

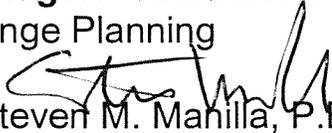


Travis County Commissioners Court Agenda Request

Meeting Date: August 13, 2013

Prepared By: Paul Scoggins **Phone #:** 854-7619

Division Director/Manager: Anna Bowlin, Division Director of Development Services and Long Range Planning

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

Sponsoring Court Member: Commissioner Daugherty, Precinct Three

AGENDA LANGUAGE: Consider and take appropriate action on a request to use an Alternative Fiscal Agreement for Sweetwater Ranch Section Two, Village F3 – Precinct Three.

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 agreement meets all Travis County standards. As such, TNR staff recommends the approval of the proposed motion.

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 and Long Rang Planning 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.

Restoration/Erosion Control Fiscal

The fiscal for the subdivision restoration and improvements has been posted with Travis County using as cash using a letter of credit in the amount of \$110,354.00.

Access to Publicly Maintained Road

Sweetwater Section Two, Village F3 takes access from Village F1. Both are considered private street subdivisions.

Waste Water Service

Wastewater service for this subdivision will be provided by the Lazy Nine Municipal Utility District 1D.

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 #12-0483. The estimated cost of the improvements is \$347,162.50. 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:

N/A

ATTACHMENTS/EXHIBITS:

- Alternative Fiscal Acknowledgment
- Exhibit "A" – Description
- Extension of Sixty-Day Period
- Proposed Plat & Maps

REQUIRED AUTHORIZATIONS:

Cynthia McDonald	Financial Manager	TNR	854-4239
Steve Manilla	County Executive	TNR	854-9429
Anna Bowlin	Division Director	Dev Serv & LRP	854-7561

CC:

Stacey Scheffel	Program Manager	TNR - Permits	854-7565

SM:AB:ps

1101 - Development Services Long Range Planning - Sweetwater Section Two, Village F3

§ EXHIBIT 82.401 (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 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 _____ day of _____, 20__.

OWNER: WS-COS Development, LLC

Address: 52 Mason Street

By: *J. Robert Long*

Greenwich, CT, 06830

Name: J. Robert Long

Phone: 203.413.7700

Title: Authorized Signatory
Authorized Representative

Fax: 203.413.7702

TRAVIS COUNTY, TEXAS:

By: _____
County Judge

ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 13 day of MARCH, 2012 by J. Robert Long in the capacity stated herein.

B L Pedersen
Notary Public in and for the State of Texas

My Commission Expires: 7/24/15

B L PEDERSEN
Printed or typed name of notary

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

Printed or typed name of notary

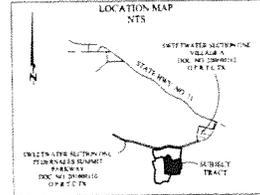
My commission expires: _____

SAMPLE EXHIBIT "A" OR FIELD NOTES

EXHIBIT "A"

That certain tract of land described as _____
subdivision is _____ acres, being a portion of that same tract of land described in
Volume _____, Page _____ of the Real Property Records of Travis County, Texas, or
Doc# _____ of the Official Public Records, as delineated on a plat under the same
name which will be held in abeyance until approval is granted by the Travis County
Commissioners' Court.

**TRAVIS COUNTY
CONSUMER PROTECTION NOTICE
FOR HOMEBUYERS**



IF YOU ARE BUYING A LOT OR HOME, YOU SHOULD DETERMINE WHETHER IT IS INSIDE OR OUTSIDE THE CITY LIMITS. DEPENDING ON STATE LAW AND OTHER FACTORS, LAND OUTSIDE THE CITY LIMITS MAY BE SUBJECT TO FEWER LOCAL GOVERNMENT CONTROLS OVER THE DEVELOPMENT AND USE OF LAND THAN INSIDE THE CITY LIMITS. BECAUSE OF THIS, LOCAL GOVERNMENT MAY NOT BE ABLE TO RESTRICT THE NATURE OR EXTENT OF DEVELOPMENT NEAR THE LOT OR HOME NOR PROHIBIT NEARBY LAND USES THAT ARE INCOMPATIBLE WITH A RESIDENTIAL NEIGHBORHOOD. THIS CAN AFFECT THE VALUE OF YOUR PROPERTY. TRAVIS COUNTY REQUIRES THIS NOTICE TO BE PLACED ON SUBDIVISION PLATS. IT IS NOT A STATEMENT OR REPRESENTATION OF THE OWNER OF THE PROPERTY, THE SUBDIVIDER, OR THEIR REPRESENTATIVES.

Delta Survey Group Inc.
8213 Brodie Lane Ste. 102 Austin, TX 78745
office (512) 282-5200 fax (512) 282-5230

**SWEETWATER RANCH
SECTION TWO
VILLAGE F 3**

SHEET
1
OF
4

STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS THAT W&COS DEVELOPMENT, L.L.C. ACTING HEREIN AND THROUGH MICHAEL L. RAFFERTY, AUTHORIZED SIGNATORY OWNER OF 1379.351 ACRES REMAINDER OF LAND LOCATED IN THE W. A. BARLOW SURVEY NO. 88 IN TRAVIS COUNTY, TEXAS, DESCRIBED BY DEED OF RECORD IN DOCUMENT NO. 20110294 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, THE UNDERSIGNED OWNER HEREBY SUBDIVIDES 1.790 ACRES OF LAND OUT OF SAID 1379.351 ACRES TRACT PURSUANT TO CHAPTER 202 OF THE LOCAL GOVERNMENT CODE OF TEXAS, IN ACCORDANCE WITH THIS PLAT TO BE KNOWN AS SWEETWATER RANCH SECTION TWO, VILLAGE F 3 SUBDIVISION, SUBJECT TO THE COVENANTS AND RESTRICTIONS SHOWN HEREON, AND HEREBY DESIGNATES TO THE OWNERS OF THE LOTS IN THE SUBDIVISION, PUBLIC UTILITIES SERVING THE SUBDIVISION, EMERGENCY SERVICES PROVIDERS WITH JURISDICTION, AND PUBLIC SERVICES AGENCIES, THE USE OF ALL THE PRIVATE STREET AND OTHER EASEMENTS SHOWN HEREON, SUBJECT TO ANY EASEMENTS AND/OR RESTRICTIONS HERETO FURNISHED AND NOT RELEASED, THE MAINTENANCE AND PAYMENT OF REAL PROPERTY TAXES ON SUCH PRIVATE STREETS ARE THE RESPONSIBILITY OF THE OWNERS OF THE SUBDIVISION OR ANY DULY CONSTITUTED HOMEOWNERS ASSOCIATION UNDER THAT CERTAIN INSTRUMENT OF RECORD A DOCUMENT NUMBER 20090725 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AN EXPRESS EASEMENT IS HEREBY GRANTED ACROSS SAID PRIVATE STREETS AND ANY COMMON AREAS FOR THE USE OF THE SURFACE FOR ALL GOVERNMENTAL FUNCTIONS, VEHICULAR AND NONVEHICULAR, INCLUDING FIRE AND POLICE PROTECTION, SIDEWALKS AND OTHER WASTE MATERIAL PICKUP AND ANY OTHER PURPOSE ANY GOVERNMENTAL AUTHORITY DEEMS NECESSARY, AND OWNER FURTHER AGREES THAT ALL GOVERNMENTAL UTILITIES, THEIR RIGHTS OR EMPLOYEES, SHALL NOT BE RESPONSIBLE OR LIABLE FOR ANY DAMAGE OCCURRING TO THE SURFACE OF THE SAID PRIVATE STREET AND ANY COMMON AREA AS A RESULT OF ANY SUCH USE BY GOVERNMENTAL UTILITIES, ALL PRIVATE STREETS SHOWN HEREON ARE LEAF AND DAYCARE NOT FOR ROAD AND ANY SECURITY GATES OR DEVICES CONTROLLING ACCESS TO SUCH STREETS WILL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION OF THIS SUBDIVISION.

WITNESS MY HAND THIS _____ DAY OF _____, 201____ A.D.

BY: MICHAEL L. RAFFERTY, AUTHORIZED SIGNATORY
W&COS DEVELOPMENT, L.L.C.
52 MARSHLET
GREENWICH, CT 06439

STATE OF TEXAS
COUNTY OF

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED MICHAEL L. RAFFERTY, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXERCISED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES _____, 201____ A.D.

NO PORTION OF THIS SUBDIVISION LIES WITHIN THE DESIGNATED 100 YEAR FLOOD PLAIN AS DEFINED BY F.F.M.A. MAP 4841K0410H DATED SEPTEMBER 28, 2008.

I, RICHARD J. WHEELER, JR., AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING, AND DO HEREBY CERTIFY THAT THIS PLAT IS FEASIBLE FROM AN ENGINEERING STANDPOINT AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

RICHARD J. WHEELER, JR., P.E.
REGISTERED PROFESSIONAL ENGINEER NO. 48013
MALLON/WHEELER, INC.
7900 RIALTO BLVD. BLDG. 1, SUITE 340
AUSTIN, TEXAS 78751

STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS

I, JOHN C. NIELSEN, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE ORIGINAL INSTRUMENT OF DIVISION.

7-7-15
DATE

JOHN C. NIELSEN
REGISTERED PROFESSIONAL LAND SURVEYOR
No. 4541 STATE OF TEXAS
DELTA SURVEY GROUP INC.
8213 BRODIE LANE, STE. 102
AUSTIN, TEXAS 78745



THIS SUBDIVISION IS NOT LOCATED IN THE CITY OF AUSTIN'S JURISDICTION.

DIRECTION: CITY OF AUSTIN
PLANNING & DEVELOPMENT REVIEW DEPARTMENT

IN APPROVING THIS PLAT, THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS ASSUMES NO OBLIGATION TO BUILD STREETS, ROADS, AND OTHER PUBLIC THROUGH AREAS SHOWN ON THIS PLAT OR ANY BRIDGES OR CULVERTS IN CONNECTION THEREWITH. THE BEING ONE OF ALL STREETS, ROADS, OR OTHER PUBLIC THROUGH AREAS SHOWN ON THIS PLAT AND ALL BRIDGES AND CULVERTS NECESSARY TO BE CONSTRUCTED OR PLACED IN SUCH STREETS, ROADS, OR OTHER PUBLIC THROUGH AREAS IN CONNECTION THEREWITH IS THE RESPONSIBILITY OF THE OWNER AND 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 OWNERS 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 LOCAL SECURITY PLATED TO STRUCTURE PRIVATE IMPROVEMENTS TO RECEIVE THIS OBLIGATION. THE OWNERS MUST POST BOND TO THE COUNTY IN THE ESTIMATED COST OF THE IMPROVEMENTS. THE OWNER'S OBLIGATION TO CONSTRUCT THE IMPROVEMENTS TO THE COUNTY STANDARDS AND TO POST THE FISCAL SECURITY TO SECURE SUCH OBLIGATION 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 PRIVATE 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 OBLIGATION.

STATE OF TEXAS
COUNTY OF TRAVIS

I, DANA DEBEAUVOUR, CLERK OF THE COUNTY COURT OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT ON THE _____ DAY OF _____, 201____ 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 _____, 201____ A.D.

DANA DEBEAUVOUR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

SUBJECT

STATE OF TEXAS
COUNTY OF TRAVIS

I, DANA DEBEAUVOUR, 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 _____, 201____ A.D. AT _____ O'CLOCK _____ M. DULY RECORDED ON THE _____ DAY OF _____, 201____ A.D. AT _____ O'CLOCK _____ M. PLAT RECORDS OF SAID COUNTY AND STATE IN DOCUMENT NO. _____ OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THIS _____ DAY OF _____, 201____ A.D.

DANA DEBEAUVOUR, COUNTY CLERK,
TRAVIS COUNTY, TEXAS

DEPT

Delta Survey Group Inc.
8213 Brodie Lane Ste. 102 Austin, TX 78745
office (512) 282-5200 fax (512) 282-5230

**SWEETWATER RANCH
SECTION TWO
VILLAGE F 3**

SHEET
2
OF
4

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

Date: 3/13/2012

Owner's Name and Address: WS-COS Development, LLC
52 Mason Street
Greenwich, CT 06830

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

Sweetwater Section Two Village F3

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.

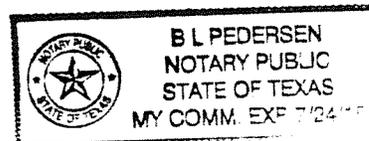
Owner: WS-COS Development, LLC
By: *J. Robert Long*
Name: J. Robert Long
Title: Authorized Signatory
Authorized Representative

ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF TRAVIS

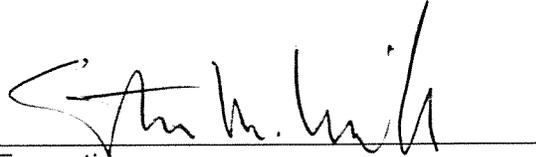
This instrument was acknowledged before me on the 13 day of MARCH,
2012 by J. Robert Long of Travis County, Texas known to me personally
or on the basis of an approved form of identification, in the capacity stated.

Notary Public, State of Texas
B. L. Pedersen



Travis County

By:



County Executive

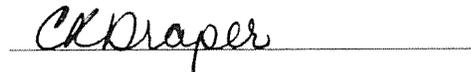
Travis County Transportation and Natural Resources Department

ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF TRAVIS

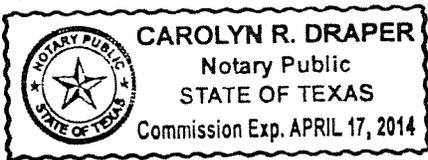
This instrument was acknowledged before me on the 2nd day of August,
2013 by Steven M Manilla, P.E., County Executive of Travis County, Texas known to me
personally or on the basis of an approved form of identification, in the capacity stated.

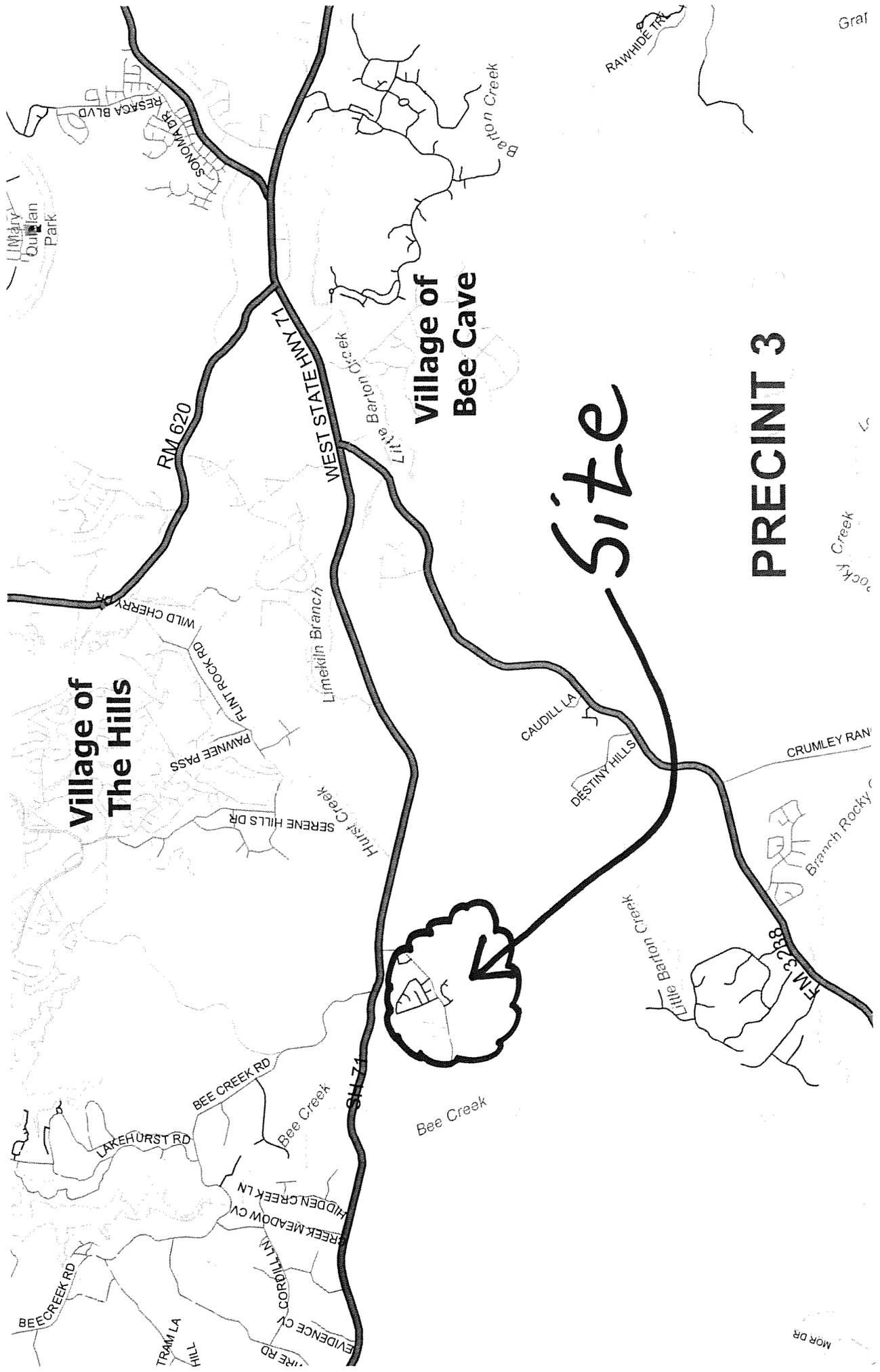
Notary Public, State of Texas



Carolyn R. Draper
(Printed Name of Notary)

My Commission Expires:





**Village of
The Hills**

**Village of
Bee Cave**

Site

PRECINCT 3

Grat

Rocky Creek

CRUMLEY RUN

Branch Rocky

FM 3288

Little Barton Creek

Bee Creek

Bee Creek

Hurst Creek

Limekiln Branch

Little Barton Creek

Barton Creek

RAWHIDE TR

Mary Bullman Park

RESACA BLVD

RM 620

WEST STATE HWY 71

WILD CHERRY DR

FLINT ROCK RD

PAWNEE PASS

SERENE HILLS DR

LAKEHURST RD

BEE CREEK RD

TRAM LA

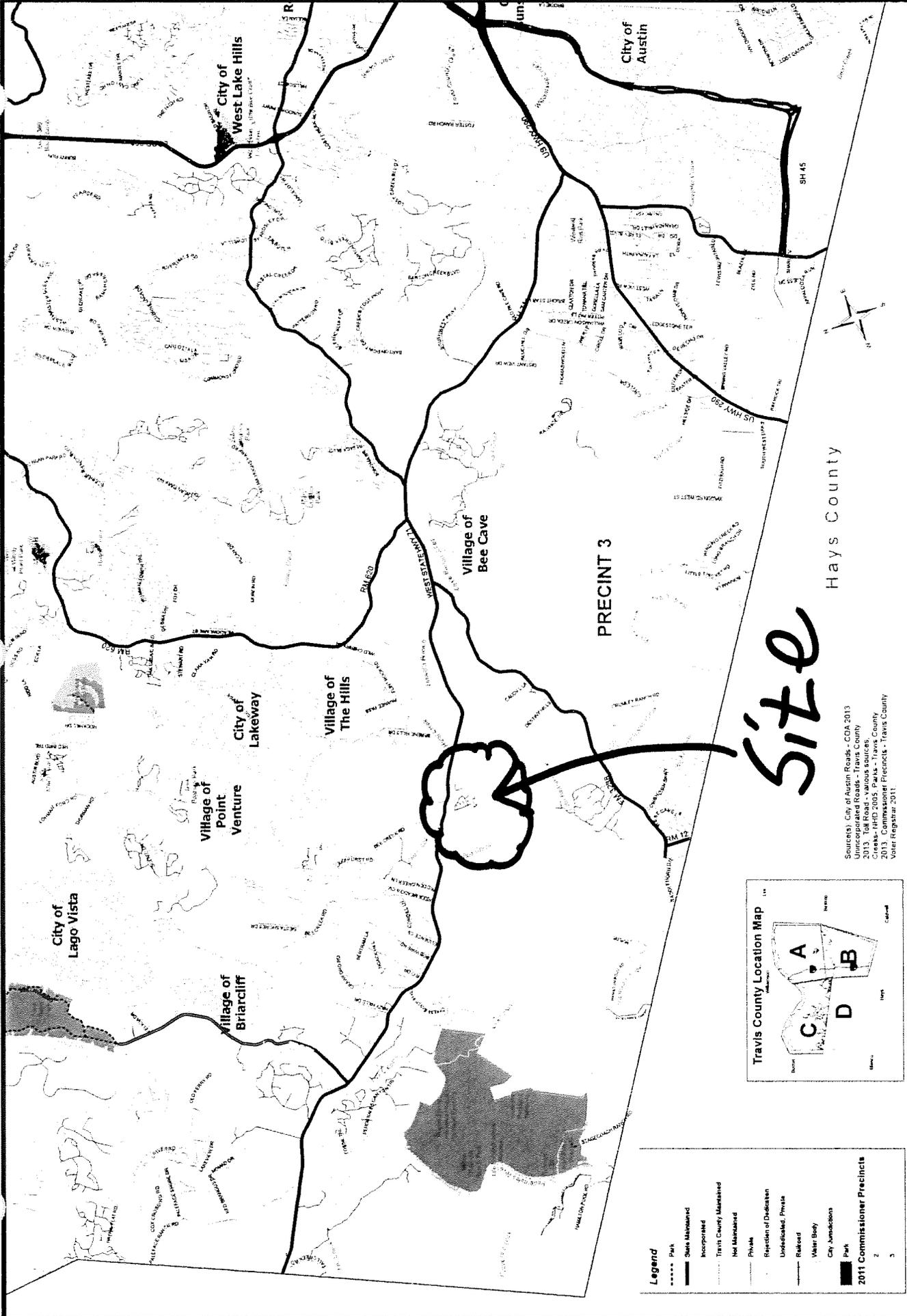
HIDDEN CREEK LN

BREEK MEADOW CV

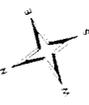
COBBLIN LN

EVIDENCE CV

MOR DR



Map Prepared by Travis County
 Dept. of Transportation & Natural Resources
 Date: 3/2/2013

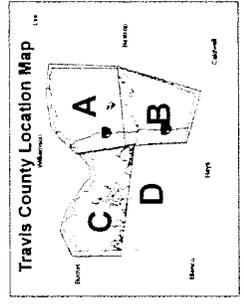


Hays County

PRECINCT 3

Site

Sources: City of Austin Roads - CGA 2013
 Unincorporated Roads - Travis County
 2013 Toll Road - various sources
 Creeks - HHD 2005 Parks - Travis County
 2013 Commissioner Precincts - Travis County
 Voter Registrar 2011



Legend	
.....	Park
-----	State Maintained
-----	Incorporated
-----	Travis County Maintained
-----	Not Maintained
-----	Phreak
-----	Reflection of DeKalten
-----	Undeveloped, Private
-----	Railroad
-----	Water Body
-----	City Junctions
-----	Park
-----	2011 Commissioner Precincts
-----	2
-----	3

This product is informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. It does not represent an on-the-ground survey and represents only the information available to the County at the time of preparation. The County makes no warranty for reference purposes only and offers no warranties for the product's accuracy or completeness.

Travis County Roadways, Map D

