



Travis County Commissioners Court Agenda Request

Meeting Date: June 5, 2012

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

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

A handwritten signature in black ink, appearing to read "Steven M. Manilla".

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 use of an Alternative Fiscal Agreement for the Lakeside at Blackhawk Section 3 in Precinct One.

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.

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 Development Services authorizes the issuance of a Basic Development Permit #08-0219 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.

Restoration/Erosion Control Fiscal

The fiscal for the subdivision restoration and improvements have been posted with Travis County using a Letter of Credit in the amount of \$165,000.00.

Access to Publicly Maintained Road

The Lakeside at Blackhawk Section 3 takes access from Winding Shore Lane and Misty Shore Lane in the Lakeside at Blackhawk Section 1. The Lakeside at Blackhawk Section 1 is maintained by Travis County.

WasteWater 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 #08-0291. The estimated cost of the improvements is \$1,678,153.18. 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
- Exhibit "A" – Description
- Extension of Sixty-Day Period
- Letter of Credit
- 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
Michael Hettenhausen	Subdivision Planner	TNR	854-7563

AB:SM:dv

1101 - Development Services -

1105 - Subdivision - Lakeside at Blackhawk Sec 3

Exhibit 82.401 (D)

(d) Alternative Fiscal Policy Request and Acknowledgement

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 the Travis County's Transportation and Natural Resources Department ("TNR") hold the proposed plat of the 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 Subdivision (the "Standards") to the satisfaction of the Executive Manager 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 Development Permit. The owner will be required to post fiscal for boundary street 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 Improvements to secure the performance of the construction of the Improvements for one year from the date of the approval of the plat and the acceptance of the construction by the County.

Executed this _____ day of _____, _____.

OWNER:

By: *Robert M. Tiemann*

Name: *Robert M. Tiemann*

Title: *Manager*
Authorized Representative

TRAVIS COUNTY, TEXAS

By: _____
County Judge

ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me by _____ on the
_____ day of _____, _____, in the capacity stated herein.

Notary Public in and for the
State of Texas

Printed or typed name of notary
My commission expires: _____

Lakeside at Blackhawk Section 3 – 27.60 Acres

A PARCEL OF LAND IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THE A. BAILEY SURVEY No. 34 AND A PORTION OF THE V.W. SWEARENGEN SURVEY No. 32 AND BEING A PORTION OF THAT 88.189 ACRES TRACT OF LAND CONVEYED TO ROBERT M. TIEMANN BY DEED RECORDED IN DOCUMENT No. 2000127193 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT 95.256 ACRES TRACT OF LAND CONVEYED TO SAID ROBERT M. TIEMANN BY DEED RECORDED IN VOLUME 12625, PAGE 570 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN at 1/2" iron rod found for the southeast corner of Lakeside At Blackhawk Section 1, a subdivision according to the plat of record in Document No. 200200011 of the Official Public Records of Travis County, Texas, same being in the south line of said 95.256 acres tract and the north line of Fairways of Blackhawk, Phase IV, a subdivision according to the plat of record in Document No. 200200058 of the Official Public Records of Travis County, Texas;

THENCE with the east line of said Lakeside at Blackhawk Section 1 plat the following eight (8) courses:

1. N.49°07'14"E. a distance of 265.38 feet to a 1/2" iron rod with plastic cap stamped "RJ SURVEYING" previously set on a non-tangent curve to the left,
2. northwesterly along the arc of said curve, a distance of 44.82 feet (said curve having a radius of 375.00 feet, a central angle of 06°50'51" and a chord bearing N.44°18'12"W., 44.79 feet) to a 1/2" iron rod with plastic cap stamped "RJ SURVEYING" previously set,
3. N.42°16'23"E. a distance of 120.00 feet to a 1/2" iron rod with plastic cap stamped "RJ SURVEYING" previously set,
4. N.73°04'15"E. a distance of 169.28 feet to a 1/2" iron rod with plastic cap stamped "RJ SURVEYING" previously set,
5. N.25°37'45"W. a distance of 66.73 feet to a 1/2" iron rod with plastic cap stamped "RJ SURVEYING" previously set,
6. N.64°24'03"E. a distance of 170.00 feet to a 1/2" iron rod with plastic cap stamped "RJ SURVEYING" previously set on a non-tangent curve to the left,
7. northwesterly along the arc of said curve, a distance of 59.73 feet (said curve having a radius of 450.00 feet, a central angle of 07°36'16" and a chord bearing N.29°24'05"W., 59.68 feet) to a 1/2" iron rod with plastic cap stamped "RJ SURVEYING" previously set, and
8. N.56°47'47"E. a distance of 163.79 feet to a 1/2" iron rod with plastic cap stamped "RJ SURVEYING" previously set;

THENCE crossing said 88.189 acres tract the following ten (10) courses:

1. S.20°52'56"E. a distance of 118.68 feet to a 1/2" iron rod with plastic cap stamped "RJ SURVEYING" set,
2. S.17°18'12"E. a distance of 81.91 feet to a 1/2" iron rod with plastic cap stamped "RJ SURVEYING" set,
3. S.54°19'41"E. a distance of 90.50 feet to a 1/2" iron rod with plastic cap stamped "RJ SURVEYING" set,
4. N.73°55'00"E. a distance of 87.47 feet to a 1/2" iron rod with plastic cap stamped "RJ SURVEYING" set,
5. S.16°05'00"E. a distance of 30.47 feet to a 1/2" iron rod with plastic cap stamped "RJ SURVEYING" set,
6. N.80°07'14"E. a distance of 273.04 feet to a 1/2" iron rod with plastic cap stamped "RJ SURVEYING" set,
7. S.10°16'01"E. a distance of 179.99 feet to a 1/2" iron rod with plastic cap stamped "RJ SURVEYING" set on a non-tangent curve to the right,
8. westerly along the arc of said curve, a distance of 4.29 feet (said curve having a radius

Lakeside at Blackhawk Section 3 – 27.60 Acres

- of 634.63 feet, a central angle of 00°23'15" and a chord bearing S.79°55'37"W., 4.29 feet) to a 1/2" iron rod with plastic cap stamped "RJ SURVEYING" set,
9. S.80°07'14"W. a distance of 6.95 feet to a 1/2" iron rod with plastic cap stamped "RJ SURVEYING" set,
 10. S.09°52'46"E. a distance of 120.00 feet to a 1/2" iron rod with plastic cap stamped "RJ SURVEYING" previously set for the northwest corner of Lot 3, Block B, Lakeside at Blackhawk II, Phase 1A, a subdivision according to the plat of record in Document No. 200700072 of the Official Public Records of Travis County, Texas;

THENCE with the south and west lines of said Lot 3, Block B the following two (2) courses:

1. S.12°46'45"E. a distance of 332.52 feet to a 1/2" iron rod with plastic cap stamped "RJ SURVEYING" previously set, and
2. S.87°19'46"E. a distance of 539.44 feet to a 1/2" iron rod with plastic cap stamped "RJ SURVEYING" previously set for the southeast corner of said Lot 3, Block B, same being in the west line of Lot 2, Block B, said Lakeside at Blackhawk II, Phase 1A;

THENCE with said west line of Lot 2, Block B the following two (2) courses:

1. S.06°55'02"E. a distance of 366.89 feet to a 1/2" iron rod with plastic cap stamped "RJ SURVEYING" previously set, and
2. S.13°14'00"W. a distance of 387.05 feet to a 1/2" iron rod with plastic cap stamped "RJ SURVEYING" previously set in the south line of said 88.189 acres tract for the southwest corner of said Lot 2, Block B;

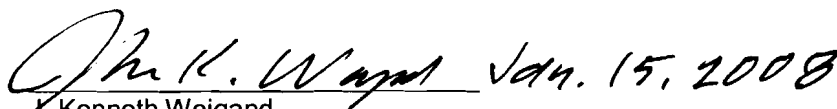
THENCE N.59°58'22"W., with said south line of said 88.189 acres tract a distance of 1049.90 feet to a 1/2" iron rod found for an angle point in said south line of the 88.189 acres tract;

THENCE S.31°32'54"W., with said south line of the 88.189 acres tract a distance of 37.66 feet to a 1/2" iron rod found for the northeast corner of said Fairways of Blackhawk, Phase IV;

THENCE N.60°05'25"W., with said south line of the 88.189 acres tract and the north line of said Fairways of Blackhawk, Phase IV, a distance of 780.58 feet to a 1/2" iron rod found for the southwest corner of said 88.189 acres tract, same being the southeast corner of said 95.256 acres tract;

THENCE N.60°10'13"W., with said south line of the 95.256 acres tract and the north line of said Fairways of Blackhawk, Phase IV, a distance of 173.11 feet to said POINT OF BEGINNING.

Containing 27.60 acres, more or less.

 Jan. 15, 2008

J. Kenneth Weigand
Registered Professional Land Surveyor No. 5741
State of Texas

RJ Surveying, Inc.
1212 East Braker Lane
Austin, Texas 78753

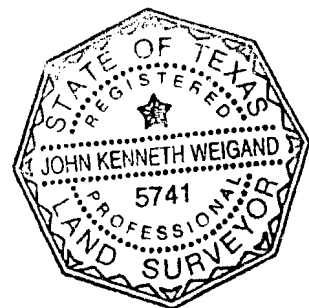


EXHIBIT 82.201(C)

EXTENSION OF SIXTY DAY PERIOD FOR COMPLETED PLAT APPLICATION FINAL ACTION

Date: _____

Owner's Name and Address: Rowe Lane Development, Ltd.

4421 Rowe Ln.


Pflugerville, TX 78660

Proposed Subdivision Name and Legal Description (the "Property"): Lakeside @ Blackhawk Section 3

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 affective as of the date set forth below.

Owner: Robert Tiemann

By: 

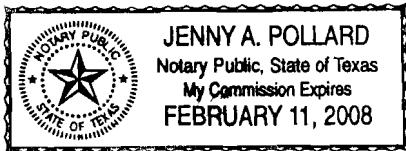
Name: _____

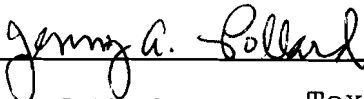
Title: Authorized Representative

ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF TRAVIS

This instrument was acknowledged before me on the 23rd day of January, 2008,
by Robert Tiemann 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
My Commission Expires: 2/11/08

Jenny A. Pollard
(Printed Name of Notary)

Travis County

By:

Steve Smith

County Executive

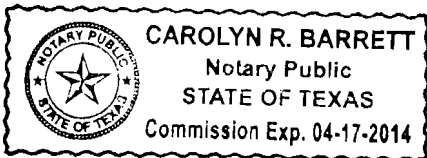
Travis County Transportation and Natural Resources Department

ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 25th day of May, 2012,
by Steven M. Manilla of Travis County, Texas known to me personally or on the basis of an
approved form of identification, in the capacity stated.



CR Barrett

Notary Public, State of Texas

My Commission Expires: 4-17-2014

Carolyn Barrett

(Printed Name of Notary)

After Completing Return To:

Travis County, Texas
Attention: Carolyn Draper
Transportation and Natural Resources Department
P.O. Box 1748
Austin, Texas 78767-1748



Letters of Credit Department
1200 San Bernardo Ave.
Laredo, TX 78040
Tel: (956) 722-7611 Ext. 26520 Fax: (956) 726-6674
Email: lodepartment@ibc.com SWIFT: IBCBUS44
Member International Bancshares Corporation-Member FDIC

IRREVOCABLE LETTER OF CREDIT NO. SBP702266

TO: Travis County, Texas
411 W. 13th Street, 9th Floor
Austin, TX 78701

ISSUER: International Bank of Commerce

CUSTOMER: Robert M. Tiemann and wife, Carrie Parker Tiemann
4421 Rowe Lane
Pflugerville, Texas 78660

AMOUNT: USD 165,000.00 (One Hundred and Sixty Five Thousand U.S. Dollars)

SUBDIVISION: Lakeside at Blackhawk Section 3

DATE: May 18, 2012

EXPIRATION DATE: July 18, 2015

The ISSUER hereby establishes this Credit and shall duly honor all drafts drawn and presented in accordance with this Credit. Travis County may draw on the ISSUER for the account of the CUSTOMER up to the aggregate AMOUNT.

This Credit is conditioned on the performance of the duties of the CUSTOMER 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 Subdivision (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 one-year public Improvement construction performance period, which commences upon the acceptance.

The only requirement necessary to draw on any part or all of the total amount of this Credit is a letter from the County Judge indicating that the County considers a drawing on this Letter of Credit necessary in order to complete all or part of the SUBDIVISION Improvements to the County Standards. No further substantiation of the necessity of the draw is required by this Letter.

Partial reductions in the amount of this Credit may be allowed. Multiple recoveries less than the total amount of the Credit are allowed. Upon the acceptance of the Improvements, the Credit will be reduced to ten percent of the cost of the public Improvements which include common area sidewalks. If this Letter of Credit is unenforceable as a statutory obligation, the ISSUER shall be bound by this contract as a common law obligation.

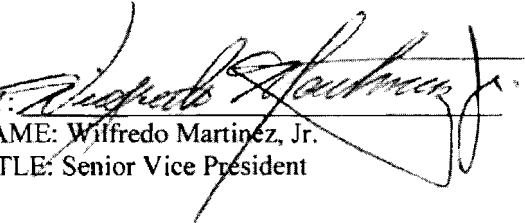


Letters of Credit Department
1200 San Bernardo Ave.
Laredo, TX 78040
Tel: (956) 722-7611 Ext. 26520 Fax: (956) 726-6674
Email: lcdepartment@ibc.com SWIFT: IBGLUS44
Member International Bancshares Corporation-Member FDIC

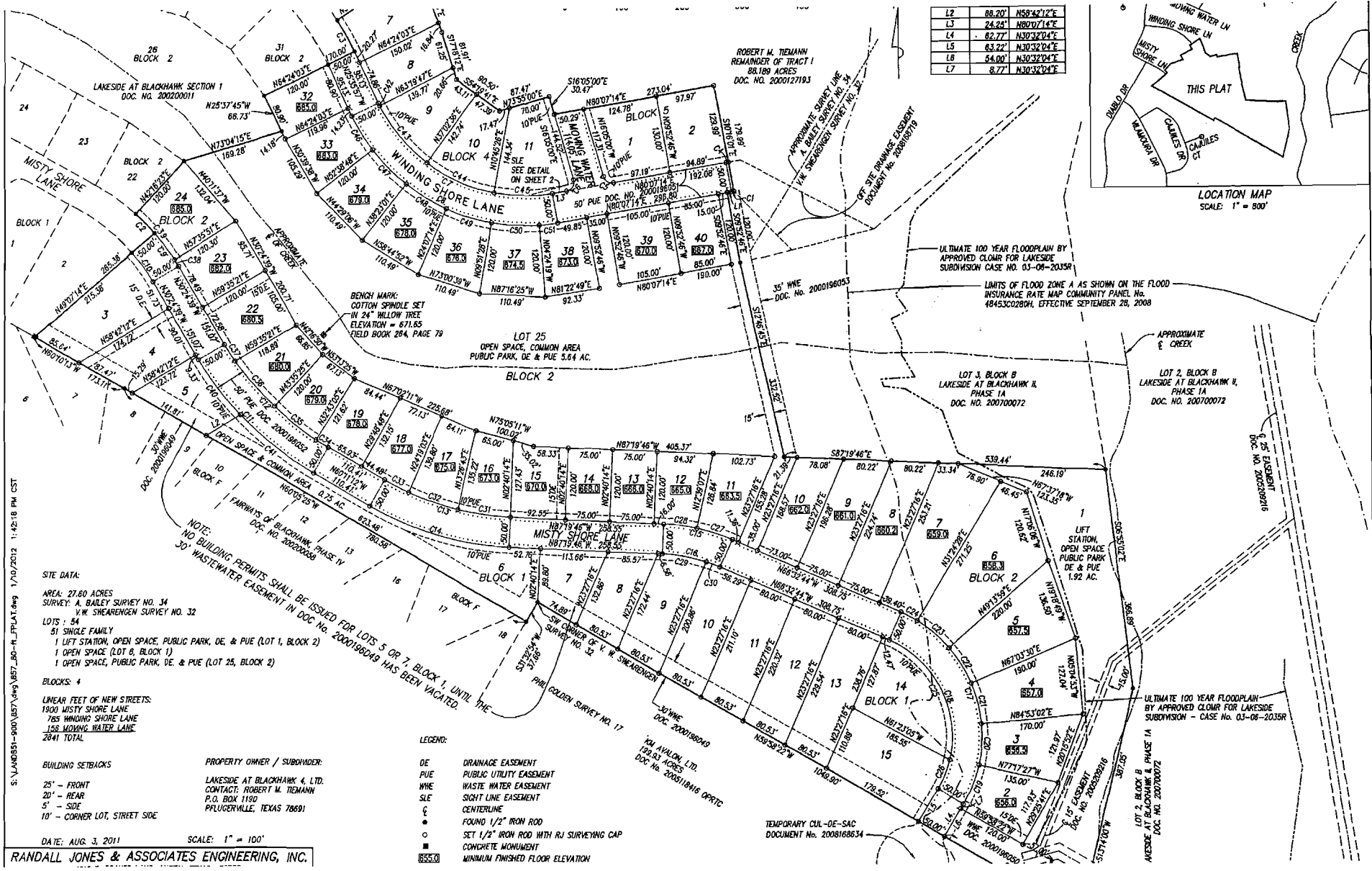
Drafts must be presented on or before the EXPIRATION DATE by the close of business and will be honored within five (5) calendar days of presentment. In lieu of drawing on the Security, the County, in its discretion, may accept a substitute Security in the then current amount of the estimated cost of the constructing the Improvements. This credit may be revoked only by the written consent of the ISSUER and the County.

Except as expressly set forth herein, this credit is governed by the "Uniform Customs and Practices for Documentary Credits [International Chamber of Commerce Publication No. 600 (2007 Revision)].

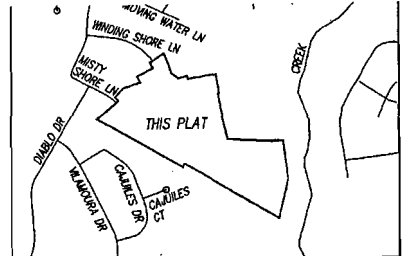
ISSUER: International Bank of Commerce

BY: 
NAME: Wilfredo Martinez, Jr.
TITLE: Senior Vice President

ADDRESS OF ISSUER:
1200 San Bernardo Ave.
Laredo, TX 78040



L2	88.20'	N58°42'12"E
L3	24.24'	N80°07'14"E
L4	82.77'	N30°32'04"E
L5	63.22'	N30°32'04"E
L6	84.00'	N30°32'04"E
L7	8.77'	N30°32'04"E



ULTIMATE 100 YEAR FLOODPLAIN BY APPROVED CLOMR FOR LAKESIDE SUBDIVISION CASE NO. 03-09-2035R

LIMITS OF FLOOD ZONE A AS SHOWN ON THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 48453C0280H, EFFECTIVE SEPTEMBER 28, 2008

LOT 3, BLOCK B LAKESIDE AT BLACKHAWK II, PHASE 1A DOC. NO. 200700072

LOT 2, BLOCK B LAKESIDE AT BLACKHAWK II, PHASE 1A DOC. NO. 200700072

SITE DATA:
 AREA: 27.60 ACRES
 SURVEY: A. BAILEY SURVEY NO. 34
 V.M. SHEARENGEN SURVEY NO. 32

LOTS: 54
 51 SINGLE FAMILY
 1 LIFT STATION, OPEN SPACE, PUBLIC PARK, DE, & PUE (LOT 1, BLOCK 2)
 1 OPEN SPACE (LOT 6, BLOCK 1)
 1 OPEN SPACE, PUBLIC PARK, DE, & PUE (LOT 25, BLOCK 2)

BLOCKS: 4

LINEAR FEET OF NEW STREETS:
 1900 MISTY SHORE LANE
 765 WINDING SHORE LANE
 158 WINDING WATER LANE
 2841 TOTAL

BUILDING SETBACKS

PROPERTY OWNER / SUBDIVIDER:
 LAKESIDE AT BLACKHAWK 4, LTD.
 CONTACT: ROBERT M. TIEMANN
 P.O. BOX 1190
 PFLUGERVILLE, TEXAS 78691

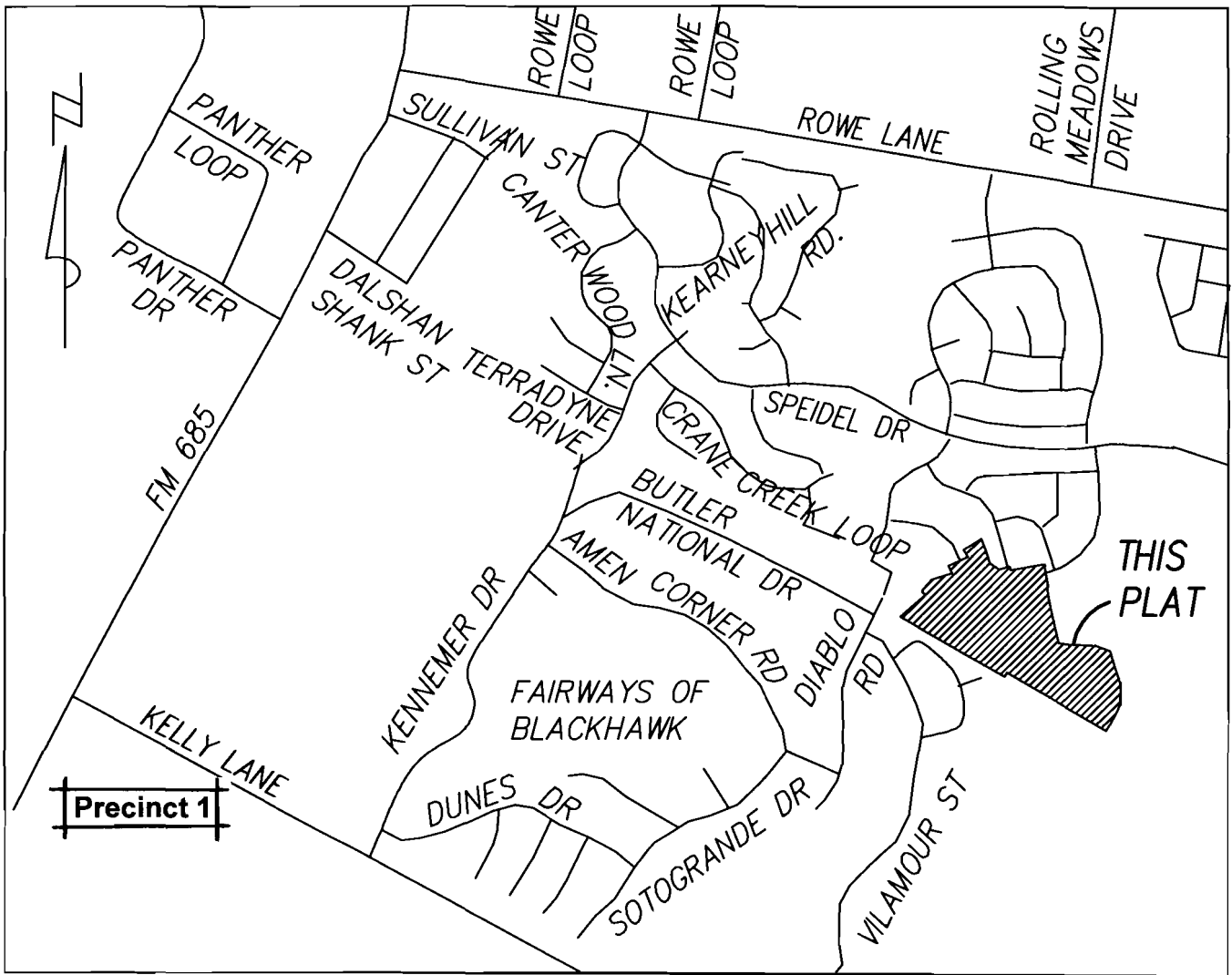
DATE: AUG. 3, 2011
SCALE: 1" = 100'

- LEGEND:**
- DE DRAINAGE EASEMENT
 - PUE PUBLIC UTILITY EASEMENT
 - WHE WASTE WATER EASEMENT
 - SLE SIGHT LINE EASEMENT
 - CL CENTERLINE
 - FOUND 1/2" IRON ROD
 - SET 1/2" IRON ROD WITH RJ SURVEYING CAP
 - CONCRETE MONUMENT
 - 855.0 MINIMUM FINISHED FLOOR ELEVATION

S:\LANDSERV\900\857\649\857_80-H_PLAT.dwg 1/10/2012 1:42:18 PM CST

RANDALL JONES & ASSOCIATES ENGINEERING, INC.

S:\LAND851-900\857\dwg\857_80-ft_FPLAT.dwg 2/12/2008 3:07:44 PM CST



LOCATION MAP (NOT TO SCALE)

LAKESIDE AT BLACKHAWK SECTION 3

DATE: FEB. 12, 2008 SCALE: NONE

RJ SURVEYING & ASSOCIATES, INC.

1212 E. BRAKER LANE, AUSTIN, TEXAS 78753
(512) 836-4793 FAX: (512) 836-4817