AGENDA

PLANNING & ZONING COMMISSION

SPECIAL TELECONFERENCE MEETING

MONDAY, MAY 18, 2020, 6:30 P.M.

In accordance with social distancing guidelines, the meeting will not be open to the public. Commission members, the applicants, and City staff will attend by phone or internet. The meeting will be streamed live for attendance of the public. To access please do the following:

1. Go to **www.youtube.com**
2. Type in the words "City of Elgin, TX" into the top search feature
3. Then click on the dark blue icon that says "Elgin Texas Perfectly Situated"
4. Then look for the "City of Elgin, Texas Planning & Zoning Commission Meeting 5/18/20"
5. Then click on it for a live broadcast.

There will be an opportunity for the public to submit written comments prior to the meeting on agenda items. These comments must be submitted by emailing the Development Services Director at dharrell@ci.elgin.tx.us or by calling 512-229-3254 by 5:00 P.M. on May 18, 2020 and leaving a message. These will be read in full at the meeting during the agenda item.

1. CALL TO ORDER
2. NEW BUSINESS

2.I. Project #: 202000159: A Re-Plat For "Lots 2 And 3, Block A, Elgin Veterinary Clinic Addition" Located On A Parcel Of Land Known By The Bastrop County Appraisal District As Parcels 11909, 14889, & 122457 Located Along The Northside Of U.S.

Highway 290 Just West Of The Intersection Of U.S. Highway 290 & Roy Rivers Rd. For A Total Of Four (4) Lots On 7.983 Acres Of Land.

A. Staff Presentation
B. Applicant Presentation
C. Open Public Hearing
D. Close Public Hearing
E. Discussion
F. Consideration

Documents:

PACKET - ELM CREEK VET CENTER REPLAT.PDF

2.I.i. Project #: 202000274: A Subdivision Variance From Section 36-172(A) To Allow For The Creation Of A New Commercial Lot Without Street Frontage Along U.S. Highway 290 On Bastrop County Appraisal District Parcel 47892 Located Along The Westside Of U.S. Highway 290 At The Railroad Tracks.

A. Staff Presentation
B. Applicant Presentation
C. Open Public Hearing
D. Close Public Hearing
E. Discussion
F. Consideration

Documents:

PACKET - ELGIN-HEB SUBDIVISION VARIANCE.PDF

2.I.ii. Project #: 202000277: A Time Extension For Eagles Landing Phase II Approved Preliminary Plat Located On A Parcel Of Land Known By The Travis County Appraisal District As Parcel 576925, Located At The Dead End Of Golden Eagle Way.

A. Staff Presentation
B. Applicant Presentation
C. Open Public Hearing
D. Close Public Hearing
E. Discussion
F. Consideration

Documents:

PACKET - EAGLES LANDING PHASE II PRELIM PLAT EXTENSION.PDF

3. ANNOUNCEMENTS

4. ADJOURNMENT

The Commission may adjourn the public meeting at any time during the meeting and convene in Executive Session pursuant to Chapter 551 of the Texas Government Code to discuss any matter as specifically listed on the agenda and/or as permitted by Chapter 551 of the Texas Government Code. The Commission will return to an open session for possible discussion and action as a result of the Executive Session.

Notice of Assistance at Public Meetings, the City of Elgin is committed to compliance with the Americans with Disabilities Act. Elgin City Hall and Council Chambers are wheelchair accessible and special marked parking is available. Persons with disabilities who plan to attend this meeting and who may need assistance are requested to contact the City Secretary's Office at (512) 281-5724. Please provide a forty-eight (48) hour notice when feasible.

Para informacion en espanol favor de llamar (512) 281-0119. Servicios de traduccion disponible en la reunion.

Development Services Department

STAFF REPORT

Re-plat for Lots 2 and 3, Block A, Elgin Veterinary Clinic Addition

File Number: 202000159

Date: May 5, 2020

Applicant: Vincent D. Musat c/o Foresite

Representative: SAME

Hearing Dates: Planning & Zoning Commission – May 18, 2020

Location: Bastrop County Appraisal District PIN #'s 11909, 14889, & 122457 (located along the northside of U.S. Highway 290 just west of the intersection of U.S. Highway 290 & Roy Rivers Rd.)

APPLICATION SUMMARY

Consideration of a re-plat for a portion of the Elgin Veterinary Hospital Addition Final Plat known as Lots 2 and 3 (see attachment 2, blue highlights) consisting of a total of two (2) lots. This re-plat will add Lots 2A, 2B, 3A, & 3B for a total of four (4) new lots from the current Lots 2 and 3 (see attachment 3). The area of the re-plat consists of 7.983 acres of land.

DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The final plat for this site was approved in December 2011 (see attachment 3). It consisted of four (4) lots on 51.887 acres of land. This re-plat proposes no public improvements so there are no subdivision construction plans being reviewed administratively with this request. Any future surface development associated with the lots will be reviewed administratively through the Site Development Application process with the City.

STAFF ANALYSIS

The Commission has the option to approve, approve with conditions, continue with applicant approval, or deny the replat. TRC and City staff have reviewed the item and all Code issues have been addressed by the applicant. Staff has no recommended conditions associated with the request. We believe there are no other issues with approving the request, if so desired by the Commission.

ATTACHMENTS

Additional information is provided through attached exhibits.

1. Application & Applicant Narrative.
2. Approved Final Plat.
3. Proposed Re-plat.

Attachment 1
Application & Applicant Narrative

Elgin TEXAS
perfectly situated...

REPLAT APPLICATION

Date: February 6th, 2020

SITE INFORMATION

Project Address: _____

Parcel Identification Number (if no address): 11909 & 122457

APPLICANT

Name: Vincent D. Musat

Postal Address: 3000 E. Cesar Chavez Street, Suite 300, Austin, TX 78702

E-Mail Address: vmusat@fg-inc.net; **Phone Number:** (770) 368-1399

The information given on this application is accurate to the best of my knowledge. All provisions of laws and ordinances governing this work will be complied with, whether specified on this application or not.

Signature	Printed Name	Date
	Vincent D. Musat	February 6th, 2020

Project Description:

Re-plat of two tracts of land totaling 7.983 acres into lots 2 and 3, Block A, Elgin Veterinary Hospital Addition.

FOR OFFICE USE ONLY

Completeness Review Denied ___; Approved___ Date_____

Completeness Review Denied ___; Approved___ Date_____

FORESITE

3000 E Cesar Chavez Street, Suite 300
Austin, Texas 78702
o | 770.368.1399
f | 770.368.1944
w | www.foresitegroup.net

February 6th, 2020

City of Elgin Planning & Development Services Department
Attn: David Harrell
310 North Main Street
P.O. Box 591
Elgin, TX 78621
planninganddevelopment@ci.elgin.tx.us

RE: Elgin Veterinary Clinic Addition Re-Plat Narrative

Dear David Harrell:

Thank you for reviewing the Re-Plat Application for Lots 2 and 3, Block A of Elgin Veterinary Clinic Addition. The proposed lots for re-plat are located about 0.80 miles east of the intersection of US Highway 290 & County Line Road and are adjacent to the Elgin Family Pet Center.

The current configuration of lots 2 and 3 of Block A of the Elgin Veterinary Hospital Addition are proposed to be re-platted as Lots 2A, 2B, 3A, and 3B at 1.467 ac., 1.467 ac., 4.000 ac., and 1.049 ac., respectively.

After correspondence with TXDOT, it was confirmed that a TIA would not be required for TxDOT to give Bastrop County approval on the proposed re-plat. Please find email correspondence concerning this item attached to this narrative.

As previously discussed, the re-plat will not involve the construction of any public improvements, therefore there will not be a subdivision construction application associated with this project.

Thank you for your time and consideration.

Sincerely,
FORESITE GROUP, LLC

Vincent D. Musat, P.E.
Division Director

Enclosure: Filing Fee of $750, Signed Application, Current Final Plat, TIA Correspondence, Deed, Recorded Electric & Wastewater Easements, Ownership & Lien Certificate, Title Commitment, Environmental Assessment Statement, Utility Schematic, Re-Plat
cc: Alex Van Kirk, Foresite Group, LLC

Attachment 2
Approved Final Plat

5/97-B

Final Plat
Elgin Veterinary Hospital Addition to the City of Elgin
Bastrop County, Texas

STATE OF TEXAS:
COUNTY OF BASTRROP:

KNOW ALL MEN BY THESE PRESENTS:

THAT ELM CREEK PARTNERS L.P., A TEXAS LIMITED PARTNERSHIP ACTING HEREIN BY AND THROUGH ITS MANAGING MEMBER, ELM CREEK MANAGEMENT, L.L.C., ACTING HEREIN BY AND THROUGH ITS MANAGER ROBERT D. LEWIS D.V.M.OWNER OF 51.887 ACRES IN THE E. STANDIFER SURVEY, A-59 AND THE J. BURLESON SURVEY, A-18 BY VIRTUE OF A DEED RECORDED IN VOLUME 1578, PAGE 331 OF THE OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS DO HEREBY SUBDIVIDE 1.220 ACRES OF LAND IN ACCORDANCE WITH THE MAP OR PLAT SHOWN HEREON TO BE KNOWN AS

"ELGIN VETERINARY CLINIC ADDITION"

AND DO HEREBY JOIN, APPROVE, AND CONSENT TO ALL DEDICATIONS AND PLAT NOTE REQUIREMENTS SHOWN HEREON.WE DO HEREBY APPROVE THE RECORDATION OF THIS SUBDIVISION PLAT AND DEDICATE TO THE PUBLIC USE FOREVER THE STREETS AND EASEMENTS SHOWN HEREON SUBJECT TO ANY EASEMENTS AND/OR RIGHTS HERETOFORE GRANTED AND NOT RELEASED.

WITNESS MY HAND THIS THE 06 DAY OF December 2011 A.D.

ROBERT D. LEWIS, D.V.M.
MANAGER
ELM CREEK MANAGEMENT, LLC
MANAGING MEMBER
ELM CREEK PARTNERS, L.P.
HWY 290 EAST
ELGIN TEXAS 78621

STATE OF TEXAS:
COUNTY OF TRAVIS:

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 06 DAY OF December 2011, AD., BY DR. ROBERT D. LEWIS, FOR THE PURPOSES AND CONSIDERATIONS STATED HEREIN.

SIGNATURE OF NOTARY

NOTES:
1. NO LOT WILL BE OCCUPIED UNTIL THE STRUCTURE IS CONNECTED TO AN APPROVED WATER, WASTEWATER, AND ELECTRIC UTILITY SYSTEM.

2. THIS PROPERTY IS ZONED C-3, HIGHWAY COMMERCIAL IN ACCORDANCE WITH THE ZONING REGULATIONS OF THE CITY OF ELGIN, TEXAS.

3. BUILDING SETBACK LINES SHALL BE IN CONFORMANCE WITH CITY OF ELGIN ZONING ORDINANCE REQUIREMENTS.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON DEC 9, 2011 BY RONNIE CREPPON
Sandra J Thompson
BASTROP COUNTY

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON DEC. 9, 2011
Sandra J Thompson
BASTROP COUNTY

STATE OF TEXAS
COUNTY OF BASTROP KNOW ALL PERSONS BY THESE PRESENTS

THAT I, RONALD CREPPON, CHAIRMAN OF THE ZONING AND PLANNING COMMISSION OF THE CITY OF ELGIN, TEXAS DO HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY OF ELGIN AND IS HEREBY AUTHORIZED AND APPROVED BY THE CITY FOR RECORDING IN THE PLAT RECORDS OF BASTROP COUNTY, TEXAS.

RONALD CREPPON — DATE 12-9-11

STATE OF TEXAS
COUNTY OF BASTROP KNOW ALL PERSONS BY THESE PRESENTS

THAT I, GARY N. COOKE, SECRETARY OF THE ZONING AND PLANNING COMMISSION OF THE CITY OF ELGIN, TEXAS DO HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY OF ELGIN AND IS HEREBY AUTHORIZED AND APPROVED BY THE CITY FOR RECORDING IN THE PLAT RECORDS OF BASTROP COUNTY, TEXAS.

GARY N. COOKE — DATE 12-9-11

STATE OF TEXAS:
COUNTY OF BASTROP:

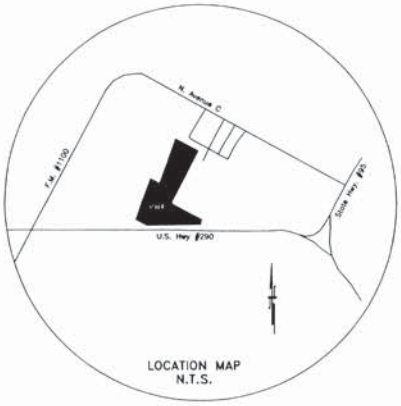
I, ROSE PIETSCH, CLERK OF THE COUNTY COURT, WITHIN AND FOR THE COUNTY AND STATE AFORESAID DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 13TH DAY OF December 2011, A.D., AT 2:25 O'CLOCK P.M. AND DULY RECORDED ON THE 13TH DAY OF December 2011 A.D., AT 2:25 O'CLOCK P.M. IN THE PLAT RECORDS OF SAID COUNTY AND STATE, IN BOOK 5 PAGE(S) 96-B thru 97-B
Cabinet

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY COURT OF SAID COUNTY, THE 13th DAY OF December 2011, A.D.

ROSE PIETSCH, COUNTY CLERK,
BASTROP COUNTY, TEXAS

BY: _____ DEPUTY

FILED
DEC 13 2011
COUNTY CLERK
BASTROP COUNTY, TEXAS



LOCATION MAP
N.T.S.

FIELD NOTES FOR 51.887 ACRES

All that certain tract or parcel of land situated in the Jonathan Burleson Survey, A-18, in Bastrop County, Texas and being a part of a 51.887 acre tract of land conveyed to Elm Creek Partners, LP by deed recorded in Volume 1578, Page 331 of the Deed Records of Bastrop County and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin found in the West corner of the above mentioned 51.887 acre tract for the west corner of this tract from which iron pin the North corner of the Elizabeth Standifer Survey, A-59, bears N 42°20' W 1363 feet.

THENCE N 23°08'15" E 1258.42 feet to an iron pipe found on the Southwest line of County Line Subdivision as recorded in Cabinet 4 Slide 138B of the Plat Records of Bastrop County, Texas for an angle point of the said 51.887 acre tract and an angle point of this tract.

THENCE S 58°57'21" E 300.11 feet to an iron pin found in the South corner of the above mentioned County Line Subdivision for an angle point of the said 51.887 acre tract and an angle point of this tract.

THENCE N 23°08'22" E 1381.16 feet to an iron pin found on the Southwest line of Shenandoah Phase One as recorded in Cabinet 3, Slide 136B of the above mentioned Plat Records for the North corner of the said 51.887 acre tract and the North corner of this tract.

THENCE S 58°52'10" E with the Southwest line of Shenandoah Phase One 742.78 feet to an iron pin found for the Northeast corner of the said 51.887 acre tract and the Northeast corner of this tract.

THENCE with the Southeast line of the said 51.887 acre tract for the following three (3) courses:
(1) S 31°01'15" W 463.90 feet to an iron pin found for an angle point
(2) S 30°56'32" W 608.06 feet to an iron pin found for an angle point.
(3) S 30°55'39" W 651.29 feet to an iron pin found in an ell corner of the said 51.887 acre tract for an a ell corner of this tract.

THENCE S 59°29'09" E 767.41 feet to an iron pin found for an angle point of the said 51.887 acre tract and an angle point of this tract.

THENCE S 59°29'00" E 246.87 feet to an iron pin found in the East corner of the said 51.887 acre tract for the east corner of this tract.

THENCE S 16°16'42" W 147.57 feet to an iron pin found on the North line of U.S. Highway #290 for the South corner of the said 51.887 acre tract and the South corner of this tract.

THENCE N 87°38'56" W with the North line of U.S. Highway #290 1571.19 feet to an iron pin found in an angle point of the said 51.887 acre tract for an angle point of this tract.

THENCE N 59°20'56" W 356.03 feet to the POINT OF BEGINNING containing 51.887 acres of land, more or less.

COUNTY OF BASTROP

I, Douglas C. Hearn, do hereby certify that the information contained on this plat comply with the subdivision ordinances and the storm water drainage policy adopted by the City of Elgin, Texas.

12/6/11
Douglas C. Hearn
Registered Professional Engineer #61447

THE 100-YEAR FLOOD PLAIN SHOW HEREON IS BASED ON THE DESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAPS (FIRM) #48021C0075E, BASTROP COUNTY, TEXAS DATED 19 JANUARY 2006.

CERTIFIED TO THIS 01 DAY OF December 2011, A.D.

CLAUDE F. HINKLE JR.
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 4629, STATE OF TEXAS

I, CLAUDE F. HINKLE, JR., DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE ON-THE-GROUND SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN HEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF ELGIN, TEXAS

CERTIFIED TO THIS 01 DAY OF December 2011, A.D.

CLAUDE F. HINKLE, JR.
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 4629, STATE OF TEXAS
AUSTIN SURVEYORS
2105 AUSTIN LANE #103
AUSTIN, TEXAS 78757

SHEET 3 OF 3

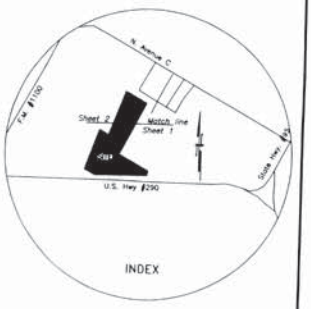
File No.: 1454prelim	Designed By: ahg
Job No.: 1454-270	Drawn By: ahg
Date: September, 2011	Checked By:
Scale: 1" = 100'	Reviewed: 08 Nov 2011
	10 Nov 2011
	Revised: 18 Nov 2011

AUSTIN SURVEYORS
2105 Austin Lane #103
Austin, Texas 78757
512-454-6805

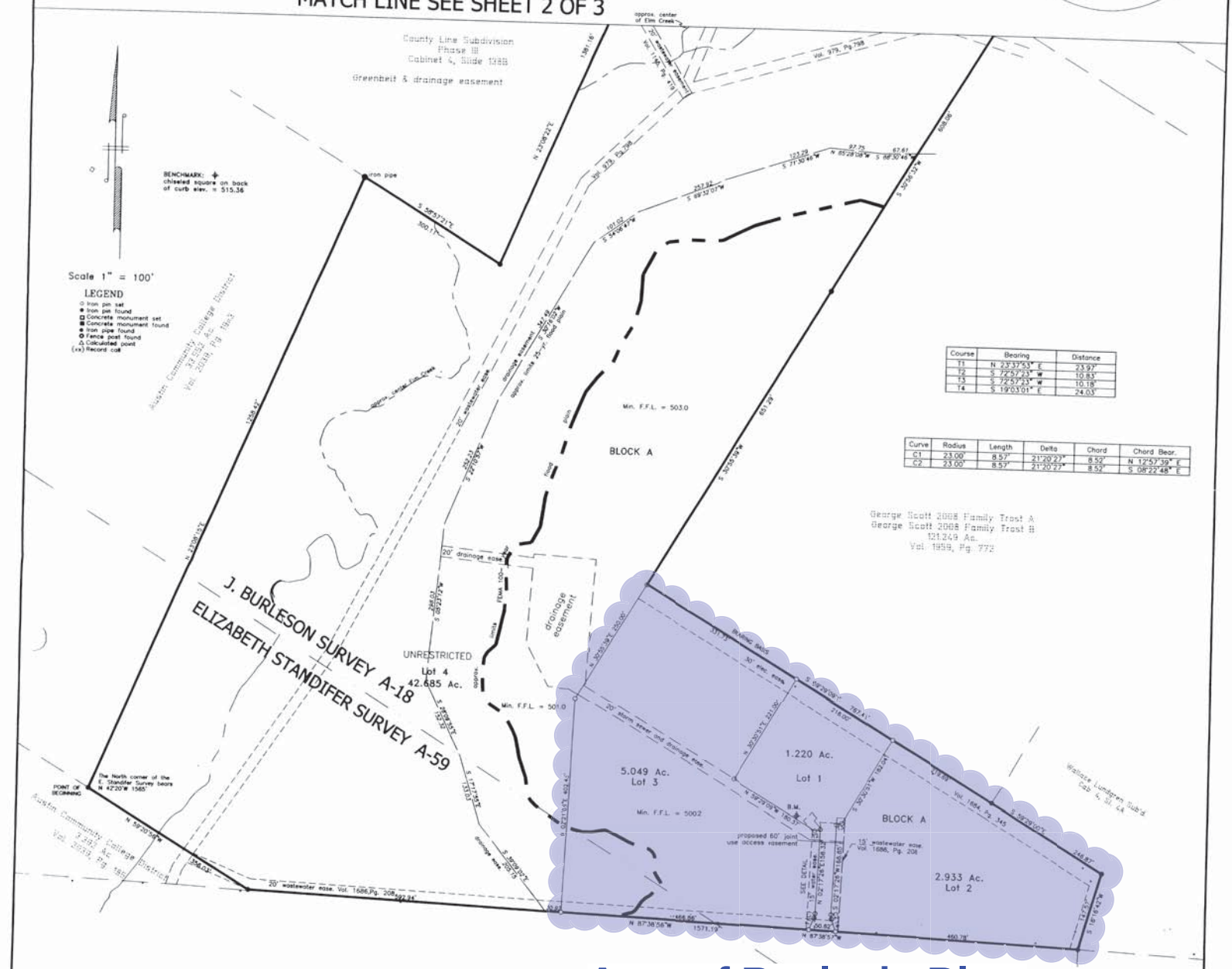
© Austin Surveyors 2011

5/96-B

Final Plat
Elgin Veterinary Hospital Addition to the City of Elgin
Bastrop County, Texas



MATCH LINE SEE SHEET 2 OF 3



Course	Bearing	Distance
T1	N 23°37'53" E	23.97'
T2	S 72°57'23" W	10.83'
T3	S 72°57'23" W	10.18'
T4	S 19°03'01" E	24.03'

Curve	Radius	Length	Delta	Chord	Chord Bear.
C1	23.00'	8.57'	21°20'27"	8.52'	N 12°57'39" E
C2	23.00'	8.57'	21°20'27"	8.52'	S 08°22'48" E

Area of Replat in Blue

OWNER: Elm Creek Partners L.P.
Robert D. Lewis, manager
600 U.S. Highway #290 E
Elgin, Texas 78621
Phone: (512) 285-3395 (bus)

ACREAGE: 51.887 Ac.

SURVEY: E. Standifer Survey A-59
J. Burleson Survey A-18

NUMBER OF BLOCKS: 1
NUMBER OF LOTS: 4

LINEAR FEET OF NEW STREETS: 0

SURVEYOR: Austin Surveyors, Inc.
2105 Justin Lane
Suite 103
Austin, Texas 78757
Phone: (512) 454-6605

Date: September 1, 2011

FILED
DEC 13 2011
Rose Pitcock
COUNTY CLERK
BASTROP COUNTY, TEXAS

Water service provided by City of Elgin
Wastewater service provided by City of Elgin.

SHEET 1 OF 3

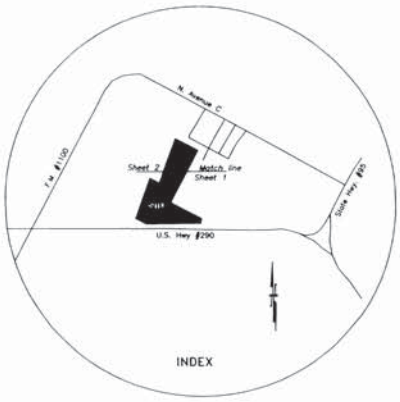
File No.: 1454prelim	Designed By: skp
Job No.: 1454-270	Drawn By: skp
Date: September 2011	Checked By:
Scale: 1" = 100'	Revised: 25 Oct 2011
	Revised: 10 Nov 2011
	Revised: 16 Nov 2011
	29 sheet of

AUSTIN SURVEYORS
2105 Justin Lane #103
Austin, Texas 78757
512-454-6605

© Austin Surveyors 2011

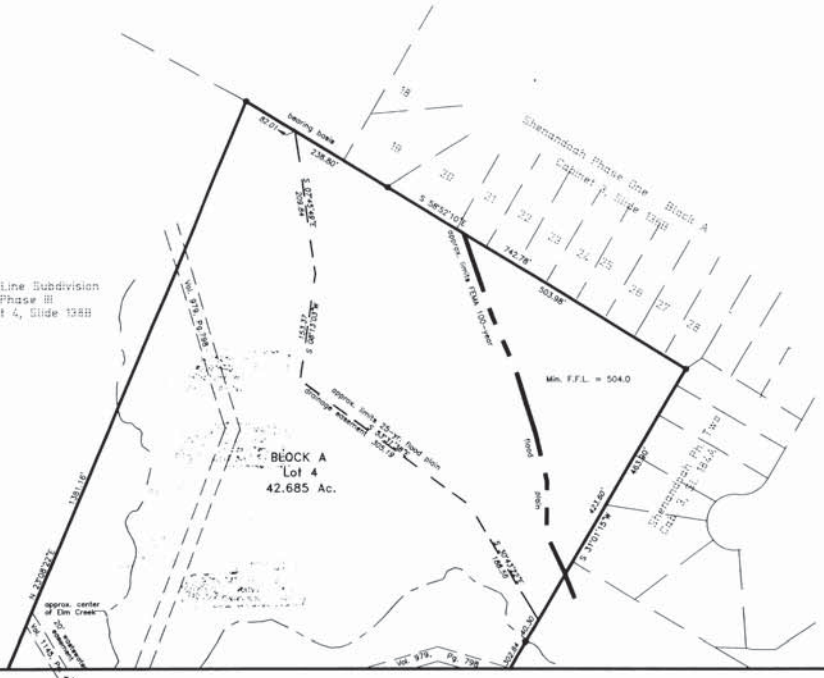
5/97-A

Final Plat
Elgin Veterinary Hospital Addition to the City of Elgin
Bastrop County, Texas

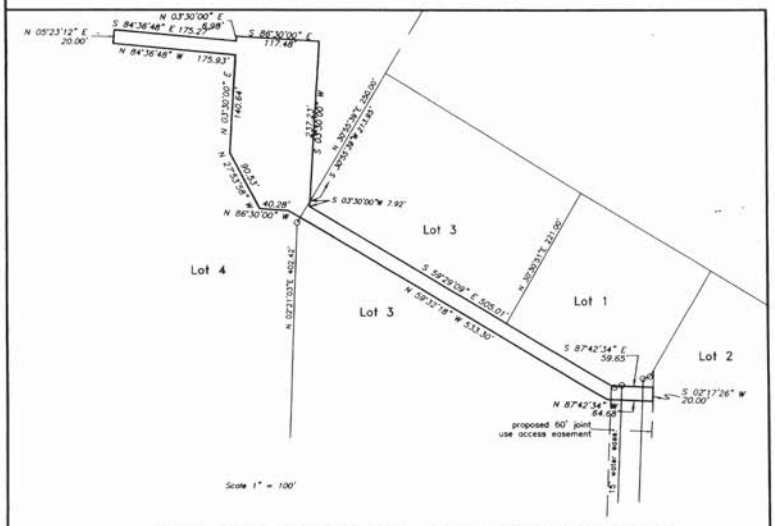


Scale 1" = 100'

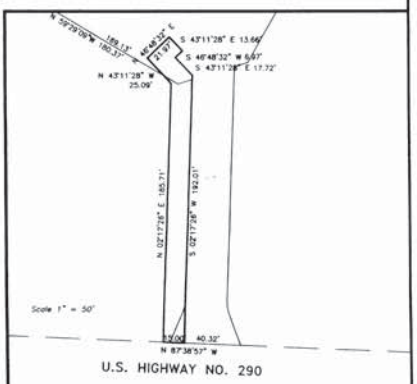
BENCHMARK: ✦ chiseled square on back of curb elev. = 514.0



MATCH LINE SEE SHEET 1 OF 3



0.966 ACRE STORM SEWER AND DRAINAGE EASEMENT



0.308 ACRE WATER LINE EASEMENT

FILED
DEC 13 2011 M
Rose Pietsch
COUNTY CLERK
BASTROP COUNTY, TEXAS

SHEET 2 OF 3

File No.: 1454plat	Designed By: skip
Job No.: 1454-176	Drawn By: skip
Date: September, 2011	Checked By:
Scale: 1" = 100'	Revised: 10 Nov 2011
	Revised: 18 Nov 2011 29 Nov. 2011

AUSTIN SURVEYORS
2105 Justin Lane #103
Austin, Texas 78757
512-454-6605

© Austin Surveyors 2011

Attachment 3

Proposed Re-plat

505 East Huntland Drive
Suite 250
Austin, Texas 78752

T 512.454.8716
TRCcompanies.com
T.B.P.E. #F-8632

April 22, 2020

Mr. David Harrell, Development Services Director
City of Elgin
310 N. Main St.
Elgin, Texas 78621

RE: Elgin Vet Clinic Addition – Re-plat Review

Dear Mr. Harrell:

TRC has reviewed the following documents listed below submitted on April 15, 2020 by Foresite Group, LLC (FG):

1. Replat dated April 06, 2020.
2. Other supporting documents submitted with the Re-plat: Comment Response Letter, road name reservation email correspondence, access easement document 201114344, and Declaration of Covenants.

Our review finds that these documents have been prepared in general conformance with the City of Elgin's Code of Ordinances.

As TRC did not provide the detailed design of the submitted documents, TRC and the City of Elgin must rely on the adequacy of the Registered Professional Land Surveyor and Design Engineer that prepared the documents and all responsibility for the survey and submitted documents shall remain with the Registered Professional Land Surveyor and Design Engineer.

If you have any questions regarding this information, please do not hesitate to contact this office.

Sincerely,

K. Beau Perry, P.E.
Vice President

cc: Mr. Vincent D. Musat, P.E., Foresite Group, LLC.

LOT(s) 2 AND 3, BLOCK A
ELGIN VETERINARY CLINIC ADDITION
RE-PLAT

OWNER: ROBERT D. LEWIS, D.V.M., MANAGING PARTNER
ELM CREEK PARTNERS, LP

ADDRESS: P.O. BOX #629
ELGIN, TEXAS 78621

SURVEYOR: CHARLES M. BENSON
REGISTERED PROFESSIONAL LAND SURVEYOR No. 4863
EAGLE EYE CONSTRUCTION LAYOUT, FIRM #10194139

ADDRESS: 1807 S. US HIGHWAY 183
LEANDER, TEXAS 78641
(512) 528-5308

ENGINEER: VINCENT D. MUSAT, P.E.
REGISTERED PROFESSIONAL ENGINEER, No. 87005
FORESITE GROUP, LLC. FIRM #F-12078

ADDRESS: 3000 E. CESAR CHAVEZ STREET, SUITE 300
AUSTIN, TEXAS 78702
(770) 368-1399

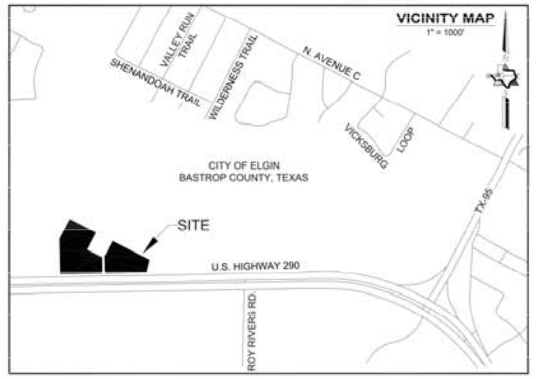
SCALE: 1" = 100'

0 100 200 Feet

LEGEND

- SET 1/2" IRON ROD WITH PLASTIC CAP, STAMPED "4863" (UNLESS NOTED)
- CALCULATED POINT
- BENCHMARK LOCATION
- SUBJECT PROPERTY LINE
- ADJOINING TRACTS PROPERTY LINE
- EASEMENT
- O.P.R.B.C.T. — OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS
- P.R.B.C.T. — PLAT RECORDS OF BASTROP COUNTY, TEXAS

VICINITY MAP
1" = 1000'



LEGAL DESCRIPTION:

7.983 ACRES, (± 347,728 Sq. Ft.)
CITY OF ELGIN, BASTROP COUNTY, TEXAS.
METES AND BOUNDS DESCRIPTION

A DESCRIPTION OF TWO (2) INDIVIDUAL TRACT(s) OF LAND TOTALING A 7.983 ACRE (APPROX. 347,728 Sq. Ft.) TRACT OF LAND, SITUATED IN THE JONATHAN BURLESON SURVEY No. 25, ABSTRACT No. 18, AND THE ELIZABETH STANDIFORD SURVEY No. 24, ABSTRACT No. 59, LOCATED IN BASTROP COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS BEING ALL OF LOT(s) 2 AND 3, BLOCK A, ELGIN VETERINARY HOSPITAL ADDITION, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED UNDER DOCUMENT No. 201114344 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, AND BEING THAT SAME TRACT OF LAND DESCRIBED IN A GENERAL WARRANTY DEED, CONVEYED TO ELM CREEK PARTNERS, LP., DATED OCTOBER 26, 2005 AND APPEARING OF RECORD UNDER DOCUMENT No. 200516197 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, SAID 7.983 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY THE FOLLOWING TWO (2) INDIVIDUAL METES AND BOUNDS DESCRIPTION(s):

TRACT I
5.049 ACRES, (± 219,932 Sq. Ft.)
METES AND BOUNDS DESCRIPTION:

BEGINNING at a set 1/2-inch iron rod with plastic cap, stamped "4863" for the southwesterly corner of the hereon, described 5.049 Acre tract of land, same being the common southerly corner of the aforementioned Lot 3, Block A, Elgin Veterinary Hospital Addition, and Lot 4, Block A, of said Elgin Veterinary Hospital Addition, same being a point along the northerly right-of-way line of U.S. Highway 290, having a called 240-foot right-of-way width in said Elgin Veterinary Hospital Addition, and from which a calculated point bears South 88° 56' 12" West, a distance of 592.94 feet to a calculated point for the southwesterly corner of said Lot 4, Block A;

THENCE with the common dividing line of the aforementioned Lot 3, Block A, and the aforesaid Lot 4, Block A, traversing along the westerly property line of the hereon, described 5.049 Acre tract of land with the following Two (2) courses and distances:

1). **North 01° 04' 06" West**, a distance of **402.42 feet** to a set ½-inch iron rod with plastic cap, stamped "4863";
2). **North 27° 30' 30" East**, a distance of **250.00 feet** to a set ½-inch iron rod with plastic cap, stamped "4863"

for the northwesterly corner of the hereon, described 5.049 Acre tract of land, same being the northwesterly lot corner of said Lot 3, Block A, same being the southwesterly corner of a called 121.249 Acre tract of land being described in that certain General Warranty Deed, conveyed to Marsha Jo Scott, dated November 19, 2009 and appearing of record under Document No. 200915198 of the Official Public Records of Bastrop County, Texas;

THENCE South 62° 54' 18" East, along the common dividing line of the aforementioned Lot 3, Block A, and the aforesaid 121.249 Acre tract of land, a distance of **331.76 feet** to a found ½-inch iron rod for the northeasterly corner of the hereon, described 5.049 Acre tract of land, same being the northwesterly lot corner of Lot 1, Block A, of the aforementioned Elgin Veterinary Hospital Addition;

THENCE with the common dividing line of the aforementioned Lot 3, Block A, and the aforesaid Lot 1, Block A, traversing along the easterly property line of the hereon, described 5.049 Acre tract of land with the following Six (6) courses and distances:

1). **South 27° 06' 08" West**, a distance of **221.00 feet** to a set ½-inch iron rod with plastic cap, stamped "4863";
2). **South 62° 54' 18" East**, a distance of **180.37 feet** to a set ½-inch iron rod with plastic cap, stamped "4863";
3). **North 69° 32' 14" East**, a distance of **10.83 feet** to a set ½-inch iron rod with plastic cap, stamped "4863";
4). **South 01° 07' 43" East**, a distance of **158.32 feet** to a set ½-inch iron rod with plastic cap, stamped "4863";
5). With a curve to the right, having an **Arc Length** of **8.57 feet**, a **Radius** of **23.00 feet**, a **Delta Angle** of **21° 20' 51"**, and a **Chord** which bears **South 09° 32' 30" West**, a **Distance** of **8.52 feet** to a set ½-inch iron rod with plastic cap, stamped "4863";
6). **South 20° 12' 44" West**, a distance of **24.01 feet** to a set ½-inch iron rod with plastic cap, stamped "4863"

for the southeasterly corner of the hereon, described 5.049 Acre tract of land, same being the southerly most common dividing corner of said Lot(s) 3 and 4, Block A, same being a point along the northerly right-of-way line of the aforesaid U.S. Highway 290;

THENCE South 88° 56' 12" West, along the common dividing line of the aforementioned Lot 3, Block A, and the northerly right-of-way line of the aforesaid U.S. Highway 290, a distance of **466.84 feet** to the **POINT OF BEGINNING**, containing the hereon, described 5.049 Acre (Approx. 219,932 Sq. Ft.) tract of land, more or less.

TRACT II
2.934 ACRES, (± 127,796 Sq. Ft.)
METES AND BOUNDS DESCRIPTION:

BEGINNING at a set ½-inch iron rod with plastic cap, stamped "4863" for the southwesterly corner of the hereon, described 2.934 Acre tract of land, same being the common dividing lot corner of the aforementioned Lot 2, Block A, and Lot 1, Block A, of the aforementioned Elgin Veterinary Hospital Addition, same being a point along the northerly right-of-way line of U.S. Highway 290, having a called 240-foot right-of-way width according to the said subdivision plat Elgin Veterinary Hospital Addition, and from which a set ½-inch iron rod with plastic cap, stamped "4863" bears South 88° 56' 12" West, a distance of 50.66 feet for the common dividing lot corner of said Lot 1, Block A and the aforementioned Lot 3, Block A;

THENCE with the common dividing line of the aforementioned Lot 2, Block A, and the aforesaid Lot 1, Block A, traversing along the westerly property line of the hereon, described 2.934 Acre tract of land with the following Five (5) courses and distances:

1). **North 22° 28' 10" West**, a distance of **24.08 feet** to a set ½-inch iron rod with plastic cap, stamped "4863";
2). With a curve to the right, having an **Arc Length** of **8.57 feet**, a **Radius** of **23.00 feet**, a **Delta Angle** of **21° 20' 51"** and a **Chord** which bears **North 11° 47' 57" West**, a **Distance** of **8.52 feet** to a set ½-inch iron rod with plastic cap, stamped "4863";
3). **North 01° 07' 43" West**, a distance of **168.85 feet** to a set ½-inch iron rod with plastic cap, stamped "4863";
4). **North 69° 32' 14" East**, a distance of **10.18 feet** to a set ½-inch iron rod with plastic cap, stamped "4863";
5). **North 27° 07' 23" East**, a distance of **182.03 feet** to a found ½-inch iron rod for the northwesterly (northerly most) corner of the hereon, described 2.934 Acre tract of land, same being the northerly most common dividing corner of said Lot(s) 1 and 2, Block A, and a point along the southwesterly property line of a called 121.249 Acre tract of land being described in that certain General Warranty Deed, conveyed to Marsha Jo Scott, dated November 19, 2009 and appearing of record under Document No. 200915198 of the Official Public Records of Bastrop County, Texas;

THENCE South 62° 54' 18" East, along the common dividing line of the aforementioned Lot 2, Block A, and the aforesaid 121.249 Acre tract of land, a distance of **220.21 feet** to a found ½-inch iron rod for a point of angle along the northeasterly property line of the hereon, described 2.934 Acre tract of land and said Lot 2, same being an ell-corner along the southerly property line of said 121.249 Acre tract of land, same being the westerly most corner of Lot 1, Wallace Lundgren Subdivision, a subdivision appearing of record in Cabinet 4, Slide 4A of the Plat Records of Bastrop County, Texas;

THENCE with the common dividing line of the of the aforementioned Lot 2, Block A, and the aforesaid Lot 1, Wallace Lundgren Subdivision, traversing along the northeasterly and southeasterly property line of the hereon, described 2.934 Acre tract of land with the following Two (2) courses and distances:

1). **South 63° 54' 09" East**, a distance of **246.26 feet** to a found ½-inch iron rod for the northeasterly corner of the hereon, described 2.934 Acre tract of land;
2). **South 12° 49' 02" West**, a distance of **147.63 feet** to a found ½-inch iron rod for the southeasterly corner of the hereon, described 2.934 Acre tract of land, same being the common southerly most corner of said Lot(s) 1 and 2, same being a point along the northerly right-of-way line of the aforesaid U.S. Highway 290;

THENCE South 88° 56' 12" West, along the common dividing line of the aforementioned Lot 2, Block A, and the northerly right-of-way line of the aforesaid U.S. Highway 290, a distance of **460.85 feet** to the **POINT OF BEGINNING**, containing the hereon, described 2.934 Acre (Approx. 127,796 Sq. Ft.) tract of land, more or less.

SURVEYOR'S CERTIFICATION
THE STATE OF TEXAS
COUNTY OF BASTROP

KNOW ALL MEN BY THESE PRESENTS:

THAT I, CHARLES M. BENSON, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE ON-THE-GROUND SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF ELGIN, TEXAS.

DATE: April 13, 2020

CHARLES M. BENSON, R.P.L.S.
TEXAS REGISTRATION No. 4863
EAGLE EYE CONSTRUCTION LAYOUT

STATE OF TEXAS · CHARLES M. BENSON · 4863 · REGISTERED PROFESSIONAL LAND SURVEYOR

CITY OF ELGIN GENERAL PLAT NOTES:

1). THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE CITY OF ELGIN, FULL PURPOSE JURISDICTION.

2). WATER SERVICES SHALL BE PROVIDED BY THE CITY OF ELGIN.

3). WASTEWATER SERVICES SHALL BE PROVIDED BY THE CITY OF ELGIN.

4). ELECTRIC SERVICES SHALL BE PROVIDED BY BLUEBONNET ELECTRIC CORPORATION.

5). BUILDING SETBACK LINES SHALL BE IN CONFORMANCE WITH CITY OF ELGIN ZONING ORDINANCE REQUIREMENTS.

BASTROP COUNTY GENERAL PLAT NOTES:

1). NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO THE APPROVED WATER AND ELECTRIC DISTRIBUTION SYSTEMS AND WASTEWATER COLLECTION FACILITIES.

2). THIS SUBDIVISION LIES WITHIN THE FLOOD ZONE(s) "X" (UNSHADED) AND "AE" (WITH A BASE FLOODPLAIN ELEVATION OF 499.00'), ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP FOR THE CITY OF ELGIN, DEVELOPED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), DATED JANUARY 19, 2006 UNDER MAP No. 48021C0075E, AND FURTHER AFFECTED BY LOMR No. 07-06-0779P, DATED AUGUST 30, 2007.

- ZONE "X" UNSHADED : (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AREA OF MINIMAL FLOOD HAZARD, USUALLY DEPICTED ON FIRMS AS ABOVE THE 500-YEAR FLOOD LEVELS).
- ZONE "AE" : (AREAS WHERE THE BASE FLOOD ELEVATIONS ARE DETERMINED).

3). FLOOD WARNING: THE DEGREE OF FLOOD PROTECTION REQUIRED BY THE BASTROP COUNTY FLOOD DAMAGE PREVENTION ORDER IS CONSIDERED REASONABLE FOR REGULATORY PURPOSES AND IS BASED ON SCIENTIFIC AND ENGINEERING CONSIDERATIONS. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. ACCEPTANCE OF THIS PLAT BY THE COMMISSIONERS COURT DOES NOT IMPLY THAT LAND OUTSIDE THE AREAS OF SPECIAL FLOOD HAZARDS OR USES PERMITTED WITHIN SUCH AREAS WILL BE FREE FROM FLOODING OR FLOOD DAMAGES. NOR SHALL ACCEPTANCE OF THIS PLAT CREATE LIABILITY ON THE PART OF BASTROP COUNTY OR ANY OFFICIAL OR EMPLOYEE THEREOF FOR ANY FLOOD DAMAGES THAT RESULT FROM RELIANCE ON THE INFORMATION CONTAINED WITHIN THIS PAT OR ANY ADMINISTRATION DECISION LAWFULLY MADE THEREUNDER.

4). EROSION AND SEDIMENTATION CONTROLS ARE REQUIRED FOR CONSTRUCTION ON EACH LOT, INCLUDING SINGLE-FAMILY, DUPLEX, AND MULTI-FAMILY CONSTRUCTION.

5). NO STRUCTURES OR LAND USE INCLUDING, BUT NOT LIMITED TO; BUILDINGS, FENCES, LANDSCAPING THAT NEGATIVELY IMPACTS STORM WATER FLOWS SHALL BE ALLOWED IN AREAS DESIGNATED AS PONDS, DRAINAGE EASEMENTS, OR DETENTION/RETENTION AREAS.

6). DRAINAGE EASEMENTS, STORM WATER FACILITIES/FEATURES, AND EROSION CONTROLS SHALL BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION AND/OR BY INDIVIDUAL PROPERTY OWNERS. PROPERTY OWNERS AND THEIR ASSIGNS SHALL PROVIDE ACCESS TO DRAINAGE EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY BASTROP COUNTY REPRESENTATIVES.

7). THE FINISHED FLOOR ELEVATION (F.F.E.) NOTED WITHIN EACH LOT REPRESENTS THE BASE FLOOD ELEVATION AND A TWO-FOOT FREEBOARD AS REQUIRED BY THE BASTROP COUNTY FLOOD DAMAGE PREVENTION ORDER.

8). THE DEVELOPER, BUILDER, SELLER, OR AGENT SHALL INFORM, IN WRITING, EACH BUYER OF SUBDIVISION LOTS OR PROPERTY LOCATED WITHIN SPECIAL FLOOD HAZARD AREAS THAT SUCH PROPERTY IS AN IDENTIFIED FLOOD PRONE AREA.

9). ALL DRIVEWAYS IN THIS SUBDIVISION MUST BE CONSTRUCTED TO FACILITATE DRAINAGE ALONG THE ROW. THE DEVELOPER AND/OR PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF DRIVEWAYS IN ACCORDANCE WITH BASTROP COUNTY SPECIFICATION, WHICH MAY INCLUDE PIPE INSTALLATION. A PERMIT MUST BE OBTAINED FROM BASTROP COUNTY PRIOR TO THE CREATION OF A DRIVEWAY. ACCESS TO STATE HIGHWAYS IS REGULATED BY TXDOT AND THEREFORE MUST BE APPROVED AND CONSTRUCTED TO ITS STANDARDS.

10). APPROVAL OF THIS PLAT BY THE COMMISSIONERS COURT OF BASTROP COUNTY, TEXAS, DOES NOT CONSTITUTE A VERIFICATION OF ALL DATA, INFORMATION AND CALCULATIONS SUPPLIED BY THE APPLICANT. THE ENGINEER OF RECORD IS SOLELY RESPONSIBLE FOR THE COMPLETENESS, ACCURACY AND ADEQUACY OF HIS/HER SUBMITTAL, WHETHER OR NOT THE PLAT HAS BEEN REVIEWED FOR COMPLIANCE OF REGULATIONS BY BASTROP COUNTY ENGINEER AND/OR PLATS REVIEW STAFF.

11). THIS PLAT DOES NOT ATTEMPT TO AMEND OR REMOVE ANY COVENANTS OR RESTRICTIONS FROM THE PREVIOUS SUBDIVISION, ELGIN VETERINARY HOSPITAL ADDITION TO THE CITY OF ELGIN BASTROP COUNTY, TEXAS, AS RECORDED UNDER DOCUMENT No. 201114344 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS.

12). THE JOINT USE DRIVEWAY(s) AS SHOWN ON THIS PLAT WILL PROVIDE JOINT ACCESS FROM U.S. HIGHWAY 290 TO LOT(s) 2A, 2B, 3A AND 3B.

13). NO DRIVEWAY ACCESS IS PERMITTED TO U.S. HIGHWAY 290 FROM LOT(s) 2A, 2B, 3A AND 3B.

STATE OF TEXAS
COUNTY OF BASTROP

KNOW ALL MEN BY THESE PRESENTS:

THAT, ELM CREEK PARTNERS, L.P., BEING THE OWNER OF 7.983 ACRES OF LAND OUT OF THE JONATHAN BURLESON SURVEY No. 25, ABSTRACT No. 18 AND THE ELIZABETH STANDIFORD SURVEY No. 24, ABSTRACT No. 59, LOCATED IN BASTROP COUNTY, TEXAS, SAME BEING CONVEYED BY DEED RECORDED UNDER DOCUMENT No. **200516197** OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, DOES HEREBY SUBDIVIDE 7.983 ACRES OF LAND IN ACCORDANCE WITH THIS PLAT TO BE KNOW AS:

LOT(s) 2 AND 3, BLOCK A
ELGIN VETERINARY CLINIC ADDITION
RE-PLAT

AND DOES HEREBY DEDICATE TO THE PUBLIC THE USE OF ALL STREETS, ALLEYS, PARKS AND EASEMENTS SHOWN HEREON.

WITNESS MY HAND THIS THE _____ DAY OF _____, 2020.

ELM CREEK PARTNERS, L.P.

ROBERT D. LEWIS, D.V.M.
MANAGING PARTNER

STATE OF TEXAS
COUNTY OF BASTROP

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ROBERT D. LEWIS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT OR WRITING, ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREON STATED.

WITNESS MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____, 2020.

STATE OF TEXAS
COUNTY OF BASTROP
CITY OF ELGIN

CITY CERTIFICATION

KNOW ALL PERSONS BY THESE PRESENTS:

THAT I, _____, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF ELGIN, TEXAS DO HEREBY CERTIFY THAT THIS REPLAT WAS APPROVED BY THE CITY OF ELGIN

PLANNING AND ZONING COMMISSION ON THIS _____ DAY OF _____, 2020.

_____ _____
CHAIRMAN OF THE PLANNING AND ZONING COMMISSION DATE

STATE OF TEXAS
COUNTY OF BASTROP
CITY OF ELGIN

KNOW ALL PERSONS BY THESE PRESENTS:

THAT I, _____, SECRETARY OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF ELGIN, TEXAS DO HEREBY CERTIFY THAT THIS REPLAT WAS APPROVED BY THE CITY OF ELGIN

PLANNING AND ZONING COMMISSION ON THIS _____ DAY OF _____, 2020.

_____ _____
SECRETARY OF THE PLANNING AND ZONING COMMISSION DATE

GENERAL NOTES:

1). HORIZONTAL POSITIONS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983, TEXAS COORDINATE SYSTEM, CENTRAL ZONE (FIPS 4203) UTILIZING THE LOCAL VRS NETWORK BASE No. (PRS3707890068369).

2). VERTICAL ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88), UTILIZING GEOID 12B

3). GRID DISTANCES SHOWN HEREON, ARE IN US SURVEY FEET

4). CONTOURS SHOWN ARE BASED FROM LIDAR METADATA PROVIDED BY CLIENT, AND HAVE NOT BEEN FIELD VERIFIED.

5). CONTOURS INTERVALS SHOWN AT 2-FOOT MINOR AND 10-FOOT MAJOR INCREMENTS.

6). ACCESS EASEMENTS EXIST FOR ALL PROPOSED LOTS FOR INTERNAL CONNECTIVITY PURPOSES PER CITY OF ELGIN CODE OF ORDINANCES SECTION 36-59.C).

BENCHMARK NOTE:

B.M. # 100

DESCRIPTION: MAG NAIL WITH WASHER, STAMPED "EECL" SET ALONG THE NORTHERLY EDGE OF ASPHALT OF U.S. HIGHWAY 290 (WEST BOUND LANE), HAVING A 240-FOOT RIGHT-OF-WAY WIDTH, (± 17' SOUTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 290 AND ± 23' WEST OF THE APPROXIMATE CENTERLINE OF A 60' JOINT ACCESS EASEMENT(SAME BEING LOT 1 OF THE ELGIN VETERINARY HOSPITAL ADDITION), AS SHOWN HEREON.

GRID COORDINATES: NORTHING: 10104092.4600'; EASTING: 3222192.6840'; ELEVATION: 514.20'

B.M. #101

DESCRIPTION: MAG NAIL WITH WASHER, STAMPED "EECL" SET ALONG THE NORTHERLY EDGE OF ASPHALT OF U.S. HIGHWAY 290 (WEST BOUND LANE), HAVING A 240-FOOT RIGHT-OF-WAY WIDTH, (± 46' SOUTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 290 AND ± 236' SOUTHWEST OF THE SOUTHWESTERLY CORNER OF THE HEREON, DESCRIBED LOT 3A), AS SHOWN HEREON.

GRID COORDINATES: NORTHING: 10104050.1000'; EASTING: 3221492.1360'; ELEVATION: 503.81'

(__) = Record

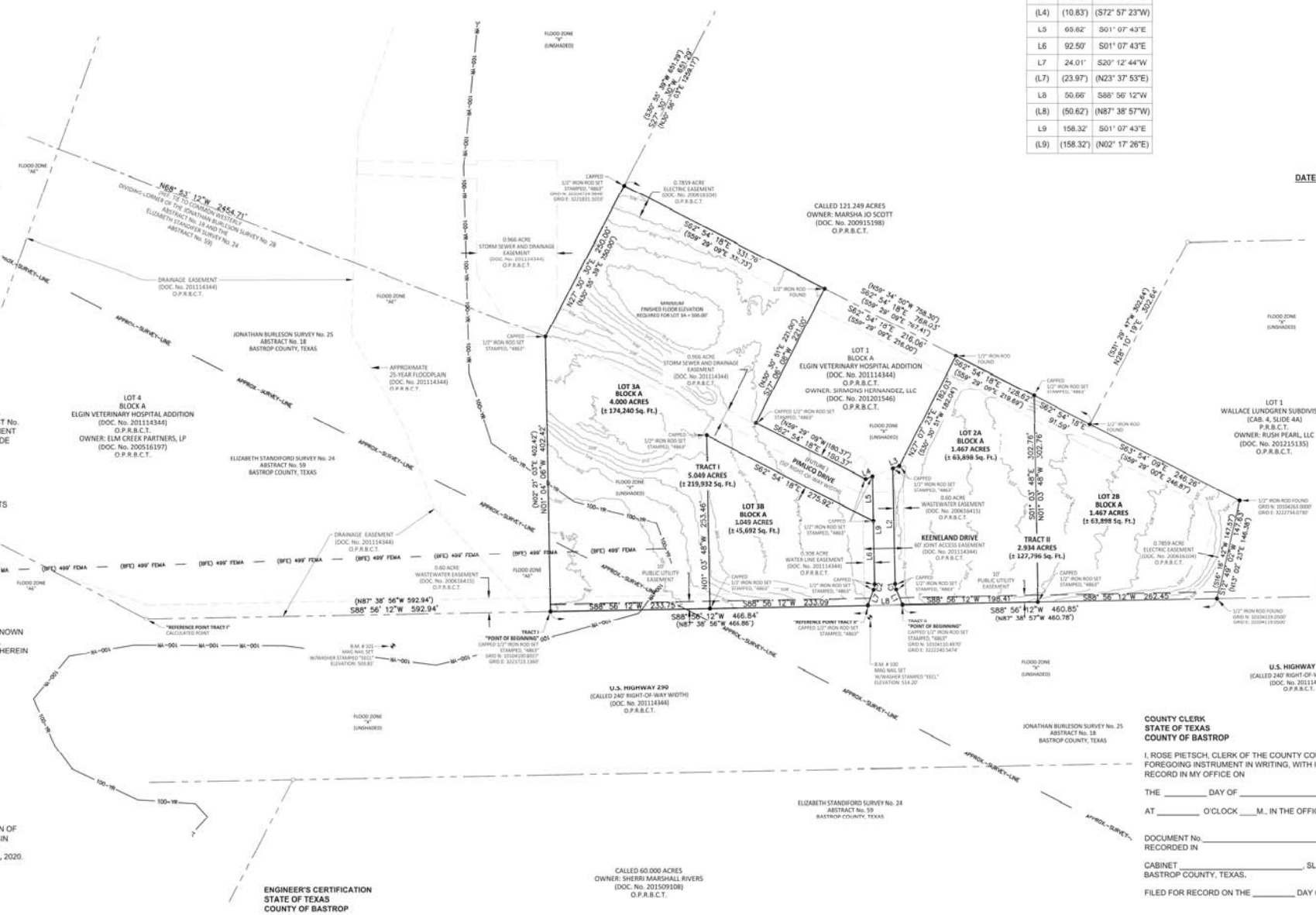
Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	8.57'	23.00'	21° 20' 51"	N11° 47' 57"W	8.52'
(C1)	(8.57')	(23.00')	(21° 20' 27")	(S08° 22' 48"E)	(8.52')
C2	8.57'	23.00'	21° 20' 51"	S09° 32' 30"W	8.52'
(C2)	(8.57')	(23.00')	(21° 20' 27")	(S08° 22' 48"E)	(8.52')

(__) = Record

Line Table

Line #	Length	Direction
L1	24.00'	N22° 28' 10"W
(L1)	(24.03')	(S19° 03' 01"E)
L2	168.85'	N01° 07' 43"W
(L2)	(168.85')	(S02° 17' 26"W)
L3	10.18'	N69° 32' 14"E
(L3)	(10.18')	(S72° 57' 23"W)
L4	10.83'	N69° 32' 14"E
(L4)	(10.83')	(S72° 57' 23"W)
L5	65.62'	S01° 07' 43"E
L6	92.50'	S01° 07' 43"E
L7	24.01'	S20° 12' 44"W
(L7)	(23.97')	(N23° 37' 53"E)
L8	50.66'	S88° 56' 12"W
(L8)	(50.62')	(N87° 38' 57"W)
L9	158.32'	S01° 07' 43"E
(L9)	(158.32')	(N02° 17' 26"E)



ENGINEER'S CERTIFICATION
STATE OF TEXAS
COUNTY OF BASTROP

KNOW ALL MEN BY THESE PRESENTS:

THAT I, VINCENT D. MUSAT, DO HEREBY CERTIFY THAT THE INFORMATION CONTAINED ON THIS PLAT COMPLY WITH THE SUBDIVISION ORDINANCES AND THE STORMWATER DRAINAGE POLICY ADOPTED BY THE CITY OF ELGIN, TEXAS.

DATE: 4.14.2020

VINCENT D. MUSAT, P.E.
TEXAS REGISTRATION No. 87005
FORESITE GROUP, LLC

STATE OF TEXAS · VINCENT D. MUSAT · 87005 · LICENSED PROFESSIONAL ENGINEER

SUBDIVISION DETAILS:

TOTAL SUBDIVISION ACREAGE: 7.983 ACRES
TOTAL SUBDIVISION SQUARE FOOTAGE: ± 347,728 Sq. Ft.
TOTAL No. OF DEVELOPMENT LOT(s) : FOUR (4)
TOTAL No. OF BLOCK(s): ONE (1)
TOTAL No. OF PARKLAND DEDICATIONS: ZERO (0)
TOTAL No. OF PUBLIC RIGHT-OF-WAY DEDICATIONS: ZERO (0)
TOTAL No. OF LINEAR FEET OF NEW STREETS: ZERO (0)

SUBDIVISION LOT DETAILS (LOTS LARGER THAN 9,000 Sq. Ft.):

LOT 2A, BLOCK A (1.467 ACRES) (DEVELOPMENT)
LOT 2B, BLOCK A (1.467 ACRES) (DEVELOPMENT)
LOT 3A, BLOCK A (4.000 ACRES) (DEVELOPMENT)
LOT 3B, BLOCK A (1.049 ACRES) (DEVELOPMENT)

SUBMITTAL DATE: March 5, 2020

REVISION DATE:

REVISION No.	REVISION DATE
1	04/06/2020

DATE OF PLANNING AND ZONING COMMISSION REVIEW: _____

COUNTY CLERK
STATE OF TEXAS
COUNTY OF BASTROP

I, ROSE PIETSCH, CLERK OF THE COUNTY COURT OF BASTROP COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IN WRITING, WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON

THE _____ DAY OF _____, 2020.

AT _____ O'CLOCK ____M., IN THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, UNDER

DOCUMENT No._____ AND BEING DULY RECORDED IN

CABINET _____, SLIDE _____ OF THE PLAT RECORDS OF BASTROP COUNTY, TEXAS.

FILED FOR RECORD ON THE _____ DAY OF _____, 2020.

BY:_____

ROSE PIETSCH
COUNTY CLERK
BASTROP COUNTY, TEXAS

_____, DEPUTY

EAGLE EYE CONSTRUCTION LAYOUT
1807 S. US HIGHWAY 183
LEANDER, TEXAS 78641
(512) 528-5308
WEB: eecl.us
EMAIL: eagle@eecl.us
T.B.P.L.S. FIRM #10194139

PROJECT: ELGIN VETERINARY
CLIENT: FORESITE
DATE: 04/13/2020
SCALE: 1" = 100'
BY: zrobmcomb
SHEET 01 of 01

Development Services Department

STAFF REPORT

Elgin-HEB Subdivision Variance

File Number: 202000274

Date: May 5, 2020

Applicant: H-E-B, LP

Representative: Binkley & Barfield

Hearing Dates: Planning & Zoning Commission – May 18, 2020

Location: Bastrop Co. Appraisal District PIN # 47892 (HEB Parking Lot along U.S. Hwy 290)

APPLICATION SUMMARY

Consideration of a subdivision variance from Section 36-172(a), City Code to allow creation of a new commercial lot without street frontage along U.S. Hwy 290.

DEVELOPMENT SERVICES DEPARTMENT COMMENTS

When platted lots are created, they must have street frontage per the Subdivision Code. One of the reasons is to allow for public access to the site. The applicant is seeking a variance from this requirement. If this variance is granted by the Commission, it would allow for the creation of one (1) lot that does not have street frontage. This proposed plat showing the one (1) lot has been placed within your packet (see attachment 3). This plat would be created through the City's Short Form Plat process and would be administratively considered by City Staff. Although the variance must be granted by the Commission for City Staff to approve the new one (1) lot plat.

Under Section 36-37(g) of the Subdivision Code there are certain findings of fact the Commission must base their decision; these are as follows:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land;

2. That the granting of the variance will not be detrimental to the public interest, health, safety or welfare, or injurious to other property in the area;

3. That the granting of the variance is in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice served; and

4. That the proposed hardship is not caused by the owner and/or is not for economic reasons.

With this subdivision variance request, the applicant has provided evidence which indicates there is a thirty (30) foot strip of land between the proposed lot and the right-of-way of U.S. Hwy 290 which is not owned by the applicant, joint access easement indicating legal access of U.S. Hwy 290 to the proposed one (1) lot (proposed Short Form Plat), and topographical issues relating to roadway elevation regarding direct access of the proposed one (1) lot (proposed Short Form Plat) to U.S. Hwy 290. These items are supporting evidence provided by the applicant to answer the findings of fact within Section 36-37(g) as denoted on the previous page. Also, a rendering has been provided indicating a Burger King will be built at the site.

STAFF ANALYSIS

Staff agrees with the applicant's evidence and their interpretation as provided with this packet. Staff has no objection or issue with the items as presented by the applicant. They have provided documentation indicating the ownership issues with the thirty (30) foot parcel to the front of the lot (proposed Short Form Plat), topography of roadway in front of the proposed one (1) lot (proposed Short Form Plat), and joint access easement which allows for public access to the site. However, it is the Commission's decision, independent of the staff analysis, as whether to approve it, approve it with conditions, continue with concurrence with the applicant, or deny this subdivision variance based on the provided findings of fact and the evidence.

ATTACHMENTS

Additional information is provided through attached exhibits.

1. Application & Applicant Narrative.
2. Approved Joint Access Easement.
3. Proposed Short Form Plat.
4. Site Rendering.

Attachment 1
Application & Applicant Narrative

Created: 1-8-2020

Elgin TEXAS
perfectly situated...

SUBDIVISION VARIANCE APPLICATION

Date: _____

SITE INFORMATION

Project Address: 1070 East HWY 290, Elgin, Texas 78621

Parcel Identification Number (if no address): 47892

APPLICANT

Name: Benjamin R. Scott on behalf of H-E-B, LP (f/k/a HEB Grocery Company, LP)

Postal Address: P.O. Box 839955 | San Antonio, TX 78283-3955

E-Mail Address: baker.brett@heb.com; **Phone Number:** 210-938-8145

The information given on this application is accurate to the best of my knowledge. All provisions of laws and ordinances governing this work will be complied with, whether specified on this application or not.

Signature	Printed Name	Date
	Benjamin R. Scott	4/17/2020

Project Description:

The property is proposed to be subdivided into a 1.979-acre tract to be developed as commercial with associated parking, utilities, water quality, and drainage facilities in one phase.

FOR OFFICE USE ONLY

Completeness Review Denied ___; Approved___ Date_____

Completeness Review Denied ___; Approved___ Date_____

April 16, 2020

Mr. David Harrell, AICP
Development Services Director
City of Elgin, TX

Burger King Elgin Plat Variance Narrative

Dear Mr. Harrell:

Binkley & Barfield, Inc. (BBI) has prepared the following narrative to demonstrate that the proposed variance request meets the requirements of the Subdivision Variance Application Packet. The code that the variance is being requested for is Chapter 36-172(a) of the City of Elgin Code of Ordinances:

"*Street frontage. Each lot shall be provided with the minimum frontage on an existing or proposed public street required by chapter 46, zoning."*

The following explains how each requirement of the variance is being met for this request:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would have a substantial adverse impact on the applicant's reasonable use of his land.
There is an remainder 30' strip of land out of an original 118 acre tract, apparently owned by a Family Trust, that lies between the proposed plat and the Highway 290 Right of Way. See "Exhibit A" for an illustration of this 30' strip of land in relation to the proposed plat and Highway 290. Previous surveys as well as HEB's purchase of the 3.74 acre unplatted property have assumed that 30' strip to be part of the Highway 290 Right of Way. However, H.A. Kuehlem Surveyors have found that to not be the case. See "Exhibit B" for an explanation from H.A. Kuehlem that the 30' strip of land is privately owned by others. As a result, the 3.74 acre property does not have ROW frontage on a public ROW and tracking down the lineage of who is involved in the Family Trust is a special circumstance.

2. That the granting of the variance will not be detrimental to the public interest, health, safety or welfare, or injurious to other property in the area.
Rather than provide frontage to Highway 290, it is proposed to take access from the existing Joint Use Access Easement to serve the site. Again, refer to "Exhibit A" for a visual of this easement in relation to the other properties. Also, due to the severity of the elevation differences between Highway 290 and the site, it is not even possible to take access from

Binkley & Barfield
consulting engineers

Highway 290. Refer to "Exhibit C" for an illustration of the elevation encumbrances.

3. That the granting of the variance is in harmony with the general purpose and intent of this Ordinance so that the public health, safety and welfare may be secured, and substantial justice served.

The granting of this variance would allow the property to be platted, which is the original intent of this ordinance. The ordinance requires minimum frontage requirements, but as mentioned above, this is a unique situation because even if the proposed plat had frontage to Highway 290, there would be no way to take access due to the harsh elevation differences. Also, there is already an existing Joint Use Access Easement to the proposed plat, so the site will still have legal access to and from Right of Way.

4. That the proposed hardship is not caused by the owner and/or is not for economic reasons.

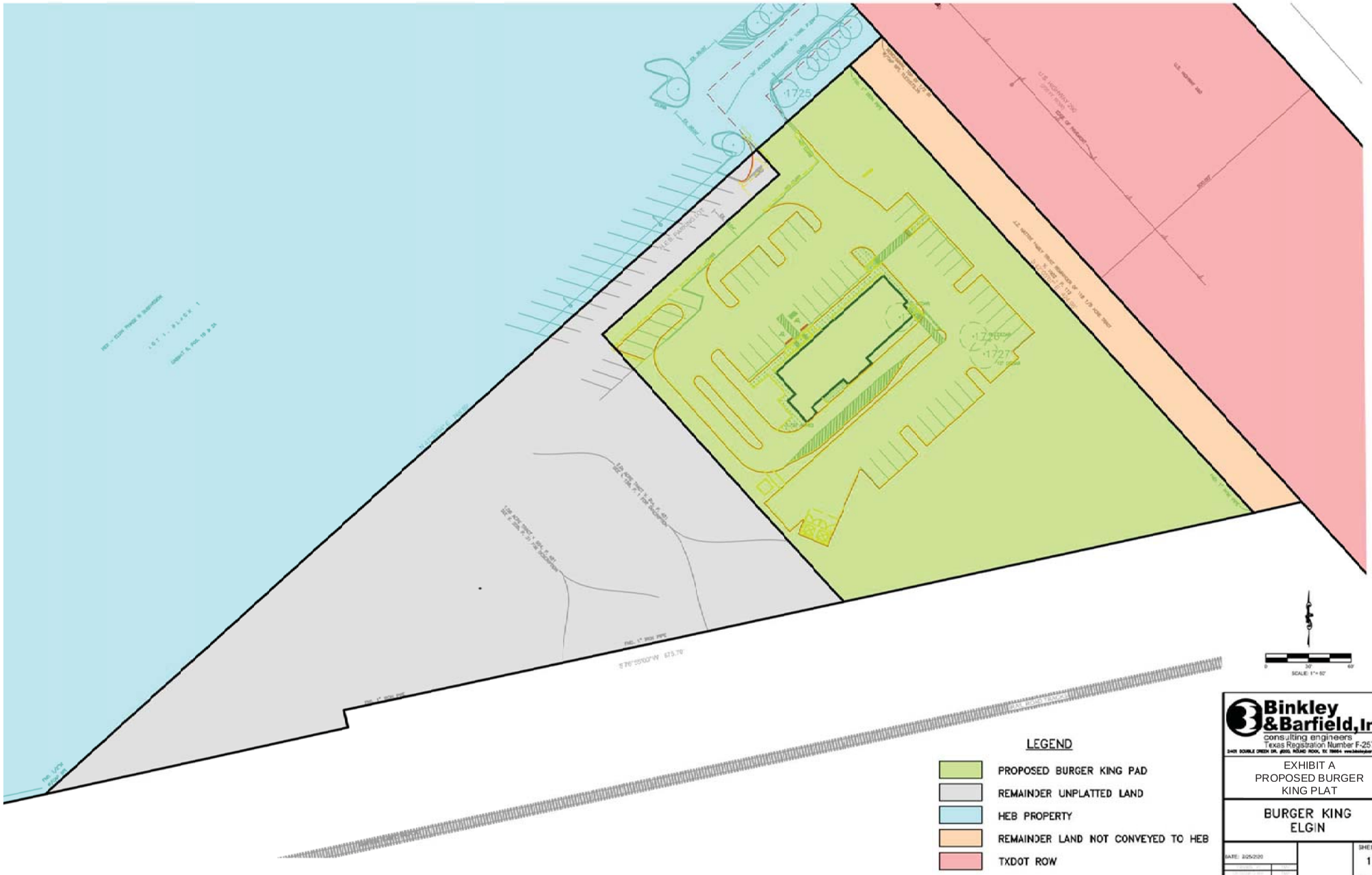
The proposed hardship was caused by previous surveyors when they assumed the 30' strip was Highway 290 Right of Way when it really was private property. There is an additional hardship of the substantial elevation differences between the site and Highway 290 that does not allow access from Highway 290.

If you require any additional information, please contact me at (512) 292-0006 or gjones@binkleybarfield.com.

Sincerely,

Gary Eli Jones, P.E.
Director of Land Development
Central & South Texas Region

Benjamin R. Scott
Vice President of Real Estate SAFD
H-E-B, LP (f/k/a HEB Grocery Company, LP)



Binkley & Barfield, Inc.
consulting engineers
Texas Registration Number F-257

EXHIBIT A
PROPOSED BURGER
KING PLAT

BURGER KING
ELGIN

DATE: 2/25/2020

SHEET 1 OF 1

Exhibit B – Letter from Surveyor

H.A. Kuehlem Professional Surveyors prepared a boundary survey of the subject property owned by HEB Grocery Company, LP, according to deed recorded in Volume 2198, Page 467 (attached), Official Public Records of Bastrop County, Texas. The results of this survey reflect an apparent 30' strip of land parallel to the southwest ROW line of U.S. Highway 290 (200' width) and the northeast line of the 3.736 acre tract conveyed to HEB. We found no record information that this strip was conveyed to the State of Texas for ROW purposes.

Attached is the TxDOT ROW map which depicts the 30' strip (Page 3 of 3) located north of the Southern Pacific Railroad. Also attached is a prior title deed recorded in Volume 158, Page 1, that describes the record title line to be a line "parallel to and 30' from the South boundary of US Highway 290".

Along with field measurements and adjoining property information, including the HEB plat of Lot 1, Block 1 (attached), which also depicts the 30' strip and confirms the difference of 30' in the adjoining distance calls, we feel confidence the 30' strip excludes the HEB 3.736 acre tract from having frontage on U.S. Highway 290.

V 2198 - P 467
ELECTRONICALLY RECORDED
OFFICIAL PUBLIC RECORDS
Rose Pietsch
12/28/2012 1:06 PM
FEE: $32.00 BOOK: 2198 PAGE: 467
ROSE PIETSCH, County Clerk
Bastrop, Texas
DEED 201216114

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.

GENERAL WARRANTY DEED

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

THAT THE UNDERSIGNED, Helen Doris Clark Foster, the Manager of H.D. FOSTER MANAGEMENT, LLC, a Texas limited liability company, the Managing Member of HDF INVESTMENTS, LTD., a Texas limited partnership and Helen Doris Clark Foster, individually and as Independent Executrix of the Estate of Raymond Woodward Foster, Sr. (collectively "Grantor"), with an address of 6600 Lost Horizon Drive, Austin, Texas 78759, for and in consideration of the sum of TEN DOLLARS ($10.00) cash, and other good and valuable consideration paid to Grantor by HEB GROCERY COMPANY, LP, a Texas limited partnership ("Grantee"), with an address of 646 South Main Avenue, San Antonio, Texas 78204, the receipt and sufficiency of which are hereby fully acknowledged and confessed, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY unto Grantee, that certain tract of unimproved land totaling approximately 3.736 acres located in the City of Elgin, Bastrop County, Texas (the "Land"), being more particularly described by metes and bounds on **Exhibit "A"** attached hereto and made part hereof for all purposes, together with any and all improvements situated on the Land and all right, title and interest of Seller, if any, in and to any and all appurtenances, strips or gores, roads, easements, streets, alleys, drainage facilities, and rights-of-way bounding the Land; all utility capacity, utilities, water rights, licenses, permits, entitlements, and bonds, if any, and all other rights and benefits attributable to the Land; and all rights of ingress and egress thereto (all of which are hereinafter collectively called the "Property").

This conveyance is expressly made and accepted subject only to all matters set forth on **Exhibit "B"** attached hereto and made a part hereof for all purposes (the "Permitted Exceptions").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto said Grantee; and Grantor does hereby bind Grantor and Grantor's successors to WARRANT AND FOREVER DEFEND all and singular the Property unto said Grantee, against every person whomsoever claiming or to claim the same or any part thereof, subject to the Permitted Exceptions.

[Signature Page to Follow]

IN WITNESS WHEREOF, this General Warranty Deed is executed to be effective the 28 day of December, 2012.

HDF INVESTMENTS, LTD.,
a Texas limited partnership

By: H.D. FOSTER MANAGEMENT, LLC,
a Texas limited liability company

By: Helen Doris Clark Foster
Name: Helen Doris Clark Foster
Title: Manager

THE ESTATE OF RAYMOND WOODWARD FOSTER, SR.

By: Helen Doris Clark Foster
Name: Helen Doris Clark Foster
Title: Independent Executrix

THE STATE OF TEXAS

COUNTY OF Travis

This instrument was acknowledged before me on the 26 day of December, 2012, by Helen Doris Clark Foster, the Manager of H.D. Foster Management, LLC, a Texas limited liability company, the General Manager of HDF Investments, LTD., a Texas limited partnership, on behalf of said limited partnership.

RANDAL D. BASSETT NOTARY PUBLIC STATE OF TEXAS EXPIRES 8-2-2015

Notary Public

THE STATE OF TEXAS

COUNTY OF Travis

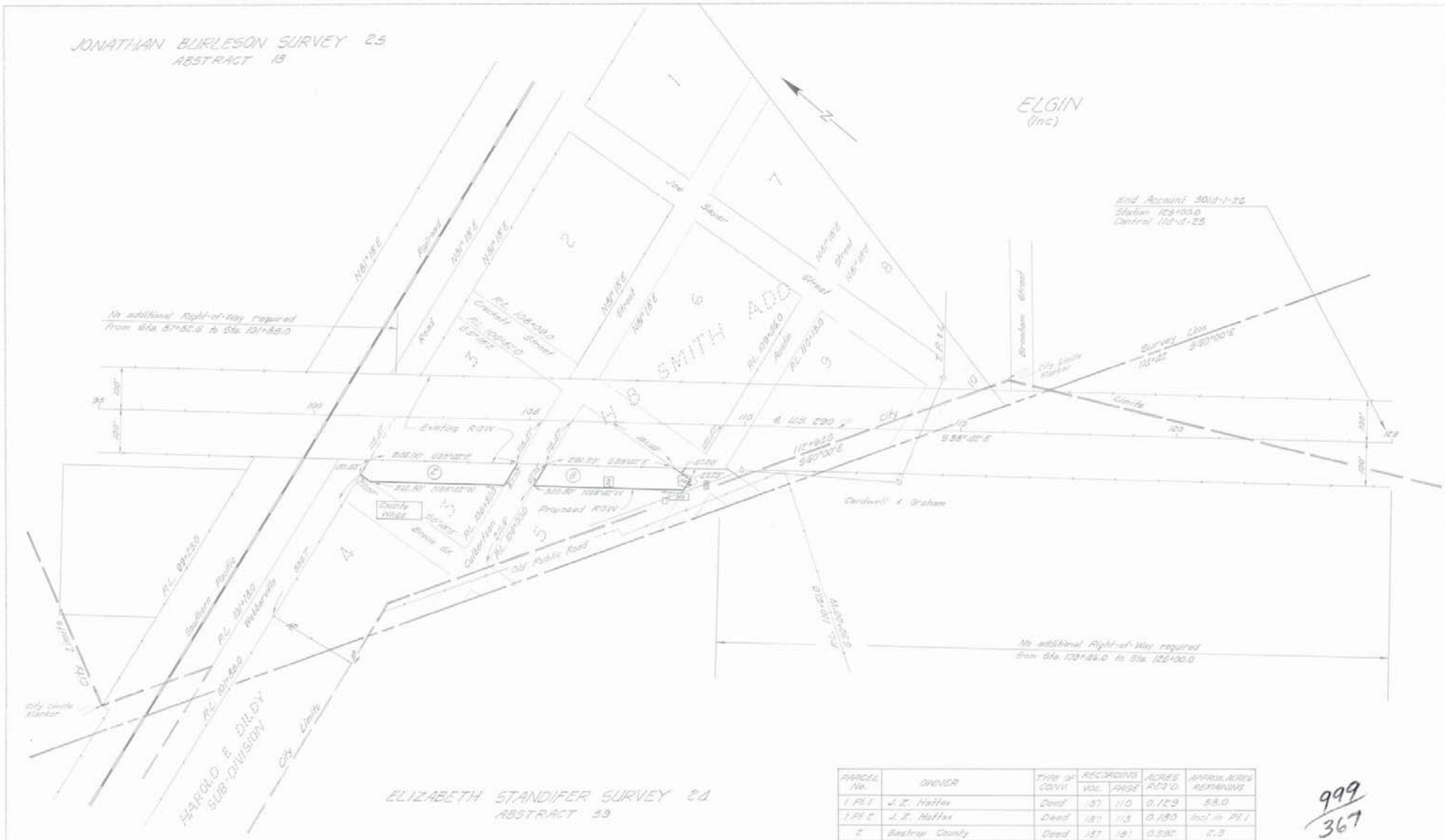
This instrument was acknowledged before me on the 26 day of December, 2012, by Helen Doris Clark Foster, the Independent Executrix of the Estate of Raymond Woodward Foster, Sr., on behalf of said Estate.

Notary Public

AFTER RECORDING, PLEASE RETURN TO:

Golden Steves Cohen & Gordon LLP
300 Convent Street, Suite 2600
San Antonio, Texas 78205
Attn: Ami Gordon

RANDAL D. BASSETT NOTARY PUBLIC STATE OF TEXAS EXPIRES 8-2-2015



PARCEL No.	OWNER	TYPE OF CONV.	RECORDING VOL.	RECORDING PAGE	ACRES REQ'D.	APPROX. ACRES REMAINING
1 Pt. 1	J. Z. Hatfex	Deed	187	110	0.129	58.0
1 Pt. 2	J. Z. Hatfex	Deed	187	113	0.180	Incl. in Pt. 1
2	Bastrop County	Deed	187	181	0.590	2.3
3	Francisca Moreno et ux	Deed	187	115	0.381	0.8

999/367

3

		30id-1-26		

The State of Texas, *
* KNOW ALL MEN BY THESE PRESENTS:
County of Bastrop. *

THAT we, J. E. Hattox and wife, Cleo E. Hattox, of the County of Bastrop and State of Texas, for and in consideration of the sum of SIX THOUSAND FIVE HUNDRED DOLLARS ($6,500.00) to us paid and to be paid by Raymond W. Foster, as follows:

The sum of $400.00 in cash, the receipt of which is hereby acknowledged, and the balance of $6,100.00 evidenced by one promissory note for said amount bearing even date herewith, executed by the said Raymond W. Foster, and payable to J. E. Hattox or order at Elgin, Texas, in annual principal installments of $500.00 each, payable one each consecutive year hereafter on the 1st day of June thereof, beginning June 1st, 1963, and continuing until said note is fully paid, with interest thereon from date until paid at the rate of 6% per annum, all interest payable annually as same accrue, providing that failure to pay any annual installment of said note, principal or interest, when due, or failure to pay all taxes on said premises as same accrue, permitting no delinquency, shall mature said note at the option of the holder thereof, together with the usual 15% additional on the amount then owing in case of collection by an attorney, or by law, or through the Probate Court, and providing that makers of said note reserve the right to pay all or any additional part thereof on any annual interest paying date prior to maturity,

have Granted, Sold and Conveyed, and by these presents do Grant, Bargain, Sell, and Convey unto the said Raymond W. Foster of Travis County, Texas, with the restrictions and covenants hereinafter stated, all that certain lot or parcel of land, a part of the Jonathan Burleson Survey in Elgin, Bastrop County, Texas, described as follows:

BEING 2.6 acres of land situated in the J. Burleson Survey and in the City of Elgin, Bastrop County, Texas, and being a part of the 125 acre tract of land described by Deed dated September 16, 1952, in conveyance from John S. Sloop to J. E. Hattox as recorded in Book 135, Pages 397 to 398, inclusive, of the Deed Records of said County, and the 2.6 acres being more particularly described by metes and bounds as follows:

Commencing for a connection to this tract at the intersection of the South boundary of US Highway 290 and the North boundary of the Texas and New Orleans Railroad Company right of way in the J. Burleson Survey at Texas Highway Department Station 98+65.2. Said point also being in the East boundary of that 125 acre tract of land in the J. Burleson Survey in Bastrop County, Texas, (of which this tract is a part) as last described in deed from John S. Sloop to J. E. Hattox as recorded in Book 135, Pages 397 to 398, inclusive, of the Deed Records of said County;

THENCE with said boundaries S. 80° 41' W. 34.66 feet to an iron stake on said boundaries for the BEGINNING and Northeast corner of this tract;

THENCE parallel to and 30.0 feet from the South boundary of US Highway 290 S. 39° 22' W. 425.0 feet to an iron stake for the Northwest corner of this tract, from which the Southeast corner of Lot 11, of Sunset Heights, Section 1, a Subdivision in the Burleson Survey, bears N. 39° 22' West 238.45 feet and N. 50° 38' E. 230.0 feet;

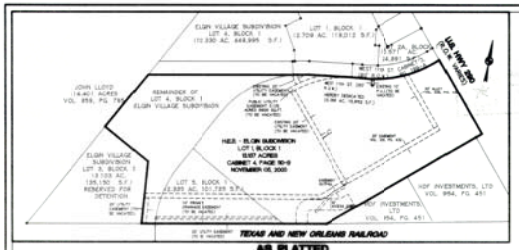
THENCE S. 50° 38' W. 350.0 feet to an iron stake for the Southwest corner of this tract;

THENCE parallel with the North boundary of this tract S. 39° 22' E. 222.53 feet to a point on the North boundary of the aforementioned Railroad Company right of way and the East boundary of the Hattox tract.

THENCE with said boundaries N. 80° 41' E. pass at 4.35 feet an iron stake, and in all on this course 404.35 feet to the place of beginning and containing 2.6 acres of land.

The above field notes are in accordance with survey by T. A. Jackson, Registered Public Surveyor of Austin, Texas, dated May 24, 1962.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the



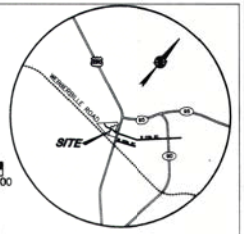
AS PLATTED
SCALE 1" = 300'

5/2-A

0 50 100 150 200
1"=100'

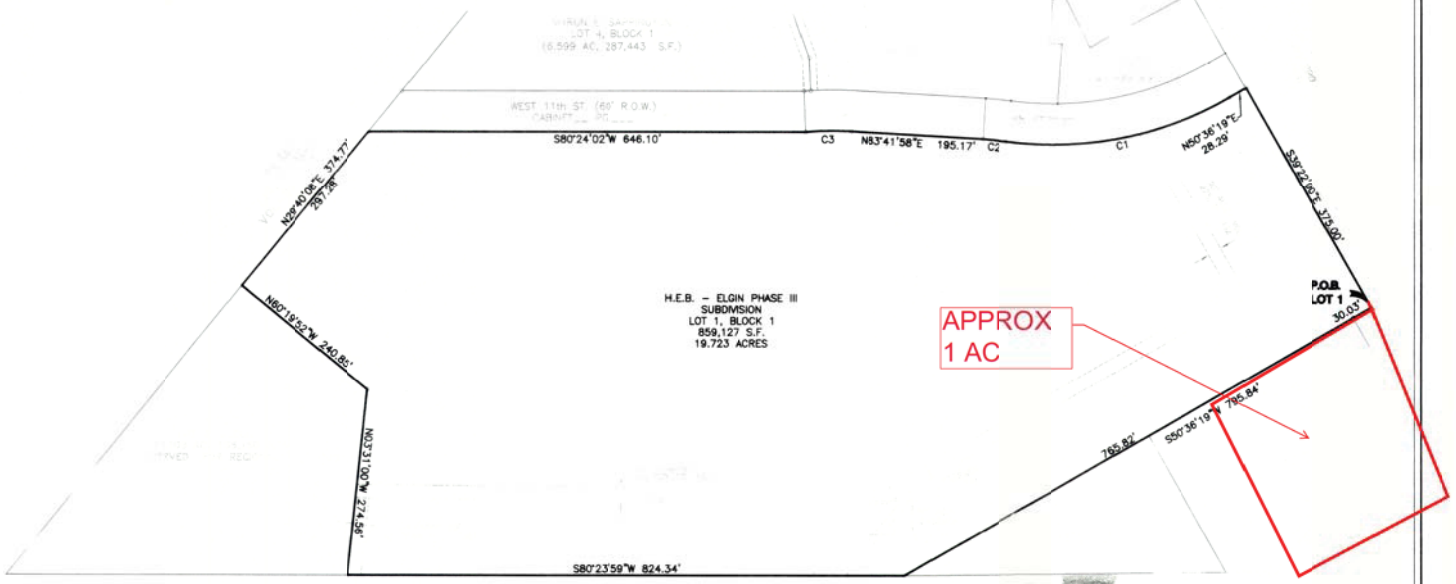
LEGEND

⊗	IRON PIPE FOUND
O	1/2" IRON ROD SET
( )	RECORD INFORMATION



VICINITY MAP
N.T.S.

CURVE DATA					
CURVE	DELTA	RADIUS	LENGTH	CHORD	CHD BRNG
C1	37°20'41"	525.00'	342.19'	336.18'	N69°16'40"E
C2	4°15'03"	475.00'	35.24'	35.23'	S85°49'29"W
C3	08°20'08"	465.00'	67.65'	67.59'	S79°31'53"W



FINAL PLAT OF
HEB - ELGIN PHASE III SUBDIVISION

19.723 ACRES OF LAND LOCATED IN CITY OF ELGIN, BASTROP COUNTY, TEXAS, BEING ALL OF LOT 1, BLOCK 1, H.E.B.-ELGIN SUBDIVISION, A SUBDIVISION OF RECORD IN CABINET 4, PAGE 110-B OF THE PLAT RECORDS OF BASTROP COUNTY, TEXAS, A PORTION OF LOT 4, BLOCK 1, ALL OF LOT 5, BLOCK 1, ELGIN VILLAGE SUBDIVISION, A SUBDIVISION OF RECORD IN CABINET 4, PAGE 129A OF SAID PLAT RECORDS.

SHEET 2 OF 2

Bury Partners
ENGINEERING SOLUTIONS
922 Isom Road, Suite 100
San Antonio, TX 78216
Tel. (210)525-9090 Fax (210)525-0529
Bury+Partners-SA, Inc. ©Copyright 2006

Date: Oct 02, 2006, 4:23pm User ID: raymo File = \J001\362\PLAT\J001362PLAT3.dwg

G:\193\U4\PLAT\18004PLT.DWG

Exhibit C – Photo of Highway 290 From HEB Parking Lot

Google Maps

Elgin, Texas

HWY 290 From HEB Parking Lot

Image capture: Nov 2018 © 2020 Google

This figure shows the steep topography along HWY 290 to the project site. There is an ~14-foot elevation difference from HWY 290 down to the project site. Due to this elevation difference, it is not possible to take access from HWY 290 to the site because the maximum driveway slopes allowed by the Elgin Code of Ordinances would be exceeded.

Attachment 2
Approved Joint Access Easement

UNOFFICIAL DOCUMENT

ACCESS EASEMENT AGREEMENT

STATE OF TEXAS §
§
COUNTY OF BASTROP §

THIS ACCESS EASEMENT AGREEMENT (this "Agreement") is made and entered into as of the 30 day of October, 2000, by and between H E BUTT GROCERY COMPANY, a Texas corporation ("Grantor") and HDF INVESTMENTS, LTD., a Texas limited partnership ("Grantee"), Grantor and Grantee hereinafter referred to as the "Parties", for the consideration and purposes set forth herein.

WHEREAS, Grantor is the owner of that certain tract of real property more particularly described by metes and bounds attached hereto and made a part hereof as Exhibit "A" ("Grantor's Property");

WHEREAS, Grantee is the owner of that certain tract of real property adjacent to Grantor's Property, as more particularly described on Exhibit "B" attached hereto and made a part hereof ("Grantee's Property"); and

WHEREAS, Grantee desires to obtain from Grantor and Grantor has agreed to provide to Grantee vehicular access to and from Grantee's Property and U S. Highway 290 across Grantor's Property in the area more particularly described by metes and bounds attached hereto and made a part hereof as Exhibit "C" (the "Access Easement Area").

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows.

1. Grant of Access Easement. Grantor hereby grants to Grantee and its successors and assigns a non-exclusive vehicular access easement (the "Access Easement") over, upon, and across the Access Easement Area, for the purpose of providing ingress, egress and access to and from Grantee's Property and U.S. Highway 290. Until such time as Grantee obtains or is provided with direct access to and from Grantee's Property and U.S. Highway 290 ("Alternate Access"), the Access Easement may be used by Grantee and its employees, independent contractors, consultants, tenants, agents, licensees and invitees for the purpose set forth above. The Access Easement shall automatically terminate when Grantee obtains or is provided with Alternate Access, and the Parties shall have no further obligations in connection herewith except under those provisions that expressly survive a termination of the Access Easement. Notwithstanding anything to the contrary contained in this Section 1, Grantee shall have no duty to seek Alternate Access. Grantee hereby acknowledges that Grantor may make other uses of the Access Easement Area (including the installation of utilities and the granting of other easements to third parties) which do not unreasonably interfere with or prevent Grantee's use of the Access Easement Area in accordance with the terms hereof. Notwithstanding anything in this Agreement to the contrary, Grantor shall have the right to terminate the Access Easement upon thirty (30) days' written notice to Grantee if (1) Grantee and/or its employees,

independent contractors, consultants, tenants, agents, licensees or invitees use any part of Grantor's Property other than the Access Easement Area for vehicular access to Grantee's Property; or (ii) the frequency or nature of the vehicular traffic to and from Grantee's Property and U.S. Highway 290 across the Access Easement Area materially increases or changes (each of the foregoing a "Default"); provided, however, if Grantee cures such Default within the 30-day period after Grantor gives a termination notice pursuant to this Section 1, then the Access Easement shall continue in full force and effect.

2. Construction and Maintenance; Grant of Easement. The construction and maintenance of any improvements to the Access Easement Area shall be at Grantor's sole cost and expense; provided, however, Grantee shall be liable for any damage to Grantor's Property caused by Grantee and/or its employees, independent contractors, consultants, tenants, agents, licensees or invitees, and shall promptly reimburse Grantor for the costs of repairing such damage upon Grantor's written request therefor (the "Reimbursement Obligation") Grantee's Reimbursement Obligation shall survive any termination of the Access Easement and shall be secured by a lien on Grantee's Property, provided, however, such lien shall attach only upon recordation of a notice thereof ("Lien Claim") in the real property records of Bastrop County, Texas, which Lien Claim shall include the following information: the name of the lien claimant; a description of Grantee's Property; a description of the work performed or damage suffered which has given rise to the claim of a lien and a statement itemizing the amount thereof, and a statement that the lien is claimed pursuant to the provisions of this Agreement, reciting the date, volume and page of recordation of this Agreement. In connection with Grantor's construction and maintenance of improvements to the Access Easement Area, Grantee hereby grants to Grantor and its successors and assigns a non-exclusive easement over, upon, and across that portion of Grantee's Property shown cross-hatched on Exhibit "D" attached hereto and made a part hereof (the "Drive Apron Area"), for the purpose of enabling Grantor to construct and maintain an asphalt or concrete drive apron to stabilize the transition from Grantor's Property to Grantee's Property (the "Drive Apron Easement"); provided, however, Grantor shall not be required to construct such drive apron. The Drive Apron Easement may be used by Grantee and its employees, independent contractors, and agents for the purpose set forth above.

3. Interruption of Access. Except as otherwise provided specifically in this Agreement, no walls, fences or barriers of any sort or nature shall be constructed or erected which would actually prevent reasonable access and movement of vehicular traffic to and from Grantee's Property and U.S. Highway 290 across the Access Easement Area; provided, however, such access may be temporarily interrupted (a) during construction, maintenance and repair of parking areas, driveways, landscaping, sidewalks, pedestrian ways and other improvements and facilities existing from time to time on or within the Access Easement, (b) during an emergency, or (c) in order to avoid the possibility of dedicating the same for public use or creating prescriptive rights therein Furthermore, curb stops and other reasonable traffic controls, including, without limitation, directional markers and parking stops, as may be reasonably necessary to guide and control the orderly flow of traffic may be installed. Grantor may, in Grantor's sole discretion, and at any time hereafter, dedicate to the City of Elgin for use as public streets and rights-of-way any portion of Grantor's Property, including, without limitation, the Access Easement Area.

UNOFFICIAL COPY

4. Indemnity. Grantee shall indemnify, defend and hold Grantor harmless from any and all claims, expenses, liabilities, losses, damages and costs (including attorneys' fees), and any actions or proceedings in connection therewith, incurred in connection with, arising from, due to or as a result of the death of any person or any accident, injury, loss or damage, howsoever caused, to any person or property in connection with, arising from, due to or as a result of the use by Grantee and/or its employees, independent contractors, consultants, tenants, agents, licensees or invitees, of the Access Easement. Grantee's indemnity obligation set forth in this Section 4 shall survive any termination of the Access Easement.

5. Liability Insurance. Grantee and any tenant of Grantee occupying all or part of Grantee's Property shall maintain general public liability insurance with a combined single limit coverage of at least $500,000.00 until such time as the Access Easement is terminated. Such policy shall be issued by an insurer reasonably acceptable to Grantor and shall name Grantor as an additional insured. Concurrent with the execution of this Agreement, Grantee shall deliver to Grantor an original certificate of liability insurance issued by the insurer, or a copy of Grantee's policy, evidencing the required coverage.

6 Miscellaneous

a. Entire Agreement. Notwithstanding any terms, provisions or conditions of any other documents or instruments to the contrary, this Agreement constitutes the entire agreement among the Parties hereto as to the subject matter hereof, and the Parties do not rely upon any statement, promise or representation not herein expressed.

b. Amendments. Neither this Agreement nor any term hereof may be changed, waived, discharged or terminated except by an agreement in writing signed by the Parties hereto.

c. Governing Law This Agreement shall be deemed to be a contract under the laws of the State of Texas which is performable in Bastrop County, Texas, and for all purposes shall be construed and enforced in accordance with and governed by the laws of the State of Texas.

d. Counterparts. To facilitate execution, this Agreement may be executed in an number of counterparts as may be convenient or necessary, and it shall not be necessary that the signatures of all parties hereto be contained on any one counterpart hereof

e. Binding on Assigns. This Agreement shall be binding upon and inure to the benefit of Grantor and Grantee and their respective successors and assigns

f. No Partnership. Nothing contained herein shall be construed to create a partnership between or among the Parties, nor shall it cause them to be considered joint venturers or members of any joint enterprise. In addition, this Agreement is not intended to create any third party beneficiary except as otherwise provided.

g. Notices. Any notice hereunder must be in writing, and shall be effective when deposited in the United States Mail, Certified (Return Receipt Requested), or with a recognized

UNOFFICIAL COPY

overnight courier service, addressed to the parties as set forth below (or as may be designated from time to time as provided in this Section 6.g), or when actually received by the party to be notified, including electronically confirmed facsimile transmissions:

To Grantor: H.E. BUTT GROCERY COMPANY
646 South Main Avenue
San Antonio, Texas 78204
Attention: Eric Moede
Telephone: (210) 938-8932
Facsimile: (210) 938-7788

To Grantee: HDF Investments, Ltd.
6600 Lost Horizon Drive
Austin, Texas 78759
Attention: Helen Doris Clark Foster
Telephone: 512-7940201
Facsimile: _____

[SIGNATURES APPEAR ON FOLLOWING PAGE]

UNOFFICIAL DOCUMENT

EXECUTED as of the date first written above.

GRANTOR:

H.E. BUTT GROCERY COMPANY

By: _____
Name: Todd A. Piland
Its: Sr. Vice President

GRANTEE:

HDF INVESTMENTS, LTD., a Texas limited partnership

By: H.D. Foster Management, LLC
Its: General Partner

By: Helen Doris Clark Foster
Name: Helen Doris Clark Foster
Its: Manager

Exhibit "A" - Description of Grantor's Property
Exhibit "B" - Description of Grantee's Property
Exhibit "C" - Description of Access Easement Area
Exhibit "D" - Description of Drive Apron Area

Unofficial Document

STATE OF TEXAS §
§
COUNTY OF Bexar §

This instrument was acknowledged before me on October 30, 2000, by Todd A. Piland, Sr. Vice President of H.E. BUTT GROCERY COMPANY, a Texas corporation, on behalf of said corporation.

Helen Garcia

HELEN GARCIA
NOTARY PUBLIC
State of Texas
Comm Exp 04-26-2001

STATE OF TEXAS §
§
COUNTY OF Williamson §

This instrument was acknowledged before me on October 25, 2000, by Helen Doris Clark Foster, Manager of H D. Foster Management, LLC, a Texas limited liability company, general partner of HDF Investments, Ltd., a Texas limited partnership, on behalf of said partnership.

Jeany Jenkins
Notary Public in and for the State of Texas

Jeany Jenkins
Notary Public, State of Texas
My Commission Expires 8-11-2004

UNOFFICIAL DOCUMENT

EXHIBIT "A"

Description of Grantor's Property

7.000 ACRES
(304,920 SQ. FT.)
ELGIN, TEXAS

FN NO. SA99-106.PVH
NOVEMBER 11, 1999
JOB NO. 50005-223.92

DESCRIPTION

OF A 7.000 ACRE (304,920 SQ. FT.) TRACT OF LAND SITUATED IN THE CITY OF ELGIN, BASTROP COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO MYRON E. SAPPINGTON, TRUSTEE, AS EVIDENCED BY DOCUMENT OF RECORD IN VOLUME 1002, PAGE 112 OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS, AND CLEO KATHERINE KAY HATTOX AS EVIDENCE BY DOCUMENT OF RECORD IN VOLUME 1002, PAGE 112 OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS; SAID 7.000 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a 3/4-inch iron pipe found on the north line of the Southern Pacific Railroad for the east corner of that certain tract of land conveyed to HDF Investments, Ltd. as evidenced by document of record in Volume 954, Page 451 of the Deed Records of Bastrop County, Texas;

THENCE, N39°22'00"W along the northeast line of said HDF Investments, Ltd. tract, a distance of 425.04 feet to a 3/4 inch pipe found in the southeast line of said Sappinton-Hattox tract and hereof for the north corner of said HDF Investments, Ltd. tract;

THENCE, N50°36'19"E along the southeast line of said Sappinton-Hattox tract, a distance of 30.03 feet to a 1/2 inch iron rod with a BPI cap set in the southwest line of U.S. Highway No. 290 (ROW varies) for the east corner of said Sappington-Hattox tract and the ***POINT OF BEGINNING*** *hereof*;

THENCE, S50°36'19"W leaving the southwest line of U.S. Highway No. 290, along the southeast line of said Sappington-Hattox tract, same being the northwest line of said HDF Investments, Ltd. tract, a distance of 644.89 feet to a 1/2 inch iron rod with a BPI cap set in the northwest line of said HDF Investments, Ltd. tract and from which a 3 inch galvanized pipe found in the north line of the Southern Pacific Railroad for the southwest corner of said HDF Investments, Ltd. tract, same being an exterior ell corner of said Sappington-Hattox tract, bears S50°36'19"W, a distance of 150.95 feet;

THENCE, leaving the northwest line of said HDF Investments, Ltd. tract over and across said Sappinton-Hattox tract, the following five (5) courses and distances:

1) N39°22'00"W, a distance of 580.00 feet to a 1/2 inch iron rod with a BPI Cap set for the west corner hereof;

2) N50°36'19"E, a distance of 9.89 feet to a 1/2 inch iron rod with a BPI Cap set for a point of curvature of a curve to

Unofficial Document

UNOFFICIAL DOCUMENT

the right, said curve having a radius of 475.00 feet, a central angle of 37°20'41", and a chord which bears N69°16'40"E, a distance of 304.15 feet;

3) Along said curve to the right an arc length of 309.60 to a 1/2 inch iron rod with a BPI cap set for a point of reverse curvature of a curve to the left, said curve having a radius of 525.00 feet, a central angle of 37°20'41", and a chord which bears N69°16'40"E, a distance of 336.16 feet;

4) Along said curve to the left an arc distance of 342.19 feet to a 1/2 inch iron rod with a BPI cap set for the end of said curve;

5) N50°36'19"E, a distance of 28.29 feet to a 1/2 inch iron rod with a BPI Cap set in the southwest line of U.S. Highway No. 290, same being the northeast line of said Sappinton-Hattox tract for the north corner hereof, and from which a 1 inch iron pipe found for the east corner of that certain tract of land conveyed to Bo Stover Enterprises as evidenced by document of record in Volume 551, Page 667 of the Deed Records of Bastrop County, Texas, bears N39°22'00"W a distance of 161.56 feet;

THENCE, S39°22'00"E, along the southwest line of U.S. Highway 290, same being the northeast line of said Sappinton-Hattox tract and hereof, distance of 375.00 feet to the **POINT OF BEGINNING**, containing an area of 7.000 acres (304,920 sq. ft.) of land, more or less, within these metes and bounds.

I, DALE A. SMITH, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A LAND TITLE SURVEY WAS PREPARED TO ACCOMPANY THIS DESCRIPTION.

BURY & PITTMAN-SA, INC.
ENGINEERS AND SURVEYORS
7330 SAN PEDRO, SUITE #130
SAN ANTONIO, TEXAS 78216

12-1-99
DALE A. SMITH REVISED
R.P.L.S #4412
STATE OF TEXAS

STATE OF TEXAS
REGISTERED
DALE A. SMITH
4412
PROFESSIONAL
LAND SURVEYOR

EXHIBIT "B"

Description of Grantee's Property

A18 Burleson, Jonathan Acres 3.68. More fully described being 1.08 acres and 2.6 acres of land, more or less, situated in the J. Burleson Survey, and being a part of the 125 acre tract of land described by deed dated September 16, 1952, in conveyance from John S. Sloop to J.Z. Hattax as recorded in Volume 135, Pages 397-398 of the Deed Records of Bastrop County, Texas.

Unofficial Document

Bury+Partners
Consulting Engineers and Surveyors

0.098 ACRES
(4,281 SQ. FT.)
30-FOOT ACCESS EASEMENT

EXHIBIT "C"

FN NO. SA00-067.ERM
AUGUST 10, 2000
JOB NO. 50005-223.

Description of Access Easement Area

DESCRIPTION

OF A 0.098 ACRE (4,281 SQ. FT.) TRACT OF LAND OUT OF THE J. BURLESON SURVEY, A-18, SITUATED IN THE CITY OF ELGIN, BASTROP COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO MYRON E. SAPPINGTON, TRUSTEE, AS EVIDENCED BY DOCUMENT OF RECORD IN VOLUME 1002, PAGE 112 OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS, AND CLEO KATHERINE KAY HATTOX AS EVIDENCE BY DOCUMENT OF RECORD IN VOLUME 1002, PAGE 112 OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS; SAID 0.098 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a 3/4-inch iron pipe found on the north line of the Southern Pacific Railroad for the east corner of that certain tract of land conveyed to HDF Investments, Ltd. as evidenced by document of record in Volume 954, Page 451 of the Deed Records of Bastrop County, Texas;

THENCE, N39°22'00"W along the northeast line of said HDF Investments, Ltd. tract, a distance of 425.04 feet to a 3/4 inch pipe found in the southeast line of said Sappinton-Hattox tract and hereof for the north corner of said HDF Investments, Ltd. tract;

THENCE, N50°36'19"E along the southeast line of said Sappinton-Hattox tract, a distance of 30.03 feet to a 1/2 inch iron rod with a BPI cap set in the southwest line of U.S. Highway No. 290 (ROW varies) for the east corner of said Sappington-Hattox tract;

THENCE, N39°22'00"W continuing with the southwest line of U.S. Highway No. 90 (ROW varies), a distance of 24.00 feet to point on the southwest line of said Sappinton-Hattox tract; and the **POINT OF BEGINNING** hereof;

THENCE, S50°36'19"W, leaving the southwest line of U.S. Highway No. 290, crossing the said Sappington-Hattox tract, distance of 88.73 feet to a point;

THENCE, S39°22'00"E, a distance of 24.00 feet to point in the northwest line of said HDF Investments, Ltd.;

THENCE, S50°36'19"W, with the southeast line of said Sappington-Hattox tract and the northwest line of said HDF Investments, Ltd., a distance of 30.00 feet to a point;

THENCE, N39°22'00"W, leaving the southeast line of said Sappington-Hattox tract and the northwest line of said HDF Investments, Ltd., a distance of 54.00 feet to a point;

THENCE, N50°36'19"E, a distance of 118.73 feet to point in the southwest line of U.S. Hwy 290;

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THENCE, S39°22'00"E, along the southwest line of U.S. Highway 290, same being the northeast line of said Sappinton-Hattox tract and hereof, distance of 30.00 feet to the **POINT OF BEGINNING**, containing an area of).098 acres (4,281 sq. ft.) of land, more or less, within these metes and bounds.

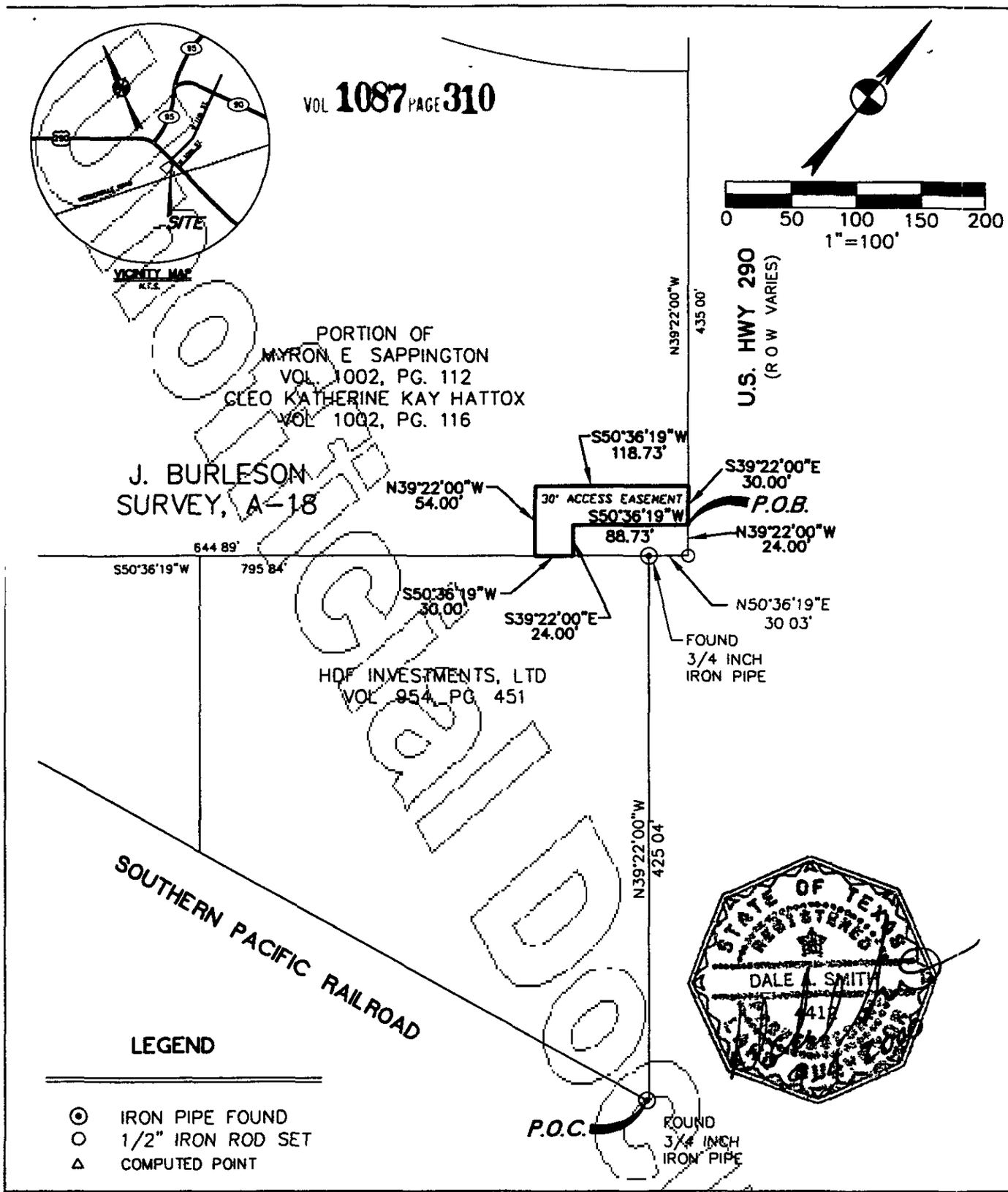
I, DALE A. SMITH, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY SKETCH WAS PREPARED TO ACCOMPANY THIS DESCRIPTION.

BURY & PARTNERS, INC.
ENGINEERS AND SURVEYORS
7330 SAN PEDRO, SUITE #130
SAN ANTONIO, TEXAS 78216

DALE A. SMITH
R.P.L.S #4412
STATE OF TEXAS

STATE OF TEXAS
REGISTERED
DALE A. SMITH
4412
PROFESSIONAL
LAND SURVEYOR

Unofficial Document



Bury+Partners
Consulting Engineers and Surveyors
San Antonio, Texas
Tel 210/525-9090 Fax 210/525-0529
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SKETCH TO ACCOMPANY DESCRIPTION OF 30 FOOT ACCESS EASEMENT

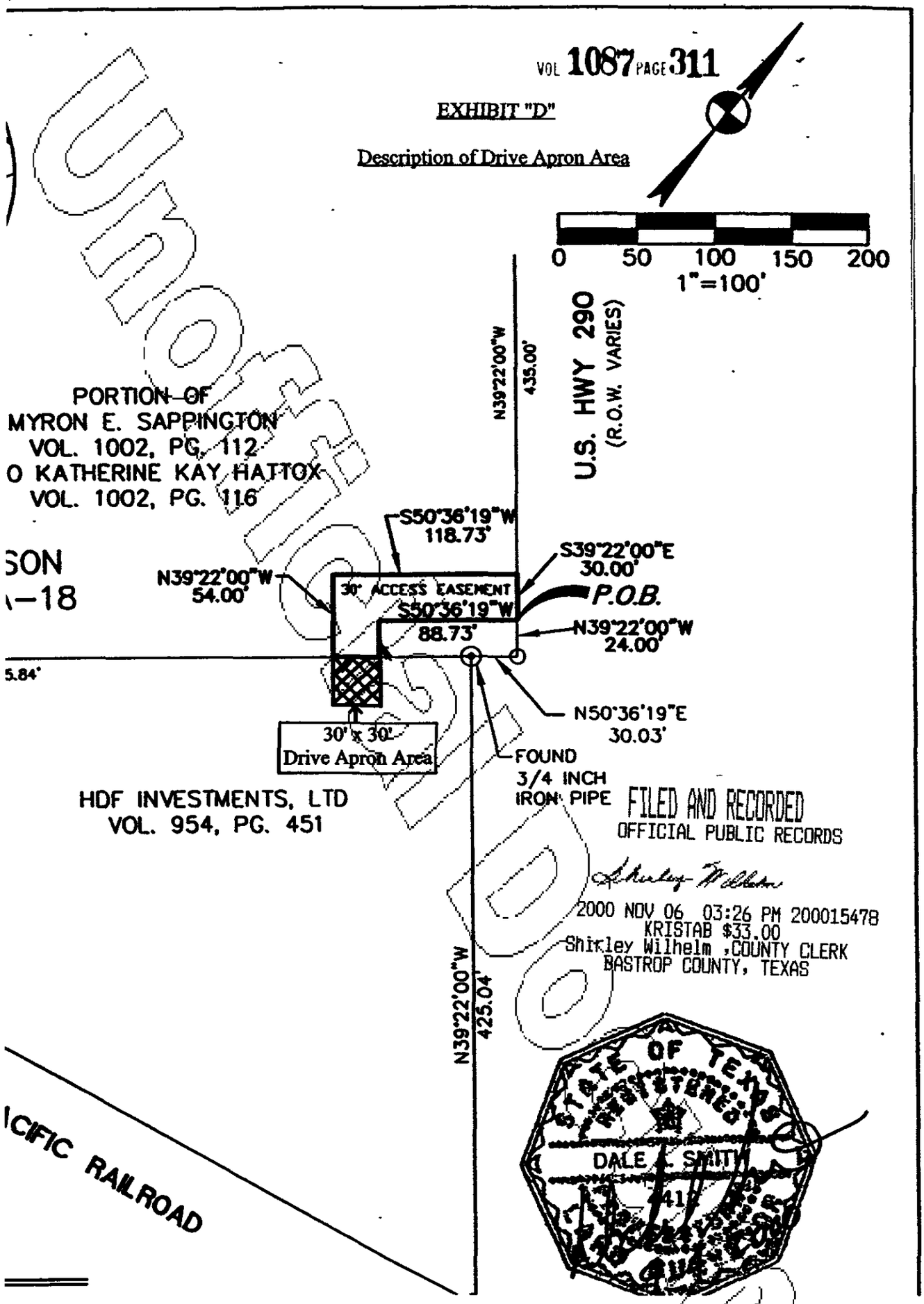
H.E. BUTT GROCERY COMPANY

DATE 08/10/00	DRAWN BY ERM	FILE H \50005\223\05223EX3 DWG	FN NO 00-0066 ERM	PROJECT No 005-223

Unofficial Document

EXHIBIT "D"

Description of Drive Apron Area



FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

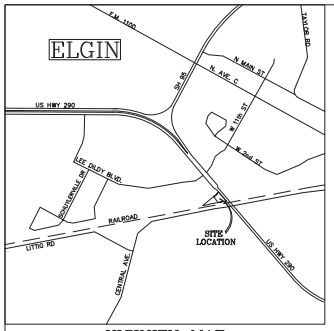
Shirley Wilhelm

2000 NOV 06 03:26 PM 200015478
KRISTAB $33.00
Shirley Wilhelm ,COUNTY CLERK
BASTROP COUNTY, TEXAS

STATE OF TEXAS
REGISTERED
DALE L. SMITH
4417
PROFESSIONAL ENGINEER

Unofficial Document

Attachment 3
Proposed Short Form Plat



VICINITY MAP
N.T.S.

Flood Plain Note:

NO portion of this subdivision lies within the 100 Year Special Flood Hazard Area. IT LIES IN Zone X (areas determined to be outside the 0.2% annual chance floodplain) as identified by the Flood Insurance Rate Map, Panel No. 48021C0075E, Effective January 19, 2006 for the Community Bastrop County, Community Number 481193.

FLOOD WARNING: The degree of flood protection required by the Bastrop County Flood Damage Prevention Order is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. Acceptance of this plat by the Commissioners Court does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. Nor shall acceptance of this plat create liability on the part of Bastrop County or any official or employee thereof for any flood damages that result from reliance on the information contained within this plat or any administration decision lawfully made thereunder.

Erosion and sedimentation controls are required for construction on each lot, including single-family, duplex, and multi-family construction. No structures or land use including, but not limited to; buildings, fences, landscaping that negatively impacts storm water flows shall be allowed in areas designated as ponds, drainage easements, or detention/retention areas.

Drainage easements, storm water facilities/features, and erosion controls shall be maintained by the Homeowners Association and/or by individual property owners. Property owners and their assigns shall provide access to drainage easements as may be necessary and shall not prohibit access by Bastrop County representatives.

Plat notes:

1. Property in this subdivision shall be developed in accordance with all applicable federal, state, and local regulations including, but not limited to: Bastrop County 9-1-1 Addressing Assignment, Driveway/Culvert, Development, Floodplain, On-site Sewage Facility, and Lost Pines Habitat Conservation Plan. County permits are obtained and issued through the Bastrop County Development Services Department.

2. No on-site water well may be placed within 100 (50 if encased) of an on-site sewage disposal area, nor can any on-site sewage disposal area be placed within 100 (50if encased) of an on-site well.

3. Each lot shall have a 50' water well setback adjacent to property lines. Property owners and/or registered water well installers are responsible to determine appropriate locations for same, if not specified herein. Further information and registration of on-site water wells is obtained and issued through the Lost Pines Groundwater Conservation District.

4. Individual on-site sewage facility designs must be submitted for approval for each lot and built to Texas Commission on Environmental Quality (TCEQ) rules and the requirements of the Bastrop County order for on-site sewage facilities prior to occupation of the residence.

5. No lot in this subdivision shall be occupied until connected to the approved water and electric distribution systems and wastewater collection facilities.

6. It is understood that on approval of this plat by the Commissioners Court of Bastrop County, Texas, that the construction of all bridges, culverts, streets, roads and other public thoroughfares delineated and shown on this plat, shall remain the responsibility of the owner and/or developer of the tract of land covered by this plat, in accordance with plans and specification prescribed by the Commissioners Court of Bastrop County, Texas. The Court assumes no obligation to construct any bridges, culverts, streets, roads or public thoroughfares shown on this plat, or of constructing any bridges or culverts in connection therewith.

7. Upon approval of this plat by the Commissioners Court for filing and subsequent acceptance of maintenance of streets by Bastrop County, it is understood that placement of any and all traffic control devices requiring signage such as street names, speed limits, stop signs, yield signs, etc., shall be the sole responsibility of the developer under the direction of the Commissioners Court and/or the County Engineer.

8. Neither approval of a subdivision plat by the Bastrop County Commissioners Court, nor the filing/recording of an approved subdivision plat constitutes acceptance by Bastrop County of any dedication of the roads/streets depicted on the plat. Only the Bastrop County Commissioners Court, acting as a body, has the authority to accept roads/streets into the Bastrop County road system for county maintenance. Individual members of the Bastrop County Commissioners Court have no authority to bind Bastrop County by separate action. Until Bastrop County, through its Commissioners Court, accepts a road/street that has been dedicated in a plat, said road/street is not a County road, and is not subject to County maintenance.

9. Any obstruction in the County and/or TxDOT ROW must be removed at the owner's expense.

10. No structures may be built in any easement. Any existing structures located in a Public Utilities Easement must be removed at utility company discretion.

11. Water service is provided by: City of Elgin

12. Wastewater service is provided by: City of Elgin

13. Electric service is provided by: Oncor Electric

14. All driveways in this subdivision must be constructed to facilitate drainage along the ROW. The developer and/or property owner shall be responsible for the installation and maintenance of driveways in accordance with Bastrop County specifications, which may include culvert pipe installation. A permit must be obtained from Bastrop County prior to the creation of a driveway. Access to state highways is regulated by TXDOT and therefore must be approved and constructed to its standards

15. Approval of this plat by the Commissioners Court of Bastrop County, Texas, does not constitute a verification of all data, information and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy and adequacy of his/her submittal, whether or not the plat has been reviewed for compliance of regulations by Bastrop County Engineer and/or plats review staff.

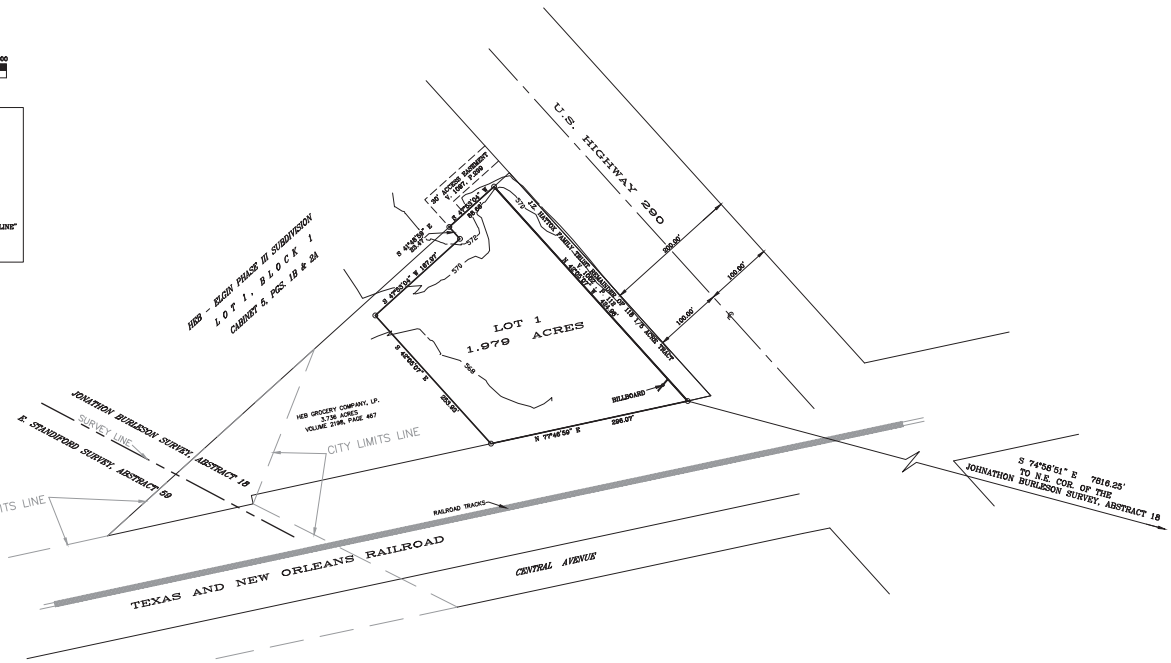
16. The joint use driveway as shown on this plat will provide joint access from US Highway 290 to Lot 1.

SCALE: 1" = 100'

100 50 0 100

LEGEND

- POWERPOLE
- FOUND 1/2" IR.
- WATER VALVE
- FIRE HYDRANT
- FOUND P.K. NAIL
- LIGHT POLE
- SET 1/2" IR W/CAP "BASELINE"
- BOUNDARY LINE



STATE OF TEXAS
COUNTY OF BASTROP

KNOW ALL MEN BY THESE PRESENTS:

That I, , being the owner of acres in the Survey, Abstract No. , as recorded in Volume , Page , Document No. , of the Bastrop County Deed Records, do hereby subdivide said land (or: acres of said land) in accordance with the plat shown hereon, subject to any easements or restrictions heretofore granted, to be known as:

And do hereby dedicate to the Public the use of the streets and easements as shown hereon. Witness my hand this the____day of_____, 20___, A.D.

_____
H.E.B. GROCERY COMPANY, LP.

STATE OF TEXAS
COUNTY OF BASTROP

Before me, the undersigned authority, on this day personally appeared_____ , known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this the____day of_____, 20___, A.D.

_____
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

_____
Printed Name of Notary / Expires

STATE OF TEXAS
COUNTY OF BASTROP

KNOW ALL MEN BY THESE PRESENTS:

That I/We, , the lien holder of that certain tract of land shown hereon, do hereby join, approve, and consent to all dedications and plat note requirements shown hereon. I do hereby approve the recordation of this subdivision plat and dedicate to the public use forever any easements and roads that are shown hereon. This subdivision is to be known as:

HEB-ELGIN SUBDIVISION

Witness my hand this the____day of_____, 20___, A.D.

_____ _____
Bank:, Title:

STATE OF TEXAS
COUNTY OF BASTROP

Before me, the undersigned authority, on this day personally appeared_____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this the____day of_____, 20___, A.D.

_____
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

_____
Printed Name of Notary / Expires

STATE OF TEXAS
COUNTY OF BASTROP

I,_____, do hereby certify that I prepared this plat from an actual and accurate on-the-ground survey of the land, and that the corner monuments shown were properly placed, under my personal supervision, in accordance with the Subdivision Regulations of Bastrop County, Texas.

_____ _____
HENRY A. KUEHLEM Date
Registered Professional Land Surveyor
Reg. No.4020
14350 Northbrook Dr. Suite 130
San Antonio, Texas 78232 (210-490-7847)

STATE OF TEXAS
COUNTY OF BASTROP

I,_____, do hereby certify that the street and drainage design, as shown hereon, complies with the Subdivision Regulations for Bastrop County, also no portion of this site lies within a 100 Year Special Flood Hazard Area.

_____ _____
CIVIL ENGINEER P.E. NO. Date

STATE OF TEXAS
COUNTY OF BASTROP

I, Rose Pietsch, County Clerk of Bastrop County, Texas, do hereby certify that the foregoing instrument of writing and its certificate of authentication was filed for record in my office on the____day of_____, 20___, A.D., at___ o'clock ___M., in the Plat Records of Bastrop County, Texas in Plat Cabinet_____, Page_____ .

Filed for record on the____day of_____, 20___, A.D.

_____ _____
Rose Pietsch Deputy
County Clerk
Bastrop County, Texas

STATE OF TEXAS
COUNTY OF BASTROP

This Short Form Plat was approved by the city of Elgin on this_____day of _____,20___.

_____ _____
Subdivision Administrator Date

REVISION
DATES

_____
_____
_____
_____
_____

HEB — ELGIN SUBDIVISION

LOT 1, 1.979 ACRES OF LAND BEING A PORTION OF THAT
3.736 ACRE TRACT CONVEYED TO HEB GROCERY COMPANY, LP
BY DEED RECORDED IN VOLUME 2198, PAGE 467,
OUT OF THE JONATHON BURLESON SURVEY, ABSTRACT 18
AND THE E. STANDIFORD SURVEY, ABSTRACT 59
CITY OF ELGIN, BASTROP COUNTY, TEXAS.

H.A. KUEHLEM
PROFESSIONAL SURVEYORS
A Baseline Company
H.A. KUEHLEM | TxSurv F-10059500
14305 Northbrook Dr., Ste 130, San Antonio, Tx 78232
210.490.7847 | HAKUEHLEM.COM

Attachment 4

Site Rendering

1 BRICK VENEER WAINSCOT - EVOLUTION BRICK "SIERRA TUMBLED"

2 METAL TO MATCH SOTREFRONT

3 FIBER CEMENT PANELS AND MATCHING ALUM. TRIMS - NICHIHA "VINTAGE WOOD - CEDAR"

4 PAINTED STUCCO WALL FINISH - PPG CUSTOM - "TANNERS TAUPE" (FINISH SIMILAR TO TAN STUCCO PROVIDED AT ADJACENT HEB RETAIL STRIP CENTER)

5 L.E.D. PARAPET LIGHT BAND (SIMILAR RED HORIZONTAL ELEMENT PROVIDED AT ADJACENT HEB RETAIL STRIP CENTER)

6 CLEAR ANODIZED METAL CANOPY

EXTERIOR MATERIAL KEY NOTES

1. BRICK VENEER WAINSCOT - EVOLUTION BRICK "SIERRA TUMBLED" (EB-1G)
2. STACKED-BOND EXTERIOR CERAMIC TILE - GRANITI GIANDRE "SENSIBLE STONE - RED NATURAL" - 12" x 24" (ECT-1G)
3. FIBER CEMENT PANELS AND MATCHING ALUM. TRIMS - NICHIHA "VINTAGE WOOD - CEDAR" (EF-9)
4. PAINTED STUCCO WALL FINISH - PPG CUSTOM - "TANNERS TAUPE" (EF-1G)
5. L.E.D. PARAPET LIGHT BAND BY LEKTRON - REFER TO BURGER KING APPROVED SIGN SUPPLIERS
6. CLEAR ANODIZED METAL CANOPY (MP-3G)
7. PAINTED METAL COPING - W.P. HUICKMAN PERMA SNAP PLUS, FACTORY COLOR A-30 "SILVERSMITH" (MC-1G)
8. PAINTED METAL COPING - W.P. HUICKMAN PERMA SNAP PLUS, FACTORY FINISH TO MATCH PPG CUSTOM "TANNERS TAUPE" (MC-2G)
9. PAINTED METAL COPING - W.P. HUICKMAN PERMA SNAP PLUS, PPG CUSTOM "CEDAR" (MC-3G)

NOTE; ALL BURGER KING FINISHES AS PER GARDEN GRILL FINISH SCHEDULE

PLANNING REQUIREMENTS 13

MAIN ENTRY RENDERING 3
3/16"=1'-0"

DRIVE-THRU RENDERING 1
N.T.S.

METHOD architecture
2921 E 17TH STREET, UNIT B, SUITE 200
AUSTIN, TEXAS 78702
(512) 478 - 0970

REGISTERED ARCHITECT
TAYLOR MOSBY
26467
STATE OF TEXAS

04/17/20

METHOD ARCHITECTURE, LLC
© COPYRIGHT 2020
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NW PETROLEUM
BURKER KING - ELGIN, TEXAS
ELGIN, TX 78621

SHEET:
MASTER ARCHITECTURAL PLAN

REVISIONS:

0	04/17/20 - ISSUE FOR PERMIT

TL: AM / DE: NM

DATE: 04-17-2020

PROJECT:
MA3030

SHEET:
A3.01

Development Services Department

STAFF REPORT

Eagles Landing Phase II Preliminary Plat

Time Extension

File Number: 202000277

Date: May 5, 2020

Applicant: Tack Development, LTD.

Representative: SAME

Hearing Dates: Planning & Zoning Commission – May 18, 2020

Location: Travis Co. Appraisal District PIN # 576925 (End of Eagles Landing Dr.)

APPLICATION SUMMARY
Consideration of a time extension for Eagles Landing Phase II Preliminary Plat.

DEVELOPMENT SERVICES DEPARTMENT COMMENTS
The original Eagles Landing Phase II Preliminary Plat was approved by the Commission on February 27, 2017 with the expiration of the Plat to occur within three (3) years of this date (February 27, 2020) in accordance with the old Subdivision Code. There was an option in this old Subdivision Code to seek an extension of one (1) additional year as approved by the Commission. Our Council passed a new subdivision code on December 3, 2019 which removed this extension and makes the life of preliminary plats only for two (2) years unless a final plat is recorded on all or a part of it. If a final plat is recorded on a part of it, then every (2) years there must be a final plat approved on a minimum ten percent (10%) of the area. Therefore, under the new Subdivision Code a final plat would need to have been recorded on all or part of the Preliminary Plat by February 27, 2019. There was never a final plat recorded on the original preliminary plat, hence it had expired, and a new preliminary plat needed approval from the Commission.

On February 19, 2020 the developers for the Eagles Landing Subdivision requested a one (1) year extension on the Phase II Preliminary Plat, unaware that a new subdivision code had been passed by the City. In a Staff response to the applicant, they were made aware this new Subdivision Code was in effect and an extension could not be granted for the originally approved Preliminary Plat. However, the applicant was made aware that under Chapter 245, Texas Local Government Code a vesting request could be granted by the City from portions of the new Subdivision Code.

On March 16, 2020 the applicant requested a vesting from Section 35-30.k under the new Subdivision Code, which expired their Preliminary Plat. In consultation with the City Attorney, City Staff granted this vesting request. Therefore, the three (3) year expiration date (on February 27, 2020) and ability to seek a one (1) year extension (until February 27, 2021) from the old Subdivision Code were valid as this was the Code in effect at the time. Because of the vesting approval, the timeframe extension was now valid and could be considered by the Commission.

Therefore, the applicant is requesting the Commission approve a one (1) year extension of the Eagles Landing Phase II Preliminary Plat with expiration to occur on February 27, 2021.

STAFF ANALYSIS

In review of the documentation provided with the packet, Staff has no issues or concerns with this request.

ATTACHMENTS

Additional information is provided through attached exhibits.

1. Staff Vesting Letter.
2. Approved Preliminary Plat.

Attachment 1
Staff Vesting Letter

March 3, 2017

SREF Eagles Landing, LP
2944 N 44th Street, Suite 250
Phoenix, AZ 85018-7290

Dear Sir or Madam:

The City of Elgin Planning and Zoning Commission met on Monday, February 27, 2017 to review the proposed Concept Plan and proposed Preliminary Plat for the Eagles Landing Subdivision, Phase 2 which was submitted by Jacobs Engineering Group, Inc. on your behalf.

The outcome of that meeting was the approval of both the Conceptual Plan and the Preliminary Plat. An unofficial (unsigned) copy of the minutes from that meeting are attached. Per Chapter 36, Section 30(g), City of Elgin Code of Ordinances; the approval of a preliminary plat **expires at the end of three years**. The code also states that if a written request from the subdivider is received prior to the end of the three-year period, the planning and zoning commission may grant an extension for up to one additional year.

Please do not hesitate to call our office if you require additional information on this matter.

Sincerely,

Cathy M. Cooke

Director of Planning and Development

Cc: Jenilee Mead, Jacobs Engineering Group, Inc.

TACK DEVELOPMENT, LTD

230 KLATTENHOFF LANE SUITE 100
HUTTO, TX 78634
512-846-1733

February 19, 2020

City of Elgin Planning Department
310 N Main St.
Elgin,TX 78621

Eagle's Landing Phase II

Dear Sir or Madam:

The approved Conceptual Plans and Preliminary Plat for Eagle's Landing Phase II is set to expire on February 27th, 2020. We officially request an extension of the expiration by one year for the Conceptual and Preliminary Plat.

Sincerely,

Tim Timmerman
President

From:	David Harrell
To:	Blake Reed
Cc:	KPerry@trcsolutions.com; Timothy Timmerman; Hejl, Lee & Associates, Inc.; Melissa Lipiec
Subject:	RE: Eagle"s Landing Phase II Extension Request
Date:	Friday, February 28, 2020 2:00:00 PM
Attachments:	Eagles Landing Phase 2 approval letter.pdf Eagle"s Landing Phase II Request for Extension.pdf

---

Mr. Reed:

This is a response to your letter from 2/19/2020 that was sent by email. In December 2019, the City Council approved a new subdivision ordinance. This ordinance replaced the previous subdivision ordinance which allowed for an extension of the plat and expiration of concept plans.

The Concept Plan under the new Subdivision Ordinance is not expired and is still active because a preliminary plat was originally approved before the two (2) year expiration date of February 27, 2019 (Sec. 36-29.l, City Code). Therefore, the City accepts this Plan is still active.

The Preliminary Plat under the new Subdivision Ordinance has expired because a final plat was not approved on all or a portion of the preliminary plat by February 27, 2019 (Sec 36-30.k, City Code). Another preliminary plat must be approved before any final plat may be approved in the area of the preliminary plat. Preliminary plat and final plat applications could be filed concurrently and scheduled for the same meeting if desired by the applicant.

It is recognized by the City that regulations exist under Chapter 245, TLGC regarding a vesting. If a vesting is desired from Section 36-30.k expiring the preliminary plat please indicate on letterhead that you wish to claim a vesting under Chapter 245, TLGC and indicate how it meets these standards. Once that information is received, we will research this item and respond accordingly with the request.

I've included your original letter and the letter sent from the City when the Concept Plan and Preliminary Plat was originally approved on February 27, 2017 as an attachment.

David Harrell, AICP
Development Services Director
Development Services Dept.
City of Elgin, TX
Direct: 512-229-3254
Main: 512-285-6641

From: Blake Reed <blake@timmermancapital.com>
Sent: Wednesday, February 19, 2020 3:26 PM
To: Melissa Lipiec <mlipiec@ci.elgin.tx.us>
Cc: David Harrell <dharrell@ci.elgin.tx.us>; KPerry@trcsolutions.com; Timothy Timmerman <tim@timmermancapital.com>; Hejl, Lee & Associates, Inc. <hlainc@austin.rr.com>; Planning and Development <planninganddevelopment@ci.elgin.tx.us>
Subject: Eagle's Landing Phase II Extension Request

Melissa-

Please see the attached request for extension of the Eagle's Landing Phase II Conceptual Plan and Preliminary Plat. Please let me know if this needs to be mailed or hand delivered as well.

Thanks,

Blake Reed
512-496-8668

TACK DEVELOPMENT, LTD

230 KLATTENHOFF LANE SUITE 100
HUTTO, TX 78634
512-846-1733

March 16, 2020

City of Elgin Planning Department
310 N Main St.
Elgin, TX 78621

RE: Eagle's Landing Phase II Extension Request

Dear Mr. Harrell:

I am writing you in response to your email dated 2/28/2020. On 2/19/2020, we requested an extension of the preliminary plat and related vesting based on the procedures outlined in the letter provided with the approval of the preliminary plat by the city. This letter states the preliminary plat can be extended by 1 year if received before the expiration of the preliminary plat. As we submitted the request for extension in advance of the plat expiring, we feel we are vested under Chapter 245 of the Texas Local Government Code and the related city code.

Sincerely,

Tim Timmerman
President

March 26, 2020

RE: Vesting Request for Concept Plan & Preliminary Plat for Eagles Landing Phase II.

To Whom It May Concern:

The City of Elgin is now operating under a new subdivision ordinance that was passed by the City Council on December 3, 2019. This ordinance replaced the previous subdivision ordinance which allowed for an extension of the preliminary plat and concept plan beyond the original expiration timeframe.

The Concept Plan under the new Subdivision Ordinance is not expired and is still active because a preliminary plat was originally approved before the two (2) year expiration date of February 27, 2019 (Sec. 36-29.l, City Code). Therefore, the City accepts this Plan is still active and not needing a vesting determination.

Under the new subdivision ordinance the Preliminary Plat has expired because a final plat was not approved on all or a portion of the preliminary plat by February 27, 2019 (Sec 36-30.k, City Code). On March 16, 2020 a letter was submitted from Tack Development, LTD seeking a vesting from Section 36-30.k, City Code since the original permit filing for the Preliminary Plat occurred before the new Subdivision Ordinance took effect.

In researching this item, it is my opinion that the Preliminary Plat approved by the Planning & Zoning Commission on February 27, 2017 is vested pursuant to Ch. 245, TLGC, since it pre-dates December 3, 2019. Therefore, under the rules in effect at the time, an extension can be requested if a letter is received by the Development Services Department by February 27, 2020. Initially the City received this letter for a concept plan and preliminary plat extension on February 19, 2020 asking for the maximum period of one (1) year allowed by the rules in effect at the time. Since the preliminary plat vesting has been determined and the extension letter submitted in the allowed timeframe the City will set this item for the next available Planning & Zoning Commission meeting date.

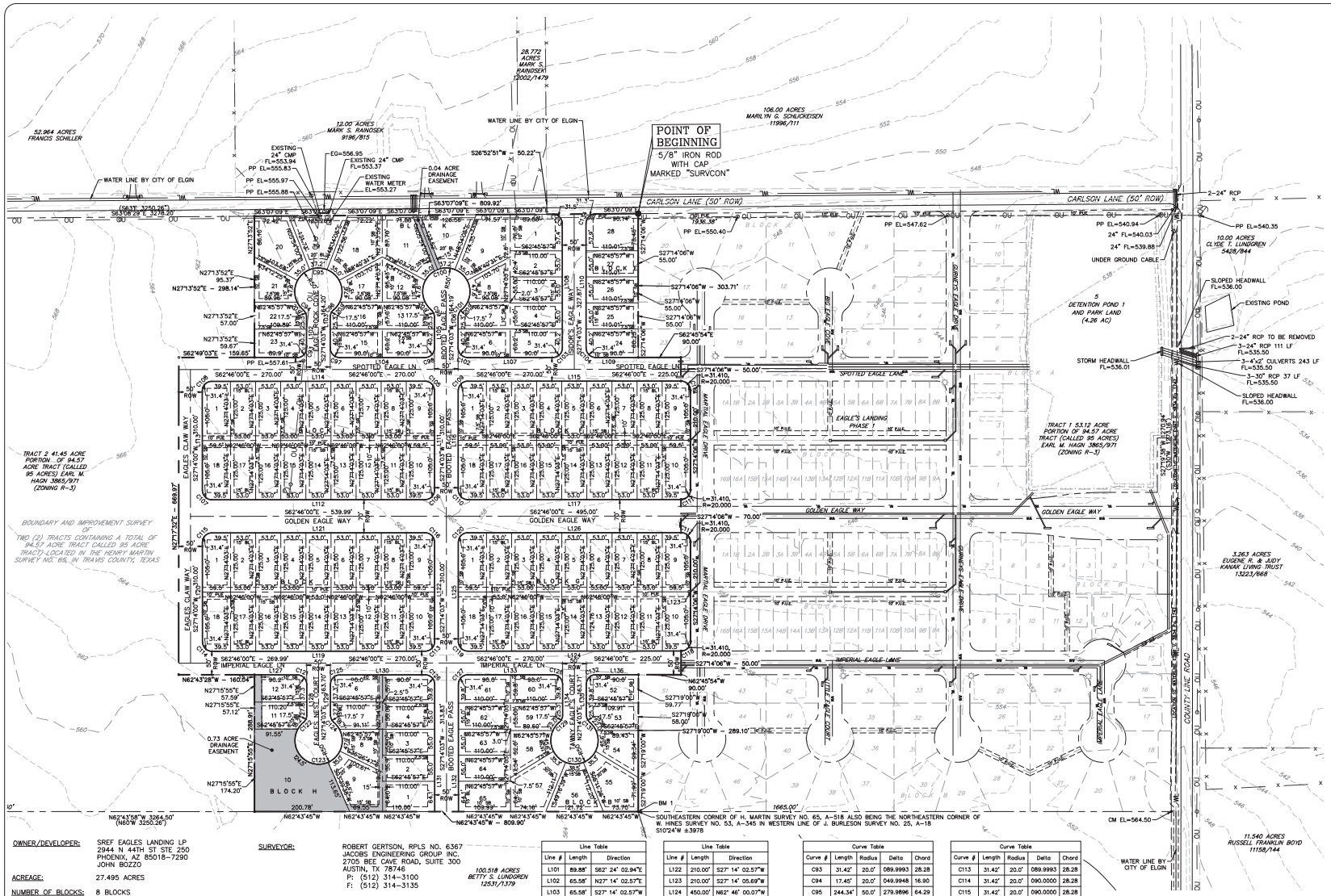
Respectfully,

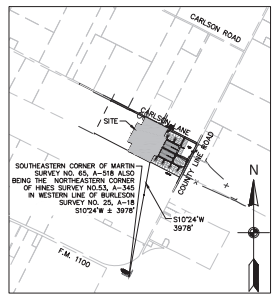
David Harrell, AICP

Development Services Director

P.O. Box 591 310 N Main St. Elgin, Texas 78621 Phone 512.281.5724

Attachment 2
Approved Preliminary Plat





VICINITY MAP

0 1,000' 2,000' 4,000'

SCALE: 1" = 2,000'

SCALE: 1" = 100'

LEGEND

- SITE BOUNDARY
- EXISTING RIGHT OF WAY LINE
- PROPOSED RIGHT OF WAY LINE
- PROPOSED LOT LINE
- PROPOSED BUILDING SETBACK
- PROPOSED EASEMENT

WATER UTILITY PROVIDER:	CITY OF ELGIN
WASTEWATER UTILITY PROVIDER:	CITY OF ELGIN
GAS UTILITY PROVIDER:	CENTERPOINT
ELECTRIC UTILITY PROVIDER:	ONCOR

BENCHMARK INFORMATION

BM1: 1/2" IRON ROD AT SW CORNER OF PHASE 1 BOUNDARY, BEING AN ANGLE POINT IN THE REAR LOT LINE OF LOT 19, BLOCK B. ELEVATION=549.66

BM2: 1/2" IRON ROD WITH CAP LOCATED ON THE SOUTHWEST LINE OF SUBDIVISION PARENT TRACT, 1,935 FEET NORTHWEST OF BM #1. ELEVATION=558.25

LOT SIZES :

Lots under 6500 sf = 31
Lots between 6500-7500 sf = 82
Lots between 7500-9000 sf = 3
Lots over 9000 sf = 10

Average Single-Family Lot size = 7035 sf.

PAVING NOTES :

1. ALL STREETS TO BE HMAC WITH CONCRETE CURB AND GUTTER.
2. PAVEMENT WIDTHS ARE AS FOLLOWS :
   MAIN DRIVE – 49' TO BACK OF CURB
   ALL OTHER STREETS – 31' TO BACK OF CURB
3. ALL CUL-DE-SACS HAVE A 50' ROW RADIUS AND A PAVED RADIUS OF 40' TO FACE-OF-CURB.

OWNER/DEVELOPER:	SREF EAGLES LANDING LP 2944 N 44TH ST STE 250 PHOENIX, AZ 85018-7290 JOHN BOZZO
ACREAGE:	27.495 ACRES
NUMBER OF BLOCKS:	8 BLOCKS
NUMBER OF LOTS:	126 LOTS
LINEAR FEET OF NEW STREETS:	EAGLES CLAW WAY 620 LF SPOTTED EAGLE LANE 1,060 LF EAGLE ROCK COVE 164 LF BOOTED EAGLE PASS 1,098 LF ISIDOR'S EAGLE WAY 328 LF GOLDEN EAGLE WAY 1,035 LF IMPERIAL EAGLE LANE 1,060 LF EAGLES NEST COURT 164 LF TAWNY EAGLE'S COURT 164 LF
DATE:	01/27/2017
ENGINEER:	JENILEE MEAD, PE NO. 118513 JACOBS ENGINEERING GROUP INC. 2705 BEE CAVE ROAD, SUITE 300 AUSTIN, TX 78746 P: (512) 314–3100 F: (512) 314–3135

SURVEYOR:

ROBERT GERTSON, RPLS NO. 6367
JACOBS ENGINEERING GROUP INC.
2705 BEE CAVE ROAD, SUITE 300
AUSTIN, TX 78746
P: (512) 314–3100
F: (512) 314–3135

LOT SUMMARY

PHASE 2	
SINGLE FAMILY	125
DRAINAGE	1
Subtotal	126

ELECTRIC NOTE :

These tracts are subject to an electric line easement of indeterminate width recorded in Vol. 682, Pg. 299 of the Deed Records of Travis County, Texas.

Line Table

Line #	Length	Direction
L101	89.88'	S62° 24' 02.94"E
L102	65.58'	N27° 14' 02.57"E
L103	65.58'	S27° 14' 02.57"W
L104	180.00'	S62° 46' 00.07"E
L105	65.57'	N27° 14' 02.57"E
L106	65.57'	S27° 14' 02.57"W
L107	180.00'	S62° 46' 00.07"E
L108	282.72'	N27° 14' 02.57"E
L109	90.01'	N62° 45' 38.15"W
L110	283.02'	N27° 14' 05.70"E
L111	210.00'	S27° 14' 02.57"W
L112	449.99'	N62° 46' 00.07"W
L113	210.00'	N27° 13' 59.93"E
L114	449.99'	S62° 46' 00.07"E
L115	450.01'	N62° 45' 54.53"W
L116	210.00'	S27° 14' 02.57"W
L117	450.00'	S62° 45' 57.30"E
L119	449.99'	N62° 46' 00.07"W
L120	210.00'	N27° 13' 59.93"E
L121	449.99'	S62° 46' 00.07"E

Line Table

Line #	Length	Direction
L122	210.00'	S27° 14' 02.57"W
L123	210.00'	S27° 14' 05.69"W
L124	450.00'	N62° 46' 00.07"W
L125	210.00'	N27° 14' 02.57"E
L126	450.00'	S62° 45' 57.30"E
L127	90.17'	S62° 32' 51.96"E
L128	65.08'	S27° 14' 02.57"W
L129	65.08'	N27° 14' 02.57"E
L130	180.00'	S62° 46' 00.07"E
L131	268.82'	S27° 13' 59.28"W
L132	268.85'	N27° 13' 59.28"E
L133	180.00'	S62° 46' 00.07"E
L134	65.09'	S27° 14' 02.57"W
L135	65.09'	N27° 14' 02.57"E
L136	90.00'	S62° 46' 05.83"E

Curve Table

Curve #	Length	Radius	Delta	Chord
C93	31.42'	20.0'	089.9993	28.28
C94	17.45'	20.0'	049.9948	16.90
C95	244.34'	50.0'	279.9896	64.29
C96	17.45'	20.0'	049.9948	16.90
C97	31.42'	20.0'	090.0007	28.28
C98	31.42'	20.0'	089.9993	28.28
C99	17.45'	20.0'	049.9948	16.90
C100	244.34'	50.0'	279.9896	64.29
C101	17.45'	20.0'	049.9948	16.90
C102	31.42'	20.0'	090.0007	28.28
C103	31.42'	20.0'	089.9993	28.28
C104	31.42'	20.0'	090.0007	28.28
C105	31.42'	20.0'	090.0007	28.28
C106	31.42'	20.0'	089.9993	28.28
C107	31.42'	20.0'	090.0000	28.28
C108	31.42'	20.0'	090.0000	28.28
C109	31.42'	20.0'	089.9993	28.28
C110	31.42'	20.0'	090.0007	28.28
C111	31.41'	20.0'	089.9827	28.28
C112	31.41'	20.0'	089.9827	28.28

Curve Table

Curve #	Length	Radius	Delta	Chord
C113	31.42'	20.0'	089.9993	28.28
C114	31.42'	20.0'	090.0000	28.28
C115	31.42'	20.0'	090.0000	28.28
C116	31.42'	20.0'	090.0007	28.28
C117	31.41'	20.0'	089.9827	28.28
C118	31.41'	20.0'	089.9827	28.28
C119	31.42'	20.0'	090.0007	28.28
C120	31.42'	20.0'	089.9993	28.28
C121	31.42'	20.0'	090.0007	28.28
C122	244.34'	50.0'	279.9896	64.29
C123	244.34'	50.0'	279.9896	64.29
C124	244.34'	50.0'	279.9896	64.29
C125	31.42'	20.0'	089.9993	28.28
C126	31.42'	20.0'	090.0007	28.28
C127	31.42'	20.0'	089.9993	28.28
C128	31.42'	20.0'	090.0007	28.28
C129	244.34'	50.0'	279.9896	64.29
C130	244.34'	50.0'	279.9896	64.29
C131	244.34'	50.0'	279.9896	64.29
C132	31.42'	20.0'	089.9993	28.28

Curve Table

Curve #	Length	Radius	Delta	Chord
C133	31.54'	20.0'	090.3533	28.28
C134	31.29'	20.0'	089.6458	28.28

NOTES :

1. THE BEARINGS SHOWN HEREON ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM NAD83 (2011 ADJUSTMENT) TEXAS CENTRAL ZONE (4203)
2. THE PROPERTY SHOWN HEREON DOES NOT LIE WITHIN THE 25– OR 100–YEAR FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL INSURANCE ADMINISTRATION BOUNDARY MAP PANELS NO. 48453C0320H & 48453C0510H DATED SEPTEMBER 26, 2008.
3. THIS PROPERTY TO BE ZONED AS R3 SINGLE FAMILY DWELLING DISTRICT AND SHALL COMPLY WITH THE USAGE AND BUILDING LINE REQUIREMENTS AS SET FORTH IN CHAPTER 11 – ZONING REQUIREMENTS OF THE CITY OF ELGIN.
4. THE PRELIMINARY PLAT CONFORMS TO THE ADOPTED CONCEPT PLAN.

CAUTION:

CONTRACTOR TO VERIFY ALL EXISTING UTILITIES VERTICALLY AND HORIZONTALLY PRIOR TO CONSTRUCTION. CONTRACTOR TO NOTIFY THE ENGINEER IMMEDIATELY OF ANY DISCREPENCIES.

WARNING!

THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE LOCATION OF UNDERGROUND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR AVOIDING ALL EXISTING UTILITIES BY CALLING TEXAS ONE CALL SYSTEM @ 811 FOR LOCATION OF ALL UTILITIES, AT LEAST 48 HOURS PRIOR TO BEGINNING CONSTRUCTION.

811 Know what's below. Call before you dig.

NO.	DATE	REVISION	BY

JACOBS®
TBPE Registration #F-2966
2705 Bee Cave Road, Suite 300
Austin, Texas 78746
(512) 314-3100 Fax (512) 314-3135

STATE OF TEXAS
JENILEE D. MEAD
118513
LICENSED PROFESSIONAL ENGINEER

March 1, 2017

PRELIMINARY PLAT

EAGLES LANDING SUBDIVISION PHASE 2 PRELIMINARY PLAT

ELGIN, TEXAS

DEVELOPER:
DRAWN/DESIGNED BY: R.C.
L.T.
SR. PROJECT MANAGER: A. EMMS
JACOBS PROJECT: WAM5800

SHEET 1 OF 1

L:\WAM5800 Eagles Landing\700 CADD\702 Civil\703.5 Sheets\Preliminary Plat Application Set\WAM5800001

MINUTES
PLANNING AND ZONING COMMISSION
PUBLIC HEARING-REGULAR MEETING
MONDAY, FEBRUARY 27, 2017 – 6:30 PM

1. **CALL TO ORDER** Chairman Antonio Prete called the meeting to order at 6:33 PM.

PRESENT: Geno Chavarria, Antonio Prete, Dorothy McCarther, David Lanford, Rudy L. Ramirez, Staff: Gary N. Cooke, Melissa Lipiec, Carlos Navejas, Michael Hinds, Beau Perry-TRC Solutions

ABSENT: Ronnie Creppon, Brian Lundgren

Guest: Jenilee Mead of Jacobs Engineering Group, Inc., Barbara and Richard Ibis of 18812 Imperial Eagle Ln (left before the meeting officially started).

2. **PUBLIC COMMENT**: None

3. **MINUTES**: The minutes were reviewed and David Lanford made a motion to approve the minutes of the November 28, 2016 meeting as presented and Geno Chavarria seconded the motion. The motion passed with a vote of six (5) for and zero (0) against.

4. **UNFINISHED BUSINESS**
1. Franz Addition Corrections: Gary N. Cooke reminded the commission of the corrections that had been required of the Preliminary and Final plats and stated that they have been made. Geno Chavarria made a motion to approve both the Preliminary and the Final Plats of the Franz Addition as corrected. David Lanford seconded the motion and a vote was taken. The motion passed with a vote of five (5) for and zero (0) against.

5. **NEW BUSINESS**
1. REVIEW AND TAKE ACTION ON A CONCEPTUAL PLAT SUBMITTED BY JACOBS ENGINEERING GROUP, INC. FOR SREF EAGLES LANDING, LP, THE OWNERS OF THE PROPERTY LOCATED A ABS 518, SUR 65 MARTIN H, ACR 27.510, CITY OF ELGIN, TRAVIS COUNTY, TEXAS TO DIVIDE THEIR PROPERTY INTO ONE HUNDRED AND TWENTY-SIX (126) LOTS TO BE KNOWN AS "EAGLES LANDING SUBDIVISION PHASE 2". Gary N. Cooke informed the Commission that the Final Plat for Phase 2 had been approved by the Commission back in November of 2003. The owners have decided to re-plat eliminating the zero lot line duplexes. He noted that the proposed Conceptual Plat has been reviewed by Beau Perry and found to conform to the City's Subdivision requirements. Gary N. Cooke asked how many letters had been sent out. Melissa Lipiec responded that a total of forty-five (45) notices were sent to adjoining property owners. Antonio Prete stated that a tie across Carlson Lane was required in order to verify R.O.W. and that no curb returns were shown on Isidor's Eagle Way. He also noted that lots 57 and 55 of Block B in Tawny Eagle's Court did not have the required 35 feet of street frontage. Jenilee Mead of Jacobs Engineering Group, Inc. was at the meeting and made note of the required corrections. David Lanford made a motion to approve the Conceptual Plat of the Eagles Landing Subdivision, Phase 2 with the noted corrections. Dorothy McCarther seconded the motion and a vote was taken. The motion passed with a vote of five (5) for and zero (0) against.

2. REVIEW AND TAKE ACTION ON A PRELIMINARY PLAT SUBMITTED BY JACOBS ENGINEERING GROUP, INC. FOR SREF EAGLES LANDING, LP, THE OWNERS OF THE PROPERTY LOCATED A ABS 518, SUR 65 MARTIN H, ACR 27.510, CITY OF ELGIN, TRAVIS COUNTY, TEXAS TO DIVIDE THEIR PROPERTY INTO ONE HUNDRED AND TWENTY-SIX (126) LOTS TO BE KNOWN AS "EAGLES LANDING SUBDIVISION PHASE 2". Antonio Prete pointed out that several lots in Blocks J and I were showing building foundation outlines that appeared to encroach on

setbacks. Beau concurred and stated that it appeared that a layer needed to be turned off. Jenilee Mead made note of the issue. After a bit more discussion David Lanford made a motion to approve the Preliminary Plat of the Eagles Landing Subdivision, Phase 2 with the noted corrections. Rudy L. Ramirez seconded the motion and a vote was taken. The motion passed with a vote of five (5) for and zero (0) against.

6. **EXECUTIVE SESSION:** None

6. **ANNOUNCEMENTS:** Melissa Lipiec announced that no submittals had been received by the deadline for the March meeting. She also reported that staff has decided to wait for engineering approval prior to setting agendas. Antonio Prete asked about the possibility of having another workshop. Gary N. Cooke will talk to the City Attorney about having a Zoning Workshop soon.

7. **ADJOURNMENT:** 7:06 PM

~~Anotnio Prete~~ GENO CHAVARRIA
Chairman, Planning and Zoning Commission

ATTEST:

Gary N. Cooke
Secretary, Planning and Zoning Commission