



## Travis County Commissioners Court Agenda Request

**Meeting Date:** April 3, 2012

**Prepared By:** Darla Vasterling **Phone #:** 854-7564

**Division Director/Manager:** Anna M. Bowlin ACCP, Division Director of Development Services

AB

**Department Head:** Steven M. Manilla, P.E., County Executive-TNR

**Sponsoring Court Member:** Commissioner Davis, Precinct One

**AGENDA LANGUAGE:** Consider and take appropriate action on the following requests:

- A) The use of an Alternative Fiscal Agreement for the Commons at Rowe Lane Phase IIIB; and
- B) The use of a Cash Security Agreement for the Commons at Rowe Lane Phase IIIB.

### BACKGROUND/SUMMARY OF REQUEST:

The developer of the subject subdivision requests to enter into an alternative fiscal agreement with Travis County. Under the alternative fiscal agreement the plat will be held in abeyance while the street and drainage facilities are constructed. The developer also requests to enter into a cash security agreement with Travis County for the required fiscal.

### STAFF RECOMMENDATIONS:

The request has been reviewed by TNR staff and staff finds the use of the subject agreements meets all Travis County standards. As such, TNR staff recommends the approval of the proposed motions.

### ISSUES AND OPPORTUNITIES:

Under Alternative Fiscal the County Executive of TNR holds the plat in abeyance and, upon completion of the items listed below, the Division Director of Planning and Engineering Services authorizes the issuance of a Basic Development Permit for construction of streets and drainage facilities.

### Plat Status

Staff has reviewed the plat and all comments have been addressed. It meets current standards and has everything in place such that it could be recommended for approval and recordation at this time. It is the City of Pflugerville's procedure not to approve the plat until the improvements are built.

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March 21, 2012

#### Restoration/Erosion Control Fiscal

The fiscal for the subdivision restoration and improvements have been posted with Travis County using a Cash Security Agreement. The posted amount is \$141,286.00.

#### Access to Publicly Maintained Road

The Commons at Rowe Lane Phase IIIB takes access from Windmill Ridge Street in Commons at Rowe Lane Phase IIA, Wind Vane West in Commons at Rowe Lane IIC, and Meridan Boulevard in the Commons at Rowe Lane Phase IIIA. Commons at Rowe Lane Phase IIA, IIC, and Phase IIIA are all maintained by Travis County.

#### Waste Water Service

Wastewater service for this subdivision will be provided by the City of Pflugerville.

#### Construction Plans and Engineer's Estimate of Construction Cost Approved

All comments by Travis County staff have been addressed and the reviewer is prepared to sign the cover sheets of the plans and issue permit #11-1881. The estimated cost of the improvements is \$1,493,856.30. This amount includes all costs related to the construction of all streets and drainage facilities (including temporary erosion controls and all structures contributing to the total detention.

The developer has signed the attached statement acknowledging that this action does not imply or guarantee plat approval by the Commissioners Court and that he/she understands the constraints related to the use of alternate fiscal. An Extension of Sixty-Day Period for Completed Plat Application Final Action is also included.

#### **FISCAL IMPACT AND SOURCE OF FUNDING:**

None

#### **ATTACHMENTS/EXHIBITS:**

Alternative Fiscal Acknowledgment  
Legal Description  
Extension of Sixty-Day Period  
Cash Security Agreement  
Proposed Plat  
Location Map

**REQUIRED AUTHORIZATIONS:**

Cynthia McDonald	Financial Manager	TNR	854-4239
Steve Manilla	County Executive	TNR	854-9429
Anna Bowlin	Division Director, Development Services	TNR	854-7561

**CC:**

John Ellis	Engineering Review	TNR	854-9805
Joe Arriaga	Subdivision Planner	TNR	854-7687

**AB:SM:dv**

**1101 - Development Services -**

**1105 - Subdivision - the Commons at Rowe Lane Phase IIIB**

§ EXHIBIT 82.401 (D)

ALTERNATIVE FISCAL POLICY REQUEST AND ACKNOWLEDGMENT

STATE OF TEXAS           §

COUNTY OF TRAVIS       §

TO THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS:

The undersigned Owner proposes to subdivide that certain tract of land more particularly described in **Exhibit "A"**, which is attached hereto and made a part hereof. The Owner requests that Travis County's Transportation and Natural Resources Department ("TNR") hold the proposed plat of land in abeyance until all of the proposed subdivision Improvements have been constructed to Travis County Standards for the Construction of Streets and Drainage in Subdivisions (the "Standards") to the satisfaction of the County Executive of TNR. In order to qualify for this Alternative Fiscal Policy, the proposed subdivision must meet the access criteria set forth in the Standards.

Under this Policy, the Owner is not required to post fiscal Security to secure the construction of the Improvements, but is required to obtain a Travis County Basic Development Permit. The owner will be required to post fiscal for boundary streets improvements if they are not to be completed during the construction of the Improvements. Additionally, the Owner shall file Security with the submitted Final Plat to secure restoration of disturbed areas should construction not be completed.

Upon satisfactory completion of the Improvements, the submitted plat shall be forwarded by TNR to the Commissioners Court for approval and recording.

If the Owner elects to proceed under this option, the Owner acknowledges and agrees that, until the plat is filed, the Owner may not use the proposed subdivision's description in a contract to convey real property, unless the conveyance is expressly contingent on the recording and approval of the final plat and the purchaser is not given the use or the occupancy of the real property before the recording of the final plat, under penalty of prosecution under Section 12.002 of the Texas Property Code. In addition, the approval of Alternative Fiscal in no way constitutes approval of the proposed plat.

If the plat is to be approved and filed, the Owner must post Security in the amount of 10% of the cost of the completed Improvements and 100% of the cost of the incomplete Improvements to secure the performance of the construction of the Improvements for one year, or more, from the date of the approval of the plat and acceptance of the dedication by the County.

Alternative Fiscal

Executed this 14 day of February, 2012

OWNER: Commons At Roue Lane, LP Address: 2929 W. 5th St, Ste. A

By: Roue Commons Corp, GP Fr Worth, TX 76107

Name: Lee Nicol

Phone: 817. 332. 9600

Title: PRESIDENT

Fax: 817 332. 1400

Authorized Representative

TRAVIS COUNTY, TEXAS:

By: \_\_\_\_\_  
County Judge

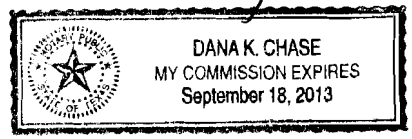
ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF ~~TRAVIS~~ TARRANT §

This instrument was acknowledged before me on the 14 day of February, 2012, by Lee Nicol in the capacity stated herein.

Dana K Chase  
Notary Public in and for the State of Texas



Dana K Chase  
Printed or typed name of notary

My Commission Expires: 09/18/2013

ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me by County Judge Samuel T. Biscoe, on the \_\_\_\_\_ day of \_\_\_\_\_, 20  , in the capacity stated herein.

\_\_\_\_\_  
Notary Public in and for the State of Texas

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Printed or typed name of notary

STATE OF TEXAS  
COUNTY OF TRAVIS

24.502 ACRE TRACT,  
SITUATED IN THE  
JACOB CASNER SURVEY,  
ABSTRACT NO. 2753,  
TRAVIS COUNTY, TEXAS

LEGAL DESCRIPTION

**DESCRIPTION OF A 24.502 ACRE TRACT OF LAND, SITUATED IN THE JACOB CASNER SURVEY, ABSTRACT NO. 2753, BEING A PORTION OF THAT CERTAIN 108.529 ACRE TRACT OF LAND CONVEYED TO THE COMMONS AT ROWE LANE, L.P., OF RECORD IN DOCUMENT NO. 2005022370 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN 71.402 ACRE TRACT OF LAND CONVEYED TO THE COMMONS AT ROWE LANE, L.P., OF RECORD IN DOCUMENT NO. 2007205045 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 24.502 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a Concrete Monument set for the northwest corner of the herein described tract, being also on the north line of said 108.529 acre tract, and being on the south line of that certain 10.032 acre tract of land conveyed to The Commons at Rowe Lane, L.P. of record in Document No. 2005045836 of the Official Public Records of Travis County, Texas;

**THENCE** S 82°29'22" E, with the north line of said 108.529 acre tract, the south line of said 10.032 acre tract, at 21.50 feet pass the northeast corner of said 108.529 acre tract, being also the northwest corner of said 71.402 acre tract, at 32.14 feet pass the southeast corner of said 10.032 acre tract, being also the southwest corner of Lot 9, Rolling Hills, a subdivision of record in Book 76, Page 277 of the Plat Record of Travis County, Texas, at 834.26 feet pass the southeast corner of said Lot 9, being also the southwest corner of Lot 10, of said Rolling Hills subdivision, for a total distance 1294.25 feet to a 1/2 inch iron rod found for the southeast corner of said Lot 10, being also an ell corner of said 71.402 acre tract;

**THENCE**, departing the south line of said Rolling Hills subdivision, over and across said 71.402 acre tract the following ten (10) courses and distances:

1. S 02°45'20" E, for a distance of 146.75 feet to a 1/2 inch iron rod with cap (ZWA) set on a curve to the left,
2. along said curve to the left, an arc distance of 186.12 feet, said curve having a radius of 570.00 feet, a central angle of 18°42'32" and a chord bearing of N 74°32'30" E for a chord distance of 185.30 feet to a 1/2 inch iron rod with cap (ZWA) set at the beginning of a compound curve to the left,

3. along said curve to the left, an arc distance of 23.99 feet, said curve having a radius of 15.00 feet, a central angle of 91°37'43" and a chord bearing of N 19°22'22" E for a chord distance of 21.51 feet to a 1/2 inch iron rod with cap (ZWA) set at the end of said curve,
4. N 63°48'55" E, for a distance of 50.00 feet to a 1/2 inch iron rod with cap (ZWA) set at the beginning of a curve to the left,
5. along said curve to the left, an arc distance of 23.56 feet, said curve having a radius of 15.00 feet, a central angle of 90°00'00" and a chord bearing of S 71°26'30" E for a chord distance of 21.21 feet to a 1/2 inch iron rod with cap (ZWA) set at the end of said curve,
6. S 26°26'30" E, for a distance of 60.00 feet to a 1/2 inch iron rod with cap (ZWA) set,
7. N 63°33'30" E, for a distance of 190.20 feet to a 1/2 inch iron rod with cap (ZWA) set at the beginning of a curve to the right,
8. along said curve to the right, an arc distance of 175.49 feet, said curve having a radius of 570.00 feet, a central angle of 17°38'23" and a chord bearing of N 72°22'42" E for a chord distance of 174.80 feet to a 1/2 inch iron rod with cap (ZWA) set at the end of said curve,
9. S 11°18'19" E, for a distance of 121.25 feet to a 1/2 inch iron rod with cap (ZWA) set, and
10. N 81°10'12" E, for a distance of 41.36 feet to a 1/2 inch iron rod found for an ell corner of said 71.402 acre tract, being also the northwest corner of Lot 28, Block A, Rolling Meadows Section One, a subdivision of record in Book 85, Page 47C of the Plat Record of Travis County, Texas, and being the northeast corner of the herein described tract;

**THENCE**, S 07°34'57" W, with the east line of said 71.402 acre tract and the west line of said Rolling Meadows, Section One, at 224.86 feet pass the southwest corner of said Lot 28, Block A, being also the northwest corner of Lot 27, Block A, of said Rolling Meadows, Section One subdivision, at 579.23 feet pass the southwest corner of said Lot 27, Block A, being also the northwest corner of Lot 12, Block A, of said Rolling Meadows, Section One subdivision, for a total distance of 643.00 feet to a 1/2 inch iron rod found for the southeast corner of the herein described tract, being also the northeast corner of The Commons At Rowe Lane, Phase II A, a subdivision of record in Document No. 200800219, of the Official Public Records of Travis County, Texas;

**THENCE**, departing the west line of said Rolling Meadows, Section One, over and across said 71.402 acre tract, being also along the north line of said The Commons At Rowe Lane, Phase II A, the following four (3) courses and distances

1. N 82°25'04" W, for a distance 210.35 feet to a 1/2 inch iron rod with cap (ZWA) found,

2. S 07°34'56" W, for a distance of 35.87 feet to a 1/2 inch iron rod with cap (ZWA) found, and
3. N 82°25'04" W, for a distance of 133.00 feet to a 1/2 inch iron rod with cap (ZWA) found for the most northerly northwest corner of said The Commons At Rowe Lane, Phase II A, being also the northwest corner of Lot 26, Block M of said The Commons At Rowe Lane, Phase II A, being also in the east line of proposed The Commons At Rowe Lane, Phase III A, from which a 1/2 inch iron rod with cap (ZWA) found for an ell corner in the north line of said The Commons At Rowe Lane, Phase II A, being also the southeast corner of said proposed The Commons At Rowe Lane, Phase III A, being also a point in the south line of said 71.402 acre tract, being also a point in the north line of said 108.529 acre tract, bears S 07°34'56" W, for a distance of 325.25 feet;

**THENCE**, departing the north line of said The Commons At Rowe Lane, Phase II A, over and across said 71.402 acre tract, being also in the east, north, and west lines of said proposed The Commons At Rowe Lane, Phase III A, the following twelve (12) courses and distances:

1. N 07°34'56" E, for a distance of 62.46 feet to a 1/2 inch iron rod with cap (ZWA) set,
2. N 01°11'05" W, for a distance of 59.26 feet to a 1/2 inch iron rod with cap (ZWA) set,
3. N 06°50'46" W, for a distance of 144.63 feet to a 1/2 inch iron rod with cap (ZWA) set,
4. N 26°26'30" W, for a distance of 166.76 feet to a 1/2 inch iron rod with cap (ZWA) set,
5. S 79°56'23" W, for a distance of 188.87 feet to a 1/2 inch iron rod with cap (ZWA) set,
6. N 86°01'24" W, for a distance of 75.15 feet to a 1/2 inch iron rod with cap (ZWA) set,
7. N 82°29'22" W, for a distance of 520.69 feet to a 1/2 inch iron rod with cap (ZWA) set,
8. S 16°44'31" E, for a distance of 132.41 feet to a 1/2 inch iron rod with cap (ZWA) set,
9. S 73°15'29" W, for a distance of 170.00 feet to a 1/2 inch iron rod with cap (ZWA) set,
10. S 16°44'31" E, for a distance of 258.10 feet to a 1/2 inch iron rod with cap (ZWA) set at the beginning of a curve to the right,
11. along said curve to the right, an arc distance of 51.81 feet, said curve having a radius of 575.00 feet, a central angle of 05°09'46" and a chord bearing of S 14°09'38" E for a chord distance of 51.79 feet to a 1/2 inch iron rod with cap (ZWA) set at the end of said curve, and
12. S 11°34'45" E, for a distance of 268.36 feet to a 1/2 inch iron rod with cap (ZWA) set for the southeast corner of said proposed The Commons At Rowe Lane, Phase III A, being also an angle point in the common line of said 71.402 acre tract and 108.529 acre tract, being also an angle point in the said north line of The Commons At Rowe Lane, Phase II



A, being also the northeast corner of Lot 2, Block H, a 1.315 acre Drainage Way and Parkland Lot of the said The Commons At Rowe Lane, Phase II A, being also the northwest corner of Meridian Boulevard;

**THENCE**, leaving the said proposed The Commons At Rowe Lane, Phase III A, along the said common line of said 71.402 acre tract and 108.529 acre tract, being also the north line of said The Commons At Rowe Lane, Phase II A, being also the north line of said Lot 2, Block H of said The Commons At Rowe Lane, Phase II A, S 72°46'45" W, passing at a distance of 296.69 feet, the southwest corner of said 71.402 acre tract, being also an ell corner in the north line of said 108.529 acre tract, for a total distance of 316.72 feet for the southwest corner of the of the herein described tract, also being in the east line of The Commons At Rowe Lane, Phase II B, a subdivision of record in Document No. 201100082, of the Official Public Records of Travis County, Texas, being also in the east line of Windmill Ranch Avenue;

**THENCE**, over and across said 108.529 acre tract and said 71.402 acre tract, being also in the said east line of The Commons At Rowe Lane, Phase II B, being also in the east line of said Windmill Ranch Avenue the following five (5) courses and distances:

1. N 17°13'15" W, for a distance of 851.03 feet to a 1/2 inch iron rod found at the beginning of a curve to the right,
2. along said curve to the right, passing at an arc distance of 33.92 feet, the said common line of 108.529 acre tract and 71.402 acre tract, for a total arc distance of 39.27 feet, said 39.27 foot curve having a radius of 25.00 feet, a central angle of 90°00'00" and a chord bearing of N 27°46'45" E for a chord distance of 35.36 feet to a 1/2 inch iron rod found at the end of said curve,
3. N 17°13'15" W, for a distance of 60.00 feet to a 1/2 inch iron rod found at the beginning of a curve to the right,
4. along said curve to the right, passing at an arc distance of 5.37 feet, the said common line of 71.402 acre tract and 108.529 acre tract, for a total arc distance of 39.27 feet, said 39.27 foot curve having a radius of 25.00 feet, a central angle of 90°00'00" and a chord bearing of N 62°13'15" W for a chord distance of 35.36 feet to a 1/2 inch iron rod found at the end of said curve, and
5. N 17°13'15" W, for a distance of 360.73 feet to the **POINT OF BEGINNING** and containing 24.502 acres of land.

**BEARING BASIS**

THE COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NAD83 (93) HARN. THE BEARINGS SHOWN ARE GRID BEARINGS. ALL DISTANCE SHOWN ARE SURFACE DISTANCES.

**REFERENCES**

ZWA PLAT NO. 11-1002-11 CARL III-B-Sheets 1-3.dwg

§ EXHIBIT 82.201(C)  
EXTENSION OF SIXTY-DAY PERIOD FOR  
COMPLETED PLAT APPLICATION FINAL ACTION

Date: 2.14.2012  
Owner's Name and Address: Commons at Rowe Lane, LP  
Rowe Commons Corp. GP  
2929 W. 5th  
Ft Worth, TX 76107

Proposed Subdivision Name and Legal Description (the "Property"):

COMMONS AT ROWE LANE PHASE III B

The undersigned Owner and the Executive Manager of Travis County Transportation and Natural Resources Department hereby agree that the sixty (60) day period for final action to be taken on a Completed Plat Application for the Property is hereby extended by mutual agreement and without compulsion until the date that all subdivision requirements have been met to Travis County standards to the satisfaction of the Executive Manager of TNR.

Executed and effective as of the date set forth below.

Owner: Rowe Commons Corp, GP  
By: [Signature]  
Name: Lee Nicol  
Title: President  
Authorized Representative

ACKNOWLEDGEMENT

STATE OF TEXAS  
COUNTY OF TRAVIS TARRANT

This instrument was acknowledged before me on the 14 day of February, 2012, by Lee Nicol of Travis County, Texas known to me personally or on the basis of an approved form of identification, in the capacity stated.

Notary Public, State of Texas

Dana K Chase

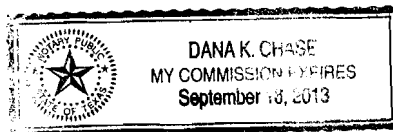
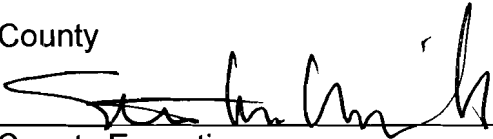


EXHIBIT 82.201(C)  
EXTENSION OF SIXTY DAY PERIOD – PAGE 2 OF 2

Travis County

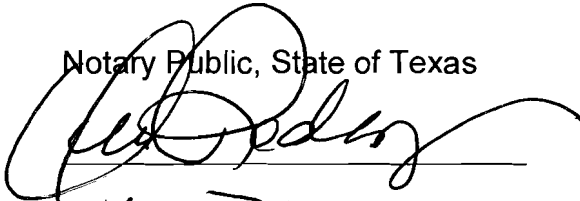
By:   
County Executive  
Travis County Transportation and Natural Resources Department

ACKNOWLEDGEMENT

STATE OF TEXAS  
COUNTY OF TRAVIS

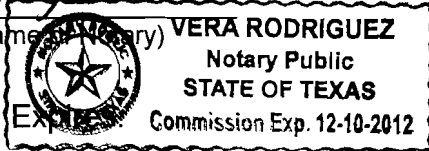
This instrument was acknowledged before me on the 22<sup>nd</sup> day of March,  
2012 by Steven M Manilla, P.E., County Executive of Travis County, Texas known to me  
personally or on the basis of an approved form of identification, in the capacity stated.

Notary Public, State of Texas

  
Vera Rodriguez

(Printed Name of Notary)

My Commission Expires



§ EXHIBIT 82.401 (C)

**CASH SECURITY AGREEMENT**

TO: Travis County, Texas

DEVELOPER: *Commons at Rowe Lane, LP  
Rowe Commons Corp, G.P.*

ESCROW AGENT: Travis County Treasurer

AMOUNT OF SECURITY: *\$141,286.00*

SUBDIVISION: *COMMONS AT ROWE LANE PHASE III B*

DATE OF POSTING: *3/28/12*

EXPIRATION DATE: Three Years, or more, from Date of Posting

The ESCROW AGENT shall duly honor all drafts drawn and presented in accordance with this CASH SECURITY AGREEMENT (this "Agreement"). Travis County (the "County") may draw on the account of the DEVELOPER up to the aggregate AMOUNT OF SECURITY upon presentation of a draft signed by the County Judge that the following condition exists:

The County considers such a drawing on this Security necessary to complete all or part of the SUBDIVISION Improvements to current Travis County Standards for the Construction of Roads and Drainage in Subdivisions (the "Standards). No further substantiation of the necessity of the draw is required by this Agreement.

This Agreement is conditioned on the performance of the duties of the DEVELOPER prior to the EXPIRATION DATE to provide for the construction and completion of the street and drainage Improvements in the SUBDIVISION to current Travis County Standards for the construction of Roads and Drainage in Subdivisions ("the "Standards"), so that the Improvements are performing to the Standards upon the approval of the construction of the Improvements and the acceptance of the public Improvements by the Commissioners Court and at the end of the public Improvement construction Performance Period, which commences upon the acceptance.

Partial drafts and reductions in the amount of Security are permitted. Upon the acceptance of the Improvements, the Security will be reduced to ten percent of the cost of the public Improvements. Drafts will be honored within five calendar days of presentment. In lieu of drawing on the Security, the County, in its discretion, may accept a substitute Security in the then current amount of the estimated cost of constructing the Improvements. This Agreement may be revoked only by the written consent of the DEVELOPER and the COUNTY.

DEVELOPER

ADDRESS OF DEVELOPER

By: Commons at Power Lane, CP  
Power Commons Corp GP

2929 W. 5th, Ste. A  
Ft Worth, TX 7607

Name: Lee Nicol

Title: Lee Nicol  
PRESIDENT

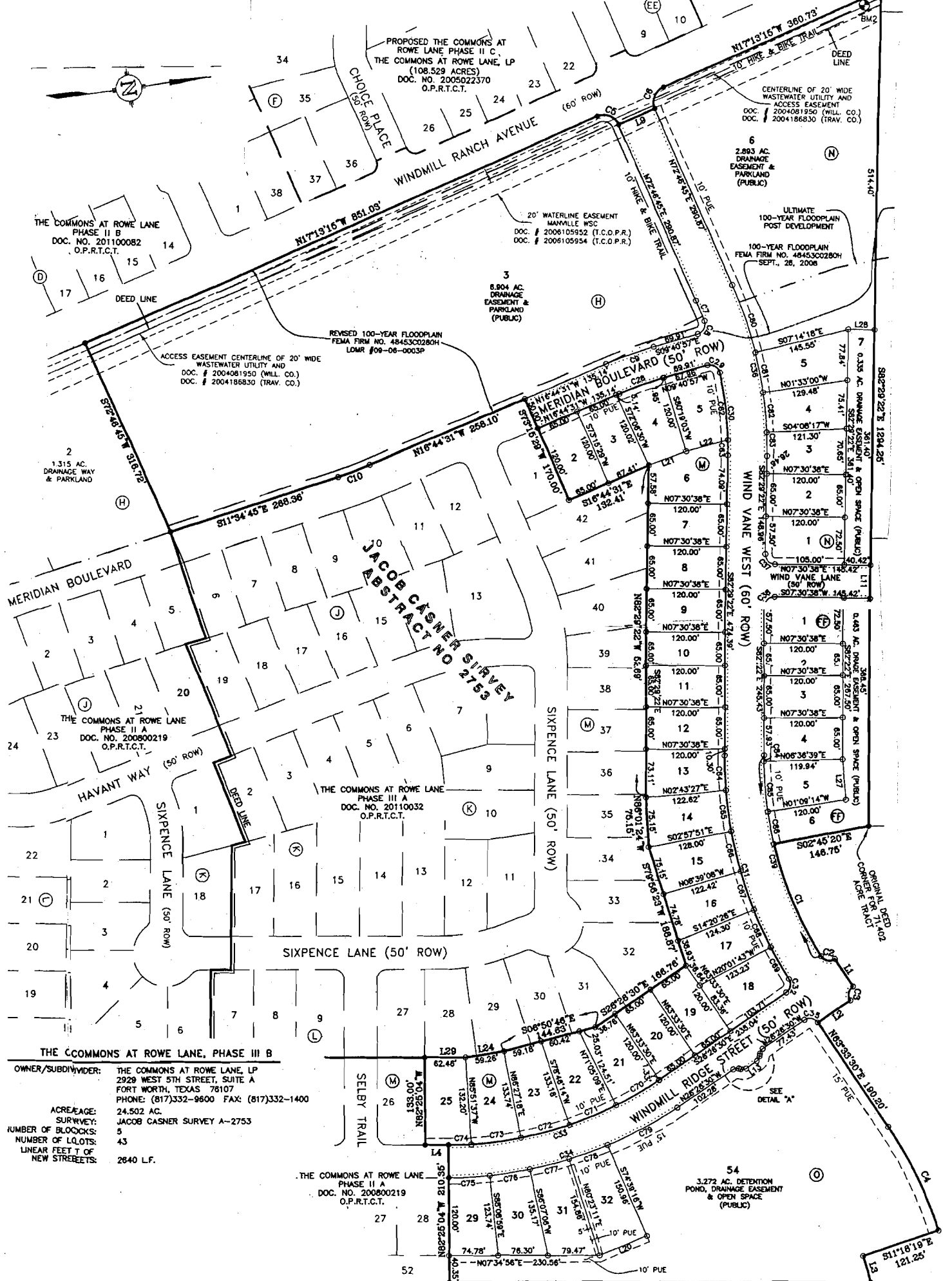
Date: 2.14.2012

Phone: 817-332-9600

APPROVED BY THE TRAVIS COUNTY COMMISSIONERS COURT: \_\_\_\_\_  
Date

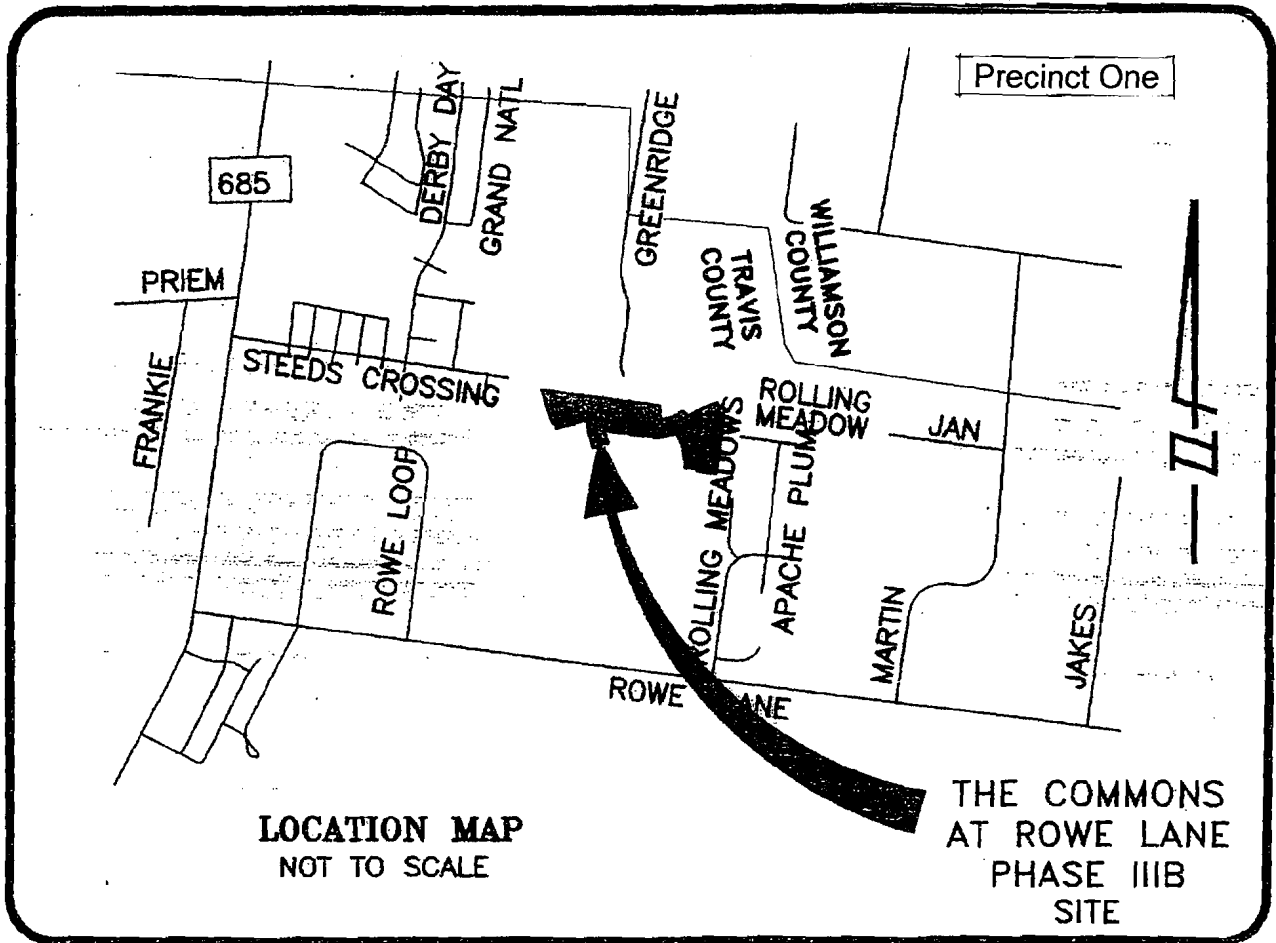
\_\_\_\_\_  
COUNTY JUDGE, TRAVIS COUNTY, TEXAS

**THE COMMONS AT ROWE LANE  
PHASE III B**



**THE COMMONS AT ROWE LANE, PHASE III B**  
 OWNER/SUBDIVIDER: THE COMMONS AT ROWE LANE, LP  
 2929 WEST 5TH STREET, SUITE A  
 FORT WORTH, TEXAS 76107  
 PHONE: (817)332-9600 FAX: (817)332-1400  
 ACREAGE: 24.502 AC.  
 SURVEY: JACOB CASNER SURVEY A-2753  
 NUMBER OF BLOCKS: 5  
 NUMBER OF LOTS: 43  
 LINEAR FEET OF NEW STREETS: 2640 L.F.

THE COMMONS AT ROWE LANE  
 PHASE II A  
 DOC. NO. 200800219  
 O.P.R.T.C.T.



**LOCATION MAP**  
NOT TO SCALE

LOCATION MAP