



## Travis County Commissioners Court Agenda Request

**Meeting Date:** May 22, 2012

**Prepared By:** Michael Hettenhausen Phone #: 854-7563

**Division Director/Manager:** Anna Bowlin, Division Director, Development Services

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

**Sponsoring Court Member:** Commissioner Eckhardt, Precinct Two

AB

### **AGENDA LANGUAGE:**

Consider and take appropriate action on the following requests:

- A) Wells Branch Center Subdivision Final Plat (Short Form Plat – 15 Lots – 45.58 acres – IH-35 frontage road - City of Austin ETJ); and
- B) Approval of a Construction Agreement for Wells Branch Center Subdivision Final Plat in Precinct Two.

### **BACKGROUND/SUMMARY OF REQUEST:**

This final plat subdivision consists of 15 non-residential lots, platted from the southbound IH-35 frontage road north of Wells Branch Parkway. There are no new public or private streets proposed with this plat. The City of Austin is the park provider, and parkland dedication will be satisfied through a recorded restrictive covenant that states each site plan will be responsible for satisfying parkland fees in lieu of dedication. Water and wastewater service will be provided by the City of Austin. Non-residential notification was sent with the associated preliminary plan.

The applicant entered into an alternative fiscal agreement with Travis County on October 19 2010, and has now posted the appropriate remaining fiscal (\$274,006.63) with the City of Austin for the plat to be approved by Travis County and recorded.

### **STAFF RECOMMENDATIONS:**

This final plat was approved by the City of Austin's Zoning and Platting Commission on September 7, 2010, and Single Office staff recommends approval of this final plat.

### **ISSUES AND OPPORTUNITIES:**

Staff has not received any inquiries from any adjacent property owners concerning this project.

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

N/A

**EXHIBITS/ATTACHMENTS:**

- Precinct map
- Location map
- Proposed Plat
- Construction Agreements

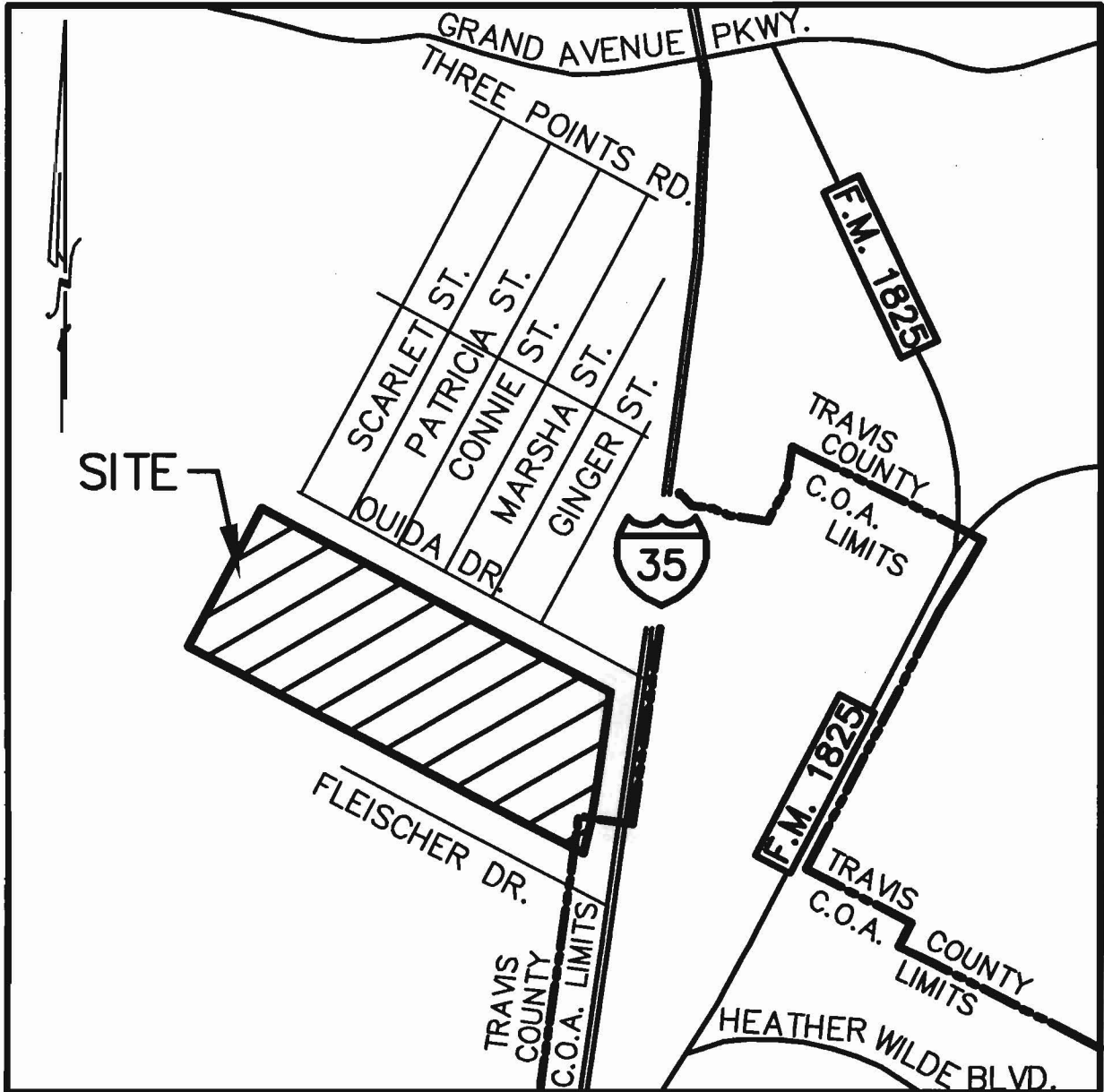
**REQUIRED AUTHORIZATIONS:**

Cynthia McDonald	Financial Manager	TNR	854-4239
Steve Manilla	County Executive	TNR	854-9429

**CC:**


**SM:AB:mh**  
**1101 - Development Svs- Wells Branch Center Subdivision Final Plat**

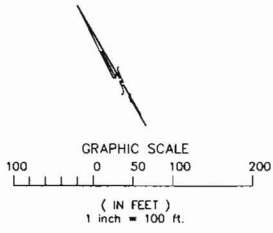




LOCATION MAP

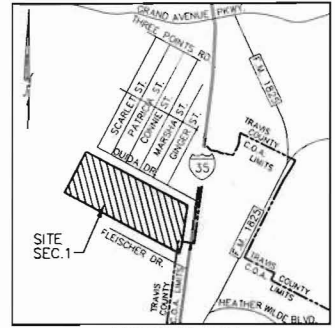
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# WELLS BRANCH CENTER SUBDIVISION

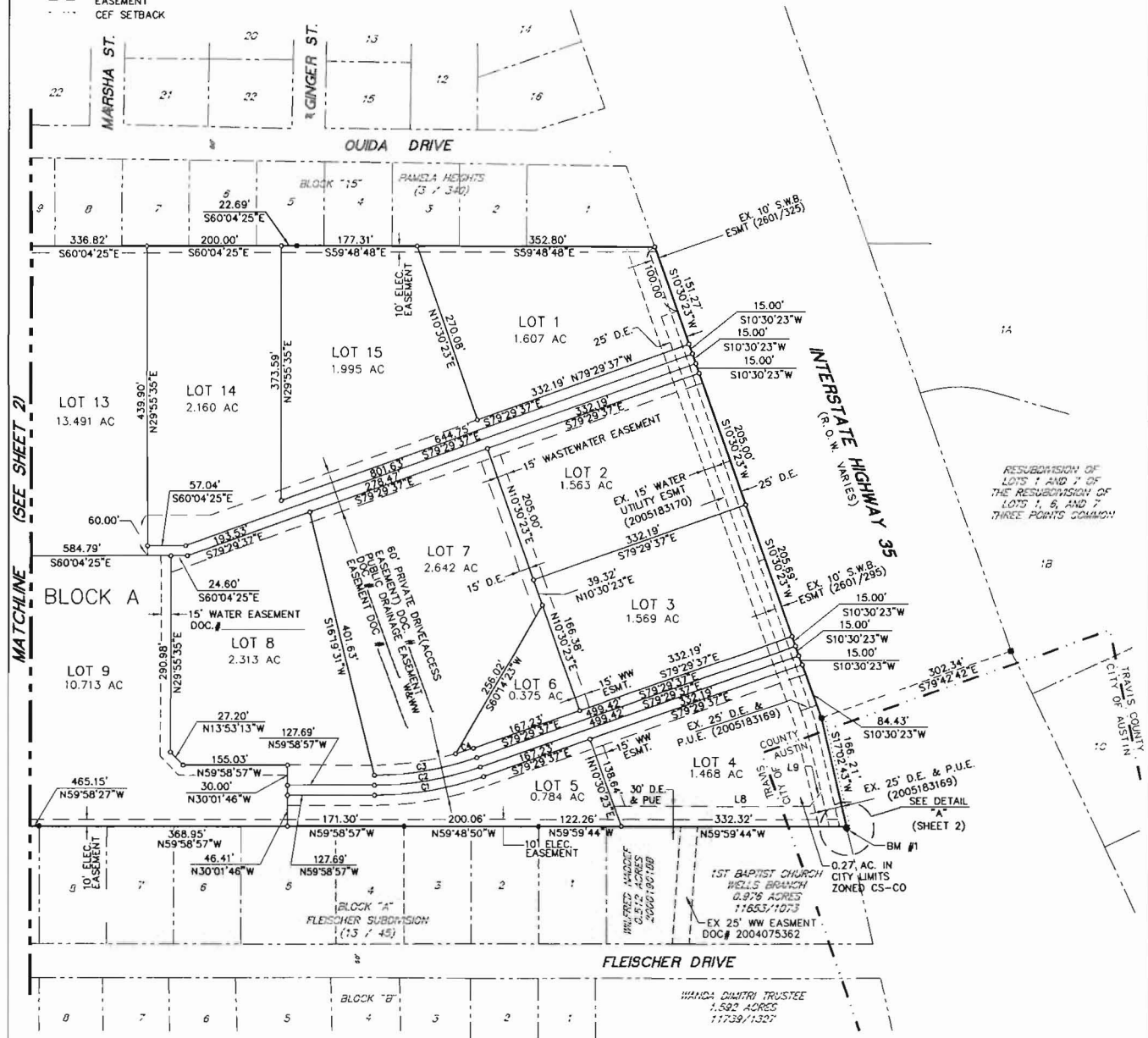


CURVE DATA TABLE					
NO.	RADIUS	DELTA	ARC	CHORD	BEARING
C1	485.00'	19°30'40"	165.16'	164.36'	N 69°44'17" W
C2	470.00'	19°30'40"	160.05'	159.28'	S 69°44'17" E
C3	455.00'	19°30'40"	154.94'	154.19'	S 69°44'17" E
C4	440.00'	03°39'53"	28.14'	28.14'	N 77°39'41" W

- LEGEND**
- D.E. DRAINAGE EASEMENT
  - P.U.E. PUBLIC UTILITY EASEMENT
  - IRON ROD FOUND
  - IRON ROD SET
  - CONCRETE MONUMENT FOUND
  - ⊙ BENCHMARK
  - - - EASEMENT
  - ⋯ CEF SETBACK



LOCATION MAP  
SCALE = NTS



MATCHLINE (SEE SHEET 2)

RESUBDIVISION OF LOTS 1 AND 7 OF THE RESUBDIVISION OF LOTS 1, 6, AND 7 THREE POINTS JOHNSON

INTERSTATE HIGHWAY 35  
(R.O.W. VARIES)

CITY OF AUSTIN  
TRAVIS COUNTY



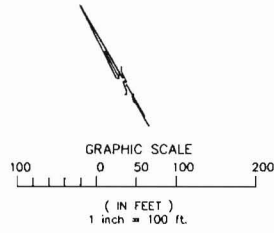
**CONLEY ENGINEERING INC.**  
Civil Engineers      Land Planners      Development Consultants

1301 South Capital of Texas Highway, Bldg. A, Suite 230  
P.O. Box 162713 Austin, Texas 78716-2713. (512)328-3506  
TBPE Firm Registration Number F-000277

CBJ-04-0087.02.1A

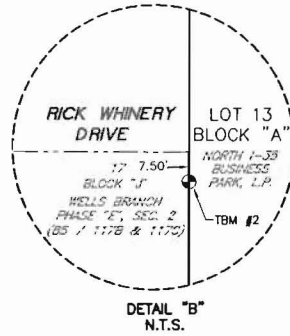
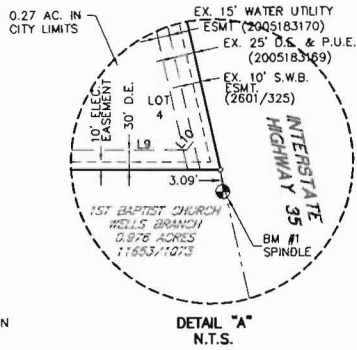
SHEET 1 OF 4	
CASE NO.:	CEI No: 265-08-01
DATE: MAY 2009	CADD: 2659802P01R2.dwg

# WELLS BRANCH CENTER SUBDIVISION

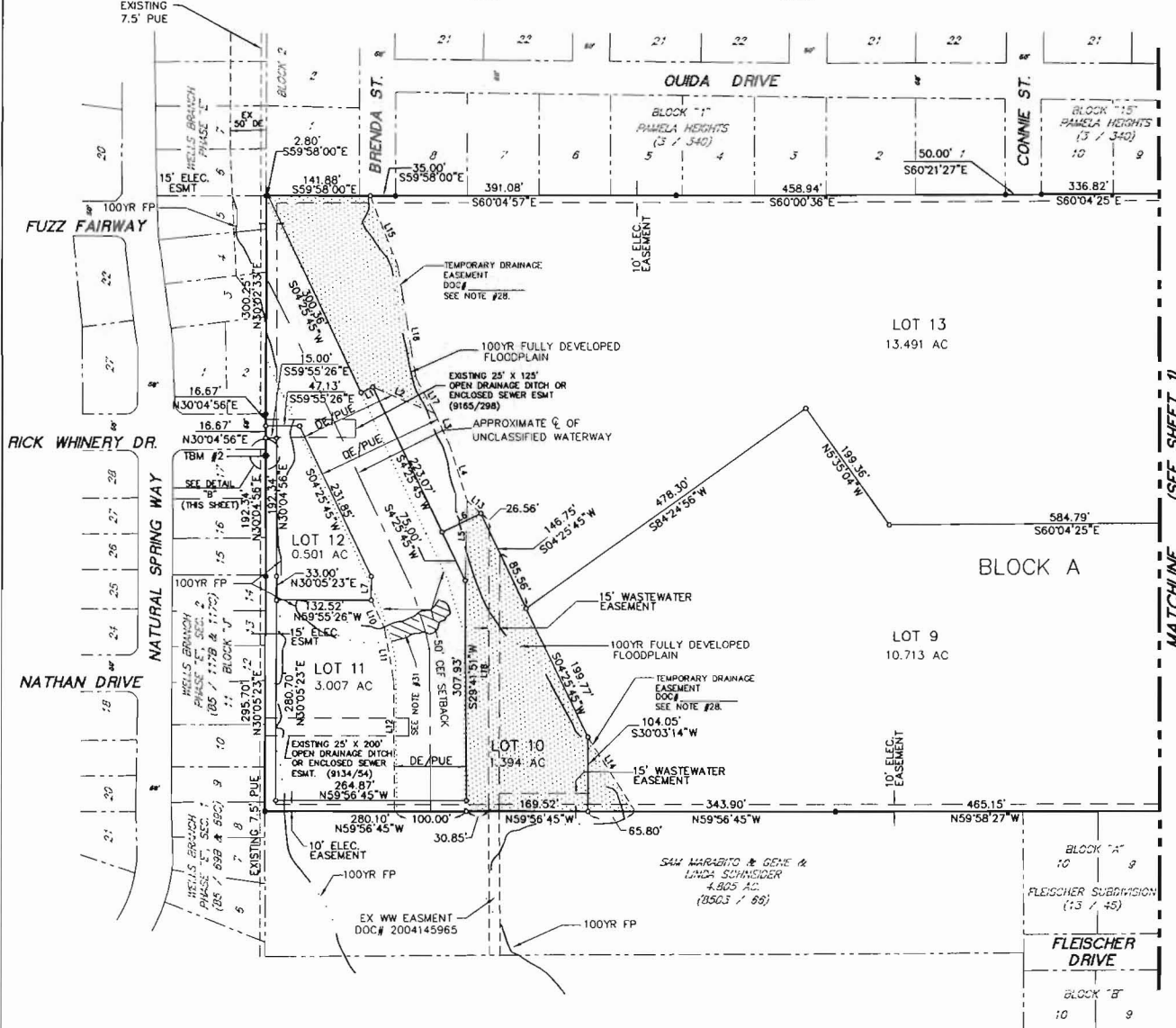


## LEGEND

- D.E. DRAINAGE EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- IRON ROD FOUND
- IRON ROD SET
- CONCRETE MONUMENT FOUND
- ⊙ BENCHMARK
- EASEMENT
- - - CEF SETBACK
- 100 YR FULLY DEVELOPED FLOODPLAIN



NO.	BEARING	DISTANCE
L1	S 85°55'25" E	17.95'
L2	S 37°01'05" E	93.78'
L3	S 5°51'11" W	49.92'
L4	S 12°31'13" W	79.41'
L5	S 31°19'20" W	111.26'
L6	N 85°34'15" W	60.00'
L7	N 30°04'34" E	33.00'
L8	S 59°59'44" E	288.60'
L9	S 68°31'33" W	27.13'
L10	S 4°25'45" W	42.82'
L11	N 20°17'12" E	74.56'
L12	S 29°41'51" W	183.56'
L13	S 17°19'40" E	23.08'
L14	S 21°51'7" E	123.11'
L15	S 81°7'38" W	103.93'
L16	S 20°35'09" W	155.95'
L17	N 1°52'49" E	55.80'
L18	N 30°05'47" E	392.55'



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TBPE Firm Registration Number F-000277

SHEET 2 OF 4	
CASE NO.:	CD No.: 265-09-01
DATE: MAY 2009	CAD: 265082F01R2.dwg

C8J-04-0087.02.1A

# WELLS BRANCH CENTER SUBDIVISION

STATE OF TEXAS  
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

THAT NORTH 1-35 BUSINESS PARK, L.P., A TEXAS LIMITED PARTNERSHIP, ACTING BY AND THROUGH ITS GENERAL PARTNER, NORTH 1-35 BUSINESS PARK GP, LLC, A TEXAS LIMITED LIABILITY COMPANY, OWNER OF 45.58 ACRES OF LAND OUT OF THE L. C. CUNNINGHAM SURVEY NO. 68, CONVEYED TO IT BY DEED RECORDED IN DOC. # 2004075889 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, DOES HEREBY SUBDIVIDE 45.58 ACRES, IN ACCORDANCE WITH THE ATTACHED PLAT AND LOCAL GOVERNMENT CODE CHAPTER 212 TO BE KNOWN AS WELLS BRANCH CENTER SUBDIVISION AND DOES HEREBY DEDICATE TO THE PUBLIC USE OF THE STREETS AND EASEMENTS AS SHOWN HEREON, EXCEPT FOR THE INTERNAL ACCESS EASEMENTS WHICH ARE PRIVATE, SUBJECT TO ANY EASEMENTS AND/OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, AD 2010.

NORTH 1-35 BUSINESS PARK, L.P.

BY: NORTH 1-35 BUSINESS PARK GP, LLC.  
ITS GENERAL PARTNER

BY: \_\_\_\_\_  
WILLIAM D. SCHULTZ, MANAGER  
P. O. BOX 684309  
AUSTIN, TX 78744

BEFORE ME THE UNDERSIGNED AUTHORITY A NOTARY PUBLIC IN AND FOR TRAVIS COUNTY, TEXAS ON THIS DAY PERSONALLY APPEARED WILLIAM D. SCHULTZ, KNOWN BY ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO IN THE FOREGOING INSTRUMENT OF WRITING, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY HEREIN STATED.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A. D. 2010

NOTARY PUBLIC IN AND FOR TRAVIS COUNTY, TEXAS

I, HERMAN CRICHTON, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE THIS PLAT COMPLIES WITH TITLE 30 OF THE AUSTIN CODE OF 1981, IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION ON THE GROUND:

CRICHTON & ASSOCIATES LAND SURVEYING, INC.

HERMAN CRICHTON RPLS, NO. 4046  
107 N. LAMPASAS STREET  
ROUND ROCK, TEXAS 78664

DATE

THIS IS TO CERTIFY THAT I AM AUTHORIZED TO PRACTICE THE PROFESSION OF ENGINEERING IN THE STATE OF TEXAS, THAT I PARTICIPATED IN THE PREPARATION OF THE PLAN SUBMITTED HERewith, AND THAT ALL INFORMATION SHOWN THEREON IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AS RELATED TO THE ENGINEERING PORTIONS THEREOF, AND THAT TO THE BEST OF MY KNOWLEDGE SAID PLAT COMPLIES WITH TITLE 30 OF THE AUSTIN CITY CODE OF 1981, AS AMENDED, AND ALL OTHER APPLICABLE CODES AND ORDINANCES.

THE 100 YEAR FLOOD PLAIN IS CONTAINED WITHIN THE DRAINAGE EASEMENTS SHOWN HEREON UNLESS OTHERWISE NOTED. NO PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF THE 100 YEAR FLOOD PLAIN ACCORDING TO DATA FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP PANEL #48453C0260H DATED SEPTEMBER 26, 2008, FOR CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A. D., 2010.

CARL CONLEY, P.E., No. 42880  
1301 S. CAP. OF TX. HWY., STE. A-230  
AUSTIN, TEXAS 78746

THIS SUBDIVISION IS LOCATED PARTIALLY WITHIN THE CITY LIMITS OF AUSTIN AND PARTIALLY WITHIN THE 2 MILE EXTRA TERRITORIAL LIMITS OF THE CITY OF AUSTIN ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A. D. 2010.

ACCEPTED AND AUTHORIZED FOR RECORD BY THE DIRECTOR, PLANNING AND DEVELOPMENT REVIEW DEPARTMENT, CITY OF AUSTIN, COUNTY OF TRAVIS, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2010 AD.

\_\_\_\_\_  
GREG GUERNSEY, DIRECTOR  
PLANNING & DEVELOPMENT REVIEW DEPARTMENT

ACCEPTED AND AUTHORIZED FOR RECORD BY THE ZONING & PLATTING COMMISSION OF THE CITY OF AUSTIN, TEXAS THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.

\_\_\_\_\_  
BETTY BAKER, CHAIRPERSON SECRETARY

IN APPROVING THIS PLAT, THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS, ASSUMES NO OBLIGATION TO BUILD THE STREETS, ROADS, AND OTHER PUBLIC THOROUGHFARES SHOWN ON THIS PLAT OR ANY BRIDGES OR CULVERTS IN CONNECTION THEREWITH. THE BUILDING OF ALL STREETS, ROADS OR OTHER PUBLIC THOROUGHFARES SHOWN ON THIS PLAT, AND ALL BRIDGES AND CULVERTS NECESSARY TO BE CONSTRUCTED OR PLACED IN SUCH STREETS, ROADS OR OTHER PUBLIC THOROUGHFARES OR IN CONNECTION THEREWITH, IS THE RESPONSIBILITY OF THE OWNER AND/OR THE DEVELOPER OF THE TRACT OF LAND COVERED BY THIS PLAT IN ACCORDANCE WITH PLANS AND SPECIFICATIONS PRESCRIBED BY THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS.

THE OWNER(S) OF THE SUBDIVISION SHALL CONSTRUCT THE SUBDIVISION'S STREET AND DRAINAGE IMPROVEMENTS (THE IMPROVEMENTS) TO COUNTY STANDARDS IN ORDER FOR THE COUNTY TO ACCEPT THE PUBLIC IMPROVEMENTS FOR MAINTENANCE OR TO RELEASE FISCAL SECURITY POSTED TO SECURE PRIVATE IMPROVEMENTS. TO SECURE THIS OBLIGATION, THE OWNER(S) MUST POST FISCAL SECURITY WITH THE COUNTY IN THE AMOUNT OF THE ESTIMATED COST OF THE IMPROVEMENTS. THE OWNER'S OBLIGATION TO CONSTRUCT THE IMPROVEMENTS TO COUNTY STANDARDS AND TO POST THE FISCAL SECURITY TO SECURE SUCH CONSTRUCTION IS A CONTINUING OBLIGATION BINDING ON THE OWNERS AND THEIR SUCCESSORS AND ASSIGNS UNTIL THE PUBLIC IMPROVEMENTS HAVE BEEN ACCEPTED FOR MAINTENANCE BY THE COUNTY, OR THE IMPROVEMENTS HAVE BEEN CONSTRUCTED AND ARE PERFORMING TO COUNTY STANDARDS.

THE AUTHORIZATION OF THIS PLAT BY THE COMMISSIONERS COURT FOR FILING OR THE SUBSEQUENT ACCEPTANCE FOR MAINTENANCE BY TRAVIS COUNTY, TEXAS, OF ROADS AND STREETS IN THE SUBDIVISION DOES NOT OBLIGATE THE COUNTY TO INSTALL STREET NAME SIGNS OR ERECT TRAFFIC CONTROL SIGNS, SUCH AS SPEED LIMIT, STOP SIGNS, AND YIELD SIGNS, WHICH IS CONSIDERED TO BE PART OF THE DEVELOPER'S CONSTRUCTION.

STATE OF TEXAS:  
COUNTY OF TRAVIS:

I, DANA DEBEAUVOIR, CLERK OF THE COUNTY COURT, OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2010, A.D., THE COMMISSIONERS' COURT OF TRAVIS COUNTY, TEXAS, PASSED AN ORDER AUTHORIZING THE FILING FOR RECORD OF THIS PLAT, AND THAT SAID ORDER WAS DULY ENTERED IN THE MINUTES OF SAID COURT.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY COURT OF SAID COUNTY, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010, A.D.

DANA DEBEAUVOIR, COUNTY CLERK, TRAVIS COUNTY, TEXAS

DEPUTY

STATE OF TEXAS:  
COUNTY OF TRAVIS:

I, DANA DEBEAUVOIR, CLERK OF TRAVIS COUNTY, TEXAS DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2010, A.D. AT \_\_\_\_\_ O'Clock \_\_\_\_\_ M., DULY RECORDED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2010, A.D. AT \_\_\_\_\_ O'Clock \_\_\_\_\_ M. OF SAID COUNTY AND STATE IN DOCUMENT NUMBER \_\_\_\_\_ OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2010, A.D.

DANA DEBEAUVOIR, COUNTY CLERK  
TRAVIS COUNTY, TEXAS

DEPUTY

CBJ-04-0087.02.1A



CONLEY ENGINEERING INC.

Civil Engineers Land Planners Development Consultants

1301 South Capital of Texas Highway, Bldg. A, Suite 230  
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SHEET 3 OF 4

CASE NO.:	CEI No.: 265-08-01
DATE: MAY 2009	CADD: 2650802P01R2.dwg



# WELLS BRANCH CENTER SUBDIVISION

**NOTES:**

1. NO LOT SHALL BE OCCUPIED UNTIL THE STRUCTURE IS CONNECTED TO THE CITY OF AUSTIN WATER AND WASTEWATER SYSTEMS, AS PROVIDED BY THE RESTRICTIVE COVENANT BETWEEN THE OWNER AND THE CITY RECORDED AT DOCUMENT No. 2004156676 OF THE OFFICIAL RECORDS OF TRAVIS COUNTY. WASTEWATER SERVICE MAY BE PROVIDED AS SPECIFIED IN NOTE 2 BELOW.
2. WASTEWATER SERVICE WILL BE OBTAINED FROM THE CITY OF AUSTIN. WASTEWATER SERVICE WILL BE PROVIDED PER THE TERMS AND CONDITIONS OF THE INTERLOCAL AGREEMENT REGARDING THE CITY'S USE OF CERTAIN WELLS BRANCH MUNICIPAL UTILITY DISTRICT WASTEWATER LINES TO PROVIDE INTERIM WASTEWATER SERVICE TO THIS TRACT.
3. THE WATER AND WASTEWATER UTILITY SYSTEM SERVING THIS SUBDIVISION MUST BE IN ACCORDANCE WITH THE CITY OF AUSTIN UTILITY DESIGN CRITERIA. THE WATER AND WASTEWATER UTILITY PLAN MUST BE REVIEWED AND APPROVED BY THE AUSTIN WATER UTILITY. ALL WATER AND WASTEWATER CONSTRUCTION MUST BE INSPECTED BY THE CITY OF AUSTIN. THE LANDOWNER MUST PAY THE CITY INSPECTION FEE WITH THE UTILITY CONSTRUCTION.
4. PROPERTY OWNERS SHALL PROVIDE FOR ACCESS TO THE DRAINAGE AND ELECTRIC EASEMENTS, AS MAY BE NECESSARY, AT POINTS WHERE EASEMENTS CROSS THEIR PROPERTY AND SHALL NOT PROHIBIT ACCESS BY GOVERNMENTAL AUTHORITIES.
5. THE OWNER OF THIS SUBDIVISION, AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUMES RESPONSIBILITY FOR PLANS FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS WHICH COMPLY WITH APPLICABLE CODES AND REQUIREMENTS OF THE CITY OF AUSTIN. THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT PLAT VACATION OR REPLATTING MAY BE REQUIRED, AT THE OWNER'S SOLE EXPENSE, IF PLANS TO CONSTRUCT THIS SUBDIVISION DO NOT COMPLY WITH SUCH CODES AND REQUIREMENTS.
6. THE OWNER/DEVELOPER OF THIS SUBDIVISION SHALL PROVIDE THE CITY OF AUSTIN ELECTRIC UTILITY DEPARTMENT WITH AN ELECTRICAL EASEMENT AS REQUIRED AND/OR ACCESS TO AN ELECTRIC EASEMENT AS REQUIRED, IN ADDITION TO THOSE INDICATED, FOR THE INSTALLATION AND ONGOING MAINTENANCE OF THE OVERHEAD AND UNDERGROUND ELECTRIC FACILITIES. THESE EASEMENTS AND/OR ACCESS ARE REQUIRED TO PROVIDE ELECTRICAL SERVICE TO THE BUILDING AND WILL NOT BE LOCATED SO AS TO CAUSE THE SITE TO BE OUT OF COMPLIANCE WITH CHAPTER 30-5 OF ARTICLE 1 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
7. THE OWNER SHALL BE RESPONSIBLE FOR INSTALLATION OF TEMPORARY EROSION CONTROL, REVEGETATION AND TREE PROTECTION FOR ELECTRIC UTILITY WORK REQUIRED TO PROVIDE ELECTRIC SERVICE TO THIS PROJECT. THIS ELECTRIC UTILITY WORK SHALL ALSO BE INCLUDED WITHIN THE LIMITS OF CONSTRUCTION FOR THIS PROJECT.
8. THE ELECTRIC UTILITY HAS THE RIGHT TO PRUNE AND/OR REMOVE TREES, SHRUBBERY AND OTHER OBSTRUCTIONS TO THE EXTENT NECESSARY TO KEEP THE EASEMENTS CLEAR. THE UTILITY WILL PERFORM ALL TREE WORK IN COMPLIANCE WITH CHAPTER 30-5, ARTICLE 1 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE (2003 ED.).
9. PRIOR TO CONSTRUCTION, EXCEPT SINGLE FAMILY OR DUPLEX ON ANY LOT IN THIS SUBDIVISION, A SITE DEVELOPMENT PERMIT MUST BE OBTAINED FROM THE CITY OF AUSTIN.
10. BENCHMARK:
  - #1. B.M. SPINDLE WEST SIDE OF IH-35, APPROX. 3' SOUTH OF THE SOUTH EAST PROPERTY PIN. ELEV. 810.26, CRIGHTON AND ASSOCIATES INC. 512-244-3395.
  - #2. T.B.M. RAILROAD SPIKE IN PROPERTY LINE, APPROX 7.5' SOUTH OF RICK WHINERY DRIVE. ELEV. 817.14, CRICHTON AND ASSOCIATES INC. 512-244-3395.
11. NO BUILDING, FENCES, LANDSCAPING OR OTHER OBSTRUCTIONS ARE PERMITTED IN DRAINAGE EASEMENTS EXCEPT AS APPROVED BY THE CITY OF AUSTIN OR TRAVIS COUNTY (LDC 30-4-1,2 AND 3).
12. PRIOR TO CONSTRUCTION ON LOTS IN THIS SUBDIVISION, DRAINAGE PLANS WILL BE SUBMITTED TO THE CITY OF AUSTIN AND TRAVIS COUNTY FOR REVIEW. RAINFALL RUN-OFF SHALL BE HELD TO THE AMOUNT EXISTING AT UNDEVELOPED STATUS BY PONDING OR OTHER APPROVED METHODS.
13. THE SUBDIVISION WILL BE DEVELOPED, CONSTRUCTED, AND MAINTAINED IN ACCORDANCE WITH LAND DEVELOPMENT CODE CHAPTERS 25 AND 30 AS APPLICABLE.
14. A TRAVIS COUNTY DEVELOPMENT PERMIT SHALL BE OBTAINED PRIOR TO ANY SITE DEVELOPMENT UNLESS THE SITE IS ANNEXED INTO THE CITY OF AUSTIN.
15. EROSION/SEDIMENTATION CONTROLS ARE REQUIRED FOR ALL CONSTRUCTION ON EACH LOT, PURSUANT TO LDC SECTION 30-5-181, AND THE ENVIRONMENTAL CRITERIA MANUAL.
16. THIS PROJECT IS IN THE WALNUT CREEK WATERSHED, WHICH IS CLASSIFIED AS A SUBURBAN WATERSHED.
17. ALL 15 FOOT WIDE DRAINAGE EASEMENTS ARE LIMITED TO ENCLOSED CONDUITS ONLY.
18. DETENTION AND WATER QUALITY, IF REQUIRED, MAY BE DONE ON SITE OR IN SHARED FACILITIES.
19. FISCAL FOR UTILITY IMPROVEMENTS WILL BE IN ACCORDANCE WITH APPROVED CITY OF AUSTIN SERVICE EXTENSION REQUESTS AND WITH THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF AUSTIN, WELLS BRANCH MUNICIPAL UTILITY DISTRICT AND OWNER HAVING AN EFFECTIVE DATE OF JUNE 25, 2004, AS AMENDED FROM TIME TO TIME, AND FOR SO LONG AS IT IS IN FORCE AND EFFECT.
20. OFF STREET LOADING AND UNLOADING FACILITIES SHALL BE PROVIDED ON ALL COMMERCIAL AND INDUSTRIAL LOTS.
21. LOTS 1-9 AND 13-15 WILL TAKE ACCESS TO 1-35 FROM THE PROPOSED ACCESS EASEMENTS, UNLESS ANOTHER ACCESS IS APPROVED BY TxDOT.
22. WATER QUALITY CONTROLS ARE REQUIRED FOR ALL DEVELOPMENT WITH IMPERVIOUS COVER IN EXCESS OF 20% PURSUANT TO LAND DEVELOPMENT CODE 30-5-211.
23. A VARIANCE TO 30-3-191 (ALL NEW SUBDIVISIONS MUST INSTALL SIDEWALKS), 30-2-151 (STREET ALIGNMENT, 30-2-171(A) (ALL LOTS MUST HAVE FRONTAGE ON A PUBLIC ROADWAY), 30-2-158(B)(SUBDIVISION ACCESS STREETS), A VARIANCE TO PREPARE A POST-DEVELOPMENT DRAINAGE PLAN, PREPARE DETAILED CONSTRUCTION PLANS, AND POST FISCAL SURETY, WAS APPROVED WITH THE PRELIMINARY PLAN BY TRAVIS COUNTY COMMISSIONERS COURT ON 8-24-10.

24. THE OWNER, ITS SUCCESSORS AND ASSIGNS, RESERVE THE RIGHT TO INSTALL WATER WELLS FOR USES OTHER THAN DOMESTIC USE (HUMAN CONSUMPTION), INCLUDING WITHOUT LIMITATION RECREATIONAL USES OR IRRIGATION, WATER WELLS, RAINWATER COLLECTION, AND OTHER APPROVED METHODS MAY BE USED AS SUPPLEMENTAL WATER SOURCES.
25. LOTS 1-15 BLOCK 'A' ARE RESTRICTED USES OTHER THAN SINGLE FAMILY OR DUPLEX RESIDENTIAL.
26. THIS PROJECT IS NOT LOCATED WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.
27. MINIMUM FINISHED FLOOR ELEVATIONS ARE AS FOLLOWS:

LOT	MINIMUM ELEVATION
9	812.00
10	813.00
11	817.00
12	816.00
13	817.00

28. TEMPORARY DRAINAGE EASEMENTS SHOWN INCLUDE THE EXISTING 100-YEAR FLOOD-PLAIN LIMITS, BUT WILL BE VACATED WHEN THE SITE PLANS FOR THE ADJOINING LOTS ARE APPROVED AND THE ASSOCIATED DRAINAGE IMPROVEMENTS ARE CONSTRUCTED TO LIMIT THE FLOOD PLAIN TO THE PERMANENT EASEMENTS SHOWN, AND ALL DRAINAGE IMPROVEMENTS ACCEPTED BY THE APPLICABLE REVIEW AGENCIES.
29. PARKLAND FEES WILL BE SATISFIED THROUGH THE RESTRICTIVE COVENANT DOCUMENT No. 2010020469 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY.
30. NO SITE PLAN ON LOTS WITHIN THIS SUBDIVISION CAN RECEIVE TRAVIS COUNTY AND/OR CITY OF AUSTIN APPROVAL UNLESS THE REQUISITE DRIVEWAY(S), DETENTION POND AND WATER QUALITY POND ARE PLANNED EITHER ONSITE WITHIN THE SAME LOT OR WITHIN THE EASEMENTS DESCRIBED AS "COMMON AREA" FOR THE COMMON USE AS DESCRIBED IN THE DECLARATION OF THE COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED IN DOCUMENT # \_\_\_\_\_ OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY.
31. THAT PORTION OF THE EXISTING BERM WITHIN THE LIMITS OF THE CRITICAL ENVIRONMENTAL FEATURE (CEF) MAY BE REMOVED WITH THE LEAST AMOUNT OF DISTURBANCE TO THE CEF SETBACK AND ALL DISTURBANCE NECESSARY FOR REMOVAL OF THE BERM WILL BE REVEGETATED WITH NATIVE PLANTING AND SEEDING PURSUANT TO CITY OF AUSTIN SPECIFICATION 609S. ALL OTHER ACTIVITIES WITHIN THE CEF BUFFER OTHER THAN THIS BERM REMOVAL AND RESTORATION MUST COMPLY WITH SECTION 25-8-281(C)(2). THIS SECTION STATES THAT THE NATURAL VEGETATIVE COVER MUST BE RETAINED TO THE GREATEST EXTENT PRACTICABLE. CONSTRUCTION IS PROHIBITED AND WASTEWATER DISPOSAL AND WASTEWATER DISPOSAL OR IRRIGATION IS PROHIBITED IN THE CEF BUFFER ZONE. UTILITY LINES MAY CROSS THE CEF BUFFER ZONE WITH APPROVAL FROM THE DIRECTOR OF THE PLANNING AND DEVELOPMENT REVIEW DEPARTMENT.
32. TRANSFER OF IMPERVIOUS COVER FROM THE CRITICAL ENVIRONMENTAL FEATURE SETBACK AREA ON LOT 11 SHALL BE AS FOLLOWS IN ACCORDANCE WITH LDC 30-5-395(A)(5):

GROSS CEF AREA = 77,938 SF (1.789 AC.)  
 AREA AVAILABLE FOR TRANSFER = 1.789 AC. X 20,000 SF/AC. = 35,780 SF

RECEIVING TRACT	AREA TRANSFERRED
LOT 1, BLOCK A	7000 SF
LOT 2, BLOCK A	6808 SF
LOT 3, BLOCK A	6835 SF
LOT 8, BLOCK A	5413 SF
LOT 14, BLOCK A	5055 SF
LOT 15, BLOCK A	4669 SF
<b>TOTAL</b>	<b>35,780 SF</b>

33. DEVELOPMENT ON LOTS 10, 11 AND 12 SHALL BE LIMITED TO IMPROVEMENTS THAT DO NOT REQUIRE WATER AND WASTEWATER SERVICE OR CERTIFICATES OF OCCUPANCY UNLESS OTHERWISE APPROVED BY AUSTIN WATER UTILITY.
34. THE WATER AND/OR WASTEWATER EASEMENTS INDICATED ON THIS PLAT ARE FOR THE PURPOSE OF CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, UPGRADE, DECOMMISSIONING REMOVAL OF WATER AND/OR WASTEWATER FACILITIES AND APPURTENANCES, NO OBJECTS, INCLUDING BUT NOT LIMITED TO, BUILDINGS, FENCES, RETAINING WALLS, TREES OR OTHER STRUCTURES ARE PERMITTED IN WATER AND/OR WASTEWATER EASEMENTS EXCEPT AS APPROVED BY AUSTIN WATER UTILITY.
35. DRAINAGE LOT ACCESS EASEMENT MAY ONLY BE VACATED AFTER APPROVAL BY THE CITY OF AUSTIN AND TRAVIS COUNTY.
36. A SUBDIVISION CONSTRUCTION AGREEMENT HAS BEEN RECORDED IN DOC. \_\_\_\_\_ AS PART OF THE FINAL PLAT APPROVAL FOR THIS SUBDIVISION REGARDING CONSTRUCTION OF SHARED ACCESS DRIVES AND SHARED DRAINAGE IMPROVEMENTS.

**LOT USE TABLE**

LOT(S)	BLOCK	USE
1-4	A	COMMERCIAL
5-6	A	DRAINAGE/WO FACILITIES/COMMERCIAL
7-9	A	COMMERCIAL
10	A	DRAINAGE/WO FACILITIES/COMMERCIAL
11	A	DRAINAGE/AMENITY LOT/COMMERCIAL
12	A	DRAINAGE/AMENITY LOT/COMMERCIAL
13-15	A	COMMERCIAL

**LOT USE SUMMARY**

SITE AREA	45.5825 ACRES
NUMBER OF LOTS	15
DENSITY	0.3291 LOTS / ACRE

**RELATED LOT USE NOTES:**

- A. AS USED IN THIS LOT USE TABLE, THE TERM "COMMERCIAL" INCLUDES, BUT IS NOT LIMITED TO, RETAIL, OFFICE, INDUSTRIAL, MULTI-FAMILY, TOWNHOME, CONDOMINIUM, OUTDOOR ENTERTAINMENT, AND OUTDOOR SPORTS AND RECREATION USES.
- B. LOTS 10, 11 AND/OR 12 BLOCK 'A', MAY BE USED FOR COMMERCIAL PURPOSES IF INCLUDED IN A UNIFIED SITE PLAN WITH OTHER COMMERCIAL USE LOTS.

CBJ-04-0087.02.1A



**CONLEY ENGINEERING INC.**

Civil Engineers      Land Planners      Development Consultants

1301 South Capital of Texas Highway, Bldg. A, Suite 230  
 P.O. Box 162713 Austin, Texas 78716-2713. (512)328-3506  
 TBP Firm Registration Number F-000277

SHEET 4 OF 4

DATE: MAY 2009	CAD: 265082P01R2.dwg
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Copy of  
**WELLS BRANCH CENTER  
CONSTRUCTION AGREEMENT**  
Travis County, Texas

THIS CONSTRUCTION AGREEMENT is made and entered into by and between North I-35 Business Park, L.P., a Texas limited partnership, P.O. Box 684309, Austin, Texas 78768 (the "**Developer**"), and Travis County, Texas, P.O. Box 1748, Austin, Texas 78767 (the "**County**"), hereinafter collectively referred to as the "**Parties**", for the purposes and consideration stated.

A. The Developer is in the process of developing a mixed use subdivision (the "**Subdivision**") on approximately 45.5825 acres of real property located in Travis County, Texas, more particularly described by the attached Exhibit "A" (the "**Property**") and desires to develop the Subdivision in phases.

B. The Developer and the County desire to provide for the orderly development of the Subdivision, including the completion of a private driveway (the "**Private Driveway**") and certain drainage improvements (the "**Drainage Improvements**"), to be further described in a Site Plan to be approved by the County ("**Construction Plans**").

C. The planned locations and phasing of the Private Driveway and the Drainage Improvements are depicted by the conceptual plan attached as Exhibit "B".

D. The Developer and the County desire to establish a process to coordinate the construction of the Private Driveway and Drainage Improvements with the phased development of the Property.

NOW, THEREFORE, in consideration of these premises and the promises contained herein, the Developer and the County agrees as follows:

1. The requirements for Developer to prepare detailed Construction Plans, including post-development drainage plans, and post fiscal surety for all the common Private Driveway and Drainage Improvements to be approved by the County and the City of Austin are deferred until the time when application is made for the first Site Plan for a structure in the Subdivision.

2. When the first application is made for a Site Plan for a structure in the Subdivision, the Developer shall submit detailed Construction Plans for the Private Driveway and Drainage Improvements and any required fiscal surety. Subject to applicable codes and the conditions contained in this Construction Agreement, County will approve the Construction Plans. Prior to occupancy of any structure in any phase of the Subdivision, Developer will be required to complete the Private Driveway and Drainage Improvements necessary to serve that phase. Completion will be evidenced by a letter of concurrence from a licensed professional engineer that the Private Driveway and Drainage Improvements necessary to serve that phase have been completed in accordance with the Construction Plans. Upon delivery to and approval by County of a letter of concurrence from a licensed professional engineer that the Private Driveway and Drainage Improvements have been completed in accordance with the Construction Plans, County shall execute, acknowledge and deliver to the then current owner of the phase, an instrument in the form of Exhibit "C" for recordation in the Official Public Records of Travis

County, Texas, releasing the Subdivision or applicable phase thereof from all of the terms, provisions and requirements of this Construction Agreement.

3. If the Developer makes any revisions to the Construction Plans modifying the Private Driveway or Drainage Improvements or any phasing plan reflected on such Construction Plans, and such revision is approved, the County and the Developer and its lienholder, if any, will to the extent required, either amend this Construction Agreement or enter into an additional or supplemental agreement(s) to coordinate the phasing process and the future improvements of the Private Driveway and/or Drainage Improvements, as applicable.

4. Prior to the County's approval of the Construction Plans, the Developer shall pay inspection fees in the amount of \$1.25 per linear foot of Private Driveway approved by those particular Construction Plans.

5. Miscellaneous Provisions. All rights, privileges, and remedies afforded the Parties are cumulative and not exclusive and the exercise of any remedy will not be deemed a waiver of any other right, remedy, or privilege. The Parties agree that the granting of equitable remedies may, and probably will, be necessary in the event of a violation of the restriction. If any provision of this agreement is unenforceable, to the extent the unenforceability does not destroy the basis of the bargain between the Parties, this agreement will construed as if the unenforceable provision had never been a part of this agreement.

EXECUTED to be effective on the date fully executed by the parties.

**NORTH I-35 BUSINESS PARK, L.P.**, a  
Texas limited partnership

By: North I-35 Business Park GP, L.L.C., a  
Texas limited liability company, as general  
partner

By: \_\_\_\_\_  
William D. Schultz, Manager

Date: \_\_\_\_\_

THE STATE OF \_\_\_\_\_ TEXAS §

§

COUNTY OF \_\_\_\_\_ TRAVIS §

This instrument was acknowledged before me on this the \_\_\_\_\_ day of \_\_\_\_\_, ~~2010~~, 2012, by William D. Schultz, as Manager of North I-35 Business Park GP, L.L.C., a Texas limited liability company, the general partner of North I-35 Business Park, L.P., a Texas limited partnership, on behalf of said limited liability company and limited partnership.

\_\_\_\_\_  
Notary Public - State of  
\_\_\_\_\_  
Texas

TRAVIS COUNTY, TEXAS

By: \_\_\_\_\_  
Samuel T. Biscoe, County Judge

Date: \_\_\_\_\_

THE STATE OF TEXAS §  
\_\_\_\_\_  
COUNTY OF TRAVIS §

The instrument was acknowledged before me on the \_\_\_ day of \_\_\_\_\_,  
~~2010, 2012~~, by \_\_\_\_\_ of Travis County, Texas in the capacity  
stated.

\_\_\_\_\_  
Notary Public, State of Texas

APPROVED AS TO FORM:

Name: \_\_\_\_\_  
Dept: \_\_\_\_\_

