



Travis County Commissioners Court Agenda Request

Meeting Date: December 17, 2013

Prepared By: Paul Scoggins, Engineering Specialist **Phone #:** 512-854-7619

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 West Cypress Hills, Phase Two, Section Three – 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 agreement meets all Travis County standards. As such, TNR staff recommends the approval of the proposed motion.

ISSUES AND OPPORTUNITIES:

Under the Alternative Fiscal Agreement 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 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 a letter of credit in the amount of \$108,060.91.

Access to Publicly Maintained Road:

West Cypress Hills, Phase 2, Section 3, takes access from West Cypress Hills Phase 2, Section 2, a subdivision currently under construction.

Wastewater Service:

Wastewater service for this subdivision will be provided by the Cypress Ranch Water Control and Improvement District No. 1.

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 #13-1480. The estimated cost of the improvements is \$923,612.00. 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 the Alternate Fiscal Agreement. 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	512-854-4239
Steve Manilla	County Executive	TNR	512-854-9429
Anna Bowlin	Division Director of Development Services and Long Range Planning	TNR	512-854-7561

CC:

Stacey Scheffel	Program Manager	TNR - Permits	512-854-7565

SM:AB:ps

**1101 - Development Services Long Range Planning - West Cypress Hills, Section Two,
Phase Three**

§ 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 3 day of December, 2013.

OWNER: Cypress Ranch, Ltd

Address: 3600 N. Capital of TX B-320

By: [Signature]

Austin, TX 78746

Name: Alan Topfer

Phone: (512) 329-6600

Title: President, Cypress Ranch Development, Inc.
Authorized Representative

Fax: (512) 329-6462

As general partner

ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 3 day of December, 2013, by Alan Topfer in the capacity stated herein.

[Signature]

Notary Public in and for the State of Texas

Lisa Stephens

Printed or typed name of notary

My Commission Expires: 4/1/2017



TRAVIS COUNTY, TEXAS:

By: _____
County Judge

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

WEST CYPRESS HILL
PHASE TWO, SECTION THREE

**PROPERTY DESCRIPTION
32.26 ACRES**

BEING 32.26 ACRES OF LAND IN THE H. REIMERS SURVEY NO. 68, ABSTRACT 2500, TRAVIS COUNTY, TEXAS AND BEING A PORTION OF THE REMAINDER OF A CALLED 343.80 ACRE TRACT DESCRIBED AS "EXHIBIT A" IN A DEED TO CYPRESS RANCH, LTD AND RECORDED IN DOCUMENT NO. 2002048694 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS SAID 32.26 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS REFERENCED TO THE TEXAS COORDINATE SYSTEM CENTRAL ZONE NAD83.

BEGINNING at an iron rod with plastic cap stamped ""AST" at the westerly corner of Lot 52, Block B, West Cypress Hills Phase 2, Section 2 a subdivision of record in Document No. 201300124 of the Official Public Records of Travis County, Texas;

THENCE, leaving said westerly corner and crossing the remainder of said called 343.80 acre tract the following six (6) courses and distances:

1. N35°47'42"W, 180.00 feet to an iron rod with cap stamped "AST";
2. N35°03'05"W, 70.60 feet to an iron rod with cap stamped "AST";
3. N30°22'06"W, 70.00 feet to an iron rod with cap stamped "AST";
4. N25°07'26"W, 70.00 feet to an iron rod with cap stamped "AST";
5. N20°21'41"W, 70.00 feet to an iron rod with cap stamped "AST";
6. N19°30'18"W, 258.59 feet to an iron rod with cap stamped "AST" on the northwesterly line of said remainder tract, same being the southeasterly line of a called 1159.665 acre tract, Tract 1 described in a deed to Travis County in Document No. 2005222378 of said Official Public Records;

THENCE, with the northwesterly line of the remainder of said 343.80 acre tract and the southeasterly line of said called 1159.665 acre tract, N32°08'53"E, 1114.35 feet to an iron rod with cap stamped "AST" at the most westerly corner of a called 12.00 acre tract of land described in a deed to Cypress Ranch Water Control and Improvement District No. 1 of record in Document No. 2010193418 of said Official Public Records;

THENCE, leaving said northwesterly and southeasterly line and with the southwesterly line of said called 12.00 acre tract the following eleven (11) courses and distances;

1. S28°32'01"E, 181.99 feet to an iron rod with cap stamped "AST";
2. S42°07'17"E, 287.49 feet to an iron rod with cap stamped "AST";
3. S46°28'49"E, 256.72 feet to an iron rod with cap stamped "AST";
4. S77°41'54"E, 370.11 feet to an iron rod with cap stamped "AST";
5. S32°11'00"E, 422.10 feet to an iron rod with cap stamped "AST";
6. S0°55'30"W, 119.29 feet to an iron rod with cap stamped "AST";
7. S45°13'59"E, 113.33 feet to an iron rod with cap stamped "AST";

WEST CYPRESS HILL
PHASE TWO, SECTION THREE

8. S37°57'06"E, 51.99 feet to an iron rod with cap stamped "AST";
9. S16°41'51"E, 50.84 feet to an iron rod with cap stamped "AST";
10. S48°43'14"E, 188.81 feet to an iron rod with cap stamped "AST";
11. N70°35'05"E, 96.32 feet to an iron rod with cap stamped "Newsome" on the northerly right of way line of Cypress Ranch Boulevard (100 foot wide right of way);

THENCE, with said right of way line the following three (3) courses and distances:

1. S41°54'26"W, 365.14 feet to an iron rod with cap stamped "AST" at the beginning of a curve to the left;
2. With the arc of said curve to the left 76.00 feet having a radius of 663.37 feet, a central angle of 06°33'51" and a chord bearing and distance of S38°07'41"W, 75.96 feet to a point of reverse curvature and;
3. With the arc of said curve to the right 23.56 feet having a radius of 15.00 feet, a central angle of 90°00'00" and a chord bearing and distance of S81°08'51"W, 21.21 feet to a point of tangency on the northeasterly right of way line of Sabino Drive (50 foot wide right of way);

THENCE with said northeasterly right of way line, N53°51'09"W, 15.00 feet to an iron rod with cap stamped "AST" at the southerly corner of Lot 63, Block A of said West Cypress Hills, Phase Two, Section Two;

THENCE, leaving said northeasterly right of way line and with the southeasterly line of said Lot 63, N36°08'51"E, 150.00 feet to an iron rod with cap stamped "AST" at the easterly corner of said Lot 63;

THENCE, with the northeasterly lines of said Lots 63, 62 and 61 of Block A the following three (3) courses and distances:

1. N53°51'09"W, 70.00 feet to an iron rod with cap stamped "AST";
2. N49°41'20"W, 70.20 feet to an iron rod with cap stamped "AST";
3. N45°10'34"W, 70.00 feet to an iron rod with cap stamped "AST" at the northerly corner of said Lot 61;

THENCE, with the northwesterly line of said Lot 61, S44°49'26"W, 150.00 feet to an iron rod with cap stamped "AST" on the northeasterly right of way line of said Sabino Drive;

THENCE, with said northeasterly right of way line, N45°10'34"W, 74.04 feet to an iron rod with cap stamped "AST" at the southerly corner of Lot 60, Block A of said subdivision;

THENCE, leaving said northeasterly right of way line, with the southeasterly line of said Lot 60, N44°49'26"E, 150.00 feet to an iron rod with cap stamped "AST" at the easterly corner of said Lot 60;

THENCE, with the northerly line of said Block A of said subdivision, the following ten (10) courses and distances:

1. N45°10'34"W, 140.00 feet to an iron rod with cap stamped "AST";

WEST CYPRESS HILL
PHASE TWO, SECTION THREE

2. N47°09'34"W, 86.82 feet to an iron rod with cap stamped "AST";
3. N57°30'51"W, 97.48 feet to an iron rod with cap stamped "AST";
4. N69°08'00"W, 94.84 feet to an iron rod with cap stamped "AST";
5. N80°35'33"W, 94.84 feet to an iron rod with cap stamped "AST";
6. S87°56'54"W, 94.84 feet to an iron rod with cap stamped "AST";
7. S72°30'33"W, 94.41 feet to an iron rod with cap stamped "AST";
8. S57°05'37"W, 93.13 feet to an iron rod with cap stamped "AST";
9. S55°09'04"W, 79.34 feet to an iron rod with cap stamped "AST";
10. S54°12'18"W, at 69.98 feet passing an iron rod with cap stamped "AST" at the easterly right of way line of Chipotle Pass and at 119.98 feet passing an iron rod with cap stamped "AST" on the westerly right of way line of said Chipotle Pass and continuing for a total of 380.00 feet to an iron rod with cap stamped "AST" at the westerly corner of Lot 14, Block A, same being on the easterly right of way line of Verbena Parkway (70 foot wide right of way);

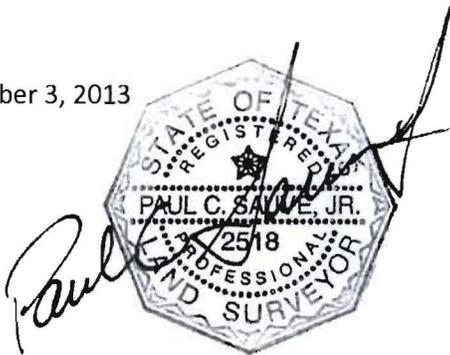
THENCE, with said easterly right of way line, N35°47'42"W, 13.40 feet to an iron rod with cap stamped "AST";

THENCE, leaving said easterly right of way line, S54°12'18"W, at 70.00 feet passing the westerly right of way line of said Verbena Parkway and continuing for a total distance of 200.00 feet the **POINT OF BEGINNING** and containing 32.26 acres more or less.

SURVEYOR'S STATEMENT

I hereby state that the included field note description was prepared from an actual survey made on the ground under my supervision and is true and correct, to the best of knowledge and belief.

December 3, 2013



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

Date: December 3, 2013

Owner's Name and Address: Cypress Ranch Ltd
3600 N Capital of Texas Hwy, Building B, Suite 320
Austin, TX 78746

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

West Cypress Hills Phase 2, 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 effective as of the date set forth below.

Owner: Cypress Ranch, Ltd

By: [Signature]

Name: Alan Topfer

Title: President, Cypress Ranch Development, Inc
Authorized Representative its general partner

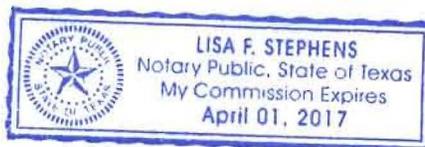
ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF TRAVIS

This instrument was acknowledged before me on the 3 day of December, 2013 by Alan Topfer of Travis County, Texas known to me personally or on the basis of an approved form of identification, in the capacity stated.

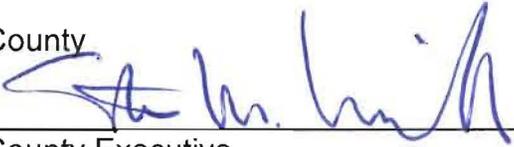
Notary Public, State of Texas

[Signature]



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 12th day of December, 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

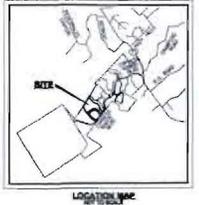


Carolyn R. Draper
(Printed Name of Notary)

My Commission Expires:



CONSUMER PROTECTION NOTICE FOR HOMEBUYERS

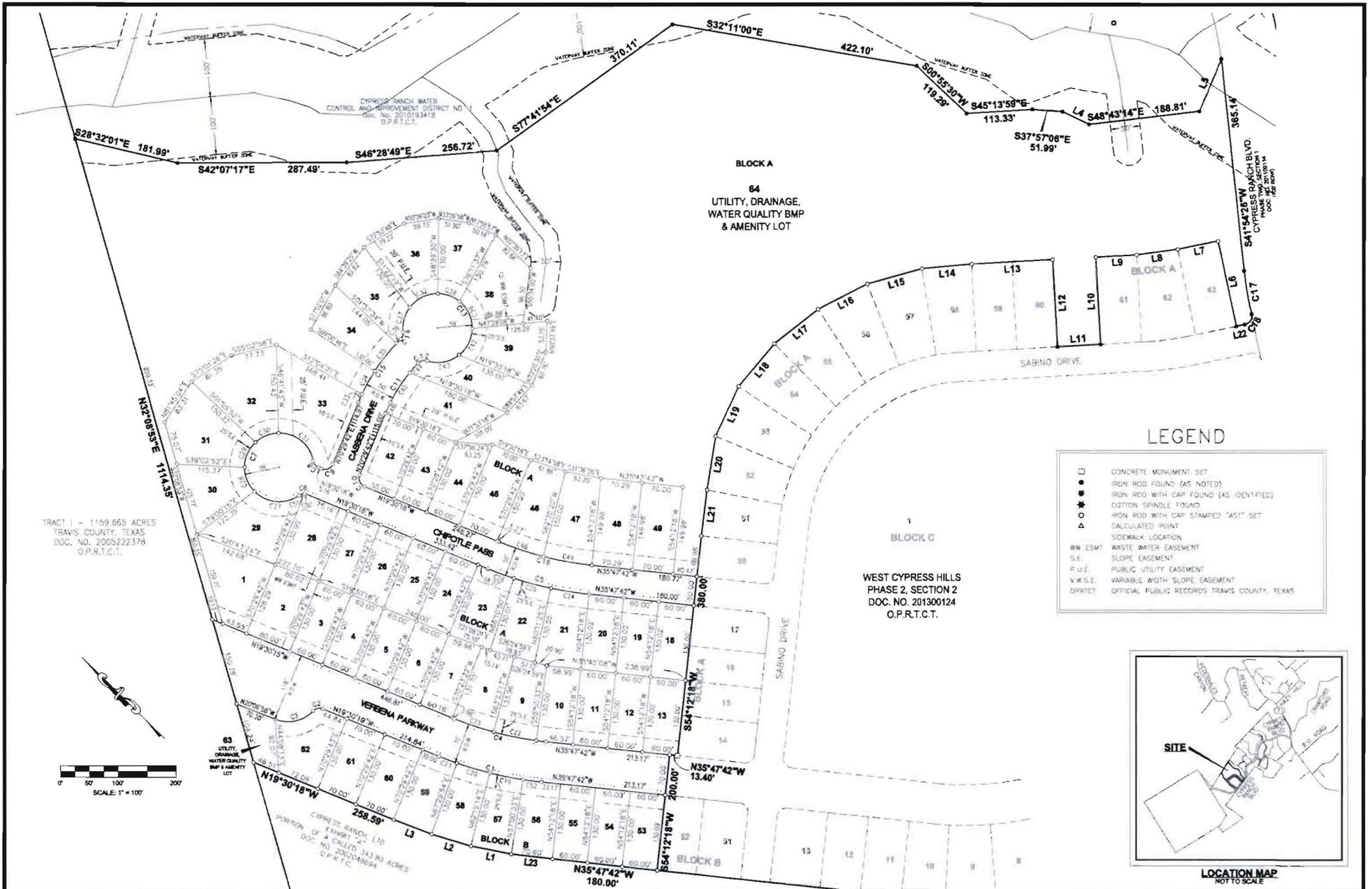


IF YOU ARE BUYING A LOT IN THIS SUBDIVISION, YOU SHOULD DETERMINE WHETHER THE SUBDIVISION AND THE LAND AROUND IT ARE INSIDE OR OUTSIDE THE CITY LIMITS.

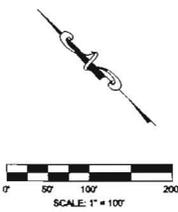
THIS CAN AFFECT THE ENJOYMENT AND VALUE OF YOUR HOME. DEPENDING ON STATE LAW AND OTHER FACTORS, LAND OUTSIDE THE CITY LIMITS MAY BE SUBJECT TO FEWER LOCAL GOVERNMENT CONTROLS OVER THE DEVELOPMENT AND USE OF LAND THAN INSIDE THE CITY LIMITS.

THE SUBDIVISION'S RESTRICTIVE COVENANTS MAY CREATE PRIVATELY ENFORCEABLE RESTRICTIONS AGAINST INCOMPATIBLE LAND USES WITHIN THE SUBDIVISION, WHETHER IT IS INSIDE OR OUTSIDE THE CITY LIMITS.

DEPENDING ON STATE LAW AND OTHER FACTORS, HOWEVER, OUTSIDE THE CITY LIMITS NEITHER PRIVATE NOR GOVERNMENTAL RESTRICTIONS MAY BE AVAILABLE TO (1) RESTRICT EITHER THE NATURE OR EXTENT OF DEVELOPMENT NEAR THE SUBDIVISION, OR (2) PROHIBIT LAND USES NEAR THE SUBDIVISION THAT ARE INCOMPATIBLE WITH A RESIDENTIAL NEIGHBORHOOD.

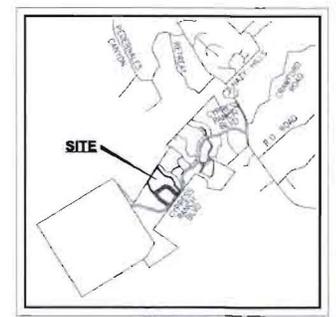


TRACT 1 - 1159.665 ACRES
 TRAVIS COUNTY, TEXAS
 DOC. NO. 2005222378
 O.P.R.T.C.T.



LEGEND

- CONCRETE MONUMENT SET
- IRON ROD FOUND (AS NOTED)
- IRON ROD WITH CAP FOUND (AS IDENTIFIED)
- COTTON SPINDLE FOUND
- IRON ROD WITH CAP STAMPED "AS1" SET
- CALCULATED POINT
- SIDEWALK LOCATION
- WW ESMT WASTE WATER EASEMENT
- S.E. SLOPE EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- V.W.S.E. VARIABLE WIDTH SLOPE EASEMENT
- DRRCT. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS



LOCATION MAP
 NOT TO SCALE

TEXAS ENGINEERING SOLUTIONS

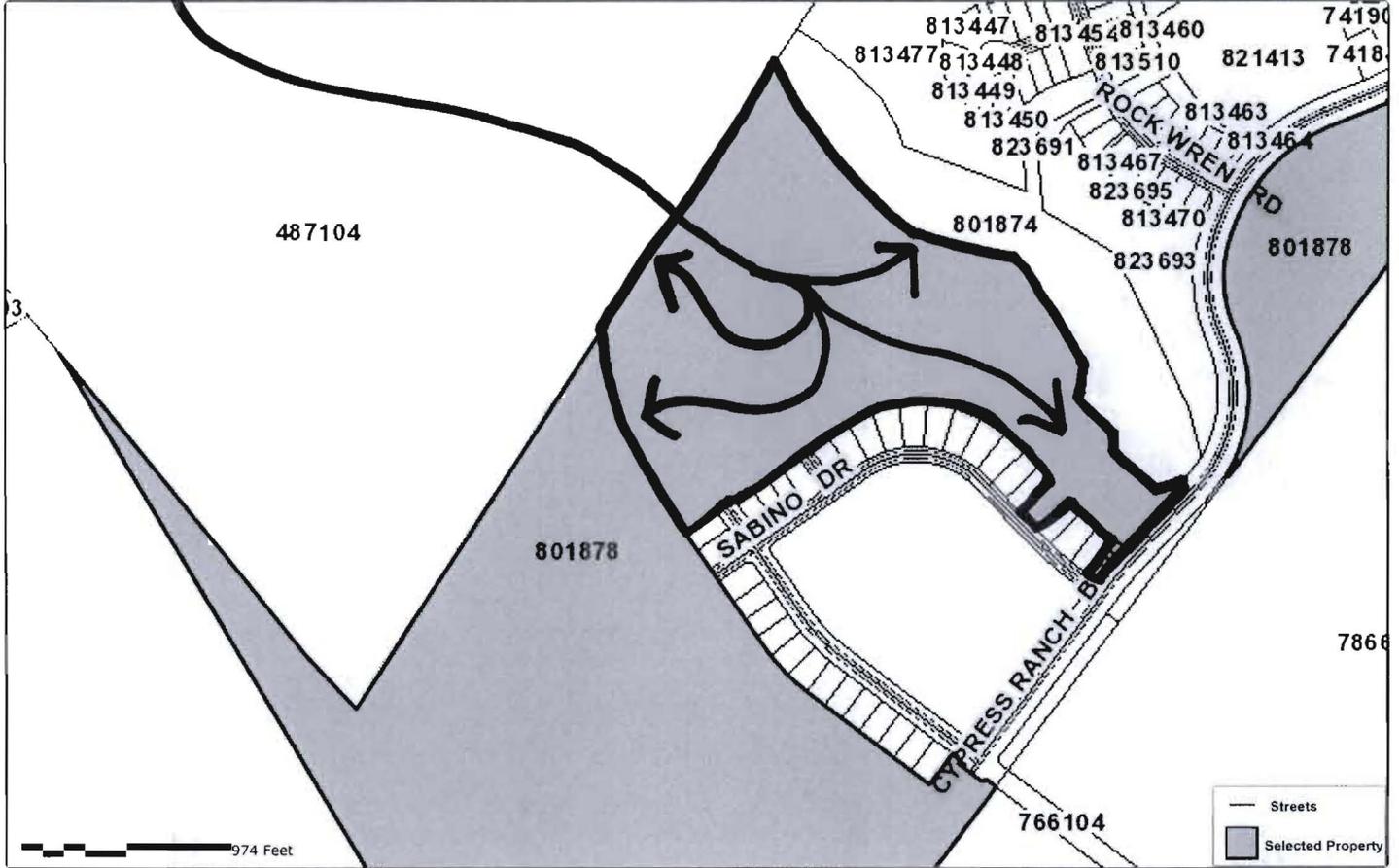
AST ALSTIN SPATIAL TECHNOLOGIES, LLC

TRAVIS COUNTY, TEXAS	
SURVEY DATE:	APRIL, 2013
SURVEYOR:	PAUL C. SALVE, RPLS# 2518
TECHNICIAN:	PCS
FIELDBOOK:	FIELDBOOK
JOB NUMBER:	1108
DESCRIPTION:	N/A
CLIENT:	CYPRESS RANCH, LTD.
PLOT DATE:	OCT. 2013

**WEST CYPRESS HILLS
 PHASE TWO, SECTION THREE**

Site Location

Travis CAD - Map of Property ID 801878 for Year 2013



Property Details

Account

Property ID: 801878
Geo ID: 0534060154
Type: Real
Legal Description: ABS 2500 SUR 68 REIMERS H ABS 134 SUR 67 B S & F & VAR SUR ACR 177.9129 (1-D-1W)

Location

Situs Address: CYPRESS RANCH BLVD TX 78669
Neighborhood: Land Region 220
Mapsco: 517K
Jurisdictions: 0A, 03, 07, 1J, 2J, 52, 77

Owner

Owner Name: CYPRESS RANCH LTD
Mailing Address: STE B320, 3600 N CAPITAL OF TEXAS HWY, , AUSTIN, TX 78746-3314

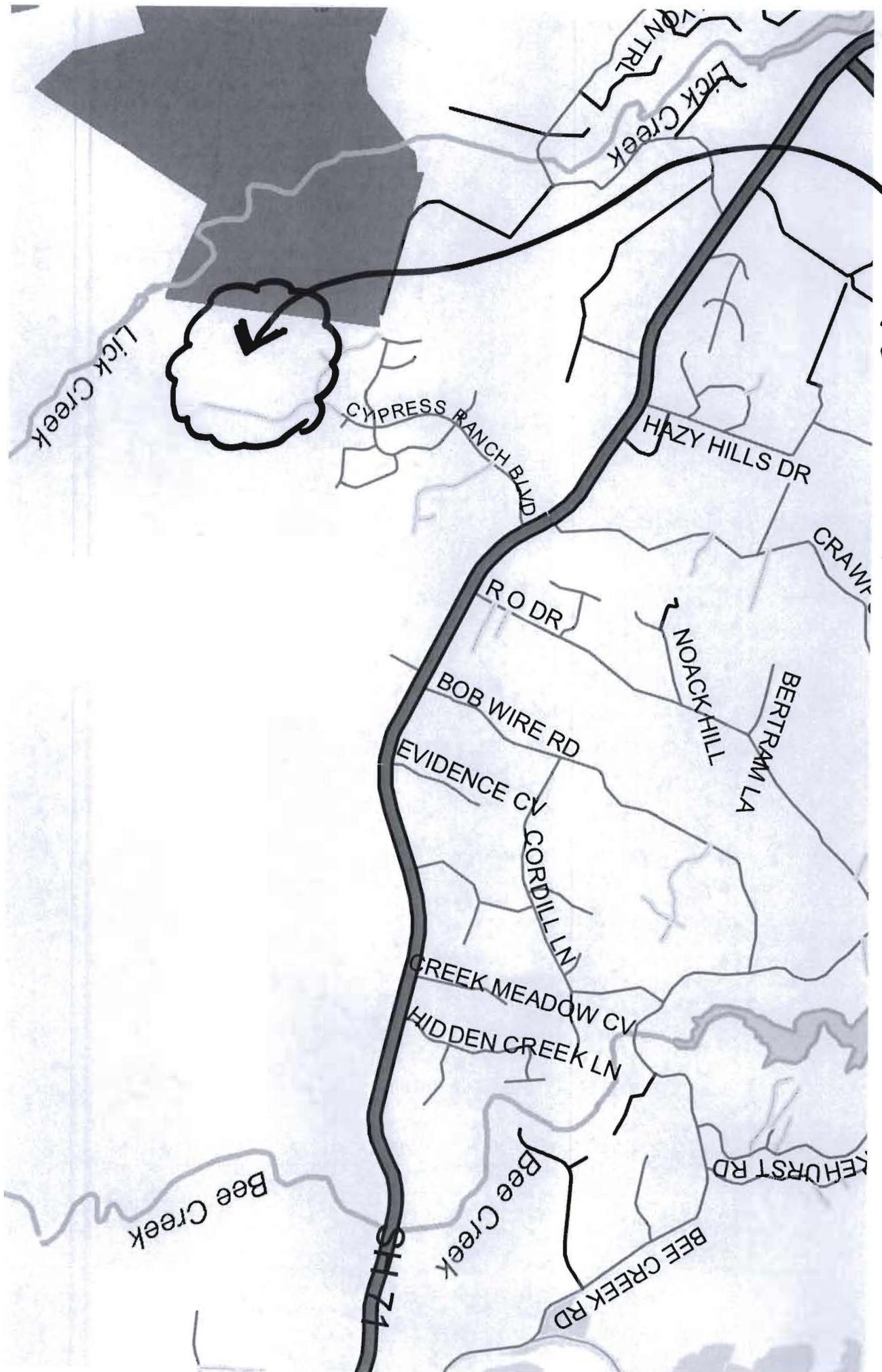
Property

Appraised Value: \$9,963.00

<http://propaccess.traviscad.org/Map/View/Map/1/801878/2013>

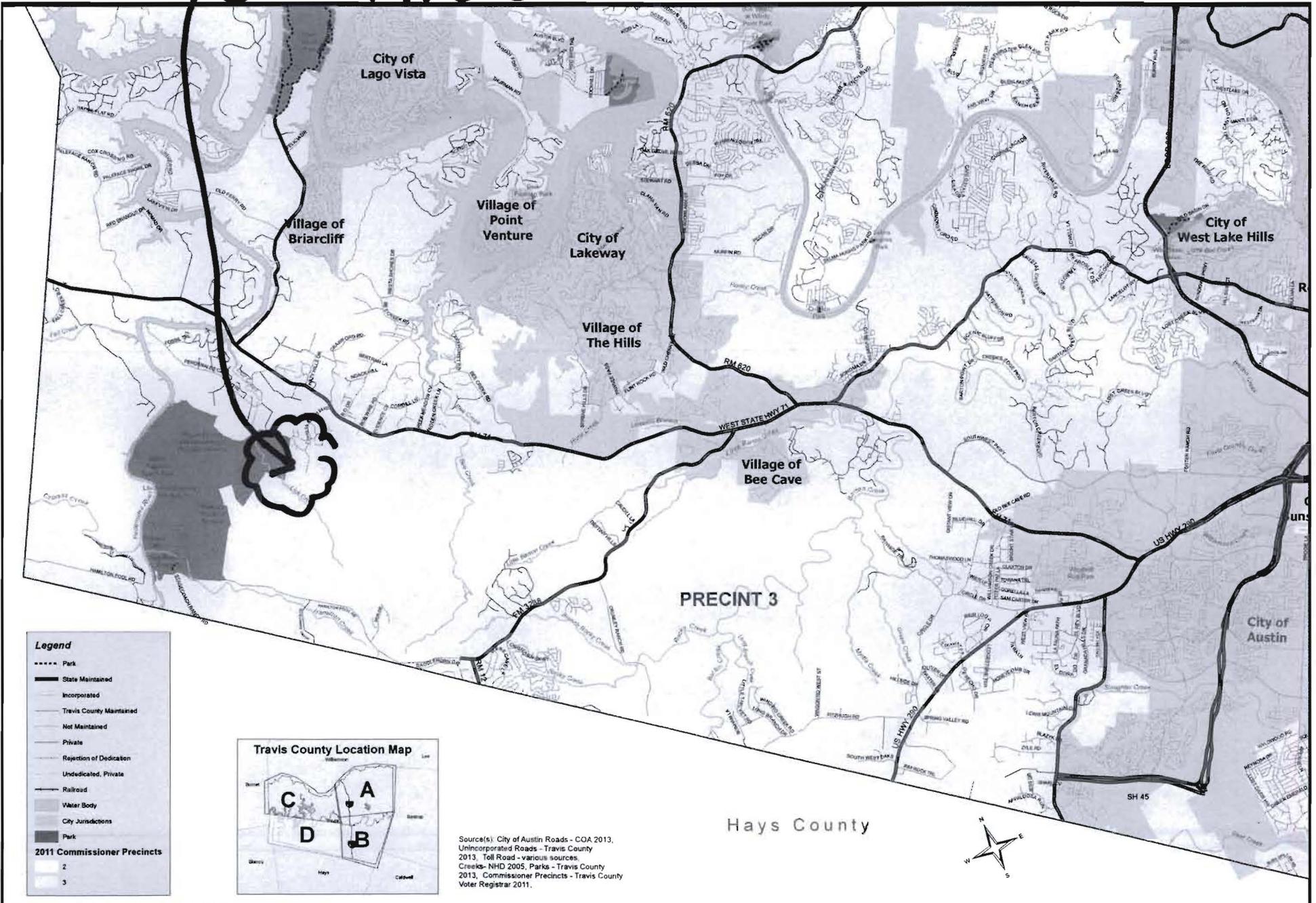
powered by:
PropertyACCESS
www.trueautomation.com

Map Disclaimer: This tax map was compiled solely for the use of TCAD. Areas depicted by these digital products are approximate, and are not necessarily accurate to mapping, surveying or engineering standards. Conclusions drawn from this information are the responsibility of the user. The TCAD makes no claims, promises or guarantees about the accuracy, completeness or adequacy of this information and expressly disclaims liability for any errors and omissions. The mapped data does not constitute a legal document.



Site Area

Site Area

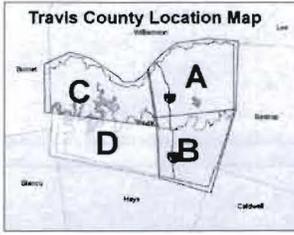


Legend

- Park
- ==== State Maintained
- Incorporated
- Travis County Maintained
- Not Maintained
- Private
- Rejection of Dedication
- Undedicated, Private
- Railroad
- Water Body
- City Jurisdictions
- Park

2011 Commissioner Precincts

- 2
- 3



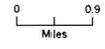
Source(s) City of Austin Roads - COA 2013,
 Unincorporated Roads - Travis County
 2013, Toll Road - various sources
 Creeks- NHD 2005, Parks - Travis County
 2013, Commissioner Precincts - Travis County
 Voter Registrar 2011.

Hays County



This product is for 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 approximate relative location of property boundaries. Travis County has produced this product for reference purposes only and offers no warranties for the product's accuracy or completeness.

Travis County Roadways, Map D



Map Prepared by: Travis County,
 Dept. of Transportation & Natural
 Resources. Date: 5/21/2013