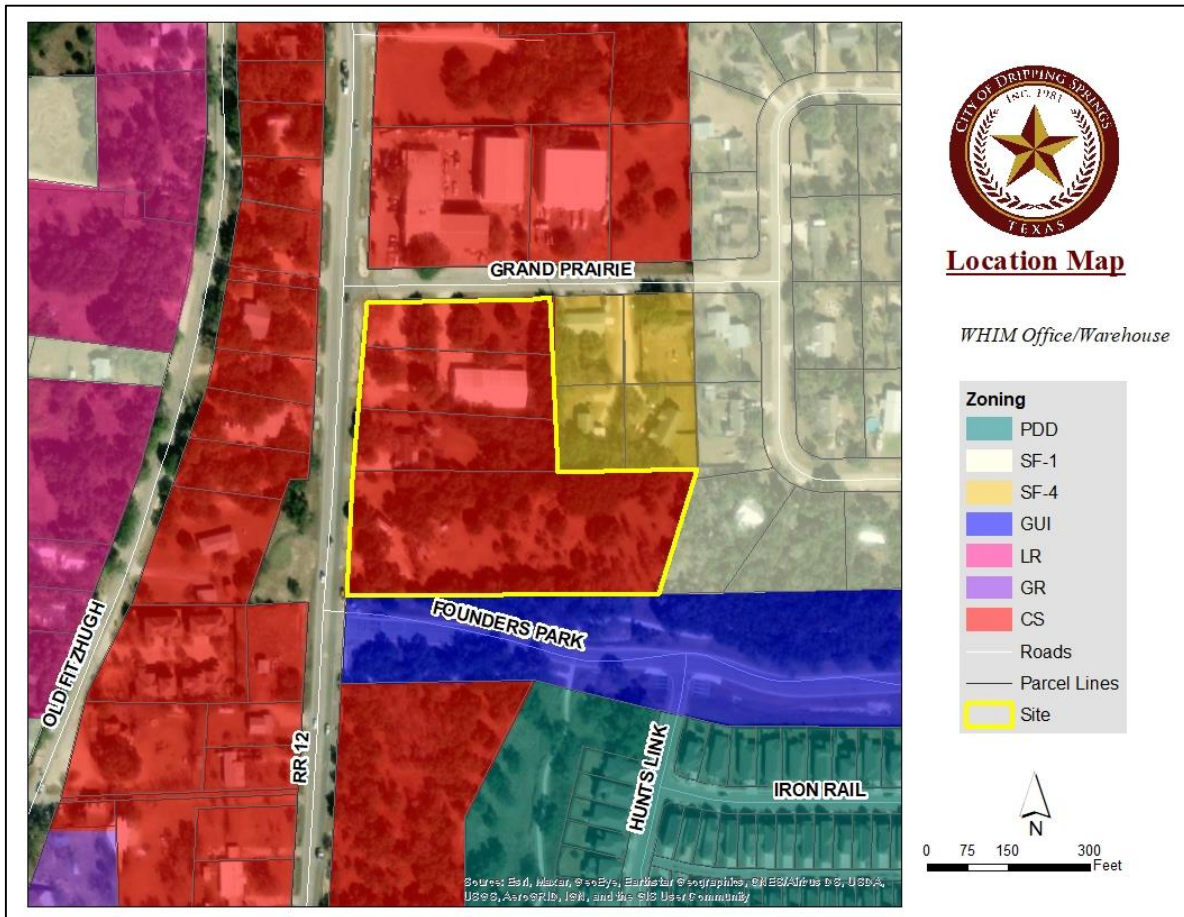
## Overview

The applicant is requesting a conditional use permit (CUP) to allow the use of warehouse/office on a property zoned commercial services. The plan consists of 4 buildings to be used as warehouse, offices, and a show room for WHIM hospitality.

The property currently houses a tent being used for the company’s storage needs. This tent was approved by a CUP which is set to expire on July 14, 2024.

Direction	Setback Code requirement
Front	Ten Feet (25’)
Rear	Ten Feet (25’)
Side	Five feet (15’)

## Surrounding Properties



The current zoning and existing uses of the adjacent properties to the north, south, east, and west are outlined in the table below:

Direction	Zoning District	Existing Use	Comprehensive Plan
North	Commercial Services (CS)	Whim Warehouse	Not Shown
East	Single-Family SF-4	Single Family	
South	PDD	Texas Heritage Village	
West	Commercial Services (CS)	Commercial	



**Approval Criteria for Conditional Use Permit Review (3.17.6-Zoning Ordinance)**

Approval Criteria	Staff Comments
<p>1. The proposed use at the specified location is consistent with the policies embodied in the Comprehensive Plan;</p>	<p>The following comprehensive goals support this request:</p> <p>1. Support expansion of business and professional services and</p> <p>2. Support tourist / Wedding related businesses</p>
<p>2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;</p>	<p>The zoning district is Commercial Services (CS), which permits commercial and retail uses. Warehouse/office is permitted in the CS zoning district with the approval of a Conditional Use Permit (CUP).</p>
<p>3. The proposed use meets all supplemental standards specifically applicable to the use, as established in the Development Standards, Section 5;</p>	<p>The applicant will need to meet all development standards.</p>
<p>4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods, and (as required by the particular circumstances) includes improvements or modifications (either on-site or within the public rights-of-way) to mitigate development-related adverse impacts, including but not limited to the following:</p>	<p>While the property is adjacent to nearby residences, all buildings are at least 85’ from the nearest residential property line.</p>
<p>a. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;</p>	<p>Sidewalks are required along streets and adequate vehicular ingress and egress are shown on the plans.</p>
<p>b. Off-street parking areas, loading areas, and pavement type;</p>	<p>The applicant is meeting all parking requirements.</p>
<p>c. Refuse and service areas;</p>	<p>Dumper locations are shown on the plans.</p>
<p>d. Utilities with reference to location, availability, and compatibility;</p>	<p>Utility availability is adequate.</p>
<p>e. Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses;</p>	<p>The existing landscaped buffer will remain between this property and nearby residences.</p>
<p>f. Control of signs, if any;</p>	<p>Signage will be done with a separate permit and will need to comply with the current sign ordinance in effect. Any variances will require approval.</p>
<p>g. Control of exterior lighting with reference to glare, traffic safety,</p>	<p>The owner shall comply with the lighting ordinance.</p>

economic effect, and compatibility and harmony with properties in the district;	
h. Required yards and open space;	Not applicable.
i. Height and bulk of structures;	The buildings must meet the architectural standards.
j. Hours of operation;	Staff is recommending only allowing deliveries and pickups between the hours of 7:00 am and 7:00 pm.
k. Exterior construction material, building design, and building facade treatment;	The buildings must meet the architectural standards.
l. Roadway adjustments, traffic-control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets; and	Not applicable.
m. Provision for pedestrian access/amenities/areas;	Sidewalks are required along all streets.
5. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity; and,	Staff finds that the proposed office/warehouse use will not be detrimental or damaging to the surrounding properties, these properties being similarly commercially zoned.
6. Noise;	Staff is recommending conditions to limit hours of deliveries to limit disruption to nearby residences.
7. Odors; and	No concerns noted.
8. Dust.	No concerns noted.

**P&Z Action**

At their meeting on March 28, 2023, the Planning & Zoning Commission voted unanimously to approve the conditional use permit with staff recommended conditions.

**Public Notification**

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News, signs were posted on the-site, notice was placed on the City Website, and all property owners within a 300-foot radius of the site were notified of the Conditional Use Permit request. At the time of this report, staff has not received any public comments for this request.

## Meetings Schedule

March 28, 2023 – Planning and Zoning Commission  
 April 4, 2023 - City Council Meeting

## Attachments

Attachment 1 - Conditional Use Permit Application  
 Attachment 2 – Site Plan

Recommended Action:	Recommend approval of the request with the following conditions: 1. Locations of buildings and parking areas shall generally be consistent with the site plan provided with this request. 2. Delivery and pickups shall only be allowed between the hours of 7 a.m. and 7 p.m.
Alternatives/Options:	Recommend denial of the Conditional Use Permit; recommend approval of the Conditional Use Permit with no or alternate conditions.
Budget/Financial Impact:	None calculated at this time, but the City would receive additional sales tax revenue.
Public Comments:	Staff has not received any public comments at this time.
Enforcement Issues:	N/A
Comprehensive Plan Element:	Support the expansion of business and professional services Support Tourism related businesses



City of Dripping Springs

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384

Dripping Springs, TX 78620

512.858.4725 • cityofdrippingsprings.com

**CONDITIONAL USE PERMIT APPLICATION**

Case Number (staff use only): \_\_\_\_\_ - \_\_\_\_\_

- NEW APPLICATION
- EXTENSION OF A PREVIOUSLY APPROVED CUP

**CONTACT INFORMATION**

PROPERTY OWNER NAME Whit Hanks, Lucy Hanks Properties, LLC

STREET ADDRESS 2001 Hwy 290 W

CITY Dripping Springs STATE Texas ZIP CODE 78620

PHONE (512) 627-8556 EMAIL whit@whithanks.com

APPLICANT NAME Jon Thompson

COMPANY J Thompson Professional Consulting

STREET ADDRESS PO Box 172

CITY Dripping Springs STATE Texas ZIP CODE 78620

PHONE (512) 568-2184 EMAIL jthompsonconsultingds@gmail.com

PROPERTY INFORMATION	
PROPERTY OWNER NAME	Lucy Hanks Properties, LLC
PROPERTY ADDRESS	27950 RR 12
CURRENT LEGAL DESCRIPTION	Grand Prairie, Lot 1A; 0.93 acre and 3.14 acres, P.A. Smith Survey, A0415
TAX ID#	R17946, R17945, R182635
LOCATED IN	<input checked="" type="checkbox"/> CITY LIMITS <input type="checkbox"/> EXTRATERRITORIAL JURISDICTION
CURRENT ZONING	CS
PROPOSED USE	Office / Warehouse
REASON FOR REQUEST (Attach extra sheet if necessary)	Office / Warehouse use is a Conditional Use in a CS-zoned district. This use has been discussed with City staff since we've begun this process which began with the platting of the northern two lots into one lot, and then the preliminary submittal meetings with staff and the submittal of the site plan.

### COMPLIANCE WITH OUTDOOR LIGHTING ORDINANCE? \*

(See attached agreement).

YES (REQUIRED)\*  YES (VOLUNTARY)\*  NO\*

\* If proposed subdivision is in the City Limits, compliance with Lighting Ordinance is **mandatory**. If proposed subdivision is in the ETJ, compliance is **mandatory** when required by a Development Agreement or as a condition of an Alternative Standard/Special Exception/Variance/Waiver.

Voluntary compliance is strongly encouraged by those not required by above criteria (see *Outdoor Lighting tab on the CODS webpage and online Lighting Ordinance under Code of Ordinances tab for more information*).



**APPLICANT'S SIGNATURE**

The undersigned, hereby confirms that he/she/it is the owner of the above described real property and further, that Jon Thompson, J Thompson Professional Consulting is authorized to act as my agent and representative with respect to this Application and the City's zoning amendment process.

(As recorded in the Hays County Property Deed Records, Vol. \_\_\_\_\_, Pg. \_\_\_\_\_.) Instrument # 20059202  
Instrument # 20059203

Whit H. Hanks  
Name

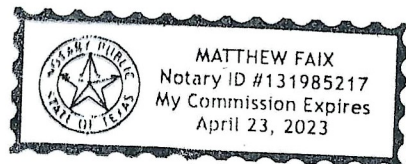
Trustee  
Title

STATE OF TEXAS           §  
  §  
COUNTY OF HAYS       §

This instrument was acknowledged before me on the 17<sup>th</sup> day of January,  
2023 by Whit H Hanks.

Matthew Faix  
Notary Public, State of Texas

My Commission Expires: 4/23/2023



Jon Thompson  
Name of Applicant

**CONDITIONAL USE PERMIT SUBMITTAL**

All required items and information (including all applicable above listed exhibits and fees) must be received by the City for an application and request to be considered complete. **Incomplete submissions will not be accepted.** By signing below, I acknowledge that I have read through and met the above requirements for a complete submittal:

Applicant Signature \_\_\_\_\_

\_\_\_\_\_ Date

**CHECKLIST**

STAFF	APPLICANT	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Completed Application Form - including all required signatures and notarized PDF/Digital Copies of all submitted Documents
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<b>When submitting digital files, a cover sheet must be included outlining what digital contents are included.</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Application Fee (refer to Fee Schedule)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Billing Contact Form
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Lighting Ordinance Compliance Agreement - signed with attached photos/drawings (required if marked "Yes (Required)" on above Lighting Ordinance Section of application)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Description
<input type="checkbox"/>	<input type="checkbox"/>	Plans
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Maps/Site Plan/Plat
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Architectural Elevation (if applicable)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Explanation for request (attach extra sheets if necessary)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Public Notice Sign (refer to Fee Schedule)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Proof of Ownership-Tax Certificate or Deed



**CITY OF DRIPPING SPRINGS**

**ORDINANCE No. [REDACTED]**

**Conditional Use Permit**

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR THE USE OF OFFICE WAREHOUSE WITHIN THE COMMERCIAL SERVICES ZONING DISTRICT FOR A PERIOD NOT TO EXCEED TWO YEARS AT 27950 RR 12 (R17946, R17945, R182635), UNDER EXHIBIT A, ZONING ORDINANCE, SECTION 3.17, CONDITIONAL USE PERMIT AS ATTACHED IN EXHIBIT "A"; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; PUBLICATION; EFFECTIVE DATE; PROPER NOTICE & MEETING.

**WHEREAS**, the City Council of the City of Dripping Springs ("City Council") seeks to promote reasonable, sound, and efficient land use and development within the City of Dripping Springs ("City"); and

**WHEREAS**, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to regulate zoning within the City; and

**WHEREAS**, the City of Dripping Springs desires to approve a conditional use permit because of the unique nature of this property, and the land use is compatible with the permitted land uses in a given zoning district only under current conditions; and

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

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

**NOW, THEREFORE, BE IT ORDAINED by the City Council of Dripping Springs:**

**1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as expressly set forth herein.

**2. ENACTMENT**

The Conditional Use Permit is approved as presented in Attachment “A” to this ordinance.

**3. REPEALER**

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**5. EFFECTIVE DATE**

This Ordinance and Conditional Use Permit shall be effective immediately upon passage and publication.

**6. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, a public hearing was held, and that public notice of the time, place and purpose of said hearing and meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

**PASSED & APPROVED** this, the \_\_\_ day of \_\_\_\_\_ 2023, by a vote of \_\_\_ (*ayes*) to \_\_\_ (*nays*) to \_\_\_ (*abstentions*) of the City Council of Dripping Springs, Texas.

**CITY OF DRIPPING SPRINGS:**

by: \_\_\_\_\_  
Bill Foulds, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Andrea Cunningham, City Secretary

*Attachment "A"*



**City of Dripping Springs | Conditional Use Permit**

Granted to allow the land use of "office warehouse" on a property that is currently zoned Commercial Services (CS) District located at:

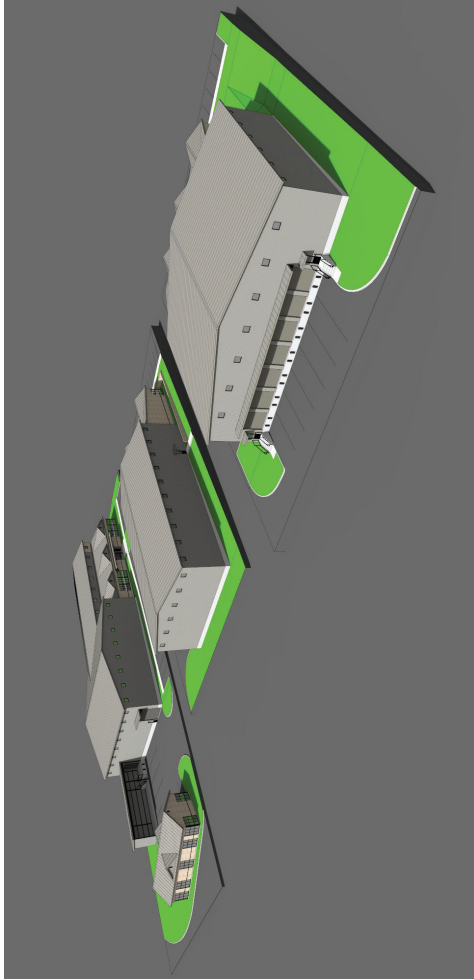
27950 Ranch Road 12, Dripping Springs, Texas, 78620

Approved by the City of Dripping Springs City Council on \_\_\_\_\_

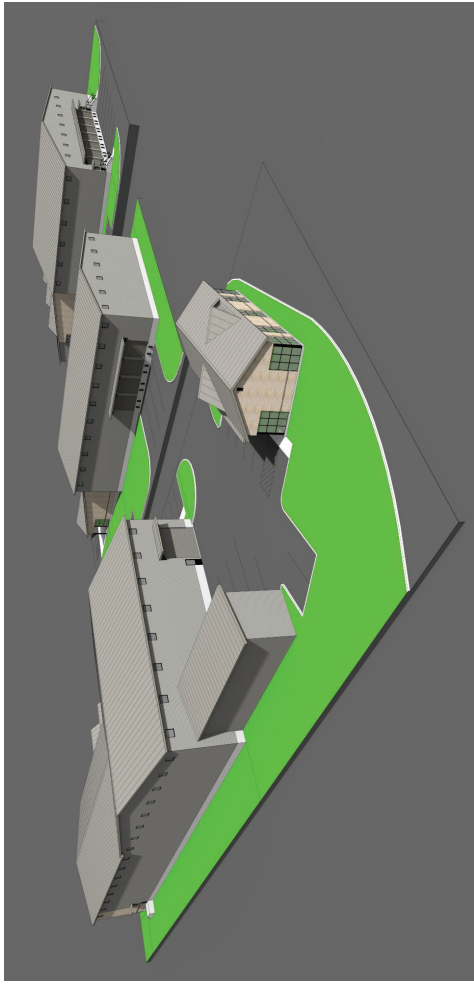
Operation of an office warehouse at the above-mentioned location is allowed pursuant to the following regulations:

1. Locations of buildings and parking areas shall generally be consistent with the site plan provided with this request.
2. Delivery and pickups shall only be allowed between the hours of 7 a.m. and 7 p.m.

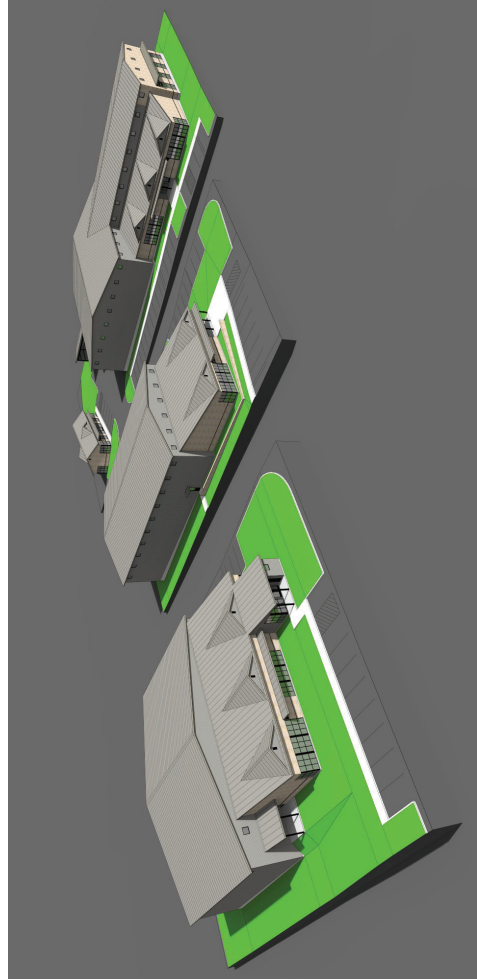




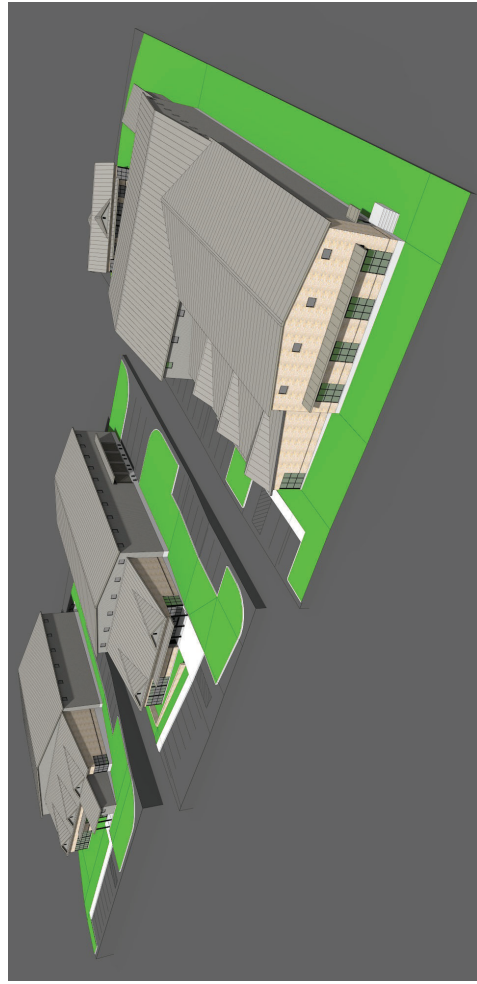
Northeast Corner



Southeast Corner

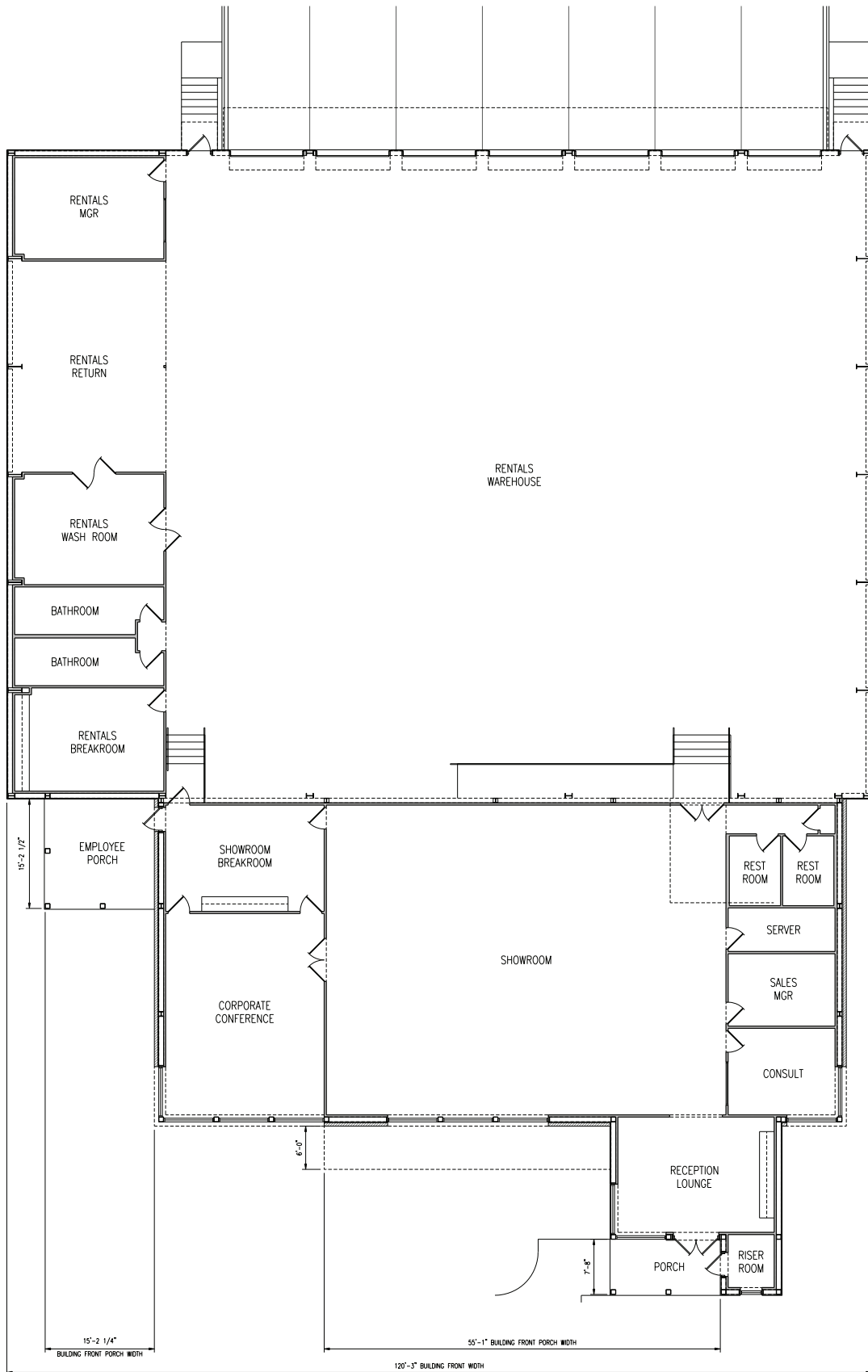


Northwest Corner



Southwest Corner

A Headquarters Complex for WHIM Hospitality  
Entire Complex Exterior Elevations

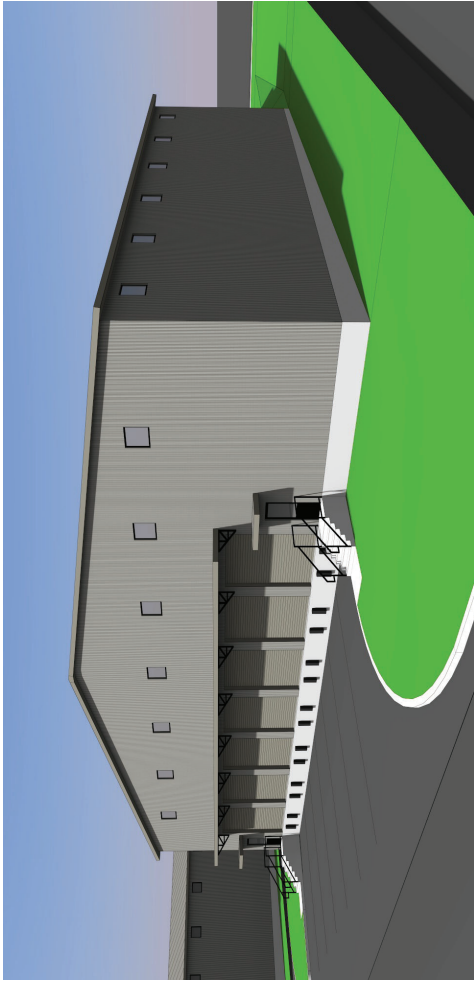


BUILDING 1 FLOOR PLAN

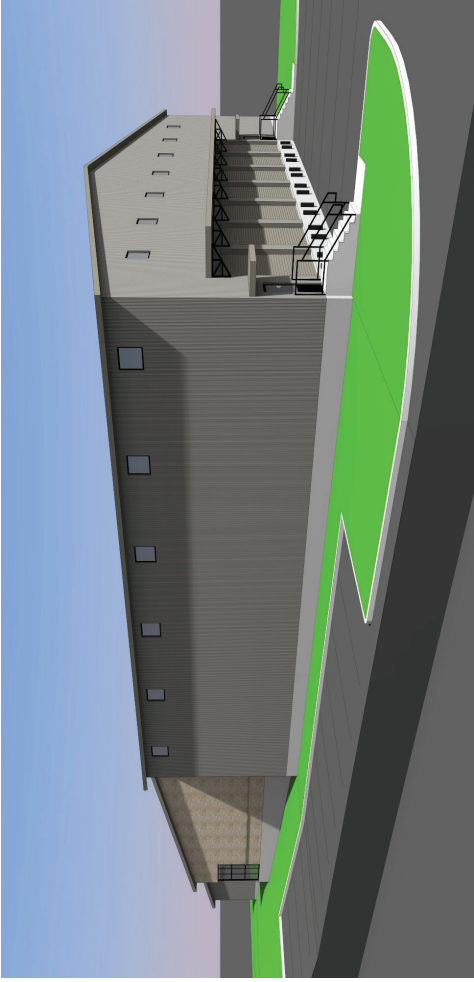
A Headquarters Complex for WHIM Hospitality  
27900 Ranch Road 12  
Dripping Springs, Texas 78620

*Herron Design Studio*  
architecture  
101 Hays Street, Suite 400  
Dripping Springs, Texas 78620  
612.885.0100

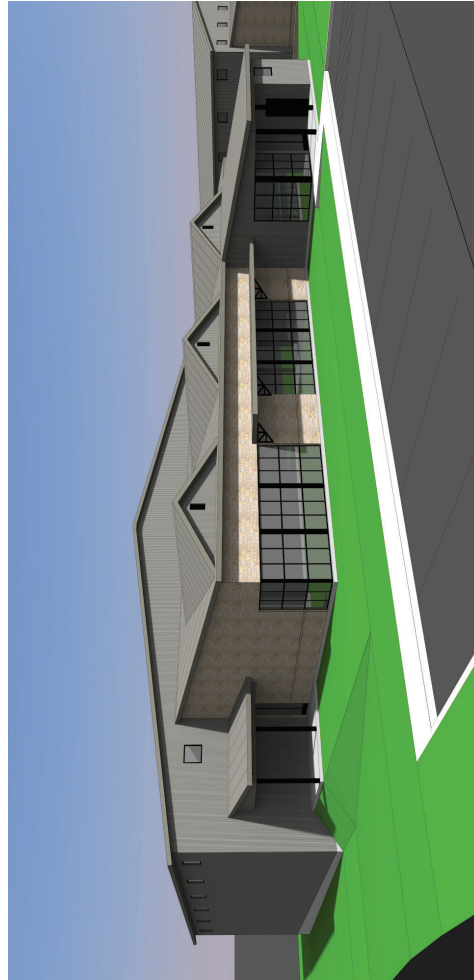




Northeast Corner



Southeast Corner

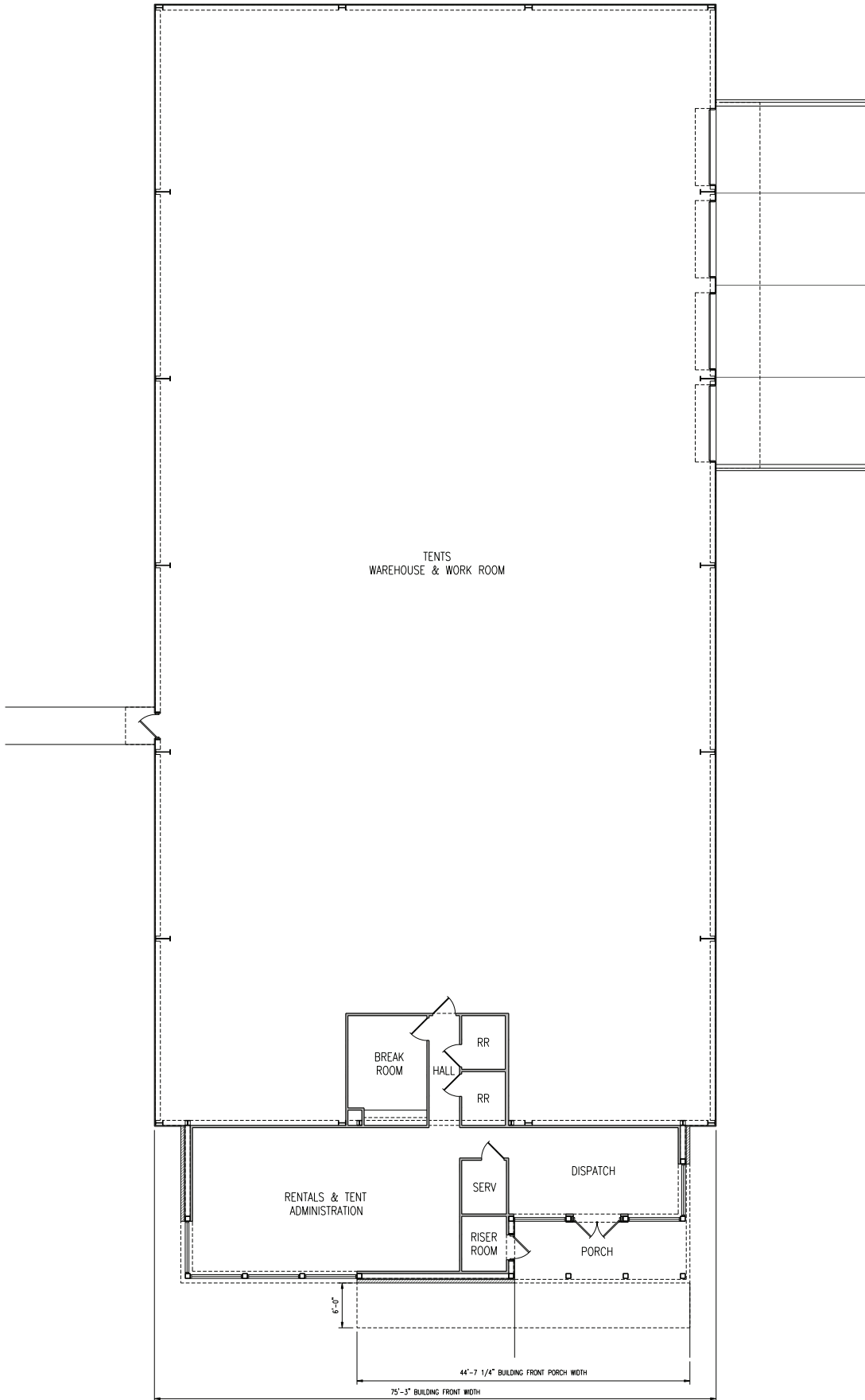


Northwest Corner



Southwest Corner

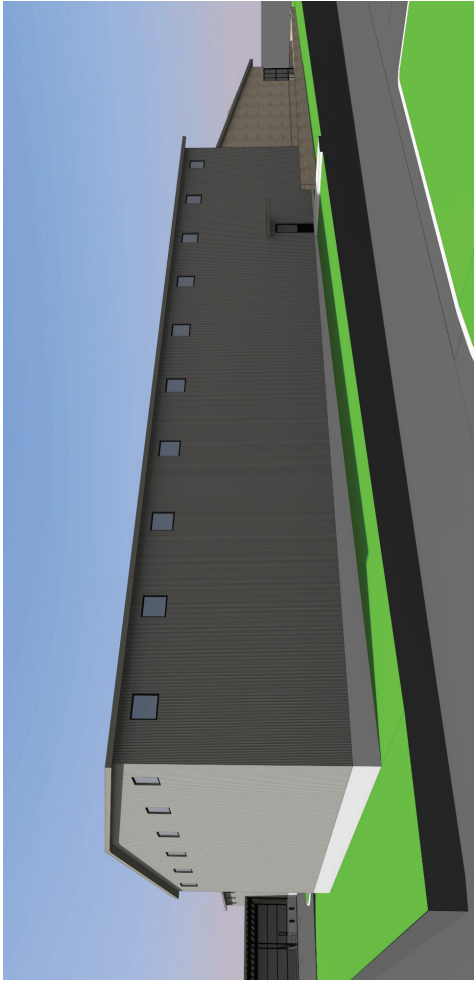




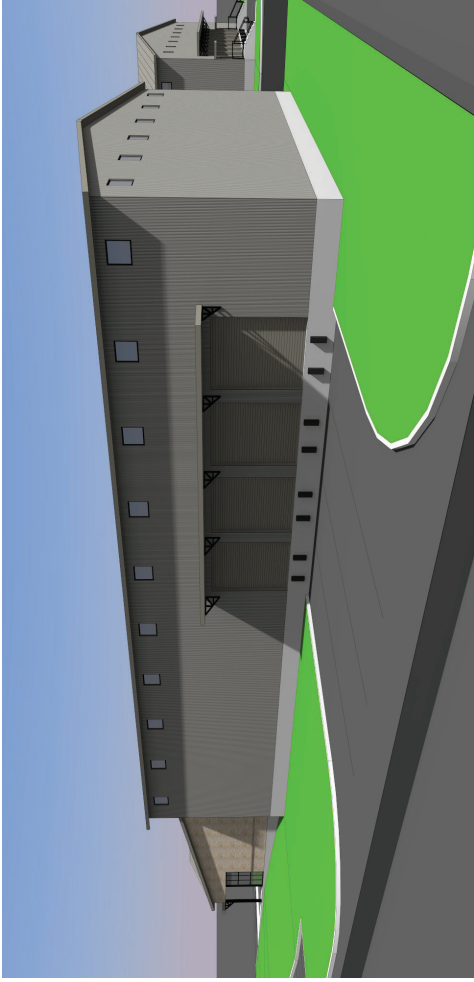
BUILDING 2 FLOOR PLAN

A Headquarters Complex for WHIM Hospitality  
27900 Ranch Road 12  
Dripping Springs, Texas 78620

*Heron Design Studio*  
architecture  
101 Hays Street, Suite 400  
Dripping Springs, Texas 78620  
512.255.9599



Northeast Corner



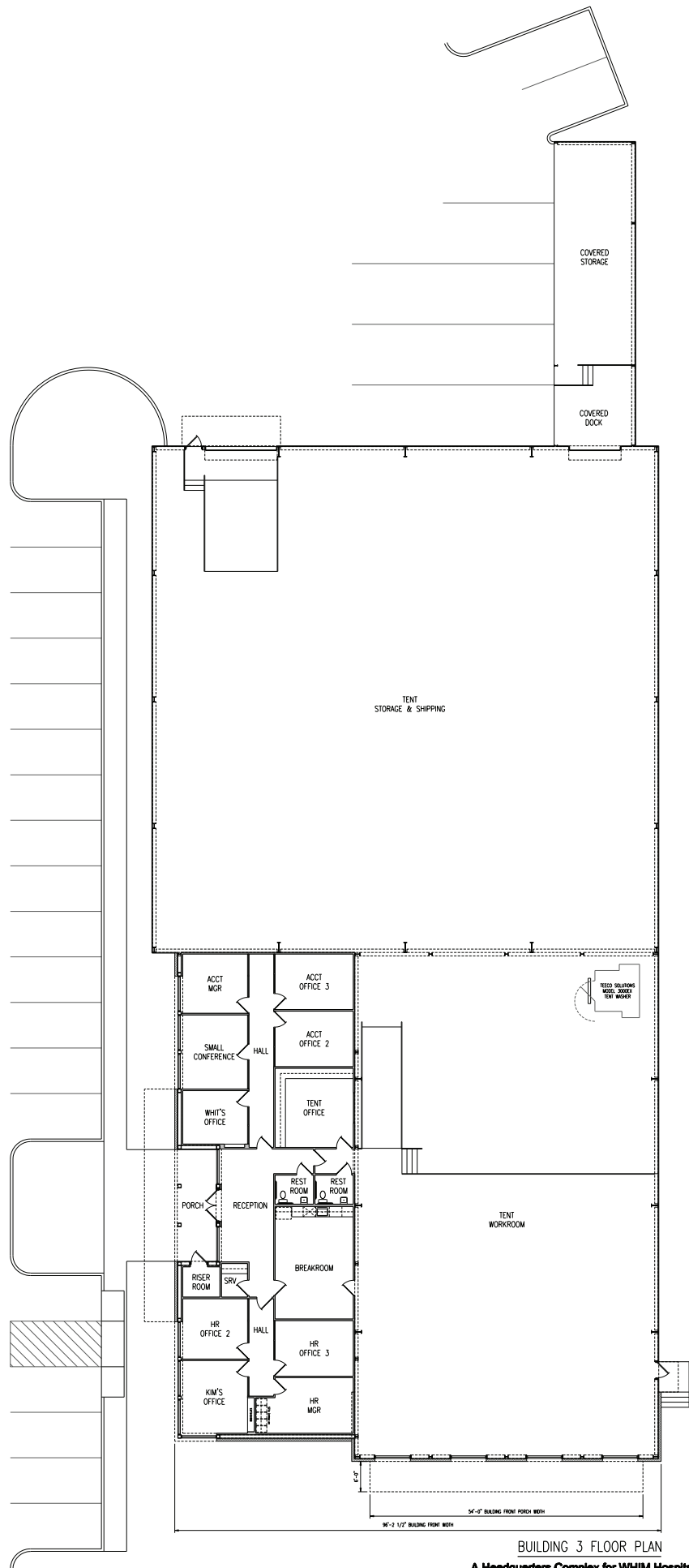
Southeast Corner



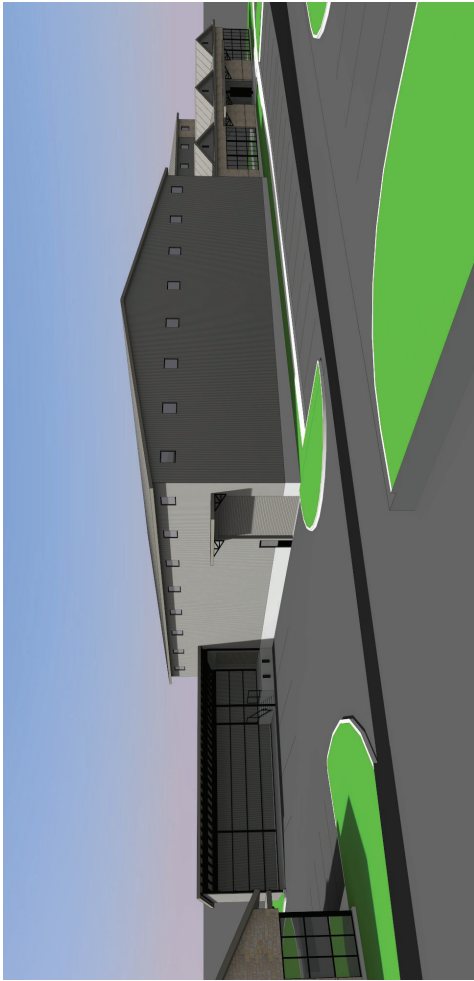
Northwest Corner



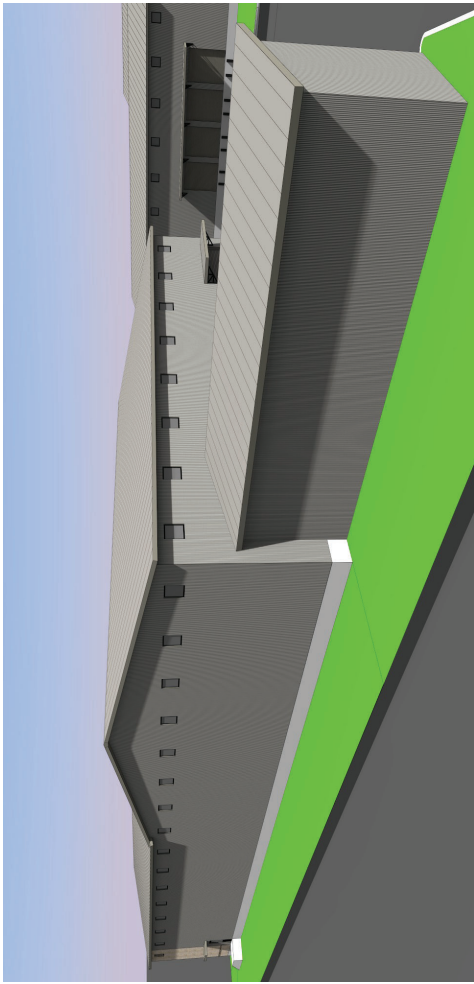
Southwest Corner



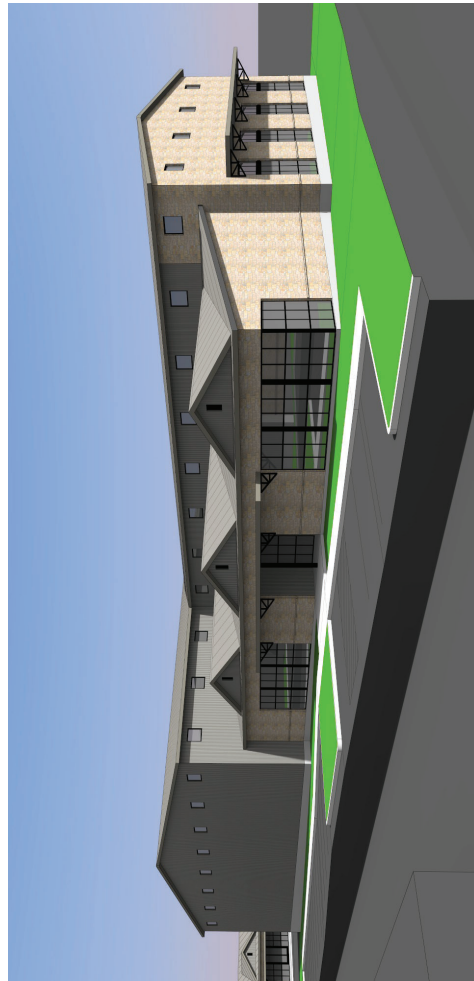
BUILDING 3 FLOOR PLAN  
A Headquarters Complex for WHIM Hospitality  
27800 Ranch Road 12  
Dripping Springs, Texas 78620  
Hanson Design Studio  
ARCHITECTS  
191 Maple Street, Suite 400  
Dripping Springs, Texas 78620  
817.252.2222



Northeast Corner



Southeast Corner

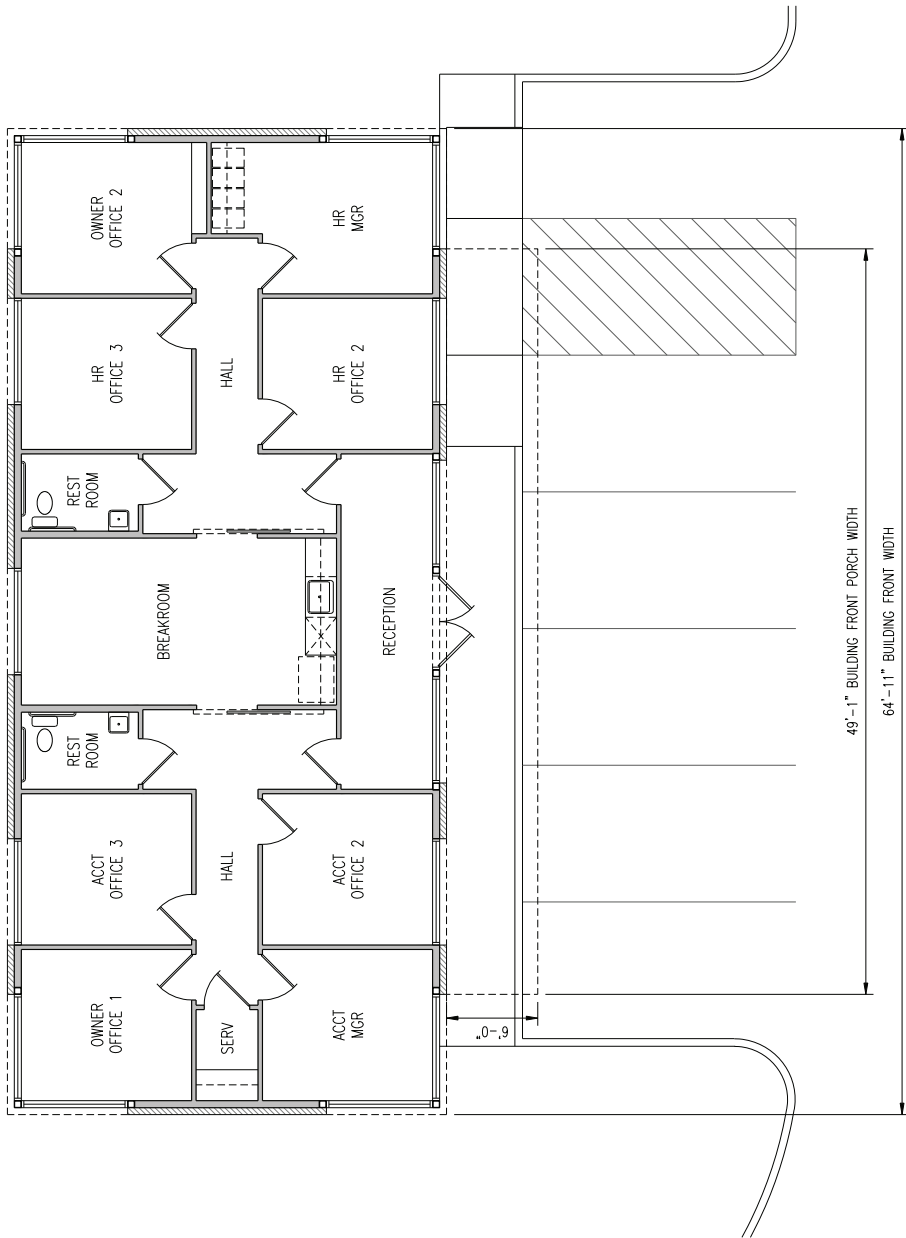


Northwest Corner



Southwest Corner

A Headquarters Complex for WHIM Hospitality  
Building 3 Exterior Elevations

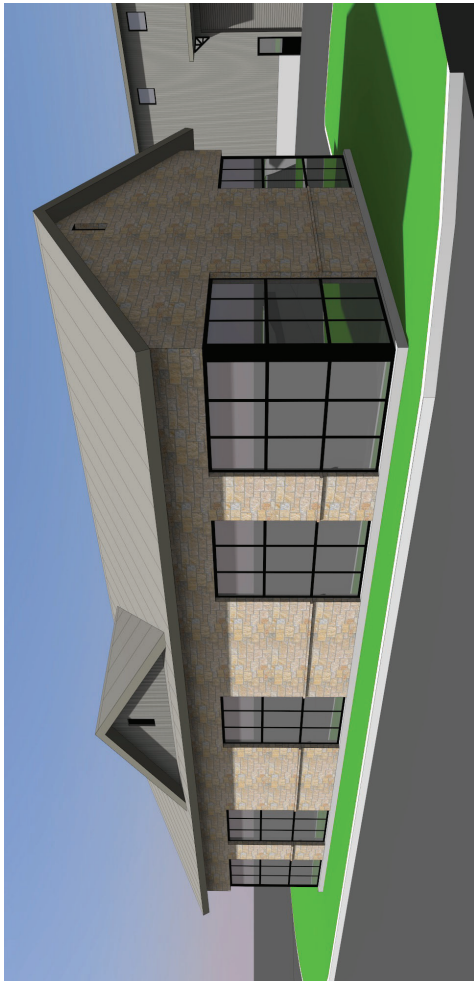


BUILDING 4 FLOOR PLAN

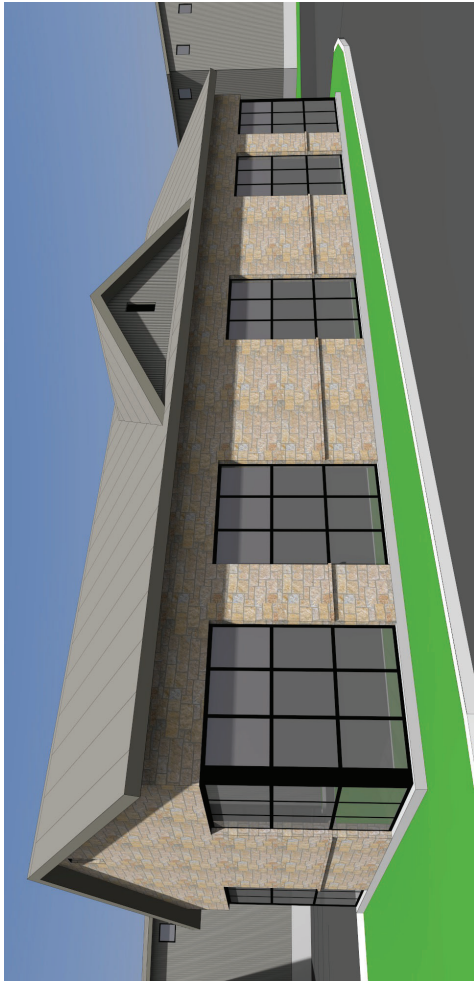
**A Headquarters Complex for WHIM Hospitality**  
**27900 Ranch Road 12**  
**Dripping Springs, Texas 78620**

*Heron Design Studio*  
 a r c h i t e c t u r e  
 101 Hays Street, Suite 409  
 Dripping Springs, Texas 78620  
 512.858.9889

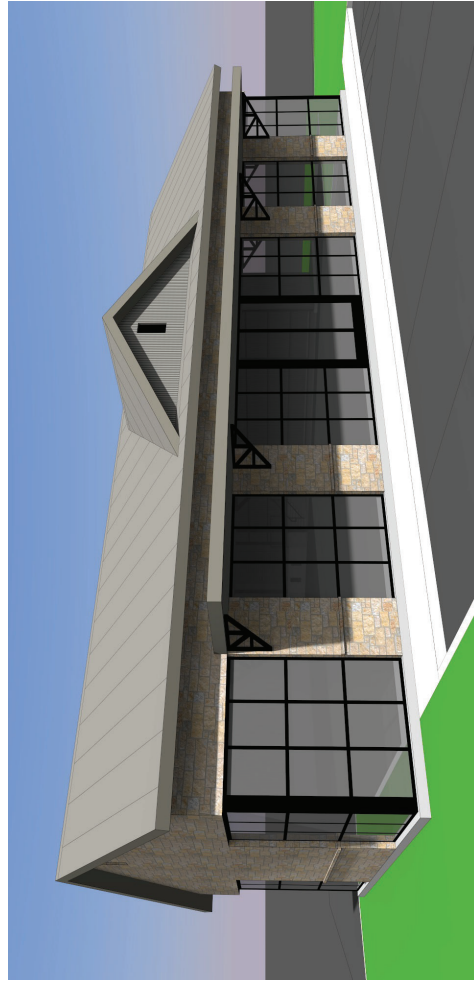




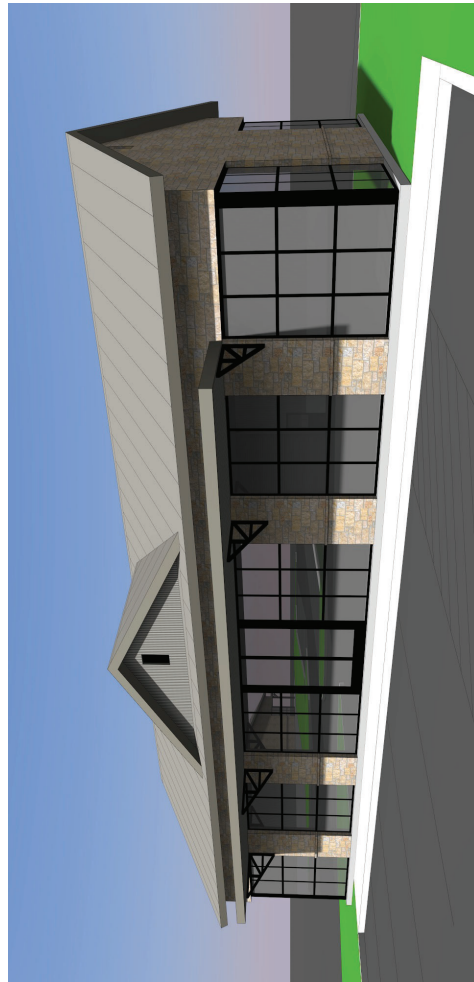
Northeast Corner



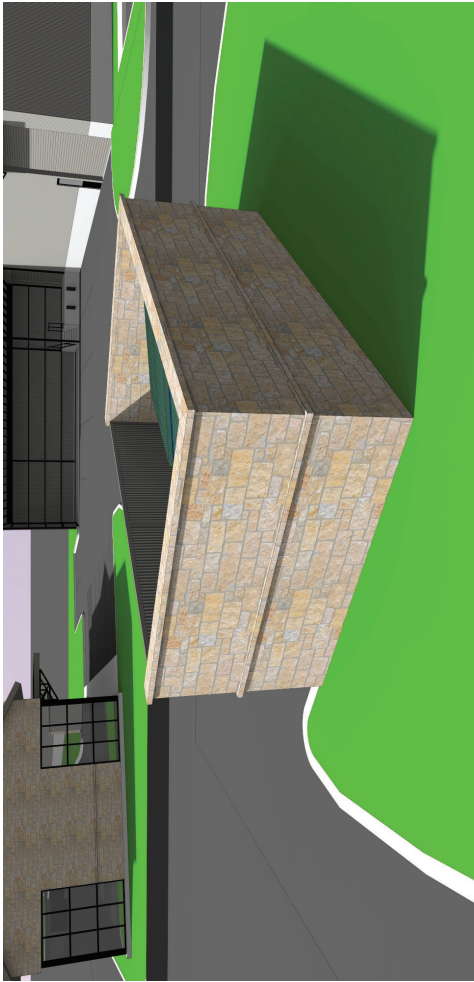
Southeast Corner



Northwest Corner



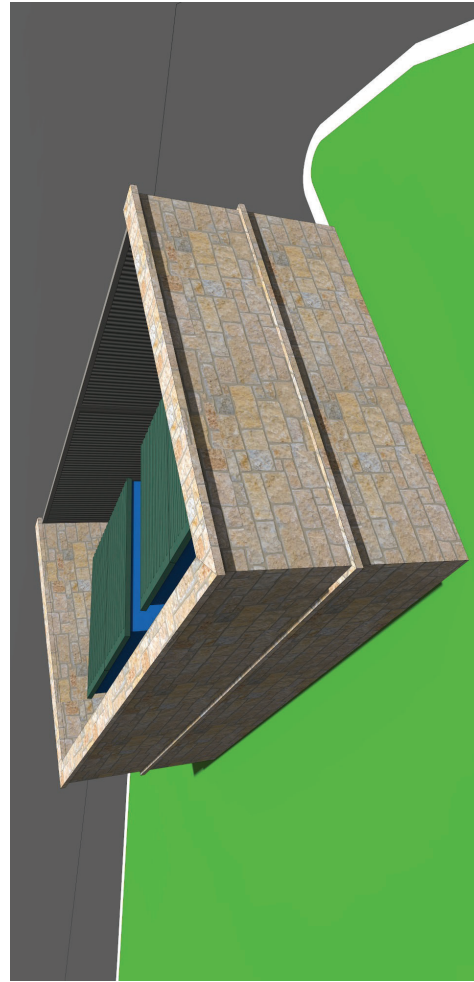
Southwest Corner



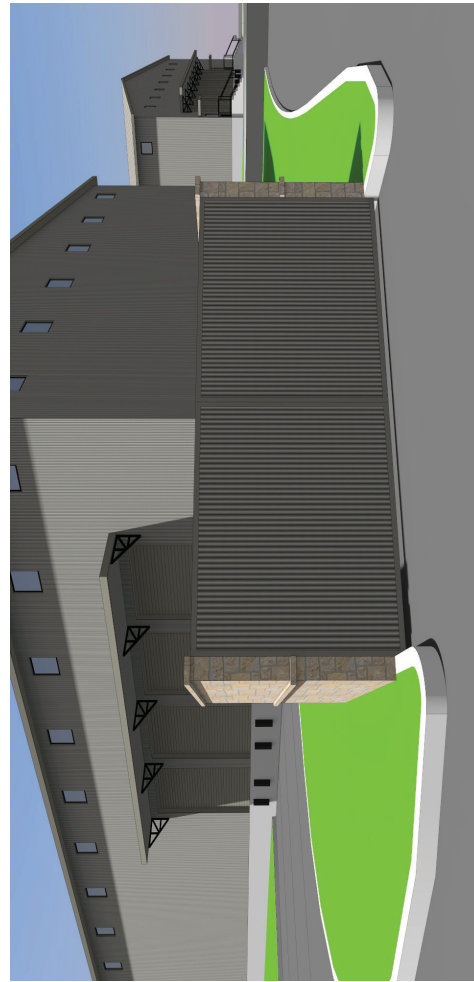
Rear Right Corner



Front Right Corner



Rear Left Corner



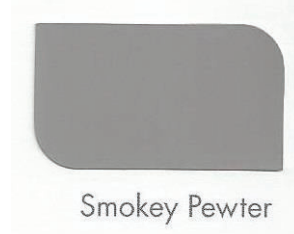
Front Left Corner



**Materials List for A Headquarters Complex for WHIM Hospitality**

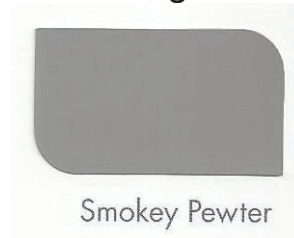
**Roofing Material**

Standing seam “Smokey Pewter” colored metal panels



**Siding, Trim Gutters & Downspouts Material**

PBU “Smokey Pewter” colored metal panels  
“Smokey Pewter” trim, gutters & downspouts



**Stone Veneer Material**

“Native Limestone” tans, greys and other earth tones



**Windows and Storefront Material**

“black” colored aluminum-framed insulated low E glazed units



**Tory Carpenter**

---

**From:** Carrie Napiorkowski <carriewn@gmail.com>  
**Sent:** Friday, March 31, 2023 10:05 AM  
**To:** Tory Carpenter; planning@cityofdrippingspring.com  
**Subject:** WHIM conditional use permit

Dear Planning Commissioners and City Council Members,

I am writing concerning the proposed conditional use permit requested by Whim for building warehouses on Ranch Road 12.

I object to this permit being granted for the following reasons:

Dripping Springs has made huge strides in developing a pedestrian friendly city center. Neighborhoods surrounding Whim and numerous new developments off of RR12 and Old Fitzhugh will benefit from the connections throughout the city.

It seems to me that an overall vision of the city, does not include the addition of an industrial area on RR12 opposite the cities Historic District.

No matter how attractive Whim wants to build their warehouse, they are in fact still warehouses in the city center. They also set forth a precedent for other land owners in the area.

In my opinion this area should remain commercial, but with shops, eateties and boutiques.

As the owner of 700 Old Fitzhugh, my property extends from Old Fitzhugh to Ranch Road 12.

Does anyone beleive that an industrial area should be directly across from our Historic district? They oppose each other, not compliment each other.

Kevin Herron is an excellent architect, we have used him ourselves. My issue is not with Whim or the architectural design, but with the location.

It simply does NOT flow with the overall concept of our cities center, does not enhance the beautification of our walking trails, or benefit the established Historic district, directly across the street and Mercer.

I would ask you to please consider the overall aesthetic that you have all been working towards. Warehouse simply do not fit.

Please do not grant this variance.

Thank you,

Carrie Napiorkowski  
512 909 4515



# City Council Planning Department Staff Report

Item # 7.

**Planning & Zoning Commission meeting:** April 4, 2023

**Project No:** ZA2023-0001

**Project Planner:** Tory Carpenter, AICP, Planning Director

### Item Details

**Project Name:** Storserv

**Property Location:** 1300 E US 290

**Legal Description:** 5.02 acres out of the C.H. Mallot Survey

**Applicant:** Victor Ostiguin, Doucet & Associates

**Property Owner:** Andrew Bursk

**Request:** Zoning amendment from Agriculture “AG” to Commercial Services “CS”

**Recommendation:** Staff recommends approval of this request



### Background

While the property is currently in the ETJ, the default zoning district if it is annexed is Agriculture “AG”

*Per Ch. 30 Exhibit A, §3.5-3.6*

- **AG – Agriculture:** *The AG, agriculture district is designed to permit the use of land for the ranching, propagation and cultivation of crops, small-scale horticultural enterprises, and similar uses. Single-family uses on large lots are also appropriate for this district. Territory that has been newly annexed into the city is initially zoned agriculture. It is anticipated that some portion of agriculturally zoned land may eventually be rezoned to another zoning classification in the future.*

The applicant is requesting a zoning amendment to Commercial Services “CS”

- **CS – Commercial Services:** *The commercial services (CS) district is intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding, and contractors shops, plumbing shops, automotive repair or painting services, upholstery shops, and other similar commercial uses. Uses in this district may utilize open storage areas that are screened from public view. The uses envisioned for the district will typically utilize small sites and have operational characteristics that are generally not compatible with residential uses and most other types of nonresidential uses within the city.*

This request is being heard concurrently with an annexation request for the same property. The applicant is that he is requesting annexation and zoning to sell the property. The property is currently being used as the owner’s homestead.

At their meeting on February 21, 2023, the City Council gave direction to staff to proceed with the annexation request for the property. This zoning amendment and the annexation are scheduled to be voted on by the City Council on April 4, 2023.

In 2020, the City approved a site development permit for a self storage facility on the property. As part of the site development permit, the applicant agreed to follow the lighting ordinance with the City.

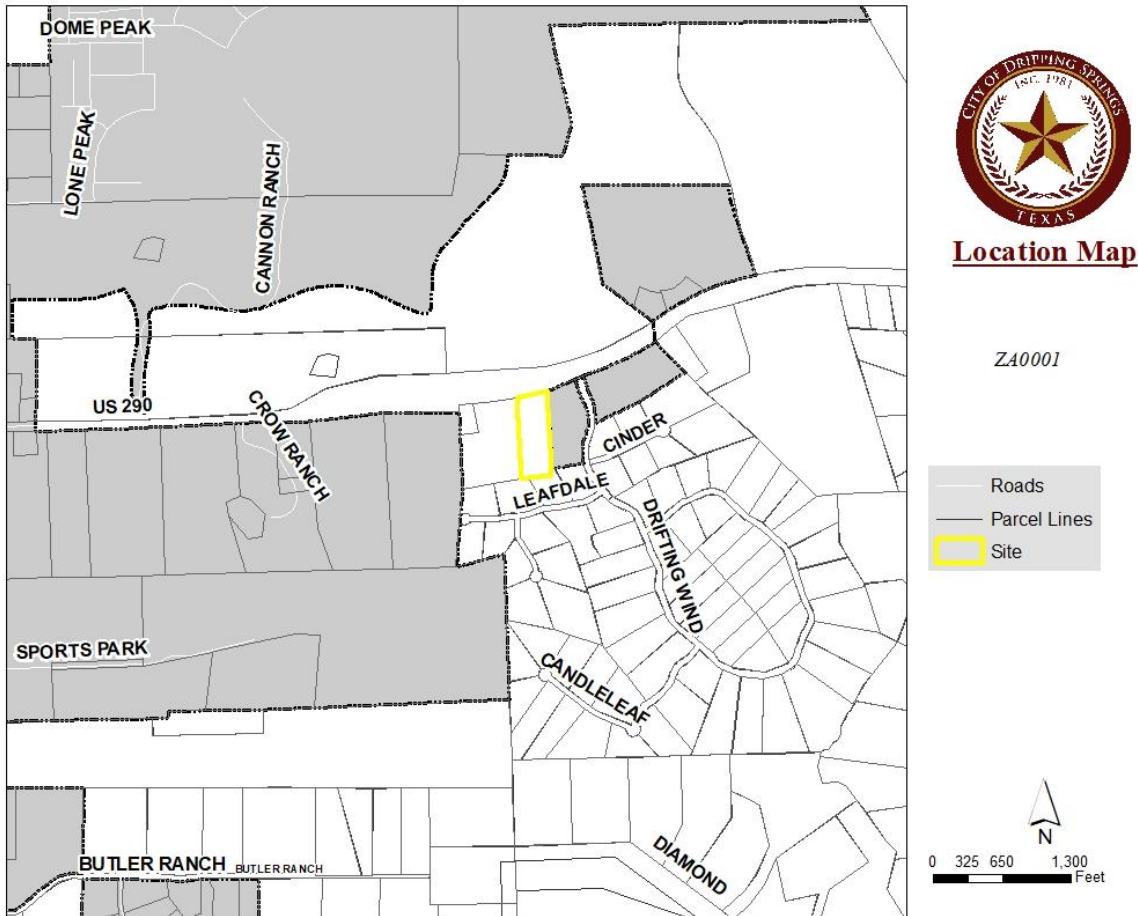
The applicant stated that the purpose for annexation and zoning is to expand the site. If the zoning request is approved, the applicant will have to apply for a Conditional Use Permit to expand the use of “self-storage.”

**Analysis**

Since the property is currently in the ETJ, staff finds it appropriate to compare ETJ standards with the requested zoning district.

	<b>ETJ</b>	<b>CS</b>	<b>Differences between ETJ &amp; SF-2</b>
<b>Max Height</b>	Not regulated	2 stories / 40 feet	Restricted 2 stories / 40 feet
<b>Min. Lot Size</b>	.75 acres*	8,000 square feet	0.57 acres less
<b>Min. Lot Width</b>	30 feet	80 feet	50 feet more
<b>Min. Lot Depth</b>	unregulated	100 feet	100 feet
<b>Min. Front/Side/Rear Yard Setbacks</b>	10 feet / 5 feet / 5 feet	25 feet / 15 feet / 25 feet	15 feet / 10feet / 20 feet more
<b>Impervious Cover</b>	35%	70%	35% more

**Surrounding Properties**



The current zoning and existing uses of the adjacent properties to the north, south, east, and west are outlined in the table below:

Direction	Zoning District	Existing Use	Future Land Use
North	PDD (Under Consideration)	Vacant	Mixed Use
East	CS	Various Commercial	
South	ETJ	Single-family	
West	ETJ	Mobile Home Park	

**Approval Criteria for Zoning Amendment (Chapter 30 Zoning, Exhibit A, Sec 2.28.1 and 2.28.2)**

2.28.2 The Planning & Zoning Commission and the City Council shall consider the following factors:

Factors	Staff Comments
1. whether the proposed change will be appropriate in the immediate area concerned;	This zoning change is consistent with existing development in the area.
2. their relationship to the general area and the City as a whole;	This zoning change would allow for various office / retail uses and is consistent with nearby properties on US 290.
3. whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;	The property is not within any existing or proposed City Plans.
4. the amount of undeveloped land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such undeveloped land unavailable for development;	This request would not make other land unavailable for development.
5. the recent rate at which land is being developed in the same zoning classification, particularly in the vicinity of the proposed change;	Land with the same zoning classification has been developing rapidly.
6. how other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved;	No areas designated for commercial development will be affected by this proposed amendment.
7. whether the proposed change treats the subject parcel of land in a manner which is significantly different from decisions made involving other, similarly situated parcels; and	Approval of this zoning amendment would not be significantly different from decisions made involving other similar parcels.
8. any other factors which will substantially affect the public health, safety, morals, or general welfare.	The rezoning does not negatively affect the public health, safety, morals, or general welfare.

**Recommendation**

Staff recommends **approval** of the zoning amendment as presented.

At their meeting on March 28, 2023, the Planning & Zoning Commission voted unanimously to recommend approval of this request.

*2.36.1 After a public hearing is held before the City Council regarding the zoning application, the City Council May:*

- (a) Approve the request in whole or in part;*
- (b) Deny the request in whole or in part;*
- (c) Continue the application to a future meeting, specifically citing the city council meeting to which it was continued; or*
- (d) Refer the application back to the P&Z for further study.*

**Public Notification**

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News, signs were posted on the-site, notice was placed on the City Website, and all property owners within a 300-foot radius of the site were notified of the zoning map amendment. To date, no letters for or against the request have been received.

**Attachments**

Exhibit 1 – Zoning Amendment Application

Recommended Action:	Approval of the requested Zoning Amendment
Alternatives/Options:	Denial of the zoning map amendment.
Budget/Financial Impact:	All fees have been paid.
Public Comments:	Staff received one written response from a neighbor who has concerns with deed restrictions on the property.
Enforcement Issues:	N/A







**DRIPPING SPRINGS**  
Texas

City of Dripping Springs

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384

Dripping Springs, TX 78620

512.858.4725 • cityofdrippingsprings.com

**ZONING/PDD AMENDMENT APPLICATION**

Case Number (staff use only): \_\_\_\_\_ - \_\_\_\_\_

**CONTACT INFORMATION**

PROPERTY OWNER NAME Mr. Andrew Bursk A-A-A Storage Dripping Springs, LLC

STREET ADDRESS 4203 Spinnaker Cove

CITY Austin STATE Texas ZIP CODE 78731

PHONE 512-452-7789 EMAIL storserv@austin.rr.com

APPLICANT NAME Victor Ostiguin, P.E.

COMPANY Doucet & Associates, Inc.

STREET ADDRESS 7401B Hwy. 71 W., Ste. 160

CITY Austin STATE Texas ZIP CODE 78735

PHONE 512-566-4076 EMAIL vostiguin@doucetengineers.com

**REASONS FOR AMENDMENT**

TO CORRECT ANY ERROR IN THE REGULATION OR MAP

TO RECOGNIZE CHANGES IN TECHNOLOGY, STYLE OF LIVING, OR MANNER OF CONDUCTING BUSINESS

TO RECOGNIZE CHANGED CONDITIONS OR CIRCUMSTANCES IN A PARTICULAR LOCALITY

TO MAKE CHANGES IN ORDER TO IMPLEMENT POLICIES REFLECTED WITHIN THE COMPREHENSIVE PLAN

## PROPERTY & ZONING INFORMATION

PROPERTY OWNER NAME	A-A-A Storage Dripping Springs, LLC
PROPERTY ADDRESS	1300 E. U.S. HIGHWAY 290 DRIPPING SPRINGS
CURRENT LEGAL DESCRIPTION	5.02 ACRE TRACT OUT OF THE C H MALLOT SURVEY NO 299, ABS. 693
TAX ID#	R85428
LOCATED IN	<input type="checkbox"/> CITY LIMITS <input checked="" type="checkbox"/> EXTRATERRITORIAL JURISDICTION
CURRENT ZONING	N/A
REQUESTED ZONING/AMENDMENT TO PDD	Commercial Services (CS)
REASON FOR REQUEST <i>(Attach extra sheet if necessary)</i>	To annex the subject site into city limits along with rezoning the site to Commercial Services.
INFORMATION ABOUT PROPOSED USES <i>(Attach extra sheet if necessary)</i>	The project consists of 5 Storage Buildings and an Office Building Totaling 34,600 Sq. Ft on a 5.02 Acre Site with associated Parking, Water Quality, and Utility Improvements.

### COMPLIANCE WITH OUTDOOR LIGHTING ORDINANCE? \*

*(See attached agreement).*

YES (REQUIRED)\*  YES (VOLUNTARY)\*  NO\*

\* If proposed subdivision is in the City Limits, compliance with Lighting Ordinance is **mandatory**. If proposed subdivision is in the ETJ, compliance is **mandatory** when required by a Development Agreement or as a condition of an Alternative Standard/Special Exception/Variance/Waiver.

Voluntary compliance is strongly encouraged by those not required by above criteria *(see Outdoor Lighting tab on the CODS webpage and online Lighting Ordinance under Code of Ordinances tab for more information).*

**APPLICANT'S SIGNATURE**

The undersigned, hereby confirms that he/she/it is the owner of the above described real property and further, that Doucet & Associates, Inc. is authorized to act as my agent and representative with respect to this Application and the City's zoning amendment process.

(As recorded in the Hays County Property Deed Records, Document #22038565)

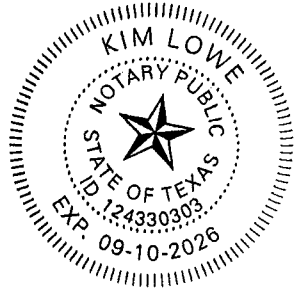
A-A-A Storage Dripping Springs, LLC  
Name By: AAA Storage LLC, its GM  
President  
\_\_\_\_\_  
Title

STATE OF TEXAS §  
TRAVIS §  
COUNTY OF ~~HAYS~~ §

This instrument was acknowledged before me on the 13 day of December 2022 by John Muhich, President, AAA Storage, LLC, general manager of AAA Storage Dripping Springs LLC, on behalf of said company.  
\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires: 9/10/2026

John Muhich - [Signature]  
Name of Applicant





**ZONING AMENDMENT SUBMITTAL**

All required items and information (including all applicable above listed exhibits and fees) must be received by the City for an application and request to be considered complete. **Incomplete submissions will not be accepted.** By signing below, I acknowledge that I have read through and met the above requirements for a complete submittal.

C.M. B.  
Applicant Signature

11/8/2022  
Date

**CHECKLIST**

STAFF	APPLICANT	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Completed Application Form - including all required signatures and notarized
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application Fee-Zoning Amendment or PDD Amendment ( <i>refer to Fee Schedule</i> )
		<u>PDF/Digital Copies of all submitted Documents</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<b>When submitting digital files, a cover sheet must be included outlining what digital contents are included.</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Billing Contact Form
<input type="checkbox"/>	<input checked="" type="checkbox"/>	GIS Data
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Lighting Ordinance Compliance Agreement - signed with attached photos/drawings ( <i>required if marked "Yes (Required)" on above Lighting Ordinance Section of application</i> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Description
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Concept Plan
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Plans Approved/permitted plan set attached
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Maps
<input type="checkbox"/>	<input type="checkbox"/>	Architectural Elevation
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Explanation for request ( <i>attach extra sheets if necessary</i> )
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Information about proposed uses ( <i>attach extra sheets if necessary</i> )
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Public Notice Sign ( <i>refer to Fee Schedule</i> )
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Proof of Ownership-Tax Certificate or Deed
<input type="checkbox"/>	<input type="checkbox"/>	Copy of Planned Development District ( <i>if applicable</i> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Digital Copy of the Proposed Zoning or Planned Development District Amendment



**DRIPPING SPRINGS**  
Texas

City of Dripping Springs

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384

Dripping Springs, TX 78620

512.858.4725 • cityofdrippingsprings.com

**ZONING/PDD AMENDMENT APPLICATION**

Case Number (staff use only): \_\_\_\_\_ - \_\_\_\_\_

**CONTACT INFORMATION**

PROPERTY OWNER NAME Mr. Andrew Bursk A-A-A Storage Dripping Springs, LLC

STREET ADDRESS 4203 Spinnaker Cove

CITY Austin STATE Texas ZIP CODE 78731

PHONE 512-452-7789 EMAIL storserv@austin.rr.com

APPLICANT NAME Victor Ostiguin, P.E.

COMPANY Doucet & Associates, Inc.

STREET ADDRESS 7401B Hwy. 71 W., Ste. 160

CITY Austin STATE Texas ZIP CODE 78735

PHONE 512-566-4076 EMAIL vostiguin@doucetengineers.com

**REASONS FOR AMENDMENT**

TO CORRECT ANY ERROR IN THE REGULATION OR MAP

TO RECOGNIZE CHANGES IN TECHNOLOGY, STYLE OF LIVING, OR MANNER OF CONDUCTING BUSINESS

TO RECOGNIZE CHANGED CONDITIONS OR CIRCUMSTANCES IN A PARTICULAR LOCALITY

TO MAKE CHANGES IN ORDER TO IMPLEMENT POLICIES REFLECTED WITHIN THE COMPREHENSIVE PLAN

## PROPERTY & ZONING INFORMATION

PROPERTY OWNER NAME	A-A-A Storage Dripping Springs, LLC
PROPERTY ADDRESS	1300 E. U.S. HIGHWAY 290 DRIPPING SPRINGS
CURRENT LEGAL DESCRIPTION	5.02 ACRE TRACT OUT OF THE C H MALLOT SURVEY NO 299, ABS. 693
TAX ID#	R85428
LOCATED IN	<input type="checkbox"/> CITY LIMITS <input checked="" type="checkbox"/> EXTRATERRITORIAL JURISDICTION
CURRENT ZONING	N/A
REQUESTED ZONING/AMENDMENT TO PDD	Commercial Services (CS)
REASON FOR REQUEST <i>(Attach extra sheet if necessary)</i>	To annex the subject site into city limits along with rezoning the site to Commercial Services.
INFORMATION ABOUT PROPOSED USES <i>(Attach extra sheet if necessary)</i>	The project consists of 5 Storage Buildings and an Office Building Totaling 34,600 Sq. Ft on a 5.02 Acre Site with associated Parking, Water Quality, and Utility Improvements.

### COMPLIANCE WITH OUTDOOR LIGHTING ORDINANCE? \*

*(See attached agreement).*

YES (REQUIRED)\*  YES (VOLUNTARY)\*  NO\*

\* If proposed subdivision is in the City Limits, compliance with Lighting Ordinance is **mandatory**. If proposed subdivision is in the ETJ, compliance is **mandatory** when required by a Development Agreement or as a condition of an Alternative Standard/Special Exception/Variance/Waiver.

Voluntary compliance is strongly encouraged by those not required by above criteria *(see Outdoor Lighting tab on the CORDS webpage and online Lighting Ordinance under Code of Ordinances tab for more information).*



**APPLICANT'S SIGNATURE**

The undersigned, hereby confirms that he/she/it is the owner of the above described real property and further, that Doucet & Associates, Inc. is authorized to act as my agent and representative with respect to this Application and the City's zoning amendment process.

(As recorded in the Hays County Property Deed Records, Document #22038565)

A-A-A Storage Dripping Springs, LLC  
Name By: AAA Storage LLC, its GM  
President  
\_\_\_\_\_  
Title

STATE OF TEXAS §  
TRAVIS §  
COUNTY OF ~~HAYS~~ §

This instrument was acknowledged before me on the 13 day of December 2022 by John Muhich, President, AAA Storage, LLC, general manager of AAA Storage Dripping Springs LLC, on behalf of said company.  
\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires: 9/10/2026

John Muhich - [Signature]  
Name of Applicant



**ZONING AMENDMENT SUBMITTAL**

All required items and information (including all applicable above listed exhibits and fees) must be received by the City for an application and request to be considered complete. **Incomplete submissions will not be accepted.** By signing below, I acknowledge that I have read through and met the above requirements for a complete submittal.

*C.M. B.*  
Applicant Signature

11/8/2022  
Date

**CHECKLIST**

STAFF	APPLICANT	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Completed Application Form - including all required signatures and notarized
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<input type="checkbox"/>	<input type="checkbox"/>	Copy of Planned Development District ( <i>if applicable</i> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Digital Copy of the Proposed Zoning or Planned Development District Amendment

**CITY OF DRIPPING SPRINGS**

**ORDINANCE NO.**

**5.02 ACRES OUT OF THE C H MALLOT SURVEY,  
HAYS COUNTY, TEXAS**

**ANNEXATION ORDINANCE**

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS, TO VOLUNTARILY ANNEX BY REQUEST OF THE PROPERTY OWNER APPROXIMATELY 5.02 ACRES OF LAND INTO THE INCORPORATED MUNICIPAL BOUNDARIES OF THE CITY OF DRIPPING SPRINGS, TEXAS INCLUDING THE FOLLOWING: FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING.

- WHEREAS,** the City of Dripping Springs (“City”) is a Type-A, General Law municipality located in Hays County, Texas with the rights and privileges thereto; and
- WHEREAS,** Section 43.0671 of the Texas Local Government Code authorizes a Type-A general law municipality to extend the boundaries of the municipality and annex area adjacent to the municipality by petition of area landowners in accordance with the procedural rules prescribed by Texas Local Government Code Chapter 43; and
- WHEREAS,** the City received a written petition requesting the voluntary annexation of the area described in Exhibit “A” on December 13, 2022
- WHEREAS,** the area identified in Exhibit “A,” approximately 5 acres in the C H Mallot Survey, Hays County, Texas, is in the extraterritorial jurisdiction of the City; and
- WHEREAS,** the City Council granted the petition and allowed City staff to proceed with negotiating the service agreement with the property owner, in accordance with Section 43.0672 of Texas Local Government Code;
- WHEREAS,** the City Council conducted a public hearing and considered testimony regarding the annexation of the property, in accordance with Section 43.0673 of Texas Local Government Code on April 4, 2023;
- WHEREAS,** the City Council deems it to be in the best interest of the citizens of the City to annex said territory into the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS:**

**1. FINDINGS OF FACT**

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of Dripping Springs, Texas, and are hereby approved and incorporated into the body of this Ordinance as if copied herein in their entirety.

**2. ANNEXATION OF TERRITORY**

- A.** The property in the area described in Exhibit “A”, which is attached hereto and incorporated herein for all purposes, is hereby annexed and brought into the municipal boundaries (i.e., corporate limits) of the City of Dripping Springs, and is made an integral part, hereof.
- B.** The official map and boundaries of the City of Dripping Springs are hereby amended and revised so as to include the area annexed, and to reflect the expansion of the City’s extraterritorial jurisdiction resulting from such annexation.
- C.** A service plan agreement was executed prior to the annexation approval in accordance with Section 43.0672 of Texas Local Government Code, and is attached hereto as Exhibit “B” and incorporated herein for all intents and purposes.
- D.** The owners and inhabitants of the area herein annexed are entitled to all of the rights and privileges of other citizens of the City of Dripping Springs and are hereby bound by all acts, ordinances and other legal actions now in full force and effect and those that may be hereafter adopted or enacted.

**3. EFFECTIVE DATE**

This ordinance is effective and the annexation achieved herein shall be final and complete upon adoption of this Ordinance on the date set forth below.

**4. FILING**

- A.** The City Secretary is hereby instructed to include this Ordinance in the records of the City.
- B.** The City Secretary is hereby instructed to have prepared maps depicting the new municipal boundaries and extraterritorial jurisdiction.
- C.** The City Secretary is hereby instructed to file a certified copy of this Ordinance with the Hays County Clerk.
- D.** The City Secretary is hereby instructed to submit by certified mail a certified copy of the annexation ordinance a map of the entire city that shows the change in boundaries, with the annexed portion clearly distinguished, resulting from the annexation to the Texas

Comptroller's Office.

## 5. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

## 6. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_ 2023, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) to \_\_\_\_ (abstentions) of the City Council of the City of Dripping Springs, Texas.

### THE CITY OF DRIPPING SPRINGS:

\_\_\_\_\_  
Bill Foulds Jr.

ATTEST:

\_\_\_\_\_  
Andrea Cunningham, City Secretary

**Exhibit "A"**  
**DESCRIPTION OF AREA TO BE ANNEXED**

DRAFT

**Exhibit "B"**  
**Municipal Services Agreement**

DRAFT



**CITY OF DRIPPING SPRINGS  
ORDINANCE No.**

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS (“CITY”), REZONING ONE TRACT OF LAND, TOTALING APPROXIMATELY 5.02 ACRES FROM AGRICULTURAL DISTRICT (AG) TO COMMERCIAL SERVICES (CS); AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AUTHORIZING THE CITY ADMINISTRATOR TO NOTE THE CHANGE ON THE OFFICIAL ZONING MAP OF THE CITY; PROPER NOTICE & MEETING.

**WHEREAS**, the City Council of the City of Dripping Springs (“City Council”) seeks to promote orderly land use and development within the City; and

**WHEREAS**, the City Council finds to be reasonable and necessary the rezoning of the tract, described more fully in Attachment “A” and totaling approximately 5.02 acres, from Agricultural District (AG) to Commercial Services (CS); and

**WHEREAS**, the City Council recognizes changed conditions and circumstances in the particular location; and

**WHEREAS**, the City Council finds that the zoning change is compatible with the surrounding area and with the City’s Zoning Ordinance and Comprehensive Plan; and

**WHEREAS**, after notice and hearing required by law, a public hearing was held before the Dripping Springs Planning and Zoning Commission on March 28, 2023, to consider the proposed amendment and the Planning and Zoning Commission recommended approval of the proposed change; and

**WHEREAS**, after public hearing held by the City Council on April 4, 2023, the City Council voted to approve the recommendation of the Planning and Zoning Commission; and

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

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

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

**NOW, THEREFORE, BE IT ORDAINED by the City Council of Dripping Springs:**

**1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as expressly set forth herein.

**2. ENACTMENT**

One tract of land totaling approximately 3.209 acres and described more fully in Attachment “A” and shown in Attachment “B”, is hereby rezoned from Agricultural District (AG) to Commercial Services (CS).

**3. REPEALER**

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**5. CHANGE ON ZONING MAP**

The City Administrator is hereby authorized to and shall promptly note the zoning change on the official Zoning Map of the City of Dripping Springs, Texas.

**6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage.

**7. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, a public hearing was held, and that public notice of the time, place and purpose of said hearing and meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

**PASSED & APPROVED** this, the \_\_\_\_\_ day of \_\_\_\_\_ 2023, by a vote of \_\_\_\_\_ (ayes) to \_\_\_\_\_ nays to \_\_\_\_\_ (abstentions) of the City Council of Dripping Springs, Texas.

**CITY OF DRIPPING SPRINGS:**

By: \_\_\_\_\_  
Bill Foulds, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Andrea Cunningham, City Secretary

*Attachment "A" Description of Tract*

*Attachment "B"*  
*5.02 acre Property Depiction*

**RESOLUTION**

**WHEREAS**, the Texas Housing Foundation, a Texas regional housing authority (the “THF”), has significant experience in providing, developing, acquiring, financing, rehabilitating and managing housing projects that are affordable to lower income residents and are assets to the communities it serves; and

**WHEREAS**, the THF wishes to exercise its powers within the City limits of the City of Dripping Springs, Texas; and

**WHEREAS**, in order for a regional housing authority to operate within the City of Dripping Springs, Texas, the Texas Local Government Code, Section 392.017(d) requires the governing body of the municipality to adopt a resolution declaring a need for a regional housing authority to exercise its powers within the municipality, and to authorize a cooperation agreement under Texas Local Government Code Section 392.059(b).

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS:**

**Section 1. THAT** the City Council, pursuant to Texas Local Government Code Section 392.017(d)(1), hereby declares that there is a need for the THF, as a Texas regional housing authority, to exercise its powers within the city limits of the City of Dripping Springs, Texas to provide decent, safe, and sanitary housing that is affordable to lower income residents because there exists in the City a shortage of safe and sanitary housing available to lower income persons at rentals they can afford.

**Section 2. THAT** the City Council, pursuant to Texas Local Government Code Section 392.017(d)(2), hereby authorizes a cooperation agreement under Texas Local Government Code Section 392.059(b) by and between the City of Dripping Springs, Texas and the Texas Housing Foundation, in order for the THF to develop an affordable housing within the city limits of Dripping Springs, Texas. Furthermore, a copy of any cooperation agreement among the Texas Housing Authority and the City of Dripping Springs, Texas shall be included with and made a part of this resolution upon said Agreement’s execution.

Passed by the City Council on \_\_\_\_\_.

signature page follows

\_\_\_\_\_  
Todd Purcell, MAYOR

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_, City Secretary

APPROVED AS TO CONTENT:

\_\_\_\_\_  
\_\_\_\_\_, Assistant City Manager



COOPERATION AGREEMENT  
BETWEEN THE  
THE DRIPPING SPRINGS, TEXAS CITY COUNCIL  
AND THE  
TEXAS HOUSING FOUNDATION

EFFECTIVE \_\_\_\_\_, 2023

WHEREAS, on \_\_\_\_\_, 2023, under Tex. Local Gov't. Code, Section 392.017(d), the City Council of the City of Dripping Springs, Texas, declared that there is a need for the Texas Housing Foundation, a Texas regional housing authority (the "THF"), to exercise its powers within the territorial boundaries of the City of Dripping Springs because there exists in said City a shortage of safe and sanitary housing available to lower income persons at rentals they can afford; and authorized a cooperation agreement with the THF under Section 392.059;

WHEREAS, the Board of Commissioners of the THF also adopted a resolution to exercise its powers in the City of Dripping Springs specific to the \_\_\_\_\_ Apartments located within the City limits of Dripping Springs, Texas, and authorizing it to enter into a cooperation agreement with the City of Dripping Springs, Texas under Section 392.059;

NOW, THEREFORE, the parties hereto, the City Council of the City of Dripping Springs, Texas and the THF agree as follows:

Section 1: Cooperation Agreement. The City Council of the City of Dripping Springs, and the THF, agree to cooperate to allow the THF to provide affordable housing within the City of Dripping Springs, Texas consistent with the provisions below.

Section 2: Authorization. The THF is authorized to exercise its powers under Tex. Local Gov't. Code, Chapter 392, to provide affordable housing within the City of Dripping Springs, Texas to be known as the \_\_\_\_\_ Apartments as provided herein and pursuant to Tex. Local Gov't. Code, Section 392.059.

Section 3: General Authorization. The THF is authorized to negotiate to develop, operate and manage the \_\_\_\_\_ Apartments in Dripping Springs, Texas and to take such other actions as are deemed necessary to facilitate the development of said affordable housing project for the benefit of lower income residents of Dripping Springs, Texas.

Section 4. Future Housing Project Development. The THF is not authorized to undertake other housing project efforts in the City of Dripping Springs on its own or in collaboration with another housing development organization except through the approval of the City Council of Dripping Springs, Texas

Section 5. Annual Reports. The THF shall submit within 120 days after the end of its fiscal year a report to the City Council of the City of Dripping Springs describing the housing and services operations undertaken for the benefit of lower income residents of the City of Dripping Springs, and other activities of the THF in the City.

Section 6. Preservation of Authority. No applicable provision or intention in this cooperation agreement limits the authority or power of the Dripping Springs City Council to exercise its powers under any law. No provision or intention in this cooperation agreement limits the authority or power of the THF to exercise its powers under Tex. Local Gov't. Code, Chapter 392, to develop, operate and manage the \_\_\_\_\_ Apartments within Dripping Springs, Texas under this Cooperation Agreement or limit its powers within the area of operation of the THF defined in Tex. Local Gov't. Code 392.016.

Section 7. Implementation. The \_\_\_\_\_ of the City Council of the City of Dripping Springs and the Chief Executive Officer of the THF are authorized to take any reasonable and necessary action to effectuate and implement the direction and intention of this cooperation agreement and the authorizing resolutions.

Section 8. Amendment or Termination. This cooperation agreement may be amended or terminated for any reason by resolution of the governing body of either party. The party desiring to amend the agreement must give at least 30 days written notice to the other party prior to considering for approval a resolution or action to amend or terminate the cooperation agreement and all parties hereto must agree to its terms in order any amendment to be binding.

Agreed this \_\_\_\_\_ day of \_\_\_\_\_, 2023

City Council of the City of Dripping Springs, Texas

\_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Texas Housing Foundation

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

Attest: \_\_\_\_\_



**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78620**

**Submitted By:** Ginger Faught, Deputy City Administrator

**Council Meeting Date:** April 4, 2023

**Agenda Item Wording:** **Discuss and consider a wastewater facilities agreement with Cuncashca, LLC.** *Sponsor: Mayor Bill Foulds, Jr.*

**Agenda Item Requestor:** Ginger Faught, Deputy City Administrator

**Summary/Background:** This proposed Agreement is the result of lengthy negotiations concerning the swap of land that will allow the City to construct a 15 million treated effluent pond south of its wastewater treatment plant (construction costs to be borne by Driftwood development). The land is currently owned by Cuncashca LLC. In addition to the land swap, Cuncashca is granting easements for a wastewater pipeline (the last leg of the East Interceptor).

Despite issuance of a discharge permit, the City is committed to maximizing beneficial reuse of treated effluent so that we may conserve potable water and groundwater resources and so that we can avoid any discharge of treated effluent. To this end, we have entered into contracts that require the construction of beneficial reuse facilities. One of the requirements is that the City initially have a 12 million gallon pond under our Complete Operational Control and ultimately have dedicated storage in the amount of 20 million gallons. The existing Caliterra pond provides the 12 million gallon pond, and this new pond will exceed our contractual requirements in this regard. The owners of the Driftwood development have also agreed by contract to construct or provide a storage pond that will store at least 15 million gallons of Reclaimed Water. Therefore, the costs of construction of this pond will be borne by Driftwood.

The City is trading an equivalent acreage (6.79 acres) of its existing land application treatment fields for the acreage being conveyed to the City for this pond. The new acreage is closer to the wastewater plant and is better suited for a pond as opposed to the acreage that the City is trading.

Salient points of the agreement are as follows:

1. Cuncashca will:
  - a. Convey 6.79 acres to the City for the pond.
  - b. Convey easements (temporary and permanent) for the construction of a wastewater line.

2. The City will:
  - a. Convey 6.79 acres to Cuncashca in trade.
  - b. Pay \$10,000 to Cuncashca for relocating the existing Charro Ranch/Cuncashca entrance gate (needed for construction).

In the Agreement, the City also acknowledges that 365 LUEs which were reserved in 2009 by persons and entities associated with Cuncashca have now all been assigned to Cuncashca. The City also agrees to give Cuncashca 7 years after City has turned over the exchange land before Cuncashca has to connect or start paying reservation fees.

**Commission  
Recommendations:**

N/A

**Recommended  
Council Actions:**

Approve as presented.

## WASTEWATER FACILITIES AGREEMENT

This Wastewater Facilities Agreement (the “Agreement”) is entered into by and between Cuncashca, LLC, a Texas limited liability company (“Cuncashca”) and the City of Dripping Springs, a general law city of Hays County, Texas (“City”).

### RECITALS

- A. Cuncashca is the owner of the land identified on Exhibit “A” attached hereto (the “Cuncashca Property”).
- B. City desires that Cuncashca grant City exclusive easements (together, the “Easement”) within the Cuncashca Property for the sole purposes of installing, constructing, operating, maintaining, upgrading, repairing, removing and replacing underground water, sanitary sewer lines, treated effluent lines, and related appurtenances. A map generally showing the Easement is attached hereto at Exhibit “B”. The Easement documents to be executed (which includes both Permanent Easements and Temporary Construction Easements) are attached hereto at Exhibit “C”. Cuncashca is willing to grant the Easement for the consideration set-forth in this Agreement. The Permanent and Temporary Construction easements will be provided to City at no cost to City.
- C. City desires to acquire approximately 6.79 acres of land in fee simple currently owned by Cuncashca so that City may construct a treated effluent pond south of its existing wastewater treatment plant (hereafter the land sought by City shall be referred to as the “Cuncashca Exchange Land”). A map of the Cuncashca Exchange Land is attached at Exhibit “D”. The special warranty deed to be executed to convey the Cuncashca Exchange Land is attached at Exhibit “E”. Cuncashca desires to acquire approximately 6.79 acres of land currently owned by City (hereafter the land sought to be acquired by Cuncashca shall be referred to as the “City Exchange Land”). A map of the City Exchange Land is attached at Exhibit “F”. The special warranty deed to be executed to convey the City Exchange Land is attached at Exhibit “G”.

### AGREEMENT

In consideration of the mutual covenants and obligations hereinafter described, which consideration is deemed sufficient, Cuncashca and City agree as follows:

1. Cuncashca agrees as follows:
  - a. Within 30 days after the Effective Date of this Agreement (as defined below), Cuncashca will execute and deliver or have executed and delivered to City the Easement documents attached at Exhibit “C”. Further, Cuncashca agrees to the field location of a two Temporary Construction staging easements areas generally shown on the Exhibit “C-1”.

- b. Within 30 days after the Effective Date of this Agreement, Cuncashca will execute and deliver or have executed and delivered to the City the special warranty deed attached at Exhibit “E”.
  - c. Cuncashca agrees to allow City to continue to use the existing drip fields within the boundary of the land acquired by Cuncashca in accordance with paragraph 3 of this Agreement.
  - d. Subject to the terms of the Temporary Easements, to allow City and its contractors temporary access to the most proximate existing ranch roads during construction of the East Interceptor and South Collector.
  - e. Subject to the terms of both the Temporary and Permanent Easements, to allow, as reasonably necessary, City and its contractors to access such easements on the Cuncashca Property through the new or relocated Charro Ranch/Cuncashca entrance gate on FM 150 so long as H. L. Burns or any entity related to H.L. Burns controls or owns the Cuncashca Property.
2. City agrees as follows:
- a. To allow Cuncashca, its heirs and assigns access to the treated water line within this Agreement for a period of 10 years after the date of City’s abandonment of the irrigation fields in the condition described in Section 3 below, the location of such access to be determined by the mutual agreement of the parties at such time as such use is permitted. Access means, subject to prior contractual arrangements between City and third parties and in accordance with the City’s reclaimed water requirements, the ability to connect and obtain service of the utility and water.
  - b. Simultaneously with the time of receiving the executed special warranty deed attached at Exhibit “E”, to deliver an executed special warranty deed for City Exchange Land, which is attached at Exhibit “G”. The warranty deed must clearly affirm that land exchanged will be released free and clear of any special provisions that run with the exchanged land due to any defect resulting from its prior legally permitted use as a treated effluent land disposal field.
  - c. To take all reasonable steps and instruct its contractors to take steps to prevent cattle escaping the Cuncashca Property during City’s construction activities. City further agrees that it will, within seven business days after the discovery of damage by City or after City’s receipt of notification thereof by Cuncashca, replace any damaged Buried/Surface Services (as defined herein) within the easements or damaged as a result of City’s actions under this Agreement, including proximate to any roadways used by City, its employees, agents or contractors. For purposes hereof, the term “Buried/Surface Services” means all water, sewer, electrical, communications equipment or infrastructure, wells, fencing, posts, gates, locks, gaps, cattleguards, valves, pipes, headers, outlets, splits, T's, etc. situated on the Cuncashca Property. City will take all reasonable efforts to avoid adverse impact to any Buried/Surface

Services. If the City determines it necessary to relocate any Buried Surface Services situated in any easement area, the City may relocate such item(s), provided that (i) there is no interruption in the service provided by such items(s) other than temporary interruptions required to effectuate such relocation, and (ii) the City provides Cuncashca with a survey or other geo-referenced drawing of the location of any relocated item(s).

- d. With respect to perimeter fencing of boundary for the Cuncashca Property or any interior fencing within the Cuncashca Property, any damaged fencing must be replaced immediately upon observation by City, its vendors, staff and associated contractors or after notice thereof from Cuncashca. Immediate means as fast as reasonably feasible after City's knowledge of damage. Cattle escaping the Cuncashca Property through fencing damaged, removed, or pending replacement shall be recovered by City, at its sole expense and risk, and shall cause the cattle to be returned to the interior of the Cuncashca Property.
- e. City will assist in relocating the existing Charro Ranch/Cuncashca entrance gate on FM 150 by paying \$10,000.00 to Cuncashca. During construction, Cuncashca will allow access through its entrance gate along FM 150 (whether through the existing gate or the new final entrance to be completed by Cuncashca, if Cuncashca desires to construct a new final entrance). If the City provides any temporary access from FM 150 to the temporary laydown area through any other area, the City must obtain all necessary TxDOT permits and approvals therefor, on behalf of Cuncashca.
- f. City, promptly after departure from the Temporary Easements, shall repair damaged surface and return the surface to a like for like condition. Cuncashca may install a new and final main access gate onto its property (if it so desires), while also leaving the existing main access gate in its place, form and function if desired by Cuncashca. However, City is not obligated to pay for any rock work or electrical work desired by Cuncashca.
- g. City will restrict the easements for utilities only. Notwithstanding the prior sentence, if the Cuncashca Property is developed in the future, City may allow walking paths or trails on the permanent easement areas (i.e., not over any temporary roadway areas used during construction or any roadways used for the subsequent operation of the City facilities) pending any negotiated agreements with the ultimate developer of the Cuncashca Property.
- h. Within ninety (90) days of the Effective Date, City and Cuncashca will jointly develop a mutually agreeable plan to determine where City will bore beneath trees (considering all trees 6 inches in diameter and larger, except cedar trees, located within 10 feet of each side of the permanent Easement) when constructing the gravity wastewater alignment and treated effluent line. Measurement of the diameter of such trees will be made in compliance with applicable City standards and regulations. If the parties are unable to reach agreement on such plan, the City will comply with the current City of Austin tree protection guidelines (currently



found at Section 3 of the City of Austin's Environmental Criteria Manual), as applicable, a copy of which can be electronically accessed at [https://library.municode.com/tx/austin/codes/environmental\\_criteria\\_manual?nodeId=S3TRNAARPR\\_3.1.0GE](https://library.municode.com/tx/austin/codes/environmental_criteria_manual?nodeId=S3TRNAARPR_3.1.0GE)).

- i. City will provide during the temporary construction phase tree protection for all trees 6 inches in diameter and larger (except cedar trees) that may remain in the wastewater and temporary construction easements and shall protect those same trees in the same manner for the duration of the Temporary Easements.
- j. Neither City nor its contractors shall use the permanent Easement as access to or from its wastewater facilities that are on land adjacent to the Cuncashca Property. For the avoidance of doubt, while the permanent Easement may be used for maintenance and operations of the facilities that are in the Easement, the Easement is not to be used as a road or other path through Cuncashca Property to access City property.
- k. City will implement oak wilt controls during any of its construction activities. If tree impacting, including stumpage (removal, replacement, trimming, cutting, pruning, etc.), is required to obtain access for equipment, or for any reason or purpose during the initial installation and subsequent operation phase of the utilities inside the Easement, then City will immediately (same day, same shift) cause its employees and agents to seal cut areas with pruning sealer. The organic matter cut (stumps, limbs, leaves, etc.) and lain inside or proximate to the Easement by City must be removed within 3 business days by City from any portion of Cuncashca Property and disposed off-site. City will provide 24-hours' prior notice of construction activities in any new section of the Easement so that Cuncashca representatives can observe oak wilt control activities and confirm the City's compliance therewith. City will contractually obligate its contractors to implement all such oak wilt controls.
- l. After construction, City will restore the existing ranch roads used by City and its contractors to their same or substantially similar condition as they were prior to the commencement of construction by the City, which shall be reasonably acceptable to Cuncashca and City. Any further access to the Cuncashca Property to enter upon the permanent Easement after completion of the construction contemplated hereunder shall be subject to prior notification to Cuncashca or its successors and assigns, by means of phone call, text and/or email, as long as such contact information has been provided to City.
- m. So long as H. L. Burns or any entity related to H.L. Burns controls or owns the Cuncashca Property, after the land exchange contemplated in this Agreement, Cuncashca may access City's roadway that is adjacent to the exchanged property to move hay to or from the City Exchange Land.

3. Cuncashca agrees to allow City to continue to operate the City Exchange Land as a drip irrigation field for the City's wastewater system on the City Exchange Land and Cuncashca will execute any document (if any) required by TCEQ to allow the City to continue to operate in accordance with this paragraph. At no point shall Cuncashca be legally obligated to perform any function required by TCEQ in order to release the drip field lands to Cuncashca from TCEQ or the City, as any such requirement shall be the sole responsibility of City. City will completely abandon the irrigation fields (at its cost) within 6 months of TCEQ closure approval and turn over the City Exchange Land "free and clear" of any encumbrance or regulatory burden that runs with the land as a result of its prior use as a regulated treated water disposal field. An initial operation certified mail notice will be mailed to Cuncashca advising of the date of release by TCEQ and permitted access thereto by Cuncashca and its heirs and assigns. For purposes of this Agreement, the phrase "completely abandon" the irrigation fields means the removal of all wastewater equipment and infrastructure (including, but not limited to sub-surface and surface drip irrigation headers, boxes, valve junctions, wiring and drip related piping and/or infrastructure supporting the drip field) and restoration of the surface of irrigation fields. Restoration of the surface of the irrigation fields shall be deemed accomplished when the grass has grown at least 1 ½" high with 90% coverage and no bare spots larger than 16 square feet exist. The topography shall match adjoining topography. City shall also follow the TCEQ rules for abandonment of the City Exchange Land as drip fields as set-forth at 30 Tex. Admin. Code § 222.163 (a current copy of such rules may be electronically accessed at [https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p\\_dir=&p\\_rloc=&p\\_tloc=&p\\_ploc=&pg=1&p\\_tac=&ti=30&pt=1&ch=222&rl=163](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=222&rl=163)). To the extent that closure of the City Exchange Land as drip fields results in the encumbrance of any restrictions against any specific activity on the property, City will use commercially reasonable efforts to have such restrictions removed as expeditiously as possible. To the extent that such restrictions cannot be removed within one year of the approval of the abandonment of the City Exchange Land as drip fields, then (i) City will pay to Cuncashca or its assigns the then current appraised value of Cuncashca Exchange Land and City will be reconveyed possession and ownership of the City Exchange Land, or (ii) City and Cuncashca shall agree to work together in good faith to develop a mutually agreeable plan to lease from Cuncashca the City Exchange Land and, if desired by City, other land within the Cuncashca Property proximate to the City's existing waste water facilities for its 210 disposal requirements. Such lease would be for a period of twenty (20) years, be upon commercially reasonable terms agreed to by the parties, and would be subject to the terms and provisions of this Agreement, but modified as reasonably necessary to address any future phases of City's disposal uses. Until such time as the City Exchange Land has been turned over to Cuncashca as required hereunder, the City shall be responsible for the payment of any and all ad valorem taxes, assessments, levies, and fees that are assessed against or levied on the City Exchange Land by any taxing authority or other governmental entity.
4. City has previously entered into agreements with RPC Investments, Inc. H. L. Burns, and L.R. Hibberd concerning phase III wastewater deposits (all such agreements are attached at Exhibit "H"). City acknowledges and agrees that 365 LUE Rights under these agreements have been assigned to and are currently held by Cuncashca and commit a total of 365 LUE Rights for the Cuncashca Property based on the terms set forth in such agreements. As

further consideration for this Agreement, City agrees that no Reservation Fees will be charged for the 365 LUEs committed by the agreements at Exhibit “H” until the first day of the month after City has either completely abandoned the irrigation fields and turned over the City Exchange Land in accordance with the terms of Section 3 above or entered into a lease as described in Section 3. For purposes hereof the term “Reservation Fee” means any fee charged by City prior to connection to hold or reserve capacity in the City’s wastewater system. When City offers to serve any portion of the Cuncashca Property in Phase III (as set forth in the agreements at Exhibit “H”, notwithstanding any provisions in such agreements concerning the timing of submitting a “Residential/Commercial Application for Wastewater Service” (hereinafter referred to as “Application”)), Cuncashca and its successors and assigns will have 7 years after City has either completely abandoned the irrigation fields and turned over the City Exchange Land in the condition described in Section 3 above or entered into a lease as described in Section 3 to submit the Application and pay the connection fee in effect at the time of connection. Notwithstanding anything to the contrary in this Agreement, the City agrees that once Phase III wastewater service becomes available, Cuncashca shall be permitted to submit Applications for the use of its LUE Rights, which Applications shall be processed by the City in a non-discriminatory manner and without regard to the status of the abandonment of the irrigation fields described above or any lease.

5. The City has reserved 1 LUE for the house existing on the Cuncashca Property as of the Effective Date of this Agreement. Service for this LUE shall become available upon completion of the wastewater line to be constructed on the Cuncashca Exchange Land. To obtain service for that reserved LUE, Cuncashca will submit an Application, construct facilities needed to connect, and pay any required fees.
6. **ADDITIONAL FENCING PROVISIONS:** City will assure that its contractors will install temporary fencing to the extent necessary to keep livestock on the Cuncashca Property from leaving the premises or wandering from one internally fenced area to another. Wherever the permanent Easement crosses a fence, City shall install a gate and replace/repair the remaining fence line where the crossing occurs. Cuncashca shall be responsible for any perimeter fencing around the City Exchange Land once completely abandoned in accordance with the terms of Section 3 above or entered into a lease as described in Section 3. City shall be responsible for any perimeter fencing around Cuncashca Exchange Land. If any party installs gates having locks that prevent such party from accessing property to which they are entitled to access, double locks (one from each party) shall be used such that both parties may obtain access.
7. **MEDIATION:** Should any dispute concerning this Agreement arise, parties will attempt in good faith to resolve such dispute through informal discussions. In the event that informal discussions do not resolve the issue, the dispute will be submitted to a mutually acceptable mediation service or provider as a condition precedent to filing suit in a court of law. The parties to the mediation shall bear the mediation costs equally. This paragraph does not preclude a party from seeking equitable relief from a court of competent jurisdiction after mediation is complete.

8. **INSURANCE:** At all times during City's use of any portion or the Cuncashca Property, City shall indemnify and save Cuncashca harmless from any and all liability, damage, expense, cause of action, suits, claims or judgments for personal injury, death or property damage arising out of City's use of the Easement, including activities of City and its employees, agents, and contractors (and such agents' and contractors' respective employees and agents). City shall at all times maintain, or cause to be maintained general public liability insurance against claims for personal injury or death and property damage occasioned by any acts and occurring upon, in or on the Cuncashca Property, such coverage to have combined limits for bodily injury and property damage of not less than \$1,000,000.00 per occurrence, and not less than \$2,000,000.00 in the aggregate. Such general public liability insurance shall name Cuncashca, any lessee of Cuncashca, and any mortgagee of the Cuncashca Property or of such lessee's leasehold interest as additional insureds and shall contain the agreement by the insurer that the insurance cannot be terminated, modified or not renewed without thirty (30) days' prior written notice to Cuncashca, any such lessee, and any such mortgagees. City shall deliver to Cuncashca, any such lessee, and any such mortgagees a certificate issued by the insurance carrier evidencing such general public liability insurance within ten (10) days after request therefor.
9. If any provision of this Agreement shall be or become invalid, illegal, or unenforceable in any respect under applicable law the validity, legality, and enforceability of the remaining provisions shall not be affected or impaired thereby.
10. The prevailing party in any suit brought to enforce this Agreement shall be entitled to recover reasonable attorney's fees and necessary disbursements in addition to any other awards.
11. All signatories represent and warrant that they have authority to execute this Agreement.
12. This agreement may be executed in counterparts.

Effective as of March 7, 2023 (the "Effective Date").

***[REMAINDER OF PAGE BLANK, SIGNATURE PAGES FOLLOW]***

**AGREED:**

**CUNCASHCA, LLC,**  
a Texas limited liability company

By: \_\_\_\_\_  
Name: H.L. Burns  
Title: Manager

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

This instrument was executed by H.L. Burns as the Manager of Cuncashca, LLC before me on this the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public, State of Texas

**CITY OF DRIPPING SPRINGS, TEXAS**

**Attest:**

\_\_\_\_\_  
Andrea Cunningham, TRMC  
City Secretary

By: \_\_\_\_\_  
Bill Foulds, Jr.

Date: \_\_\_\_\_

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

This instrument was executed by Bill Foulds, Jr. before me on this the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public, State of Texas

# EXHIBIT A





EXHIBIT A

**BURGESS & NIPLÉ, INC.**  
 235 LEDGE STONE DRIVE  
 AUSTIN, TEXAS 78737  
 (12) 432-1000 Fax: (512) 432-1015

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# EXHIBIT B

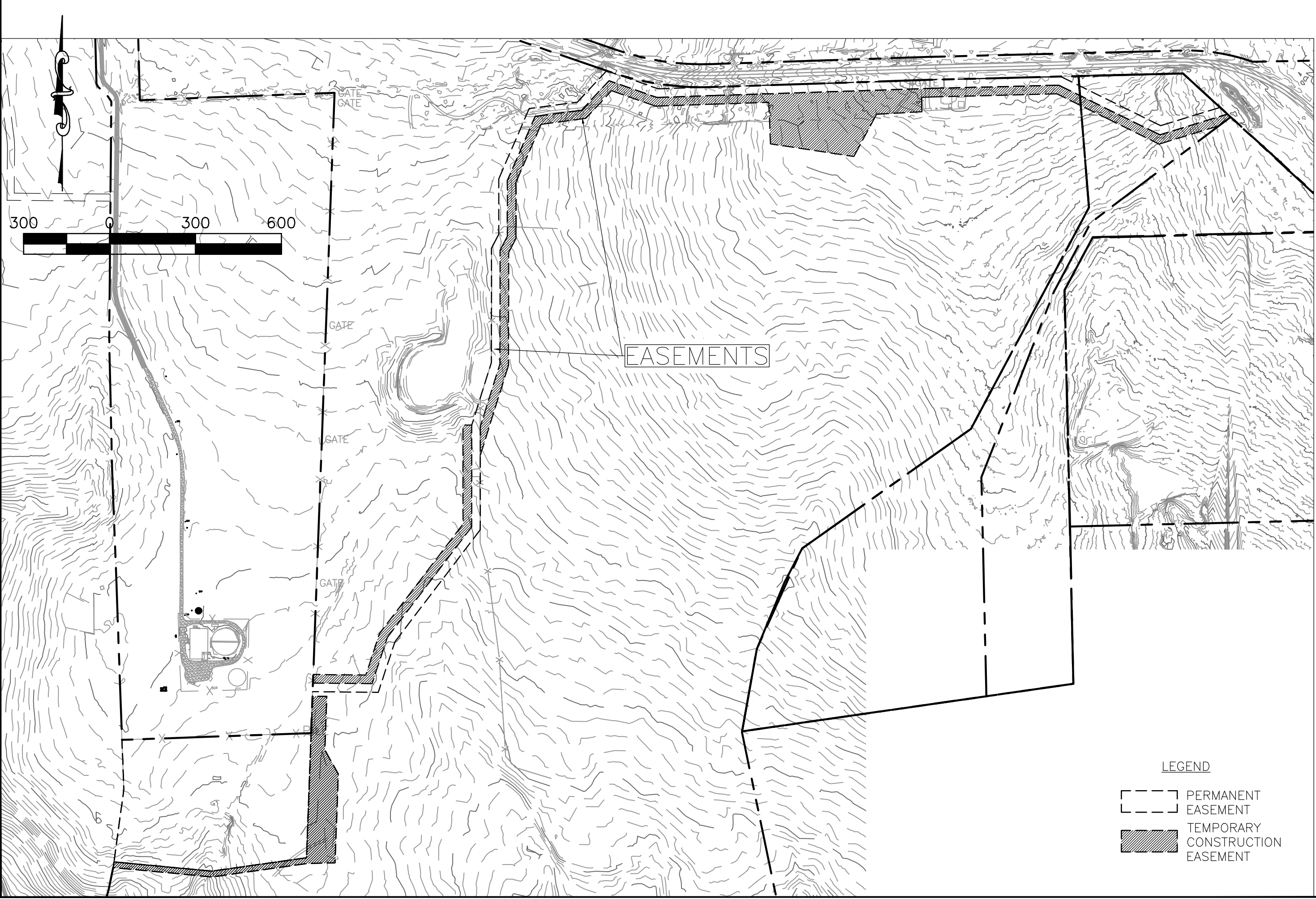


EXHIBIT B

**BURGESS & NIPLÉ, INC.**  
 235 LEDGE STONE DRIVE  
 AUSTIN, TEXAS 78737  
 512) 432-1000 Fax: (512) 432-1015

# EXHIBIT C

**Part 1 of  
EXHIBIT C  
(Parcel 27 Wastewater  
Easement)**

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

**WATER AND WASTEWATER EASEMENT**  
(CORPORATE - PARCEL 27)

**Date:** \_\_\_\_\_

**Grantor:** CUNCASHCA, LLC a Texas limited liability company

**Grantor's Address:** P.O. Box 5885, Austin, Texas 78763

**Grantee:** CITY OF DRIPPING SPRINGS, TEXAS, a General Law municipality situated in Hays County, Texas

**Grantee's Address:** P.O. Box 384  
511 Mercer Street  
Dripping Springs, Hays County, Texas 78620

**Property:** An exclusive easement and right-of-way in, upon, over, under, along, through, and across the parcel of real property of Grantor ("Easement"), said Easement consisting of approximately 0.38 acres, more or less, and more particularly described on **Exhibit "A"**, attached hereto and incorporated herein by reference ("Easement Tract").

**Consideration:** Ten Dollars (\$10.00) and other good and valuable consideration paid to Grantor for which no lien either express or implied is retained

**Permitted Encumbrances:** All encumbrances and other matters of record in the Official Public Records of Hays County, Texas, to the extent they are validly existing and affect the Easement Tract.

**GRANT OF EASEMENT:**

CUNCASHCA, LLC, a Texas limited liability company ("Grantor"), for the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, does hereby GRANT, SELL AND CONVEY unto **THE CITY OF DRIPPING SPRINGS, TEXAS**, a General Law municipality located in Hays County, Texas ("Grantee") the Easement in, upon, over, under, along, through, and across the Easement Tract TO HAVE AND TO HOLD the same perpetually to Grantee and its successors and assigns, together with the right and privilege at any and all times to enter the

Easement Tract with full rights of ingress and egress from the adjoining property of Grantor, or any part thereof, for the purpose of construction, operation, maintenance, replacement, upgrade, and repair of the improvements which are constructed and installed therein or thereon under the terms of this Easement.

Grantor, on behalf of Grantor and its successors and assigns, does hereby covenant and agree to WARRANT AND FOREVER DEFEND title to the Easement herein granted on the Easement Tract, unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same.

#### **CHARACTER OF EASEMENT:**

The Easement granted herein is "in gross," in that there is no "Benefitted Property." Nevertheless, the Easement rights herein granted shall pass to Grantee's successors and assigns, subject to all of the Terms hereof. The Easement rights of use granted herein are irrevocable. The Easement is for the benefit of Grantee.

#### **PURPOSE OF EASEMENT:**

The Easement shall be used by Grantee for public wastewater and/or water utility purposes, including placement, construction, installation, replacement, repair, maintenance, upgrade, relocation, removal, and operation of public wastewater or water pipelines and related appurtenances, or making connections thereto ("Facilities"). The Easement shall also be used by Grantee for the purpose of providing access for the operation, repair, maintenance, replacement and expansion of the Facilities.

Upon completion of construction, Grantee agrees to restore the surface of the Easement Tract as follows: remove any construction debris or other material remaining on the site after construction, remove any disturbed rock, roots, and soil, remove any temporary barriers, remove any temporary access roads and drainage facilities, revegetate disturbed vegetated areas, and restore roadway surfaces to existing or better condition, unless requested otherwise by Grantor.

Neither Grantee nor its contractors shall use the Easement as access to or from its wastewater facilities that are on land adjacent to the property upon which the Easement is located. For the avoidance of doubt, while the Easement may be used for maintenance and operations of the facilities that are in the Easement, the Easement is not to be used as a road or other path through to the property upon which the Easement is located to access adjacent property.

#### **DURATION OF EASEMENT:**

The Easement shall be perpetual. Grantor hereby binds Grantor and Grantor's successors and assigns, to warrant and forever defend the Easement on the Easement Tract unto Grantee, its successors and assigns, against any person whomsoever lawfully claiming.

#### **GRANTOR USE:**

Grantor hereby retains surface use of the Easement Tract and the right to plant and maintain ground cover and grasses only, and to install, maintain, and replace water and irrigation lines and



similar infrastructure (both existing and future), so long as they do not interfere with the purpose of the easement or the Facilities. Grantor relinquishes the authority for planting or cultivation of bushes, trees or other living matter (except as specified herein), and building and maintaining any structures within the Easement Tract, and acknowledges that such uses are specifically prohibited. Grantor grants to Grantee the right to remove any living material or structures located within the Easement Tract, without Grantor recourse, to prevent interference with the operation or repairs to Grantee's facilities or use within the Easement Tract.

In witness whereof, this instrument is executed this \_\_\_ day of \_\_\_\_\_, 20\_\_.

**GRANTOR:**

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

Title: \_\_\_\_\_

**STATE OF TEXAS**

§  
§  
§

**CORPORATE ACKNOWLEDGMENT**

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

This instrument was acknowledged before me, the undersigned authority, this \_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, on behalf of CUNCASHCA, LLC, a Texas limited liability company,

\_\_\_\_\_  
Notary Public In and For  
The State of Texas

My Commission expires: \_\_\_\_\_

**AFTER RECORDING RETURN TO:**

City Secretary  
City of Dripping Springs  
P.O. Box 384  
Dripping Springs, Texas 78620

**EXHIBIT "A"**  
**EASEMENT TRACT**



SAM, LLC

4801 Southwest Parkway, Bldg. Two, Suite 100, Austin, TX 78735

Ofc 512.447.0575 Fax 512.326.3029

info@sam.biz www.sam.biz TBPLS # 10064300

Item # 9.

**Parcel 27**  
**Legal Description**  
**City of Dripping Springs**  
**South Regional Water Reclamation Project**  
**30 Foot Wide Water and Wastewater Easement**  
**0.38 Acre (16,553 Square Foot)**

**PARCEL 27:**

BEING A 0.38 ACRE, 30 FOOT WIDE WATER AND WASTEWATER EASEMENT, SITUATED IN THE THOMAS R. JACKSON SURVEY NO. 25, ABSTRACT NO. 9, HAYS COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 18.01 ACRE TRACT DESCRIBED IN A DEED TO CUNCASHCA, LLC, A TEXAS LIMITED LIABILITY COMPANY, AND RECORDED IN DOCUMENT NUMBER 20000362, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.TX.), SAID 0.38 ACRE 30 FOOT WIDE WATER AND WASTEWATER AND WASTEWATER BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** at a 1/2-inch iron rod with a plastic cap stamped "BYRN SURVEY" found for a northwest corner of said 18.01 acre tract, same being the northeast corner of a called 202.38 acre tract described in a deed as Tract 4 to Cuncashca, LLC, a Texas Limited Liability Company, and recorded in Document Number 20030036, (O.P.R.H.C.TX.);

**THENCE** S 04°34'45" E, with the common line of said 18.01 acre tract, and said Tract 4, a distance of 33.41 feet, to a calculated point on the said common line for the **POINT OF BEGINNING** of this 30 foot wide Water and Wastewater easement;

**THENCE** over and across said 18.01 acre tract, the following two (2) courses and distances:

- 1) S 63°50'12" E, a distance of 316.32 feet, to a calculated point, for an angle corner of this Water and Wastewater easement, and
- 2) N 72°59'51" E, a distance of 217.03 feet, to a calculated point on an east line of said 18.01 acre tract, and the southwest R.O.W. of F.M. Highway 150 (Variable Width R.O.W.) for an angle corner of this Water and Wastewater easement. From which a TXDOT Type 1 monument found on the northeast corner of said 18.01 acre tract, and a corner in the southwest R.O.W. of F.M. Highway 150 (Variable Width R.O.W.), bears N 47°28'21" W, a distance of 175.30 feet;

**THENCE** S 47°28'21" E, with the common line of said 18.01 acre tract, and said R.O.W. of F.M. Highway 150 (Variable Width R.O.W.), a distance of 34.81 feet, to a calculated point on the said common line, for an angle point of this 30 foot wide Water and Wastewater easement;



**THENCE** over and across said 18.01 acre tract, the following two (2) courses and distances:

- 1) S 72°59'51" W, a distance of 246.55 feet, to a calculated point for an angle point of this Water and Wastewater easement, and
- 2) N 63°50'12" W, a distance of 310.34 feet, to a calculated point on the common line of said 18.01 acre tract and said Tract 4, for an angle point of this Water and Wastewater easement,

**THENCE** N 04°34'45" W, with said common line, a distance of 34.91 feet, to the **POINT OF BEGINNING** and containing 0.38 acres, more or less.

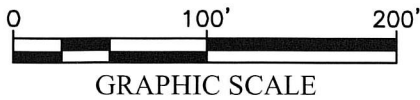
The bearings shown hereon are based on the Texas Coordinate System, South Central Zone, NAD 83/2011. All distances shown are surface in U.S. Survey Feet and may be converted to grid by multiplying the distance by a combined scale factor of 0.999870.

*Neil Hines*



Neil Hines  
Registered Professional Land Surveyor  
Texas Registration Number 5642

Date: 15 September 2022



PLAT OF WATER & WASTEWATER EASEMENT  
 SOUTH REGIONAL WATER  
 RECLAMATION PROJECT  
 CITY OF DRIPPING SPRINGS

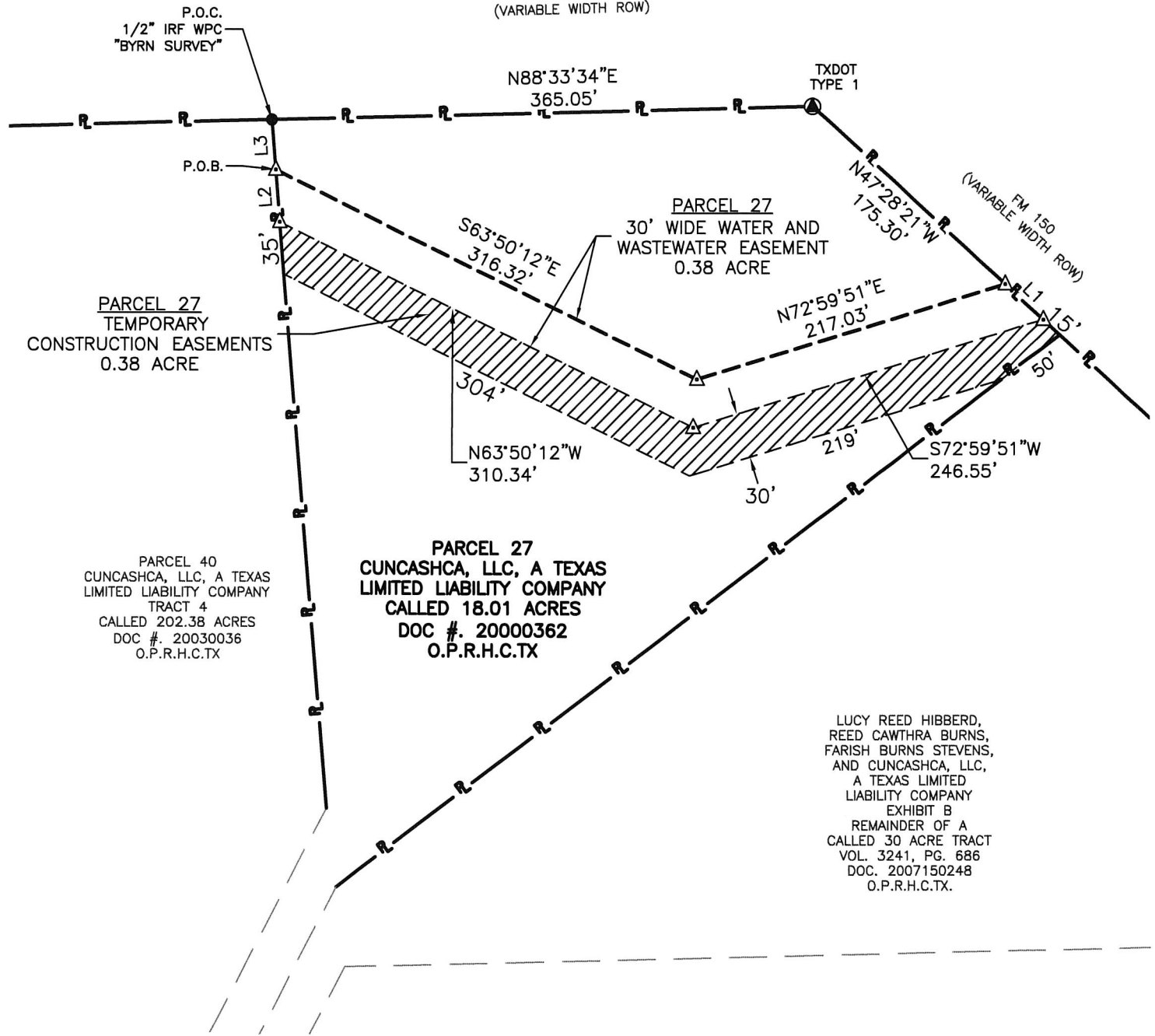
Item # 9.

PARCEL 27  
 HAYS COUNTY, TEXAS



THOMAS R. JACKSON SURVEY  
 NO. 25, ABSTRACT 9

FM 150  
 (VARIABLE WIDTH ROW)



JOB NUMBER: 47232
DATE: 08/18/2020
SCALE: 1:100
SURVEYOR: N. HINES
TECHNICIAN: D. CULLEN
DRAWING: PARCEL 27-R4
TRACT ID: -
PARTY CHIEF: J. STILLMAN
FIELD BOOKS: -



4801 Southwest Parkway  
 Building Two, Suite 100  
 Austin Texas, 78735  
 Ofc: 512.447.0575  
 Fax: 512.326.3029  
 email: Info@sam.biz

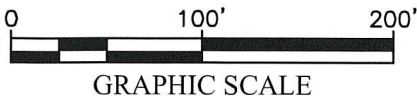
PROJECT: WATER & WASTEWATER EASEMENT  
 CITY OF DRIPPING SPRINGS

SHEET 3  
 OF 4

212

Texas Firm Registration No. 10064300





PLAT OF WATER & WASTEWATER EASEMENT  
 SOUTH REGIONAL WATER  
 RECLAMATION PROJECT  
 CITY OF DRIPPING SPRINGS

Item # 9.



PARCEL 27  
 HAYS COUNTY, TEXAS

LINE TABLE		
NUMBER	DIRECTION	LENGTH
L1	S47°28'21"E	34.81'
L2	N04°34'45"W	34.91'
L3	S04°34'45"E	33.41'

**LEGEND**

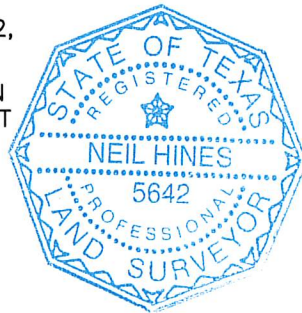
- R ——— PARCEL LIMITS
- S ——— APPROXIMATE SURVEY LINE
- EXISTING ROAD
- ADJOINER PROPERTY
- ..... FLYTIE
- IRON ROD FOUND (AS NOTED)
- △ CALCULATED POINT
- ⊙ TXDOT TYPE I MONUMENT
- ⚓ NAIL FOUND
- ⊙ COTTON SPINDLE FOUND
- D.R.H.C.TX. DEED RECORDS HAYS COUNTY, TEXAS
- P.R.H.C.TX. PLAT RECORDS HAYS COUNTY, TEXAS
- O.P.R.H.C.TX. OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE
- P.O.C. POINT OF COMMENCEMENT
- [ ] PERMANENT EASEMENT
- [ / ] TEMPORARY CONSTRUCTION EASEMENT

PERMANENT EASEMENT AREA: 0.38 ACRES

TEMPORARY CONSTRUCTION EASEMENT AREA: 0.38 ACRES

**NOTES:**

- ALL BEARINGS ARE GRID BEARINGS AND ARE BASED ON TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD83 (2011). ALL DISTANCES ARE REPRESENTED IN SURFACE VALUES, MEASURED IN U.S. SURVEY FEET, AND ARE BASED ON SAID HORIZONTAL DATUM. TO OBTAIN GRID DISTANCE MULTIPLY BY CSF OF 0.999870.
- RECORD INFORMATION SHOWN HEREON IS BASED UPON TITLE COMMITMENT ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY GF. NO. 19-1661-CR, EFFECTIVE DATE: MAY 25, 2022, ISSUED JUNE 6, 2022.
- FOR ADDITIONAL INFORMATION, SEE ATTACHED LEGAL DESCRIPTION MADE IN CONJUNCTION WITH AND CONSIDERED AN INTEGRAL PART OF THIS PLAT.



*NEIL HINES 15 September 2022*  
 NEIL HINES DATE  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 NO. 5642 - STATE OF TEXAS

JOB NUMBER: 47232
DATE: 08/18/2020
SCALE: 1:100
SURVEYOR: N. HINES
TECHNICIAN: D. CULLEN
DRAWING: PARCEL 27-R4
TRACT ID: -
PARTY CHIEF: J. STILLMAN
FIELD BOOKS: -



4801 Southwest Parkway  
 Building Two, Suite 100  
 Austin Texas, 78735  
 Ofc: 512.447.0575  
 Fax: 512.326.3029  
 email: info@sam.biz

Texas Firm Registration No. 10064300

PROJECT: WATER & WASTEWATER EASEMENT  
 CITY OF DRIPPING SPRINGS

SHEET 4  
 OF 4

**Part 2 of  
EXHIBIT C  
(Parcel 40 Wastewater  
Easement)**



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

**WATER AND WASTEWATER EASEMENT**  
(CORPORATE - PARCEL 40)

**Date:** \_\_\_\_\_

**Grantor:** CUNCASHCA, LLC a Texas limited liability company

**Grantor's Address:** PO Box 5885, Austin, Texas 78763

**Grantee:** CITY OF DRIPPING SPRINGS, TEXAS, a General Law municipality situated in Hays County, Texas

**Grantee's Address:** P.O. Box 384  
511 Mercer Street  
Dripping Springs, Hays County, Texas 78620

**Property:** An exclusive easement and right-of-way in, upon, over, under, along, through, and across the parcel of real property of Grantor ("Easement"), said Easement consisting of approximately 3.00 acres, more or less, and more particularly described on **Exhibit "A"**, attached hereto and incorporated herein by reference ("Easement Tract").

**Consideration:** Ten Dollars (\$10.00) and other good and valuable consideration paid to Grantor for which no lien either express or implied is retained

**Permitted Encumbrances:** All encumbrances and other matters of record in the Official Public Records of Hays County, Texas, to the extent they are validly existing and affect the Easement Tract.

**GRANT OF EASEMENT:**

CUNCASHCA, LLC, a Texas limited liability company ("Grantor"), for the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, does hereby GRANT, SELL AND CONVEY unto **THE CITY OF DRIPPING SPRINGS, TEXAS**, a General Law municipality located in Hays County, Texas ("Grantee") the Easement in, upon, over, under, along, through, and across the Easement Tract TO HAVE AND TO HOLD the same perpetually to Grantee and its successors and assigns, together with the right and privilege at any and all times to enter the

Easement Tract with full rights of ingress and egress from the adjoining property of Grantor, or any part thereof, for the purpose of construction, operation, maintenance, replacement, upgrade, and repair of the improvements which are constructed and installed therein or thereon under the terms of this Easement.

Grantor, on behalf of Grantor and its successors and assigns, does hereby covenant and agree to WARRANT AND FOREVER DEFEND title to the Easement herein granted on the Easement Tract, unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same.

**CHARACTER OF EASEMENT:**

The Easement granted herein is "in gross," in that there is no "Benefitted Property." Nevertheless, the Easement rights herein granted shall pass to Grantee's successors and assigns, subject to all of the Terms hereof. The Easement rights of use granted herein are irrevocable. The Easement is for the benefit of Grantee.

**PURPOSE OF EASEMENT:**

The Easement shall be used by Grantee for public wastewater and/or water utility purposes, including placement, construction, installation, replacement, repair, maintenance, upgrade, relocation, removal, and operation of public wastewater or water pipelines and related appurtenances, or making connections thereto ("Facilities"). The Easement shall also be used by Grantee for the purpose of providing access for the operation, repair, maintenance, replacement and expansion of the Facilities.

Upon completion of construction, Grantee agrees to restore the surface of the Easement Tract as follows: remove any construction debris or other material remaining on the site after construction, remove any disturbed rock, roots, and soil, remove any temporary barriers, remove any temporary access roads and drainage facilities, revegetate disturbed vegetated areas, and restore roadway surfaces to existing or better condition, unless requested otherwise by Grantor.

Neither Grantee nor its contractors shall use the Easement as access to or from its wastewater facilities that are on land adjacent to the property upon which the Easement is located. For the avoidance of doubt, while the Easement may be used for maintenance and operations of the facilities that are in the Easement, the Easement is not to be used as a road or other path through to the property upon which the Easement is located to access adjacent property.

**DURATION OF EASEMENT:**

The Easement shall be perpetual. Grantor hereby binds Grantor and Grantor's successors and assigns, to warrant and forever defend the Easement on the Easement Tract unto Grantee, its successors and assigns, against any person whomsoever lawfully claiming.

**GRANTOR USE:**

Grantor hereby retains surface use of the Easement Tract and the right to plant and maintain ground cover and grasses only and to install, maintain, and replace water and irrigation lines and

similar infrastructure (both existing and future), so long as they do not interfere with the purpose of the easement or the Facilities. Grantor relinquishes the authority for planting or cultivation of bushes, trees or other living matter (except as specified herein), and building and maintaining any structures within the Easement Tract, and acknowledges that such uses are specifically prohibited. Grantor grants to Grantee the right to remove any living material or structures located within the Easement Tract, without Grantor recourse, to prevent interference with the operation or repairs to Grantee's facilities or use within the Easement Tract.

In witness whereof, this instrument is executed this \_\_\_ day of \_\_\_\_\_, 20\_\_.

**GRANTOR:**

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

Title: \_\_\_\_\_

**STATE OF TEXAS**

§

**CORPORATE ACKNOWLEDGMENT**

§

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

§

This instrument was acknowledged before me, the undersigned authority, this \_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, on behalf of CUNCASHCA, LLC, a Texas limited liability company,

\_\_\_\_\_  
Notary Public In and For  
The State of Texas

My Commission expires: \_\_\_\_\_

**AFTER RECORDING RETURN TO:**

City Secretary  
City of Dripping Springs  
P.O. Box 384  
Dripping Springs, Texas 78620

**EXHIBIT "A"**  
**EASEMENT TRACT**



**Parcel 40**  
**Legal Description**  
**City of Dripping Springs**  
**South Regional Water Reclamation Project**  
**30 Foot Wide Water and Wastewater Easement**  
**3.00 Acre (130,486 Square Foot)**

**PARCEL 40:**

BEING A 3.00 ACRE, 30 FOOT WIDE WATER AND WASTEWATER EASEMENT, SITUATED IN THE THOMAS R. JACKSON SURVEY NO. 25, ABSTRACT NO. 9, HAYS COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 202.38 ACRE TRACT (TRACT 4) AND 15.65 ACRE TRACT (TRACT 3) DESCRIBED IN A DEED TO CUNCASHCA, LLC, A TEXAS LIMITED LIABILITY COMPANY AND RECORDED IN DOCUMENT NUMBER 20030036, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.TX.), SAID 3.00 ACRE 30 FOOT WIDE WATER AND WASTEWATER EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** at a 1/2-inch iron rod with a plastic cap stamped "BYRN SURVEY" found for a northeast corner of said Tract 4, same being the northwest corner of a called 18.01 acre tract, described in a deed to Cuncashca, LLC, a Texas Limited Liability Company, recorded in Document Number 20000362, O.P.R.H.C.TX., and on the south R.O.W. line of F.M. Highway 150 (Variable Width R.O.W.);

**THENCE** S 04°34'45" E, with the common line of said Tract 4 and said 18.01 acre tract, a distance of 33.41 feet, to a calculated point on the said common line for the **POINT OF BEGINNING** of this 30 foot wide Water and Wastewater easement;

**THENCE** S 04°34'45" E, with the said common line, a distance of 34.91 feet, to a calculated point on the said common line for an angle corner of this 30 foot wide Water and Wastewater easement;

**THENCE** over and across said Tracts 3 and 4, the following sixteen (16) courses and distances:

- 1) N 63°50'12" W, a distance of 82.47 feet, to a calculated point for an angle point of this Water and Wastewater easement,
- 2) S 88°33'34" W, a distance of 446.30 feet, to a calculated point for an angle point of this Water and Wastewater easement,
- 3) S 88°06'36" W, a distance of 745.01 feet, to a calculated point for an angle point of this Water and Wastewater easement,
- 4) S 88°06'34" W, a distance of 212.06 feet, to a calculated point for an angle point of this Water and Wastewater easement,
- 5) N 70°43'25" W, a distance of 176.57 feet, to a calculated point, for an angle corner of this Water and Wastewater easement,





- 6) S 42°56'54" W, a distance of 140.46 feet, to a calculated point, for an angle corner of this Water and Wastewater easement,
- 7) S 82°22'08" W, a distance of 163.71 feet, to a calculated point for an angle point of this Water and Wastewater easement,
- 8) S 23°24'36" W, a distance of 244.46 feet, to a calculated point for an angle point of this Water and Wastewater easement,
- 9) S 00°04'02" E, a distance of 193.76 feet, to a calculated point for an angle point of this Water and Wastewater easement,
- 10) S 27°38'27" W, a distance of 54.53 feet, to a calculated point, for an angle corner of this Water and Wastewater easement,
- 11) S 00°06'46" W, a distance of 397.14 feet, to a calculated point for an angle point of this Water and Wastewater easement,
- 12) S 17°23'20" W, a distance of 228.12 feet, to a calculated point for an angle point of this Water and Wastewater easement,
- 13) S 00°04'22" W, a distance of 360.63 feet, to a calculated point for an angle point of this Water and Wastewater easement,
- 14) S 37°20'52" W, a distance of 490.37 feet, to a calculated point, for an angle corner of this Water and Wastewater easement,
- 15) S 18°13'05" W, a distance of 186.32 feet, to a calculated point for an angle point of this Water and Wastewater easement,
- 16) N 89°24'01" W, a distance of 229.08 feet, to a calculated point on the west line of said 202.38 acre tract for an angle corner of this Water and Wastewater easement. From which a 1/2-inch iron rod found at an interior corner of said Tract 4, same being on the east line of a called 40.58 acre tract, described in a deed to the City of Dripping Springs, recorded in Volume 2282, Page 847, (O.P.R.H.C.TX.), bears S 02°05'48" W, a distance of 144.86 feet;

**THENCE** N 02°05'48" E, with the common line of said Tract 4 and said 40.58 acre tract, a distance of 30.01 feet, to a calculated point on the said common line, for an angle point of this 30 foot wide Water and Wastewater easement;

**THENCE** over and across said Tracts 3 and 4, the following eleven (11) courses and distances:

- 1) S 89°24'01" E, a distance of 206.34 feet, to a calculated point for an angle point of this Water and Wastewater easement,
- 2) N 18°13'05" E, a distance of 169.43 feet, to a calculated point for an angle point of this Water and Wastewater easement,



- 3) N 37°20'52" E, a distance of 485.31 feet, to a calculated point for an angle point of this Water and Wastewater easement,
- 4) N 00°04'22" E, a distance of 355.08 feet, to a calculated point for an angle point of this Water and Wastewater easement,
- 5) N 17°23'20" E, a distance of 228.13 feet, to a calculated point for an angle point of this Water and Wastewater easement,
- 6) N 00°06'46" E, a distance of 399.93 feet, to a calculated point, for an angle corner of this Water and Wastewater easement,
- 7) N 27°38'27" E, a distance of 54.48 feet, to a calculated point for an angle point of this Water and Wastewater easement,
- 8) N 00°04'02" W, a distance of 192.59 feet, to a calculated point for an angle point of this Water and Wastewater easement,
- 9) N 23°24'36" E, a distance of 267.65 feet, to a calculated point for an angle point of this Water and Wastewater easement,
- 10) N 82°22'08" E, a distance of 169.92 feet, to a calculated point for an angle corner of this Water and Wastewater easement,
- 11) N 42°56'54" E, a distance of 149.45 feet, to a calculated point on the northeast line of Tract 3 and the south R.O.W. line of F.M. Highway 150 (variable width R.O.W.), for an angle point of this Water and Wastewater easement, from which a TXDOT Type 1 monument found on the common line of said Tract 3 and F.M. Highway R.O.W. (variable width R.O.W.), bears S 70°58'23" E, a distance of 10.50 feet;

**THENCE** S 70°43'25" E, departing said northeast line of Tract 3, over and across Tract 4, a distance of 190.83 feet, to a calculated point of this Water and Wastewater easement;

**THENCE** N 88°06'34" E, over and across Tract 4, passing at a distance of 187.97 feet a TXDOT Type 1 monument found on the north line of said Tract 4 and the south R.O.W. line of F.M. Highway R.O.W. (variable width R.O.W.), continuing with the common line of said Tract 4 and south line of F.M. Highway 150 (variable width R.O.W.), for a total distance of 206.12 feet to a point on the north line of said common line for an angle point of this 30 foot wide Water and Wastewater easement;

**THENCE** N 88°06'36" E continuing with common line of said Tract 4 and south line of F.M. Highway 150 (variable width R.O.W.), a distance of 745.13 feet, to a calculated point on said common line for an angle point of this Water and Wastewater easement,

**THENCE** N 88°33'34" E continuing with common line of said Tract 4 and south line of F.M. Highway 150 (variable width R.O.W.), a distance of 453.79 feet, to a calculated point on said common line for an angle point of this Water and Wastewater easement,





**THENCE** S 63°50'12" E, over and across said Tract 4, a distance of 72.00 feet, to the **POINT OF BEGINNING** and containing 3.00 acres, more or less.

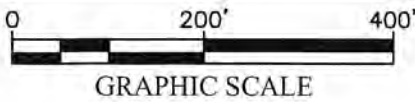
The bearings shown hereon are based on the Texas Coordinate System, South Central Zone, NAD 83/2011. All distances shown are surface in U.S. Survey Feet and may be converted to grid by multiplying the distance by a combined scale factor of 0.999870.

*Neil Hines*



Neil Hines  
Registered Professional Land Surveyor  
Texas Registration Number 5642

Date: 8 SEPTEMBER 2022



PLAT OF WATER & WASTEWATER EASEMENT  
 SOUTH REGIONAL WATER  
 RECLAMATION PROJECT  
 CITY OF DRIPPING SPRINGS

Item # 9.

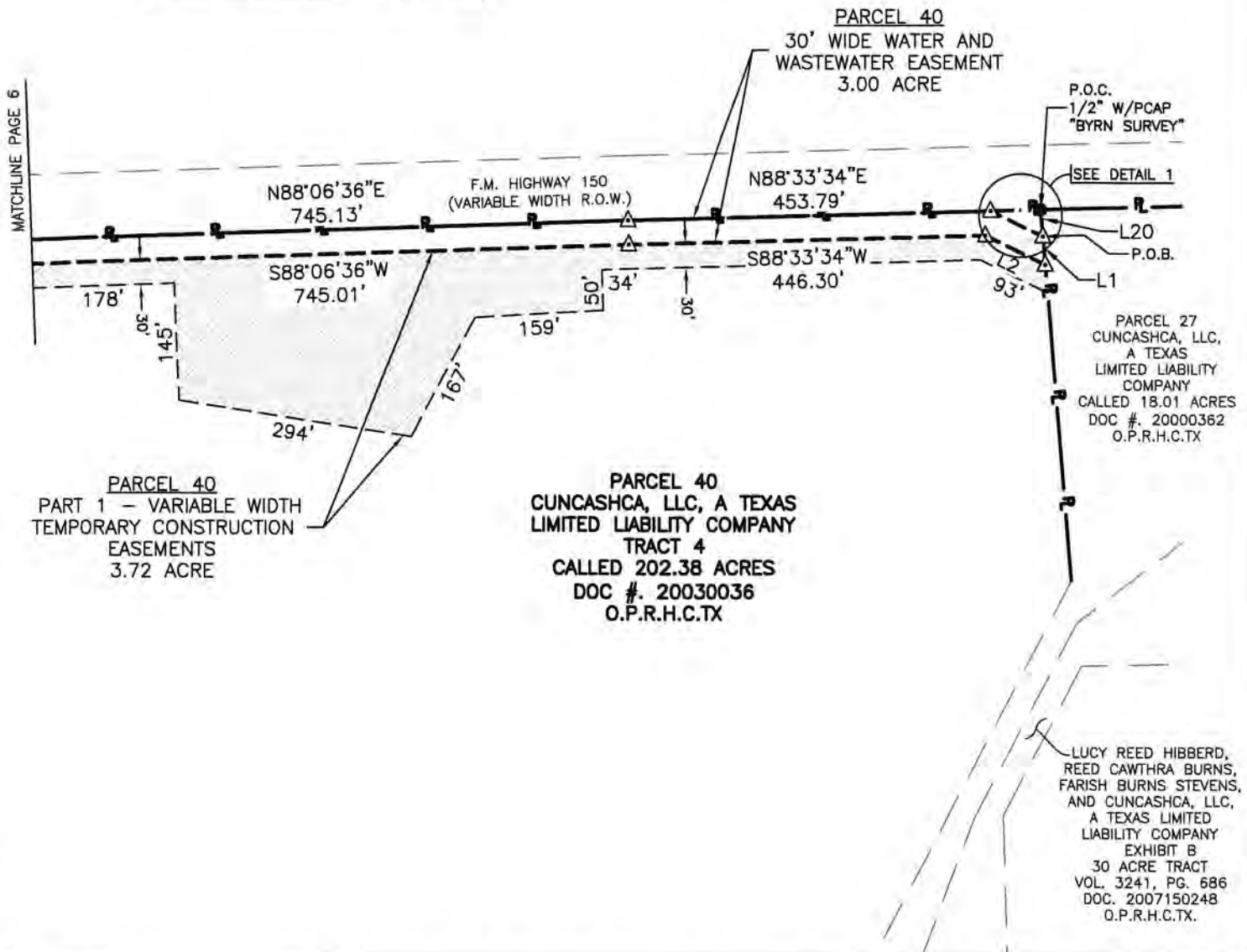


PARCEL 40  
 HAYS COUNTY, TEXAS

LINE TABLE		
NUMBER	DIRECTION	LENGTH
L1	S04°34'45"E	34.91'
L2	N63°50'12"W	82.47'
L19	S63°50'12"E	72.00'
L20	N04°34'45"W	33.41'

THOMAS B. JACKSON SURVEY  
 NO. 25, ABSTRACT 9

REVISIONS			
NO.	REVISION	DATE	TECH
△	REVISED EASEMENT & TCE	3/11/2022	JR



JOB NUMBER: 47232  
 DATE: 08/18/2020  
 SCALE: 1"=200'  
 SURVEYOR: N. HINES  
 TECHNICIAN: D. CULLEN  
 DRAWING: PARCEL 40  
 TRACT ID: -  
 PARTY CHIEF: J. STILLMAN  
 FIELD BOOKS: -



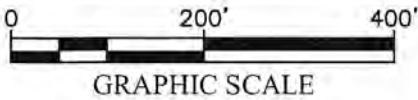
4801 Southwest Parkway  
 Building Two, Suite 100  
 Austin Texas, 78735  
 Ofc: 512.447.0575  
 Fax: 512.326.3029  
 email: info@sam.biz

PROJECT: WATER & WASTEWATER ESMI.  
 CITY OF DRIPPING SPRINGS

SHEET 5  
 OF 8

223

Texas Firm Registration No. 10064300



PLAT OF WATER & WASTEWATER EASEMENT  
SOUTH REGIONAL WATER  
RECLAMATION PROJECT  
CITY OF DRIPPING SPRINGS

Item # 9.

PARCEL 40  
HAYS COUNTY, TEXAS

THOMAS R. JACKSON SURVEY  
NO. 25, ABSTRACT 9

CUNCASHCA, LLC, A TEXAS  
LIMITED LIABILITY COMPANY  
TRACT 3  
CALLED 15.65 ACRES  
DOC #. 20030036  
O.P.R.H.C.TX

P.O.R.  
TXDOT TYPE 1

P.O.R.  
TXDOT TYPE 1

MATCHLINE PAGE 5

SEE DETAIL 2



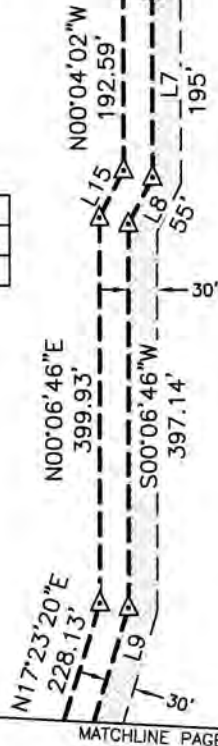
PARCEL 40  
PART 1 - VARIABLE WIDTH  
TEMPORARY CONSTRUCTION  
EASEMENTS  
3.72 ACRE

PARCEL 40  
30' WIDE WATER AND  
WASTEWATER EASEMENT  
3.00 ACRE

PARCEL 40  
CUNCASHCA, LLC, A TEXAS  
LIMITED LIABILITY COMPANY  
TRACT 4  
CALLED 202.38 ACRES  
DOC #. 20030036  
O.P.R.H.C.TX

REVISIONS			
NO.	REVISION	DATE	TECH
1	REVISED EASEMENT & TCE	3/11/2022	JR

LINE TABLE		
NUMBER	DIRECTION	LENGTH
L3	N70°43'25"W	176.57'
L4	S42°56'54"W	140.46'
L5	S82°22'08"W	163.71'
L6	S23°24'36"W	244.46'
L7	S00°04'02"E	193.76'
L8	S27°38'27"W	54.53'
L9	S17°23'20"W	228.12'
L15	N27°38'27"E	54.48'
L16	N42°56'54"E	149.45'
L17	S70°43'25"E	190.83'
L18	N88°06'34"E	206.12'



MATCHLINE PAGE 7

JOB NUMBER: 47232  
DATE: 08/18/2020  
SCALE: 1:200  
SURVEYOR: N. HINES  
TECHNICIAN: D. CULLEN  
DRAWING: PARCEL 40  
TRACT ID: -  
PARTY CHIEF: J. STILLMAN  
FIELDBOOKS: -



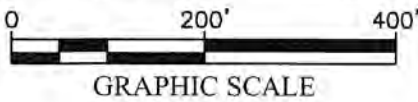
4801 Southwest Parkway  
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email: info@sam.biz

Texas Firm Registration No. 10064300

PROJECT: WATER & WASTEWATER EASEMENT  
CITY OF DRIPPING SPRINGS

SHEET 6  
OF 8

224



PLAT OF WATER & WASTEWATER EASEMENT  
SOUTH REGIONAL WATER  
RECLAMATION PROJECT  
CITY OF DRIPPING SPRINGS

Item # 9.



PARCEL 40  
HAYS COUNTY, TEXAS

THOMAS R. JACKSON SURVEY  
NO. 25, ABSTRACT 9

MATCHLINE PAGE 6

PARCEL 40  
VARIABLE WIDTH TEMPORARY  
CONSTRUCTION EASEMENT  
3.72 ACRE

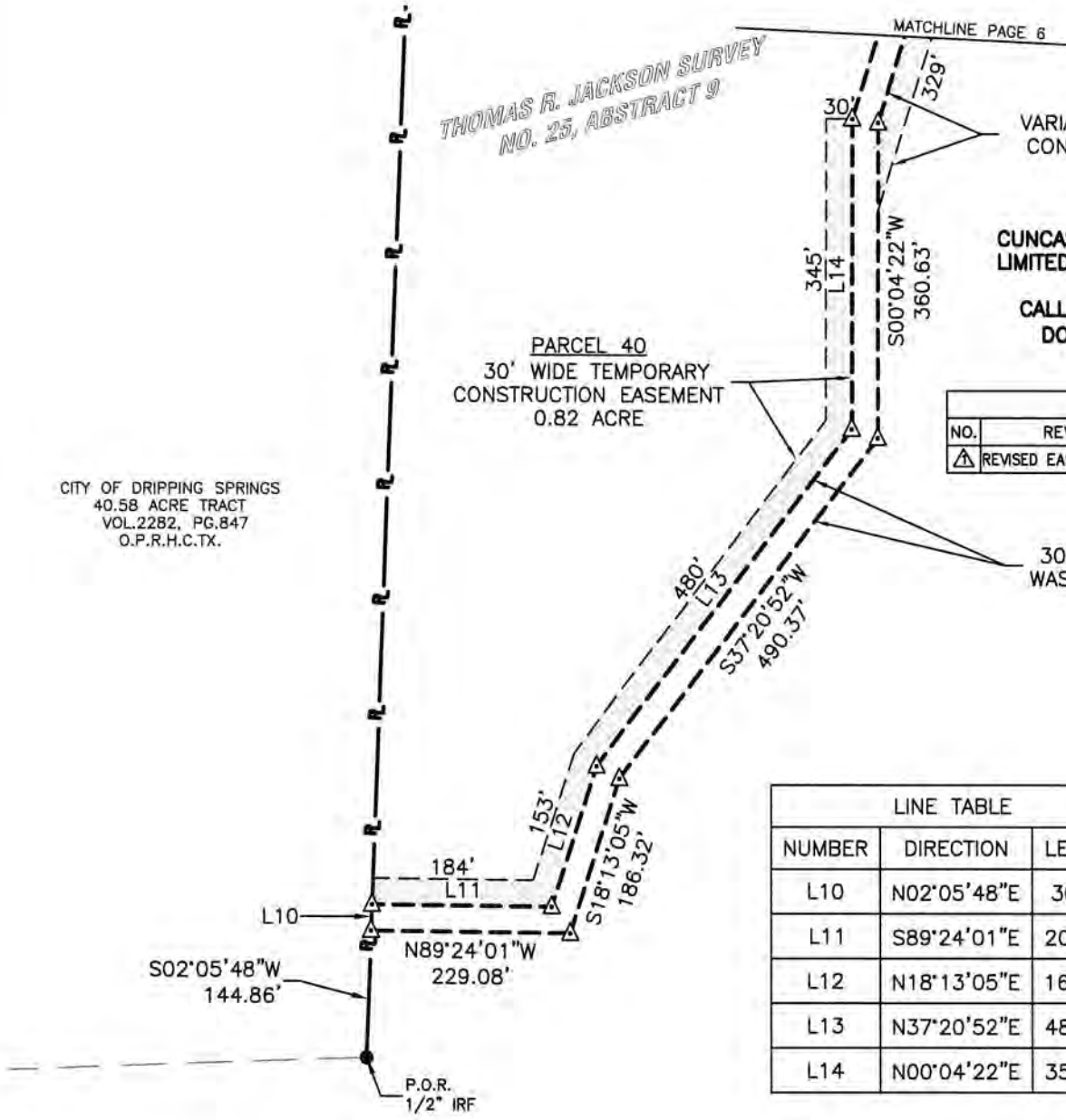
PARCEL 40  
CUNCASHCA, LLC, A TEXAS  
LIMITED LIABILITY COMPANY  
TRACT 4  
CALLED 202.38 ACRES  
DOC #. 20030036  
O.P.R.H.C.TX

PARCEL 40  
30' WIDE TEMPORARY  
CONSTRUCTION EASEMENT  
0.82 ACRE

REVISIONS			
NO.	REVISION	DATE	TECH
1	REVISED EASEMENT & TCE	3/11/2022	JR

CITY OF DRIPPING SPRINGS  
40.58 ACRE TRACT  
VOL.2282, PG.847  
O.P.R.H.C.TX.

PARCEL 40  
30' WIDE WATER AND  
WASTEWATER EASEMENT  
3.00 ACRE



LINE TABLE		
NUMBER	DIRECTION	LENGTH
L10	N02°05'48"E	30.01'
L11	S89°24'01"E	206.34'
L12	N18°13'05"E	169.43'
L13	N37°20'52"E	485.31'
L14	N00°04'22"E	355.08'

JOB NUMBER: 47232  
DATE: 08/18/2020  
SCALE: 1:200  
SURVEYOR: N. HINES  
TECHNICIAN: D. CULLEN  
DRAWING: PARCEL 40  
TRACT ID: -  
PARTY CHIEF: J. STILLMAN  
FIELD BOOKS: -



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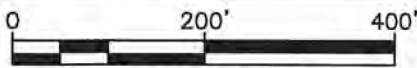
PROJECT: WATER & WASTEWATER EASEMENT  
CITY OF DRIPPING SPRINGS

SHEET 7  
OF 8

225

Texas Firm Registration No. 10064300





GRAPHIC SCALE

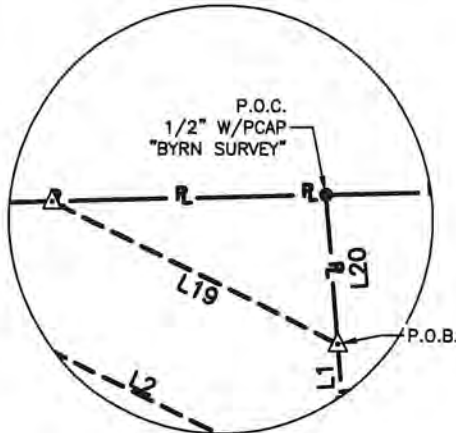
PARCEL 40  
HAYS COUNTY, TEXAS

PLAT OF WATER & WASTEWATER EASEMENT  
SOUTH REGIONAL WATER  
RECLAMATION PROJECT  
CITY OF DRIPPING SPRINGS

Item # 9.

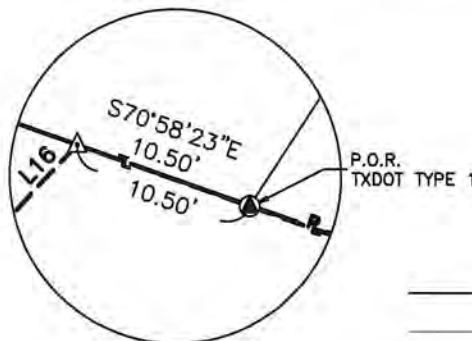


DETAIL 1



NOT TO SCALE

DETAIL 2



NOT TO SCALE

REVISIONS			
NO.	REVISION	DATE	TECH
△	REVISED EASEMENT & TCE	3/11/2022	JR

LEGEND

- R —— PARCEL LIMITS
- S —— APPROXIMATE SURVEY LINE
- ——— EXISTING ROAD
- ——— ADJOINER PROPERTY
- ..... FLYTIE
- IRON ROD FOUND (AS NOTED)
- △ CALCULATED POINT
- ⊙ TXDOT TYPE I MONUMENT
- ⚓ NAIL FOUND
- ⊙ COTTON SPINDLE FOUND
- D.R.H.C.TX. DEED RECORDS HAYS COUNTY, TEXAS
- P.R.H.C.TX. PLAT RECORDS HAYS COUNTY, TEXAS
- O.P.R.H.C.TX. OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE
- P.O.C. POINT OF COMMENCEMENT
- [ ] PERMANENT EASEMENT
- [ ] TEMPORARY CONSTRUCTION EASEMENT

PERMANENT EASEMENT AREA: 3.00 ACRES

PART 1 – VARIABLE WIDTH  
TEMPORARY CONSTRUCTION EASEMENT AREA: 3.72 ACRES

PART 2 – 30' WIDE  
TEMPORARY CONSTRUCTION EASEMENT AREA: 0.82 ACRES

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA: 4.54 ACRES

NOTES:

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- RECORD INFORMATION SHOWN HEREON IS BASED UPON TITLE COMMITMENT ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY GF. NO. 19-1667-CR, EFFECTIVE DATE: MAY 25, 2022, ISSUED JUNE 6, 2022.
- FOR ADDITIONAL INFORMATION, SEE ATTACHED LEGAL DESCRIPTION MADE IN CONJUNCTION WITH AND CONSIDERED AN INTEGRAL PART OF THIS PLAT.



*Neil Hines* 8/30/2022  
NEIL HINES DATE  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 5642 – STATE OF TEXAS

JOB NUMBER: 47232
DATE: 08/18/2020
SCALE: 1:200
SURVEYOR: N. HINES
TECHNICIAN: D. CULLEN
DRAWING: PARCEL 40
TRACT ID: -
PARTY CHIEF: J. STILLMAN
FIELD BOOKS: -



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Building Two, Suite 100  
Austin Texas, 78735  
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Fax: 512.326.3029  
email: info@sam.biz

Texas Firm Registration No. 10064300

PROJECT: SANITARY SEWER EASEMENT  
CITY OF DRIPPING SPRINGS

SHEET 8  
OF 8

**Part 3 of**  
**EXHIBIT C**  
**(Parcel 27 Temporary**  
**Construction Easement)**

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

**TEMPORARY CONSTRUCTION EASEMENT**  
(CORPORATE – PARCEL 27)

**Date:** \_\_\_\_\_

**Grantor:** CUNCASHCA, LLC, a Texas limited liability company

**Grantor's Address:** PO Box 5885, Austin, Texas 78763

**Grantee:** CITY OF DRIPPING SPRINGS, TEXAS, a Texas General Law municipal corporation situated in Hays County

**Grantee's Address:** P.O. Box 384  
511 Mercer Street  
Dripping Springs, Hays County, Texas 78620

**Property:** An exclusive approximately 0.38 acre temporary easement and right-of-way ("Easement") in, upon, across, over, along and through the parcel of real property of Grantor which is more particularly shown as "Temporary Construction Easements" on **Exhibit "A"**, attached hereto and incorporated herein by reference ("Easement Tract").

**Consideration:** Ten Dollars (\$10.00) and other good and valuable consideration paid to Grantor for which no lien either express or implied is retained

**Permitted Encumbrances:** All encumbrances and other matters of record in the Official Public Records of Hays County, Texas, to the extent they are validly existing and affect the Easement Tract.

**GRANT OF EASEMENT:**

CUNCASHCA, LLC, a Texas limited liability company ("Grantor"), for the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, does hereby GRANT, SELL AND CONVEY unto **THE CITY OF DRIPPING SPRINGS, TEXAS**, a General Law municipality located in Hays County, Texas ("Grantee") the Easement in, upon, across, over, along and through the Easement Tract TO HAVE AND TO HOLD the same for the Duration to Grantee and its successors and assigns, together with the right and privilege at any and all times to enter the Easement Tract with full rights of ingress and egress from the adjoining property of Grantor, or



any part thereof, for the purpose of construction of the City of Dripping Springs wastewater system improvements as described in Texas Water Development Board Project No. 73819.

Grantor, on behalf of Grantor and his/her heirs, legal representatives, successors and assigns, does hereby covenant and agree to WARRANT AND FOREVER DEFEND title to the Easement herein granted on the Easement Tract, unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same for the Duration of the Easement.

**CHARACTER OF EASEMENT:**

The Easement rights of use granted herein are temporary and limited to the Duration stated herein. The Easement is for the benefit of Grantee. The Easement rights herein granted shall pass to Grantee's successors and assigns, subject to all of the Terms hereof if the property transfers ownership before the Duration of the Easement.

**PURPOSE OF EASEMENT:**

The Easement shall be used for storing equipment and materials located at South Regional Water Reclamation Project ("Project"), for construction staging and operations, for the construction of the wastewater system improvements, and other purposes related to construction of the Project.

Neither Grantee nor its contractors shall use the Easement as access to or from its wastewater facilities that are on land adjacent to the property upon which the Easement is located. For the avoidance of doubt, while the Easement may be used for maintenance and operations of the facilities that are in the Easement, the Easement is not to be used as a road or other path through to the property upon which the Easement is located to access adjacent property.

**DURATION OF EASEMENT:**

This Easement is temporary, and will become effective from the date of execution of the Easement and continuing for two (2) years, when it will terminate, unless extended in writing by Grantor prior to expiration ("Duration").

**USE OF EASEMENT:**

Prior to the start of construction, Grantee agrees to install any temporary barriers required by its Federal or State permits to prevent loss of disturbed soil. Prior to termination of the easement, Grantee agrees to restore the surface of the Easement Tract as follows: remove any construction debris or other material remaining on the site after construction, remove any disturbed rock, roots, and soil, remove any temporary barriers, revegetate disturbed vegetated areas, and restore roadway surfaces to existing or better condition, unless requested otherwise by Grantor. The termination of this Temporary Construction Easement shall not, in any way, cancel, terminate, reduce, or diminish any permanent easements granted by Grantor.

**GRANTOR USE:**

Grantor hereby retains, reserves, and shall continue to enjoy the use of the Easement Tract (or grant to others the right to do the same as conditioned herein) for any and all purposes that do not interfere with or prevent the use by Grantee of the Easement herein granted for the Purpose of Easement. Grantee has the right to trim and cut down trees and shrubbery and to remove other improvements and structures located within the Easement Tract, without Grantor recourse, to the extent reasonably necessary to prevent interference with use within the Easement Tract.

In witness whereof, this instrument is executed this \_\_\_ day of \_\_\_\_\_, 20\_\_.

**GRANTOR:**

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

Title: \_\_\_\_\_

**STATE OF TEXAS**

§  
§  
§

**CORPORATE ACKNOWLEDGMENT**

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

This instrument was acknowledged before me, the undersigned authority, this \_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, on behalf of said CUNCASHCA, LLC, a Texas limited liability company.

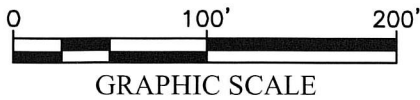
\_\_\_\_\_  
Notary Public In and For  
The State of Texas

My Commission expires: \_\_\_\_\_

**AFTER RECORDING RETURN TO:**

City Secretary  
City of Dripping Springs  
P.O. Box 384  
Dripping Springs, Texas 78620

**EXHIBIT "A"**  
**EASEMENT TRACT**



PLAT OF WATER & WASTEWATER EASEMENT  
 SOUTH REGIONAL WATER  
 RECLAMATION PROJECT  
 CITY OF DRIPPING SPRINGS

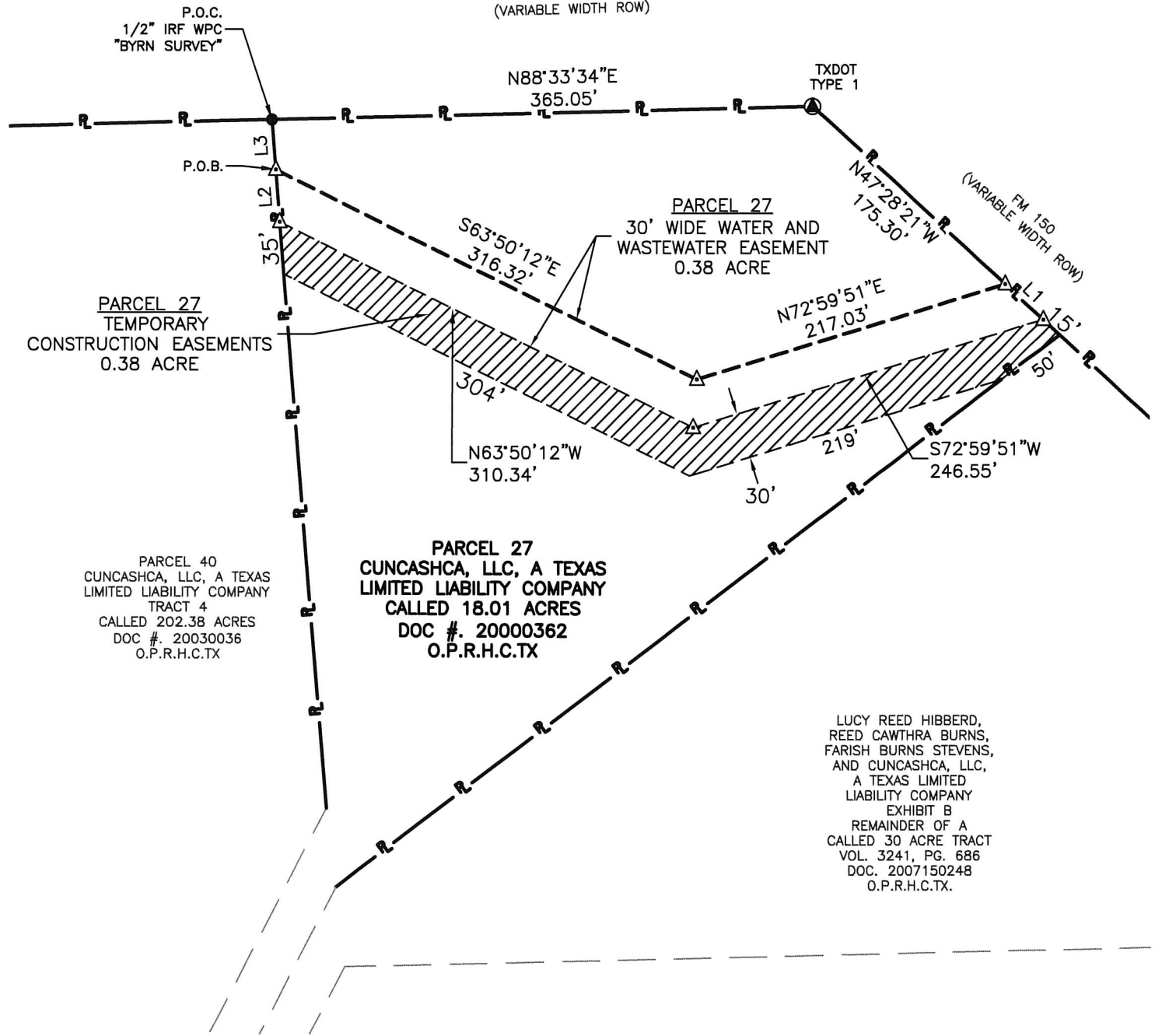
Item # 9.

PARCEL 27  
 HAYS COUNTY, TEXAS



THOMAS R. JACKSON SURVEY  
 NO. 25, ABSTRACT 9

FM 150  
 (VARIABLE WIDTH ROW)



JOB NUMBER: 47232
DATE: 08/18/2020
SCALE: 1:100
SURVEYOR: N. HINES
TECHNICIAN: D. CULLEN
DRAWING: PARCEL 27-R4
TRACT ID: -
PARTY CHIEF: J. STILLMAN
FIELD BOOKS: -



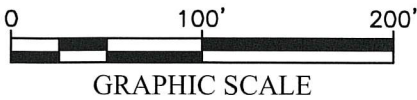
4801 Southwest Parkway  
 Building Two, Suite 100  
 Austin Texas, 78735  
 Ofc: 512.447.0575  
 Fax: 512.326.3029  
 email: Info@sam.biz

PROJECT: WATER & WASTEWATER EASEMENT  
 CITY OF DRIPPING SPRINGS

SHEET 3  
 OF 4

232

Texas Firm Registration No. 10064300



PLAT OF WATER & WASTEWATER EASEMENT  
 SOUTH REGIONAL WATER  
 RECLAMATION PROJECT  
 CITY OF DRIPPING SPRINGS

Item # 9.



PARCEL 27  
 HAYS COUNTY, TEXAS

LINE TABLE		
NUMBER	DIRECTION	LENGTH
L1	S47°28'21"E	34.81'
L2	N04°34'45"W	34.91'
L3	S04°34'45"E	33.41'

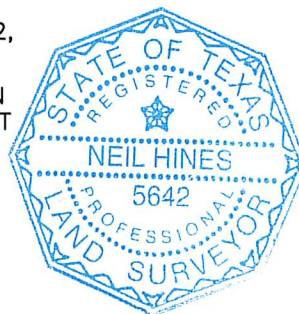
LEGEND

- R ——— PARCEL LIMITS
- S ——— APPROXIMATE SURVEY LINE
- EXISTING ROAD
- ADJOINER PROPERTY
- ..... FLYTIE
- IRON ROD FOUND (AS NOTED)
- △ CALCULATED POINT
- ⊙ TXDOT TYPE I MONUMENT
- ⚓ NAIL FOUND
- ⊙ COTTON SPINDLE FOUND
- D.R.H.C.TX. DEED RECORDS HAYS COUNTY, TEXAS
- P.R.H.C.TX. PLAT RECORDS HAYS COUNTY, TEXAS
- O.P.R.H.C.TX. OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE
- P.O.C. POINT OF COMMENCEMENT
- [ ] PERMANENT EASEMENT
- [ / ] TEMPORARY CONSTRUCTION EASEMENT

PERMANENT EASEMENT AREA: 0.38 ACRES  
 TEMPORARY CONSTRUCTION EASEMENT AREA: 0.38 ACRES

NOTES:

- ALL BEARINGS ARE GRID BEARINGS AND ARE BASED ON TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD83 (2011). ALL DISTANCES ARE REPRESENTED IN SURFACE VALUES, MEASURED IN U.S. SURVEY FEET, AND ARE BASED ON SAID HORIZONTAL DATUM. TO OBTAIN GRID DISTANCE MULTIPLY BY CSF OF 0.999870.
- RECORD INFORMATION SHOWN HEREON IS BASED UPON TITLE COMMITMENT ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY GF. NO. 19-1661-CR, EFFECTIVE DATE: MAY 25, 2022, ISSUED JUNE 6, 2022.
- FOR ADDITIONAL INFORMATION, SEE ATTACHED LEGAL DESCRIPTION MADE IN CONJUNCTION WITH AND CONSIDERED AN INTEGRAL PART OF THIS PLAT.



*Neil Hines 15 September 2022*  
 NEIL HINES DATE  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 NO. 5642 - STATE OF TEXAS

JOB NUMBER: 47232
DATE: 08/18/2020
SCALE: 1:100
SURVEYOR: N. HINES
TECHNICIAN: D. CULLEN
DRAWING: PARCEL 27-R4
TRACT ID: -
PARTY CHIEF: J. STILLMAN
FIELD BOOKS: -



4801 Southwest Parkway  
 Building Two, Suite 100  
 Austin Texas, 78735  
 Ofc: 512.447.0575  
 Fax: 512.326.3029  
 email: info@sam.blz

Texas Firm Registration No. 10064300

PROJECT: WATER & WASTEWATER EASEMENT  
 CITY OF DRIPPING SPRINGS

SHEET 4  
 OF 4

**Part 4 of**  
**EXHIBIT C**  
**(First Parcel 40 Temporary**  
**Construction Easement)**

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

**TEMPORARY CONSTRUCTION EASEMENT**  
(CORPORATE – PARCEL 40)

**Date:** \_\_\_\_\_

**Grantor:** CUNCASHCA, LLC, a Texas limited liability company

**Grantor's Address:** PO Box 5885, Austin, Texas 78763

**Grantee:** CITY OF DRIPPING SPRINGS, TEXAS, a Texas General Law municipal corporation situated in Hays County

**Grantee's Address:** P.O. Box 384  
511 Mercer Street  
Dripping Springs, Hays County, Texas 78620

**Property:** An exclusive approximately 0.38 acre temporary easement and right-of-way ("Easement") in, upon, across, over, along and through the parcel of real property of Grantor which is more particularly shown as "Temporary Construction Easement" on Exhibit "A", attached hereto and incorporated herein by reference ("Easement Tract").

**Consideration:** Ten Dollars (\$10.00) and other good and valuable consideration paid to Grantor for which no lien either express or implied is retained

**Permitted Encumbrances:** All encumbrances and other matters of record in the Official Public Records of Hays County, Texas, to the extent they are validly existing and affect the Easement Tract.

**GRANT OF EASEMENT:**

CUNCASHCA, LLC, a Texas limited liability company ("Grantor"), for the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, does hereby GRANT, SELL AND CONVEY unto **THE CITY OF DRIPPING SPRINGS, TEXAS**, a General Law municipality located in Hays County, Texas ("Grantee") the Easement in, upon, across, over, along and through the Easement Tract TO HAVE AND TO HOLD the same for the Duration to Grantee and its successors and assigns, together with the right and privilege at any and all times to enter the Easement Tract with full rights of ingress and egress from the adjoining property of Grantor, or



any part thereof, for the purpose of construction of the City of Dripping Springs wastewater system improvements as described in Texas Water Development Board Project No. 73819.

Grantor, on behalf of Grantor and his/her heirs, legal representatives, successors and assigns, does hereby covenant and agree to WARRANT AND FOREVER DEFEND title to the Easement herein granted on the Easement Tract, unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same for the Duration of the Easement.

**CHARACTER OF EASEMENT:**

The Easement rights of use granted herein are temporary and limited to the Duration stated herein. The Easement is for the benefit of Grantee. The Easement rights herein granted shall pass to Grantee's successors and assigns, subject to all of the Terms hereof if the property transfers ownership before the Duration of the Easement.

**PURPOSE OF EASEMENT:**

The Easement shall be used for storing equipment and materials located at South Regional Water Reclamation Project ("Project"), for construction staging and operations, for the construction of the wastewater system improvements, and other purposes related to construction of the Project.

Neither Grantee nor its contractors shall use the Easement as access to or from its wastewater facilities that are on land adjacent to the property upon which the Easement is located. For the avoidance of doubt, while the Easement may be used for maintenance and operations of the facilities that are in the Easement, the Easement is not to be used as a road or other path through to the property upon which the Easement is located to access adjacent property.

**DURATION OF EASEMENT:**

This Easement is temporary, and will become effective from the date of execution of the Easement and continuing for two (2) years, when it will terminate, unless extended in writing by Grantor prior to expiration ("Duration").

**USE OF EASEMENT:**

Prior to the start of construction, Grantee agrees to install any temporary barriers required by its Federal or State permits to prevent loss of disturbed soil. Prior to termination of the easement, Grantee agrees to restore the surface of the Easement Tract as follows: remove any construction debris or other material remaining on the site after construction, remove any disturbed rock, roots, and soil, remove any temporary barriers, revegetate disturbed vegetated areas, and restore roadway surfaces to existing or better condition, unless requested otherwise by Grantor. The termination of this Temporary Construction Easement shall not, in any way, cancel, terminate, reduce, or diminish any permanent easements granted by Grantor.

**GRANTOR USE:**

Grantor hereby retains, reserves, and shall continue to enjoy the use of the Easement Tract (or grant to others the right to do the same as conditioned herein) for any and all purposes that do not interfere with or prevent the use by Grantee of the Easement herein granted for the Purpose of Easement. Grantee has the right to trim and cut down trees and shrubbery and to remove other improvements and structures located within the Easement Tract, without Grantor recourse, to the extent reasonably necessary to prevent interference with use within the Easement Tract.

In witness whereof, this instrument is executed this \_\_\_ day of \_\_\_\_\_, 20\_\_.

**GRANTOR:**

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

Title: \_\_\_\_\_

**STATE OF TEXAS**

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§  
§

**CORPORATE ACKNOWLEDGMENT**

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

This instrument was acknowledged before me, the undersigned authority, this \_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, on behalf of said CUNCASHCA, LLC, a Texas limited liability company.

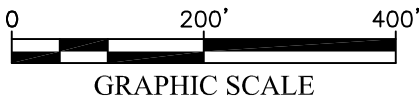
\_\_\_\_\_  
Notary Public In and For  
The State of Texas

My Commission expires: \_\_\_\_\_

**AFTER RECORDING RETURN TO:**

City Secretary  
City of Dripping Springs  
P.O. Box 384  
Dripping Springs, Texas 78620

**EXHIBIT "A"**  
**EASEMENT TRACT**



PARCEL 40  
HAYS COUNTY, TEXAS

PLAT OF TEMPORARY  
CONSTRUCTION EASEMENT  
SOUTH REGIONAL WATER  
RECLAMATION PROJECT  
CITY OF DRIPPING SPRINGS

Item # 9.



PARCEL 40  
CUNCASHCA, LLC, A TEXAS  
LIMITED LIABILITY COMPANY  
TRACT 4  
CALLED 202.38 ACRES  
DOC #. 20030036  
O.P.R.H.C.TX

PARCEL 40  
30' WIDE WATER AND  
WASTEWATER EASEMENT  
3.00 ACRE

CITY OF DRIPPING SPRINGS  
40.58 ACRE TRACT  
VOL.2282, PG.847  
O.P.R.H.C.TX.

LOT 25, BLOCK A  
HOWARD RANCH  
SUBDIVISION  
SECTION 2  
VOLUME 13, PAGE 152  
O.P.R.H.C.TX

*STILES J. FOWLER SURVEY  
NO. 31, ABSTRACT 174*

LOT 25, BLOCK A  
HOWARD RANCH  
SUBDIVISION  
SECTION 2  
VOLUME 13, PAGE 152  
O.P.R.H.C.TX

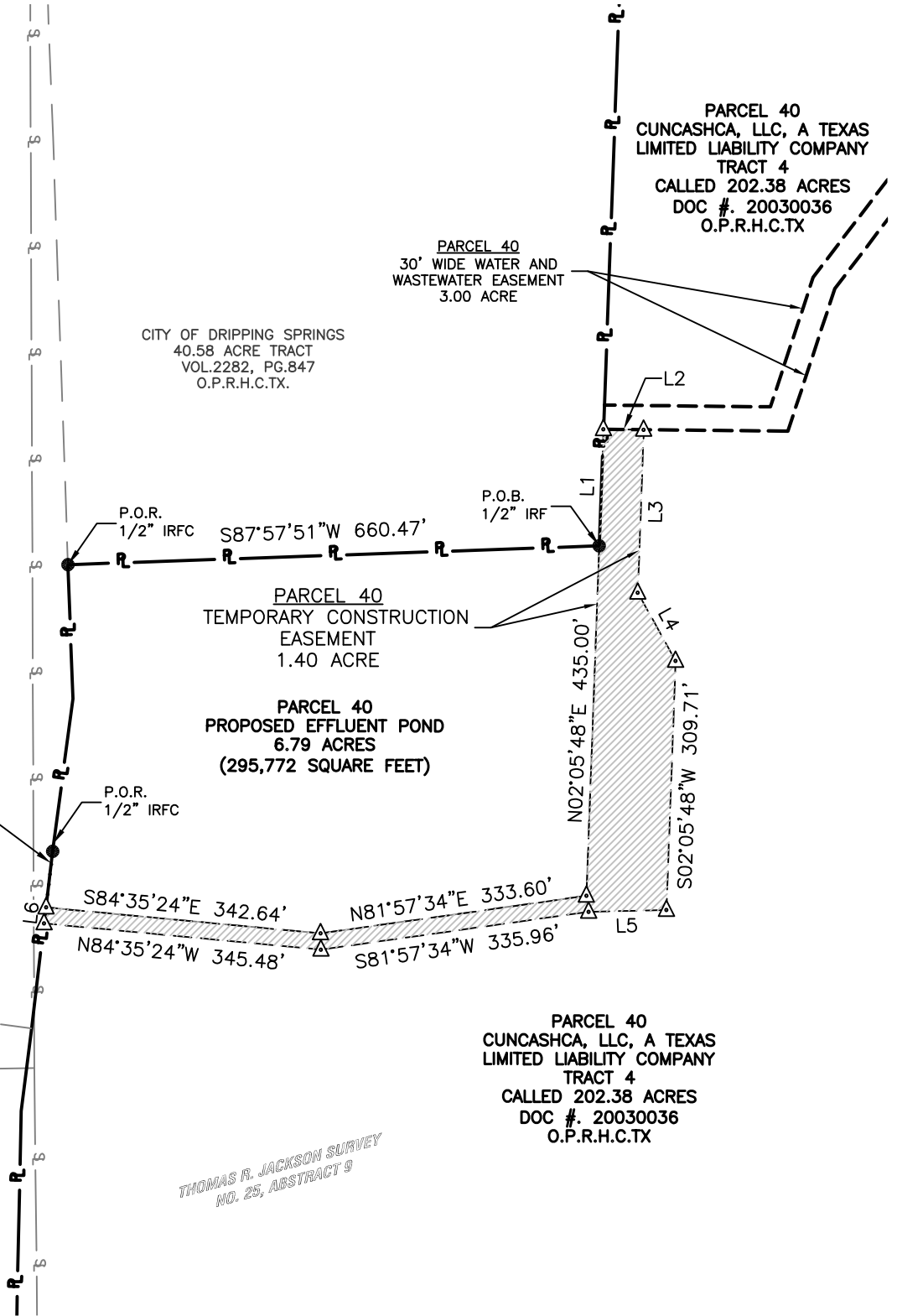
*WILLIAM COCKBURN SURVEY  
NO. 32, ABSTRACT 97*

*THOMAS R. JACKSON SURVEY  
NO. 25, ABSTRACT 9*

PARCEL 40  
TEMPORARY CONSTRUCTION  
EASEMENT  
1.40 ACRE

PARCEL 40  
PROPOSED EFFLUENT POND  
6.79 ACRES  
(295,772 SQUARE FEET)

PARCEL 40  
CUNCASHCA, LLC, A TEXAS  
LIMITED LIABILITY COMPANY  
TRACT 4  
CALLED 202.38 ACRES  
DOC #. 20030036  
O.P.R.H.C.TX



JOB NUMBER: 47232
DATE: 08/18/2020
SCALE: 1:200
SURVEYOR: N. HINES
TECHNICIAN: D. CULLEN
DRAWING: PARCEL 40-TCE_R2
TRACT ID: -
PARTY CHIEF: J. STILLMAN
FIELD BOOKS: -



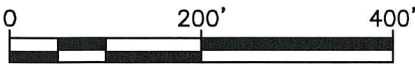
4801 Southwest Parkway  
Building Two, Suite 100  
Austin Texas, 78735  
Ofc: 512.447.0575  
Fax: 512.326.3029  
email: info@sam.biz

PROJECT: TEMPORARY EASEMENT  
CITY OF DRIPPING SPRINGS

SHEET 3  
OF 4

Texas Firm Registration No. 10064300

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GRAPHIC SCALE

PARCEL 40  
HAYS COUNTY, TEXAS

PARCEL PLAT  
SOUTH REGIONAL WATER  
RECLAMATION PROJECT  
CITY OF DRIPPING SPRINGS

Item # 9.



LINE TABLE		
NUMBER	DIRECTION	LENGTH
L1	N02°05'48"E	144.86'
L2	S89°24'01"E	50.02'
L3	S02°05'48"W	202.69'
L4	S29°02'40"E	96.68'
L5	S88°42'35"W	96.65'
L6	N06°48'18"E	20.01'

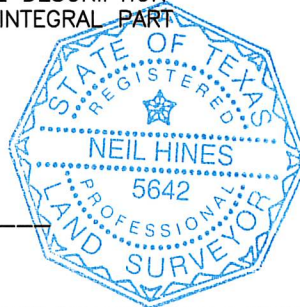
LEGEND

- PARCEL LIMITS
- APPROXIMATE SURVEY LINE
- EXISTING ROAD
- ADJOINER PROPERTY
- FLYTIE
- IRON ROD FOUND (AS NOTED)
- CALCULATED POINT
- TXDOT TYPE I MONUMENT
- NAIL FOUND
- COTTON SPINDLE FOUND
- DEED RECORDS HAYS COUNTY, TEXAS
- PLAT RECORDS HAYS COUNTY, TEXAS
- OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS
- POINT OF BEGINNING
- POINT OF REFERENCE
- TEMPORARY CONSTRUCTION EASEMENT

TEMPORARY CONSTRUCTION EASEMENT AREA: 1.40 ACRES

NOTES:

- ALL BEARINGS ARE GRID BEARINGS AND ARE BASED ON TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD83 (2011). ALL DISTANCES ARE REPRESENTED IN SURFACE VALUES, MEASURED IN U.S. SURVEY FEET, AND ARE BASED ON SAID HORIZONTAL DATUM. TO OBTAIN GRID DISTANCE MULTIPLY BY CSF OF 0.999870.
- RECORD INFORMATION SHOWN HEREON IS BASED UPON TITLE COMMITMENT ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY GF. NO. 19-1667-CR, EFFECTIVE DATE: MAY 25, 2022, ISSUED JUNE 6, 2022.
- FOR ADDITIONAL INFORMATION, SEE ATTACHED LEGAL DESCRIPTION MADE IN CONJUNCTION WITH AND CONSIDERED AN INTEGRAL PART OF THIS PLAT.



*Neil Hines 18 October 2022*

NEIL HINES DATE  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 5642 - STATE OF TEXAS

JOB NUMBER: 47232
DATE: 08/18/2020
SCALE: 1:200
SURVEYOR: N. HINES
TECHNICIAN: D. CULLEN
DRAWING: PARCEL 40-TCF_R2
TRACT ID: -
PARTY CHIEF: J. STILLMAN
FIELD BOOKS: -



4801 Southwest Parkway  
Building Two, Suite 100  
Austin Texas, 78735  
Ofc: 512.447.0575  
Fax: 512.326.3029  
email: info@sam.biz

Texas Firm Registration No. 10064300

PROJECT: PARCEL PLAT  
CITY OF DRIPPING SPRINGS

SHEET 4  
OF 4

240

**Part 5 of**  
**EXHIBIT C**  
**(Second Parcel 40 Temporary**  
**Construction Easement)**

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

**TEMPORARY CONSTRUCTION EASEMENT**  
(CORPORATE – PARCEL 40)

**Date:** \_\_\_\_\_

**Grantor:** CUNCASHCA, LLC, a Texas limited liability company

**Grantor's Address:** PO Box 5885, Austin, Texas 78763

**Grantee:** CITY OF DRIPPING SPRINGS, TEXAS, a Texas General Law municipal corporation situated in Hays County

**Grantee's Address:** P.O. Box 384, 511 Mercer Street  
Dripping Springs, Hays County, Texas 78620

**Property:** Part 1: An exclusive approximately 3.72 acre temporary easement and right-of-way ("Easement") in, upon, across, over, along and through the parcel of real property of Grantor which is more particularly shown as "Temporary Construction Easements" on **Exhibit "A"**, attached hereto and incorporated herein by reference ("Easement Tract").

Part 2: An exclusive approximately 0.82 acre temporary easement and right-of-way ("Easement") in, upon, across, over, along and through the parcel of real property of Grantor which is more particularly shown as "Temporary Construction Easements" on **Exhibit "A"**, attached hereto and incorporated herein by reference ("Easement Tract").

**Consideration:** Ten Dollars (\$10.00) and other good and valuable consideration paid to Grantor for which no lien either express or implied is retained

**Permitted Encumbrances:** All encumbrances and other matters of record in the Official Public Records of Hays County, Texas, to the extent they are validly existing and affect the Easement Tract.

**GRANT OF EASEMENT:**

CUNCASHCA, LLC, a Texas limited liability company ("Grantor"), for the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, does hereby GRANT, SELL AND



CONVEY unto **THE CITY OF DRIPPING SPRINGS, TEXAS**, a General Law municipality located in Hays County, Texas (“Grantee”) the Easement in, upon, across, over, along and through the Easement Tract TO HAVE AND TO HOLD the same for the Duration to Grantee and its successors and assigns, together with the right and privilege at any and all times to enter the Easement Tract with full rights of ingress and egress from the adjoining property of Grantor, or any part thereof, for the purpose of construction of the City of Dripping Springs wastewater system improvements as described in Texas Water Development Board Project No. 73819.

Grantor, on behalf of Grantor and his/her heirs, legal representatives, successors and assigns, does hereby covenant and agree to **WARRANT AND FOREVER DEFEND** title to the Easement herein granted on the Easement Tract, unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same for the Duration of the Easement.

**CHARACTER OF EASEMENT:**

The Easement rights of use granted herein are temporary and limited to the Duration stated herein. The Easement is for the benefit of Grantee. The Easement rights herein granted shall pass to Grantee's successors and assigns, subject to all of the Terms hereof if the property transfers ownership before the Duration of the Easement.

**PURPOSE OF EASEMENT:**

The Easement shall be used for storing equipment and materials located at South Regional Water Reclamation Project (“Project”), for construction staging and operations, for the construction of the wastewater system improvements, and other purposes related to construction of the Project.

Neither Grantee nor its contractors shall use the Easement as access to or from its wastewater facilities that are on land adjacent to the property upon which the Easement is located. For the avoidance of doubt, while the Easement may be used for maintenance and operations of the facilities that are in the Easement, the Easement is not to be used as a road or other path through to the property upon which the Easement is located to access adjacent property.

**DURATION OF EASEMENT:**

This Easement is temporary, and will become effective from the date of execution of the Easement and continuing for two (2) years, when it will terminate, unless extended in writing by Grantor prior to expiration (“Duration”).

**USE OF EASEMENT:**

Prior to the start of construction, Grantee agrees to install any temporary barriers required by its Federal or State permits to prevent loss of disturbed soil. Prior to termination of the easement, Grantee agrees to restore the surface of the Easement Tract as follows: remove any construction debris or other material remaining on the site after construction, remove any disturbed rock, roots, and soil, remove any temporary barriers, revegetate disturbed vegetated areas, and restore roadway surfaces to existing or better condition, unless requested otherwise by

Grantor. The termination of this Temporary Construction Easement shall not, in any way, cancel, terminate, reduce, or diminish any permanent easements granted by Grantor.

**GRANTOR USE:**

Grantor hereby retains, reserves, and shall continue to enjoy the use of the Easement Tract (or grant to others the right to do the same as conditioned herein) for any and all purposes that do not interfere with or prevent the use by Grantee of the Easement herein granted for the Purpose of Easement. Grantee has the right to trim and cut down trees and shrubbery and to remove other improvements and structures located within the Easement Tract, without Grantor recourse, to the extent reasonably necessary to prevent interference with use within the Easement Tract.

In witness whereof, this instrument is executed this \_\_\_ day of \_\_\_\_\_, 20\_\_.

**GRANTOR:**

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

Title: \_\_\_\_\_

**STATE OF TEXAS**

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§  
§

**CORPORATE ACKNOWLEDGMENT**

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

This instrument was acknowledged before me, the undersigned authority, this \_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, on behalf of said CUNCASHCA, LLC, a Texas limited liability company.

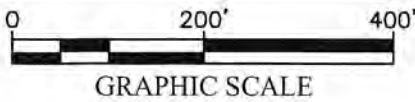
\_\_\_\_\_  
Notary Public In and For  
The State of Texas

My Commission expires: \_\_\_\_\_

**AFTER RECORDING RETURN TO:**

City Secretary  
City of Dripping Springs  
P.O. Box 384  
Dripping Springs, Texas 78620

**EXHIBIT "A"**  
**EASEMENT TRACT**



PLAT OF WATER & WASTEWATER EASEMENT  
 SOUTH REGIONAL WATER  
 RECLAMATION PROJECT  
 CITY OF DRIPPING SPRINGS

Item # 9.

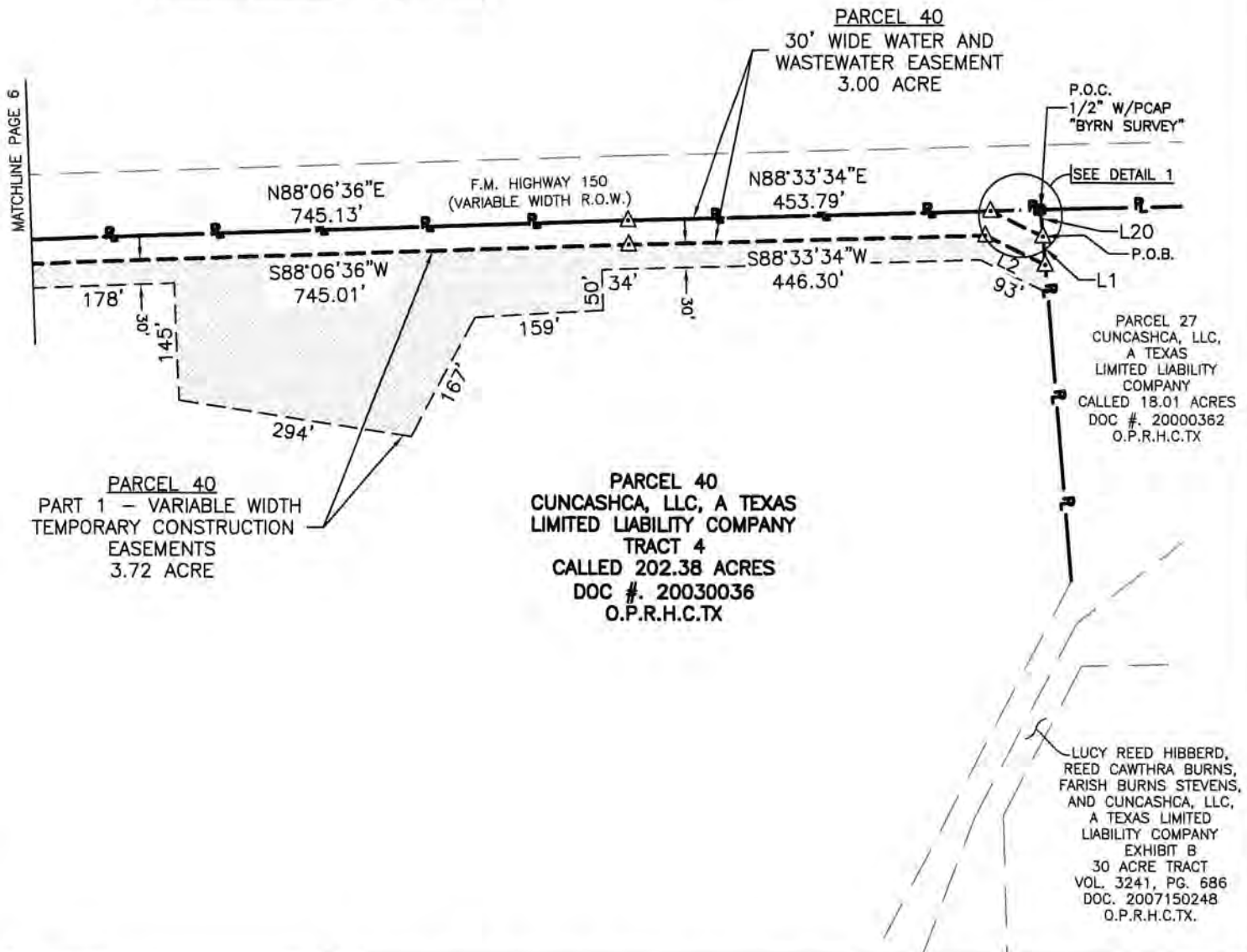


PARCEL 40  
 HAYS COUNTY, TEXAS

LINE TABLE		
NUMBER	DIRECTION	LENGTH
L1	S04°34'45"E	34.91'
L2	N63°50'12"W	82.47'
L19	S63°50'12"E	72.00'
L20	N04°34'45"W	33.41'

THOMAS B. JACKSON SURVEY  
 NO. 25, ABSTRACT 9

REVISIONS			
NO.	REVISION	DATE	TECH
△	REVISED EASEMENT & TCE	3/11/2022	JR



JOB NUMBER: 47232  
 DATE: 08/18/2020  
 SCALE: 1:200  
 SURVEYOR: N. HINES  
 TECHNICIAN: D. CULLEN  
 DRAWING: PARCEL 40  
 TRACT ID: -  
 PARTY CHIEF: J. STILLMAN  
 FIELD BOOKS: -



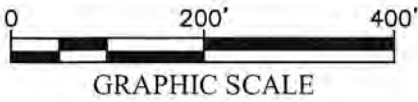
4801 Southwest Parkway  
 Building Two, Suite 100  
 Austin Texas, 78735  
 Ofc: 512.447.0575  
 Fax: 512.326.3029  
 email: info@sam.biz

PROJECT: WATER & WASTEWATER ESMI.  
 CITY OF DRIPPING SPRINGS

SHEET 5  
 OF 8

246

Texas Firm Registration No. 10064300



PLAT OF WATER & WASTEWATER EASEMENT  
SOUTH REGIONAL WATER  
RECLAMATION PROJECT  
CITY OF DRIPPING SPRINGS

Item # 9.

PARCEL 40  
HAYS COUNTY, TEXAS

THOMAS R. JACKSON SURVEY  
NO. 25, ABSTRACT 9

CUNCASHCA, LLC, A TEXAS  
LIMITED LIABILITY COMPANY  
TRACT 3  
CALLED 15.65 ACRES  
DOC #. 20030036  
O.P.R.H.C.TX

P.O.R.  
TXDOT TYPE 1

P.O.R.  
TXDOT TYPE 1

MATCHLINE PAGE 5

SEE DETAIL 2

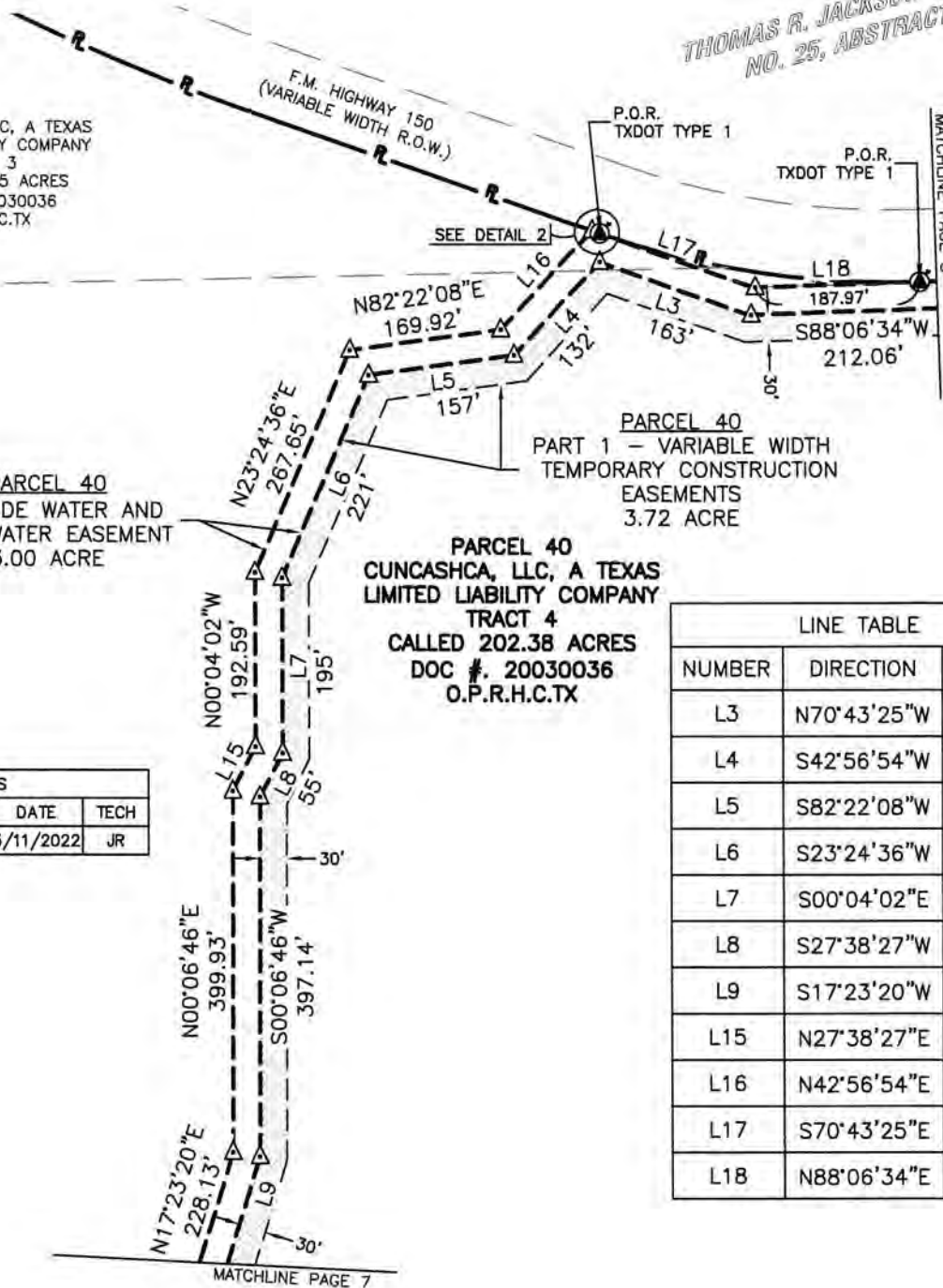
PARCEL 40  
30' WIDE WATER AND  
WASTEWATER EASEMENT  
3.00 ACRE

PARCEL 40  
PART 1 - VARIABLE WIDTH  
TEMPORARY CONSTRUCTION  
EASEMENTS  
3.72 ACRE

PARCEL 40  
CUNCASHCA, LLC, A TEXAS  
LIMITED LIABILITY COMPANY  
TRACT 4  
CALLED 202.38 ACRES  
DOC #. 20030036  
O.P.R.H.C.TX

REVISIONS			
NO.	REVISION	DATE	TECH
1	REVISED EASEMENT & TCE	3/11/2022	JR

LINE TABLE		
NUMBER	DIRECTION	LENGTH
L3	N70°43'25"W	176.57'
L4	S42°56'54"W	140.46'
L5	S82°22'08"W	163.71'
L6	S23°24'36"W	244.46'
L7	S00°04'02"E	193.76'
L8	S27°38'27"W	54.53'
L9	S17°23'20"W	228.12'
L15	N27°38'27"E	54.48'
L16	N42°56'54"E	149.45'
L17	S70°43'25"E	190.83'
L18	N88°06'34"E	206.12'



JOB NUMBER: 47232  
DATE: 08/18/2020  
SCALE: 1:200  
SURVEYOR: N. HINES  
TECHNICIAN: D. CULLEN  
DRAWING: PARCEL 40  
TRACT ID: -  
PARTY CHIEF: J. STILLMAN  
FIELD BOOKS: -



4801 Southwest Parkway  
Building Two, Suite 100  
Austin Texas, 78735  
Ofc: 512.447.0575  
Fax: 512.326.3029  
email: info@sam.biz

PROJECT: WATER & WASTEWATER EASEMENT  
CITY OF DRIPPING SPRINGS

SHEET 6  
OF 8

247

Texas Firm Registration No. 10064300



PLAT OF WATER & WASTEWATER EASEMENT  
 SOUTH REGIONAL WATER  
 RECLAMATION PROJECT  
 CITY OF DRIPPING SPRINGS

Item # 9.



PARCEL 40  
 HAYS COUNTY, TEXAS

THOMAS R. JACKSON SURVEY  
 NO. 25, ABSTRACT 9

MATCHLINE PAGE 6

PARCEL 40  
 VARIABLE WIDTH TEMPORARY  
 CONSTRUCTION EASEMENT  
 3.72 ACRE

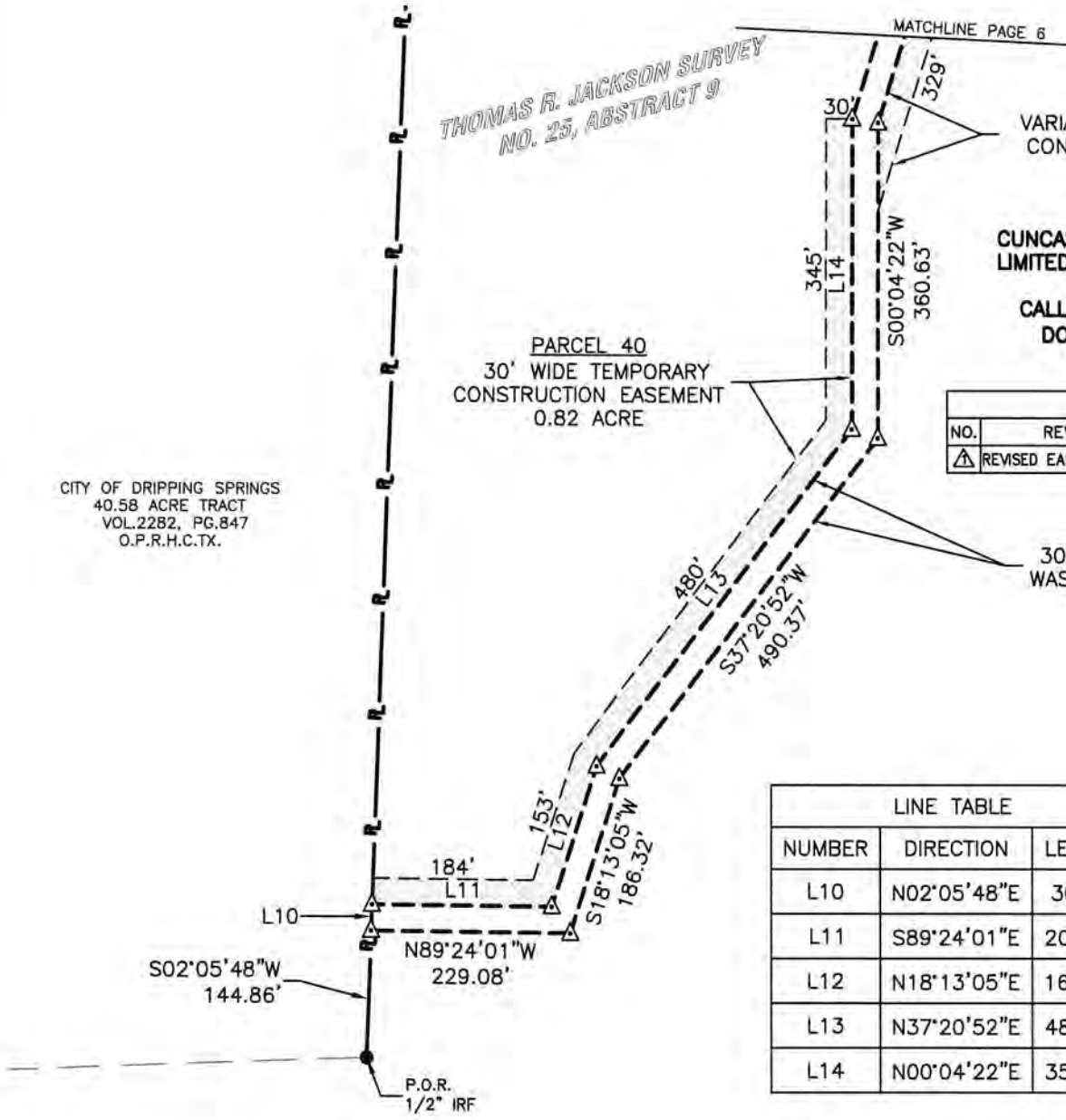
PARCEL 40  
 CUNCASHCA, LLC, A TEXAS  
 LIMITED LIABILITY COMPANY  
 TRACT 4  
 CALLED 202.38 ACRES  
 DOC #. 20030036  
 O.P.R.H.C.TX

PARCEL 40  
 30' WIDE TEMPORARY  
 CONSTRUCTION EASEMENT  
 0.82 ACRE

REVISIONS			
NO.	REVISION	DATE	TECH
1	REVISED EASEMENT & TCE	3/11/2022	JR

CITY OF DRIPPING SPRINGS  
 40.58 ACRE TRACT  
 VOL.2282, PG.847  
 O.P.R.H.C.TX.

PARCEL 40  
 30' WIDE WATER AND  
 WASTEWATER EASEMENT  
 3.00 ACRE



LINE TABLE		
NUMBER	DIRECTION	LENGTH
L10	N02°05'48"E	30.01'
L11	S89°24'01"E	206.34'
L12	N18°13'05"E	169.43'
L13	N37°20'52"E	485.31'
L14	N00°04'22"E	355.08'

JOB NUMBER: 47232  
 DATE: 08/18/2020  
 SCALE: 1:200  
 SURVEYOR: N. HINES  
 TECHNICIAN: D. CULLEN  
 DRAWING: PARCEL 40  
 TRACT ID: -  
 PARTY CHIEF: J. STILLMAN  
 FIELD BOOKS: -



4801 Southwest Parkway  
 Building Two, Suite 100  
 Austin Texas, 78735  
 Ofc: 512.447.0575  
 Fax: 512.326.3029  
 email: Info@sam.biz

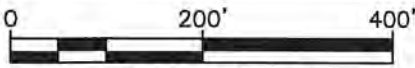
PROJECT: WATER & WASTEWATER EASEMENT  
 CITY OF DRIPPING SPRINGS

SHEET 7  
 OF 8

248

Texas Firm Registration No. 10064300





GRAPHIC SCALE

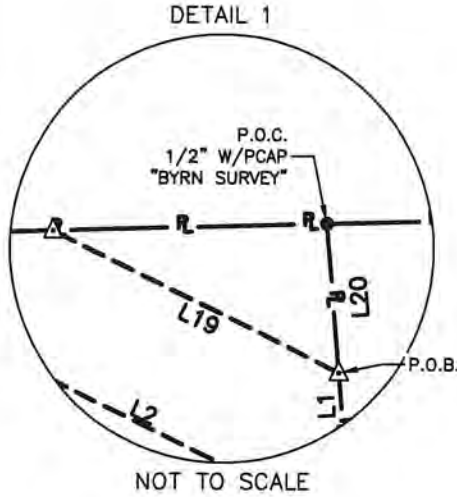
PARCEL 40  
HAYS COUNTY, TEXAS

PLAT OF WATER & WASTEWATER EASEMENT  
SOUTH REGIONAL WATER  
RECLAMATION PROJECT  
CITY OF DRIPPING SPRINGS

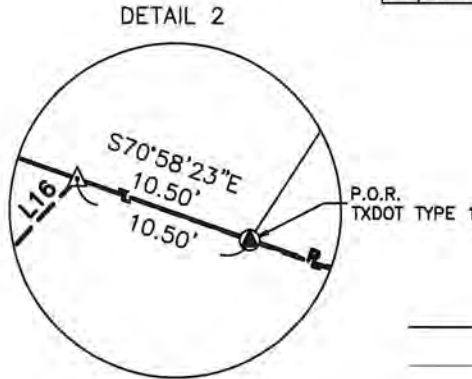
Item # 9.



REVISIONS			
NO.	REVISION	DATE	TECH
△	REVISED EASEMENT & TCE	3/11/2022	JR



NOT TO SCALE



NOT TO SCALE

LEGEND

- L —— PARCEL LIMITS
- S —— APPROXIMATE SURVEY LINE
- ——— EXISTING ROAD
- ——— ADJOINER PROPERTY
- ..... FLYTIE
- IRON ROD FOUND (AS NOTED)
- △ CALCULATED POINT
- ⊙ TXDOT TYPE I MONUMENT
- ✦ NAIL FOUND
- ⊙ COTTON SPINDLE FOUND
- D.R.H.C.TX. DEED RECORDS HAYS COUNTY, TEXAS
- P.R.H.C.TX. PLAT RECORDS HAYS COUNTY, TEXAS
- O.P.R.H.C.TX. OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE
- P.O.C. POINT OF COMMENCEMENT
- [ ] PERMANENT EASEMENT
- [ ] TEMPORARY CONSTRUCTION EASEMENT

PERMANENT EASEMENT AREA: 3.00 ACRES

PART 1 – VARIABLE WIDTH  
TEMPORARY CONSTRUCTION EASEMENT AREA: 3.72 ACRES

PART 2 – 30' WIDE  
TEMPORARY CONSTRUCTION EASEMENT AREA: 0.82 ACRES

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA: 4.54 ACRES

NOTES:

- ALL BEARINGS ARE GRID BEARINGS AND ARE BASED ON TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD83 (2011). ALL DISTANCES ARE REPRESENTED IN SURFACE VALUES, MEASURED IN U.S. SURVEY FEET, AND ARE BASED ON SAID HORIZONTAL DATUM. TO OBTAIN GRID DISTANCE MULTIPLY BY CSF OF 0.999870.
- RECORD INFORMATION SHOWN HEREON IS BASED UPON TITLE COMMITMENT ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY GF. NO. 19-1667-CR, EFFECTIVE DATE: MAY 25, 2022, ISSUED JUNE 6, 2022.
- FOR ADDITIONAL INFORMATION, SEE ATTACHED LEGAL DESCRIPTION MADE IN CONJUNCTION WITH AND CONSIDERED AN INTEGRAL PART OF THIS PLAT.



*Neil Hines* 8/30/2022  
NEIL HINES DATE  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 5642 – STATE OF TEXAS

JOB NUMBER: 47232
DATE: 08/18/2020
SCALE: 1:200
SURVEYOR: N. HINES
TECHNICIAN: D. CULLEN
DRAWING: PARCEL 40
TRACT ID: -
PARTY CHIEF: J. STILLMAN
FIELDBOOKS: -



4801 Southwest Parkway  
Building Two, Suite 100  
Austin Texas, 78735  
Ofc: 512.447.0575  
Fax: 512.326.3029  
email: info@sam.biz

Texas Firm Registration No. 10064300

PROJECT: SANITARY SEWER EASEMENT  
CITY OF DRIPPING SPRINGS

SHEET 8  
OF 8



# EXHIBIT C-1

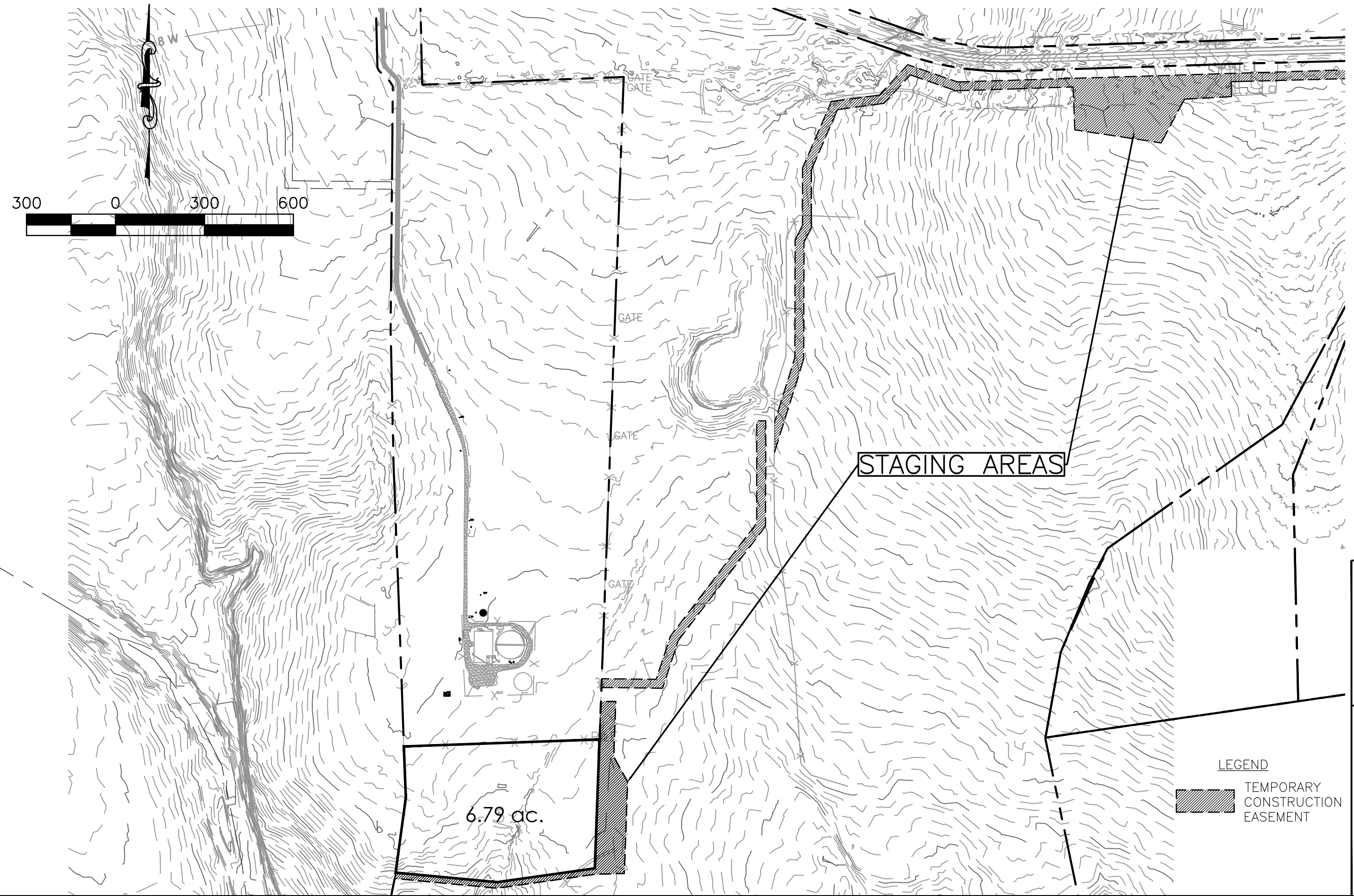
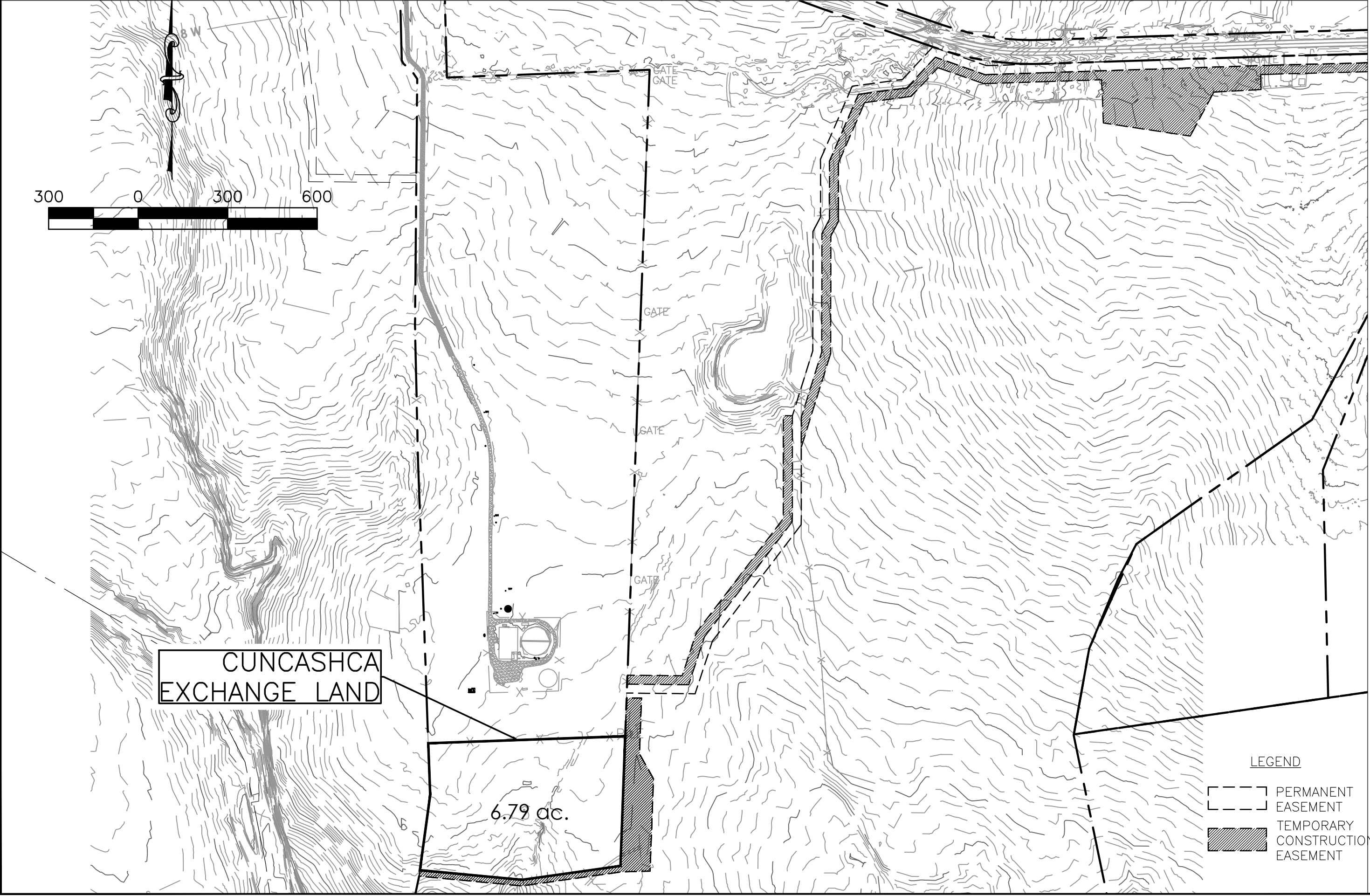


EXHIBIT C1

BURGESS & NIPLÉ, INC.  
 235 LEDGE STONE DRIVE  
 AUSTIN, TEXAS 78737  
 (512) 432-1000 Fax: (512) 432-1015

# EXHIBIT D



CUNCASHCA EXCHANGE LAND

6.79 ac.

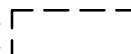

- LEGEND
-  PERMANENT EASEMENT
  -  TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT D

BURGESS & NIPLÉ, INC.  
 235 LEDGE STONE DRIVE  
 AUSTIN, TEXAS 78737  
 512/432-1000 Fax: (512) 432-1015



SAM, LLC

4801 Southwest Parkway, Bldg. Two, Suite 100, Austin, TX 78735

Ofc 512.447.0575 Fax 512.326.3029

info@sam.biz www.sam.biz TBPLS # 10064300

Item # 9.

**Parcel 40**  
**Legal Description**  
**City of Dripping Springs**  
**South Regional Water Reclamation Project**  
**Effluent Pond Site**  
**6.79 Acre (295,772 Square Foot)**

**PARCEL 40 Effluent Pond Site:**

BEING A 6.79 ACRE, EFFLUENT POND SITE, SITUATED IN THE THOMAS R. JACKSON SURVEY NO. 25, ABSTRACT NO. 9, HAYS COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 202.38 ACRE TRACT (TRACT 4) DESCRIBED IN A DEED TO CUNCASHCA, LLC, A TEXAS LIMITED LIABILITY COMPANY AND RECORDED IN DOCUMENT NUMBER 20030036, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.TX.), SAID 6.76 ACRE EFFLUENT POND SITE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2-inch iron rod found for an northwest corner of said Tract 4, same being the southwest corner of a called 40.58 acre tract, described in a deed to City of Dripping Springs, recorded in Volume. 2282, Page 847, O.P.R.H.C.TX, also being an angle corner on the east line of Lot 25, Block A of HOWARD RANCH SUBDIVISION SECTION 2, as recorded in Volume 13, Page 152 O.P.R.H.C.TX.;

**THENCE** North 87°57'51" East, with the common line of said Tract 4 and said 40.58 acre tract, a distance of 660.47 feet to a 1/2-inch iron rod found for an interior angle point of said Tract 4 and the southeast corner of said 40.58 acre tract ;

**THENCE** over and across said Tract 4, the following three (3) courses and distances:

- 1) South 02°05'48" West, a distance of 435.00 feet, to a 5/8-inch iron rod with SAM cap set for the southeast corner of the tract herein described;
- 2) South 81°57'34" E, a distance of 333.60 feet, to a 5/8-inch iron rod with SAM cap set for an angle corner of the tract herein described;
- 3) North 84°35'24" West, a distance of 342.64 feet, to a 5/8-inch iron rod with SAM cap set in the west line of said Tract 4 and the east line of said Lot 25, Block A for the southwest corner of the tract herein described;

**THENCE** with the west line of said Tract 4 and the east line of said Lot 25, Block A the following three (3) courses and distances;

- 1) North 06°48'18" East, a distance of 70.06 feet to a 1/2-inch iron rod found for an angle point of the tract herein described;
- 2) North 07°32'10" East, a distance of 191.38 feet to a 1/2-inch iron rod found for an angle point of the tract herein described;





1) North 02°06'14" West, a distance of 166.42 feet, to the **POINT OF BEGINNING** and containing 6.79 acres (295,772 square) feet of land.

Bearing Basis:

All bearings shown are based on the Texas Coordinate System, South Central Zone, NAD 83/2011. All distances shown are grid values, Units: U.S. Survey Feet.

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

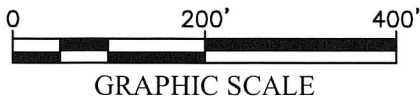
That I, Neil Hines, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, on the date shown below.

Neil Hines            28 September 2022  
Neil Hines   Date  
Registered Professional Land Surveyor  
No. 5642 – State of Texas



SURVEYING AND MAPPING, LLC  
4801 Southwest Pkwy  
Building Two, Suite 100  
Austin, Texas 78735  
TX. Firm No. 10064300



Item # 9.

PARCEL PLAT  
SOUTH REGIONAL WATER  
RECLAMATION PROJECT  
CITY OF DRIPPING SPRINGS

PARCEL 40  
HAYS COUNTY, TEXAS



STILES J. FOWLER SURVEY  
NO. 31, ABSTRACT 17A

LOT 25, BLOCK A  
HOWARD RANCH  
SUBDIVISION  
SECTION 2  
VOLUME 13, PAGE 152  
O.P.R.H.C.TX

CITY OF DRIPPING SPRINGS  
40.58 ACRE TRACT  
VOL. 2282, PG. 847  
O.P.R.H.C.TX.

PARCEL 40  
EFFLUENT POND  
6.79 ACRES  
(295,772 SQUARE FEET)

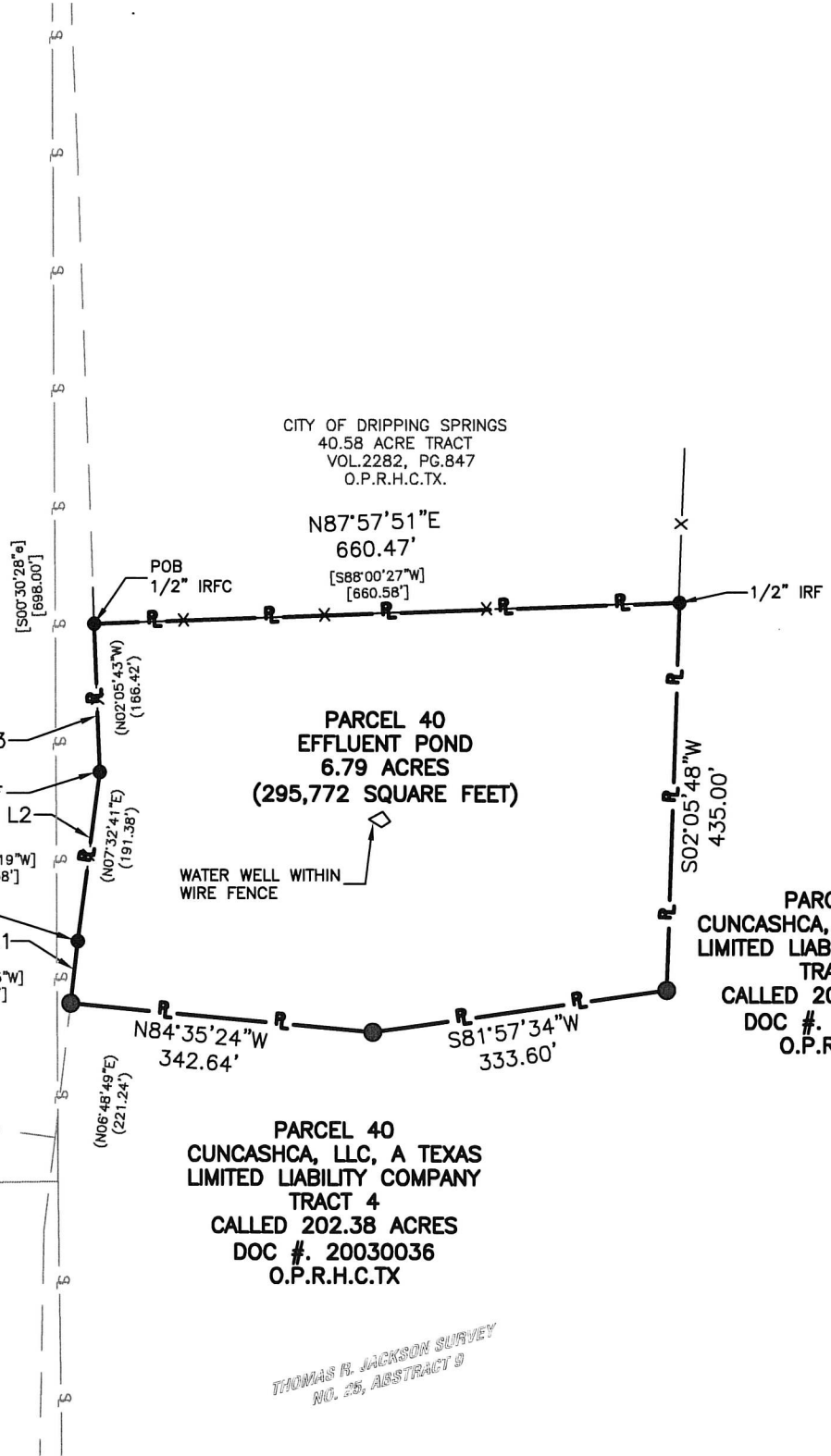
PARCEL 40  
CUNCASHCA, LLC, A TEXAS  
LIMITED LIABILITY COMPANY  
TRACT 4  
CALLED 202.38 ACRES  
DOC #. 20030036  
O.P.R.H.C.TX

PARCEL 40  
CUNCASHCA, LLC, A TEXAS  
LIMITED LIABILITY COMPANY  
TRACT 4  
CALLED 202.38 ACRES  
DOC #. 20030036  
O.P.R.H.C.TX

STILES J. FOWLER SURVEY  
NO. 31, ABSTRACT 17A

WILLIAM COCKBURN SURVEY  
NO. 32, ABSTRACT 97

THOMAS B. JACKSON SURVEY  
NO. 25, ABSTRACT 9



JOB NUMBER: 47232
DATE: 08/18/2020
SCALE: 1"=200'
SURVEYOR: N. HINES
TECHNICIAN: D. CULLEN
DRAWING: PARCEL 40
TRACT ID: -
PARTY CHIEF: J. STILLMAN
FIELD BOOKS: -



4801 Southwest Parkway  
Building Two, Suite 100  
Austin Texas, 78735  
Ofc: 512.447.0575  
Fax: 512.326.3029  
email: info@sam.biz

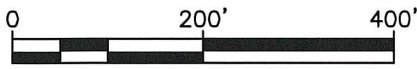
PROJECT: PARCEL PLAT  
CITY OF DRIPPING SPRINGS

SHEET 3  
OF 4

256

Texas Firm Registration No. 10064300





GRAPHIC SCALE

PARCEL 40  
HAYS COUNTY, TEXAS

PARCEL PLAT  
SOUTH REGIONAL WATER  
RECLAMATION PROJECT  
CITY OF DRIPPING SPRINGS

Item # 9.

N

LINE TABLE		
NUMBER	DIRECTION	LENGTH
L1	N06°48'18"E	70.06'
L2	N07°32'10"E	191.38'
L3	N02°06'14"W	166.42'

LEGEND

- R ——— PARCEL LIMITS
- S ——— APPROXIMATE SURVEY LINE
- EXISTING ROAD
- ——— ADJOINER PROPERTY
- ..... FLYTIE
- X ——— WIRE FENCE
- IRON ROD FOUND (AS NOTED)
- 5/8" IRON ROD SET W/CAP "SAM"
- D.R.H.C.TX. DEED RECORDS HAYS COUNTY, TEXAS
- P.R.H.C.TX. PLAT RECORDS HAYS COUNTY, TEXAS
- O.P.R.H.C.TX. OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- [ ] ADJOINER RECORD INFORMATION
- ( ) RECORD INFORMATION

NOTES:

- ALL BEARINGS ARE GRID BEARINGS AND ARE BASED ON TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD83 (2011). ALL DISTANCES ARE REPRESENTED IN SURFACE VALUES, MEASURED IN U.S. SURVEY FEET, AND ARE BASED ON SAID HORIZONTAL DATUM. TO OBTAIN GRID DISTANCE MULTIPLY BY CSF OF 0.999870.
- RECORD INFORMATION SHOWN HEREON IS BASED UPON TITLE COMMITMENT ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY GF. NO. 19-1667-CR, EFFECTIVE DATE: MAY 25, 2022, ISSUED JUNE 6, 2022.
- FOR ADDITIONAL INFORMATION, SEE ATTACHED LEGAL DESCRIPTION MADE IN CONJUNCTION WITH AND CONSIDERED AN INTEGRAL PART OF THIS PLAT.



*Neil Hines 28 September 2022*  
 NEIL HINES DATE  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 NO. 5642 — STATE OF TEXAS

JOB NUMBER: 47232
DATE: 08/18/2020
SCALE: 1:200
SURVEYOR: N. HINES
TECHNICIAN: D. CULLEN
DRAWING: PARCEL 40
TRACT ID: -
PARTY CHIEF: J. STILLMAN
FIELD BOOKS: -



4801 Southwest Parkway  
 Building Two, Suite 100  
 Austin Texas, 78735  
 Ofc: 512.447.0575  
 Fax: 512.326.3029  
 email: Info@sam.biz

Texas Firm Registration No. 10064300

PROJECT: PARCEL PLAT  
 CITY OF DRIPPING SPRINGS  
 SHEET 4  
 OF 4

# EXHIBIT E

## Special Warranty Deed

**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.**

Date: \_\_\_\_\_

Grantor: Cuncashca, LLC

Grantor's Mailing Address: PO Box 5885, Austin, Texas 78763

Grantee: The City of Dripping Springs, Texas

Grantee's Mailing Address: 511 Mercer Street Dripping Springs, Texas 78620

Consideration: Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

**BEING A 6.79 ACRE, EFFLUENT POND SITE, SITUATED IN THE THOMAS R. JACKSON SURVEY NO. 25, ABSTRACT NO. 9, HAYS COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 202.38 ACRE TRACT (TRACT 4) DESCRIBED IN A DEED TO CUNCASHCA, LLC, A TEXAS LIMITED LIABILITY COMPANY AND RECORDED IN DOCUMENT NUMBER 20030036, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.TX.), MORE FULLY DESCRIBED AT ATTACHMENT A.**

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty: All encumbrances and other matters of record in the Official Public Records of Hays County, Texas, to the extent they are validly existing and affect the Property.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

*[REMAINDER OF PAGE BLANK – SIGNATURE FOLLOWS]*

**CUNCASHCA, LLC**

\_\_\_\_\_  
H. L. Burns, Manager

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

This instrument was acknowledged before me on \_\_\_\_\_  
by H. L. Burns, Manager of Cuncashca, LLC, a Texas limited liability company on behalf of said  
company.

\_\_\_\_\_  
Notary Public, State of Texas

**ATTACHMENT A**



SAM, LLC

4801 Southwest Parkway, Bldg. Two, Suite 100, Austin, TX 78735

Ofc 512.447.0575 Fax 512.326.3029

info@sam.biz www.sam.biz TBPLS # 10064300

Item # 9.

**Parcel 40**  
**Legal Description**  
**City of Dripping Springs**  
**South Regional Water Reclamation Project**  
**Effluent Pond Site**  
**6.79 Acre (295,772 Square Foot)**

**PARCEL 40 Effluent Pond Site:**

BEING A 6.79 ACRE, EFFLUENT POND SITE, SITUATED IN THE THOMAS R. JACKSON SURVEY NO. 25, ABSTRACT NO. 9, HAYS COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 202.38 ACRE TRACT (TRACT 4) DESCRIBED IN A DEED TO CUNCASHCA, LLC, A TEXAS LIMITED LIABILITY COMPANY AND RECORDED IN DOCUMENT NUMBER 20030036, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.TX.), SAID 6.76 ACRE EFFLUENT POND SITE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2-inch iron rod found for an northwest corner of said Tract 4, same being the southwest corner of a called 40.58 acre tract, described in a deed to City of Dripping Springs, recorded in Volume. 2282, Page 847, O.P.R.H.C.TX, also being an angle corner on the east line of Lot 25, Block A of HOWARD RANCH SUBDIVISION SECTION 2, as recorded in Volume 13, Page 152 O.P.R.H.C.TX.;

**THENCE** North 87°57'51" East, with the common line of said Tract 4 and said 40.58 acre tract, a distance of 660.47 feet to a 1/2-inch iron rod found for an interior angle point of said Tract 4 and the southeast corner of said 40.58 acre tract ;

**THENCE** over and across said Tract 4, the following three (3) courses and distances:

- 1) South 02°05'48" West, a distance of 435.00 feet, to a 5/8-inch iron rod with SAM cap set for the southeast corner of the tract herein described;
- 2) South 81°57'34" E, a distance of 333.60 feet, to a 5/8-inch iron rod with SAM cap set for an angle corner of the tract herein described;
- 3) North 84°35'24" West, a distance of 342.64 feet, to a 5/8-inch iron rod with SAM cap set in the west line of said Tract 4 and the east line of said Lot 25, Block A for the southwest corner of the tract herein described;

**THENCE** with the west line of said Tract 4 and the east line of said Lot 25, Block A the following three (3) courses and distances;

- 1) North 06°48'18" East, a distance of 70.06 feet to a 1/2-inch iron rod found for an angle point of the tract herein described;
- 2) North 07°32'10" East, a distance of 191.38 feet to a 1/2-inch iron rod found for an angle point of the tract herein described;





1) North 02°06'14" West, a distance of 166.42 feet, to the **POINT OF BEGINNING** and containing 6.79 acres (295,772 square) feet of land.

Bearing Basis:

All bearings shown are based on the Texas Coordinate System, South Central Zone, NAD 83/2011. All distances shown are grid values, Units: U.S. Survey Feet.

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

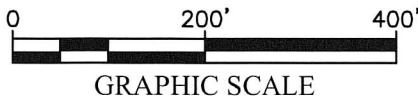
That I, Neil Hines, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, on the date shown below.

Neil Hines 28 September 2022  
Neil Hines   Date  
Registered Professional Land Surveyor  
No. 5642 – State of Texas



SURVEYING AND MAPPING, LLC  
4801 Southwest Pkwy  
Building Two, Suite 100  
Austin, Texas 78735  
TX. Firm No. 10064300



Item # 9.



PARCEL PLAT  
SOUTH REGIONAL WATER  
RECLAMATION PROJECT  
CITY OF DRIPPING SPRINGS

PARCEL 40  
HAYS COUNTY, TEXAS

STILES J. FOWLER SURVEY  
NO. 31, ABSTRACT 17A

LOT 25, BLOCK A  
HOWARD RANCH  
SUBDIVISION  
SECTION 2  
VOLUME 13, PAGE 152  
O.P.R.H.C.TX

CITY OF DRIPPING SPRINGS  
40.58 ACRE TRACT  
VOL. 2282, PG. 847  
O.P.R.H.C.TX.

N87°57'51"E  
660.47'  
[S88°00'27"W]  
[660.58']

POB  
1/2" IRFC

1/2" IRF

PARCEL 40  
EFFLUENT POND  
6.79 ACRES  
(295,772 SQUARE FEET)

WATER WELL WITHIN  
WIRE FENCE

S02°05'48"W  
435.00'

PARCEL 40  
CUNCASHCA, LLC, A TEXAS  
LIMITED LIABILITY COMPANY  
TRACT 4  
CALLED 202.38 ACRES  
DOC #. 20030036  
O.P.R.H.C.TX

PARCEL 40  
CUNCASHCA, LLC, A TEXAS  
LIMITED LIABILITY COMPANY  
TRACT 4  
CALLED 202.38 ACRES  
DOC #. 20030036  
O.P.R.H.C.TX

STILES J. FOWLER SURVEY  
NO. 31, ABSTRACT 17A

WILLIAM COCKBURN SURVEY  
NO. 32, ABSTRACT 97

THOMAS B. JACKSON SURVEY  
NO. 25, ABSTRACT 9

JOB NUMBER: 47232
DATE: 08/18/2020
SCALE: 1"=200'
SURVEYOR: N. HINES
TECHNICIAN: D. CULLEN
DRAWING: PARCEL 40
TRACT ID: -
PARTY CHIEF: J. STILLMAN
FIELD BOOKS: -



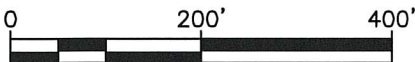
4801 Southwest Parkway  
Building Two, Suite 100  
Austin Texas, 78735  
Ofc: 512.447.0575  
Fax: 512.326.3029  
email: info@sam.biz

PROJECT: PARCEL PLAT  
CITY OF DRIPPING SPRINGS

SHEET 3  
OF 4

265

Texas Firm Registration No. 10064300



GRAPHIC SCALE

PARCEL 40  
HAYS COUNTY, TEXAS

PARCEL PLAT  
SOUTH REGIONAL WATER  
RECLAMATION PROJECT  
CITY OF DRIPPING SPRINGS

Item # 9.

N

LINE TABLE		
NUMBER	DIRECTION	LENGTH
L1	N06°48'18"E	70.06'
L2	N07°32'10"E	191.38'
L3	N02°06'14"W	166.42'

LEGEND

- R —— PARCEL LIMITS
- S —— APPROXIMATE SURVEY LINE
- EXISTING ROAD
- — — — — ADJOINER PROPERTY
- ..... FLYTIE
- X —— WIRE FENCE
- IRON ROD FOUND (AS NOTED)
- 5/8" IRON ROD SET W/CAP "SAM"
- D.R.H.C.TX. DEED RECORDS HAYS COUNTY, TEXAS
- P.R.H.C.TX. PLAT RECORDS HAYS COUNTY, TEXAS
- O.P.R.H.C.TX. OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- [ ] ADJOINER RECORD INFORMATION
- ( ) RECORD INFORMATION

NOTES:

- ALL BEARINGS ARE GRID BEARINGS AND ARE BASED ON TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD83 (2011). ALL DISTANCES ARE REPRESENTED IN SURFACE VALUES, MEASURED IN U.S. SURVEY FEET, AND ARE BASED ON SAID HORIZONTAL DATUM. TO OBTAIN GRID DISTANCE MULTIPLY BY CSF OF 0.999870.
- RECORD INFORMATION SHOWN HEREON IS BASED UPON TITLE COMMITMENT ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY GF. NO. 19-1667-CR, EFFECTIVE DATE: MAY 25, 2022, ISSUED JUNE 6, 2022.
- FOR ADDITIONAL INFORMATION, SEE ATTACHED LEGAL DESCRIPTION MADE IN CONJUNCTION WITH AND CONSIDERED AN INTEGRAL PART OF THIS PLAT.



*Neil Hines 28 September 2022*  
 NEIL HINES DATE  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 NO. 5642 — STATE OF TEXAS

JOB NUMBER: 47232
DATE: 08/18/2020
SCALE: 1:200
SURVEYOR: N. HINES
TECHNICIAN: D. CULLEN
DRAWING: PARCEL 40
TRACT ID: -
PARTY CHIEF: J. STILLMAN
FIELD BOOKS: -

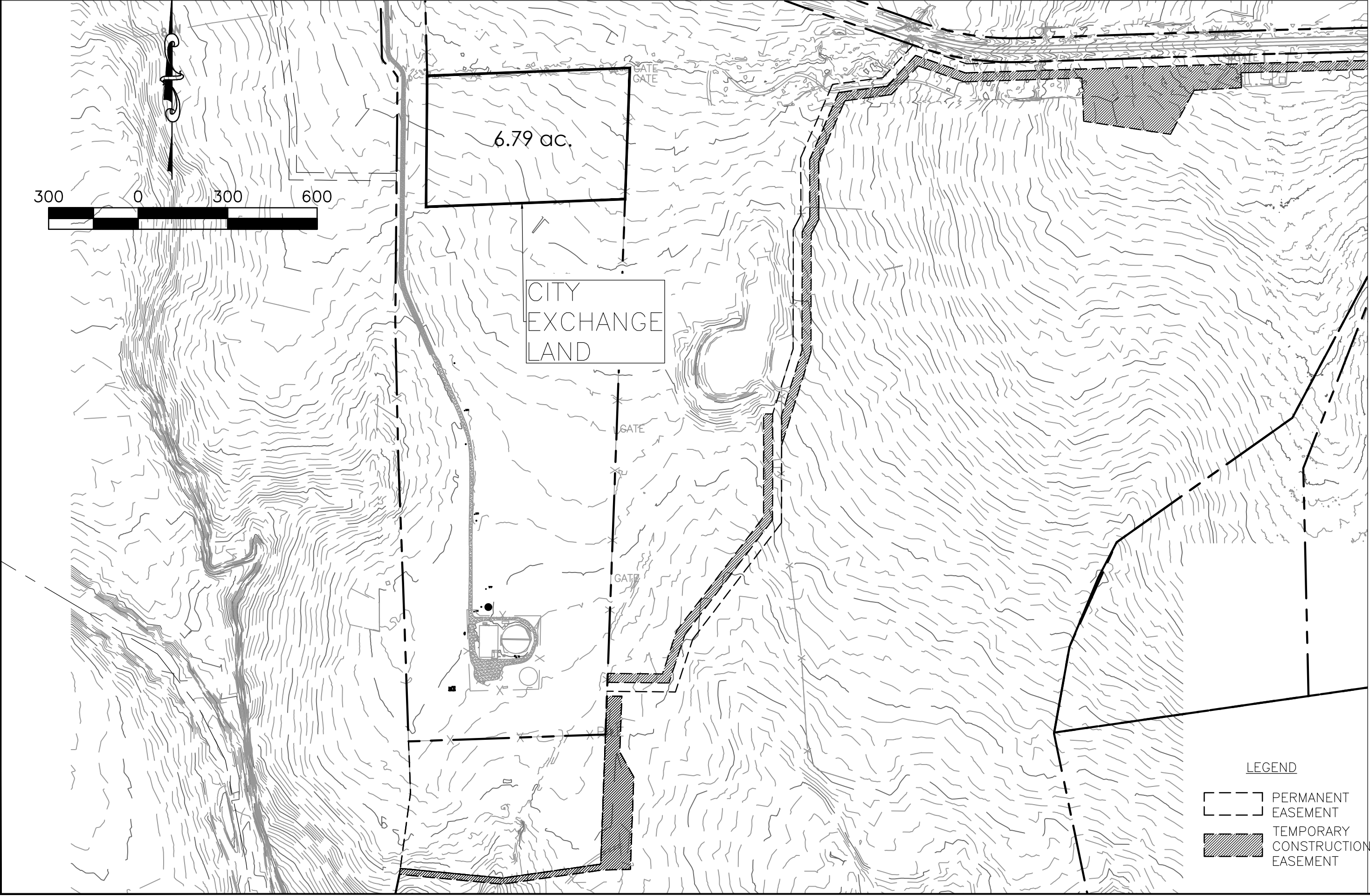


4801 Southwest Parkway  
 Building Two, Suite 100  
 Austin Texas, 78735  
 Ofc: 512.447.0575  
 Fax: 512.326.3029  
 email: Info@sam.biz

Texas Firm Registration No. 10064300

PROJECT: PARCEL PLAT  
 CITY OF DRIPPING SPRINGS  
 SHEET 4  
 OF 4

# EXHIBIT F



**LEGEND**

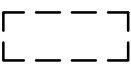

-  PERMANENT EASEMENT
-  TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT F

**BURGESS & NIPLÉ, INC.**  
 235 LEDGE STONE DRIVE  
 AUSTIN, TEXAS 78737  
 512) 432-1000 Fax: (512) 432-1015

# EXHIBIT G

## Special Warranty Deed

**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.**

Date: \_\_\_\_\_

Grantor: The City of Dripping Springs, Texas

Grantor's Mailing Address: 511 Mercer Street Dripping Springs, Texas 78620

Grantee: Cuncashca, LLC

Grantee's Mailing Address: PO Box 5885, Austin, Texas 78763

Consideration: Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

**BEING A 6.79 ACRE, LAND SWAP TRACT, SITUATED IN THE THOMAS R. JACKSON SURVEY NO. 25, ABSTRACT NO. 9, HAYS COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 40.58 ACRE TRACT DESCRIBED IN A DEED TO CITY OF DRIPPING SPRINGS AND RECORDED IN VOLUME 2282, PAGE 847, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.TX.), SAID 6.79 ACRE LAND SWAP SITE BEING MORE FULLY DESCRIBED AT ATTACHMENT A.**

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty: All encumbrances and other matters of record in the Official Public Records of Hays County, Texas, to the extent they are validly existing and affect the Easement Tract.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.



Grantor warrants that the Property is released free and clear of any special provisions that may run with the Property due to any defect resulting from its prior legally permitted use as a treated effluent land disposal field

When the context requires, singular nouns and pronouns include the plural.

*[REMAINDER OF PAGE BLANK – SIGNATURE FOLLOWS]*

**THE CITY OF DRIPPING SPRINGS, TEXAS**

\_\_\_\_\_  
Bill Foulds, Jr., Mayor

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

This instrument was acknowledged before me on \_\_\_\_\_  
by Bill Foulds, Jr., Mayor of the City of Dripping Springs, a Texas Type A General Law City on  
behalf of said City.

\_\_\_\_\_  
Notary Public, State of Texas

**ATTACHMENT A**



**Legal Description**  
**City of Dripping Springs**  
**South Regional Water Reclamation Project**  
**Land Swap Tract**  
**6.79 Acre (295,772 Square Foot)**

**Land Swap Tract:**

BEING A 6.79 ACRE, LAND SWAP TRACT, SITUATED IN THE THOMAS R. JACKSON SURVEY NO. 25, ABSTRACT NO. 9, HAYS COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 40.58 ACRE TRACT DESCRIBED IN A DEED TO CITY OF DRIPPING SPRINGS AND RECORDED IN VOLUME 2282, PAGE 847, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.TX.), SAID 6.79 ACRE LAND SWAP SITE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2-inch iron rod found for an interior angle corner of said 40.58 acre tract, same being an exterior corner of a called 202.38 acre tract, Tract 4, described in a deed to CUNCASHCA, LLC, a Texas Limited Liability Company, and recorded in Document No. 20030038, O.P.R.H.C.TX.;

**THENCE**, North 87°47'47" East, with the common line of said Tract 4 and said 40.58 acre tract, a distance of 679.98 feet to a 1/2-inch iron rod found for an interior angle point of said Tract 4 also being the most easterly northeast corner of said 40.58 acre tract;

**THENCE**, South 02°05'48" West, with the common line of said Tract 4 and said 40.58 acre tract, a distance of 439.85 feet, to a 5/8-inch iron rod with SAM cap set for the southeast corner of the tract herein described;

**THENCE**, South 87°47'47" West, departing the common line of said Tract 4 and said 40.58 acre tract and over and across said 40.58 acre tract, a distance of 667.83 feet, to a 5/8-inch iron rod with SAM cap set for the southwest corner of the tract herein described;

**INTENTIONALLY LEFT BLANK**

**SAM COMPANIES**

4801 Southwest Parkway / Bldg. 2 Suite 100 / Austin, Texas 78735  
 512.447.0575 Office / 512.326.3029 Fax / TBPELS #10064300



**THENCE**, North 00°30'56" East, a distance of 439.10 feet, to the **POINT OF BEGINNING** and containing 6.79 acres (295,772 square) feet of land.

Bearing Basis:

All bearings shown are based on the Texas Coordinate System, South Central Zone, NAD 83/2011. All distances shown are grid values, Units: U.S. Survey Feet.

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

That I, Neil Hines, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, on the date shown below.

Neil Hines                    22 August 2022

Neil Hines

Date

Registered Professional Land Surveyor

No. 5642 – State of Texas



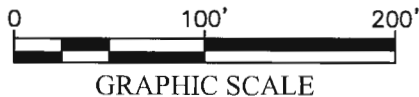
SURVEYING AND MAPPING, LLC

4801 Southwest Pkwy

Building Two, Suite 100

Austin, Texas 78735

TX. Firm No. 10064300



THOMAS R. JACKSON SURVEY NO. 25,  
ABSTRACT 9

CITY OF DRIPPING SPRINGS  
40.58 ACRE TRACT  
VOL. 2282, PG. 847  
O.P.R.H.C.TX.

CUNCASHCA, LLC, A TEXAS  
LIMITED LIABILITY COMPANY  
TRACT 3  
CALLED 15.65 ACRES  
DOC #. 20030036  
O.P.R.H.C.TX

PARCEL 40  
CUNCASHCA, LLC, A TEXAS  
LIMITED LIABILITY COMPANY  
TRACT 4  
CALLED 202.38 ACRES  
DOC #. 20030036  
O.P.R.H.C.TX

N87°47'47"E 679.98'

(N87°45'15"E)(680.45')

DO NOT DRINK WATER  
(N87°45'39"E)  
(680.24')

1/2-INCH

N00°30'56"E 439.10'

6.79 AC.  
(295,772 SQ. FT.)

(S02°06'57"W)  
(2,235.45')

S02°05'48"W 439.85'  
(N02°05'53"E 2,235.79')

S87°47'47"W 667.83'

CITY OF DRIPPING SPRINGS  
40.58 ACRE TRACT  
VOL. 2282, PG. 847  
O.P.R.H.C.TX.

REVIEWED BY:

JOB NUMBER: 47232  
DATE: 06/28/2022  
SCALE: 1:100  
SURVEYOR: N. HINES  
TECHNICIAN: B. ROY  
DRAWING:  
TRACT ID:  
PARTY CHIEF: S. PESTL  
FIELDBOOKS: -

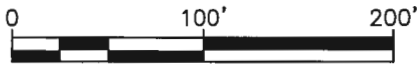


4801 Southwest Parkway  
Building Two, Suite 100  
Austin, Texas 78735  
Ofc: 512.447.0575  
Fax: 512.326.3029  
email: info@sam.biz  
Texas Firm Registration No. 10064300

PROJECT: PARCEL PLAT  
CITY OF DRIPPING SPRINGS

SHEET 3  
OF 4

276



GRAPHIC SCALE



**LEGEND**

- P —— PARCEL LIMITS
- S —— APPROXIMATE SURVEY LINE
- EXISTING ROAD
- ——— ADJOINER PROPERTY
- ——— OVERHEAD ELECTRIC
- X —— WIRE FENCE
- IRON ROD FOUND (AS NOTED)
- ⊙ 5/8" IRON ROD SET W/CAP "SAM"
- Ⓜ WATER VALVE
- ⊖ WOOD POLE
- Ⓟ ELECTRIC PULL BOX
- ⊕ SIGN
- D.R.H.C.TX. DEED RECORDS HAYS COUNTY, TEXAS
- P.R.H.C.TX. PLAT RECORDS HAYS COUNTY, TEXAS
- O.P.R.H.C.TX. OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- ( ) RECORD INFORMATION

NOTES:

1. ALL BEARINGS ARE GRID BEARINGS AND ARE BASED ON TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD83 (2011). ALL DISTANCES ARE REPRESENTED IN SURFACE VALUES, MEASURED IN U.S. SURVEY FEET, AND ARE BASED ON SAID HORIZONTAL DATUM. TO OBTAIN GRID DISTANCE MULTIPLY BY CSF OF 0.999870.
2. RECORD INFORMATION SHOWN HEREON IS BASED UPON TITLE COMMITMENT ISSUED BY STEWART TITLE GUARANTY COMPANY GF. NO. 22-2238-CR, EFFECTIVE DATE: JUNE 15, 2022, ISSUED JUNE 30, 2022.
3. FOR ADDITIONAL INFORMATION, SEE ATTACHED LEGAL DESCRIPTION MADE IN CONJUNCTION AND CONSIDERED AN INTEGRAL PART OF THIS PLAT.



*Neil Hines 22 August 2022*  
 \_\_\_\_\_  
 NEIL HINES DATE  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 NO. 5642 - STATE OF TEXAS

REVIEWED BY:

JOB NUMBER: 47232
DATE: 06/28/2022
SCALE: 1:100
SURVEYOR: N. HINES
TECHNICIAN: B. ROY
DRAWING:
TRACT ID: -
PARTY CHIEF: S. PESL
FIELDBOOKS: -



4801 Southwest Parkway  
 Building Two, Suite 100  
 Austin, Texas 78735  
 Ofc: 512.447.0575  
 Fax: 512.326.3029  
 email: info@sam.biz  
 Texas Firm Registration No. 10064300

PROJECT: PARCEL PLAT  
 CITY OF DRIPPING SPRINGS

SHEET 4  
 OF 4

277



# EXHIBIT H

CUNCASHCA, LLC  
P.O. Box 5885  
Austin, Texas 78763

August 20, 2020

City of Dripping Springs  
P.O. Box 384  
Dripping Springs, Texas 78620  
Attention: Ginger Faught  
Deputy City Administrator

Re: Liquidation of RPC Investments, Ltd. and resultant change in ownership of certain real property situated in Hays County, Texas

Dear Ms. Faught:

Please be advised that, as of July 22, 2020, the property previously owned by RPC Investments, Ltd. ("RPC") in Hays County, Texas, was conveyed to Cuncashca, LLC, a Texas limited liability company ("New Owner"), pursuant to the terms of that certain Termination Agreement dated effective as of January 1, 2020, by and among RPC, New Owner, Notloh, LLC, a Texas limited liability company and the sole general partner of RPC, and Holton L. Burns, a limited partner of RPC and the sole member of New Owner (the "Termination Agreement"). The real property conveyed to New Owner (the "Property") is described in that certain *General Warranty Deed* dated July 22, 2020, recorded as Document No. 20030036 in the Records of Hays County, Texas, a true and correct copy of which is enclosed herein.

In connection with such conveyance by RPC and in accordance with the Termination Agreement, RPC also assigned to New Owner all of RPC's rights, title and interest in the 300 Living Unit Equivalent reserved by the City of Dripping Springs for the benefit of RPC (the "LUEs"). Such assignment was effectuated pursuant to that certain *Bill of Sale and Assignment of Living Equivalent Units and Other Property* between RPC and New Owner dated July 22, 2020, a true and correct copy of which is also enclosed herein.

New Owner is also the owner of another 65 Living Unit Equivalents, the same originating from (i) 25 Living Unit Equivalents originally reserved by the City of Dripping Springs for the benefit of Lucy R. Hibberd (the "Hibberd LUEs") and (ii) 40 Living Unit Equivalents reserved by the City of Dripping Springs for the benefit of Holton L. Burns (the "Burns LUEs"). The Hibberd LUEs were assigned by the Estate of Lucy Reed Hibberd directly to Holton Burns pursuant to that certain *Bill of Sale & Assignment of Living Equivalent Units* dated December 23, 2019. Thereafter, Mr. Burns assigned both the Hibberd LUEs and the Burns LUEs (collectively, the "Additional LUEs") to New Owner pursuant to that certain *Bill of Sale & Assignment of Living Unit Equivalents* dated effective July 22, 2020. A true and correct copy of this latter Bill of Sale is enclosed herein.

Please be further advised that New Owner is also the owner of that certain 18.01 acre tract situated immediately adjacent to northeastern corner of the Property (the "Adjacent Property"), have acquired such property pursuant to (i) that certain *Special Warranty Deed* dated December 23, 2019, recorded as Document 20000376 in the Records of Hays County, Texas, and (ii) that certain *Special Warranty Deed* of even date therewith recorded as

Document 20000362 of in the Records of Hays County, Texas. A true and correct copy of the latter deed is enclosed for your convenience.

Lastly, solely for purposes of completeness, please be aware that New Owner continues to own the real property conveyed to it in 2018 (the "Other Property"), pursuant to that certain *General Warranty Deed* dated July 10, 2018, recorded as Document 18024535 in the Records of Hays County, Texas. A true and correct copy of that deed is enclosed for your convenience.

In furtherance of the foregoing, all future notices, inquiries, requests and other correspondence concerning the Property, the Adjacent Property, the Other Property, the LUEs or the Additional LUEs should be delivered to New Owner at the following address:

Cuncashca, LLC  
c/o Holton L. Burns  
P.O. Box 5885  
Austin, Texas 78763

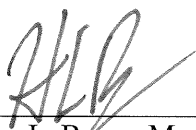
Please instruct all engineers, attorneys and consultants working on behalf of the City of Dripping Springs with regard to any of these properties and property rights to likewise direct all such future notices, inquiries, requests and other correspondence directly to New Owner.

Thank you for your cooperation in this matter.

Sincerely,

CUNCASHCA, LLC, a Texas limited liability company

By:

  
\_\_\_\_\_  
Holton L. Burns, Member

cc: Erin Newberry  
HDR, Inc.  
613 NW Loop 410, Suite 700  
San Antonio, Texas 78216-5507

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

**GENERAL WARRANTY DEED**

THE STATE OF TEXAS                   §  
  §  
COUNTY OF HAYS                   §

RPC INVESTMENTS, LTD., a Texas limited partnership ("Grantor"), for Ten Dollars (\$10.00) and other good and valuable consideration paid to Grantor by CUNCASHCA, LLC, a Texas limited liability company ("Grantee"), the receipt and sufficiency of which is acknowledged, and pursuant to and in accordance with the terms of that certain Termination Agreement dated effective as of January 1, 2020, by and among Grantor, Grantee, Notloh, LLC, a Texas limited liability company and sole general partner of Grantee, and Holton L. Burns, a limited partner of Grantor (the "Termination Agreement"), has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY, unto Grantee all of the following described property located in Hays County, Texas:

The four (4) tracts of land, together with all the improvements and fixtures located thereon, described in Schedule 1 which is attached to this deed and is incorporated herein by reference (collectively, the "Property").

TO HAVE AND TO HOLD the Property and premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, and Grantee's heirs, successors and assigns forever, and Grantor does hereby bind Grantor and Grantor's heirs, successors, and assigns, to WARRANT AND FOREVER DEFEND, all and singular, the Property and premises unto Grantee, and Grantee's heirs, successors, and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

Grantor hereby acknowledges and agrees that this conveyance is being made as a convenience to the parties to the Termination Agreement, and that such conveyance shall be deemed to constitute a distribution of undivided interests in and to the Property to each of Grantee and Holton L. Burns in accordance with the terms of the Termination Agreement, followed by Holton L. Burns' contribution of his undivided interest in the Property to Grantee as a capital contribution thereto, such that Grantee shall own one hundred percent (100%) of the Property.

This conveyance is made and accepted subject to any and all valid and subsisting restrictions, easements, rights-of-way, reservations, conditions and covenants, maintenance charges (and any lien securing said maintenance charges), if any, applicable to and enforceable against the Property as shown by the Official Public Records of Hays County, Texas, and to any applicable zoning laws or ordinances of any municipal and/or other governmental authorities having jurisdiction over the Property.

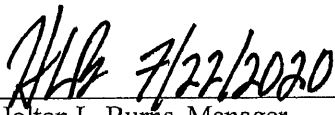
Taxes on the Property for the year 2020 and subsequent years and subsequent assessments (after the date hereof) for prior years due to change in land usage or ownership are assumed by Grantee.

Dated: July 22, 2020.

GRANTOR:

RPC INVESTMENTS, LTD., a Texas limited partnership

By: NOTLOH, LLC, a Texas limited liability company, its sole general partner

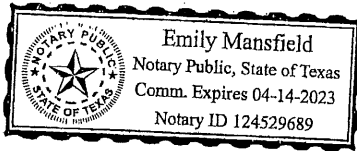
By:  7/22/2020  
Holton L. Burns, Manager

GRANTEE'S ADDRESS:

P.O. Box 5885  
Austin, Texas 78763

THE STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS           §

This instrument was acknowledged before me on July 22, 2020, by Holton L. Burns, Manager of Notloh, LLC, a Texas limited liability company, the sole general partner of RPC Investments, Ltd., a Texas limited partnership, on behalf of said limited partnership.



*Emily Mansfield*  
\_\_\_\_\_  
Notary Public, State of Texas

AFTER RECORDING, RETURN TO:

~~Nick von Kreisler  
Kuperman, Orr & Albers, P.C.  
2500 Bee Cave Road  
Building Two, Suite 150  
Austin, Texas 78746~~

11-GF# 202001095 em  
RETURN TO: HERITAGE TITLE  
401 CONGRESS AVE., STE. 1500  
AUSTIN, TEXAS 78701

SCHEDULE 1

TRACT 1: Being all of that certain tract or parcel of land containing 2.44 acres, more or less, situated in the Thomas R. Jackson Survey, Abstract No. 9 and the William Cockburn Survey, Abstract No. 97, Hays County, Texas, said tract being more particularly described by metes and bounds shown on Exhibit "A" attached hereto and made a part hereof.

TRACT 2: Being all of that certain tract or parcel of land containing 6.77 acres, more or less, situated in the Thomas R. Jackson Survey, Abstract No. 9, Hays County, Texas, said tract being more particularly described by metes and bounds shown on Exhibit "B" attached hereto and made a part hereof.

TRACT 3: Being all of that certain tract or parcel of land containing 15.65 acres, more or less, situated in the Thomas R. Jackson Survey, Abstract No. 9, Hays County, Texas, said tract being more particularly described by metes and bounds shown on Exhibit "C" attached hereto and made a part hereof.

TRACT 4: Being all of that certain tract or parcel of land containing 202.38 acres, more or less, situated in the Thomas R. Jackson Survey, Abstract No. 9, the Stiles J. Fowler Survey, Abstract 174 and the William Cockburn Survey, Abstract 97, Hays County, Texas, said tract being more particularly described by metes and bounds shown on Exhibit "D" attached hereto and made a part hereof.



## Exhibit A

**DESCRIPTION OF 2.44 ACRES, MORE OR LESS, OF LAND AREA, IN THE THOMAS R. JACKSON SURVEY, ABSTRACT NUMBER 9 AND THE WILLIAM COCKBURN SURVEY, ABSTRACT NUMBER 97, HAYS COUNTY, TEXAS, BEING ALL OF THAT TRACT DESCRIBED AS 2.44 ACRES IN A DEED FROM HOLTON L. BURNS TO RPC INVESTMENTS, DATED MARCH 6, 2003 AND RECORDED IN VOLUME 2173, PAGE 353 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a ½" iron rod found in the west line of that tract described as 387.26 acres in a deed from Mark Eight Corp. to Dickson Properties, Inc., dated March 21, 1973 and recorded in Volume 257, Page 518 of the Hays County Deed Records, for the common northeast corner of the RPC 2.44 acres tract, the southeast corner of that tract described as 71.641 acres in a deed from Pamela M. Ryan to UMARI Partners, LP., dated October 10, 2014 and recorded in Volume 5062, Page 856 of the Hays County Official Public Records;

**THENCE** leaving the UMARI Partners tract and **PLACE OF BEGINNING** as shown on that plat numbered 26365-20-4-b, dated June 11, 2020 as prepared for Holton Burns by Byrn & Associates, Inc. of San Marcos, Texas, with the common east line of the RPC trac and the west line of the Dickson Properties tract, the following two courses:

1. S 31° 21' 54" E 171.15 feet to a calculated point, and
2. S 31° 35' 41" E 176.15 feet to a calculated point in the north line of that tract described in a deed from Holton Latham Burns to CUNCASHCA, LLC, dated July 10, 2018 and recorded in Hays County Instrument Number 18024535 of the Hays County Official Public records, for the common southeast corner of the RPC 2.44 acre tract and an angle point in the south line of the Dickson Properties tract;

**THENCE** leaving the Dickson Properties tract, with the common north line of the CUNCASHCA tract and the south line of the RPC tract, the following five courses:

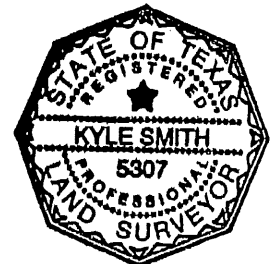
1. N 85° 14' 11" W 140.36 feet to a calculated point,
2. N 72° 15' 35" W 296.99 feet to a calculated point,
3. N 55° 06' 23" W 48.84 feet to a calculated point,
4. N 40° 07' 26" W 102.51 feet to a calculated point,
5. N 22° 55' 27" W 137.98 feet to a calculated point, from which a ½" iron rod found bears N 84°23'42"W 148.84 feet;

**THENCE S 84° 23' 42" E 403.16 feet to the PLACE OF BEGINNING.**

There are contained within these metes and bounds 2.44 acres, more or less, as prepared from public records and a survey made on the ground on June 11, 2020 by Byrn & Associates, Inc. of San Marcos, Texas. The Bearing Basis for this description was determined from GPS observations and refers to Grid North of the Texas State Plane Coordinate System, N.A.D. 83, South Central Zone. All ½" iron rods set are capped with a plastic cap stamped "Byrn Survey".



Kyle Smith, R.P.L.S. #5307



Client: Burns, Holton  
 Date: June 11, 2020  
 Survey: Jackson, Thomas R.  
 County: Hays  
 Job No: 26365-20-4  
 FND 2.44

## Exhibit B

**DESCRIPTION OF 6.77 ACRES, MORE OR LESS, OF LAND AREA, IN THE THOMAS R. JACKSON SURVEY, ABSTRACT NUMBER 9, HAYS COUNTY, TEXAS, BEING ALL OF THAT TRACT DESCRIBED AS 7 ACRES IN A DEED FROM LUCY REED HIBBERD TO RPC INVESTMENTS, DATED SEPTEMBER 4, 2007 AND RECORDED IN VOLUME 3298, PAGE 356 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a 1/2" iron rod found in the west line of that tract described as 150.00 acres in a deed from Stewardship Interests, LLC to ALFREDALBERT, LLC, dated July 13, 2012 and recorded in Volume 4534, Page 362 of the Hays County Official Public records, for the northeast corner of the RPC 7 acre tract;

**THENCE** leaving the **PLACE OF BEGINNING** as shown on that plat numbered 26365-20-4-c, dated June 11, 2020 as prepared for Holton Burns by Byrn & Associates, Inc. of San Marcos, Texas, with the common west line of the ALFREDALBERT 150.00 acre tract and the east line of the RPC 7 acre tract, **S 27° 27' 48" W 1068.65 feet** to a calculated point in the north line of that tract described as 347.65 acres in a deed from Historic Gibson LLC to ALFREDALBERT, LLC, dated May 14, 2008 and recorded in Volume 3391, Page 158 of the Hays County Official Public records, for the common southwest corner of the ALFREDALBERT 150.00 acre tract and the south corner of the RPC 7 acre tract, and being in the approximate centerline of Onion Creek;

**THENCE** leaving the ALFREDALBERT 150.00 acre tract, with the common north line of the ALFREDALBERT 347.65 acre tract and the west line of the RPC 7 acre tract, and being in the approximate centerline of Onion Creek, the following two courses:

1. **N 17° 45' 36" W 354.40 feet** to a calculated point, and
2. **N 19° 00' 36" W 352.75 feet** to a calculated point;

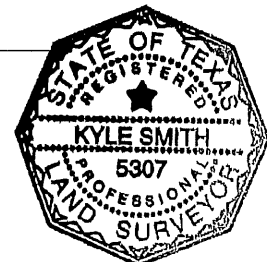
**THENCE** with the common west line of the RPC 7 acre tract and the north line of the ALFREDALBERT 347.65 acre tract and its extension, **N 43° 45' 51" W 50.98 feet** to a calculated point for the west corner of the RPC 7 acre tract, pass at 41.13 feet the common northwest corner of the ALFREDALBERT 347.65 acre tract and the northeast corner of that tract described as 64.57 acres in a deed from CUNCASHCA LLC to Reed C. Burns, dated December 20, 2019 and recorded in Hays County Instrument Number 20000380 of the Hays County Official Public records;

**THENCE** leaving the Burns tract, with the north line of the RPC 7 acre tract, the following two courses:

1. **N 57° 35' 33" E 71.66 feet** to a 1/2" iron rod found with a plastic cap stamped "Byrn Survey" and
2. **N 73° 41' 53" E 719.54 feet** to the **PLACE OF BEGINNING**.

There are contained within these metes and bounds 6.77 acres, more or less, as prepared from public records and a survey made on the ground on June 11, 2020 by Byrn & Associates, Inc. of San Marcos, Texas. The Bearing Basis for this description was determined from GPS observations and refers to Grid North of the Texas State Plane Coordinate System, N.A.D. 83, South Central Zone. All 1/2" iron rods set are capped with a plastic cap stamped "Byrn Survey".

  
 Kyle Smith, R.P.L.S. #5307



Client: Burns, Holton  
 Date: June 11, 2020  
 Survey: Jackson, Thomas R.  
 County: Hays  
 Job No: 26365-20-4  
 FND 6.77

## Exhibit C

**DESCRIPTION OF 15.65 ACRES, MORE OR LESS, OF LAND AREA, IN THE THOMAS R. JACKSON SURVEY, ABSTRACT NUMBER 9, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT DESCRIBED AS 18.57 ACRES IN A DEED FROM SAMUEL MONROE LANGSTON ET UX TO ROBERTA CRENSHAW, DATED AUGUST 31, 1984 AND RECORDED IN VOLUME 469, PAGE 263 OF THE HAYS COUNTY REAL PROPERTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at an iron rod with a plastic cap found in the common southwest line of F.M. Highway Number 150 and the northeast line of the Crenshaw tract, for the northeast corner of that tract described as 40.58 acres in a deed from Robert P. Crenshaw to The City of Dripping Springs, dated June 26, 2003 and recorded in Volume 2282, Page 847 of the Hays County Official Public records;

**THENCE** leaving the City of Dripping Springs tract and **PLACE OF BEGINNING** as shown on that plat numbered 26365-20-4-c, dated June 11, 2020 as prepared for Holton Burns by Byrn & Associates, Inc. of San Marcos, Texas, with the common southwest line of F.M. Highway No. 150 and the northeast line of the Crenshaw tract, the following four courses:

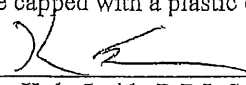
1. S 61° 48' 37" E 984.80 feet to a concrete highway monument found,
2. With a left breaking curve having the following characteristics: Radius = 2904.79 feet, Central Angle = 9°06'10", Arc Length = 461.50 feet and a chord which bears S 66° 23' 37" E 461.01 feet to a concrete highway monument found,
3. S 70° 56' 56" E 391.46 feet to a concrete highway monument found, and
4. With a left breaking curve having the following characteristics: Radius = 994.93 feet, Central Angle = 8°14'52", Arc Length = 143.22 feet and a chord which bears S 75° 11' 35" E 143.10 feet to a calculated point in the north line of that tract described as 387.26 acres in a deed from Mark Eight Corp. to Dickson Properties, Inc., dated March 21, 1973 and recorded in Volume 257, Page 518 of the Hays County Deed Records, for the east corner of the Crenshaw tract;

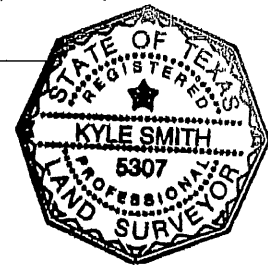
**THENCE** leaving F.M. Highway No. 150 with the common occupied south line of the Crenshaw tract and the north line of the Dickson Properties tract, the following two courses;

1. S 88° 42' 58" W 1041.51 feet to a calculated point, and
2. S 87° 43' 25" W 737.00 feet to a calculated point in the east line of the City of Dripping Springs tract, from which an iron rod found with a plastic cap for an interior corner in the east line of the City of Dripping Springs tract bears S 01°23'47"E 10.70 feet;

**THENCE** crossing the Crenshaw tract, N 01° 23' 47" W 867.04 feet to the **PLACE OF BEGINNING**.

There are contained within these metes and bounds 15.65 acres, more or less, as prepared from public records and a survey made on the ground on June 11, 2020 by Byrn & Associates, Inc. of San Marcos, Texas. The Bearing Basis for this description was determined from GPS observations and refers to Grid North of the Texas State Plane Coordinate System, N.A.D. 83, South Central Zone. All ½" iron rods set are capped with a plastic cap stamped "Byrn Survey".

  
 Kyle Smith, R.P.L.S. #5307



Client: Burns, Holton  
 Date: June 11, 2020  
 Survey: Jackson, Thomas R.  
 County: Hays  
 Job No: 26365-20-4  
 FND 15.65

## Exhibit D

**DESCRIPTION OF 202.38 ACRES, MORE OR LESS, OF LAND AREA, IN THE THOMAS R. JACKSON SURVEY, ABSTRACT NUMBER 9, THE STILES J. FOWLER SURVEY, A-174 AND THE WILLIAM COCKBURN SURVEY, A-97, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT DESCRIBED AS 387.26 ACRES IN A DEED FROM MARK EIGHT CORP. TO DICKSON PROPERTIES, INC., DATED MARCH 21, 1973 AND RECORDED IN VOLUME 257, PAGE 518 OF THE HAYS COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at an iron rod with a plastic cap stamped "Byrn Survey" found in the common south line of F.M. Highway Number 150 and the north line of the Dickson Properties tract, for the northwest corner of that tract described as 18.01 acres in a deed from Reed C. Burns to CUNCASHCA, LLC, dated December 23, 2019 and recorded in Hays County Instrument Number 20000362 of the Hays County Official Public Records;

**THENCE** leaving F.M. Highway No. 150 and **PLACE OF BEGINNING** as shown on that plat numbered 26365-20-4-c, dated June 11, 2020 as prepared for Holton Burns by Byrn & Associates, Inc. of San Marcos, Texas, with the west line of the CUNCASHCA 18.01 acre tract, the following six courses:

1. S 04° 34' 43" E 459.87 feet to an iron rod found with a plastic cap stamped "Byrn Survey",
2. S 28° 05' 12" W 875.02 feet to an iron rod found with a plastic cap stamped "Byrn Survey",
3. S 54° 41' 27" W 721.69 feet to a 1/2" iron rod found,
4. S 27° 27' 44" W 133.45 feet to an iron rod found with a plastic cap stamped "Byrn Survey",
5. S 22° 32' 28" W 251.19 feet to an iron rod found with a plastic cap stamped "Byrn Survey", and
6. S 10° 08' 14" W 292.14 feet to an iron rod found with a plastic cap stamped "Byrn Survey" for the common southwest corner of the CUNCASHCA 18.01 acre tract and the northwest corner of that tract described as 150.00 acres in a deed from Stewardship Interests, LLC, to ALFREDALBERT, LLC, dated July 13, 2012 and recorded in Volume 4534, Page 362 of the Hays County Official Public Records;

**THENCE** leaving the CUNCASHCA 18.01 acre tract, with the west line of the ALFREDALBERT 150.00 acre tract, the following two courses;

1. S 11° 49' 53" E 819.42 feet to an iron rod found with a plastic cap stamped "Byrn Survey", and
2. S 06° 44' 52" W 1098.27 feet to a 1/2" iron rod found for the northeast corner of that tract described as 7 acres in a deed from Lucy Reed Hibberd et al to RPC Investments, dated September 4, 2007 and recorded in Volume 3298, Page 356 of the Hays County Official Public records;

**THENCE** leaving the ALFREDALBERT tract, with the north line of the RPC 7 acre tract, the following two courses:

1. S 73° 41' 53" W 719.54 feet to an iron rod found with a plastic cap stamped "Byrn Survey", and
2. S 57° 35' 33" W 71.66 feet to a calculated point in the northeast line of that tract described as 64.57 acres in a deed from CUNCASHCA LLC, to Reed C. Burns, dated December 20, 2019 and recorded in Hays County Instrument Number 20000380 of the Hays County Official Public records, and being in the approximate center of Onion Creek;

**THENCE** leaving the RPC 7 acre tract, with the approximate centerline of Onion Creek, the northeast line of the Burns 64.57 acre tract and the north line of that tract described in a deed from Holton Latham Burns to CUNCASHCA, LLC,

dated July 10, 2018 and recorded in Hays County Instrument Number 18024535 of the Hays County Official Public records, the following seven courses:

1. N 43° 45' 51" W 212.02 feet to a calculated point,
2. N 27° 18' 53" W 131.29 feet to a calculated point,
3. N 31° 56' 38" W 301.01 feet to a calculated point,
4. N 44° 53' 38" W 179.26 feet to a calculated point,
5. S 81° 23' 01" W 362.24 feet to a calculated point,
6. S 85° 50' 22" W 277.22 feet to a calculated point,
7. N 85° 14' 11" W 90.93 feet to a calculated point for the southeast corner of that tract described as 2.44 acres in a deed from Holton L. Burns to RPC Investments, LTD., dated March 6, 2003 and recorded in Volume 2173, Page 353 of the Hays County Official Public Records;

**THENCE** leaving the CUNCASHCA tract, with the east line of the RPC 2.44 acre tract, the following two courses:

1. N 31° 35' 41" W 176.15 feet to a calculated point, and
2. N 31° 21' 54" W 171.15 feet to a 1/2" iron rod found for the common northeast corner of the RPC 2.44 acre tract and the southeast corner of that tract described as 71.641 acres in a deed from Pamela M. Ryan to UMARI Partners, LP., dated October 10, 2014 and recorded in Volume 5062, Page 856 of the Hays County Official Public Records;

**THENCE** leaving the RPC 2.44 acre tract, with the common east line of the UMARI Partners tract and the west line of the Dickson properties tract, being generally with fence, the following seven courses:

1. N 30° 42' 38" W 139.33 feet to a 1/2" iron rod found with a plastic cap stamped "Byrn Survey",
2. N 19° 44' 50" W 135.72 feet to a 1/2" iron rod found,
3. N 01° 12' 53" E 296.32 feet to a 60d nail found in the west face of a 24" cedar tree,
4. N 07° 12' 55" E 103.71 feet to a 1/2" iron rod found,
5. N 06° 48' 49" E 221.24 feet to a 1/2" iron rod found,
6. N 07° 32' 41" E 191.38 feet to a 1/2" iron rod found, and
7. N 02° 05' 43" W 166.42 feet to an iron rod with a plastic cap found for the southwest corner of that tract described as 40.58 acres in a deed from Roberta P. Crenshaw to The City of Dripping springs, dated June 26, 2003 and recorded in Volume 2282, Page 847 of the Hays County Official Public records;

**THENCE** leaving the UMARI Partners tract, with the south line of the City of Dripping Springs tract, N 87°58'22"E 660.44 feet to a 1/2" iron rod found for the southeast corner of the City of Dripping Springs tract;

**THENCE** with the east line of the City of Dripping Springs tract, N 02°05'53"E 2234.79 feet to a 1/2" iron rod found for a northeast corner of the City of Dripping Springs tract;

**THENCE** with a north line of the City of Dripping Springs tract, S 87°45'15"W 680.45 feet to an iron rod found with a plastic cap for an interior corner of the City of Dripping Springs tract;

**THENCE** with the east line of the City of Dripping Springs tract, N 01°23'47"W 10.70 feet to a calculated point in the common occupied north line of the Dickson Properties tract and the south line of that tract described as 18.57 acres in a deed from Samuel Monroe Langston et ux to Roberta Crenshaw, dated August 31, 1984 and recorded in Volume 469, Page 263 of the Hays County Deed Records;

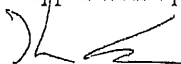
**THENCE** leaving the City of Dripping Springs tract, with the common occupied north line of the Dickson Properties tract and the south line of the Crenshaw tract, the following two courses:

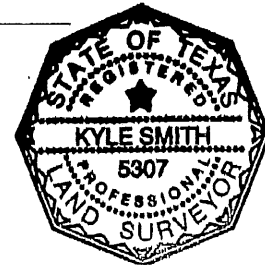
1. N 87°43'25" E 737.00 feet to a calculated point, and
2. N 88°42'58" E 1041.51 feet to a calculated point in the south line of F.M. Highway No. 150;

**THENCE** leaving the Crenshaw tract, with the common north line of the Dickson Properties tract and the south line of F.M. Highway No. 150, the following three courses:

1. With a left breaking curve having the following characteristics: Radius=994.93 feet, Central Angle=12°39'31", Arc Length=219.81 feet and a chord which bears S 85°38'46"E 219.37 feet to a concrete highway monument found;
2. N 88°06'43" E 763.83 feet to a concrete highway monument found, and
3. N 88°34'31" E 516.01 feet to the **PLACE OF BEGINNING**.

There are contained within these metes and bounds 202.38 acres, more or less, as prepared from public records and a survey made on the ground on June 11, 2020 by Byrn & Associates, Inc. of San Marcos, Texas. The Bearing Basis for this description was determined from GPS observations and refers to Grid North of the Texas State Plane Coordinate System, N.A.D. 83, South Central Zone. All ½" iron rods set are capped with a plastic cap stamped "Byrn Survey".

  
 Kyle Smith, R.P.L.S. #5307



Client: Burns, Holton  
 Date: June 11, 2020  
 Survey: Jackson, Thomas R.  
 County: Hays  
 Job No: 26365-20-4  
 FND 202.38

**THE STATE OF TEXAS  
COUNTY OF HAYS**

I hereby certify that this instrument was FILED on the date and the time stamped hereon by me and was duly RECORDED in the Records of Hays County, Texas.

20030036 DEED  
07/22/2020 01:45:03 PM Total Fees: \$62.00

Elaine H. Cárdenas, MBA, PhD, County Clerk  
Hays County, Texas





**BILL OF SALE AND ASSIGNMENT OF  
LIVING EQUIVALENT UNITS AND OTHER PROPERTY**

**Date:** July 22, 2020

**Seller:** RPC Investments, Ltd., a Texas limited partnership

**Buyer:** Cuncashca, LLC, a Texas limited liability company

**Living Equivalent Units:** Seller is the owner of 300 LUE's, which are reflected on the documents attached as Schedule 1, relating to some or all of the real property described in Schedule 2 attached hereto, such real property more commonly known as the Charro Ranch (hereinafter "LUE's").

**Other Property:** Seller is the owner of all cattle, livestock, cattleguards, farm and ranch equipment, trucks, automobiles and other similar personal property situated on or used in connection with the real property described in Schedule 2 attached hereto (collectively, the "Personalty").

**Transferred/Assigned Property:** For valuable consideration, the receipt and sufficiency of which is acknowledge by Seller and Buyer, Seller hereby SELLS, ASSIGNS, CONVEYS and TRANSFERS all of Seller's undivided right, title and interest in and to all LUE's and Personalty to Buyer.

**SAID TRANSFER IS MADE WITHOUT ANY EXPRESS OR IMPLIED WARRANTIES. BUYER AGREES THAT IT IS TAKING THE TRANSFERRED PROPERTY "AS IS" AND THAT THERE ARE NO REPRESENTATIONS, DISCLOSURES, OR EXPRESS OR IMPLIED WARRANTIES. BUYER HAS NOT RELIED ON ANY INFORMATION OTHER THAN BUYER'S INSPECTION.**

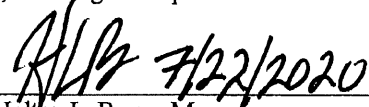
Buyer accepts the assignment of the LUE's and Personalty and agrees to fully perform the duties and obligations of Seller under any contracts affiliated with the transfer of the LUE's and/or Personalty.

Seller hereby acknowledges and agrees that this conveyance is being made as a convenience to the parties to that certain Termination Agreement dated effective as of January 1, 2020, by and among Seller, Buyer, Notloh, LLC, a Texas limited liability company, and Holton L. Burns (the "Termination Agreement"), and that such conveyance shall be deemed to constitute a distribution of undivided interests in and to the property described above to each of Buyer and Holton L. Burns in accordance with the terms of the Termination Agreement, followed by Holton L. Burns' contribution of his undivided interest in all such property to Buyer as a capital contribution thereto, such that Buyer shall own one hundred percent (100%) of all such property.

RPC INVESTMENTS, LTD., a Texas limited partnership

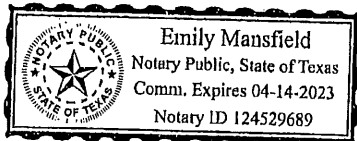
By: NOTLOH, LLC, a Texas limited liability company, its sole general partner

By:

 7/22/2020  
Holton L. Burns, Manager

THE STATE OF TEXAS       §  
  §  
COUNTY OF TRAVIS       §

This instrument was acknowledged before me on July 22, 2020, by Holton L. Burns, Manager of Notloh, LLC, a Texas limited liability company, the sole general partner of RPC Investments, Ltd., a Texas limited partnership, on behalf of said limited partnership.



*Emily Mansfield*  
\_\_\_\_\_  
Notary Public, State of Texas

SCHEDULE 1

LUE's

*[see attached 2 pages]*

**CITY OF DRIPPING SPRINGS**  
P.O. Box 384 · 511 Mercer Street · Dripping Springs, Texas 78620 (512) 858-4725

**WASTEWATER SERVICE RESERVATION REQUEST FORM**

FP3-001  
FM 150

Please return this form to the City as soon as possible, but no later than April 23, 2009.

*Check this box if you do not want to participate:*

**I DO NOT WANT TO** connect to the City's sewer collection system. I have written my name and address, and signed below, because I do not wish to participate. I acknowledge that, by checking this box, and electing not to participate, I may not be able to connect to the system in the future.

Name:

Address:

\_\_\_\_\_  
(Print Full Name)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Phone: \_\_\_\_\_

*Check this box if you do want to participate:*

**I DO** want to connect to the City's sewer collection system.

**My voluntary payment of the Reservation Deposit is in accordance with the agreement between the property owner and the City concerning the timing and method of payment of the connection fees, as outlined in the notice above.**

Name:

Address:

RPC INVESTMENTS  
(Print Full Name)

4412 Spicewood Springs  
Suite 300

[Signature]  
(Signature)

AUSTIN TX 78789

Phone: 512 454 4872  
512 925 2051 cell

Email: LRITCharro550@aol.com

*Turn page over and complete form*

Check the appropriate boxes and sign below:

Service Address (if different from above):

see attached  
\_\_\_\_\_  
\_\_\_\_\_

Is the structure(s) to be served existing?  Yes  No

What is the current use of the property?

Residential  Commercial  Governmental/Utility/Institutional  Vacant

What is the size of the water meter? \_\_\_\_\_

What is the proposed use of the property once it is connected to the sewer system?

Residential  Commercial  Governmental/Utility/Institutional  Undetermined

How many LUEs are you requesting be reserved? 300

Total amount of Reservation Deposit (# LUEs multiplied by \$500): \$150,000

\*\*\*\*\*below to be completed by City Staff\*\*\*\*\*

**Receipt of Reservation Request Form**

Date Form Received: \_\_\_\_\_

# of LUEs Requested: \_\_\_\_\_

Amount of Deposit Received: \$ \_\_\_\_\_

FP3-001

Received By: \_\_\_\_\_  
Authorized Representative of City of Dripping Springs

## SCHEDULE 2

Real Property

TRACT 1: Being all of that certain tract or parcel of land containing 2.44 acres, more or less, situated in the Thomas R. Jackson Survey, Abstract No. 9 and the William Cockburn Survey, Abstract No. 97, Hays County, Texas, said tract being more particularly described by metes and bounds shown on Exhibit "A" attached hereto and made a part hereof.

TRACT 2: Being all of that certain tract or parcel of land containing 6.77 acres, more or less, situated in the Thomas R. Jackson Survey, Abstract No. 9, Hays County, Texas, said tract being more particularly described by metes and bounds shown on Exhibit "B" attached hereto and made a part hereof.

TRACT 3: Being all of that certain tract or parcel of land containing 15.65 acres, more or less, situated in the Thomas R. Jackson Survey, Abstract No. 9, Hays County, Texas, said tract being more particularly described by metes and bounds shown on Exhibit "C" attached hereto and made a part hereof.

TRACT 4: Being all of that certain tract or parcel of land containing 202.38 acres, more or less, situated in the Thomas R. Jackson Survey, Abstract No. 9, the Stiles J. Fowler Survey, Abstract 174 and the William Cockburn Survey, Abstract 97, Hays County, Texas, said tract being more particularly described by metes and bounds shown on Exhibit "D" attached hereto and made a part hereof.

## Exhibit A

DESCRIPTION OF 2.44 ACRES, MORE OR LESS, OF LAND AREA, IN THE THOMAS R. JACKSON SURVEY, ABSTRACT NUMBER 9 AND THE WILLIAM COCKBURN SURVEY, ABSTRACT NUMBER 97, HAYS COUNTY, TEXAS, BEING ALL OF THAT TRACT DESCRIBED AS 2.44 ACRES IN A DEED FROM HOLTON L. BURNS TO RPC INVESTMENTS, DATED MARCH 6, 2003 AND RECORDED IN VOLUME 2173, PAGE 353 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a ½" iron rod found in the west line of that tract described as 387.26 acres in a deed from Mark Eight Corp. to Dickson Properties, Inc., dated March 21, 1973 and recorded in Volume 257, Page 518 of the Hays County Deed Records, for the common northeast corner of the RPC 2.44 acres tract, the southeast corner of that tract described as 71.641 acres in a deed from Pamela M. Ryan to UMARI Partners, LP., dated October 10, 2014 and recorded in Volume 5062, Page 856 of the Hays County Official Public Records;

**THENCE** leaving the UMARI Partners tract and **PLACE OF BEGINNING** as shown on that plat numbered 26365-20-4-b, dated June 11, 2020 as prepared for Holton Burns by Byrn & Associates, Inc. of San Marcos, Texas, with the common east line of the RPC trac and the west line of the Dickson Properties tract, the following two courses:

1. S 31° 21' 54" E 171.15 feet to a calculated point, and
2. S 31° 35' 41" E 176.15 feet to a calculated point in the north line of that tract described in a deed from Holton Latham Burns to CUNCASHCA, LLC, dated July 10, 2018 and recorded in Hays County Instrument Number 18024535 of the Hays County Official Public records, for the common southeast corner of the RPC 2.44 acre tract and an angle point in the south line of the Dickson Properties tract;

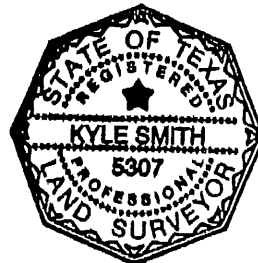
**THENCE** leaving the Dickson Properties tract, with the common north line of the CUNCASHCA tract and the south line of the RPC tract, the following five courses:

1. N 85° 14' 11" W 140.36 feet to a calculated point,
2. N 72° 15' 35" W 296.99 feet to a calculated point,
3. N 55° 06' 23" W 48.84 feet to a calculated point,
4. N 40° 07' 26" W 102.51 feet to a calculated point,
5. N 22° 55' 27" W 137.98 feet to a calculated point, from which a ½" iron rod found bears N 84°23'42"W 148.84 feet;

**THENCE** S 84° 23' 42" E 403.16 feet to the **PLACE OF BEGINNING**.

There are contained within these metes and bounds 2.44 acres, more or less, as prepared from public records and a survey made on the ground on June 11, 2020 by Byrn & Associates, Inc. of San Marcos, Texas. The Bearing Basis for this description was determined from GPS observations and refers to Grid North of the Texas State Plane Coordinate System, N.A.D. 83, South Central Zone. All ½" iron rods set are capped with a plastic cap stamped "Byrn Survey".

  
 Kyle Smith, R.P.L.S. #5307



Client: Burns, Holton  
 Date: June 11, 2020  
 Survey: Jackson, Thomas R.  
 County: Hays  
 Job No: 26365-20-4  
 FND 2.44



## Exhibit B

**DESCRIPTION OF 6.77 ACRES, MORE OR LESS, OF LAND AREA, IN THE THOMAS R. JACKSON SURVEY, ABSTRACT NUMBER 9, HAYS COUNTY, TEXAS, BEING ALL OF THAT TRACT DESCRIBED AS 7 ACRES IN A DEED FROM LUCY REED HIBBERD TO RPC INVESTMENTS, DATED SEPTEMBER 4, 2007 AND RECORDED IN VOLUME 3298, PAGE 356 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a 1/2" iron rod found in the west line of that tract described as 150.00 acres in a deed from Stewardship Interests, LLC to ALFREDALBERT, LLC, dated July 13, 2012 and recorded in Volume 4534, Page 362 of the Hays County Official Public records, for the northeast corner of the RPC 7 acre tract;

**THENCE** leaving the **PLACE OF BEGINNING** as shown on that plat numbered 26365-20-4-c, dated June 11, 2020 as prepared for Holton Burns by Byrn & Associates, Inc. of San Marcos, Texas, with the common west line of the ALFREDALBERT 150.00 acre tract and the east line of the RPC 7 acre tract, **S 27° 27' 48" W 1068.65 feet** to a calculated point in the north line of that tract described as 347.65 acres in a deed from Historic Gibson LLC to ALFREDALBERT, LLC, dated May 14, 2008 and recorded in Volume 3391, Page 158 of the Hays County Official Public records, for the common southwest corner of the ALFREDALBERT 150.00 acre tract and the south corner of the RPC 7 acre tract, and being in the approximate centerline of Onion Creek;

**THENCE** leaving the ALFREDALBERT 150.00 acre tract, with the common north line of the ALFREDALBERT 347.65 acre tract and the west line of the RPC 7 acre tract, and being in the approximate centerline of Onion Creek, the following two courses:

1. **N 17° 45' 36" W 354.40 feet** to a calculated point, and
2. **N 19° 00' 36" W 352.75 feet** to a calculated point;

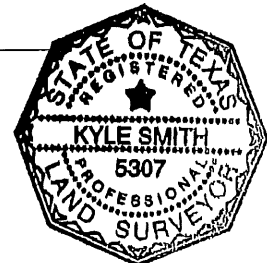
**THENCE** with the common west line of the RPC 7 acre tract and the north line of the ALFREDALBERT 347.65 acre tract and its extension, **N 43°45'51"W 50.98 feet** to a calculated point for the west corner of the RPC 7 acre tract, pass at 41.13 feet the common northwest corner of the ALFREDALBERT 347.65 acre tract and the northeast corner of that tract described as 64.57 acres in a deed from CUNCASHCA LLC to Reed C. Burns, dated December 20, 2019 and recorded in Hays County Instrument Number 20000380 of the Hays County Official Public records;

**THENCE** leaving the Burns tract, with the north line of the RPC 7 acre tract, the following two courses:

1. **N 57° 35' 33" E 71.66 feet** to a 1/2" iron rod found with a plastic cap stamped "Byrn Survey" and
2. **N 73°41'53"E 719.54 feet** to the **PLACE OF BEGINNING**.

There are contained within these metes and bounds 6.77 acres, more or less, as prepared from public records and a survey made on the ground on June 11, 2020 by Byrn & Associates, Inc. of San Marcos, Texas. The Bearing Basis for this description was determined from GPS observations and refers to Grid North of the Texas State Plane Coordinate System, N.A.D. 83, South Central Zone. All 1/2" iron rods set are capped with a plastic cap stamped "Byrn Survey".

  
 Kyle Smith, R.P.L.S. #5307



Client: Burns, Holton  
 Date: June 11, 2020  
 Survey: Jackson, Thomas R.  
 County: Hays  
 Job No: 26365-20-4  
 FND 6.77

## Exhibit C

**DESCRIPTION OF 15.65 ACRES, MORE OR LESS, OF LAND AREA, IN THE THOMAS R. JACKSON SURVEY, ABSTRACT NUMBER 9, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT DESCRIBED AS 18.57 ACRES IN A DEED FROM SAMUEL MONROE LANGSTON ET UX TO ROBERTA CRENSHAW, DATED AUGUST 31, 1984 AND RECORDED IN VOLUME 469, PAGE 263 OF THE HAYS COUNTY REAL PROPERTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at an iron rod with a plastic cap found in the common southwest line of F.M. Highway Number 150 and the northeast line of the Crenshaw tract, for the northeast corner of that tract described as 40.58 acres in a deed from Robert P. Crenshaw to The City of Dripping Springs, dated June 26, 2003 and recorded in Volume 2282, Page 847 of the Hays County Official Public records;

**THENCE** leaving the City of Dripping Springs tract and **PLACE OF BEGINNING** as shown on that plat numbered 26365-20-4-c, dated June 11, 2020 as prepared for Holton Burns by Byrn & Associates, Inc. of San Marcos, Texas, with the common southwest line of F.M. Highway No. 150 and the northeast line of the Crenshaw tract, the following four courses:


1. S 61° 48' 37" E 984.80 feet to a concrete highway monument found,
2. With a left breaking curve having the following characteristics: Radius = 2904.79 feet, Central Angle = 9°06'10", Arc Length = 461.50 feet and a chord which bears S 66° 23' 37" E 461.01 feet to a concrete highway monument found,
3. S 70° 56' 56" E 391.46 feet to a concrete highway monument found, and
4. With a left breaking curve having the following characteristics: Radius = 994.93 feet, Central Angle = 8°14'52", Arc Length = 143.22 feet and a chord which bears S 75° 11' 35" E 143.10 feet to a calculated point in the north line of that tract described as 387.26 acres in a deed from Mark Eight Corp. to Dickson Properties, Inc., dated March 21, 1973 and recorded in Volume 257, Page 518 of the Hays County Deed Records, for the east corner of the Crenshaw tract;

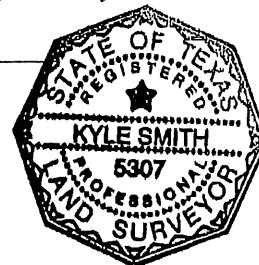
**THENCE** leaving F.M. Highway No. 150 with the common occupied south line of the Crenshaw tract and the north line of the Dickson Properties tract, the following two courses;

1. S 88° 42' 58" W 1041.51 feet to a calculated point, and
2. S 87° 43' 25" W 737.00 feet to a calculated point in the east line of the City of Dripping Springs tract, from which an iron rod found with a plastic cap for an interior corner in the east line of the City of Dripping Springs tract bears S 01°23'47"E 10.70 feet;

**THENCE** crossing the Crenshaw tract, N 01° 23' 47" W 867.04 feet to the **PLACE OF BEGINNING**.

There are contained within these metes and bounds 15.65 acres, more or less, as prepared from public records and a survey made on the ground on June 11, 2020 by Byrn & Associates, Inc. of San Marcos, Texas. The Bearing Basis for this description was determined from GPS observations and refers to Grid North of the Texas State Plane Coordinate System, N.A.D. 83, South Central Zone. All ½" iron rods set are capped with a plastic cap stamped "Byrn Survey".

  
\_\_\_\_\_  
Kyle Smith, R.P.L.S. #5307



Client: Burns, Holton  
Date: June 11, 2020  
Survey: Jackson, Thomas R.  
County: Hays  
Job No: 26365-20-4  
END 15.65

## Exhibit D

**DESCRIPTION OF 202.38 ACRES, MORE OR LESS, OF LAND AREA, IN THE THOMAS R. JACKSON SURVEY, ABSTRACT NUMBER 9, THE STILES J. FOWLER SURVEY, A-174 AND THE WILLIAM COCKBURN SURVEY, A-97, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT DESCRIBED AS 387.26 ACRES IN A DEED FROM MARK EIGHT CORP. TO DICKSON PROPERTIES, INC., DATED MARCH 21, 1973 AND RECORDED IN VOLUME 257, PAGE 518 OF THE HAYS COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at an iron rod with a plastic cap stamped "Byrn Survey" found in the common south line of F.M. Highway Number 150 and the north line of the Dickson Properties tract, for the northwest corner of that tract described as 18.01 acres in a deed from Reed C. Burns to CUNCASHCA, LLC, dated December 23, 2019 and recorded in Hays County Instrument Number 20000362 of the Hays County Official Public Records;

**THENCE** leaving F.M. Highway No. 150 and **PLACE OF BEGINNING** as shown on that plat numbered 26365-20-4-c, dated June 11, 2020 as prepared for Holton Burns by Byrn & Associates, Inc. of San Marcos, Texas, with the west line of the CUNCASHCA 18.01 acre tract, the following six courses:

1. S 04° 34' 43" E 459.87 feet to an iron rod found with a plastic cap stamped "Byrn Survey",
2. S 28° 05' 12" W 875.02 feet to an iron rod found with a plastic cap stamped "Byrn Survey",
3. S 54° 41' 27" W 721.69 feet to a 1/2" iron rod found,
4. S 27° 27' 44" W 133.45 feet to an iron rod found with a plastic cap stamped "Byrn Survey",
5. S 22° 32' 28" W 251.19 feet to an iron rod found with a plastic cap stamped "Byrn Survey", and
6. S 10° 08' 14" W 292.14 feet to an iron rod found with a plastic cap stamped "Byrn Survey" for the common southwest corner of the CUNCASHCA 18.01 acre tract and the northwest corner of that tract described as 150.00 acres in a deed from Stewardship Interests, LLC, to ALFREDALBERT, LLC, dated July 13, 2012 and recorded in Volume 4534, Page 362 of the Hays County Official Public Records;

**THENCE** leaving the CUNCASHCA 18.01 acre tract, with the west line of the ALFREDALBERT 150.00 acre tract, the following two courses;

1. S 11° 49' 53" E 819.42 feet to an iron rod found with a plastic cap stamped "Byrn Survey", and
2. S 06° 44' 52" W 1098.27 feet to a 1/2" iron rod found for the northeast corner of that tract described as 7 acres in a deed from Lucy Reed Hibberd et al to RPC Investments, dated September 4, 2007 and recorded in Volume 3298, Page 356 of the Hays County Official Public records;

**THENCE** leaving the ALFREDALBERT tract, with the north line of the RPC 7 acre tract, the following two courses:

1. S 73° 41' 53" W 719.54 feet to an iron rod found with a plastic cap stamped "Byrn Survey", and
2. S 57° 35' 33" W 71.66 feet to a calculated point in the northeast line of that tract described as 64.57 acres in a deed from CUNCASHCA LLC, to Reed C. Burns, dated December 20, 2019 and recorded in Hays County Instrument Number 20000380 of the Hays County Official Public records, and being in the approximate center of Onion Creek;

**THENCE** leaving the RPC 7 acre tract, with the approximate centerline of Onion Creek, the northeast line of the Burns 64.57 acre tract and the north line of that tract described in a deed from Holton Latham Burns to CUNCASHCA, LLC,

dated July 10, 2018 and recorded in Hays County Instrument Number 18024535 of the Hays County Official Public records, the following seven courses:

1. N 43° 45' 51" W 212.02 feet to a calculated point,
2. N 27° 18' 53" W 131.29 feet to a calculated point,
3. N 31° 56' 38" W 301.01 feet to a calculated point,
4. N 44° 53' 38" W 179.26 feet to a calculated point,
5. S 81° 23' 01" W 362.24 feet to a calculated point,
6. S 85° 50' 22" W 277.22 feet to a calculated point,
7. N 85° 14' 11" W 90.93 feet to a calculated point for the southeast corner of that tract described as 2.44 acres in a deed from Holton L. Burns to RPC Investments, LTD., dated March 6, 2003 and recorded in Volume 2173, Page 353 of the Hays County Official Public Records;

**THENCE** leaving the CUNCASHCA tract, with the east line of the RPC 2.44 acre tract, the following two courses:

1. N 31° 35' 41" W 176.15 feet to a calculated point, and
2. N 31° 21' 54" W 171.15 feet to a 1/2" iron rod found for the common northeast corner of the RPC 2.44 acre tract and the southeast corner of that tract described as 71.641 acres in a deed from Pamela M. Ryan to UMARI Partners, LP., dated October 10, 2014 and recorded in Volume 5062, Page 856 of the Hays County Official Public Records;

**THENCE** leaving the RPC 2.44 acre tract, with the common east line of the UMARI Partners tract and the west line of the Dickson properties tract, being generally with fence, the following seven courses:

1. N 30° 42' 38" W 139.33 feet to a 1/2" iron rod found with a plastic cap stamped "Byrn Survey",
2. N 19° 44' 50" W 135.72 feet to a 1/2" iron rod found,
3. N 01° 12' 53" E 296.32 feet to a 60d nail found in the west face of a 24" cedar tree,
4. N 07° 12' 55" E 103.71 feet to a 1/2" iron rod found,
5. N 06° 48' 49" E 221.24 feet to a 1/2" iron rod found,
6. N 07° 32' 41" E 191.38 feet to a 1/2" iron rod found, and
7. N 02° 05' 43" W 166.42 feet to an iron rod with a plastic cap found for the southwest corner of that tract described as 40.58 acres in a deed from Roberta P. Crenshaw to The City of Dripping springs, dated June 26, 2003 and recorded in Volume 2282, Page 847 of the Hays County Official Public records;

**THENCE** leaving the UMARI Partners tract, with the south line of the City of Dripping Springs tract, N 87°58'22"E 660.44 feet to a 1/2" iron rod found for the southeast corner of the City of Dripping Springs tract;

**THENCE** with the east line of the City of Dripping Springs tract, N 02°05'53"E 2234.79 feet to a 1/2" iron rod found for a northeast corner of the City of Dripping Springs tract;

**THENCE** with a north line of the City of Dripping Springs tract, **S 87°45'15"W 680.45 feet** to an iron rod found with a plastic cap for an interior corner of the City of Dripping Springs tract;

**THENCE** with the east line of the City of Dripping Springs tract, **N 01°23'47"W 10.70 feet** to a calculated point in the common occupied north line of the Dickson Properties tract and the south line of that tract described as 18.57 acres in a deed from Samuel Monroe Langston et ux to Roberta Crenshaw, dated August 31, 1984 and recorded in Volume 469, Page 263 of the Hays County Deed Records;

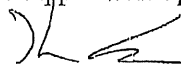
**THENCE** leaving the City of Dripping Springs tract, with the common occupied north line of the Dickson Properties tract and the south line of the Crenshaw tract, the following two courses:

1. **N 87°43'25" E 737.00 feet** to a calculated point, and
2. **N 88°42'58" E 1041.51 feet** to a calculated point in the south line of F.M. Highway No. 150;

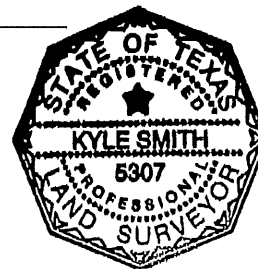
**THENCE** leaving the Crenshaw tract, with the common north line of the Dickson Properties tract and the south line of F.M. Highway No. 150, the following three courses:

1. With a left breaking curve having the following characteristics: Radius=994.93 feet, Central Angle=12°39'31", Arc Length=219.81 feet and a chord which bears **S 85°38'46"E 219.37 feet** to a concrete highway monument found;
2. **N 88°06'43" E 763.83 feet** to a concrete highway monument found, and
3. **N 88°34'31" E 516.01 feet** to the **PLACE OF BEGINNING**.

There are contained within these metes and bounds 202.38 acres, more or less, as prepared from public records and a survey made on the ground on June 11, 2020 by Byrn & Associates, Inc. of San Marcos, Texas. The Bearing Basis for this description was determined from GPS observations and refers to Grid North of the Texas State Plane Coordinate System, N.A.D. 83, South Central Zone. All ½" iron rods set are capped with a plastic cap stamped "Byrn Survey".



Kyle Smith, R.P.L.S. #5307



Client: Burns, Holton  
 Date: June 11, 2020  
 Survey: Jackson, Thomas R.  
 County: Hays  
 Job No: 26365-20-4  
 FND 202.38

**BILL OF SALE & ASSIGNMENT OF LIVING UNIT EQUIVALENTS**

**Effective Date:** July 22, 2020

**Seller:** Holton Burns

**Buyers:** Cuncashca, LLC

**Living Equivalent Units:**

Seller is the owner of 25 Living Unit Equivalents (the "LUE's") pursuant to that certain Bill of Sale & Assignment of Living Equivalent Units from the Estate of Lucy Reed Hibberd, dated December 23, 2019, a true and correct copy of which is attached hereto as Exhibit A, such assignment more particularly describing the LUE's.

Seller is also the owner of 40 LUE's pursuant to that certain Wastewater Service Reservation Request submitted to the City of Dripping Springs, a true and correct copy of which is attached hereto as Exhibit B.

**Transferred/Assigned Property:**

For valuable consideration, the receipt and sufficiency of which is acknowledge by Seller and Buyer, Seller hereby sells and assigns all of Seller's undivided right, title and interest in and to all LUE's described above.

**SAID TRANSFER IS MADE WITHOUT ANY EXPRESS OR IMPLIED WARRANTIES. BUYER AGREES THAT IT IS TAKING THE TRANSFERRED PROPERTY "AS IS" AND THAT THERE ARE NO REPRESENTATIONS, DISCLOSURES, OR EXPRESS OR IMPLIED WARRANTIES. BUYER HAS NOT RELIED ON ANY INFORMATION OTHER THAN BUYER'S INSPECTION.**

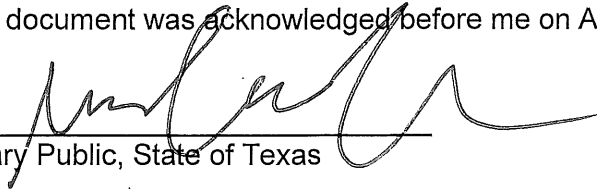
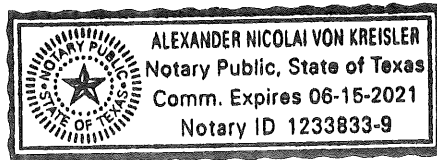
Buyer accepts the assignment of the LUE's and agrees to fully perform the duties and obligations of Holton Burns under any contracts affiliated with the transfer of the LUE's.



\_\_\_\_\_  
Holton Burns

State of Texas  
County of Travis

This document was acknowledged before me on August 20, 2020, by Holton Burns.

  
\_\_\_\_\_  
Notary Public, State of Texas

**EXHIBIT A**

(see attached)



**BILL OF SALE & ASSIGNMENT OF LIVING EQUIVALENT UNITS**

Date: December 23, 2019

Seller: Estate of Lucy Reed Hibberd

Buyers: Reed Burns & Holton Burns

**Living Equivalent Units:**

Seller is believed to be the owner of 110 LUE's, which are reflected on the documents attached as Exhibit "1", relating to the real property more commonly known as the Charro Ranch (hereinafter "LUE's").

**Transferred/Assigned Property:**

For valuable consideration, the receipt and sufficiency of which is acknowledge by the Seller and Buyers, Seller hereby sells and assigns all of Seller's undivided right, title and interest, if any, in and to all LUE's, as follows:

- 85 Reed Burns
- 25 Holton Burns

SAID TRANSFER IS MADE WITHOUT ANY EXPRESS OR IMPLIED WARRANTIES. BUYERS AGREE THAT THEY ARE TAKING THE TRANSFERRED PROPERTY "AS IS" AND THAT THERE ARE NO REPRESENTATIONS, DISCLOSURES, OR EXPRESS OR IMPLIED WARRANTIES. BUYER HAS NOT RELIED ON ANY INFORMATION OTHER THAN BUYER'S INSPECTION.

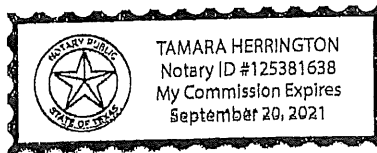
Buyers accept the assignment of the LUE's and agrees to fully perform the duties and obligations of Lucy Reed Hibberd under any contracts affiliated with the transfer of the LUE's.

Nancy Phelan  
Nancy Phelan, Independent Executrix of the Estate of Lucy Reed Hibberd

State of Texas  
County of Travis

This document was acknowledged before me on December 23, 2019 by Nancy Phelan Independent Executrix of the Estate of Lucy Reed Hibberd.

[Signature]  
Notary Public, State of Texas  
My Commission Expires:



CITY OF DRIPPING SPRINGS  
P.O. Box 384 511 Mercer Street Dripping Springs, Texas 78620 (512) 858-4725

WASTEWATER SERVICE RESERVATION REQUEST FORM

FP3-001  
FM 150

Please return this form to the City as soon as possible, but no later than April 23, 2009.

Check this box if you do not want to participate:

I DO NOT WANT TO connect to the City's sewer collection system. I have written my name and address, and signed below, because I do not wish to participate. I acknowledge that, by checking this box, and electing not to participate, I may not be able to connect to the system in the future.

Name:

Address:

\_\_\_\_\_  
(Print Full Name)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature)

Phone: \_\_\_\_\_

Check this box if you do want to participate:

I DO want to connect to the City's sewer collection system.

My voluntary payment of the Reservation Deposit is in accordance with the agreement between the property owner and the City concerning the timing and method of payment of the connection fees, as outlined in the notice above.

Name:

Address:

LUCY R. HIBBERD  
(Print Full Name)

327 SOUTH 7<sup>th</sup>

*Lucy R. Hibberd*  
(Signature)

ASPEN CO

81611

Phone: 970-920-1338

Email: L.R.Hcharro550@aol.com

512-925-2051 cell

Turn page over and complete form

EXHIBIT 1

Check the appropriate boxes and sign below:

Service Address (if different from above):

see attached

\_\_\_\_\_

\_\_\_\_\_

Is the structure(s) to be served existing?  Yes  No

What is the current use of the property?

Residential  Commercial  Governmental/Utility/Institutional  Vacant

What is the size of the water meter?                     

What is the proposed use of the property once it is connected to the sewer system?

Residential  Commercial  Governmental/Utility/Institutional  Undetermined

How many LUEs are you requesting be reserved? 50

Total amount of Reservation Deposit (# LUEs multiplied by \$500): \$25000

\*\*\*\*\*below to be completed by City Staff\*\*\*\*\*

**Receipt of Reservation Request Form**

Date Form Received: \_\_\_\_\_

# of LUEs Requested: \_\_\_\_\_

Amount of Deposit Received: \$ \_\_\_\_\_

FP3-001

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

Authorized Representative of City of Dripping Springs

**CITY OF DRIPPING SPRINGS**  
P.O. Box 384 · 511 Mercer Street · Dripping Springs, Texas 78620 (512) 858-4725

**WASTEWATER SERVICE RESERVATION REQUEST FORM**

FP3-001  
FM 150

Please return this form to the City as soon as possible, but no later than April 23, 2009.

*Check this box if you do not want to participate:*

**I DO NOT WANT TO** connect to the City's sewer collection system. I have written my name and address, and signed below, because I do not wish to participate. I acknowledge that, by checking this box, and electing not to participate, I may not be able to connect to the system in the future.

Name:

Address:

\_\_\_\_\_  
(Print Full Name)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature)

Phone: \_\_\_\_\_

*Check this box if you do want to participate:*

**I DO** want to connect to the City's sewer collection system.

**My voluntary payment of the Reservation Deposit is in accordance with the agreement between the property owner and the City concerning the timing and method of payment of the connection fees, as outlined in the notice above.**

Name:

Address:

LUCY R. HIBBERD  
(Print Full Name)

327 South TL  
ASPEN CO 81611  
\_\_\_\_\_

*Lucy R. Hibberd*  
(Signature)

Phone: 970-920-1338

Email: LRHcharro550@aol.com

512-925-2051

*Turn page over and complete form*

Check the appropriate boxes and sign below:

Service Address (if different from above):

see attached

\_\_\_\_\_  
\_\_\_\_\_

Is the structure(s) to be served existing?  Yes  No

What is the current use of the property?

Residential  Commercial  Governmental/Utility/Institutional  Vacant

What is the size of the water meter?                     

What is the proposed use of the property once it is connected to the sewer system?

Residential  Commercial  Governmental/Utility/Institutional  Undetermined

How many LUEs are you requesting be reserved? 30

Total amount of Reservation Deposit (# LUEs multiplied by \$500): \$15000

\*\*\*\*\*below to be completed by City Staff\*\*\*\*\*

**Receipt of Reservation Request Form**

Date Form Received: \_\_\_\_\_ # of LUEs Requested: \_\_\_\_\_

Amount of Deposit Received: \$ \_\_\_\_\_ FP3-001

Received By: \_\_\_\_\_  
Authorized Representative of City of Dripping Springs

CITY OF DRIPPING SPRINGS  
P.O. Box 384 511 Mercer Street Dripping Springs, Texas 78620 (512) 858-4725

WASTEWATER SERVICE RESERVATION REQUEST FORM

FP3-002  
FM 150 (northside)

Please return this form to the City as soon as possible, but no later than April 23, 2009.

Check this box if you do not want to participate:

I DO NOT WANT TO connect to the City's sewer collection system. I have written my name and address, and signed below, because I do not wish to participate. I acknowledge that, by checking this box, and electing not to participate, I may not be able to connect to the system in the future.

Name:  
\_\_\_\_\_  
(Print Full Name)

Address:  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature)

Phone: \_\_\_\_\_

Check this box if you do want to participate:

I DO want to connect to the City's sewer collection system.

My voluntary payment of the Reservation Deposit is in accordance with the agreement between the property owner and the City concerning the timing and method of payment of the connection fees, as outlined in the notice above.

Name:  
LUCY R. HIBBERD  
(Print Full Name)

Address:  
327 SOUTH 7<sup>th</sup>  
ASPEN CO 81611

*Lucy R Hibberd*  
(Signature)

Phone: 970-9201338  
512-925-2051 cell

Email: L.R.HIBBERD550@aol.com

Turn page over and complete form

Check the appropriate boxes and sign below:

Service Address (if different from above):

see attached

Is the structure(s) to be served existing?  Yes  No

What is the current use of the property?

Residential  Commercial  Governmental/Utility/Institutional  Vacant

What is the size of the water meter? \_\_\_\_\_

What is the proposed use of the property once it is connected to the sewer system?

Residential  Commercial  Governmental/Utility/Institutional  Undetermined

How many LUEs are you requesting be reserved? 30

Total amount of Reservation Deposit (# LUEs multiplied by \$500): \$ 15000

\*\*\*\*\*below to be completed by City Staff\*\*\*\*\*

**Receipt of Reservation Request Form**

Date Form Received: \_\_\_\_\_ # of LUEs Requested: \_\_\_\_\_

Amount of Deposit Received: \$ \_\_\_\_\_ FP3-002

Received By: \_\_\_\_\_  
Authorized Representative of City of Dripping Springs

**EXHIBIT B**

(see attached)



**CITY OF DRIPPING SPRINGS**  
P.O. Box 384 511 Mercer Street Dripping Springs, Texas 78620 (512) 858-4725

**WASTEWATER SERVICE RESERVATION REQUEST FORM**

FP3-002  
FM 150 (northside)

Please return this form to the City as soon as possible, but no later than April 23, 2009.

*Check this box if you do not want to participate:*

**I DO NOT WANT TO** connect to the City's sewer collection system. I have written my name and address, and signed below, because I do not wish to participate. I acknowledge that, by checking this box, and electing not to participate, I may not be able to connect to the system in the future.

Name:

Address:

\_\_\_\_\_  
(Print Full Name)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature)

Phone: \_\_\_\_\_

*Check this box if you do want to participate:*

**I DO** want to connect to the City's sewer collection system.

**My voluntary payment of the Reservation Deposit is in accordance with the agreement between the property owner and the City concerning the timing and method of payment of the connection fees, as outlined in the notice above.**

Name:

Address:

H.L. BURNS  
(Print Full Name)

BOX 5885 AUSTIN, TX,  
78763

\_\_\_\_\_  
(Signature)

Phone: 512-454-4872

Email: BURNS\_HL@YAHOO.COM

*Turn page over and complete form*

Check the appropriate boxes and sign below:

Service Address (if different from above):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is the structure(s) to be served existing?  Yes  No

What is the current use of the property?

Residential  Commercial  Governmental/Utility/Institutional  Vacant

What is the size of the water meter? \_\_\_\_\_

What is the proposed use of the property once it is connected to the sewer system?

Residential  Commercial  Governmental/Utility/Institutional  Undetermined

How many LUEs are you requesting be reserved? 50 → 40 \$ 20,000

Total amount of Reservation Deposit (# LUEs multiplied by \$500): ~~25,000~~

\*\*\*\*\*below to be completed by City Staff\*\*\*\*\*

**Receipt of Reservation Request Form**

Date Form Received: \_\_\_\_\_

# of LUEs Requested: \_\_\_\_\_

Amount of Deposit Received: \$ \_\_\_\_\_

FP3-002

Received By: \_\_\_\_\_  
Authorized Representative of City of Dripping Springs

## Special Warranty Deed

### NOTICE OF CONFIDENTIALITY RIGHTS

IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY 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.

**Date:** December 23, 2019

**Grantor:** Reed C. Burns

**Grantor's Mailing Address:** 3716 Mercedith St Austin, TX 78703

**Grantee:** Cuncashca, LLC, a Texas limited liability company

**Grantee's Mailing Address:** 2604 Hillview Rd Austin, TX 78703

**Consideration:** Cash and other good and valuable consideration.

**Property (including any improvements):**

All of Grantor's undivided interest in 18.01 acres, more or less, of land area in the Thomas R. Jackson Survey, A-9, Hays County, Texas, being a portion of that tract described as 30 acres in a deed from Compass Bank, Successor Trustee, to Lucy Reed Hibbert et al dated August 2, 2007 and recorded in Volume 3241, Page 686 of the Hays County Official Public Records and being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all pertinent purposes.

**Reservations from Conveyance:** None

**Exceptions to Conveyance and Warranty:**

Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants,

conditions, oil and gas leases, mineral interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; all rights, obligations, and other matters arising from and existing by reason of any water, utility, road, or improvement districts which affect the Property; standby fees, taxes, and assessments by any taxing authority for the current year, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee also assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof by or through Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

*Reed C. Burns*

Reed C. Burns

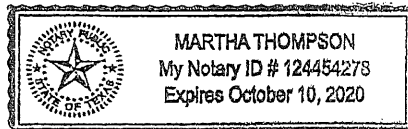
State of Texas

County of Travis

This document was acknowledged before me on December 23, 2019 by Reed C. Burns.

*Martha Thompson*

Notary Public, State of Texas



**NOTICE:** This instrument was prepared by Hancock McGill & Bleau, LLP using information provided by third parties. We have not investigated or verified information provided to us and do not warrant the validity of the information or quality of title to the real estate described above. **We do not represent the parties named in this instrument. The parties should seek independent legal counsel for advice concerning the effect and consequences of this instrument.**

AFTER RECORDING RETURN TO:

Holton Burns  
2604 Hillview Rd  
Austin, TX 78703

## Exhibit "A"

DESCRIPTION OF 18.01 ACRES, MORE OR LESS, OF LAND AREA IN THE THOMAS R. JACKSON SURVEY, A-9, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT DESCRIBED AS 30 ACRES IN A DEED FROM COMPASS BANK, SUCCESSOR TRUSTEE, TO LUCY REED HIBBERD ET AL DATED AUGUST 2, 2007, AND RECORDED IN VOLUME 3241, PAGE 686 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" iron rod set with a plastic cap stamped "Byrn Survey" in the south line of F.M. Highway No. 150 for the northwest corner of the Hibberd 30 acre tract and this description and northeast corner of the remaining portion of that tract described as 387.26 acres in a deed from Mark Eight Corp. to Dickson Properties, Inc. dated March 21, 1973 and recorded in Volume 257, Page 518 of the Hays County Deed Records, from which a TXDOT concrete monument found bears S 88° 35' 05" W 516.03 feet;

**THENCE** leaving the remaining portion of the Dickson Properties 387.26 acre tract and the **PLACE OF BEGINNING** as shown on that plat numbered 26365-19-4-b dated October 24, 2019 as prepared for Holton Burns by Byrn & Associates, Inc. of San Marcos, Texas, with the common north line of the Hibberd 30 acre tract and south line of F.M. Highway No. 150, the following two courses:

1. N 88° 35' 05" E 365.12 feet to a TXDOT concrete monument found for an angle point and,
2. S 47° 32' 03" E 224.50 feet to a 1/2" iron rod set for the northeast corner of this description;

**THENCE** leaving F.M. Highway No. 150 and crossing the Hibberd 30 acre tract, the following four courses:

1. S 52° 57' 11" W 610.77 feet to a 1/2" iron rod set for an angle point,
2. S 28° 06' 18" W 271.93 feet to a 1/2" iron rod set for an angle point,
3. S 21° 20' 30" W 696.42 feet to a 1/2" iron rod set for an angle point, and
4. S 01° 18' 42" E 763.86 feet to a 1/2" iron rod set in the north line of that tract described as 150.00 acres in a deed from Stewardship Interests, LLC. to Alfredalbert, LLC, dated July 13, 2012 and recorded in Volume 4534, Page 362 of the Hays County Official Public Records for the southeast corner of this description, from which a 1/2" iron rod found for the southeast corner of the Hibberd 30 acre tract and northeast corner of the Alfredalbert 150.00 acre tract bears N 81° 48' 30" E 306.56 feet;

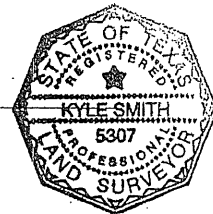
**THENCE** with the common south line of the Hibberd 30 acre tract and north line of the Alfredalbert 150.00 acre tract S 81° 48' 30" W 861.26 feet to a 1/2" iron rod found with a plastic cap stamped "Byrn Survey" in the east line of the previously mentioned remaining portion of the Dickson 387.26 acre tract for the southwest corner of the Hibberd 30 acre tract and this description and northwest corner of the Alfredalbert 150.00 acre tract;

THENCE leaving the AlfredaBERT 150.00 acre tract with the common west line of the Hibberd 30 acre tract and east line of the remaining portion of the Dickson Properties 387.26 acre tract, the following six courses:

1. N 10° 08' 22" E 292.17 feet to a 1/2" iron rod found with a plastic cap stamped "Byrn Survey" for an angle point,
2. N 22° 32' 12" E 251.19 feet to a 1/2" iron rod found with a plastic cap stamped "Byrn Survey" for an angle point,
3. N 27° 29' 04" E 133.39 feet to a 1/2" iron rod found with a plastic cap stamped "Byrn Survey" for an angle point,
4. N 54° 41' 02" E 721.67 feet to a 1/2" iron rod found with a plastic cap stamped "Byrn Survey" for an angle point,
5. N 28° 05' 22" E 875.05 feet to a 1/2" iron rod found with a plastic cap stamped "Byrn Survey" for an angle point, and
6. N 04° 34' 56" W 459.79 feet to the **PLACE OF BEGINNING**. There are contained within these metes and bounds 18.01 acres, more or less, of land area as prepared from public records and a survey made on the ground on August 27, 2019 by Byrn & Associates, Inc. of San Marcos, Texas. All 1/2" iron rods set are capped with a plastic cap stamped "Byrn Survey". The Bearing Basis for this description was determined from GPS observations and refers to Grid North of the Texas State Plane Coordinate System, NAD 83, South Central Zone.



Kyle Smith, R.P.L.S. #5307



Client: Burns, H.  
 Date: October 24, 2019  
 Survey: Jackson, T. A-9  
 County: Hays  
 Job No: 26365-19-4  
 FND 18.01

**THE STATE OF TEXAS  
COUNTY OF HAYS**

I hereby certify that this instrument was FILED on the date and the time stamped hereon by me and was duly RECORDED in the Records of Hays County, Texas.

20000362 DEED  
01/03/2020 02:20:01 PM Total Fees: \$42.00

Elaine H. Cárdenas, MBA, PhD, County Clerk  
Hays County, Texas





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

**GENERAL WARRANTY DEED**

THE STATE OF TEXAS           §  
  §  
COUNTY OF HAYS               §

HOLTON LATHAM BURNS (also known as Holton L. Burns), an individual residing in Travis County, Texas ("Grantor"), for Ten Dollars (\$10.00) and other good and valuable consideration paid to Grantor by CUNCASHCA, LLC, a Texas limited liability company ("Grantee"), the receipt and sufficiency of which is acknowledged, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY, unto Grantee all of the following described property located in Hays County, Texas:

The land (the "Land"), together with all the improvements and fixtures located thereon, described in Exhibit A which is attached to this deed and is incorporated herein by reference (collectively, the "Property").

TO HAVE AND TO HOLD the Property and premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, and Grantee's heirs, successors and assigns forever, and Grantor does hereby bind Grantor and Grantor's heirs, successors, and assigns, to WARRANT AND FOREVER DEFEND, all and singular, the Property and premises unto Grantee, and Grantee's heirs, successors, and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

This conveyance is made and accepted subject to any and all valid and subsisting restrictions, easements, rights-of-way, reservations, conditions and covenants, maintenance charges (and any lien securing said maintenance charges), if any, applicable to and enforceable against the Property as shown by the Official Public Records of Hays County, Texas, and to any applicable

zoning laws or ordinances of any municipal and/or other governmental authorities having jurisdiction over the Property.

Taxes on the Property for the year 2018 have been prorated between Grantor and Grantee as of the date of the delivery of this deed, and taxes for 2018 and subsequent years and subsequent assessments (after the date hereof) for prior years due to change in land usage or ownership are assumed by Grantee.

Dated: July 10, 2018.

GRANTOR:



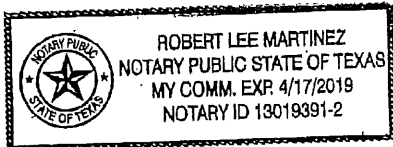
\_\_\_\_\_  
HOLTON LATHAM BURNS

GRANTEE'S ADDRESS:

2604 Hillview Road  
Austin, Texas 78703

THE STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS           §

This instrument was acknowledged before me on July 10, 2018, by Holton Latham Burns.



*Robert Lee Martinez*  
\_\_\_\_\_  
Notary Public, State of Texas  
Notary ID No.: 13019391-2

AFTER RECORDING, RETURN TO:

Nick von Kreisler  
Kuperman, Orr & Albers, P.C.  
2500 Bee Cave Road  
Building Two, Suite 150  
Austin, Texas 78746

EXHIBIT A

Legal Description of the Land

Tract A

An approximately **134.93** acre tract of land in the Thomas R. Jackson Survey No. 25, Abstract No. 9, and the William Cockburn Survey No. 32, Abstract No. 97, Hays County, Texas, being a portion of that tract described as a 166.938 acre tract (Tract 1) and a portion of that tract described as a 99.74 acre tract (Tract 2) in a deed from RPC Investments, Inc. to Charro 550, Ltd., dated November 30, 2000, recorded in Volume 1761, Page 174 of the Official Public Records of Hays County, Texas, such 134.93 acre tract being the same property described as "Tract 3" in that certain Special Warranty Deed with Vendor's Lien dated December 18, 2002, executed by Charro 550 Limited Partnership and recorded in Volume 2155, Page 193 of the Official Public Records of Hays County, Texas; **SAVE AND EXCEPT**

An approximately **2.44** acre tract of land in the Thomas R. Jackson Survey No. 25, Abstract No. 9, and the William Cockburn Survey No. 32, Abstract No. 97, Hays County, Texas, being a portion of that tract described as a 134.93 acre tract in a deed from Charro 550 Limited Partnership, recorded in Volume 2155, Page 193 of the Official Public Records of Hays County, Texas, such 2.44 acre tract being the same property described in Exhibit C to that certain Boundary Agreement and Special Warranty Deed dated March 6, 2003, between Holton L. Burns and RPC Investments, Ltd. recorded in Volume 2173, Page 353 of the Official Public Records of Hays County, Texas.

Tract B

An approximately **8.04** acre tract of land in the Thomas R. Jackson Survey No. 25, Abstract No. 9, Hays County, Texas, being a portion of that tract described as a 387.26 acre tract in a deed from Mark Eight Corporation to Dickson Properties, Inc. dated March 21, 1973, recorded in Volume 257, Page 518 of the Official Public Records of Hays County, Texas, such 8.04 acre tract being the same property described in Exhibit D to that certain Boundary Agreement and Special Warranty Deed dated March 6, 2003, between Holton L. Burns and RPC Investments, Ltd. recorded in Volume 2173, Page 353 of the Official Public Records of Hays County, Texas.

Tract C

An approximately **16.0** acre tract of land in the Thomas R. Jackson Survey No. 25, Abstract No. 9, Hays County, Texas, being a portion of that tract described as a 96.73 acre tract in a deed to Roberta Crenshaw recorded in Volume 469, Page 263 of the Official Public Records of Hays County, Texas, such 16.0 acre tract being the same property described in that certain Executor's Distribution Deed dated April 18, 2007, from Lucy Reed Hibberd, as independent executor of the Estate of Roberta P. Crenshaw, deceased, to Holton Latham Burns recorded in Volume 3152, Page 747 of the Official Public Records of Hays County, Texas.

Tract D

An undivided one-sixth (1/6<sup>th</sup>) interest in and to an approximately **30.0** acre tract of land in the Thomas R. Jackson Survey No. 25, Abstract No. 9, Hays County, Texas, being a portion of the remainder of that tract described as 151.73 acres (Tract 6) in a deed to Compass Bank, N.A., Trustee for the M.H. Reed Trust No. 2, recorded in Volume 2155, Page 193 of the Official Public Records of Hays County, Texas, such undivided interest and 30.0 acre tract being the same property described in that certain Distribution Deed dated August 2, 2007, from River Oaks Trust Company, now known as Compass Bank, as Successor Trustee of the M.H. Reed Trust #2, recorded in Volume 3241, Page 686 of the Official Public Records of Hays County, Texas.

Tract E

An approximately **48.01** acre tract of land in the William Cockburn Survey No. 32, Hays County, Texas, being a portion of that certain 60.1 acre tract conveyed to R.B. Hall and spouse, Helen Anita Hall by warranty deed dated April 19, 1999, recorded as Document No. 9908792 in the Official Public Records of Hays County, Texas, and also being a portion of that certain 3.0 acre tract conveyed to R.B. Hall and spouse, Helen Anita Hall by warranty deed dated April 19, 1999, recorded as Document No. 9908989 in the Official Public Records of Hays County, Texas, and also being a portion of that certain 3.316 acre tract conveyed to R.B. Hall and spouse, Helen Anita Hall by warranty deed dated April 19, 1999, recorded as Document No. 9908793 in the Official Public Records of Hays County, Texas, such 48.01 acre tract being the same property described in that certain General Warranty Deed dated June 4, 2009, executed by R.B. Hall and Helen Anita Hall and recorded in Volume 3669, Page 648 of the Official Public Records of Hays County, Texas.

Exhibit A – Page 2





**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78620**

**Submitted By:** Johnna Krantz, Community Events Coordinator

**Council Meeting Date:** April 4, 2023

**Agenda Item Wording:** **Discuss and consider approval of a Special Event Permit Application requesting use of the Parking Lot at Founders Memorial Park on Saturday, April 29, 2023 from 6-10pm for a private event at The Pound House. Applicant: The Polkinghorn Group.**

**Agenda Item Requestor:** Johnna Krantz, Community Events Coordinator

**Summary/Background:** The Polkinghorn Group is requesting use of the parking lot at Founders Memorial Park for their Annual Crawfish Boil to be held at the Pound House on Saturday, April 29<sup>th</sup> 2023 from 6-10pm. This a private event with an expected attendance of approximately 250 guests or roughly 100 vehicles.

The north end of the parking lot at Founders Memorial Park is scheduled to be under construction beginning April 6 and concluding no later than May 5. The construction will block access to 48 parking spaces, leaving 108 total parking spaces available.

This parking lot is historically also used by the public for overflow parking during Founders Day Festival (April 28-30, 2023).

**Staff Recommendations:** Recommend approval of Special Event use of Founders Memorial Parking Lot, with no restrictions on public access to the lot for parking or park use.

**Recommended Council Actions:**

**Attachments:** 2023 Event Parking Permit Within City Limits – Polkinghorn Group  
 Polkinghorn Group – COI

**Next Steps/Schedule:** Execute the Permit.





Date Received: \_\_\_\_\_ Accepted By: \_\_\_\_\_  
 Date Complete: \_\_\_\_\_ Approved \_\_\_\_\_ Denied \_\_\_\_\_  
 Conditions: \_\_\_\_\_  
 \_\_\_\_\_

Name of Event: Polkinghorn Group Architects Annual Crawfish Boil  
 Contact Name: Renita Works Phone Number: 512.656.4652

**PERMIT FOR SPECIAL EVENT WITHIN CITY LIMITS CHECKLIST:**

- Site Plan NA
- Sound Control Plan NA
- Maintenance and Clean Up Plan NA
- Monitoring and Security Plan NA
- Neighborhood Notification Letter and Documentation of Notification NA
- Refundable Deposit NA
- Certificate of Liability Insurance NA
- Licensing NA

**Additional Permits If Applicable:**

- Street Closure Permit - \$250+ NA
- Itinerant Vendor Permit - \$35 - \$70 per Vendor NA
- Special Event Food Vendor Permit - \$30 - \$150 per Vendor NA
- Facility Rental Application - Various Fees NA
- Commercial Activity in DS Parks - \$30-\$800 NA





### **A Letter to Event Coordinators:**

The City of Dripping Springs is eager to assist you in the coordination of your special event. This information packet is designed to help you understand and comply with City rules, regulations, and ordinances related to the production of a special event. It is the responsibility of the Event Coordinator to review all information contained in the packet and comply with all rules, regulations, ordinances, and conditions.

The City of Dripping Springs Parks & Community Services Department requires that an application be filled out and submitted at least 30 days prior to the start of the event. The purpose of this application is to review the content and focus of your event, how it will impact city services and patrons, and ultimately ensure that participants enjoy a safe and well-planned experience.

Applications will not be accepted if your event is less than 30 days away.

As an Event Coordinator, you are undertaking a large responsibility for the production of your special event. Remember that advance planning will help ensure that your event runs smoothly.

Thank you,  
City of Dripping Springs Parks & Community Services Department



PERMIT FOR SPECIAL EVENT WITHIN CITY LIMITS

City Code §6.02.071 requires a permit for a Special Event. Such events can and often do impact surrounding properties and public rights of way, as well as the general health, safety, and welfare of the public. Sponsors of an activity open to the public expected to have fifty (50) or more people in attendance need a permit. A permit applicant must complete the following information prior to being issued a permit and must conform to permit requirements and conditions.

Name of the Event: Polkinghorn Group Architects Annual Crawfish Boil Estimated Attendance: 200

Summary of Event: Crawfish Boil for Polkinghorn Clients

Location: The Pound House

Date(s) of Event: Saturday, April 29

Start Time: 5:00 pm End Time: 10:00 pm Set Up Begins: April 26 Clean Up Begins: April 30

Applicant

Property Owner

Name: Renita Works Friends of the Pound House

Entity(if applicable): Polkinghorn Group Architects 419-B Founders Park Road

Mailing Address: 925 S Capital of Texas Hwy Ste A200 West Lake Hills, Texas 78746 Dripping Springs, Texas 78620

Phone: 512.327.4404

Email: renitaw@pgarchitects.com

All actual events must be in compliance with the descriptions, disclosures, and other representations of the applicant, and the applicant warrants by the signature below that all material facts are fully described in this permit application and attached submittals. The approval of this permit does not relieve the sponsor, tenant, or owner from abiding by any other law applicable to the use of the property, including but not limited to applicable zoning, or applicable to the conduct of activity during the event. The City's sole action is to deny, approve, or approve with conditions the event as described; and the City is in no way responsible or liable for acts and omissions of the permitted or others associated with the event.

Applicant's Signature: [Handwritten Signature] Date: 03/28/2023

Property Owner's Signature: Date:

APPLICATION CONTINUED ON NEXT PAGE ->

**As the Event Coordinator, you are responsible for the safety of all participants. Consideration of safety must be a top priority in all aspects of event planning. If the topics mentioned are not applicable to your event, please notate with N/A. Please attach documentation that the Special Event complies with the following standards. Be sure to include dimensions on all plans.**

- **Submit the completed application with all supporting documents to the Community Events Coordinator Johnna Krantz - [jkrantz@cityofdrippingsprings.com](mailto:jkrantz@cityofdrippingsprings.com)**
- The completed application must be submitted at least 30 days prior to the start of the event.
- The applicant will remove all temporary furnishings, fixtures, equipment, and signs installed for the event within 24 hours of the cessation of the event, unless the applicant shows a good cause for the City Administrator to allow additional time.

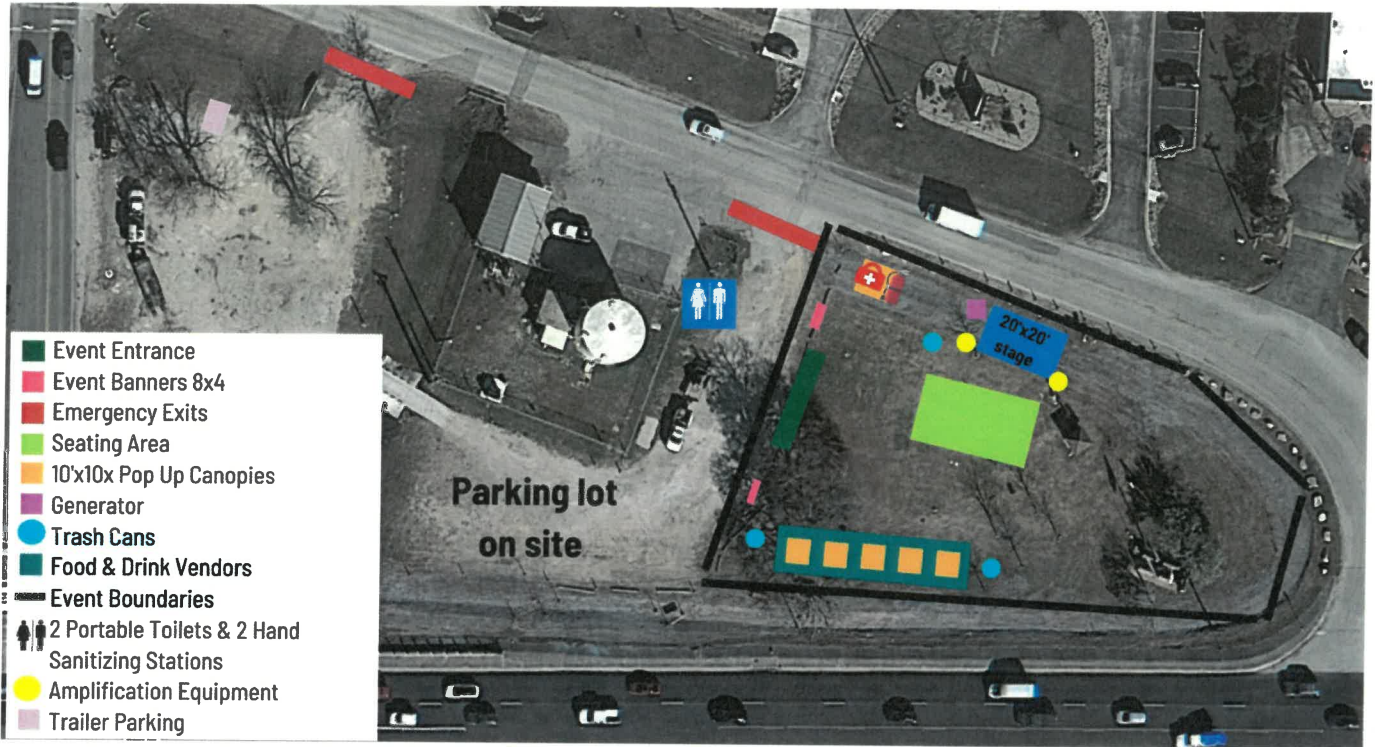
1) Site Plan:

- i. **On a map, please provide a reasonably accurate representation of the boundaries of the site and location where the event is to occur.** For each of the following items, notate where they will be located and provide plans for traffic control if applicable.

- \*First Aid and/or EMS – At a minimum, a first aid kit is required at all events
- \*Fire extinguisher – Required at all events
- Toilets- At least one toilet for each 250 attendees with substantiation that the toilets will be clean, sanitary, functioning, and useable throughout the event. Additional portable toilets may be required at parks or locations that do not have restroom facilities
- Hand washing sinks
- Parking – Verify that parking is lawful and sufficient for the anticipated attendance
- Tents and Canopies – Please include dimensions, anything larger than 10x10 will require a fire inspection. If tent/canopy is located on city owned property or the city co-sponsors the event, each tent/canopy must comply with the city's Canopy Safety Ordinance.
- Food vendors – Vendors will be required to apply for a special event food vendor license
- Beverage vendors – Vendors will be required to apply for a special event food vendor license
- Alcoholic beverage vendors – including type (draft beer, canned beer, or wine) and provide proper TABC permits
- Stages – Include dimensions. Stages may require a Building Permit.
- Bleachers – Include dimensions
- Retail merchants- Merchants will be required to apply for an Itinerant Vendor License
- Garbage receptacles
- Recycling containers
- Location and number of barricades
- Trailers, vehicles, storage facilities
- Fire lane
- Signs or banners- Include dimensions and image(s) of design
- Temporary lighting (must be shielded and comply with City Code)
- Security
- Generator/electricity
- Assembly areas

**APPLICATION CONTINUED ON NEXT PAGE →**

Sample Site Plan:



2) Monitoring and security:

- i. **Provide a description of the method for monitoring activity and general crowd movement including pedestrian safety, as well as a description of security measures and personnel.**
- ii. Include at a minimum the names, placement, duties, and authority of personnel.
- iii. Provide owners' and tenants' written authorization. The signatures of the property owner and tenant or other lawful occupant, if different from the owner, or a written affirmation that they are both aware of the event and that they authorize the occurrences.
- iv. Provide contacts for nearby occupants and owners.

3) Sound Control

- i. **Provide workable plans to mitigate and limit the sound from the event so that the effects of excessive noise are minimized.**
- ii. Abide by the plans and control excessive noise which occurs despite the plan.
- iii. All noise associated with the event shall cease by 10:00 p.m.
- iv. Provide voice and music amplification schedule, including start and finish times as well as any sound check times.

*Please note a Hays County Sheriff's Department Deputy or other Peace Officer may determine that noise during a permitted event is offensive to others and may require applicant to stop or reduce*



activities causing the noise. Also, the City of Dripping Springs may order an event to cease because it may incite a crowd to become unruly and risks injury.

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4) Maintenance and Clean Up

- i. **Provide a workable plan for the control of solid waste during the event and a cleanup plan for after the event.**
- ii. Include at a minimum the names, placement, duties, and authority of personnel

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5) Neighborhood Notification - Required for all Special Events

- i. Include a drafted Notification Letter with the permit application. Upon review of the application, delivery of letter will be based on the impact of your event.
  - Contact persons owning and occupying property within 200 feet of the event site and provide neighbors with Special Event contact information: name, telephone numbers (including a phone number that will be available and operating during the event) and hours of special event operation.
  - Provide a list of addresses that were notified and attach it to the permit application.**

6) Bond: Provide a bond or other acceptable security deposit of \$200.00 to cover the costs attributable to the costs of clean up and repair of nearby streets, other public property, and private property for litter and damage reasonably attributable to event sponsors of attendees. Absent a need to draw down upon the bond, it will be released in full within 48 hours of the event.

7) Proof of Insurance: Provide proof that insurance has been obtained to cover this event. If the event is on City Property the insurance policy must name the **City of Dripping Springs** as additional insured.

WILL ITEMS (MERCHANDISE, FOOD AND/OR DRINKS) BE SOLD AT THIS EVENT?       YES       NO

WILL YOUR EVENT REQUIRE STREET CLOSURE?       YES       NO

Unavailable/Under Construction  
April 6th - May 5th

50 Spaces

34 spaces

24 Spaces









**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78620**

**Submitted By:** Johnna Krantz, Community Events Coordinator

**City Council Meeting Date:** April 4, 2023

**Agenda Item Wording:** **Discuss and consider approval of Parking Agreement between the City of Dripping Springs and Roxie's LLC for the use of the parking lot located at 299 Mercer Street for the 2023 Founders Day Festival as an in-kind sponsorship. Sponsor: Council Member Sherrie Parks.**

**Agenda Item Requestor:** Johnna Krantz, Community Events Coordinator

**Summary/Background:** The City seeks to include the parking lot at 299 Mercer Street (Roxie's) in the Founders Day festival site plan. If agreed, the City would identify and acknowledge the property owner, Scott Roberts, as an in-kind sponsor in the City's marketing, advertising, and promotional media in connection with the Event.

**Commission Recommendations:** Founders Day Commission recommends approval of this agreement.

**Recommended Council Actions:**

**Attachments:** 2023 – Roberts Parking Lot (003)

**Next Steps/Schedule:** Approve and Execute the Agreement.



## PARKING AGREEMENT

This Parking Agreement (the “**Agreement**”) is made as of this \_\_\_ day of March 2023 (the “**Effective Date**”) by and between the City of Dripping Springs, Texas (the “**City**”) and Roxie’s, LLC (“**Roxie’s**”).

WHEREAS, City seeks to use the parking lot at 299 Mercer Street, Dripping Springs, Texas 78620 (the “**Premises**”) for the City’s Founder’s Day (the “**Event**”); and

WHEREAS, the City finds that it is a benefit to the City and its residents to use the premises for the described Event; and

NOW THEREFORE, for valuable consideration, the receipt which is hereby acknowledged, the City and Roxie’s, LLC agree as follows:

### **A. LIABILITY COVERAGE**

The City hereby agrees that it will obtain and keep in force liability coverage to cover its liability for its events to take place on the Premises in the minimum amounts of \$1,000,000 per occurrence (or another appropriate agreed upon amount) and will add Roxie’s and owner Charles Hayden as covered parties for personal injury, bodily injury and property damage claims arising from the City hosting the Event on the Premises. Said liability policies shall name Roxie’s and owner as additional covered parties. The City shall furnish to Roxie’s and the owner Certificates of Coverage evidencing that the aforesaid insurance coverage is in full force.

### **B. SPONSORSHIP**

During the term of this Agreement, the City agrees to identify and acknowledge Roxie’s as a sponsor of the Event, by displaying Roxie’s’ logo and other agreed-upon identifying information on the City’s marketing, advertising, and promotional media in connection with the Event, in the manner (placement, form, content, etc.) reasonably agreed upon by the City and Roxie’s, if any. Further, the City agrees to identify and acknowledge Roxie’s as an in-kind sponsor for the Event. Roxie’s agrees to provide all the necessary content and materials for use in connection with such sponsorship if needed. During the term of this Agreement, the Founders Day Festival will access and use the parking lot from 12:00 p.m. Thursday, April 26, 2023 to 12:00 a.m., Sunday, April 30, 2023.

### **C. TERM AND TERMINATION**

The Term of this Agreement will begin on the Effective Date and continue for a period of one (1) year. The Agreement shall automatically renew for one (1) year Terms unless (i) either party terminates for any reason upon sixty (60) days prior written notice to the other party; or (ii) both parties agree to terminate by mutual written consent. Notwithstanding the foregoing, should Roxie’s end its lease or the owner sells the Premises to any party other than Roxie’s, LLC, this Agreement may be terminated on the sale date of the Premises.

### **D. CLEANUP**

The City agrees that it will, within a reasonable period and using its own money and resources, clean the Premises after the Event is over.

**M. Scott Roberts**

**Roxie's, LLC**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY**

Bill Foulds, Jr.

Mayor, City of Dripping Springs

Signature: \_\_\_\_\_



**STAFF REPORT**  
**City of Dripping Springs**  
**PO Box 384**  
**511 Mercer Street**  
**Dripping Springs, TX 78620**

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**Submitted By:** Andrew Binz, Parks and Community Services Director

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**City Council** April 4, 2023

**Meeting Date:**

**Agenda Item Wording:** Discuss and consider approval of the selection of a firm and authorization for staff to negotiate an agreement for the procurement of the Rathgeber Natural Resources Park Master Plan. *Sponsor: Council Member Sherrie Parks.*

**Agenda Item Requestor:** Sherrie Parks

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**Summary/Background:** Nine firms submitted a Statement of Qualifications in response to the Rathgeber Natural Resources Park Master Plan RFQ. A City Staff committee reviewed the submittals and scored them based on the criteria in the RFQ. Two firms were selected to be interviewed on Thursday, March 30<sup>th</sup> with an interview panel consisting of representatives from City Staff, City Council, and the Parks and Recreation Commission.

The FY 2023 Budget includes \$100,000 for the master plan which includes the site analysis. Site analysis would include identifying natural and cultural resources, topography, geology, drainage patterns, potential archaeological sites, etc. It is anticipated that additional funding in the FY 2024 Budget will be necessary to complete the master plan including visioning, program development and construction documents.

**Staff Recommendations:** Recommend approval for staff to negotiate an agreement for the procurement of the Rathgeber Natural Resources Park Master Plan.

**Attachments:** Statement of Qualifications Scoresheet  
Statement of Qualification - Agency

**Next Steps/Schedule:** Negotiate an agreement for the procurement of the Rathgeber Natural Resources Park Master Plan

ADMINISTRATIVE APPROVAL PROJECTS				
Site Development Project Name	City Limits / ETJ	Location	Description	Status
SD2021-0005 Dripping Springs WWTP Expansion	CL	23127 FM 150 W	Expansion of the Wastewater treatment plant	Hold
SD2021-0021 RR 12 Commercial Kitchen	CL	28707 RR 12	Commercial kitchen that will support a catering business, no on-site dining is proposed	Approved w/ Conditions
SD2021-0013 Dreamland	ETJ			Waiting on resubmittal
SD2021-0030 Belterra Townhomes	ETJ	Belterra	Seven townhome units with associated parking, sidewalk, utilities, and drainage	Waiting on resubmittal
SD2021-0033 Bell Springs Business Park, Sec 1&2 Rev	ETJ	4955 Bell Springs	A revision for minor adjustments on site layouts, rainwater, and overall drainage & water quality	Waiting on resubmittal
SD2022-0001 Julep Commercial Park	ETJ	Northeast corner of W US 290 and Trautwein Rd	11.27 acre site of mixed-use commercial buildings with supporting driveways, water quality and detention pond, rainwater harvesting, and other utilities	Waiting on resubmittal
SD2022-0010 Wenty's Wine Bar	ETJ	5307 Bell Springs Rd	Wine bar and associated improvements	Waiting on resubmittal
SD2022-0007 Heritage Effluent Line Stage II Extension	CL	511 Mercer Street	Extension of the existing 12" effluent line north along RR12, along with an 8" effluent line that spans from Rob Shelton, across Hwy 290, and north to Heritage Stage 2	Waiting on resubmittal
SD2022-0008 Patriot's Hall Phase 1B	ETJ	231 Patriots Hall Blvd	New Patriot's Hall event building with parking, infrastructure and water quality	Waiting on resubmittal
SD2022-0013 DS Flex Business Park	CL	28513 RR 12	Construction of two shell buildings with accompanying site improvements	Waiting on resubmittal
SD2022-0011 Skybridge Academy	CL	519 Old Fitzhugh Road	Remodel/repurpose of existing historic structures, add new construction to tie together the house and garage with additional parking and revised driveway	Approved w/ Conditions
SD2022-0014 Bell Springs Site Plan (Travis Flake)	ETJ	5307 Bell Springs Rd	Office and Warehouse with drives, parking, waterline connection, and pond	Approved w/ Conditions
SD2022-0016 JWLP Lot 6 Revision 1	CL	249 Sportsplex Drive	Revision to the original site plan	Waiting on resubmittal
SD2022-0018 Office 49	ETJ	241 Frog Pond Lane	The construction of eleven office buildings of varying sizes along with the related paving, grading, drainage, and utility improvements.	Waiting on resubmittal
SD2022-0019 Double L Ranch, Phase 1	ETJ	RR 12	Construction of water, wastewater, drainage and paving improvements for 244 single family lots.	Waiting on resubmittal
SD2022-0020 Merigian Studios	ETJ	105 Daisy Lane	Art studio with driveway, parking, and external structures	Approved w/ Conditions
SD2022-0022 Belterra Medical Office	ETJ	164 Belterra Village Way	Medical office building with associated parking, sidewalk, utility and drainage improvements	Approved
SD2022-0023 Christian Automotive	ETJ	100 N. Canyonwood Drive	Construction of an approximately 6,000 square feet of light automotive facility	Approved w/ Conditions
SD2022-0024 4400 US 290 SP	ETJ	4400 US 290	7 Commercial Buildings in the ETJ	Waiting on resubmittal
SD2022-0025 Hardy Drive	ETJ	2901 US 290	Construction of a road for the Hardy and Bunker Ranch development to meet fire code	Waiting on resubmittal
SD2022-0027 Sawyer Ranch Lot 3A	CL	13341 W US 290	Lot 3A of the Sawyer Ranch at US 290 development. This consists of commercial buildings with parking, sidewalks, and utilities.	Approved w/ Conditions
SD2022-0029 Headwaters Commercial East Phase 1 SP	CL	Headwaters Blvd.	Development of a preschool with associated utility infrastructure, storm infrastructure, parking lot improvements, and a water quality/detention pond that accounts for future developments	Waiting on resubmittal
SD2022-0031 WHIM Corporate Site Plan	CL	27950 RR12	The construction of the corporate HQ for WHIM along with the site improvements needed and as shown in the site plan.	Waiting on resubmittal
SD2022-0032 Driftwood Ranch Clubhouse	ETJ	17901 FM 1826	Clubhouse buildings and parking	Under Review
SD2022-0037 Burlebo	ETJ	149 American Way	Warehouse/office for business and distribution operation of Burlebo	Waiting on resubmittal
SD2022-0038 CAK Capital Office Building	CL	28496 Ranch Road 12	Site improvements for future detached office building	Under Review
SD2022-0039 Big Sky Ranch WWTP	CL	Sue Peaks Loop	Temporary Wastewater Treatment Plan and subsurface area drip disposal system to serve Big Sky Development	Waiting on resubmittal
SD2022-0041 Dripping Springs Urgent Care	CL	164 Belterra Village Way	Ground up development of an urgent care facility within the Belterra Commercial District	Waiting on resubmittal
SD2022-0042 Suds Brothers Car Wash	CL	610 W Hwy 290	Rapid car wash facility	Waiting on resubmittal
SD2022-0043 Tiger Lane Office Complex	CL	Tiger Lane	Office complex with potential for food trucks	Waiting on resubmittal
SD2023-0001 Arrowhead Ranch Offsite Wastewater Extension	CL	Arrowhead Ranch	To connect the existing wastewater improvements from Arrowhead to the City wastewater system.	Under Review
SD2023-0002 Fitzhugh Corners	ETJ	15310 Fitzhugh Road	A 13,908 sq ft building with site improvements	Waiting on resubmittal
SD2023-0003 Dutch Bros Coffee	ETJ	12400 US Hwy. 290	Revision to the Ledgestone Commercial East Site Plan specifically for Dutch Bros Coffee	Under Review
SD2023-0004 Austin Ridge Bible Church Revision	ETJ	31330 Ranch Road 12	Removal of the existing old house, the addition of 3 portable buildings and pavilion; additional parking.	Waiting on resubmittal
SD2023-0005 DGRC Creek Phase 1 WQ Pond Revision	ETJ	Thurman Roberts Way Driftwood	Water Quality pond revision	Approved w/ Conditions
SD2023-0006 DS Vet Clinic	CL	Cortaro Dr & RR 12	2 Phase Site Development Plan with 3,957sf veterinarian clinic with paving, drainage and utility infrastructure	Waiting on resubmittal
SD2023-0007 Phase 4A Drip Irrigation System Improvements	ETJ	2581 E Hwy 290	The project is Phase 4A of the drip disposal fields and consists of 14.76 acres of drip irrigation fields only.	Approved w/ Conditions

Site Development Project Name	City Limits / ETJ	Location	Description	Status
SD2023-0008 102 Rose Drive	CL	102 Rose Dr	Construction of tow additional duplexes w/ accompanying site improvments	Waiting on resubmittal
SD2023-0009 Paloma	CL	235 Sports Park Rd	Adding improvements to the site	Under Review
SD2023-0010 Creek Road Horse Farms	CL/ETJ	1225 Creek Rd	Horse training facility with covered riding arena, barn, storage building and open-air riding.	Under Review
SD2023-0003 Dutch Bros Coffee	ETJ	12400 US Hwy. 290	New construction of a 950 SF drive through coffee store with associated surface parking and drive through lane	Under Review
SD2021-0031A Rob Shelton Blvd. Extension CP	CL	27110 Ranch Road 12	Full depth new construction of Rob Shelton Blvd with curb and gutter, rasied median, illumination and storm drain	Under Review

<i>Ongoing Projects</i>	
Comprehensive Plan	Meetings with DTJ
Gateway Village	Planning and Zoning Commission review on March 28th and City Council on April 4th.
Cannon Mixed-Use	Back and forth comments
PDD2023-0001 Madelynn Estates	New PDD

Subdivision Project Name	City Limits / ETJ	Location	Description	Status
SUB2021-0065 Heritage Phase 2 Final Plat	CL	Sportsplex Drive (Heritage Development)	162 Lots on 69.999 acres, 160 of which are residential with an average lot size of 0.143 acres	Waiting on Resubmittal
SUB2021-0069 Cannon Ranch Ph 1 Construction Plans	CL	Cannon Ranch Road	Development of 122 residential lots with public roadways, utilities, and drainage features.	Approved with conditions
SUB2021-0073 Hardy Preliminary Plat	CL	2901 W US 290	41 Residential lots on 39.341	Approved with conditions
SUB2022-0002 Hays Street Subdivision	CL	102 Bluff Street	Subdivision of 6 residential lots in the Historic District	Approved with conditions
SUB2022-0009 Driftwood Subdivision Phase 3 Preliminary Plat	ETJ	17901 FM 1826	Preliminary Plat for 14 lots: 12 Residential, 1 Commercial, 1 Industrial	Approved with conditions
SUB2022-0012 Driftwood Sub Ph 3 Sec 1 FP	ETJ	17901 FM 1826	Final Plat for 1 Commercial Lot	Waiting for Resubmittal
SUB2022-0013 Driftwood Sub Ph 3 Sec 2 FP	ETJ	17901 FM 1826	FP for 11 single-family residential lots, 1 open space lot, and 1 private street lot on 34.67 acres	Waiting for Resubmittal
SUB2021-0011 Double L Phase 1 Prelim Plat	ETJ	1.5 miles N of US 290 & RR 12	PP for 243 residential units and 1 amenity center	Approval with Conditions
SUB2022-0021 Headwaters at BC Phase 3 CP	ETJ	Intersection of Hazy Hills Loop and Roy Branch Road	Construction Plans	Approved with conditions
SUB2022-0023 Overlook at Bunker Ranch CP	CL	2004 Creek Road	Construction Plans for 12 single family lots with 1 drainage lot	Approved with conditions
SUB2022-0028 Parten Ranch Phase 8	ETJ	End of Bird Hollow near Trickling Brook Road Intersection	90 Lot Subdivision	Approved with conditions
SUB2022-0033 The Ranch at Caliterra	ETJ	Premier Park Loop	Preliminary plat of the Carter tract with 243 lots	Approved with conditions
SUB2022-0036 Driftwood Creek FM 150 12 Treated Effluent and 10 Raw Wastewater Forcemains Ph I and II	ETJ	FM 150	12 inch treated effluent line and 10 inch wastewater forcemains to connect with Dripping Springs WWTP	Waiting for Resubmittal
SUB2022-0039 Village Grove Preliminary Plat	CL	Sports Park Rd	Village Grove PDD. This is 112.40 acres including 207 lots, 511 residential units, and 6.82 acres will be commercial	Waiting for Resubmittal
SUB2022-0040 102 S Bluff St CP	CL	Hays st	Construction Plans for 7 lots. Six of wich are residential and 1 will be landscaping	Waiting for Resubmittal
SUB2022-0041 Hays St Preliminary Plat	CL	Hays st	Preliminary Plat for 7 lots. Six of wich are residential and 1 will be landscaping	Approved with conditions
SUB2022-0042 Silver Creek Subdivision	ETJ	Silver Creek Rd	70-acre tract to be developed into a 28 single family lots with access, paving, on-site sewage, water supply well, and an undisturbed open space	Approved with conditions
SUB2022-0043 Howard Ranch Sec 4 Lots 62 & 63 AP	ETJ	590 Cypress Creek Dr	An amending plat to remove a site parking area from the single family lot. This request is by the property owner.	Waiting for Resubmittal
SUB2022-0045 Ellington Estates MP	ETJ	206 Darden Hill Rd	Legalizing the lot	Waiting for Resubmittal
SUB2022-0046 Kali Kate	ETJ	4550 FM 967	City of Dripping Springs and City of Buda Interlocal Agreement	Waiting for Resubmittal
SUB2022-0047 Ariza West 290	ETJ	13900 W US Highway 290	The Final Plat for an apartment complex	Waiting for Resubmittal
SUB2022-0048 Wild Ridge Phase 1 CP	CL	E US 290	Construction plans for phase 1 of Wild Ridge	Waiting for Resubmittal
SUB2022-0049 Serenity Hills	ETJ	1111 HAYS COUNTRY ACRES ROAD	50 Lot subdivision in Dripping Springs ETJ	Approved with conditions
SUB2022-0050 North 40, Section 2, Block B, Lots 1, 2, 29, and 30	CL	28501 RR 12	Amending Plat to combine 4 lots into 1	Waiting for Resubmittal
SUB2022-0052 Village Grove Phase 1 CP	CL	Sports Park Rd	The construction plans for phase 1 of the Village Grove development	Waiting for Resubmittal
SUB2023-0001 Village Grove Phase 2B CP	CL	Sports Park Rd	Residential townhome infrastructure improvements. Construction of 16 Townhome lots and roadways.	Waiting for Resubmittal
SUB2021-0002 Roger Hanks Parkway Extension	CL	Roger Hanks	3120 LF of Collector Roadway. The infrastructure includes all associated streets, grading, and water quality improvements.	Approved
SUB2023-0003 The Ranch at Caliterra CP	ETJ	Soaring Hill Rd at HC Carter Way	Construction Plans for the Carter tract.	Waiting for Resubmittal
SUB2023-0004 Re-subdivision of Lot 2, Driftwood 967 Phase One	ETJ	FM 967 at FM 1826	Subdividing 1 lot to 11 lots to be part of the Driftwood Development	Waiting for Resubmittal
SUB2023-0005 Skylight Hills Prelim	ETJ	13001 & 13111 High Sierra	Creating 11 residential lots in the ETJ	Waiting for Resubmittal
SUB2023-0006 Wild Ridge Phase 1 FP	CL	E US 290	Approximately 62.1 acres to include 136 residential lots, roadways, and a commercial lot	Waiting for Resubmittal
SUB2023-0007 Skylight Hills Construction Plans	ETJ	13001 & 13111 High Sierra	Creating the infrastructure of 11 residential lots	Waiting for Resubmittal
SUB2023-0008 Silver Creek Subdivision Construction Plans	ETJ	Silver Creek Rd	29 Single family residential lots with access, paving, OSSF, water supply well, and open space	Under Review
SUB2023-0009 Needham Estate, Lot 3 Replat	ETJ	701 Needham Road	Subdividing 21.5 acres as 2 single lots for residential	Under Review
SUB2023-0010 Caliterra Phase 5 Section 13 Prelim	ETJ	Bridge Water Loop at Kelsey Ln	Development of 11 single family lots on 4.899 -acre tract	Under Review
SUB2023-0012 Springlake Lot 57 Replat	ETJ	100 Oakview Dr	Replat from 1 lot to 2.	Under Review
SUB2023-0011 Big Sky Ranch Phase 3 AP	CL	171 Sue Peak Loop	Relocating lot lines.	Under Review
SUB2023-0013 WT Chapman, 5th Addition, Lots 1-4 Amending Plat		216 South Bluff St	Amending 4 lots.	Under Review
SUB2023-0014 Parten Ranch Phase 8 CP		End of Bird Hollow near Trickling Brook Road Intersection	81.03 acres, with a total of 90 lots and right of way	Under Review