



## Travis County Commissioners Court Agenda Request

**Meeting Date:** May 27, 2014

**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 Davis, Precinct One

**AGENDA LANGUAGE:** Consider and take appropriate action on a request to use an Alternative Fiscal Agreement for Lakeside at Blackhawk II, Section 2A – Precinct One.

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

The developer of the subject subdivision requests to enter into an Alternative Fiscal Agreement with Travis County. Under this 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 which finds that 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 Range Planning authorizes the issuance of a Basic Development Permit for the 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's restoration and improvements has been posted with Travis County as a letter of credit in the amount of \$297,915.33.

**Access to Publicly Maintained Road**

Lakeside at Blackhawk II, Section 2A takes access from a section of Chayton Circle within Lakeside at Blackhawk II, Phase 1A. This section of Chayton Circle has yet to be accepted for maintenance 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 #13-2328. The estimated cost of the improvements is \$1,312,977.66. 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 nor guarantee plat approval by the Commissioners Court and that he/she understands the constraints related to the use of alternative 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	(512) 854-4239
Steven M. Manilla	County Executive	TNR	(512) 854-9429
Anna Bowlin	Division Director	Development Services Long Range Planning	(512) 854-7561

**CC:**

Stacey Scheffel	Permit Program Manager	TNR	(512) 854-7565

**SM:AB:ps**

**1101 - Development Services Long Range Planning - Lakeside at Blackhawk II, Section 2A**

§ 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 14 day of May, 2014.

OWNER:  
By: [Signature]

Name: DAVID BRUNING

Title: VICE PRESIDENT  
Authorized Representative

TRAVIS COUNTY, TEXAS By: \_\_\_\_\_  
County Judge

ACKNOWLEDGEMENT

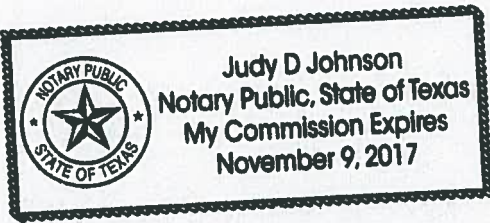
STATE OF TEXAS §  
  §  
COUNTY OF TRAVIS §

This instrument was acknowledged before me by David Bruning on the 14 day of May, 2014, in the capacity stated herein.

[Signature]  
Notary Public in and for  
the State of Texas

Judy D. Johnson  
Printed or typed name of notary

My commission  
expires: 11-9-2017



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: \_\_\_\_\_

Mailing Address of Owner:

15.59 Acres

ALL THAT PART OF THE V. W. SWEARENGEN SURVEY No. 32 IN TRAVIS COUNTY, TEXAS, BEING A PART OF THAT 28.174 ACRE TRACT OF LAND CONVEYED TO CITYVIEW BLACKHAWK 192, LTD., BY DEED RECORDED IN DOCUMENT No. 2007142724 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, WHICH IS DESCRIBED AS FOLLOWS:

BEGIN at a 1/2" iron rod set at the Southwest Corner of the said 28.174 Acre Tract at the Southeast Corner of Lot 2, Block B, Lakeside at Blackhawk II, Phase 1A, according to the plat thereof recorded in Document No. 200700072 of the Official Public Records of Travis County, Texas,

THENCE along the West Line of the said 28.174-Acre Tract and the East Line of said Lot 2 the following four courses:

1. N.09°44'07"E. a distance of 79.97 feet to a 1/2" iron rod set;
2. N.68°54'32"E. a distance of 155.34 feet to a 1/2" iron rod set and to a point on a non-tangent curve to the right
3. Northerly along the arc of said curve, a distance of 56.73 feet, said curve having a radius of 275.00 feet, a central angle of 11°49'12" and a chord bearing N.15°10'52"W., 56.63 feet to a 1/2" iron rod set;
4. N.09°16'16"W. a distance of 530.87 feet to a 1/2" iron rod set at the Southwesterly Corner at the south end of Chayton Circle, a right of way 50 feet wide as shown on the said plat of Lakeside at Blackhawk II, Phase 1A the same being the Southwest Corner of that 32.37 Acre Tract of land conveyed to Cityview Blackhawk 192, L.P., by deed recorded in Document No. 2005207629 of the Official Public Records of Travis County, Texas, and the Northwest Corner of the said 28.174 Acre Tract

THENCE along the South Line of Chayton Circle and continuing along the South Line of Lots 1 to 7, Block E, of the said Plat of Lakeside at Blackhawk II, Phase 1A, the South Line of the said 32.37 Acre Tract, and the North Line of the said 28.174 Acre Tract the following three courses:

1. N.80°43'44"E. a distance of 445.96 feet to a 1/2" iron rod set;
2. N.81°23'36"E. a distance of 70.81 feet to a 1/2" iron rod set;
3. N.87°25'24"E. a distance of 65.86 feet to a 1/2" iron rod set at the Southeast Corner of said Lot 7, Block E;

THENCE along the North Line of the said 28.174-Acre Tract and the South Line of the said 32.37-Acre Tract the following two courses:

1. S.86°20'22"E. a distance of 65.70 feet to a 1/2" iron rod set;
2. S.85°41'42"E. a distance of 19.17 feet (from which point a 1/2" iron rod set bears S.85°41'42"E. 71.13 feet) ;

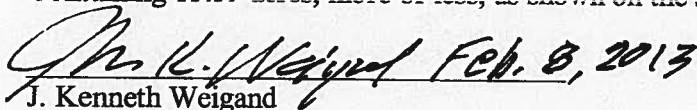
15.59 Acres

THENCE across the said 28.174-Acre Tract the following 14 courses:

1. S.04°18'18"W. a distance of 125.00 feet;
2. S.85°41'42"E. a distance of 84.54 feet to a ½" iron rod set;
3. S.04°18'18"W. a distance of 50.00 feet to a to a ½" iron rod set at a point on a non-tangent curve to the left;
4. Southwesterly along the arc of said curve, a distance of 23.56 feet, said curve having a radius of 15.00 feet, a central angle of 90°00'00" and a chord bearing S.49°18'18"W., 21.21 feet to a ½" iron rod set;
5. S.04°18'18"W. a distance of 105.00 feet to a ½" iron rod set;
6. S.85°41'42"E. a distance of 122.50 feet to a ½" iron rod set;
7. S.04°18'18"W. a distance of 620.34 feet to a ½" iron rod set;
8. N.59°58'23"W. a distance of 163.68 feet to a to a ½" iron rod set at a point on a non-tangent curve to the right'
9. Southwesterly along the arc of said curve, a distance of 5.38 feet, said curve having a radius of 275.00 feet, a central angle of 01°07'15" and a chord bearing S.29°28'00"W., 5.38 feet to a ½" iron rod set;
10. S.30°01'37"W. a distance of 99.62 feet to a to a ½" iron rod set at a point of curvature of a curve to the left;
11. Southerly, along the arc of said curve to the left a distance of 23.56 feet, said curve having a radius of 15.00 feet, a central angle of 90°00'00", and a chord bearing S.14°58'23"E., 21.21 feet to a ½" iron rod set;
12. S.30°01'37"W. a distance of 50.00 feet to a ½" iron rod set;
13. N.59°58'23"W. a distance of 117.76 feet to a ½" iron rod set;
14. S.30°01'37"W. a distance of 135.00 feet to a ½" iron rod set in the South Line of the said 28.174 Acre Tract and the North Line of that 199.93 Acre Tract conveyed to KM Avalon, Ltd., by deed recorded in Document No. 2005118416 of the Official Public Records of Travis County, Texas (from which point a 1/2" iron rod set bears S.59°58'23"E. 70.00 feet);

THENCE N.59°58'23"W., along said South Line and the North Line of the said 199.93-Acre Tract, a distance of 529.29 feet to the said Point of Beginning.

Containing 15.59 acres, more or less, as shown on the survey drawing attached.

 Feb. 8, 2013

J. Kenneth Weigand  
Registered Professional Land Surveyor No. 5741  
State of Texas  
RJ Surveying & Associates, Inc.  
1212 East Braker Lane  
Austin, Texas 78753

All iron rods set have RJ Surveying caps. Bearings are based on the plat of Lakeside at Blackhawk II, Phase 1A.

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

Date: 9-27-13

Owner's Name and Address: 2012 Lakeside at Blackhawk, LLC  
7676 Woodway, Suite 104  
Houston, Texas 77063

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

Lakeside at Blackhawk II Phase 2A

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 for the reasonable period of: \_\_\_\_\_

Executed and effective as of the later date set forth below.

Owner: 2012 Lakeside at Blackhawk, LLC

By: \_\_\_\_\_

Name: GARY R. TESCH  
PRESIDENT

Title: \_\_\_\_\_  
Authorized Representative  
Travis County, Texas

By: \_\_\_\_\_  
Executive Manager

Travis County Transportation and Natural Resources Department



ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on the day of 9/27, 2013, by GARY R TESCH of HARRIS County, Texas, known to me personally or on the basis of an approved form of identification, in the capacity stated.

Leila C Spear

Notary Public, State of TEXAS

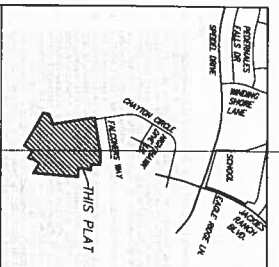
My Commission Expires:

LEILA C SPEAR

(Printed Name of Notary)



FINAL PART OF  
LAKESIDE AT BLACKHAWK II, PHASE 2A



TRAVIS COUNTY  
CONSUMER PROTECTION NOTICE FOR HOME BUYERS

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

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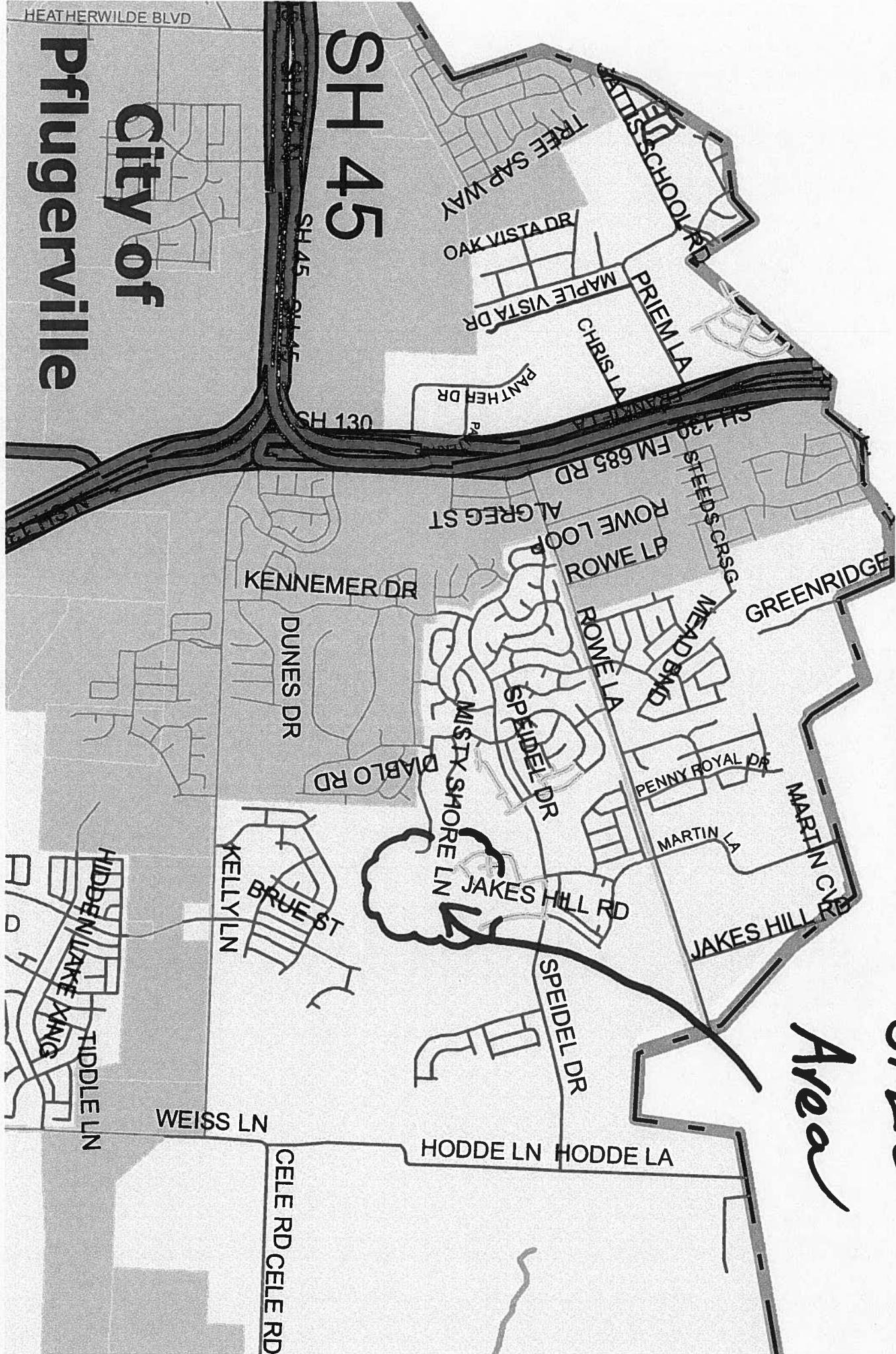
SHEET 1 OF 3 SHEETS

DATE: MAR 7, 2013  
RANDALL JONES & ASSOCIATES ENGINEERING, INC.  
1277 E. WINDING LANE, SUITE 200  
LEWISVILLE, TEXAS 78740  
P-23784  
RJ SURVEYING & ASSOCIATES, INC.  
1277 E. WINDING LANE, SUITE 200  
LEWISVILLE, TEXAS 78740  
(512) 934-7931 FAX (512) 934-4877

HEATHERWILDE BLVD

# City of Pflugerville

## SH 45

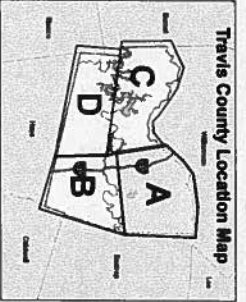


*Site Area*

# Site Area

WILLIAMSON COUNTY

Travis County Location Map

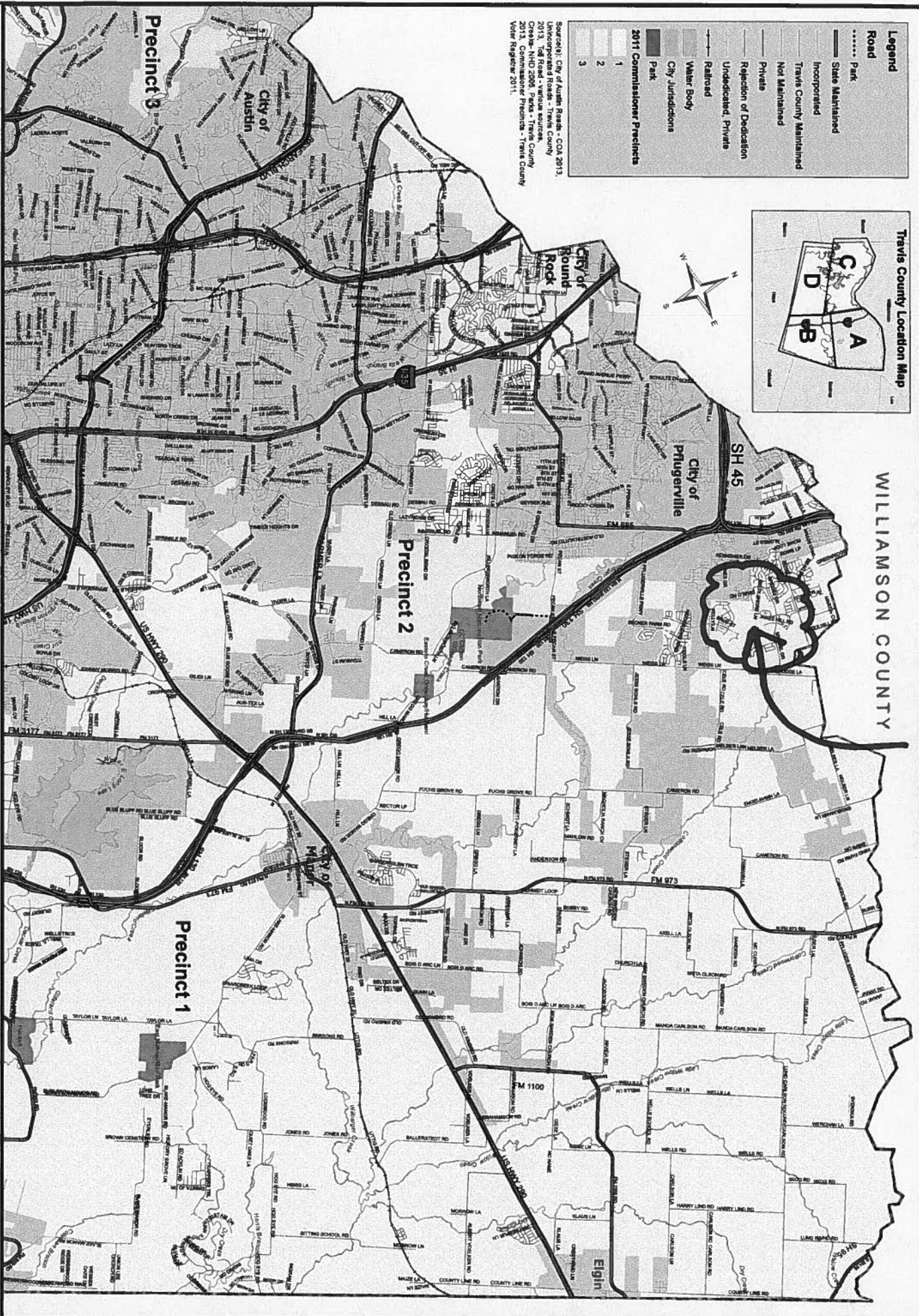


**Legend**

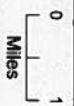
- ..... Park
- ..... Road
- ..... State Maintained
- ..... Incorporated
- ..... Travis County Maintained
- ..... Not Maintained
- ..... Private
- ..... Rejection of Dedication
- ..... Undedicated, Private
- ..... Railroad
- ..... Water Body
- ..... City Jurisdictions
- ..... 2011 Commissioner Precincts

1  
2  
3

Source(s): City of Austin Roads - COA 2013, Unincorporated Roads - Travis County, 2013, Toll Road - various sources, Census - NH 2000, Parks - Travis County, 2013, Commissioner Precincts - Travis County Voter Register 2011.



# Travis County Roadways, Map A



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

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 accuracy or completeness.