NOTICE OF REGULAR MEETING
BASTROP CITY COUNCIL
Tuesday, November 12, 2013 at 6:15 PM

Pursuant to the Texas Government Code, Chapter 551, the City Council of Bastrop, Texas will hold a regular meeting on **November 12, 2013 at 6:15 p.m.** at the Council Chambers of City Hall located at 1311 Chestnut Street, Bastrop, Texas and will consider the following matters:

1. Call to Order
2. Pledge of Allegiance and Invocation
3. Presentation by Bastrop Student on Character Education regarding Compassion.
4. Proclamation of "Native American Heritage Day" on Friday, November 29th, 2013.
5. Announcements

City Manager's Informational Report for November 12, 2013: Items for update, discussion & possible action:

A. Meetings and Events Attended:
1. Attended a Special Meeting of the Lost Pines Groundwater Conservation District on November 4, 2013.
2. Attended the Texas Downtown Association Annual Banquet on November 7, 2013.

B. Update on City Projects and Issues:
1. Water Usage report for the period of October 21, 2013 through November 10, 2013.
2. Update and Discussion regarding Stage II of the Drought Contingency Plan.
3. Update on the Short and Long Term Water Supply Options/.
4. Update on the Top 10 Strategic Priorities as Established by the City Council for 2013-2016.
5. Update on the Fy-14 Hotel/Motel Funding
6. Flooding of the Colorado River October 30, 2013 through November 2, 2014.
7. Colors of the Sidewalks on S.H. 304.
8. Bastrop Marketing Corporation Report for the period ending October 31, 2013.
9. Update on S.H. 71 Improvements
10. Status of Board Vacancies

C. Update on City Various City Operations:
1. Convention Center Activities
2. Main Street Program
3. Commercial/Residential Construction Projects in the City
4. YMCA Activities

Inviting input from the City Council related to issues for possible inclusion on future agenda's on related to items such as (but not limited to) municipal projects, personnel, public property, development and other City/public business.

A. CONSENT AGENDA

All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Members so requests.

		TAB	PG	ORIGINATOR
A.1	Approval of meeting Minutes for the Regular Council Meetings held on October 22, 2013.	A.1	6	Elizabeth Lopez
A.2	Consideration, discussion and possible action on the **SECOND READING** of a proposed **ORDINANCE** of the City Council of the City of Bastrop Texas, **amending the budget for the Fiscal Year 2013** in accordance with existing statutory requirements; appropriating the various amounts herein; repealing all prior Ordinances and actions in conflict herewith; and providing for an effective date.	A.2	15	Karla Stovall
A.3	Consideration, discussion and possible action on the **SECOND READING** of a proposed **ORDINANCE** granting an amendment to Section 37.2 **Construction Standards** adding C. Residential Design Standards in Single Family Residential Districts, Chapter 14, Zoning, "Exhibit A" Zoning Ordinance, relating to the regulations of residential design standards for single family homes in residential areas; providing a severability clause; and providing an effective date.	A.3	25	Melissa McCollum
A.4	Consideration, discussion and possible action on the **SECOND READING** of a proposed **ORDINANCE** granting an amendment to Section A-3 Definition 123 **Home Occupation** and amending the Use Chart, Section 36.3 to reflect that Home Occupations do not require and Conditional Use Permit (CUP) Chapter 14, Zoning, "Exhibit A" Zoning Ordinance, relating to the regulation of Home Occupation uses in residential areas; providing a severability clause; and providing an effective date.	A.4	29	Melissa McCollum
A.5	**Approval of the Preliminary Plat for XS Ranch, Rivercamp Estates**, Phase 2 (29 residential lots) being +/- 251.03 acres within the Extra Territorial Jurisdiction (ETJ) of Bastrop, Texas located off Sayers Road, County Road 157.	A.5	33	Melissa McCollum
A.6	**Approval of the statutory denial**, for a period of 180 days from the date of Council action on this request, for the Little Colony Subdivision being a Re-subdivision of Lot 1, Bastrop West Commercial, Section 2 consisting of approximately 1.511 acres within the city limits of Bastrop, Texas.	A.6	43	Melissa McCollum
A.7	**Board Appointment** by Mayor Terry Orr and confirmation by the City Council on the appointment of **Matthew Brian Lassen** as the **First Alternate** Member for the **Zoning Board of Adjustment;** a **2-year term** to commence on **November 2013** through **November 2015**.	A.7	46	Elizabeth Lopez

A.8 **Adoption** of an **Ordinance** by the City Council of the City of Bastrop, Texas, **Amending and Clarifying** the **City's Personnel Policies Manual**: Chapter 5, Section 14; " **Modified Work Duty Program**,", repealing conflicting Resolutions and Policies including a severability clause; and establishing an effective date. **A.8** 49 Tanya Cantrell

B. PUBLIC HEARINGS AND ORDINANCES AND OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION:

B.1 Approval of the **FIRST READING** of a **Resolution** of the City Council of Bastrop **approving a project** (façade/mega grant to Charlie Amos in an amount not to exceed **$25,000**, for **renovations to the building at 1008 Main Street**), using funds provided by the Bastrop Economic Development Corporation, in an amount exceeding $10,000. **B.1** 55 Dave Quinn

B.2 Citizen Comments **B.2**

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EXECUTIVE SESSION: The Council reserves the right to convene into Executive Session at any time during the meeting regarding any agenda item. In compliance with the Open Meetings Act, Chapter 551 Government Code, Vernon's Texas Code, Annotated, the item below will be discussed in closed session.

1. SECTION 551.071 – Consultations with Attorney related to legal matters

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C. OLD BUSINESS

D. NEW BUSINESS

D.1 Consideration, discussion and possible action for acceptance of the presentation of the Bastrop County Historical Society Museum and Visitors Center Operations and Maintenance Budget for 2014. **D.1** 58 Karla Stovall

D2 Approval of Bastrop Marketing Corporation's request for reimbursement of expenses. **D.2** 64 Karla Stovall

D.3 The Bastrop Central Appraisal District has submitted the Official Ballot for the Election of the Board of Directors with the term beginning January 1, 2014 through December 31, 2015. **D.3** 67 Mike Talbot

D.4 Consideration, discussion and possible action approving a MEMORANDUM of UNDERSTANDING between the City of Bastrop and DM PECAN PARK Associates, Ltd. For the Development of Land. **D.4** 71 Mike Talbot

E. EXECUTIVE SESSION

E.1 The Bastrop City Council will meet in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq,* to discuss the following:

1. SECTION 551.071(1) (A) and SECTION 551.071(2) – Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation or claims, including but not limited to **"Pine Forest Investments Group, LLC v The City of Bastrop, et al, cause No. 29,052, In the 21st Judicial District Court of Bastrop County, Texas,"** and/or (2) matter upon which the Attorney has a duty and/or responsibility to report to the governmental body, concerning same, and/or any other matters posted on the agenda.

2. SECTION 551.072 – Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, or value of real property.

E.2 The Bastrop City Council will reconvene into open session to discuss, consider and/or take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

F. ADJOURNMENT

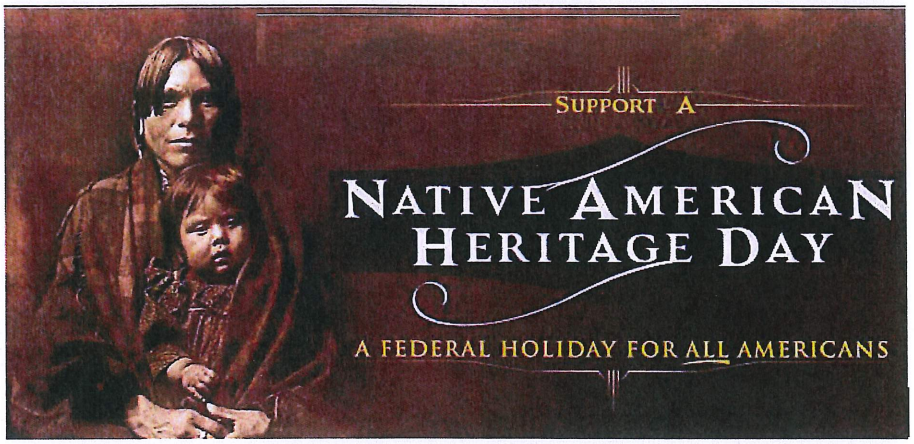
CERTIFICATE

*I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the bulletin board, at the City Hall of the City of Bastrop, Texas, a place convenient and readily accessible to the general public at all times, and said notice was posted the **8th** day of **November 2013** at **1:00 p.m.** Copies of this agenda have been provided to those members of the media requesting such information.*

Elizabeth Minerva Lopez, City Secretary

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS THE CITY OF BASTROP IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. BASTROP CITY HALL AND COUNCIL CHAMBERS ARE WHEELCHAIR ACCESSIBLE AND SPECIAL MARKED PARKING IS AVAILABLE. PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED ASSISTANCE ARE REQUESTED TO CONTACT THE CITY SECRETARY'S OFFICE AT 512-332-8800. PLEASE PROVIDE FORTY-EIGHT HOURS NOTICE WHEN FEASIBLE.

Confirm time posted: KR



PROCLAMATION

Whereas, our great nation has been significantly influenced by the Native American Indian history and culture of traditions that are respected as part of a rich legacy throughout the United States; and

Whereas, their contributions have enhanced the freedom, prosperity, and greatness of America today and celebrated by sharing their culture, artistic, and historical activities throughout the month of November; and

Whereas, President George W. Bush signed the National Law Legislation the designation of the **day after Thanksgiving** as **Native American Heritage Day,** the **Native American Heritage Day Bill** was passed on November 13, 2007 and approved unanimously by the United States Senate on September 22, 2008; and

Now Therefore, I, Terry Orr, by virtue of the authority vested in me as Mayor of the City of Bastrop, Texas, do hereby proclaim **Friday, November, 29th, 2013** as the **National American Heritage Day,** in the City of Bastrop, and I encourage citizens to observe this day with appropriate programs, ceremonies and activities.

In Witness Whereof, I have hereunto set my hand and caused the official seal of the City of Bastrop, Texas to be affixed on this the 12th of November 2013.

Terry Orr

Mayor Terry Orr

CITY OF BASTROP TEXAS

CITY OF BASTROP **AGENDA ITEM** **A-1**

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: **November 6, 2013**
MEETING DATE: **November 12, 2013**

1. Agenda Item: **Approval of the meeting Minutes from the Regular City Council Meetings held on October 22, 2013.**

2. Party Making Request: **Elizabeth Lopez, City Secretary**

3. Nature of Request: (Brief Overview) Attachments: **Yes X** No _____

4. Policy Implication: _____

5. Budgeted: _____Yes _____No _____ **N/A**
   Bid Amount: _____ Budgeted Amount: _____
   Under Budget: _____ Over Budget: _____
   Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: **NAME/TITLE INITIAL DATE CONCURRENCE**
   a) _____
   b) _____
   c) _____

8. Staff Recommendation: _____

9. Advisory Board: _____Approved _____Disapproved _____None

10. Manager's Recommendation: _____Approved _____Disapproved _____None

11. Action Taken: _____

1013s

BASTROP CITY COUNCIL
MINUTES OF REGULAR MEETING
October 22, 2013 at 6:15 pm

Pursuant to the Texas Government Code, Chapter § 551, the City Council of Bastrop, Texas held a Regular Meeting on Tuesday, **October 22, 2013** at **6:15 p.m.** at the Bastrop City Hall Council Chambers located at 1311 Chestnut Street in Bastrop, Texas to consider the following matters:

1. **CALL TO ORDER -** Mayor Terry Orr called the meeting to order at 6:15 p.m. A full quorum was present: Mayor Pro-Tem Joe Beal and Council Members Kay Garcia McAnally, Ken Kesselus and Willie De La Rosa.

2. **PLEDGE OF ALLEGIANCE AND INVOCATION** – City Council Members led the Pledge of Allegiance. Interim Police Chief Matt Wagner introduced Chaplain Grady Chandler who led us in prayer.

3. **PRESENTATIONS** – None.

4. **PROCLAMATIONS**

   A. Proclaim October as National Breast Cancer Awareness Month

   B. Proclaim Arbor Day on November 1st, 2013 at the Bryant Park in Bastrop, Texas

5. **ANNOUNCMENTS**

   Council Member Dock Jackson expressed his approval of the new proclamation format.

   City Manager Mike Talbot announced that Chestnut St. through Main Street will be closed for the Veteran's Day Special Event.

   Mayor Pro-Tem Joe Beal encouraged participation at the Bridge Dedication for Chief Petty Officer Stephen "Matt" Mills on Friday, October 25th at 10:00 a.m.

   Council Member Dock Jackson extended a courtesy reminder of the Capital Area Rural Transportation System's Groundbreaking Ceremony on Friday, October 25th, 2013 from 1:00 pm – 3:00 pm at 5300 Tucker Hill Lane, Cedar Creek, Texas.

   There were no additional announcements; therefore, Mayor Terry Orr thanked everyone for their announcements and introduced City Manager Mike Talbot to present his bi-weekly recap.

CITY MANAGER'S INFORMATIONAL REPORT FOR OCTOBER 22, 2013: Items for update, discussion and possible action:

A. Meetings and Events Attended:
   1. Attended the Boy Scouts of America Community Leaders Meeting on October 9, 2013.
   2. Attended a Special Meeting of the Lost Pines Groundwater Conservation District on October 15, 2013.
   3. Attended the monthly meeting of the Bastrop Main Street Advisory Board on October 8, 2013.
   4. Attended the monthly meeting of the Lost Pines Groundwater Conservation District on October 16, 2013.
   5. Gave a presentation to the Best Leadership Class on October 18, 2013.

B. Update on City Projects and Issues:

1. Water Usage report for the period of August 24, 2013 through October 3, 2013.
2. Update and Schedule regarding the AMI Project.
3. Update on the Short and Long Term Water Supply Options/.
4. Update on the Top 10 Strategic Priorities as Established by the City Council for 2013-2016.
5. Meeting with Dave Marsh General Manager Capital Area Rural Transportation District.
6. Flood Levels of the Colorado River October 14th & 15th, 2013.
7. Filling the vacancy of the Chief of Police position.
8. Purchase of Police Vehicles for the Police Department.
9. Status of the Chief of Police Vacancy.
10. Energy Emergency Alert Coordination Agreement between Bluebonnet Electric Co-Op and the City of Bastrop.

C. Update on City Various City Operations:
   1. Convention Center Activities
   2. Main Street Program
   3. Commercial/Residential Construction Projects in the City
   4. YMCA Activities

Inviting input from the City Council related to issues for possible inclusion on future agenda's on related to issues such as (but not limited to) municipal projects, personnel, public property, development and other City/public business.

City Manager Mike Talbot pointed out the following items on his City Manager's report:

Capital Area Rural Transportation Route Change – Effective November 4, 2013 there will a bus route expansion that will increase the bus route to one-hour that will result in a cost increase. Mr. Dave Marsh, General Manager at CARTS is working on a program to provide shuttle service during special events. We anticipate presenting a preliminary proposal at the City Council Meeting scheduled for November 12, 2013.

Flood Levels of the Colorado River October 14th & 15th, 2013 – We had several inquiries regarding the possible flooding in Bastrop on Monday, October 14 and Tuesday, October 15, due to heavy rains upstream of the Colorado River, we contacted the LCRA who advised that the Colorado River would crest at approximately 22 feet on the above dates in question. A map will be provided and updated regularly on the encroachment effects in the City due to heavy rain.

Purchase of Police Vehicles for the Police Department – City Manager Mike Talbot informed the City Council that we were in the process of expediting the purchase of the Police Department vehicles from the Buy Board. City Manager noted that the maintenance costs are less expensive for the Chevy Tahoe.

Mayor Terry Orr requested to have the price and specifications on both vehicle options presented at the next City Council Meeting, so the Council could make a decision. During National Night Out, he personally rode in a Chevy Tahoe Police vehicle and it offers officers a good view and it is comfortable with consideration that our officer's 12-hour shifts. In his opinion, buying a Tahoe would be a positive.

A. CONSENT AGENDA

All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member(s) so request.

A.1 Approval of meeting Minutes for the Regular Council Meetings held on September 24, 2013 and October 8, 2013. *(E. Lopez)*

A.2 Consideration, discussion and possible action on the **SECOND READING** of a proposed Ordinance of the City Council of the City of Bastrop, Texas granting a zoning/re-zoning district change for the following adjacent tracts of land: **C2**, Commercial Heavy to C1, Commercial Light for +/- 0.1299 acres within Building Block 118 East of Water Street; and **C1**, Commercial Light for +/-0.2131 acres being a portion of vacated Newton Street South of Building Block 118 and North of Building Block 119; and **3) SF7**, Single Family Residential to C1, Commercial Light for +/- 1.2757 acres within Building Block 119 East of Water Street in the City limits of Bastrop, Texas; and establishing an effective date. *(M. McCollum)*

A.3 Consideration, discussion and possible action on an adoption of a **RESOLUTION** to participate in the **Regional Ozone Advance Program.** *(M. McCollum)*

A.4 Consideration, discussion and possible action on adoption of a **RESOLUTION** approving **Mr. Roderick Emanuel's** request to continue serving as a member of the Bastrop Central Appraisal District Board Directors. *(E. Lopez)*

Mayor Terry Orr pulled consent agenda item A.3 upon Council Member's Ken Kesselus request; Mayor read items A.1, A.2 and A.4 on the consent agenda for consideration and approval.

Council Member Willie DeLaRosa made the motion to approve the consent agenda items with the exception of item A.3. Seconded by Council Member Kay Garcia McAnally and motion carried unanimously. Vote was taken and motion passed 5-0.

Mayor Terry Orr invited Planning and Zoning Director Melissa McCullough to speak. Council Member Ken Kesselus and Council Member Willie DeLaRosa requested additional details and clarification of the resolution to participate in the Regional Ozone Advance Program. Planning & Zoning Director Melissa McCullough offered and insightful presentation and offered clarification on the resolution, she noted that this is our region's opportunity to adopt a new plan to demonstrate to the Texas Commission on Environmental Quality and to the United States Environmental Protection Agency our region's commitment to improved air quality.

After City Council's consideration, Council Member Ken Kesselus motion to adopt the resolution to participate in the Regional Ozone Advance Program. Seconded by Council Member Dock Jackson and motion carried unanimously. Vote was taken and motion passed 5-0.

B. PUBLIC HEARINGS AND ORDINANCES AND OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION:

B.1 **CONDUCT A PUBLIC HEARING** to receive citizens input on an amendment to Chapter 14 Exhibit "A" of the Code of Ordinances of the City of Bastrop, Section 37.2 Construction Standards to add residential design standards in single family residential districts. *(M. McCollum)*

At 7:07 p.m., Mayor Terry Orr opened the Public Hearing.

City Manager Mike Talbot introduced the Planning and Zoning Director, Melissa McCollum who informed the City Council Members that the Planning and Zoning Commissions had held a public hearing on August 29th, 2013 and voted unanimously to recommend approval to the amendment. This was in addition to the Planning & Zoning Workshops held on April 25th, May 30th and June 27th, 2013. Planning and Zoning Director Melissa McCollum requested the City Council's approval of the amendment to Chapter 14

Exhibit "A of the Code of Ordinances of the City of Bastrop, Section 37.2 Construction Standards.

At 7:13 p.m., Mayor Terry Orr closed the Public Hearing.

B.2 CONDUCT A PUBLIC HEARING to receive citizens input on an amendment to Chapter 14 of the Zoning Ordinance to amend the definition of Home Occupation in Section A-3 and amend the Use Charts in Section 36.3 to reflect that a Home Occupation does not require a Conditional Use Permit (CUP).

At 7:14 p.m., Mayor Terry Orr opened the Public Hearing.

Planning and Zoning Director Melissa McCullough offered an insightful presentation on the request to consider the approval to amend the above referenced agenda item. In support of this request, the Planning and Zoning Commission had conducted workshops in April, May and June, 2013 in addition to a public hearing on august 29, 2013 where they unanimously voted to recommend approval to amend the definition amend the definition of Home Occupation in Section A-3 and amend the use of Charts in Section 36.3 to reflect that a Home Occupation does not require a Conditional use permit (CUP).

City Council Members Ken Kesselus, Kay Garcia-McAnally and Willie DeLaRosa discussed at length the definition of business related vehicles and the limit of. In discussion with regard to allowed number of business and customer vehicles, the Council Member voiced their concerns and Council Member Willie DeLaRosa stated he did not think two vehicles were enough as referenced in the amendment.

Mayor Pro-Tem Joe Beal offered additional insight the clause noting the difference between customer vehicles and business vehicles.

Council Member Ken Kesselus confirmed with Planning and Zoning Director Melissa McCullough that the amendment recommendation had been unanimously approved by the Planning and Zoning Commission.

At 7:33 p.m., Mayor Terry Orr closed the Public Hearing.

B.3 CONDUCT A PUBLIC HEARING to receive citizens input on a replat of the west half of Lot 11 in the Young Subdivision being +/-0.366 acres south of Gordon Street, west of Linda Street and north of Delano Street within the city limits of Bastrop, Texas.

At 7:34 p.m., Mayor Terry Orr opened the Public Hearing.

There were no comments; therefore, Mayor Terry Orr closed the Public Hearing at 7:35 p.m.

Mayor Terry Orr stepped out at 7:36 p.m. and returned at 7:39 p.m.

B.4 CITIZEN COMMENTS

Ms. Glenda Dayton, Board Member of the Bastrop County Emergency Food Pantry and Chairperson of the Resource & Fundraising Committee for the Food Pantry, provided information on the "Sounds of Sharing" event a Community Concert that will benefit the

Bastrop County Emergency Food Pantry. They have a great line-up planned and organized by Mr. Ron DeShay an American Idol Producer who grew up in Bastrop.

She requested the communities support at the "Sounds of Sharing" event on Tuesday, November 19, 2013 at 6:00 p.m. at the Jerry Fay Wilhelm Performing Arts Center in Bastrop.

Mayor Terry Orr thanked Ms. Dayton for her presentation.

C. OLD BUSINESS - NONE

D. NEW BUSINESS

D.1 Consideration, discussion and possible action on the **FIRST READING** of a proposed Ordinance of the City Council of the City of Bastrop Texas, amending the budget for the Fiscal Year 2013 in accordance with existing statutory requirements; appropriating the various amounts herein; repealing all prior Ordinances and actions in conflict herewith; and providing for an effective date.

Council Member Dock Jackson made a motion to accept the FIRST READING of a proposed Ordinance of the City Council of the City of Bastrop Texas, amending the budget for the Fiscal Year 2013 in accordance with existing statutory requirements; appropriating the various amounts herein; repealing all prior Ordinances and actions in conflict herewith; and providing for an effective date; and conduct the **SECOND READING** on the consent agenda at the next City Council Meeting scheduled for **November 12, 2013**.

Seconded by Council Member Willie DeLaRosa and motion carried unanimously. Vote was taken and Motion passed 5-0.

D2 Consideration, discussion and **POSSIBLE ACTION** on a request for a **REPLAT** of Lot 11 in the Young Subdivision being +/-0.366 acres south of Gordon Street, west of Linda Street and north of Delano Street within the city limits of Bastrop, Texas.

Council Member Willie DeLaRosa made a motion to approve the replat of Lot 11 in the Young Subdivision being +/-0.366 acres south of Gordon Street, west of Linda Street and north of Delano Street within the city limits of Bastrop, Texas.

Seconded by Council Member Kay Garcia McAnally and motion carried unanimously. Vote was taken and Motion passed 5-0.

D.3 Consideration, discussion and possible action on the **FIRST READING** of a proposed Ordinance granting an amendment to Section 37.2 Construction Standards adding C. Residential Design Standards in Single Family Residential Districts, Chapter 14, Zoning, "Exhibit A" Zoning Ordinance, relating to the regulations of residential design standards for single family homes in residential areas; providing a severability clause; and providing an effective date.

Council Member Willie DeLaRosa made a motion to accept the FIRST READING of a proposed Ordinance granting an amendment to Section 37.2 Construction Standards adding C. Residential Design Standards in Single Family Residential Districts, Chapter 14, Zoning, "Exhibit A" Zoning Ordinance, relating to the regulations of residential design standards for single family homes in residential areas; providing a severability clause; and

providing an effective date; and conduct the **SECOND READING** on the consent agenda at the next City Council Meeting scheduled for **November 12, 2013**.

Seconded by Council Member Kay Garcia McAnally and motion carried unanimously. Vote was taken and Motion passed 5-0.

D.4 Consideration, discussion and possible action on the **FIRST READING** of a proposed Ordinance granting an amendment to Section A-3 Definition 123 Home Occupation and amending the Use Chart, Section 36.3 to reflect that Home Occupations do not require and Conditional Use Permit (CUP) Chapter 14, Zoning, "Exhibit A" Zoning Ordinance, relating to the regulation of Home Occupation uses in residential areas; providing a severability clause; and providing an effective date.

Council Member Willie DeLaRosa made a motion to accept the FIRST READING of a proposed Ordinance granting an amendment to Section A-3 Definition 123 Home Occupation and amending the Use Chart, Section 36.3 to reflect that Home Occupations do not require and Conditional Use Permit (CUP) Chapter 14, Zoning, "Exhibit A" Zoning Ordinance, relating to the regulation of Home Occupation uses in residential areas; providing a severability clause; and providing an effective date; and conduct the **SECOND READING** on the consent agenda at the next City Council Meeting scheduled for **November 12, 2013**.

Seconded by Council Member Kay Garcia-McAnally and motion carried unanimously. Vote was taken and Motion passed 5-0.

Council Member Ken Kesselus made a motion to recommend an amendment to have home occupations/business register with the City's Planning and Development. Motion died due to lack of a second.

D.5 Consideration, discussion and **POSSIBLE ACTION** with respect to "An **ORDINANCE** of the City Council of the City of Bastrop, Texas, **Authorizing the issuance** and Sale of City of Bastrop, Texas, Combination Tax and Revenue **Certificates of Obligation**, Series 2013; Providing for the Security for and Payment of Said Certificates; Prescribing the Form of Said Certificates; Awarding the Sale Thereof; Approving the Paying Agent/Registrar Agreement, and the Official Statement; and Enacting Other Provisions Relating to the Subject".

City Manager Mike Talbot introduced Wade Miller and J. Bart Fowler of McCall, Parkhurst & Horton L.L.P addressed the City Council Members and informed them of the a notable credit rating the City had received. He stated this is a credit rating is a reflection of a strong economy, budget and revenue in addition to a strong management team.

Council Member Kay Garcia McAnally acknowledged City Manager Mike Talbot's efforts and stated "*Well done Mike.*"

Mayor Terry Orr acknowledged that the notable rating of AA+ was a result of a strong economy, City Manager and City Council. He thanked the Mr. Miller and Mr. Fowler for their efforts, presentation, and fantastic news.

Council Member Dock Jackson echoed the accolades expressed by the Mayor and acknowledged the leadership of City Manager Mike Talbot and Chief Financial Officer Karla Stovall.

City Manager Mike Talbot noted that the City's credit rating was also a reflection of our partnership and support of our EDC, this collaboration has proven to be a positive factor. He challenged staff to help attain a higher credit rating of AA++ or AAA for next year.

Council Member Dock Jackson made a motion to approve an **ORDINANCE** of the City Council of the City of Bastrop, Texas, **Authorizing the issuance** and Sale of City of Bastrop, Texas, Combination Tax and Revenue **Certificates of Obligation**, Series 2013; Providing for the Security for and Payment of Said Certificates; Prescribing the Form of Said Certificates; Awarding the Sale Thereof; Approving the Paying Agent/Registrar Agreement, and the Official Statement; and Enacting Other Provisions Relating to the Subject".

Seconded by Council Member Kay Garcia-McAnally and motion carried unanimously. Vote was taken and Motion passed 5-0.

At 8:00 p.m., Mayor Terry Orr convened into executive session. At 8:26pm, Mayor Terry Orr closed the executive session and reconvened into open session.

D.6 Consideration, discussion and possible action approving a **RESOLUTION ENACTING A 180-DAY MORATORIUM** on the **PROHIBITION** of and Code Enforcement Actions against Breweries and Wineries, holding either a current and valid Texas Alcohol and beverage commission type "G" Permit or Type "B" Permit for such businesses operating within the central Business District of the City of Bastrop, Texas; providing for expiration of the moratorium; and providing an effective date.

Mayor Terry Orr invited public comments at which time Mr. Bradley K. Cook addressed the Council. He has lived in Bastrop five years and he loves the area and the town and he believes that a winery would benefit to the City. He acknowledged he was aware of some concerns and noted this was a big investment on his part. He informed the Council that he was pending a 30-day wait time to finalize the TABC paperwork with TABC. Mr. Cook requested the City Council Members consideration to this request as he "would like to get his business up and running."

Council Member Ken Kesselus noted that wineries require a Federal Permit and noted that this would be a "leap of faith" and recognized it would be a long process. City Council JC Brown noted that the resolution currently referenced type B in the resolution but we would include "G" Permit "BP for Brew Pub."

City Manager Mike Talbot noted we would amend the resolution prior to extending the cities permit.

Council Member Kay Garcia-McAnally made a motion to approve the **AMENDED RESOLUTION ENACTING A 180-DAY MORATORIUM** on the **PROHIBITION** of and Code Enforcement Actions against Breweries and Wineries, holding either a current and valid Texas Alcohol and beverage commission type "G" Permit or Type "B" Permit for such businesses operating within the central Business District of the City of Bastrop, Texas; providing for expiration of the moratorium; and providing an effective date.

Seconded by Council Member Dock Jackson and motion carried unanimously. Vote was taken and Motion passed 5-0.

E. EXECUTIVE SESSION

E.1 The Bastrop City Council met in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq*, to discuss the following:

1. SECTION 551.071(1) (A) and SECTION 551.071(2) – Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation or claims, including but not limited to **"Pine Forest Investments Group, LLC v The City of Bastrop, et al, cause No. 29,052, In the 21st Judicial District Court of Bastrop County, Texas,"** and/or (2) matter upon which the Attorney has a duty and/or responsibility to report to the governmental body, concerning same, and/or any other matters posted on the agenda.
2. SECTION 551.072– Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, or value of real property.

E.2 The Bastrop City Council will reconvene into open session to discuss, consider and/or take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

At **9:20 pm**, Mayor Orr reconvened the Bastrop City Council into open session to discuss, consider and/or take action(s) necessary related to the Executive Session noted herein.

After consideration of all the above items, no action was taken

F. ADJOURN

At **9:22 pm**, Council Member Kay Garcia McAnally made the motion to adjourn the meeting. Seconded by Council Member Willie DeLaRosa and motion was carried unanimously.

APPROVED: ATTEST:

Terry Orr, Mayor Elizabeth Minerva Lopez, City Secretary

CITY OF BASTROP **AGENDA ITEM A-2**

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL **DATE SUBMITTED: October 22, 2013**
MEETING DATE: November 12, 2013

1. Agenda Item: **Consideration, discussion and possible action on the SECOND READING of a proposed Ordinance of the City Council of the City of Bastrop Texas, amending the budget for the Fiscal Year 2013 in accordance with existing statutory requirements; appropriating the various amounts herein; repealing all prior Ordinances and actions in conflict herewith; and providing for an effective date.**

2. Party Making Request: **Karla Stovall, Chief Financial Officer**

3. Nature of Request: (Brief Overview) Attachments: Yes **X** No _____

4. Policy Implication:
Provided to City Council are the necessary budget amendments to close fiscal year 2013 and prepare for the annual audit in December. Attached memo provides detail explanation on the specific line items requesting to be amended.

5. Budgeted: _____Yes _____No N/A
Bid Amount: _____ Budgeted Amount: _____
Under Budget: _____ Over Budget: _____
Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE
a) _____

8. Staff Recommendation: **Staff recommends approval of the Budget Amendments**

9. Advisory Board: _____Approved ____Disapproved _____None

10. Manager's Recommendation: _____Approved _____Disapproved _____None

11. Action Taken: First Reading held on October 22, 2013.

ORDINANCE No. **2013-23**

AN ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR 2013 IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS; APPROPRIATING THE VARIOUS AMOUNTS HEREIN; REPEALING ALL PRIOR ORDINANCES AND ACTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Manager of the City of Bastrop has submitted to the Mayor and Council proposed amendment(s) to the budget of the revenues and/or expenditures/expenses of conducting the affairs of said city and providing a complete financial plan for Fiscal Year 2013; and,

WHEREAS, the Mayor and Council have now provided for and conducted a public hearing on the budget as provided by law. Now, Therefore:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, BASTROP COUNTY, TEXAS:

That the proposed budget amendments for the fiscal year 2013, as submitted to the City Council by the City Manager and which budget amendments are attached hereto as Exhibit "A" is hereby adopted and approved as the amended budget of said city for Fiscal Year 2013; and

Ordinance and prior actions in conflict herewith are hereby repealed; and

This Ordinance shall be and remain in full force and effect from and after its final passage and publication in accordance with existing statutory requirements.

READ and APPROVED on First Reading on the 22nd day of **October, 2013**.

READ and ADOPTED on Second Reading on the 12th day of **November, 2013**.

APPROVED: ATTEST:

Terry Orr, Mayor Elizabeth Minerva Lopez, City Secretary

City of Bastrop
Memorandum

TO: **Mayor & City Council Members**

FROM: **Karla Stovall, Chief Financial Officer**

SUBJECT: **Ordinance Amending FY 2013 Budget**

DATE: **October 15, 2013**

Recommendation:

To approve Ordinance Amending the Budget for unanticipated revenue and expenses incurred not included in the original budget approved by City Council.

Background:

The city charter requires that when the budget is amended that the amendment be by ordinance. The budget amendments include an increase to the budget appropriations for Fiscal Year 2013. Funds included in these amendments include: General Fund, Designated Fund, Water Wastewater Fund, Hotel Motel Fund, and Grant Fund.

- General Fund includes:
  - Donations for Fire Department and their corresponding expenses
  - Transfer from BEDC for City Manager Salaries Expense
  - Offset increase in Property Tax Collection fees with increased collection revenue
  - Unanticipated expenses in Professional Services
  - Unanticipated expenses in Engineering and Consulting
  - Reimbursement of 380 Agreement payments
  - Expenses due to purchase of Server in the Information Technology Department
  - Unanticipated Maintenance Expenses in the Public Works Department
  - Unanticipated Professional Service expenses in the Planning Department
- Designated Fund includes:
  - Appropriation of available funds designated for specific use. – Memorial Sign for Bridge
- Water – Wastewater Fund
  - Accounting entry to reclass Bond Payment for end of year reporting and corresponding expenses
  - Unanticipated professional service expenses in Water Wastewater Administration
  - Unanticipated engineering expenses in Water Wastewater Administration
  - Unanticipated legal expenses in Water Wastewater Administration
  - System Maintenance Expenses within Distribution
  - System Maintenance Expenses within Wastewater Treatment Plant
  - Utilities associated with Wastewater Treatment Plant
  - Unanticipated professional service and lab fee expenses in Wastewater Treatment Plant

Continued…

- Accelerated Recovery Funds
  Receipt of Impact Funds and corresponding Development Agreement payment
- Hotel Motel Funds
  Accounting entry to book August Bastrop Marketing Corporation payment\
  Unanticipated legal expenses
- Grant Fund
  Revenues and expenditures associated with Buc-ees' grant.

FY 2013
BUDGET AMENDMENTS
GENERAL FUND

Fund Balance as of 9-30-12	2,865,894
FY 2013 Budgeted Revenues	8,331,528
FY 2013 Budgeted Appropriations	(8,510,595)
2/2013 Budget Amendments (net)	0
06/2013 Budget Amendment (net)	(49,440)
09/2013 Budget Amendment (net)	49,440
Ending Fund Balance	2,686,827

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
Matching Revenues to Expenditures:				
Fire Department	Neutral	500.00	Fire Dept Donation	101-00-00-4536
City Manager	Neutral	30,000	Additional Transfer from BEDC	101-00-00-4493
Organizational	Neutral	20,600	Property Tax Collections, offset	101-00-00-4001-03
New Revenue				
Planning		21,140	Building Permits	101-00-00-4020
Planning		13,590	Platting Revenue	101-00-00-4022
Organizational		137,510	Sales Tax offset	101-00-00- 4006
Organizational		4,000	Miscellaneous	101-00-00-4536
Organizational		8,500	Intergovernmental	101-00-00-4411
	Total Revenues	235,840.0		
Matching Expenditures to Revenues:				
Fire Department	Neutral	(500)	Fire Dept Donation	101-11-00-5340
City Manager	Neutral	(30,000)	Operational Salaries	101-03-00-5101
Organizational	Neutral	(2,570)	Property Tax Appraisal/ Collection Fees	101-02-00-5523
New Expenditures:				
Organizational	Increase	(25,000)	Professional Service	101-02-00-5505
Organizational	Increase	(20,000)	Engineering & Consulting	101-02-00-5530
Organizational	Increase	(17,410)	Real Property	101-02-00-6060
Organizational	Increase	(8,600)	380 Agreement Reimbursement	101-02-00-5644
Information Technology	Increase	(54,820)	Information Technology	101-07-00-6000
Parks	Increase	(7,500)	Maintenance Costs	101-18-19-5320
Planning	Increase	(20,000)	Professional Service	101-15-00-5505
	Total Expenditures	(186,400)		
	Net Change	49,440		

FY 2013
BUDGET AMENDMENTS
DESIGNATED FUND

Fund Balance as of 9-30-12	269,722
FY 2013 Budgeted Revenues	812,018
FY 2013 Budgeted Appropriations	(673,360)
2/2013 Budget Amendments (net)	(83,417)
6/2013 Budget Amendments (net)	0
9/2013 Budget Amendments (net)	0
Ending Fund Balance	324,963

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
Matching Revenues to Expenditures:				
Police Department	Neutral	4,950	Memorial Sign For Bridge	102-00-00-4522
	Neutral			
	Neutral			
	Neutral			
	Total Revenues	4,950		
Matching Expenditures to Revenues:				
Police Department	Neutral	(4,950)	Memorial Sign For Bridge	102-00-00-5586
New Expenditures:				
	Total Expense	(4,950)		
	Net Change	0		

FY 2013
BUDGET AMENDMENTS
WATER/WASTEWATER

Fund Balance as of 9-30-12	1,916,338
FY 2013 Budgeted Revenues	3,934,970
FY 2013 Budgeted Appropriations	(3,409,840)
Stabilization Funds	(357,590)
6/2013 Budget Amendments (net)	0
9/2013 Budget Amendments (net)	(115,000)
Ending Fund Balance	2,083,878

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
Matching Revenues to Expenditures:				
	Neutral	170,367	Accounting Entry to reclass Bond pmt	202-00-00-4734
	Total Revenues	170,367		
Matching Expenditures to Revenues:				
	Neutral	(117,120)	Accounting Entry to reclass Bond pmt	202-35-10-7139
		(53,247)	Accounting Entry to reclass Bond pmt	202-35-10-7140
New Expenditures:				
	increase	(20,000)	Professional Services	202-35-10-5505
		(25,000)	Engineering	202-35-10-5530
		(10,000)	Legal	202-35-10-5525
		(20,000)	System Maintenance	202-35-41-5303
		(10,000)	System Maintenance - WWTP	202-35-46-5303
		(15,000)	Utilities - WWTP	202-35-46-5403
		(10,000)	Professional Services	202-35-46-5505
		(5,000)	Lab Fees	202-35-46-5506
	Total Expense	(285,367)		
	Net Change	(115,000)		

FY 2013
BUDGET AMENDMENTS
ACCELERATED RECOVERY FEE

Fund Balance as of 9-30-12	697,400
FY 2013 Budgeted Revenues	250,580
FY 2013 Budgeted Appropriations	(249,170)
RESTRICTED-CAPITAL IMPROV	(650,000)
6/2013 Budget Amendments (net)	0
9/2013 Budget Amendments (net)	0
Ending Fund Balance	48,810

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
Matching Revenues to Expenditures:				
	Neutral	40,000	ACC Rec Rev-Water	304-00-00-4199
	Neutral	45,000	ACC Rec Rev-Wastewater	304-00-00-4299
	Total Revenues	85,000		
Matching Expenditures to Revenues:				
	Neutral	(85,000)	Dev Agreement-increased housing activity	304-00-00-5629
	Total Expense	(85,000)		
	Net Change	0		

FY 2013
BUDGET AMENDMENTS
HOTEL/MOTEL TAX FUND

Fund Balance as of 9-30-12	2,029,632
FY 2013 Projected Revenues	2,286,900
FY 2013 Budgeted Appropriations	(2,315,000)
2/2013 Budget Amendments (net)	(72,734)
06/2013 Budget Amendment (net)	(116,034)
09/2013 Budget Amendment (net)	59,370
Ending Fund Balance	1,812,764

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
New Revenues:				
		200,000	Increase in Hotel Motel Funds - offset	
	Total Revenues	200,000		
New Expenditures:				
	Increase	(138,130)	Accounting entry for August BMC	501-80-00-5576
	Increase	(2,500)	Legal	501-80-00-5525
	Total Expense	(140,630)		
	Net Change	59,370		

FY 2013
BUDGET AMENDMENTS
GRANT FUND

Fund Balance as of 9-30-12	38,697
FY 2013 Budgeted Revenues	0
FY 2013 Budgeted Appropriations	0
2/2013 Budget Amendments (net)	(38,697)
6/2013 Budget Amendments (net)	0
9/2013 Budget Amendments (net)	0
Ending Fund Balance	0

DEPARTMENT	BUDGET	AMOUNT	DESCRIPTION	ACCOUNT NUMBER
Matching Revenues to Expenditures:				
Grants	Neutral	5,000	Buc-ee's Grant	801-00-00-4441
	Total Revenues	5,000		
Matching Expenditures to Revenues:				
Grants	Neutral	(5,000)	Buc-ee's Grant	801-00-00-5650
	Total Expense	(5,000)		
	Net Change	0		

CITY OF BASTROP **AGENDA ITEM A-3**

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL **DATE SUBMITTED: October 22, 2013**
MEETING DATE: November 12, 2013

1. Agenda Item: Consideration, discussion and possible action on the **SECOND READING** of a proposed Ordinance granting an amendment to Section 37.2 **Construction Standards** adding C. Residential Design Standards in Single Family Residential Districts, Chapter 14, Zoning, "Exhibit A" Zoning Ordinance, relating to the regulations of residential design standards for single family homes in residential areas; providing a severability clause; and providing an effective date.

2. Party Making Request: **Melissa McCollum, Director of Planning and Development**

3. Nature of Request: (Brief Overview) Attachments: Yes ____ No _____

4. Policy Implication: _____

5. Budgeted: _____Yes _____No **N/A**
   Bid Amount: _____ Budgeted Amount: _____
   Under Budget: _____ Over Budget: _____
   Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: **NAME/TITLE INITIAL DATE CONCURRENCE**
   a) _____

8. Staff Recommendation: **Staff recommends approval of the amendment to Chapter 14 Exhibit "A" of the Code of Ordinances of the City of Bastrop, Section 37.2 Construction Standards to add residential design standards in single family residential districts.**

9. Advisory Board Recommendation: XX Recommended Approval ___ Denial ___None
   The Planning and Zoning Commission:
   - **Conducted Workshops at their regular meetings April 25th , May 30th and June 27, 2013 to amend Section 37.2 Construction Standards to add residential design standards in single family residential districts.**
   - **Conducted a Public Hearing at their regular meeting August 29, 2013 and voted unanimously 8-0 to recommend approval of the amendment to Section 37.2 Construction Standards to add residential design standards in single family residential districts.**

10. Manager's Recommendation: ____Approved _____Disapproved _____None
11. Action Taken: First Reading held on October 22, 2013.

ORDINANCE No. 2013-25

AN ORDINANCE GRANTING AN AMENDMENT TO SECTION 37.2 CONSTRUCTION STANDARDS ADDING C. RESIDENTIAL DESIGN STANDARDS IN SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS, CHAPTER 14, ZONING, "EXHIBIT A" ZONING ORDINANCE, RELATING TO THE REGULATION OF RESIDENTIAL DESIGN STANDARDS FOR SINGLE FAMILY HOMES IN RESDIENTIAL AREAS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop adopted the Zoning Ordinance September 14, 1999 to provide for standards that is in keeping with the aesthetic character of the community; and

WHEREAS, the City has seen some of the same façade/design for adjacent single family homes and currently there are no prohibitions from having the exact same home elevations/facades right next to each other; and

WHEREAS, the Planning and Zoning Commission conducted a workshop meeting September 27, 2012, and directed staff to prepare recommendations for an amendment to Section 37.2 Construction Standards to add residential design standards for single family homes in residential areas; and

WHEREAS, the City Staff prepared recommendations for amendments and presented them to the Planning and Zoning Commission in workshops on April 25th , May 30th, and June 27, 2013 wherein the Planning and Zoning Commission reviewed and modified the recommendations and gave direction to the City Staff to draft an ordinance to enact certain amendments to the City's zoning ordinance; and

WHEREAS, the amendments include changes to the exterior construction standards of single family homes in residential areas; and

WHEREAS, the Planning and Zoning Commission after notice, conducted a public hearing and voted unanimously 8-0 at their regular meeting on August 29, 2013 to recommend a code change to Section 37.2 Construction Standards to add residential design standards for single family homes in residential areas; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP THAT:

Part 1: Section 37.2 C of the Zoning Ordinance, Chapter 14, "Appendix A" of the Bastrop City Code of Ordinances is hereby amended to read as follows.

37.2 CONSTRUCTION STANDARDS:

A. Construction standards: The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new, altered or repaired construction occurring within the City.

1. Residential Zoning Districts:

   a. Concrete, excluding 'siding' as defined above, or metal exterior construction is not permitted on any structural exterior wall in any residential use zoning district.

   b. Exemptions:

      (1) An accessory building two hundred and forty (240) square feet or less are excluded from this prohibition.

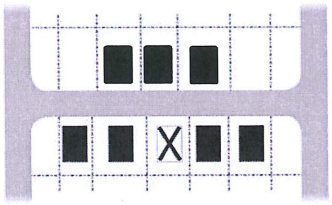
(2) On temporary construction buildings with a permit issued by the City Building Official.

c. Residential Design Standards:

X – Home under Consideration

(1) Similarity Restrictions

Except as provided in subsection (i) below, no new dwelling that is similar in appearance to a neighboring dwelling is permitted. The standards to determine such similarity are set forth below and shown by example in the illustrations contained in this section.



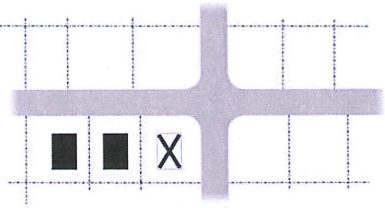
Interior Lot

(i). Exemptions

The following shall be exempt from these provisions:

aa. Dwellings for which a Building Permit was approved before May 31, 2013

bb. Dwellings within a Planned Development, where a unified plan containing similarity of architectural form and style among dwellings is integral to such a plan.

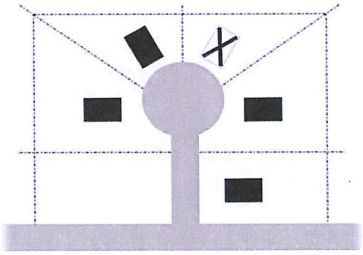


Corner Lot

ii. Differences in Appearance

aa. Differences in bulk and massing shall be reviewed for the lots on either side of the proposed dwelling on the same side of the street, as shown in the following illustrations.

bb. Where lots are interrupted by an intervening street, public parkland, or similar feature of at least 50 feet in width, no review shall be necessary.


Cul-de-Sac Lot

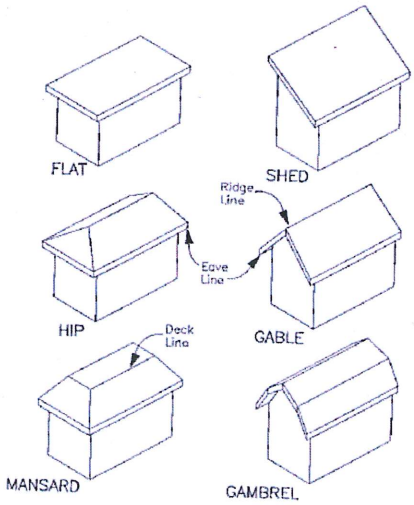
ccc. The proposed building shall be considered different from any vacant lot for which no Building Permit has been issued without requiring further documentation.

iii. Differentiation

The proposed dwelling shall differ from other applicable dwellings in at least two of the four criteria listed below.

a. The dwelling differs in the number of full stories.

- Single-story; or
- Two-story.



bb. The dwelling has a different type of garage.

- Front-loaded garage (one or two-car);
- Side-loaded garage; or
- Detached garage.

ccc. The dwelling has a different roof type.

- Gable;
- Hip;

• Gambrel;
• Mansard; or
• All of the above roof types are rotated 90 degrees.

ddd. The dwelling has different variations in the front façade.
• The garage is set back a minimum of 4 feet from the front façade;
• A covered, open-walled porch at least 6 feet in depth extends a minimum of 33% of the width of the front façade; or
• Other articulation of the front façade at least 4 feet in depth extends at least 33% of the width of the front façade.

iv. Application Review
• Acceptable documentation may include photographs of the other structures in question (no building elevations are required).
• A subdivision or phase thereof may be reviewed as a whole for conformity with this requirement, provided that adequate documentation to ensure conformity is submitted with the plat. Such documentation is not required to be recorded as part of the plat.
• The Building Official shall review the submitted documentation and any previously-approved Building Permits and make a determination. Where the Building Official finds that a dwelling for which a Building Permit is being requested is similar in appearance based on the standards above, the Building Permit shall be denied.

Part 2: The City Manager and/or his designees are hereby authorized and directed to make the necessary changes to all records of the City of Bastrop to reflect this amendment.

Part 3: All ordinances and resolutions, or parts of ordinances and resolutions, in conflict with this Ordinance are hereby repealed, and are no longer of any force and effect. If any provision of this ordinance or application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Part 4: This Ordinance shall become effective in accordance with the City Charter and the laws of the State of Texas.

READ and ACKNOWLEDGED on First Reading on the **22nd** day of **October, 2013**.

PASSED and ADOPTED on Second Reading on the **12th** day of **November, 2013**.

APPROVED:

_____
Terry Orr
Mayor

ATTEST:

_____
Elizabeth Minerva Lopez
City Secretary

CITY OF BASTROP **AGENDA ITEM A-4**

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL **DATE SUBMITTED: October 22, 2013**
MEETING DATE: November 12, 2013

1. Agenda Item: Consideration, discussion and possible action on the **SECOND READING** of a proposed Ordinance granting an amendment to Section A-3 Definition 123 **Home Occupation** and amending the Use Chart, Section 36.3 to reflect that Home Occupations do not require and Conditional Use Permit (CUP) Chapter 14, Zoning, "Exhibit A" Zoning Ordinance, relating to the regulation of Home Occupation uses in residential areas; providing a severability clause; and providing an effective date.

2. Party Making Request: **Melissa McCollum, Director of Planning and Development**

3. Nature of Request: (Brief Overview) Attachments: Yes ____ No _____

4. Policy Implication: _____

5. Budgeted: _____Yes _____No N/A
   Bid Amount: _____ Budgeted Amount: _____
   Under Budget: _____ Over Budget: _____
   Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: **NAME/TITLE INITIAL DATE CONCURRENCE**

8. Staff Recommendation: **Staff recommends approval of the amendment to Chapter 14 of the Zoning Ordinance to amend the definition of Home Occupation and amend the Use Charts to reflect that a Home Occupation does not require a Conditional Use Permit (CUP.**

9. Advisory Board Recommendation: XX Recommended Approval __ Denial ___None
   The Planning and Zoning Commission:
   - **Conducted Workshops at their regular meetings April 25th , May 30th and June 27, 2013 to amend the definition of Home Occupation and amend the Use Charts to reflect that a Home Occupation does not require a Conditional Use Permit (CUP).**
   - **Conducted a Public Hearing at their regular scheduled meeting August 29, 2013 and voted unanimously 8-0 to recommend approval to amend the definition of Home Occupation and amend the Use Charts to reflect that a Home Occupation does not require a Conditional Use Permit (CUP).**

10. Manager's Recommendation: _____Approved _____Disapproved _____None

11. Action Taken: First Reading held on October 22, 2013.

ORDINANCE No. 2013-24

AN ORDINANCE GRANTING AN AMENDMENT TO SECTION A-3 DEFINTION 123 HOME OCCUPATION AND AMENDING THE USE CHART, SECTION 36.3 TO REFLECT THAT HOME OCCUPATIONS DO NOT REQUIRE A CONDITIONAL USE PERMIT (CUP) CHAPTER 14, ZONING, "EXHIBIT A" ZONING ORDINANCE, RELATING TO THE REGULATION OF HOME OCCUPATION USES IN RESDIENTIAL AREAS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop adopted the Zoning Ordinance September 14, 1999 to provide for standards that is in keeping with the character of the community; and

WHEREAS, the City has seen Home Occupations that require a Conditional Use Permit (CUP) that were routinely approved by the Planning and Zoning Commission and City Council and, further, has identified that allowing Home Occupations without a CUP would help with compliance, intent and application of the zoning ordinance; and

WHEREAS, the City Staff prepared recommendations for amendments and presented them to the Planning and Zoning Commission in a workshop on April 25th, May 30th and June 27, 2013 wherein the Planning and Zoning Commission reviewed and modified the recommendations and gave direction to the City Staff to draft an ordinance to enact certain amendments to the City's zoning ordinance; and

WHEREAS, the amendments include changes to the Home Occupation definition and the Use Chart and no longer required a CUP for a Home Occupation in single family homes in residential areas; and

WHEREAS, the Planning and Zoning Commission after notice, conducted a public hearing and voted unanimously 8-0 at their regular meeting on August 29, 2013 to recommend an amendment to Section A-3 Definition 123 Home Occupation, amend the Use Charts to allow the use and Section 36.3 to reflect that Home Occupations do not require a Conditional Use Permit (CUP).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP THAT:

Part 1: Section A-3, "Definitions" and the Use Chart, Section 36.3 of the Zoning Ordinance, Chapter 14, "Appendix A" of the Bastrop City Code of Ordinances is hereby amended to read as follows.

SECTION A-3 DEFINITIONS

123. HOME OCCUPATION – An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is

clearly incidental and secondary to the use of the premises zoned for residential purposes. A home occupation must comply with all of the following specific criteria.

a. Home Occupations shall be allowed without the necessity that a Conditional Use Permit (or other special permit) be issued by the City, if such uses relate solely to the use of home areas as further detailed herein by the resident of the premises, and such use does not create on-street parking, significant neighborhood traffic, or other disruption to the residential character of the property.

b. The occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a dwelling and no signage or advertisement of the home occupation or property address is allowed in the yellow pages advertisements in a telephone directory nor via electronic media classified advertisements of the property where the home occupation is being conducted.

c. The occupation shall not require or provide for the employment of more than one additional person, other than members of the household in which the home occupation occurs.

d. Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize an area exceeding twenty percent (20%) of combined gross floor area of dwelling unit and accessory building if used for the home occupation and no outdoor/exterior storage of equipment will be allowed.

e. Not more than two (2) business-related vehicles shall be present at one time and the proprietor shall provide adequate off-street parking for such vehicles and customer vehicles, on the property where the use is located.

f. The operation of such an occupation must be related to indoor activities.

g. The occupation shall not violate any rules or regulations related to Chapter 8, Offenses and Nuisances of the Code of Ordinances.

h. The occupation shall not offer a ready inventory of any commodity for sale on the premises.

USE CHART
ZONING ORDINANCE
CITY OFBASTROP, TEXAS

SECTION 36.3

Legend for interpreting the Schedule of Uses

X	Designated use permitted in District
	Designated use prohibited in District
C	Use may be allowed with a Conditional Use Permit

Accessory and Incidental Uses	AOS	SF20	SF9	SF8	SF7	2F	SFA	MF1	MF2	MH	O	NS	GR	CBD	CF	CT	C-1	C-2	IP	LI	PD	MHO
Home Occupation	See Definitions A-3, Home Occupation (123)																			See Def.		
	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X

Part 2: The City Manager and/or his designees are hereby authorized and directed to make the necessary changes to all records of the City of Bastrop to reflect this amendment.

Part 3: All ordinances and resolutions, or parts of ordinances and resolutions, in conflict with this Ordinance are hereby repealed, and are no longer of any force and effect. If any provision of this ordinance or application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Part 4: This Ordinance shall become effective in accordance with the City Charter and the laws of the State of Texas.

READ and ACKNOWLEDGED on First Reading on the **22nd** day of **October, 2013**.

PASSED and ADOPTED on Second Reading on the **12th** day of **November, 2013**.

APPROVED:

Terry Orr
Mayor

ATTEST:

Elizabeth Minerva Lopez
City Secretary

CITY OF BASTROP **AGENDA ITEM A-5**

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL **DATE SUBMITTED: November 5, 2013**
MEETING DATE: November 12, 2013

1. Agenda Item: **Approval of the Preliminary Plat for XS Ranch, Rivercamp Estates, Phase 2 (29 residential lots) being +/- 251.03 acres within the Extra Territorial Jurisdiction (ETJ) of Bastrop, Texas located off Sayers Road, County Road 157.**

2. Party Making Request: **Melissa McCullough, Planning and Zoning Director**

3. Nature of Request: (Brief Overview) Attachments: Yes __X___ No _____

4. Policy Implication: _____

5. Budgeted: _____Yes _____No N/A
   Bid Amount: _____ Budgeted Amount: _____
   Under Budget: _____ Over Budget: _____
   Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: **NAME/TITLE INITIAL DATE CONCURRENCE**
   a) _____

8. Staff Recommendation:
   Staff recommends approval of the requested Preliminary Plat for Rivercamp Estates, Phase 2 (29 residential lots) being +/- 251.03 acres within the Extra Territorial Jurisdiction (ETJ) of Bastrop , Texas located off Sayers Road, County Road 157.

9. Advisory Board: **X Recommended Approval** _____Disapproved _____None

   The Planning and Zoning Commission held their regular meeting October 24, 2013 and voted unanimously 7-0 to recommend approval of the Preliminary Plat for XS Ranch, Rivercamp Estates, Phase 2.

10. Manager's Recommendation: _____Approved _____Disapproved _____None

11. Action Taken: _____

City of Bastrop

Agenda Information Sheet:

City Council Meeting Date: November 12, 2013

Project Description:
Approval of the Preliminary Plat for XS Ranch, Rivercamp Estates, Phase 2 (29 residential lots) being +/- 251.03 acres within the Extra Territorial Jurisdiction (ETJ) of Bastrop, Texas located off Sayers Road, County Road 157.

Item Summary:

Owner:	XS Ranch Fund VI, LP
Applicant:	Joseph Longaro, P.E., Longaro & Clarke
Location:	Located in the Extra Territorial Jurisdiction (ETJ)
Utilities:	Bluebonnet electric, MUD

Background:
XS Ranch will be a master-planned, mixed-use community that will primarily consist of residential uses. XS Ranch entered into a Development Agreement with the City of Bastrop in November 2009.

This is the second plat for XS Ranch Development and it comprises 29 estate residential lots and the streets of Founder Trail and West View Court. Lot sizes vary and range from a minimum of 5 acres to 27 acres. This plat comprises 251 acres. This subdivision connects to the existing Sayers Road, County Road 157.

Basis of Support:
Staff supports the Preliminary Plat for XS Ranch, Phase 1A. The plat meets all other subdivision and development agreement requirements.

Special Considerations: None.

Comments: Adjacent property owner notifications were mailed October 8, 2013. No comments have been received.

Staff Recommendation:
Staff recommends approval of the requested Preliminary Plat for Rivercamp Estates, Phase 2 (29 residential lots) being +/- 251.03 acres within the Extra Territorial Jurisdiction (ETJ) of Bastrop, Texas located off Sayers Road, County Road 157.

Planning and Zoning Commission Recommendation:
The Planning and Zoning Commission held their regular meeting October 24, 2013 and voted unanimously 7-0 to recommend approval of the Preliminary Plat for XS Ranch, Rivercamp Estates, Phase 2.

Attachments:
Location map and plat layout

City Contact:
Melissa M. McCollum, AICP, LEED AP, Director
Planning and Development Department

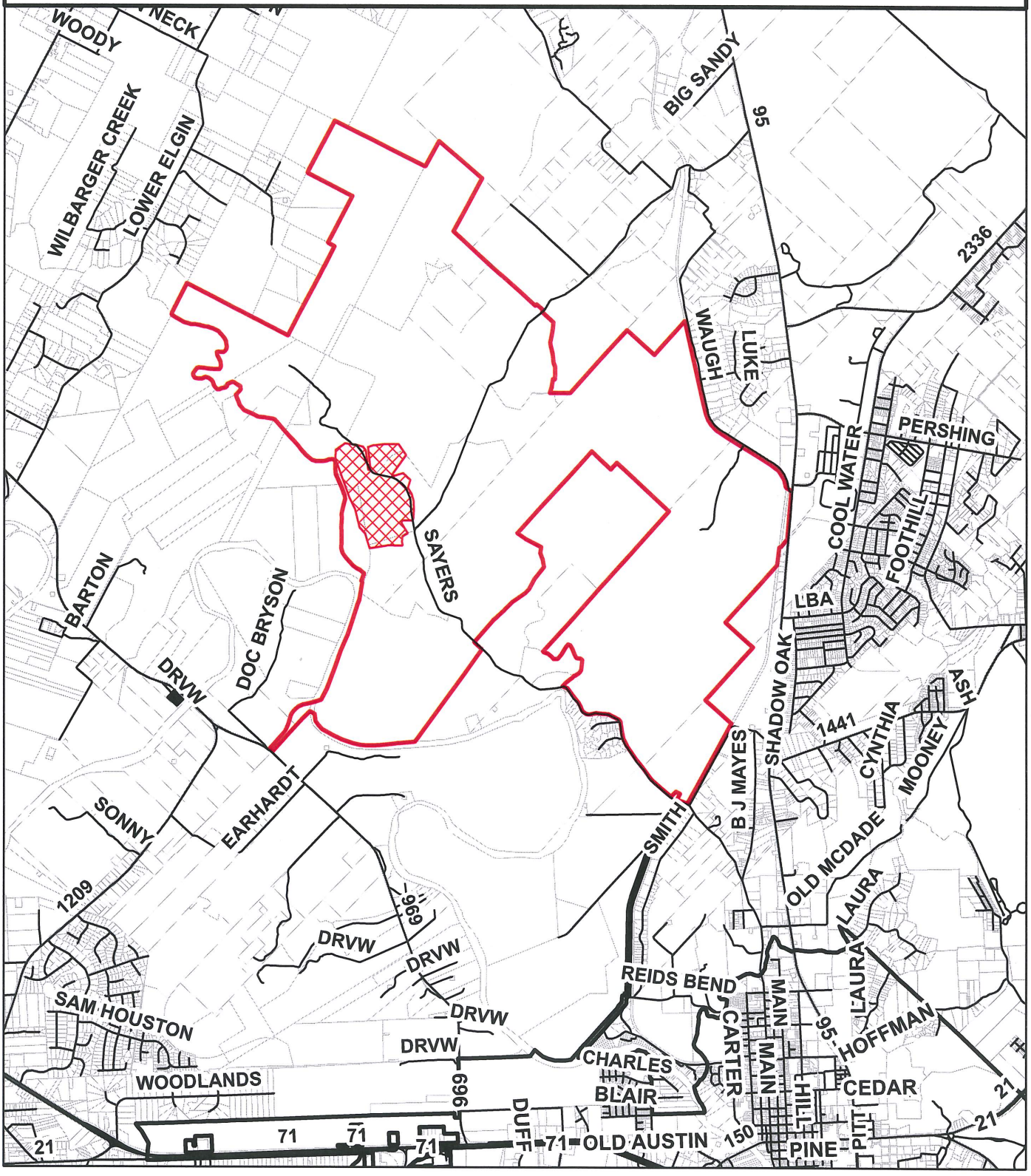
BASTROP TX
Heart of the Lost Pines
Est. 1832

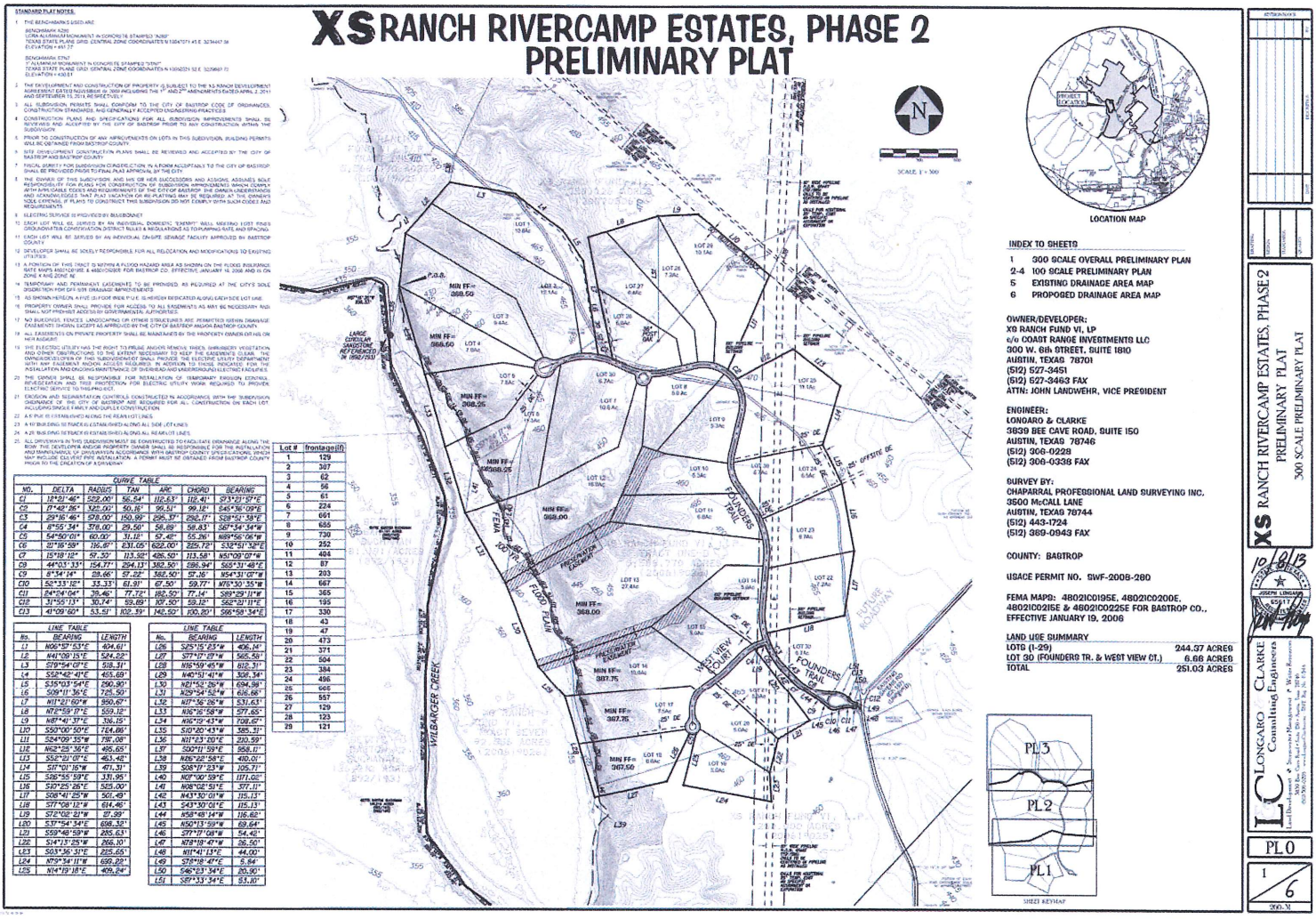
N
W E
S

Location Map for Preliminary Plat for XS Ranch - Rivercamp Estates, Phase 2 being +/-251.03 acres

October 2014

Legend
- Rivercamp Estates, Phase 2
- XS Ranch



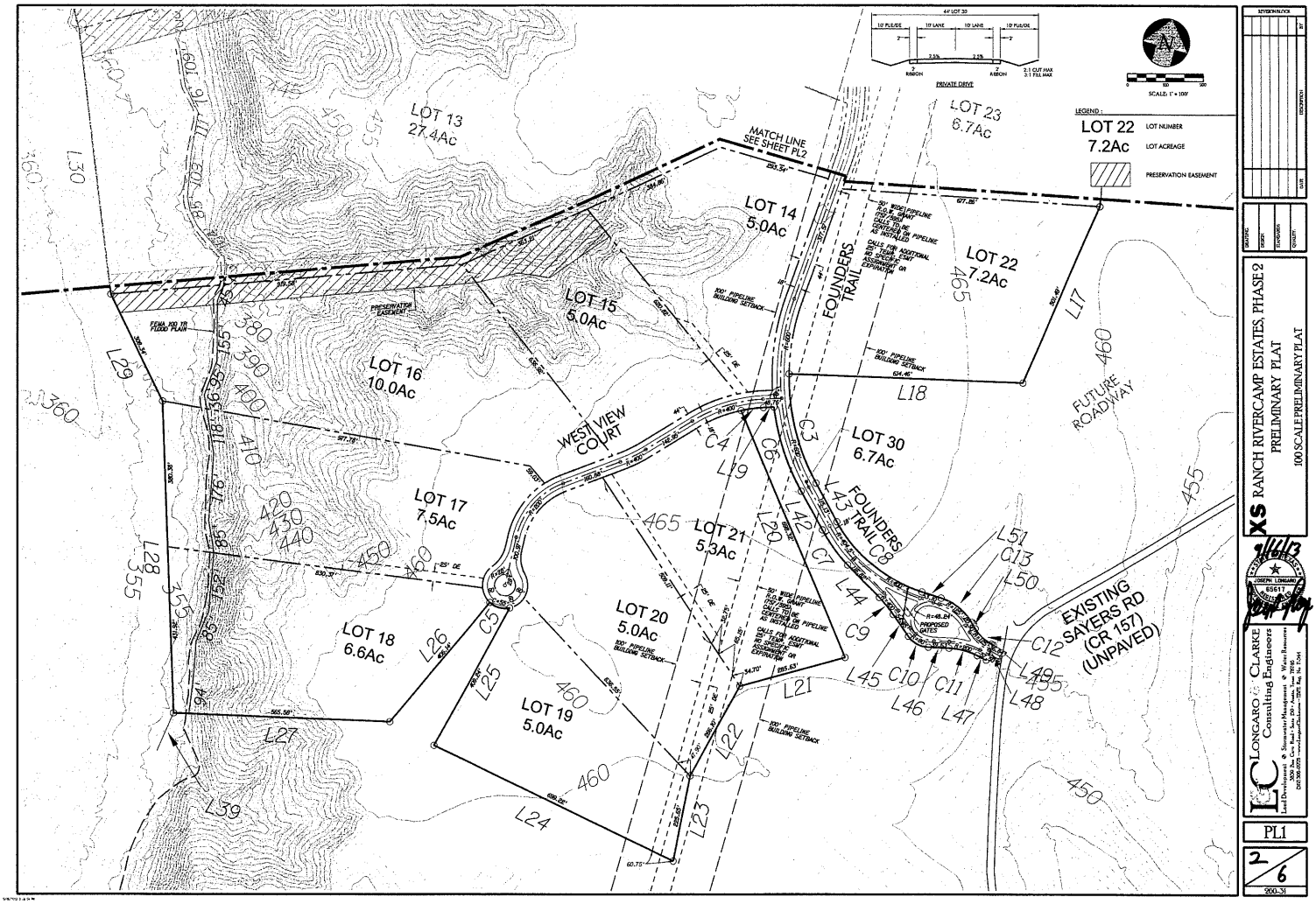


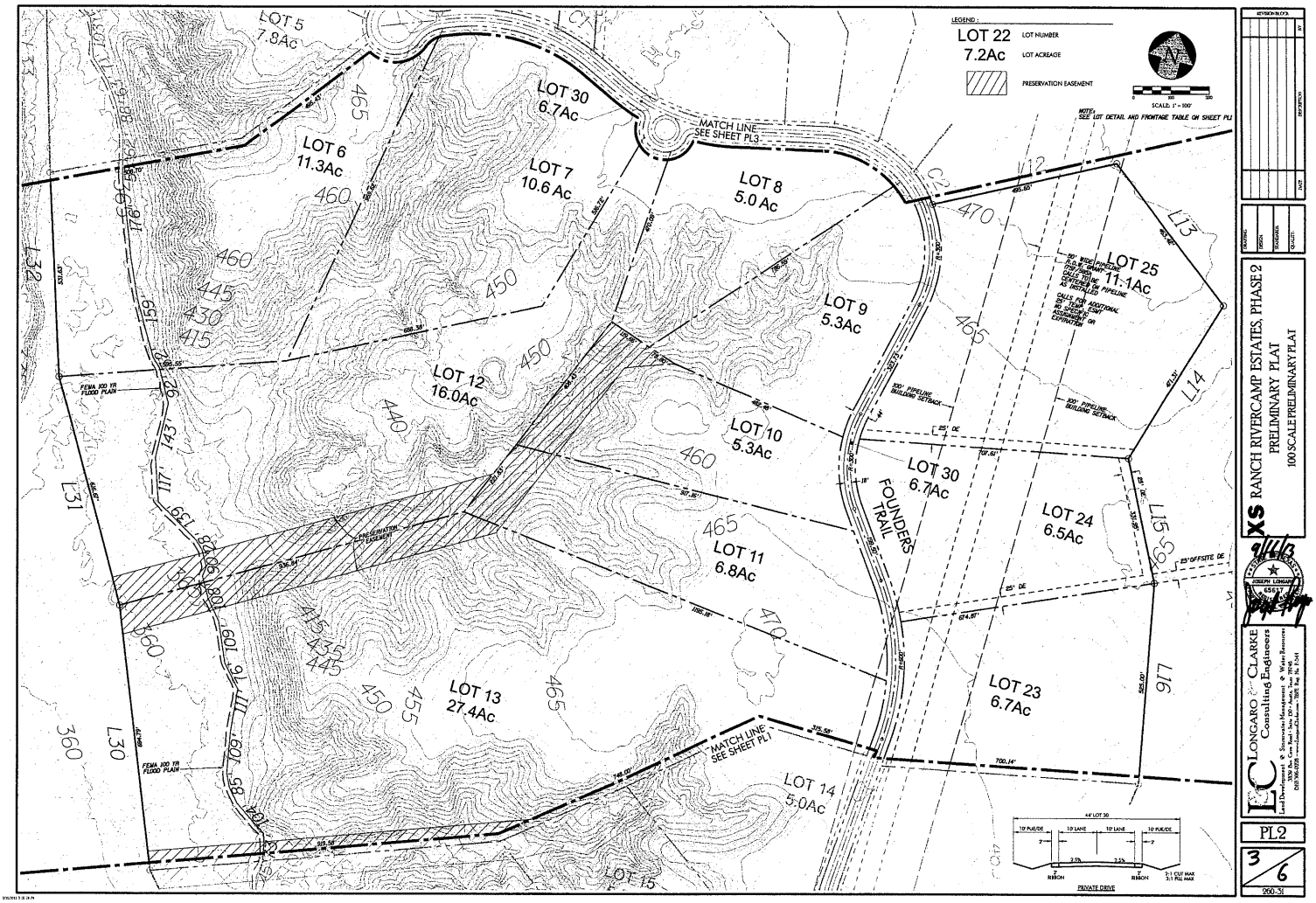
CURVE TABLE						
NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING
C1	13°21'46"	522.00'	56.54'	112.63'	112.41'	S73°21'57"E
C2	17°48'26"	325.00'	50.82'	99.51'	99.12'	S46°36'09"E
C3	29°16'46"	578.00'	150.99'	295.37'	292.17'	S39°51'59"E
C4	8°55'34"	578.00'	29.50'	58.89'	58.83'	S67°34'34"W
C5	54°50'01"	60.00'	31.11'	57.42'	55.26'	N89°56'06"W
C6	21°16'59"	750.69'	231.05'	622.00'	285.73'	S32°50'32"E
C7	15°19'12"	97.50'	13.39'	26.80'	113.58'	N5°09'07"W
C8	44°03'33"	154.77'	294.13'	382.50'	286.94'	S65°31'48"E
C9	8°54'14"	28.66'	57.22'	382.50'	57.16'	N54°31'07"W
C10	52°33'12"	33.33'	61.91'	67.50'	59.77'	N75°30'35"W
C11	84°54'04"	50.00'	74.08'	183.50'	77.74'	S39°03'21"E
C12	31°55'13"	30.74'	59.69'	109.50'	59.12'	S62°31'11"E
C13	41°09'60"	53.51'	102.59'	140.50'	100.20'	S65°58'34"E

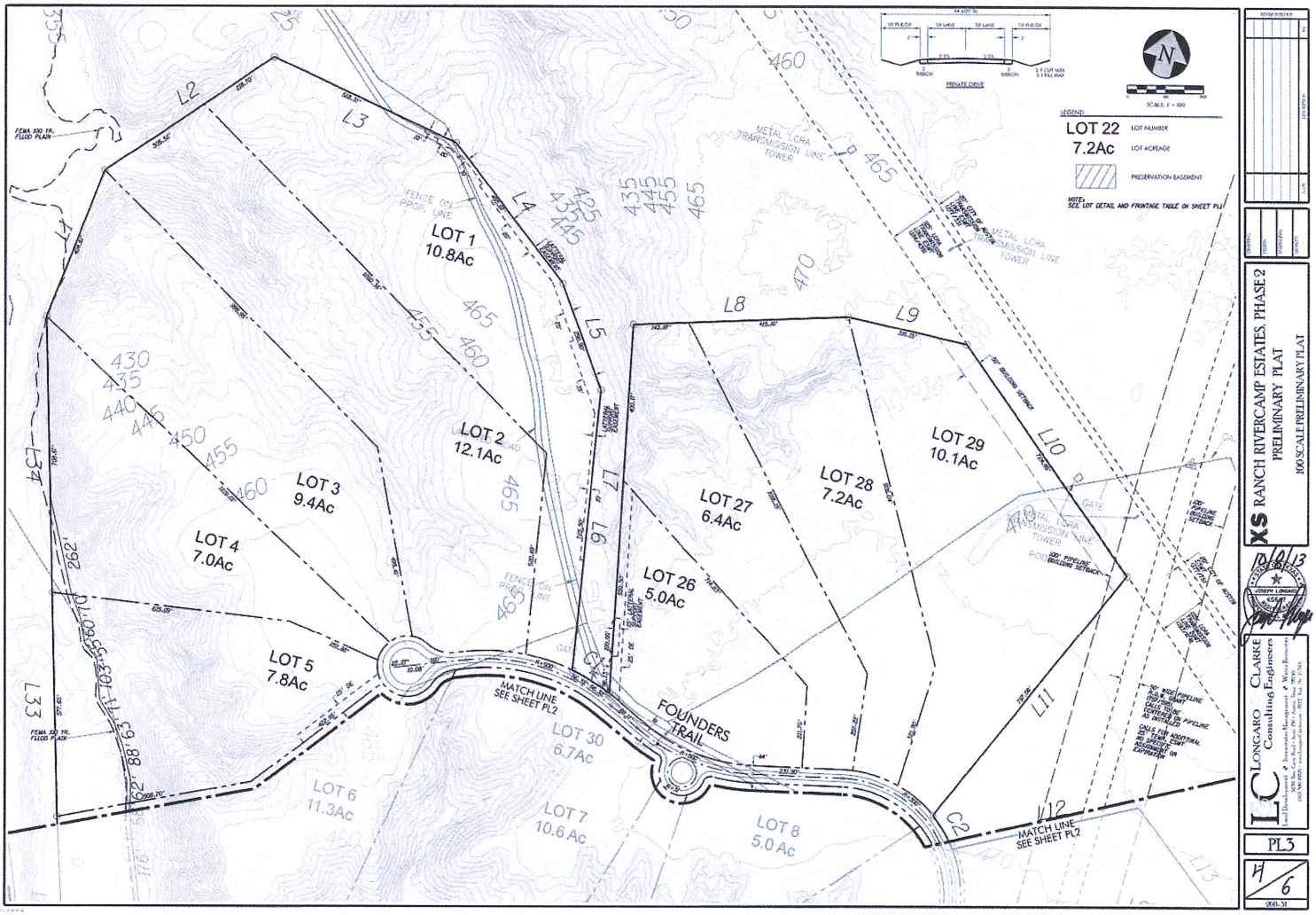
LINE TABLE		
No.	BEARING	LENGTH
L1	N06°57'53"E	404.61'
L2	N41°09'15"E	524.23'
L3	S79°54'07"E	518.31'
L4	S52°42'41"E	455.69'
L5	S35°03'54"E	250.90'
L6	S09°11'36"E	725.50'
L7	N11°21'60"W	950.67'
L8	N72°59'17"E	559.12'
L9	N68°40'37"E	336.15'
L10	S50°00'50"E	724.66'
L11	S24°09'35"W	78.08'
L12	N62°25'36"E	455.65'
L13	S52°21'01"E	463.40'
L14	S17°01'15"W	471.31'
L15	S26°55'59"E	331.95'
L16	S10°25'26"E	525.00'
L17	S08°41'25"W	501.45'
L18	S77°08'12"W	614.46'
L19	S72°02'21"W	97.99'
L20	S37°54'34"E	698.32'
L21	S59°48'59"W	205.63'
L22	S14°13'25"W	266.10'
L23	S03°36'31"E	225.65'
L24	N79°34'11"W	699.22'
L25	N14°19'18"E	409.24'

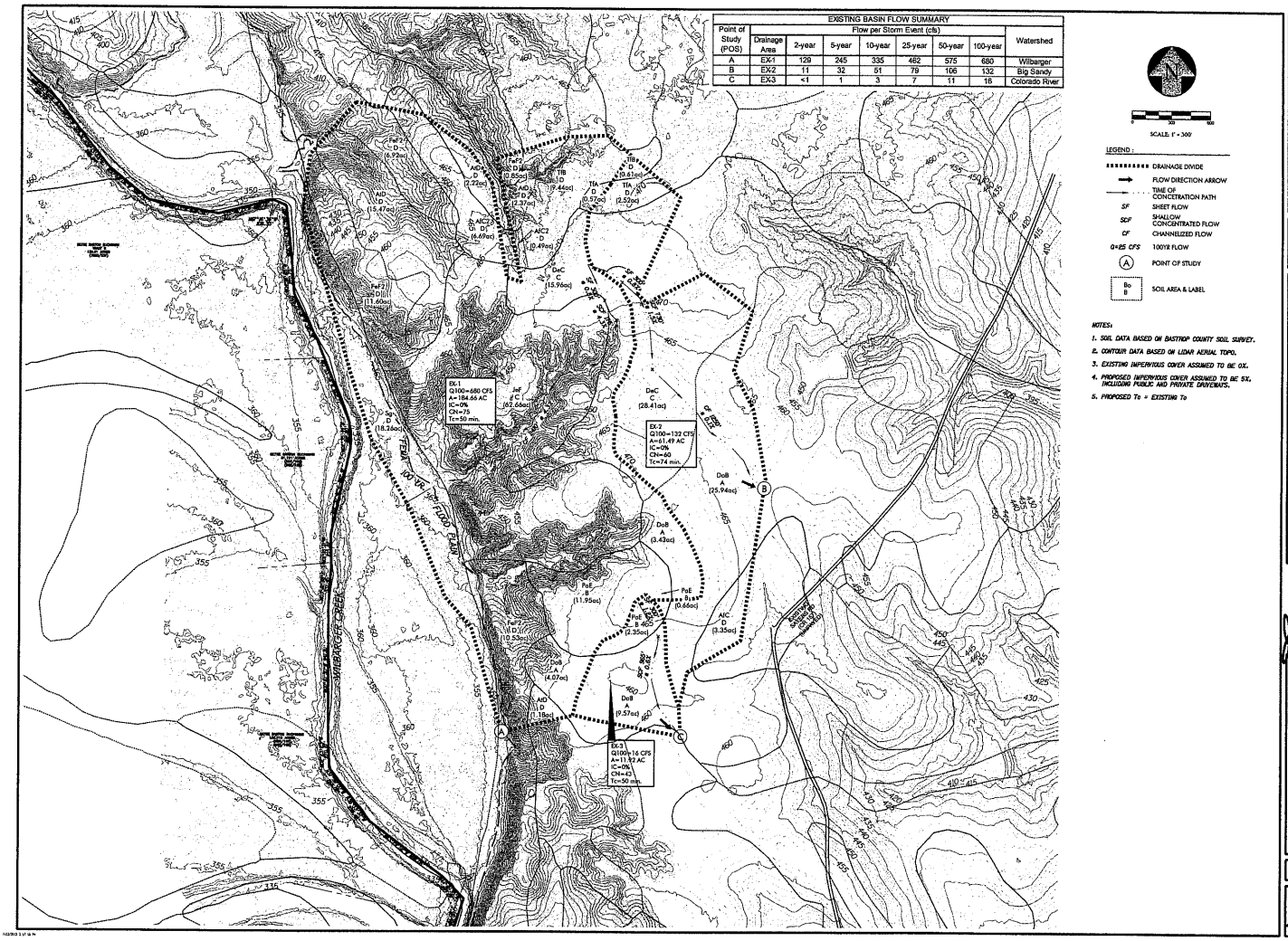
LINE TABLE		
No.	BEARING	LENGTH
L26	S25°15'23"W	406.14'
L27	S77°17'09"W	565.58'
L28	N16°59'45"W	612.31'
L29	N40°51'41"W	306.34'
L30	N21°52'26"W	694.98'
L31	N29°54'43"W	636.66'
L32	N17°36'26"W	531.63'
L33	N16°16'58"W	577.65'
L34	N16°19'43"W	708.67'
L35	S10°20'43"W	385.31'
L36	N11°23'20"E	210.59'
L37	S02°11'59"E	958.11'
L38	N85°22'58"E	410.01'
L39	S08°17'33"W	105.71'
L40	N0°°00'59"E	1171.02'
L41	N08°02'51"E	377.11'
L42	N43°30'01"W	115.13'
L43	S43°30'01"E	115.13'
L44	N58°48'14"W	116.62'
L45	N50°13'59"W	69.64'
L46	S71°17'08"W	54.42'
L47	N78°18'47"W	26.50'
L48	N11°41'13"E	44.00'
L49	S78°18'47"E	5.84'
L50	S46°23'34"E	20.90'
L51	S87°33'34"E	53.10'

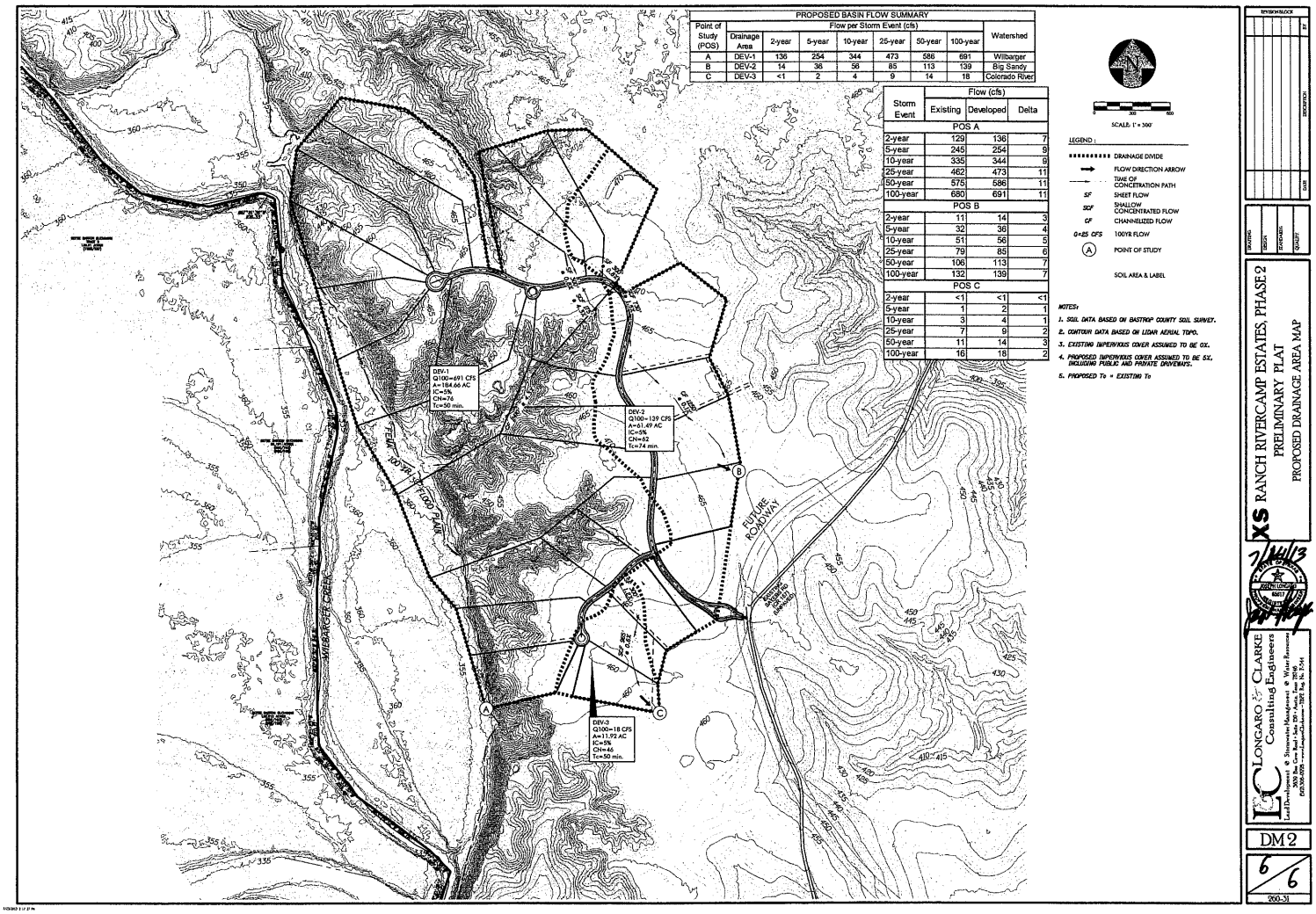
Lot #	frontage(ft)
1	129
2	307
3	62
4	56
5	61
6	224
7	661
8	685
9	730
10	252
11	404
12	87
13	203
14	667
15	365
16	195
17	330
18	43
19	47
20	473
21	371
22	504
23	384
24	496
25	666
26	557
27	129
28	123
29	121


LOT 13
27.4Ac
LOT 14
5.0Ac
LOT 15
5.0Ac
LOT 16
10.0Ac
LOT 17
7.5Ac
LOT 18
6.6Ac
LOT 19
5.0Ac
LOT 20
5.0Ac
LOT 21
5.3Ac
LOT 22
7.2Ac
LOT 23
6.7Ac
LOT 30
6.7Ac
MATCH LINE
SEE SHEET PL2
FOUNDERS TRAIL
WEST VIEW COURT
FUTURE ROADWAY
EXISTING
SAYERS RD
(CR 157)
(UNPAVED)
PRESERVATION EASEMENT
PRIVATE DRIVE
LEGEND :
LOT 22 LOT NUMBER
7.2Ac LOT ACREAGE
PRESERVATION EASEMENT
XS RANCH RIVERCAMP ESTATES, PHASE 2
PRELIMINARY PLAT
100 SCALE PRELIMINARY PLAT
LONGARO & CLARKE
Consulting Engineers
PL1
2
6


LEGEND :
LOT 22 LOT NUMBER
7.2Ac LOT ACREAGE
PRESERVATION EASEMENT
SCALE: 1" = 100'
NOTE: SEE LOT DETAIL AND FRONTAGE TABLE ON SHEET PL1
LOT 5 7.8Ac
LOT 6 11.3Ac
LOT 30 6.7Ac
LOT 7 10.6 Ac
LOT 8 5.0 Ac
LOT 9 5.3Ac
LOT 10 5.3Ac
LOT 11 6.8Ac
LOT 12 16.0Ac
LOT 13 27.4Ac
LOT 14 5.0Ac
LOT 15
LOT 23 6.7Ac
LOT 24 6.5Ac
LOT 25 11.1Ac
MATCH LINE SEE SHEET PL3
MATCH LINE SEE SHEET PL1
FOUNDERS TRAIL
PRESERVATION EASEMENT
FEMA 100 YR FLOOD PLAIN
100' PIPELINE BUILDING SETBACK
25' OFFSITE DE
25' DE
44' LOT 30
10' PUE/DE
10' LANE
PRIVATE DRIVE
XS RANCH RIVERCAMP ESTATES, PHASE 2
PRELIMINARY PLAT
100 SCALE PRELIMINARY PLAT
LONGARO & CLARKE Consulting Engineers
PL2
3
6
260.31


LOT 1
10.8Ac
LOT 2
12.1Ac
LOT 3
9.4Ac
LOT 4
7.0Ac
LOT 5
7.8Ac
LOT 6
11.3Ac
LOT 7
10.6 Ac
LOT 8
5.0 Ac
LOT 26
5.0Ac
LOT 27
6.4Ac
LOT 28
7.2Ac
LOT 29
10.1Ac
LOT 30
6.7Ac
FOUNDERS TRAIL
MATCH LINE SEE SHEET PL2
MATCH LINE SEE SHEET PL2
LOT 22
7.2Ac
LOT NUMBER
LOT ACREAGE
PRESERVATION EASEMENT
METAL LCRA TRANSMISSION LINE TOWER
FENCE ON PROP. LINE
PRIVATE DRIVE
SCALE: 1" = 100'
XS RANCH RIVERCAMP ESTATES, PHASE 2
PRELIMINARY PLAT
100 SCALE PRELIMINARY PLAT
LC LONGARO CLARKE Consulting Engineers
PL3
11/6


EXISTING BASIN FLOW SUMMARY
Point of Study (POS) | Drainage Area | Flow per Storm Event (cfs) 2-year 5-year 10-year 25-year 50-year 100-year | Watershed
A | EX1 | 129 245 335 462 575 680 | Willbanger
B | EX2 | 11 32 51 79 106 132 | Big Sandy
C | EX3 | <1 1 3 7 11 16 | Colorado River
SCALE: 1" = 300'
LEGEND :
DRAINAGE DIVIDE
FLOW DIRECTION ARROW
TIME OF CONCENTRATION PATH
SF SHEET FLOW
SCF SHALLOW CONCENTRATED FLOW
CF CHANNELIZED FLOW
Q=25 CFS 100YR FLOW
POINT OF STUDY
SOIL AREA & LABEL
NOTES:
1. SOIL DATA BASED ON BASTROP COUNTY SOIL SURVEY.
2. CONTOUR DATA BASED ON LIDAR AERIAL TOPO.
3. EXISTING IMPERVIOUS COVER ASSUMED TO BE 0%.
4. PROPOSED IMPERVIOUS COVER ASSIGNED TO BE 5%, INCLUDING PUBLIC AND PRIVATE DRIVEWAYS.
5. PROPOSED Tc = EXISTING Tc
EX-1 Q100=460 CFS A=184.66 AC IC=0% CN=75 Tc=50 min
EX-2 Q100=132 CFS A=61.49 AC IC=0% CN=60 Tc=74 min
EX-3 Q100=16 CFS A=11.92 AC IC=0% CN=43 Tc=50 min
WILLBANGER CREEK
TEXAS 100-YR FLOOD PLAIN
CF RIDGE
EXISTING STREAM CROSSING
XS RANCH RIVERCAMP ESTATES, PHASE 2
PRELIMINARY PLAT
EXISTING DRAINAGE AREA MAP
LONGARO & CLARKE Consulting Engineers
DM1
5
6
960-31



PROPOSED BASIN FLOW SUMMARY

Point of Study (POS)	Drainage Area	Flow per Storm Event (cfs) 2-year	5-year	10-year	25-year	50-year	100-year	Watershed
A	DEV-1	136	254	344	473	586	691	Wilbarger
B	DEV-2	14	36	56	85	113	139	Big Sandy
C	DEV-3	<1	2	4	9	14	18	Colorado River

Storm Event	Flow (cfs) Existing	Developed	Delta
POS A			
2-year	129	136	7
5-year	245	254	9
10-year	335	344	9
25-year	462	473	11
50-year	575	586	11
100-year	680	691	11
POS B			
2-year	11	14	3
5-year	32	36	4
10-year	51	56	5
25-year	79	85	6
50-year	106	113	7
100-year	132	139	7
POS C			
2-year	<1	<1	<1
5-year	1	2	1
10-year	3	4	1
25-year	7	9	2
50-year	11	14	3
100-year	16	18	2

SCALE: 1" = 300'

LEGEND :

- DRAINAGE DIVIDE
- FLOW DIRECTION ARROW
- TIME OF CONCETRATION PATH
- SF SHEET FLOW
- SCF SHALLOW CONCENTRATED FLOW
- CF CHANNELIZED FLOW
- Q=25 CFS 100YR FLOW
- (A) POINT OF STUDY
- SOIL AREA & LABEL

NOTES:

1. SOIL DATA BASED ON BASTROP COUNTY SOIL SURVEY.
2. CONTOUR DATA BASED ON LIDAR AERIAL TOPO.
3. EXISTING IMPERVIOUS COVER ASSUMED TO BE 0%.
4. PROPOSED IMPERVIOUS COVER ASSUMED TO BE 5%, INCLUDING PUBLIC AND PRIVATE DRIVEWAYS.
5. PROPOSED Tc = EXISTING Tc

REVISION BLOCK

NO.	DESCRIPTION	DATE	BY

DRAWING: XS RANCH RIVERCAMP ESTATES, PHASE 2
PRELIMINARY PLAT
PROPOSED DRAINAGE AREA MAP

DESIGNED
DRAWN
CHECKED
QUALITY

7/16/13

LONCARO & CLARKE Consulting Engineers
Land Development • Stormwater Management • Water Resources
2000 Exposition Blvd., Suite 100, Austin, Texas 78704
(512) 326-5579 www.loncaroclarke.com TBPE Reg. No. F-241

DM 2

6/6

960-31

CITY OF BASTROP **AGENDA ITEM A-6**

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 5, 2013
MEETING DATE: November 12, 2013

1. Agenda Item: **Approval of the statutory denial, for a period of 180 days from the date of Council action on this request, for the Little Colony Subdivision being a Resubdivision of Lot 1, Bastrop West Commercial, Section 2 consisting of approximately 1.511 acres within the city limits of Bastrop, Texas.**

2. Party Making Request: **Melissa McCullough, Planning and Zoning Director**

3. Nature of Request: (Brief Overview) Attachments: Yes __X___ No _____

   A city must take action on a plat within 30 days or the plat is automatically approved.

4. Policy Implication: _____

5. Budgeted: _____Yes _____No N/A
   Bid Amount: _____ Budgeted Amount: _____
   Under Budget: _____ Over Budget: _____
   Amount Remaining: _____

6. Alternate Option/Costs: _____

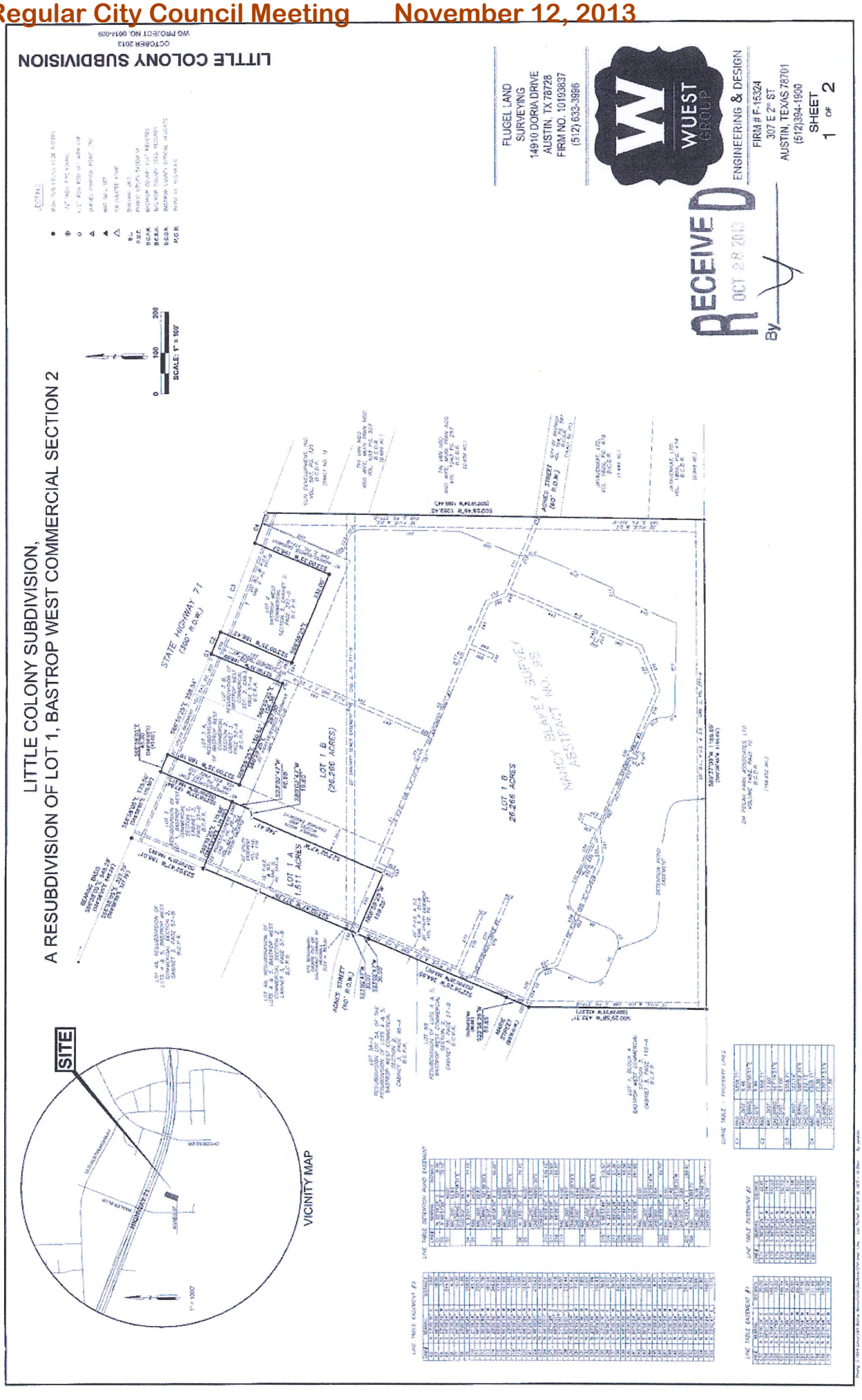
7. Routing: **NAME/TITLE INITIAL DATE CONCURRENCE**
   a) _____

8. Staff Recommendation:

9. Advisory Board: _____Approved _____Disapproved _____None

10. Manager's Recommendation: _____Approved _____Disapproved _____None

11. Action Taken: _____


LITTLE COLONY SUBDIVISION
OCTOBER 2013
WG PROJECT NO. 0014-009
LITTLE COLONY SUBDIVISION,
A RESUBDIVISION OF LOT 1, BASTROP WEST COMMERCIAL SECTION 2
FLUGEL LAND SURVEYING
14910 DORIA DRIVE
AUSTIN, TX 78728
FIRM NO. 10193837
(512) 633-3986
WUEST GROUP
ENGINEERING & DESIGN
FIRM # F-15324
307 E 2ND ST
AUSTIN, TEXAS 78701
(512)394-1900
SHEET 1 OF 2
RECEIVED
OCT 28 2013
By
SCALE: 1" = 100'
STATE HIGHWAY 71
(560' R.O.W.)
AGNES STREET
(60' R.O.W.)
MAIN STREET
(60' R.O.W.)
LOT 1 B
(26.266 ACRES)
LOT 1 A
(5.611 ACRES)
NANCY BLAKEY SURVEY
ABSTRACT NO. 98
SITE
VICINITY MAP

LITTLE COLONY SUBDIVISION,
A RESUBDIVISION OF LOT 1, BASTROP WEST COMMERCIAL SECTION 2

LITTLE COLONY SUBDIVISION
OCTOBER 2013
WG PROJECT NO. 0914.029

LEGAL DESCRIPTION:

LEGAL DESCRIPTION OF A 27.777 ACRE TRACT OR PARCEL OF LAND, BEING THE SAME LOT 1, RESUBDIVISION OF LOT 1, BASTROP WEST COMMERCIAL SECTION 2, RECORDED IN CABINET 3, PAGE 25 B, PLAT RECORDS, BASTROP COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AND THE ACCOMPANYING SKETCH AS FOLLOWS:

COMMENCING FOR POINT OF REFERENCE, AT A 1/2 IRON ROD FOUND IN THE SOUTH RIGHT OF WAY LINE OF STATE HIGHWAY 71 AT THE EAST CORNER OF LOT 4A, RESUBDIVISION OF LOT 4, BASTROP WEST COMMERCIAL SECTION 2 AS RECORDED IN CABINET 3, PAGE 57 B, PLAT RECORDS OF BASTROP COUNTY, TEXAS, SAME BEING THE NORTH CORNER OF LOT 2, OF SAID RESUBDIVISION OF LOT 1, BASTROP WEST COMMERCIAL SECTION 2, FROM WHICH POINT A ½" IRON ROD FOUND AT THE NORTH CORNER OF SAID LOT 4A BEARS N 66°58'05"W A DISTANCE OF 327.79 FEET, AND A ½" IRON ROD FOUND AT THE NORTH CORNER OF LOT 3A, RESUBDIVISION OF LOT 3, BASTROP WEST COMMERCIAL SECTION 2, AS RECORDED IN CABINET 3, PAGE 57A, PLAT RECORDS BASTROP COUNTY, TEXAS BEARS S66°58'05"E A DISTANCE OF 220.50 FEET,

THENCE, WITH THE COMMON LINE BETWEEN SAID LOT 4A AND SAID LOT 2, S23°02'47"E A DISTANCE OF 188.01 FEET TO A MAG NAIL SET IN CONCRETE FOR THE WEST CORNER OF SAID LOT 2, OF SAID RESUBDIVISION OF LOT 1, AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE, WITH THE COMMON LINE BETWEEN SAID LOT 1 AND SAID LOT 2, THE FOLLOWING TWO COURSES:

1) S66°58'05"E, A DISTANCE OF 175.68 FEET TO A ½" IRON ROD FOUND AT THE SOUTH CORNER OF SAID LOT 2;

2) N22°58'32"E, A DISTANCE OF 187.64 FEET TO A MAG NAIL FOUND IN THE SOUTHERLY RIGHT OF WAY LINE OF STATE HIGHWAY 71 (300' R.O.W.);

THENCE, WITH THE SOUTH LINE OF STATE HIGHWAY 71, S66°58'05"E A DISTANCE OF 45.00 FEET TO A ½" IRON ROD FOUND FOR THE COMMON CORNER OF SAID LOT 1 AND THE NORTH CORNER OF LOT 3A;

THENCE, WITH THE COMMON LINES OF SAID LOT 1 AND LOT 3A AND LOT 3B OF THE SAID RESUBDIVISION OF BASTROP WEST COMMERCIAL SECTION 2, THE FOLLOWING THREE COURSES:

1) S23°00'35"W A DISTANCE OF 158.13 FEET TO A ½" IRON ROD FOUND AT THE WEST CORNER OF SAID LOT 3A;

2) S66°59'25"E, PASSING AT A DISTANCE OF 160.62 FEET THE APPROXIMATE COMMON CORNER SAID LOT 3A AND LOT 4A, AND CONTINUING FOR A TOTAL DISTANCE OF 257.00 FEET TO A ½" IRON ROD FOUND FOR THE SOUTH CORNER OF SAID LOT 3B;

3) N23°00'35"E, A DISTANCE OF 136.05 FEET TO A ½" IRON ROD FOUND IN THE CURVING SOUTH RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY 71;

THENCE, WITH SAID SOUTH LINE OF STATE HIGHWAY 71, AND WITH THE ARC OF A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 57.00 FEET, A RADIUS OF 5,356.71 FEET, AND A CHORD THAT BEARS S67°19'55"E A DISTANCE OF 57.00 FEET TO A ½" IRON ROD FOUND FOR THE COMMON CORNER OF SAID LOT 1 AND THE NORTH CORNER OF LOT 2, BASTROP WEST COMMERCIAL SECTION 2, AS RECORDED IN CABINET 2, PAGE 377 B OF THE PLAT RECORDS OF BASTROP COUNTY, TEXAS;

THENCE, WITH THE COMMON LINES OF SAID LOT 1 AND SAID LOT 2, OF BASTROP WEST COMMERCIAL SECTION 2 FOR THE FOLLOWING THREE COURSES:

1) S23°00'35"W A DISTANCE OF 168.43 FEET TO A ½" IRON ROD SET WITH PLASTIC CAP STAMPED "F FLUGEL 5095" FOR THE WEST CORNER OF SAID LOT 2,

2) S66°59'25"E A DISTANCE OF 232.00 FEET TO A ½" IRON ROD FOUND AT THE SOUTH CORNER OF SAID LOT 2,

3) N23°00'35"E A DISTANCE OF 194.07 FEET TO A ½" IRON ROD FOUND IN SAID CURVING SOUTH RIGHT OF WAY LINE OF STATE HIGHWAY 71 FOR THE EAST CORNER OF SAID LOT 2,

THENCE, WITH SAID SOUTH LINE OF STATE HIGHWAY 71, AND WITH THE ARC OF A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 77.38 FEET, A RADIUS OF 5,356.71 FEET, AND A CHORD THAT BEARS S70°31'53"E A DISTANCE OF 77.38 FEET TO A ½" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID LOT 1, SAME BEING THE NORTHWEST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO SAN DEVELOPMENT, INC. IN VOLUME 897, PAGE 725, OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS;

THENCE, S00°58'46"W, WITH THE EAST LINE OF SAID LOT 1, FOR A DISTANCE OF 1698.45 FEET TO A ½" IRON PIPE FOUND AT THE SOUTHEAST CORNER OF SAID LOT 1, SAME BEING THE SOUTHWEST CORNER OF THAT CURTAIN 9.948 ACRE TRACT OF LAND CONVEYED TO JAYAWIKRAT, LTD. IN VOLUME 1609, PAGE 474, OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS; SAID PIPE ALSO BEING A POINT ON THE NORTH LINE OF THAT CERTAIN TRACT OF LAND CONVEYED TO DM PECAN PARK ASSOCIATES, LTD IN VOLUME 1402, PAGE 79 OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS;

THENCE, S89°37'09"W, WITH THE COMMON LINE OF SAID LOT 1, AND SAID DM PECAN PARK ASSOCIATES, LTD TRACT, FOR A DISTANCE OF 1146.78 FEET TO A ½" IRON PIPE FOUND AT THE SOUTHWEST CORNER OF SAID LOT 1, SAME BEING THE SOUTHEAST CORNER OF LOT 1, BLOCK A, BASTROP WEST COMMERCIAL SECTION 3, AS RECORDED IN CABINET 3, PAGE 119-A, PLAT RECORDS, BASTROP COUNTY, TEXAS;

THENCE, N00°29'59"E, A DISTANCE OF 432.31 FEET TO A ½" IRON ROD FOUND IN THE SOUTH RIGHT OF WAY LINE OF MARIE STREET (60 FOOT R.O.W.) SAME BEING THE NORTHEAST CORNER OF SAID LOT 1, BLOCK A, BASTROP WEST COMMERCIAL SECTION 3;

THENCE, N22°58'29"E, PASSING AT A DISTANCE OF 59.85 FEET THE NORTH RIGHT OF WAY LINE OF SAID MARIE STREET, SAME BEING THE SOUTH CORNER OF LOT 5B, RESUBDIVISION OF LOTS 4 & 5, BASTROP WEST COMMERCIAL, SECTION 2 RECORDED IN CABINET 3, PAGE 57 B, PLAT RECORDS, BASTROP COUNTY, TEXAS, AND PASSING AT A DISTANCE OF 298.19 THE APPROXIMATE COMMON CORNER BETWEEN SAID LOT 5B, AND LOT 5A-2, OF THE RESUBDIVISION OF LOT 5A, OF THE RESUBDIVISION OF LOTS 4 & 5, BASTROP WEST COMMERCIAL SECTION 2 OF AND CONTINUING FOR A TOTAL DISTANCE OF 424.00 FEET TO A ½" IRON ROD FOUND IN THE SOUTH RIGHT OF WAY LINE OF AGNES STREET (60 FOOT R.O.W.), FOR THE EAST CORNER OF SAID LOT 5A-2;

THENCE, N23°02'47"E, PASSING AT A DISTANCE OF 60.00 FEET, THE NORTH RIGHT OF WAY LINE OF SAID AGNES STREET, SAME BEING THE SOUTH CORNER OF LOT 4B, OF SAID RESUBDIVISION OF LOTS 4 & 5, BASTROP WEST COMMERCIAL SECTION 2, AND PASSING AT A DISTANCE OF 293.11 THE APPROXIMATE COMMON CORNER OF SAID LOT 4B AND LOT 4A OF SAID RESUBDIVISION, AND CONTINUING FOR A TOTAL DISTANCE OF 437.76 FEET TO THE POINT OF BEGINNING AND CONTAINING 27.777 ACRES OF LAND, MORE OR LESS.

THE BEARINGS DESCRIBED HEREIN ARE BASED ON THE RECORD PLAT BEARING OF S66°58'05"E ALONG THE NORTH LINE OF SAID RESUBDIVISION OF LOT 1, BASTROP WEST COMMERCIAL SECTION 2, SAME BEING THE SOUTHWESTERLY RIGHT OF WAY LINE OF STATE HIGHWAY 71.

GENERAL NOTES:

1. THIS SUBDIVISION PLAT, EXCEPT AS NOTED, DOES NOT ATTEMPT TO AMEND OR REMOVE ANY COVENANTS OR RESTRICTIONS FROM THE PREVIOUS SUBDIVISION, RECORDED IN _____, A SUBDIVISION OF RECORD IN CABINET NO. 3, PAGE 25B-26A OF THE PLAT RECORDS OF BASTROP COUNTY, TEXAS, AND _____, A SUBDIVISION OF RECORD IN CABIN NO. 3 PAGE 377B OF THE PLAT RECORDS OF BASTROP COUNTY, TEXAS.
2. PROPOSED UTILITY PROVIDERS:
   WATER AND WASTEWATER: CITY OF BASTROP
   ELECTRIC: BLUEBONNET COOPERATIVE
   GAS: CENTERPOINT/ENTEX
3. THE TRACT SHOWN HEREON LIES WITHIN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE 500 YEAR FLOODPLAIN) AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, AS SHOWN ON COMMUNITY PANEL NO. 48021C0305E, DATED JANUARY 19, 2006, FOR BASTROP COUNTY, TEXAS AND INCORPORATED AREAS. IF THIS SITE IS NOT WITHIN AN IDENTIFIED SPECIAL FLOOD HAZARD AREA, THIS FLOOD STATEMENT DOES NOT IMPLY THE PROPERTY AND/OR STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE ENGINEER OR SURVEYOR.
4. FLOOD WARNING: THE DEGREE OF FLOOD PROTECTION REQUIRED BY THE CITY OF BASTROP FLOOD DAMAGE PREVENTION ORDINANCE IS CONSIDERED REASONABLE FOR REGULATORY PURPOSES AND IS BASED ON SCIENTIFIC AND ENGINEERING CONSIDERATIONS. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. ACCEPTANCE OF THIS PLAN BY THE CITY COUNCIL DOES NOT IMPLY THAT LAND OUTSIDE THE AREAS OF SPECIAL FLOOD HAZARDS OR USES PERMITTED WITHIN SUCH AREAS WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. NOR SHALL ACCEPTANCE OF THIS PLAN CREATE LIABILITY ON THE PART OF THE CITY OF BASTROP OR ANY OFFICIAL OR EMPLOYEE THEREOF FOR ANY FLOOD DAMAGES THAT RESULT FROM RELIANCE ON THE INFORMATION CONTAINED WITHIN THIS PLAN OR ANY ADMINISTRATION DECISION LAWFULLY MADE HEREUNDER.
5. ELEVATION DATUM: ELEVATIONS ARE BASED ON THE PLAN FINISH FLOOR ELEVATION OF 363.00 FOR THE WALMART BUILDING SITE AS PER PUBLISHED PLANS BY DOUCET & ASSOCIATES, INC., ENTITLED "STORE NO. 1042, BASTROP, TEXAS", DATED MAY 11, 1994.
6. ONSITE BENCHMARK: SQUARE CUT ON SOUTHEAST CORNER OF HEADWALL FOR 3'X9' BOX CULVERT AT THE SOUTHWEST CORNER OF THE PROJECT, BEGIN ON THE APPROXIMATE NORTHWEST PROPERTY LINE AT THE INTERSECTION WITH THE NORTH R.O.W. OF AGNES STREET. ELEVATION = 363.20'
7. NO OBSTRUCTIONS WILL BE LOCATED IN DRAINAGE EASEMENTS.
8. SETBACKS NOT SHOWN ON LOTS SHALL CONFORM TO CURRENT CITY OF BASTROP ZONING ORDINANCE.
9. ALL LOTS WITHIN THIS SUBDIVISION SHALL BE FOR COMMERCIAL USE ONLY.
10. PRIOR TO THE CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS IN THIS SUBDIVISION, BUILDING PERMITS WILL BE OBTAINED FROM THE CITY OF BASTROP.
11. EROSION AND SEDIMENTATION CONTROLS ARE REQUIRED FOR CONSTRUCTION ON EACH LOT, INCLUDING SINGLE FAMILY AND DUPLEX CONSTRUCTION.
12. BY APPROVING THIS PLAT, THE CITY OF BASTROP ASSUMES NO OBLIGATION TO CONSTRUCT ANY INFRASTRUCTURE IN CONNECTION WITH THIS SUBDIVISION. ANY SUBDIVISION INFRASTRUCTURE REQUIRED FOR THE DEVELOPMENT OF THE LOTS IN THIS SUBDIVISION IS THE SOLE RESPONSIBILITY OF THE DEVELOPER AND/OR THE OWNERS OF THE LOTS. FAILURE TO CONSTRUCT ANY REQUIRED INFRASTRUCTURE TO CITY STANDARDS MAY BE JUST CAUSE FOR CITY TO DENY APPLICATIONS FOR CERTAIN DEVELOPMENT PERMITS INCLUDING BUILDING PERMITS, SITE PLAN APPROVALS, AND/OR CERTIFICATES OF OCCUPANCY.
13. SITE DEVELOPMENT CONSTRUCTION PLANS SHALL BE REVIEWED AND ACCEPTED BY THE CITY OF BASTROP PRIOR TO ANY MULTIFAMILY OR NON-RESIDENTIAL CONSTRUCTION.
14. ALL UTILITIES SHALL BE LOCATED UNDERGROUND; NO OVERHEAD SERVICES ARE ALLOWED.
15. ALL EASEMENTS OF RECORD SHOWN IN _____ TITLE INSURANCE COMPANY COMMITMENT G.F. NO: _____ ARE SHOWN OR NOTED ON THIS PLAT AS APPLICABLE.
16. NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO THE APPROVED WATER DISTRIBUTION AND WASTEWATER COLLECTION FACILITIES.
17. WATER AND WASTEWATER SYSTEMS SHALL CONFORM TO TEXAS COMMISSION ON ENVIRONMENTAL QUALITY REGULATIONS.
18. DEVELOPER/OWNER SHALL BE SOLELY RESPONSIBLE FOR ALL RELOCATION AND MODIFICATIONS TO EXISTING UTILITIES.
19. ALL DRAINAGE EASEMENTS, STORM WATER FACILITIES / FEATURES, AND EROSION CONTROLS SHALL BE MAINTAINED BY THE PROPERTY OWNERS OR HIS / HER ASSIGNS.
20. TEMPORARY AND PERMANENT EASEMENTS ARE TO BE PROVIDED, AS REQUIRED AT THE CITY'S SOLE DISCRETION FOR OFFSITE WATER, WASTEWATER, AND DRAINAGE IMPROVEMENTS.
21. PROPERTY OWNER SHALL PROVIDE ACCESS FOR ALL EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY GOVERNMENTAL AUTHORITIES.

APPROVED THIS DAY ___ OF _____ BY THE CITY COUNCIL OF BASTROP, TEXAS.

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

STATE OF TEXAS
COUNTY OF BASTROP KNOW ALL MEN BY THESE PRESENTS:

THAT I, _____, BEING THE OWNER OF 27.777 ACRE TRACT OR PARCEL OF LAND, BEING THE SAME LOT 1, RESUBDIVISION OF LOT 1, BASTROP WEST COMMERCIAL SECTION 2, RECORDED IN CABINET 3, PAGE 25 B, PLAT RECORDS, DO HEREBY SUBDIVIDE SAID LAND IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, TO BE KNOWN AS:

LITTLE COLONY SUBDIVISION

AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS AS SHOWN HEREON.
WITNESS MY HAND THIS THE ____ DAY OF _____, 2014, A.D.

_____
WALMART REAL ESTATE BUSINESS TRUST
P.O. BOX 8050 ATTENTION 0555
BENTONVILLE, AR 72712-8055

STATE OF TEXAS
COUNTY OF BASTROP

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____, 2014, A.D.

_____
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS NOTARY SEAL

PRINTED NAME OF NOTARY / EXPIRES

STATE OF TEXAS
COUNTY OF BASTROP KNOW ALL MEN BY THESE PRESENTS:

THAT I, _____, THE LIENHOLDER OF THAT CERTAIN TRACT OF LAND SHOWN HEREON, DO HEREBY JOIN, APPROVE, AND CONSENT TO ALL DEDICATIONS AND PLAT NOTE REQUIREMENTS SHOWN HEREON. I DO HEREBY APPROVE THE RECORDATION OF THIS SUBDIVISION PLAT AND DEDICATE TO THE PUBLIC USE FOREVER ANY EASEMENTS AND ROADS THAT ARE SHOWN HEREON.
THIS SUBDIVISION IS TO BE KNOWN AS:
LITTLE COLONY SUBDIVISION

WITNESS MY HAND THIS THE ____ DAY OF _____, 2014, A.D.

_____
BANK:
TITLE:
ADDRESS:

STATE OF TEXAS
COUNTY OF BASTROP

I, PAUL J. FLUGEL, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE ON-THE-GROUND SURVEY OF THE LAND, AND THAT THE CORNER MONUMENTS SHOWN WERE PROPERLY PLACED, UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF BASTROP COUNTY, TEXAS.

_____
PAUL J. FLUGEL
FLUGEL LAND SURVEYING
REGISTERED PROFESSIONAL LAND SURVEYOR REG. NO. 5095, FIRM NO. 10193837

I, SCOTT M. WUEST, P.E., DO HEREBY CERTIFY THAT THE STREET AND DRAINAGE DESIGN, AS SHOWN HEREON, COMPLIES WITH THE SUBDIVISION REGULATIONS FOR BASTROP COUNTY, AND THAT THE 100 YEAR FLOODPLAIN IS AS SHOWN AND WILL BE CONTAINED WITHIN THE DRAINAGE EASEMENTS, AS SHOWN HEREON.

_____
SCOTT M. WUEST, P.E.

ENGINEERING BY:
WUEST GROUP
307 E 2ND ST
AUSTIN, TEXAS 78701
TEXAS FIRM REGISTRATION NO. F-15324
(512) 394-1900

STATE OF TEXAS
COUNTY OF BASTROP

I, ROSE PIETSCH, CLERK OF THE COUNTY COURT IN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH THE CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THIS THE ____ DAY OF _____, 2014, A.D., AT _____ O'CLOCK __.M., AND RECORDED ON THE ____ DAY OF _____, 2014, A.D., AT _____ O'CLOCK __.M. IN THE PLAT RECORDS OF SAID COUNTY IN CABINET ____, PAGE _____

FILED FOR RECORD ON THE ____ DAY OF _____, 2014, A.D.

_____
DEPUTY ROSE PIETSCH, COUNTY CLERK
BASTROP COUNTY, TEXAS

RECEIVED
By

FLUGEL LAND SURVEYING
14910 DORIA DRIVE
AUSTIN, TX 78728
FIRM NO. 10193837
(512) 633-3996

WUEST GROUP
ENGINEERING & DESIGN
FIRM # F-15324
307 E 2ND ST
AUSTIN, TEXAS 78701
(512)394-1900

SHEET
2 OF 2

CITY OF BASTROP **AGENDA ITEM A-7**

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 5, 2013
MEETING DATE: November 12, 2013

1. Agenda Item: Board appointment by Mayor Terry Orr and confirmation by the Bastrop City Council Members on the appointment of **Matthew Brian Lassen** as the **First Alternate** Member to the **Zoning Board of Adjustment;** a **2-year term** to commence on **November 2013 through November 2015.**

2. Party Making Request: **Elizabeth Minerva Lopez, City Secretary**

3. Nature of Request: (Brief Overview) Attachments: Yes _____ No _____

4. Policy Implication: _____

5. Budgeted: _____Yes _____No N/A
   Bid Amount: _____ Budgeted Amount: _____
   Under Budget: _____ Over Budget: _____
   Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: **NAME/TITLE INITIAL DATE CONCURRENCE**
   a) _____

8. Staff Recommendation: Candidates application was received on October 28, 2013; submitted to Mayor Terry Orr for his review, approval and recommendation of appointment.

9. Advisory Board: _____Approved _____Disapproved _____None

10. Manager's Recommendation: _____Approved _____Disapproved _____None

11. Action Taken: _____

CITY OF BASTROP
APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES
FOR YEAR 2013/14

PLEASE TYPE OR PRINT CLEARLY

NAME: Matthew Brian Lassen

TELEPHONE: 801.362.1848 (H) 512.321.1600 (W)

EMAIL ADDRESS: mblassendmd@gmail.com

ADDRESS:(RESIDENCE) 1403 Church St

Bastrop, TX 78602

(MAILING) Same

I have lived in Bastrop 3 years.

DO YOU RESIDE WITHIN THE CITY LIMITS OF BASTROP? YES X NO

******Various boards, commissions and committees of the City either allow for or require appointments of persons who reside in the County, the City's Extra Territorial Jurisdiction, and/or the Bastrop Independent School District. For more information on this please refer to the Articles of Incorporation or By Laws of the entities of interest. The City Secretary is able to assist in obtaining copies of the By-Laws, upon request.******

OCCUPATION OR AREA OF EXPERTISE: Dentist

(If retired, please indicate former occupation or profession)

EDUCATION (Optional): Masters of Science in Neuroscience, and Doctorate in Dentistry

PROFESSIONAL AND/OR COMMUNITY ACTIVITIES:

Team dentist Bastrop High School

Coach BYSO

Assistant Scout master Boy Scouts of American

ADDITIONAL PERTINENT INFORMATION/REFERENCES:

Dan Hays-Clark

PLEASE INDICATE THE BOARDS, COMMISSIONS OR COMMITTEES YOU ARE INTERESTED IN SERVING. (List in Order of Preference)

☐Bastrop Parks Board

☐Bastrop Library Board
- ☐ City Resident
- ☐ BISD Area Resident

☐Planning and Zoning Commission

☐Bastrop Housing Authority

☐Bastrop Economic Development Corporation

☐Historic Landmark Commission
*Please indicate which position/s you are qualified to serve under
- ☐ Architect, Planner, Designer
- ☐ Licensed Real Estate Professional
- ☐ Own Commercial Historic Structure/Property
- ☐ Own Residential Historic Structure/Property
- ☐ General Resident of City of Bastrop
- ☐ Planning & Zoning Member
- ☐ Bastrop County Historic Society Member

☐ Construction Standards Board of Adjustments and Appeals

☐ Main Street Advisory Board

☒Board of Adjustment

☐ Cemetery Advisory Board

Please indicate if you are currently serving on a board/commission/committee

Name of Board/Commission_____

_____ 10-28-13
Signature of Applicant Date

PLEASE RETURN THIS FORM TO:

CITY OF BASTROP
CITY SECRETARY'S OFFICE
P.O. BOX 427
BASTROP, TX 78602

FOR OFFICE USE ONLY:

APPOINTED TO_____**ON**_____
TERM EXPIRES_____

APPLICATIONS ARE KEPT ON ACTIVE FILE IN THE CITY SECRETARY'S OFFICE FOR ONE (1) YEAR AND APPLICANTS MAY BE RECONSIDERED SHOULD A NEW VACANCY ARISE.

CITY OF BASTROP **AGENDA ITEM A-8**

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 5, 2013
MEETING DATE: November 12, 2013

1. Agenda Item: **Adoption** of an **Ordinance** by the City Council of the City of Bastrop, Texas, **Amending and Clarifying** the **City's Personnel Policies Manual**: Chapter 5, Section 14; " **Modified Work Duty Program**,", repealing conflicting Resolutions and Policies including a severability clause; and establishing an effective date.

2. Party Making Request: **Tanya Cantrell, Human Resources Director**

3. Nature of Request: (Brief Overview) Attachments: Yes ____ No _____

4. Policy Implication: _____

5. Budgeted: _____Yes _____No **N/A**
   Bid Amount: _____ Budgeted Amount: _____
   Under Budget: _____ Over Budget: _____
   Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: **NAME/TITLE INITIAL DATE CONCURRENCE**
   a) _____

8. Staff Recommendation: _____

9. Advisory Board: _____Approved _____Disapproved _____None

10. Manager's Recommendation: _____Approved _____Disapproved _____None

11. Action Taken: _____

ORDINANCE No. 2013-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING AND CLARIFYING THE CITY OF BASTROP'S PERSONNEL POLICIES MANUAL; CHAPTER 5, SECTION 14: "MODIFIED WORK DUTY PROGRAM,"; REPEALING CONFLICTING RESOLUTIONS AND POLICIES; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to the authority granted to it by State law and its Home Rule Charter, the City Council, acting in the best interest of the City, has determined that revisions to the City's Personnel Policies Manual should be made to Chapter 5, Section 14, "Modified Work Duty Program"; and

WHEREAS, the City Council of the City of Bastrop, Texas, finds that it is in the best interest of the City to approve these amendments to the City's Personnel Policies Manual, as set forth herein below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS THAT:

Part 1. The existing Personnel Policies Manual, Chapter 5, Section 14, is hereby amended as follows:

SECTION 14: MODIFIED WORK DUTY PROGRAM

The Modified Work Duty Program will apply to non-introductory employees who sustain an injury or an illness at work or elsewhere which prevents them from performing their normal work duties but nonetheless leaves them with some work capacity. Modified Work Duty is considered to be a rehabilitative tool in assisting an employee in regaining or maintaining his/her work tolerance and is used to provide an injured worker a feeling of self-worth and to help prevent post-injury or illness related emotional problems. It is the intent and policy of the City to apply the modified Work Duty program equally to all non-introductory City employees.

The City's Modified Work Duty Program is established for non-introductory City employees who are temporarily unable to perform their regular assigned work duties, as a result of a work or non-work related disabling injury or illness subject to the guidelines below. An injured employee who is certified by his/her health care provider, in writing, to be eligible for participation in the City's Modified Work Duty program may be allowed to participate in Modified Work Duty that is consistent with his/her physical abilities and limitations, as indicated by the treating physician during the employee's recovery period. The maximum time that a City employee may be permitted to participate in Modified Work Duty for any specific illness, injury or re-injury is three (3) months in any fifteen (15) month period. However, after an evaluation of all factors, including consultation with the Director of Human Resources and the employee's Department Head, in

extraordinary circumstances the City Manager may, in his sole discretion, permit a limited extension of the time periods stated herein.

GUIDELINES: If an employee is approved by the City Manager and the City's Human Resource Department for Modified Work Duty, the employee's treating physician shall be required to describe, in writing, a suitable work or task assignment appropriate to the physical and mental capabilities of the employee.

When possible, approved temporary Modified Work Duty assignments that are suited to the physical limitations of the employee, as determined by the treating physician, shall be located in the employee's regular work unit or department and shall be managed by the employee's regular Department Head (which under certain circumstances may also be referred to herein as the "Loaning Department Head").

If no suitable temporary Modified Work Duty assignment is available within the employee's regular department. The Director of Human Resources will evaluate and report to the City Manager to coordinate the potential options for arranging alternative employment in the City and to determine if, after consideration of all factors, including potential effects on the Loaning Department, there is an available task within the City which can be safely and effectively performed by the employee in consideration of the restrictions involved. In the event the employee is provided a Modified Work Duty assignment in a different department than the one for which the employee was originally hired, the "Loaning Department Head", the Director of Human Resources, and the City Manager shall communicate regarding the progress of the employee and the time remaining on the Modified Work Duty assignment. Any temporary re-assignment of the employee on an interdepartmental basis shall be coordinated and approved by the City Manager and the Director of Human Resources. In the event of an interdepartmental Modified Work Duty assignment, the department to which the employee is regularly assigned shall continue to provide wages from its regularly budgeted salary account. However, the City Manager and the Human Resources Department shall periodically evaluate the potential drain on the Loaning Department's Resources resulting from the "loan" of the employee.

Employees on Modified Work Duty shall not be scheduled for overtime, standby, or compensatory time.

Prescribed medical treatments, doctor's visits, and physical therapy shall be given assignment consideration. Supervisors, (whether it is the Loaning Department Head or the Receiving Department Head), will be notified of any scheduling issues and will arrange work activities in such a manner as to encourage the rapid recovery of the employee.

Employees assigned to Modified Work Duty are responsible for maintaining acceptable performance standards and for compliance with all other procedures and policies set forth in the City of Bastrop Personnel Manual in regard to work related duties.

It is the responsibility of the Department Head who is assigned supervisory responsibility of an employee on Modified Work Duty, (i.e., the "Supervising Department Head") (whether it is the Loaning Department Head or the Receiving Department Head), to:

1. Supervise the employee in a manner that encourages the employee's recovery.

2. Insure, to the extent possible, that the employee meets the performance standards of the assigned position regardless of whether the position is in the employee's regularly assigned department or in a different department. The Supervising Department Head shall provide the Human Resources Director, who will then report to the City Manager, with weekly performance evaluations, as well as information on any relevant matters or changed conditions of the assignment.

3. Notify the City Manager and the Human Resources Department immediately if disciplinary action is indicated and assist in counseling an employee who fails to perform up to the standards of the position to which the employee was assigned.

4. If, after consultation with the employee, the Supervising Department Head, the Human Resource Director, and the City Manager, a determination is made that it is not feasible and/or in the best interest of the operations of the department to have the employee reassigned to temporary Modified Work Duty, the Supervising Department Head, with approval from the Human Resources Director and the City Manager, may terminate the employee's Modified Work Duty.

Upon release by the treating physician to work without restrictions, if the employee has been on Modified Work Duty for a period of less than three (3) months during any fifteen (15) month period, the employee shall be returned to his regular work unit and position with the City.

Modified Work Duty assignments are temporary, discretionary, must be explicitly approved by both the Director of Human Resources and the City Manager in advance of any such assignment and will be discontinued if/when any one of the following occur:

1. The treating physician returns the employee to full duty with no restrictions.

2. The treating physician temporarily prohibits the employee from continuing with a Modified Work Duty assignment, for any reason.

3. There is no longer any available task within the City which can be performed by the employee given his/her current restrictions and

qualifications.

4. The treating physician indicates that the employee has reached maximum improvement and will not be able to return to his/her prior position, resulting in reassignment to another position or release from employment with the City.
5. An employee has been on Modified Work Duty for a period of three (3) months during any fifteen (15) month period, which is the maximum time allowed for an employee to remain on Modified Work Duty.

PROCEDURE: The injured employee and the City's Director of Human Resources shall inform the treating physician of the City's policy regarding Modified Work Duty for all injured City employees.

The injured employee and the Human Resources Department shall give the treating physician the City of Bastrop's "Return to Work Evaluation Form" with the employee's job description which includes the physical demands of the employee's temporary job. In addition, the employee shall be responsible for obtaining from Human Resources the appropriate forms to be completed by the treating physican – **on each visit during the recovery process** – and then providing same to the Director of Human Resources so that the City may continue to monitor the physical condition of the employee while on Modified Work Duty.

If the treating physician agrees to Modified Work Duty, the employee shall meet with his/her current Department Head, who will coordinate a meeting with the City Manager, the Director of Human Resources and the proposed Receiving Department Head (either in person or by written communication) to discuss the appropriateness of a Modified Work Duty program, and activities and a schedule consistent with the medical release and restrictions involved.

The City may require an employee to obtain a second opinion by a health care provider designated or approved by the City at the City's expense before approving a Modified Work Duty Program. A health care provider designated or approved by the City may not be employed by the City.

Adjustments to the employee's temporary work schedule and Modified Work Program duties will be made as dictated by common sense and the circumstances of each Loaning Department Head, Receiving Department Head, if applicable, the Human Resource Director, the City Manager, and the employee.

When applicable, the Loaning and the Receiving Department Head will meet with the City Manager and the Human Resource Director to confirm that the injured employee has been assigned to a Modified Work Duty program, and to confirm the details of such assignment. In all such cases, within twenty-four (24) hours of the assignment, the Return to Work Evaluation Form shall be completed by the attending health care provider and employee confirming the start and end dates of the Modified Work Duty

assignment. Once the attending physician completes the Return to Work Evaluation Form, it shall be provided to the Human Resources Department for review, and then, upon approval by the Director of Human Resources, forward to the City Manager for execution.

The employee's time card shall be maintained by the specific department to which the employee was assigned for Modified Work Duty.

Part 2. All ordinances, policies, resolutions, or parts of ordinances, policies and resolutions, in conflict with this Ordinance are hereby repealed, and are no longer of any force and effect.

Part 3. If any provision of this Ordinance and the Policies adopted herein or application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this Ordinance and the Policies adopted hereby which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are hereby declared to be severable.

Part 4. The Mayor is hereby authorized to sign this Ordinance and the City Secretary to attest.

Part 5. The Ordinance shall take effect immediately after passage noted below in accordance with the City's Charter and the laws of the State of Texas.

PASSED AND APPROVED ON FIRST READING ON THE **12th** DAY OF **NOVEMBER, 2013**.

APPROVED:

_____
Mayor Terry Orr

ATTEST:

_____
Elizabeth Lopez, City Secretary

APPROVED AS TO FORM:

_____
J.C. Brown, City Attorney

CITY OF BASTROP **AGENDA ITEM B-1**

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 5, 2013
MEETING DATE: November 12, 2013

1. Agenda Item: **Approval of the FIRST READING of a Resolution of the City Council of Bastrop approving a project (façade/mega grant to Charlie Amos in an amount not to exceed $25,000, for renovations to the building at 1008 Main Street), using funds provided by the Bastrop Economic Development Corporation, in an amount exceeding $10,000.**

2. Party Making Request: **Dave Quinn, BEDC Executive Director**

3. Nature of Request: (Brief Overview) Attachments: Yes _____ No _____X___

   On September 16, 2013, the Bastrop Economic Development Corporation Board of Directors approved a mega grant to Charlie Amos in the amount of $25,000, for renovations to the building at 1008 Main Street. In accordance with Section 4B(3) of the Texas Economic Development Act, the City Council shall adopt a Resolution authorizing an expenditure by the BEDC of more than $10,000, which Resolution shall be read by the City Council, on two separate occasions.

4. Policy Implication: _____

5. Budgeted: _____X_____Yes _____No N/A
   Bid Amount: _____ Budgeted Amount: _____
   Under Budget: _____ Over Budget: _____
   Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: **NAME/TITLE INITIAL DATE CONCURRENCE**
   a) _____

8. Staff Recommendation: _____

9. Advisory Board: _____Approved _____Disapproved _____None

10. Manager's Recommendation: _____Approved _____Disapproved _____None

11. Action Taken: _____

RESOLUTION NO. R-2013-__

A RESOLUTION OF THE CITY COUNCIL OF BASTROP, TEXAS, APPROVING A PROJECT, USING FUNDS PROVIDED BY THE BASTROP ECONOMIC DEVELOPMENT CORPORATION, IN AN AMOUNT EXCEEDING $10,000.

WHEREAS, the Board of the Bastrop Economic Development Corporation ("BEDC") met on September 16, 2013, and at that time took formal action to support and provide funds for various projects; and

WHEREAS, Section 4B(3), of the Texas Economic Development Act, mandates that prior to the BEDC funding a project involving an expenditure by the BEDC of more than $10,000, per project, the City Council shall adopt a Resolution authorizing the project, which Resolution shall be read by the City Council, on two separate occasions; and

WHEREAS, the City has reviewed the September 16, 2013, actions of the BEDC related to the project noted herein below, has considered and evaluated that project, and has found it meritorious of the Council's approval.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BASTROP, THAT:

(1) The City Council of the City of Bastrop, Texas, hereby approves the following project, which had been approved for funding by the BEDC:

   a. To fund a façade/mega grant in an amount up to $25,000 to Charlie Amos for renovations to the building at 1008 Main Street, Bastrop, Texas.

(2) The City Manager is hereby authorized to convey a copy of this Resolution of approval, as appropriate.

(3) That this Resolution shall take effect immediately from and after its passage, and is accordingly so resolved.

READ and ACKNOWLEDGED on First Reading on the 12th day of November 2013.

READ and ADOPTED on Second Reading on the 26th day of November 2013.

APPROVED:

_____
Terry Orr, Mayor

ATTEST:

_____
Elizabeth Lopez, City Secretary

APPROVED AS TO FORM:
Jo-Christy Brown, City Attorney

CITY OF BASTROP **AGENDA ITEM D-1**

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: October 29, 2013
MEETING DATE: November 12, 2013

1. Agenda Item: **Consideration, discussion and possible action for acceptance of the presentation of the Bastrop County Historical Society Museum and Visitors Center Operations and Maintenance Budget for 2014.**

2. Party Making Request: **Karla Stovall, Chief Financial Officer**

3. Nature of Request: (Brief Overview) Attachments: Yes **X** No _____

   In accordance with Article 8.07 of the Historical Museum Land and Improvements Lease Agreement the Society shall prepare and present to the Council the operations and maintenance budget for the upcoming year, detailing all anticipated expenditures and noting the source and amount of funds that will be available to pay for same.

4. Policy Implication: _____

5. Budgeted: _____Yes _____No N/A
   Bid Amount: _____ Budgeted Amount: _____
   Under Budget: _____ Over Budget: _____
   Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE
   a) _____

8. Staff Recommendation: _____

9. Advisory Board: _____Approved ____Disapproved _____None

10. Manager's Recommendation: _____Approved _____Disapproved _____None

11. Action Taken: _____

Bastrop

MUSEUM & VISITOR CENTER

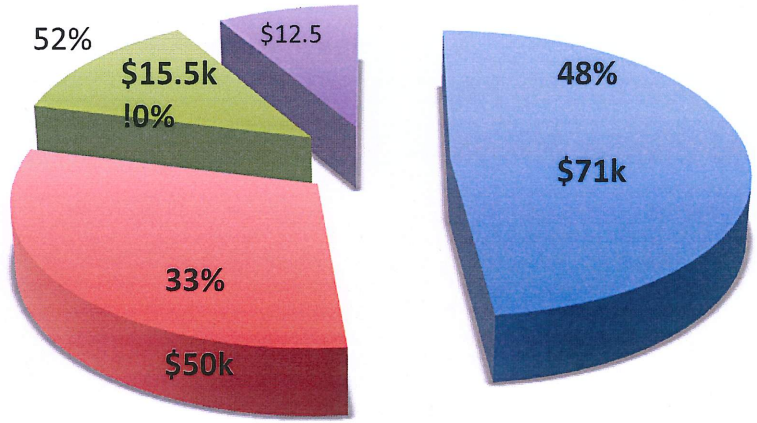
of the Bastrop County Historical Society

2014 Operations and Maintenance Budget Including Sources of Funds

FY 2014 Budget
Income

Income	Museum		Visitor Center		Total
Admissions	$3,500.00	1200 guests	$0.00		$3,500.00
Donations	$500.00		$0.00		$500.00
Dues	$15,000.00		$0.00		$15,000.00
Rendezvous/Home Tour	$32,500.00		$0.00		$32,500.00
HotFund	$16,200.00		$55,100.00		$71,300.00
Tours	$1,500.00		$0.00		$1,500.00
Interest	$650.00		$0.00		$650.00
Grants	$0.00		$0.00		$0.00
Museum Gift Shop Sales	$6,500.00		$0.00		$6,500.00
Photo Scans	$250.00		$0.00		$250.00
Garage Sale	$15,000.00		$0.00		$15,000.00
Total Income	$91,600.00		$55,100.00		$146,700.00

Source of Funds













FY 2014 Budget Expenses

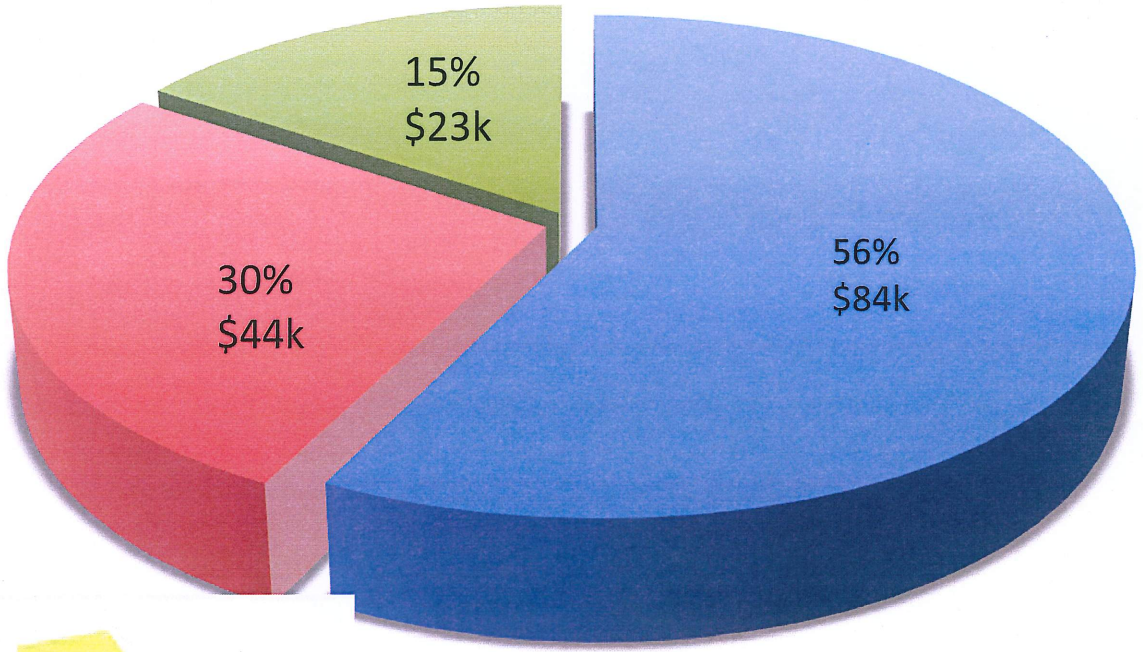
Income	Museum		Visitor Center		Total
Expenses					
Payroll expenses	$38,000.00		$40,800.00		$78,800.00
Admistrative and Office Expenses					
Total	$32,900.00		$11,400.00		$44,300.00
Building Operations					
Maintenance Elevator and AC	$500.00		$0.00		$500.00
Grounds	$1,000.00		$0.00		$1,000.00
Janitorial Service	$2,660.00		$2,660.00		$5,320.00
Janitorial Supplies	$500.00		$500.00		$1,000.00
Trash Collection	$300.00		$0.00		$300.00
Utilities	$4,500.00		$10,500.00		$15,000.00
Total	$9,460.00		$13,660.00		$23,120.00
Total Expenses	$80,360.00		$65,860.00		$146,220.00



Expense Categories











CITY OF BASTROP **AGENDA ITEM D-2**

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 4, 2013
MEETING DATE: November 12, 2013

1. Agenda Item: **Approval of Bastrop Marketing Corporation's request for reimbursement of expenses.**

2. Party Making Request: **Karla Stovall, Chief Financial Officer**

3. Nature of Request: (Brief Overview) Attachments: Yes ___X___ No _____

4. Policy Implication: _____

5. Budgeted: ____X____Yes _____No N/A
   Bid Amount: _____ Budgeted Amount: _____
   Under Budget: _____ Over Budget: _____
   Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: **NAME/TITLE INITIAL DATE CONCURRENCE**
   a) _____

8. Staff Recommendation: _____

9. Advisory Board: _____Approved _____Disapproved _____None

10. Manager's Recommendation: _____Approved _____Disapproved _____None

11. Action Taken: _____

CITY OF BASTROP
FINANCE
DEPARTMENT

Memo

To: Mayor, City Council and City Manager

From: Karla Stovall, Chief Financial Officer

Date: November 4, 2013

Re: Reimbursement of Accrued Bastrop Marketing Corporation Expenses

---

Attached is the request from Bastrop Marketing Corporation (BMC) for payment of funds in accordance with the Tourism Marketing Agreement that was signed with the City of Bastrop in November 2003.

This request is for the time period for Sept. 2013. There is a month lag in the receipt of the hotel occupancy tax monies.

It is recommended that Council approve the reimbursement of funds in the amount of $70,606.47 for Sept. 2013 to BMC in accordance with our agreement to be spent on advertising and marketing the City of Bastrop area. This amount represents 43% of the tax collections.

If you have any questions regarding this agreement please contact me at 512-332-8820.

Bastrop Marketing Corporation ("BMC")
October 2013 through September 2014 - Budget

Updated: October 23, 2013

	2013				2014								
	September	October	November	December	January	February	March	April	May	June	July	August	September
HRLPR Room Revenues	$2,387,884.80	$2,270,275.00	$2,586,595.00	$1,315,168.00	$ 892,860.00	$1,232,552.00	$3,452,761.00	$2,231,338.00	$3,206,271.00	$3,414,844.00	$3,575,066.00	$3,327,267.00	$ 2,884,875
Exemptions	(18,460.71)	-	-	-	-	-	-	-	-	-	-	-	
Taxable Room Revenues	2,369,424.09	2,270,275.00	2,586,595.00	1,315,168.00	892,860.00	1,232,552.00	3,452,761.00	2,231,338.00	3,206,271.00	3,414,844.00	3,575,066.00	3,327,267.00	
City of Bastrop HOT Rate	7%	7%	7%	7%	7%	7%	7%	7%	7%	7%	7%	7%	
City of Bastrop HOT Tax	$ 165,859.69	$ 158,919.25	$ 181,061.65	$ 92,061.76	$ 62,500.20	$ 86,278.64	$ 241,693.27	$ 156,193.66	$ 224,438.97	$ 239,039.08	$ 250,254.62	$ 232,908.69	
Gross Liability to City		$ 165,859.69	$ 158,919.25	$ 181,061.65	$ 92,061.76	$ 62,500.20	$ 86,278.64	$ 241,693.27	$ 156,193.66	$ 224,438.97	$ 239,039.08	$ 250,254.62	$232,908.69
Hotel Owner Collection Allowance (1%)		(1,658.60)	(1,589.19)	(1,810.62)	(920.62)	(625.00)	(862.79)	(2,416.93)	(1,561.94)	(2,244.39)	(2,390.39)	(2,502.55)	(2,329.09)
Net Collection by City		164,201.09	157,330.06	179,251.03	91,141.14	61,875.20	85,415.85	239,276.34	154,631.72	222,194.58	236,648.69	247,752.07	230,579.60
Applicable % payable to BMC		43%	43%	43%	43%	43%	43%	43%	43%	43%	43%	43%	43%
Funds Available to BMC		70,606.47	67,651.93	77,077.94	39,190.69	26,606.34	36,728.82	102,888.83	66,491.64	95,543.67	101,758.94	106,533.39	99,149.23
Total Budget $890,227.89	Allocated:	74,185.66	74,185.66	74,185.66	74,185.66	74,185.66	74,185.66	74,185.66	74,185.66	74,185.66	74,185.66	74,185.66	74,185.63
Payment of Funds by City to BMC		$ 70,606.47	$ 67,651.93	$ 77,077.94	$ 39,190.69	$ 26,606.34	$ 36,728.82	$ 102,888.83	$ 66,491.64	$ 95,543.67	$ 101,758.94	$ 106,533.39	$ 99,149.23
		Currently due											

check: $ -

CITY OF BASTROP **AGENDA ITEM D-3**

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: November 4, 2013
MEETING DATE: November 12, 2013

1. Agenda Item: **The Bastrop Central Appraisal District has submitted the Official Ballot for the Election of the Board of Directors with the term beginning January 1, 2014 through December 31, 2015.**

2. Party Making Request: **Mike Talbot, City Manager**

3. Nature of Request: (Brief Overview) Attachments: Yes ___X___ No _____

4. Policy Implication: _____

5. Budgeted: _____Yes _____No N/A
   Bid Amount: _____ Budgeted Amount: _____
   Under Budget: _____ Over Budget: _____
   Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: **NAME/TITLE INITIAL DATE CONCURRENCE**
   a) _____

8. Staff Recommendation: **Each voting unit must cast its vote by written resolution for submission to the Chief Appraiser before December 15th, 2013. The City of Bastrop has 214 votes out of a total of 5000 to cast for the candidate(s) of its choice.**

9. Advisory Board: _____Approved _____Disapproved _____None

10. Manager's Recommendation: _____Approved _____Disapproved _____None

11. Action Taken: _____

0111b

BASTROP CENTRAL APPRAISAL DISTRICT

P.O. DRAWER 578 • BASTROP, TEXAS 78602-0578
PHONE (512) 303-1930 • FAX (512) 303-4805

BOARD OF DIRECTORS

ELAINE SEIDEL
Chairman

BECKY BUNTE
Secretary

BRYAN BRACEWELL
RODERICK EMANUEL
DAVID REDD
LINDA HARMON

Chief Appraiser
MARK BOEHNKE
RPA/RTA

RECEIVED 10-24-13

October 23, 2013

The Honorable Terry Orr, Mayor
City of Bastrop
P. O. Box 427
Bastrop TX 78602

Re: Election of Board of Directors
Bastrop Central Appraisal District

Dear Mr. Orr:

Enclosed is the Official Ballot for the Election of the Board of Directors for the Bastrop Central Appraisal District. The term begins January 1, 2014, and ends December 31, 2015.

As shown on the Calendar of Events sent to you, each voting unit must cast its vote by written resolution and submit it to the Chief Appraiser before **December 15, 2013**. A sample resolution is enclosed. The City of Bastrop has **214** votes out of a total of 5000 to cast for the candidate(s) of its choice.

If you have any questions, please give me a call at 512-303-1930 ext. 17.

Sincerely,

Mark Boehnke

Mark Boehnke
Chief Appraiser

Enclosure

cc: ✓Mr. Mike Talbot, City Manager
Ms. Karla Stovall, Finance Director

Certified Mail# 7011 0470 0000 5930 0007

BASTROP CENTRAL APPRAISAL DISTRICT

P.O. DRAWER 578 • BASTROP, TEXAS 78602-0578
PHONE (512) 303-1930 • FAX (512) 303-4805

BOARD OF DIRECTORS

ELAINE SEIDEL
Chairman

BECKY BUNTE
Secretary

BRYAN BRACEWELL
RODERICK EMANUEL
DAVID REDD
LINDA HARMON

Chief Appraiser
MARK BOEHNKE
RPA/RTA

October 23, 2013

OFFICIAL BALLOT

FOR THE ELECTION OF THE BOARD OF DIRECTORS FOR THE

BASTROP CENTRAL APPRAISAL DISTRICT

JANUARY 1, 2014 – DECEMBER 31, 2015

CANDIDATES	NUMBER OF VOTES
Bracewell, Bryan (City of Elgin; Elgin ISD)	_____
Emanuel, Roderick (City of Bastrop)	_____
Hector, William (Bill) (City of Smithville; Smithville ISD)	_____
Redd, David (Bastrop ISD)	_____
Seidel, Elaine (Bastrop County)	_____

RESOLUTION

WHEREAS, under the Texas Property Tax Code, Section 6.03, election of the Bastrop Central Appraisal District's Board of Directors is the responsibility of the governing bodies of the taxing entities of Bastrop County.

The _____ does hereby **RESOLVE** to cast their votes for
(taxing entity)
the following individual(s) as a Member of the Bastrop Central Appraisal District Board of Directors.

Candidate(s)	**Votes Cast**

PASSED AND APPROVED the _____ day of _____, 2013.

_____
(Taxing Entity Administrator)

Attest:

_____
(Witness)

CITY OF BASTROP **AGENDA ITEM: D-4**

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL **DATE SUBMITTED: November 8, 2013**
MEETING DATE: November 12, 2013

1. Agenda Item: **DISCUSSION, CONSIDERATION AND POSSIBLE ACTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BASTROP AND DM PECAN PARK ASSOCIATES, Ltd. FOR THE DEVELOPMENT OF LAND.**

2. Party Making Request: **Michael H. Talbot**

3. Nature of Request: (Brief Overview) Attachments: Yes __X____ No _____

   Attached for City Council review and consideration and approval is a "Memorandum of Understanding" (MOU) for Land Development between the City and DM Pecan Park Associates, Ltd for the development of Pecan Park. An earlier iteration of the Pecan Park Subdivision was approved in 2005 by the City Council, but the 2005 Subdivision was never developed. The owner of the land, Mr. Duke McDowell, now wants to take a different approach in the development of this property, so to facilitate that, the City staff and I have been working with Mr. McDowell over the last several months, formulating the attached "MOU." Mr. McDowell feels this MOU will give him greater flexibility in developing this 311 acre tract of land, as well as some assurances related to City approvals, in the future, with regards to the Subdivision's development. It is our understanding that once approved, Mr. McDowell will commence the development of this property. The contents of this MOU will be reviewed, in detail, with the City Council at the Council Meeting on November 12, 2013.

4. Policy Implication: _____

5. Budgeted: _____Yes _____No N/A
   Bid Amount: _____ Budgeted Amount: _____
   Under Budget: _____ Over Budget: _____
   Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: **NAME/TITLE INITIAL DATE CONCURRENCE**
   a) _____

8. Staff Recommendation: _____

9. Advisory Board: ____Approved _____Disapproved _____None

10. Manager's Recommendation: ____Approved _____Disapproved _____None

11. Action Taken: _____

MEMORANDUM OF UNDERSTANDING FOR DEVELOPMENT OF LAND

THE STATE OF TEXAS §
§
COUNTY OF BASTROP §

This Memorandum of Understanding ("Agreement") is between the **City of Bastrop, Texas** ("City"), a home rule city located in Bastrop County, Texas and **DM Pecan Park Associates, Ltd.,** a Texas limited partnership ("Owner"), collectively referred to as ("Parties").

INTRODUCTION

Owner owns approximately 311 acres of land more particularly described by metes and bounds in Exhibit MOU-1 ("Land"). Owner has previously received City's approval of a plat related to the Land, dated 2005 ("2005 Plat"), which 2005 Plat Owner now agrees to void and vacate, for all purposes, so that the Land may now be developed, in accord with the provisions set forth herein.

Owner intends to develop, or sell to others for development, the Land as a planned, mixed-use community, locally referred to as "Pecan Park," that will consist of commercial, retail, office and residential uses ("Project") generally in accordance with the concept plan attached as Exhibit MOU-2 ("Concept Plan"). Development of the Property is expected to add significant new tax revenues to the City's tax base, create jobs and stimulate the overall local economy. Therefore, Owner and City wish to enter into this Agreement, which will encourage comprehensive planning for development of the Land, provide the Owner with certainty of regulatory requirements throughout the term of this Agreement, and result in a high-quality subdivision. The terms of this Agreement shall apply to any party, successor or assign who is developing all or any portion of the Land and in compliance with Exhibit MOU-2, i.e., the Concept Plan.

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows.

ARTICLE I.
DEFINITIONS

Section 1.01 Definitions. In addition to the terms defined elsewhere in this Agreement or in City's Code of Ordinances, the following terms and phrases used in this Agreement will have the meanings set out below:

City Manager: The City of Bastrop's City Manager.

Concept Plan: Owner's plan, as depicted in Exhibit MOU-2, which illustrates the planned roadway network and various anticipated land uses for the Project.

Development Checklist: City and Owner shall work together in good faith to satisfy all of the items on City's Development Checklist, as depicted in Exhibit MOU-3, prior to the commencement of development. The Development Checklist is subject to periodic update by City Council, from time to time.

Director: City's Director of Planning and Development.

Effective Date of this Agreement: The latest date when one or more counterparts of this Agreement, individually or taken together, bear the signature of all Parties.

Final Plat: A map of the subdivision, addition or development, which is to be recorded in the Bastrop County Clerk Plat Records after Owner's deposit of any required fiscal assurance with the City and upon final approval of the plat by the City.

Original Owner: Shall mean originally DM Pecan Park Associates, Ltd., or its legal successors in interest.

Owner: Shall mean Original Owner or any subsequent owner of any portion of the Land that is a successor or assignee of rights from Owner in accordance with Section 7.03 of this Agreement.

Owners' Association: One or more non-profit entities whose membership includes the owners of real property within Pecan Park created for the purpose of maintenance and repair of privately owned roads (if any are approved by City on a Final Plat), common open space and park areas, together with other common and related facilities and areas within Pecan Park.

ARTICLE II.
DEVELOPMENT

Section 2.01 Development. Owner intends to develop the Land in phases. City acknowledges that the portions of the Land not under active development may remain in use for agricultural or ranching purposes and/or wildlife management, if otherwise allowed by law.

Section 2.02 Concept Plan. City hereby confirms its approval of the Concept Plan (as shown on Exhibit MOU-2) and acknowledges that the Concept Plan complies with the City's Transportation Plan.

Section 2.03 Term of Approval. The Concept Plan will be effective for the term of this Agreement, unless otherwise amended or revised by mutual agreement of the Parties. Once a portion of the roadway network for the Project has been approved by Final Plat, the City shall not alter the approved roadway network depicted on the Final Plat, currently assumed to be as shown on Exhibit MOU-2 regardless of the term of this Agreement, unless mutually agreed by the Parties.

Section 2.04 Amendments. Due to the fact that the Project comprises a significant land area and its development will occur over a number of years, Owner may make minor amendments to the Concept Plan, but only as it applies to the portion of Land owned by Owner, and only upon notification of approval of the amendment by the City Manager. The City Manager reserves the right to take any request for amendment or revision, even if deemed minor by Owner, to the City Council for approval, in his sole discretion.

Section 2.05 Review/Submittal Fees. Owner shall pay City's then current application, review and development fees, which are applicable to all other development applicants, at the time of each submission. Owner recognizes that due to the fact that the development will occur over a number of years, the City's fees that will be applicable to the development may be updated by action of the City Council, from time to time.

Section 2.06 Building Code Compliance. Structures constructed on the Land shall comply with the building code that is in effect in the City at the start of construction of the structure, unless otherwise provided in this Agreement.

ARTICLE III.
SALES AND INFORMATION CENTER

Section 3.01 Sales and Information Center. Owner desires to install and maintain a sales and information center on a portion of the Property ("Sales and Information Center"). Owner and City agree that the Memorandum of Understanding, Exhibit MOU-4 shall regulate the use and operation of the Sales and Information Center.

ARTICLE IV.
ECONOMIC INCENTIVES

Section 4.01 Economic Incentive Program. The City's currently adopted "Economic Development Guidelines and Criteria" are attached as Exhibit MOU-5, which may be modified and/or rescinded by the City Council, from time to time, at its sole discretion.

ARTICLE V.
SIGNS

Section 5.01 Signs. Owner desires to install signage on the Property as generally depicted on Exhibit MOU-6 ("Sign Plan"). The exact locations of the signs shall be determined by mutual agreement of the Parties, upon development of the Property. Owner and City agree that the Sign Plan shall regulate the use and operation of signs throughout the Property. If Owner desires to install signs after the execution of this Agreement that are not in conformance with Exhibit MOU-6, then Owner shall submit an application to the City, in accordance with the City's Code of Ordinances.

ARTICLE VI.
INFRASTRUCTURE IMPROVEMENTS

Section 6.01 Water and Wastewater Utility Commitments. The City hereby acknowledges and agrees to provide potable water and wastewater utility service for the commercial and residential area(s). The City commits to provide the service unit equivalents ("SUEs") to service the Project in accordance with Exhibit MOU-7 ("SUE Commitment Letter").

Section 6.02 Wastewater Improvements. On-site and off-site wastewater lines, improvements and connections to the City's system, shall be to the City's central lift station, which is located near the north-west corner of the Lower Colorado River Authority Substation (the "Wastewater Collection System"), unless otherwise mutually agreed by the Parties. The Wastewater Collection System connection will be provided by Owner. The Wastewater Collection System infrastructure required for future development of the Land, and the connections to the City's central lift station will be provided by the Owner of the portion of the Land to be served. Off-site wastewater easements shall be obtained by the Owner with assistance from the City, as may be appropriate to the circumstances involved, in the City's discretion. The construction plans for the Wastewater Collection System will be prepared by Owner and submitted to the City for review and approval in accordance with City's Code of Ordinances. If the City determines the Wastewater Collection System is unable to handle additional wastewater flows from the Project after the Project uses 500 wastewater SUEs, then Owner shall be required to pay for the necessary improvements to expand the existing Wastewater Collection System. Owner's share of the improvement costs for the Wastewater Collection System shall be based on Owner's pro-rata use of the expanded Wastewater Collection System. Notwithstanding any of the above, in no event shall Owner be responsible for any expansion of the Wastewater Collection System prior to the Project using 500 wastewater SUEs.

Section 6.03 Water Improvements. All On-site and off-site water lines, improvements and connections to the existing City water lines (the "Water Distribution System") required for development of the Land will be constructed by Owner. The Water Distribution System and its connection(s) to the City's water distribution system will be constructed by Owner, in accordance with the City's Code of Ordinances. Owner shall provide the City hydraulic modeling for the Project in accordance with generally accepted engineering practices. The City's engineer will evaluate the hydraulic model for accuracy and will determine if off-site water improvements will be required. If improvements are needed to serve the Subdivision, the Owner shall make the necessary off-site water infrastructure improvements, at Owner's cost.

Section 6.04 Stormwater Drainage. Owner shall construct onsite and off-site drainage improvements to convey storm water from the Land and accommodate natural flows from adjacent properties to the Colorado River in compliance with any applicable State or Federal law related to storm water drainage and discharge (the "Drainage Improvements"). City shall not require Owner to construct onsite detention on any portion of the Land within the natural drainage area of the Property. Off-site drainage easements, if necessary to construct the Drainage Improvements shall be obtained by the Owner. Maintenance of the stormwater drainage improvements shall be Owner's responsibility.

The Drainage Improvements may include excess capacity above and beyond (i) what is necessary to serve the Land and (ii) any existing or natural flow from adjacent properties. After the Drainage Improvements are constructed, Owner shall be solely responsible for negotiating agreements with adjacent property owner(s) who desire to use any excess capacity (if available) of the Drainage Improvements. Owner's engineer shall notify City engineer of the amount of flow discharge to the Drainage Improvements as agreed to by Owner and any adjacent property owner. City shall have no role in these negotiations or agreements. All such agreements shall be filed by Owner in the Bastrop County Records.

Section 6.05 Traffic Impact Analysis. Original Owner and City agree that the submission of a traffic impact analysis ("TIA") for the Project may be postponed until either: (1) approval is sought for a 'third development' within the boundaries of the Land, or (2) approval is sought for a 'second development' within the boundaries of the Land, which will make the total trip count exceed 2,000 average daily trips, when combined with the "first development'. By way of example, only: If "development 1" generates 800 average daily trips, and "development 2" will generate 1,500 average daily trips, then a TIA is required prior to starting "development 2." The TIA shall be in conformance with Section 1.30, Subdivision Ordinance. In addition, the scope and area of the TIA shall be in conformance with that shown on Exhibit MOU-8. If the Owner does not agree with the staff's/City's professional consultant's interpretation of the TIA requirements (as set forth either in the Code, or as shown on Exhibit MOU-8), then, in accordance with the City's Subdivision Ordinance, Section 9, entitled "Variances," the Owner may request a variance from such requirements, from the City Council.

ARTICLE VII.
TERM, ASSIGNMENT AND REMEDIES

Section 7.01 Term. The term of this Agreement will commence on the Effective Date and continue for fifteen (15) years, unless terminated on an earlier date under other provisions of this Agreement or by written agreement of City and Original Owner. At any time prior to the expiration of fifteen (15) years, this Agreement may be extended by mutual agreement of Original Owner and City for up to one (1) additional successive fifteen (15) year period.

Section 7.02 Termination and Amendment by Agreement. This Agreement may be terminated or amended as to all or a portion of the Land at any time by mutual written consent of City and Original Owner. In addition, Original Owner may unilaterally terminate this Agreement in the event that it elects not to proceed with any development under the Agreement, for economic reasons or otherwise. Original Owner shall be required to demonstrate to the City, at the time of termination, that all obligations of Owner, as contemplated by this Agreement and all applicable City ordinances and regulations, have been met including all required infrastructure for existing recorded sections of the Project has been built or bonded, all parkland and amenities for existing platted sections have been provided, and a current, updated master development plan has been submitted depicting the Project, as it exists at the time of termination.

Section 7.03 **Assignment.**

a. This Agreement, and the rights and obligations of Owner, in whole or in part, may be assigned to a subsequent Owner of all or a portion of the Land. Owner shall continue to be obligated for the performance of this Agreement unless such assignment or partial assignment is approved by City Manager, which approval shall not be unreasonably withheld. City Manager reserves the right to take any assignment request to the City Council for approval, in his sole discretion. City shall have the right to request and be provided by Owner with reasonable information about assignee to determine assignee's general reputation and ability to perform the obligations so assigned. City approval shall be granted if:

(i) Assignee demonstrates its agreement to the terms of this MOU, and demonstrates that it is reasonably capable of performing the obligations assigned, as stated herein; and

(ii) Assignee has a reasonably acceptable reputation in the industry with experience in the development of projects of a similar nature, size and scope; Assignee shall provide the City Manger with a list of comparable developments, which list shall include the names and contact information (phone, address and email address) for references related to each development identified.

In the event City denies a request for approval of an assignment, the City shall specify the reasons for such denial in writing.

Any assignment will be in writing, specifically set forth the assigned rights and obligations and be executed by the proposed assignee prior to the City's approval of the Assignment.

b. Any assignment will be in writing, specifically set forth the assigned rights and obligations and be executed by the proposed assignee prior to the City's approval of the Assignment

c. If City consents to such assignment, as set forth above, then the rights and obligations of the assignee and Owner or Original Owner will be severable, and Owner (or Original Owner) will not be liable for the nonperformance of the assignee, and vice versa. In the case of nonperformance by Owner (or Original Owner) or an assignee, City may pursue all remedies against that nonperforming party, but will not impede development activities of any performing party as a result of that nonperformance.

d. This Agreement is not intended to be binding upon, or create any encumbrance to title as to, any ultimate consumer or user who purchases any portion of the Land either as a lot or a structure.

Section 7.04 Remedies.

a. If City defaults under this Agreement, Owner shall give notice setting forth the event of default ("Notice") to City. In addition, if City fails to cure any alleged default

within a reasonable period of time, not less than forty-five (45) days after the date of the Notice and thereafter to diligently pursue such cure to completion, Owner may terminate this Agreement by providing written notice to City as to all of the Land owned by Owner, or as to the portion of the Land affected by the default, and/or Owner may pursue injunctive relief from a court of proper jurisdiction.

b. If Owner defaults under this Agreement, City shall give written Notice to Owner. If Owner fails to commence the cure of an alleged default specified in the Notice within a reasonable period of time, not less than forty-five (45) days, after the date of the Notice, and thereafter to diligently pursue such cure to completion, City may terminate the Agreement and/or may pursue injunctive relief from a court of proper jurisdiction.

c. Each Party waives any action for damages against the other except for the recovery of attorneys' fees, as per subparagraph d below.

d. If either Party defaults, the prevailing Party in the dispute will be entitled to recover its reasonable attorney's fees, expenses and court costs from the non-prevailing Party.

Section 7.05 Cooperation.

a. City and Owner each agree to cooperate with each other as may be reasonably necessary to carry out the intent of this Agreement, including but not limited to the execution of such further documents as may be reasonably necessary.

b. City and Owner agree to coordinate and cooperate with each other, in connection with any permits or approvals Owner or City may need from Bluebonnet Electric Cooperative, LCRA, Bastrop County, TCEQ or any other regulatory authority in order to carry out the Concept Plan and the Project.

c. In the event of any third party lawsuit or other claim relating to the validity of this Agreement, Owner and City agree to cooperate in the defense of such suit or claim, and to use their respective best efforts to resolve the suit or claim without diminution in their respective rights and obligations under this Agreement.

d. Owner or City may initiate non-binding mediation on any issues in dispute and the other Party shall participate in good faith. The cost of mediation shall be a joint expense.

ARTICLE VIII.
MISCELLANEOUS PROVISIONS

Section 8.01 Notice. Any notice given under this Agreement must be in writing and may be given: (i) by depositing it in the United States mail, certified, with return receipt requested, addressed to the Party to be notified and with all charges prepaid; or (ii) by depositing it with Federal Express or another service guaranteeing "next day delivery", addressed to the Party to be notified and with all charges prepaid; (iii) by personally delivering it to the Party, or any agent of the Party listed in this Agreement, or (iv) by facsimile with confirming copy sent by

one of the other described methods of notice set forth. Notice by United States mail will be effective on the earlier of the date of receipt or three (3) business days after the date of mailing. Notice given in any other manner will be effective only when received. For purposes of notice, the addresses of the Parties will, until changed as provided below, be as follows:

City:	City of Bastrop P.O. Box 427 Bastrop, Texas 78602 Attn: City Manager
With Required Copy to:	Jo-Christy Brown Law Offices of J. C. Brown, P.C. 1411 West Avenue, Suite 100 Austin, TX 78701
Owner:	DM Pecan Park Associates, Ltd. c/o Duke McDowell 1213 Ranch Road 620, Suite 200 Austin, TX 78734
With Required Copy to:	David Armbrust Armbrust & Brown, PLLC 100 Congress Avenue, Suite 1300 Austin, TX 78701

The Parties may change their respective addresses to any other address within the United States of America by giving at least five (5) days' written notice to the other Party. Owner may, by giving at least five (5) days' written notice to City, designate additional parties to receive copies of notices under this Agreement.

Section 8.02 Severability; Waiver. If any provision of this Agreement is illegal, invalid, or unenforceable, under present or future laws, it is the intention of the Parties that the remainder of this Agreement not be affected, and, in lieu of each illegal, invalid, or unenforceable provision, that a provision be added to this Agreement which is legal, valid, and enforceable and is as similar in terms to the illegal, invalid or enforceable provision as is possible.

Any failure by a Party to insist upon strict performance by the other Party of any material provision of this Agreement will not be deemed a waiver or of any other provision, and such Party may at any time thereafter insist upon strict performance of any and all of the provisions of this Agreement.

Section 8.03 Applicable Law and Venue. The interpretation, performance, enforcement and validity of this Agreement are governed by the laws of the State of Texas. Venue will be in a court of appropriate jurisdiction in Bastrop County, Texas.

Section 8.04 Conflict. Unless specifically modified by other provisions of this Agreement, the City's development regulations and other ordinances, in effect at the time of the Owner's filing of the Final Plat in the Bastrop County Records, shall govern the development of the Project.

Section 8.05 Time. Time is of the essence of this Agreement.

Section 8.06 Authority for Execution. City certifies, represents, and warrants that the execution of this Agreement is duly authorized and adopted in conformity with the City Charter. Owner hereby certifies, represents, and warrants that the execution of this Agreement is duly authorized and adopted in conformity with the articles of incorporation and bylaws or partnership agreement of each entity executing on behalf of Owner.

Section 8.07 This Agreement supersedes and replaces all prior agreements, reservations, permits, plans, plats, and/or understandings, whether preliminary or final, that have been processed by Original Owner/Owner /predecessor owner through the City, with respect to the Land. Thus, the Parties agree that all prior agreements, reservations, permits, plans, plats, and/or understandings are void and without further effect at the time this Agreement becomes effective.

Section 8.08 Exhibits. The following exhibits are attached to this Agreement, and made a part for all purposes:

Exhibit MOU-1	-	Metes and Bounds Description of the Land
Exhibit MOU-2	-	Concept Plan
Exhibit MOU-3	-	Development Checklist
Exhibit MOU-4	-	Sales and Information Center Plan
Exhibit MOU-5	-	City's Economic Development Guidelines
Exhibit MOU-6	-	Sign Plan
Exhibit MOU-7	-	SUE Commitment Letter
Exhibit MOU-8	-	Scope and Area of Traffic Impact Analysis

The undersigned Parties have executed this Agreement on the dates indicated below.

CITY OF BASTROP

By: _____
Name: Michael H. Talbot
Title: City Manager for the City of Bastrop
Date: _____

ATTEST:

By: _____
Name: Elizabeth Lopez
Title: City of Bastrop Secretary

STATE OF TEXAS §

COUNTY OF BASTROP §

This instrument was acknowledged before me the ____ day of _____, 2013, by _____, _____City of Bastrop, Texas, on behalf of City.

_____
Notary Public Signature

DM Pecan Park Associates, Ltd.,
a Texas limited partnership

By: McDowell Development, LLC
a Texas limited liability company
its General Partner

_____
By: Duke McDowell, Manager

STATE OF TEXAS §

COUNTY OF _____ §

This instrument was acknowledged before me the ____ day of _____, 2013, by Duke McDowell, Manager of McDowell Development, LLC, a Texas limited liability company, General Partner of DM Pecan Park Associates, Ltd., a Texas limited partnership on behalf of said limited liability company and limited partnership.

_____
Notary Public Signature

EXHIBIT MOU-1
LAND

Tract A-1

FIELD NOTE DESCRIPTION OF 189.952 ACRES OF LAND OUT OF THE MOZEA ROUSSEAU SURVEY, ABSTRACT NO. 56, IN BASTROP COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN (282.1 ACRE) TRACT OF LAND CONVEYED TO K.G. SCHAEFER IN A DEED AS RECORDED IN VOLUME 100 PAGE 376 OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS, AND ALSO BEING A PORTION OF THOSE TRACTS OF LAND CONVEYED TO FRANCES SCHAEFER BUCKHAULTS IN A WILL AS RECORDED IN VOLUME 82 PAGE 483 OF THE PROBATE RECORDS OF BASTROP COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found at the base of a fence corner post, being at the most southeasterly corner of that certain (100 acre) tract of land conveyed to K.G. Schaefer in a deed as recorded in Volume 100 Page 376 of the Deed Records of Bastrop County, Texas, and also being in the northerly line of that certain (282.1 acre) tract conveyed to K.G. Schaefer in the same deed, said tracts being a portion of those tracts of land conveyed to Frances Schaefer Buckhaults in a will as recorded in Volume 82 Page 483 of the Probate Records of Bastrop County, Texas, said iron rod also being the southwesterly corner of that certain (17.516 acre) tract of land conveyed to the Merle Arnold Prokop, jr. Revocable Living Trust, dated November 22, 1991 in a deed as recorded in Volume 617 Page 308 of the Official Records of Bastrop County, Texas, and also being for the most northeasterly corner of that certain (16.007 acre) tract of land conveyed to Julia Jean Rabensburg and Carl G. Rabensburg in a deed as recorded in Volume 658 Page 429 of the Official Records of Bastrop County, Texas, and being for the most northwesterly corner of the tract herein described,

THENCE, with the southerly line of the Prokop tract **N 89 deg. 37' 52" E 387.06 feet** to a 3/4" iron pipe found at the most southwesterly corner of Lot 3 of the Beck, NHP, and Prokop Subdivision, Section One, a subdivision in Bastrop County, Texas, according to the map or plat thereof recorded in Cabinet 3 Slide 191B of the Plat Records of Bastrop County, Texas,

THENCE, with southerly line of said Lot 3, **N 89 deg. 32' 41" E 322.40 feet** to a capped ½" iron rod found at the most northwesterly corner of that certain (2.798 acre) tract of land conveyed to the Lower Colorado River Authority (L.C.R.A.) in a deed as recorded in Volume 1132 Page 490 of the Official Records of Bastrop County, Texas,

THENCE, with the bounds of the L.C.R.A. tract, **S 00 deg. 26' 02" E 325.06 feet** to a capped iron rod found, **N 89 deg. 34' 02" E 374.92 feet** to a capped iron rod found, and **N 00 deg. 25' 55" W 324.98 feet** to a capped ½" iron rod found in the southerly line of Lot 1, Block A, of Bastrop West Commercial, Section 3, a subdivision in Bastrop County, Texas, according to the map or plat thereof recorded in Cabinet 3 Slide 110A of the Plat Records of Bastrop County, Texas,

THENCE, with the southerly line of said Lot 1, Block A, **N 88 deg. 48' 06" E 75.62 feet** to a ½" iron rod found at the southwesterly corner of Lot 1, of Bastrop West Commercial, Section 2, a subdivision in Bastrop County, Texas, according to the map or plat thereof, recorded in Cabinet 2 Slide 377B of the Plat Records of Bastrop County, Texas,

THENCE, with the southerly line of said Lot 1, **N 89 deg. 37' 24" E 1186.72 feet** to a 3/4" iron pipe found at the base of a fence corner post, being at the most southwesterly corner of that certain (0.947 acre-Lot 1) tract of land conveyed to the Utley Cattle Limited Partnership in a deed as recorded in Volume 1012 Page 907 of the Official Records of Bastrop County, Texas,

THENCE, with the southerly line of said Cattle tract, **N 89 deg. 34' 36" E 322.83 feet** to a ½" iron rod found at the southwesterly terminus of Childers Drive,

THENCE, N 89 deg. 33' 34" E, passing at or about 50' the southeasterly terminus of Childers Drive, and being the southwesterly corner of that certain (4.096 acre) tract of land conveyed to FM Partners, VII in a deed as recorded in Volume 400 Page 353 of the Official Records of Bastrop County, Texas, and continuing on the same course, with the southerly line of the Partners tract, and passing the most southwesterly corner of that certain (0.512 acre) tract of land conveyed to Olen Russell Jenkins and Mary Jo Jenkins in a deed as recorded in Volume 275 Page 839 of the Official Records of Bastrop County, Texas, at or about 410.55 feet, and continuing on the same course another 186 feet for a total distance of **596.55 feet** to a ½" iron rod found at the southwesterly corner of that certain (130' X 120') tract of land conveyed to Victor Juarez, Jr. and Mary Ann Juarez in a deed as recorded in Volume 257 Page 737 of the Official Records of Bastrop County, Texas,

THENCE, with the southerly line of the Juarez tract, **N 89 deg. 26' 57" E 131.02 feet** to a ½" iron rod found at the most southwesterly corner of that certain (80' X 120') tract of land conveyed to John P. Calhoun and Rose A. Calhoun in a deed as recorded in Volume 277 Page 769 of the Deed Records of Bastrop County, Texas,

THENCE, with the southerly line of the Calhoun tract, **N 89 deg. 52' 01" E**, passing the southwesterly corner of that certain (80' X 120') tract of land conveyed to Robert L. Miller, Sr. and Robert L. Miller, Jr. in a deed as recorded in Volume 306 Page 593 of the Official Records of Bastrop County, Texas, at or about 80' and continuing on the same course, and passing southwesterly corner of that certain (94' X 120') tract of land conveyed to Theresia Breitner Roberts in a deed as recorded in Volume 256 Page 870 of the Official Records of Bastrop County, Texas, at or about 80', and continuing on that same course, and passing the most southwesterly corner of that certain (94.3' X 120') tract of land conveyed to Ray Barron in a deed as recorded in Volume 289 Page 550 of the Official Records of Bastrop County, Texas, at or about 94', and continuing on the same course and passing the most southwesterly corner of that certain (80' X 120') tract of land conveyed to Terry Jackson and Kay Jackson in a deed as recorded in Volume 346 Page 774 of the Official Records of Bastrop County, Texas, at or about 94.3', and continuing on the same course, and passing the most southwesterly corner of that certain (0.304 acre) tract of land conveyed to Forrest D. Wilson and Kimberly K. Wilson in a deed as recorded in Volume 1244 Page 467 of the Official Records of Bastrop County, Texas, at or about 80', and continuing on the same course another 50.35 feet for a total distance of **478.65 feet** to a ½" iron rod found at the most northwesterly corner of that certain (20.000 acre) tract of land conveyed to Carl G. Rabensburg, jr. in a Contract of Sale and Purchase as described and recorded in Volume 332 Page 547 of the Official Records of Bastrop County, Texas, and being for the most northeasterly corner of this tract,

THENCE, with the westerly line of the Rabensburg (20.000 acre) Tract, **S 27 deg. 15' 50" W 1334.65 feet** to a ½" iron rod set at the most easterly corner of that certain (1.500 acre) tract of land conveyed to Julia Jean Rabensburg and Lynn Marie Qualline as trustees for Jamie Lynn Martin in a deed as recorded in Volume 329 Page 579 of the Official Records of Bastrop County, Texas, and being for an angle in the southeasterly line of this tract,

THENCE, with the northeasterly and northwesterly line of the Martin tract, **N 62 deg. 44' 09" W 180.00 feet**, to a ½" iron rod set and **S 27 deg. 15' 50" W 460.99 feet** to a ½" iron rod set in the northwesterly line of that certain (6.500 acre) tract of land conveyed to Lynn Schaefer Qualline in a deed as recorded in Volume 831 Page 246 of the Official Records of Bastrop County, Texas, and being for an angle in the southeasterly line of this tract,

THENCE, with the northwesterly and southwesterly line of the Qualline (6.500 acre) tract, **S 69 deg. 48' 22" W 150.78 feet** to a ½" iron rod found and **S 20 deg. 55' 26" E 564.85 feet** to a point in the low bank of the Colorado River, being for the most southeasterly corner of this tract,

THENCE, with the low bank of the Colorado River the following six (6) general courses:

1) **S 67 deg. 28' 34" W 758.29 feet,**
2) **S 81 deg. 36' 16" W 670.03 feet,**
3) **S 77 deg. 41' 19" W 346.22 feet,**
4) **S 71 deg. 49' 38" W 506.08 feet,**
5) **S 76 deg. 00' 10" W 638.98 feet,**

6) S 85 deg. 52' 23" W 554.84 feet to a point on the low bank of the Colorado River where the fence between the Schaefer (282.10 acre) tract and that certain (94.00 acre) tract of land conveyed to Jo Ann Griesenbeck Cantrell in a deed as recorded in Volume 445 Page 684 of the Official Records of Bastrop County, Texas, being for the most southwesterly corner of this tract,

THENCE, with the fence between the Schaefer (282.1 acre) tract and the Cantrell tract, **N 03 deg. 10' 00" W 418.69 feet**, and **N 05 deg. 54' 13" W 313.26 feet** to a capped ½" iron rod found at the most southwesterly corner of that certain (5.134 acre) tract of land conveyed to Julie S. Rabensburg and Carl G. Rabensburg in a deed as recorded in Volume 818 Page 508 of the Official Records of Bastrop County, Texas, and being for the most westerly northwest corner of this tract,

THENCE, with the southerly and easterly line of the Rabensburg (5.134 acre) tract, **N 80 deg. 52' 00" E 443.68 feet** to a capped ½" iron rod found and **N 21 deg. 52' 02" W 779.72 feet** to a capped ½" iron rod found at the most southeasterly corner of that certain (1.012 acre) tract of land conveyed to Carl G. Rabensburg and Julia S. Rabensburg in a deed as recorded in Volume 555 Page 138 of the Official Records of Bastrop County, Texas, and also being at the most southerly southwest corner of the Rabensburg (16.007 acre) tract and being for an angle in the westerly line of this tract,

THENCE, with the southerly and easterly line of the Rabensburg (16.007 acre) tract, **N 84 deg. 47' 20" E 571.73 feet** to a capped ½" iron rod found, **N 08 deg. 52' 20" W 227.11 feet** to a fence post found flagged, **N 22 deg. 16' 04" W 421.58 feet** to a fence post found flagged, and **N 05 deg. 19' 23" W 694.12 feet** to the **PLACE OF BEGINNING**, in all containing **189.952 acres** of land.

SURVEYED: May 20, 2004

BY:

Timothy D. Hearitige
Registered Professional Land Surveyor No. 5036

STATE OF TEXAS
REGISTERED
TIMOTHY D. HEARITIGE
5036
PROFESSIONAL
LAND SURVEYOR

Tract A-2

FIELD NOTE DESCRIPTION OF 1.863 ACRES OF LAND OUT OF THE MOZEA ROUSSEAU SURVEY, ABSTRACT NO. 56, IN BASTROP COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN (282.1 ACRE) TRACT OF LAND CONVEYED TO K.G. SCHAEFER IN A DEED AS RECORDED IN VOLUME 100 PAGE 376 OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS, AND ALSO BEING A PORTION OF THOSE TRACTS OF LAND CONVEYED TO FRANCES SCHAEFER BUCKHAULTS IN A WILL AS RECORDED IN VOLUME 82 PAGE 483 OF THE PROBATE RECORDS OF BASTROP COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod set at the most northwesterly corner of that certain (1.626 acre) tract of land conveyed to Lynn Schaefer Oualline in a deed as recorded in Volume 421 Page 607 of the Official Records of Bastrop County, Texas, and being in the interior certain (282.1 acre) tract of land conveyed to K.G. Schaefer in a deed as recorded in Volume 100 Page 376 of the Deed Records of Bastrop County, Texas, the remaining portion of said (282.1 acre) tract being those tracts of land conveyed to Frances Schaefer Buckhaults in a will as recorded in Volume 82 Page 483 of the Probate Records of Bastrop County, Texas, said iron rod being in the southerly line of that certain (20.000 acre) tract of land conveyed to Carl G. Rabensburg, Jr. in a Contract of Sale and Purchase as recorded in Volume 332 Page 547 of the Official Records of Bastrop County, Texas, and being for the most northeasterly corner of the tract herein described, and from which a 60d nail found at the base of a fence corner post bears N 68 deg. 40' 21" E 863.76 feet,

THENCE, with the westerly line of the Oualline (1.626 acre) tract, **S 07 deg. 34' 14" E**, passing a ½" iron rod set at the most southwesterly corner of the Oualline (1.626 acre) tract at 286.78 feet, and continuing on the same course another 365.40 feet, for a total distance of **652.18** feet to a point on the low bank of the Colorado River, being for the most southeasterly corner of this tract,

THENCE, with the low bank of the Colorado River, **S 73 deg. 46' 04" W 53.45 feet** to a point at the most southeasterly corner of that certain (6.500 acre) tract of land conveyed to Lynn Schaefer Oualline in a deed as recorded in Volume 831 Page 246 of the Official Records of Bastrop County, Texas, being for the most southwesterly corner of this tract,

THENCE, with the easterly line of the Oualline (6.500 acre) tract, **N 20 deg. 52' 12" W 628.75** feet to a ½" iron rod set in the southerly line of the Rabensburg (20.000 acre) tract, being for the most northwesterly corner of this tract,

THENCE, with the southerly line of the Rabensburg (20.000 acre) tract, **N 68 deg. 40' 21" E** 203.31 feet to the **PLACE OF BEGINNING**, in all containing 1.863 acres of land.

SURVEYED: May 20, 2004

BY:

Timothy D. Hearitige
Registered Professional Land Surveyor No. 5036

STATE OF TEXAS
REGISTERED
TIMOTHY D. HEARITIGE
5036
PROFESSIONAL
LAND SURVEYOR

Tract B-1

FIELD NOTE DESCRIPTION OF 20.019 ACRES OF LAND OUT OF THE MOZEA ROUSSEAU SURVEY, ABSTRACT NO. 56, IN BASTROP COUNTY, TEXAS, AND BEING THAT SAME (20.000 ACRE) TRACT OF LAND CONVEYED TO CARL G. RABENSBURG, JR. IN A CONTRACT OF SALE AND PURCHASE AS DESCRIBED AND RECORDED IN VOLUME 332 PAGE 547 OF THE OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found at the base of a fence corner post in the westerly right-of-way line of Perkins Street, being at the most northerly line of that certain (282.1 acre) tract of land conveyed to K.G. Schaefer in a deed as recorded in Volume 100 Page 376 of the Deed Records of Bastrop County, Texas, said iron rod also being the southeasterly corner of that certain (0.241 acre) tract of land conveyed to Edward M. Lowden and Generosa Lowden in a deed as recorded in Volume 164 Page 209 of the Deed Records of Bastrop County, Texas, and being at the most northeasterly corner of that certain (20.000 acre) tract of land conveyed to Carl G. Rabensburg, jr. in a Contract of Sale and Purchase as described and recorded in Volume 332 Page 547 of the Official Records of Fayette County, Texas, and being for the most northwesterly corner of the tract herein described,

THENCE, with the westerly right-of-way line of Perkins Street (as found fenced and used on the ground, and as described in the Rabensburg (20.000 acre) description) **S 12 deg. 18' 11" W 1044.05 feet** to a 60d nail found at the base of a fence corner post, being at an angle in the right-of-way line of Perkins Street, and being at the most southeasterly corner of this tract,

THENCE, with the northerly right-of-way line of Perkins Street **S 68 deg. 40' 21" W 1066.88 feet** to a ½" iron rod found at the most northeasterly corner of that certain (6.500 acre) tract of land conveyed to Lynn Schaefer Oualline in a deed as recorded in Volume 831 Page 246 of the Official Records of Bastrop County, Texas, being for an angle in the southerly line of this tract,

THENCE, with the northerly line of the Oualline (6.500 acre) tract, **S 69 deg. 48' 22" W 60.00 feet** to a ½" iron rod set for the most southeasterly corner of that certain (1.500 acre) tract of land conveyed to Julia Jean Rabensburg and Lynn Marie Oualline as trustees for Jamie Lynn Martin in a deed as recorded in Volume 329 Page 579 of the Official Records of Bastrop County, Texas, and being for the most southwesterly corner of this tract,

THENCE, with the westerly line of the Rabensburg (20.000 acre) Tract, **N 27 deg. 15' 50" E,** passing a ½" iron rod set at the most easterly corner of the Martin tract at 264.84 feet, and continuing on the same course another 1334.65 feet, for a total distance of **1599.49 feet** to a ½" iron rod found in the southerly line of that certain (0.304 acre) tract of land conveyed to Forest D. Wilson and Kimberly K. Wilson in a deed as recorded in Volume 1244 Page 487 of the Official Records of Bastrop County, Texas, and being for the most northwesterly corner of this tract,

THENCE, with the southerly line of the Wilson tract, **N 89 deg. 14' 29"** E, passing the southwesterly corner of that certain (0.2749 acre) tract of land conveyed to Debra L. Perry and Douglas L. Perry in a deed as recorded in Volume 1250 Page 763 of the Official Records of Bastrop County, Texas at or about 60' and continuing on the same course another 99.62 feet for a total distance of **159.62 feet** to a ½" iron rod found at the most southwesterly corner of that certain (0.241 acre) tract of land conveyed to Ed Lowden in a deed as recorded in Volume 164 Page 209 of the Deed Records of Bastrop County, Texas,

THENCE, with the southerly line of the Lowden tract, **N 89 deg. 15' 43" E,** passing the southwesterly corner of that certain (0.241 acre) tract of land conveyed to E. W. Baker in a deed as recorded in Volume 166 Page 654 of the Deed Records of Bastrop County, Texas, at or about 87.56 feet, and continuing on the same course, and passing the southwesterly corner of that certain (0.390 acre) tract of land conveyed to Mary S. Weatherford in a deed at or about another 87.56 feet, and passing the southwesterly corner of the Lowden (0.241 acre) tract at or about another 118 feet, in all a total distance of **380.31 feet** to the **PLACE OF BEGINNING,** in all containing **20.019** acres of land.

SURVEYED: May 20, 2004

BY: _____

Timothy D. Hearitige
Registered Professional Land Surveyor No. 5036

STATE OF TEXAS
REGISTERED
TIMOTHY D. HEARITIGE
5036
PROFESSIONAL
LAND SURVEYOR

see accompanying map no. B 120002

Tract B

FIELD NOTE DESCRIPTION OF 22.144 ACRES OF LAND OUT OF THE MOZEA ROUSSEAU SURVEY, ABSTRACT NO. 56, IN BASTROP COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN (16.007 ACRE) TRACT OF LAND CONVEYED TO JULIA JEAN RABENSBURG AND CARL G. RABENSBURG IN ADEED AS RECORDED IN VOLUME 658 PAGE 429 OF THE OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS, AND ALL OF THAT CERTAIN (1.012 ACRE) TRACT OF LAND CONVEYED TO CARL G. RABENBURG AND JULIE S. RABENSBURG IN A DEED AS RECORDED IN VOLUME 555 PAGE 138 OF THE OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS, AND ALSO ALL OF THAT CERTAIN (5.134 ACRE) TRACT OF LAN CONVEYED TO JULIE S. RABENSBURG AND CARL G. RABENSBURG IN A DEED AS RECORDED IN VOLUME 818 PAGE 508 OF THE OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS,

BEGINNING at a ½" iron rod found at the base of a fence corner post, being at the most southeasterly corner of that certain (100 acre) tract of land conveyed to K.G. Schaefer in a deed as recorded in Volume 100 Page 376 of the Deed Records of Bastrop County, Texas, and also being in the northerly line of that certain (282.1 acre) tract conveyed to K.G. Schaefer in the same deed, said tracts being a portion of those tracts of land conveyed to Frances Schaefer Buckhaults in a will as recorded in Volume 82 Page 483 of the Probate Records of Bastrop County, Texas, said iron rod also being the southwesterly corner of that certain (17.516 acre) tract of land conveyed to the Merle Arnold Prokop, Jr. Revocable Living Trust, dated November 22, 1991 in a deed as recorded in Volume 617 Page 308 of the Official Records of Bastrop County, Texas, and also being for the most northeasterly corner of that certain (16.007 acre) tract of land conveyed to Julie Jean Rabensburg and Carl G. Rabensburg in a deed as recorded in Volume 658 Page 429 of the Official Records of Bastrop County, Texas, and being for the most northwesterly corner of the tract herein described,

THENCE, with the easterly line of the Rabensburg (16.007 acre) tract, **S 05 deg. 19' 23" E 694.12 feet** to a fence post found flagged, **S 22 deg. 16' 04" E 421.58 feet** to a fence post found flagged, and **S 08 deg. 52' 20" E 227.11 feet** to a capped ½" iron rod found at the most southeasterly corner of the Rabensburg (16.007 acre) tract,

THENCE, with the southerly line of the Rabensburg (16.007 acre) tract, **S 84 deg. 47' 20" W 571.73 feet** to a capped ½" iron rod found at the most northeasterly corner of that certain (5.134 acre) tract of land conveyed to Julie S. Rabensburg and Carl G. Rabensburg in a deed as recorded in Volume 818 Page 508 of the Official Records of Bastrop County, Texas, and being at the most southeasterly corner of that certain (1.012 acre) tract of land conveyed to Carl G. Rabensburg and Julie S. Rabensburg in a deed as recorded in Volume 555 Page 138 of the Official Records of Bastrop County, Texas, and also being at the most southerly southwest corner of the Rabensburg (16.007 acre) tract and being at an angle in the easterly line of this tract,

THENCE, with the easterly line of the Rabensburg (5.134 acre) Tract, **S 21 deg. 52' 02" E 779.72 feet** to a capped iron rod found under a fence, being for the most southeasterly corner of the Rabensburg (5.134 acre) tract, and being for the most southerly southeast corner of this tract,

THENCE, with the southerly line of the Rabensburg (5.134 acre) tract, **S 80 deg. 52' 00" W 443.68 feet** to a capped ½" iron rod found at the base of a fence corner post at the most southwesterly corner of the Rabensburg (5.134 acre) tract, and being in the fenced easterly line of that certain (94.00 acre) tract of land conveyed to Jo Ann Griesenbeck Cantrell in a deed as recorded in Volume 445 Page 684 of the Official Records of Bastrop County, Texas, and being for the most southwesterly corner of this tract,

THENCE, with the westerly line of the Rabensburg (5.134 acre) tract, **N 00 deg. 30' 49" E 781.27 feet** to a ½" iron rod found in the concrete around a fence corner post at the most southwesterly corner of the Rabensburg (1.012 acre) tract, and being for an angle in the westerly line of this tract,

THENCE, with the westerly line of the Rabensburg (1.012 acre) tract of land **N 00 deg. 12' 05" W 350.02 feet** to a capped ½" iron rod found at the most westerly southwest corner of the Rabensburg (16.007 acre) tract, being for an angle in the westerly line of this tract,

THENCE, with the westerly line of the Rabensburg (16.007 acre) tract, **N 00 deg. 25' 59" E 1016.05 feet** to a ½" iron rod found at the base of a fence corner post, being in the southerly line of the Schaefer (100 acre) tract of land, and being for the most northwesterly corner of this tract,

THENCE, with the northerly line of the Rabensburg (16.007 acre) tract, **N 89 deg. 26' 27" E 444.41 feet** to the PLACE OF BEGINNING, in all containing **22.144 acres** of land.

SURVEYED: May 20, 2004

BY:

Timothy D. Hearitige
Registered Professional Land Surveyor No. 5036

STATE OF TEXAS
REGISTERED
TIMOTHY D. HEARITIGE
5036
PROFESSIONAL
LAND SURVEYOR

Tract C

FIELD NOTE DESCRIPTION OF 6.528 ACRES OF LAND OUT OF THE MOZEA ROUSSEAU SURVEY, ABSTRACT NO. 56, IN BASTROP COUNTY, TEXAS, AND BEING THAT SAME (6.500 ACRE) TRACT OF LAND CONVEYED TO LYNN MARIE OUALLINE IN A DEED AS RECORDED IN VOLUME 831 PAGE 246 OF THE OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found at the most northeasterly corner of that certain (6.500 acre) tract of land conveyed to Lynn Schaefer Oualline in a deed as recorded in Volume 831 Page 246 of the Official Records of Bastrop County, Texas, also being in the southerly line of that certain (20.000 acre) tract of land conveyed to Carl G. Rabensburg, jr. in a Contract of Sale and Purchase as described and recorded in Volume 332 Page 547 of the Official Records of Fayette County, Texas, and being for the most northeasterly corner of the tract herein described,

THENCE, with the southeasterly line of the Oualline (6.500 acre) tract, **S 20 deg. 52' 12" E 628.75 feet** to a point on the low bank of the Colorado River, being for the most southeasterly corner of this tract,

THENCE, with the low bank of the Colorado River **S 77 deg. 26' 05" W 481.30 feet** to a point for the most southerly corner of the Oualline (6.500 acre) tract and being for the most southerly corner of this tract,

THENCE, with the southwesterly line of the Oualline (6.500 acre) tract, **N 20 deg. 55' 26" W 564.85 feet** to a ½" iron rod set for the most westerly corner of this tract,

THENCE, **N 69 deg. 48' 22" E**, at 150.78 feet to a ½" iron rod set at the most southwesterly corner of that certain (1.500 acre) tract of land conveyed to Julia Jean Rabensburg and Lynn Marie Oualline as trustees for Jamie Lynn Martin in a deed as recorded in Volume 329 Page 579 of the Official Records of Bastrop County, Texas, and continuing N 69 deg. 48' 22" E, another 266.22 feet to a ½" iron rod set at the most southwesterly corner of the Rabensburg (20.000 acre) tract, and continuing S 69 deg. 48' 22" W another 60.00 feet, for a total distance of **476.82 feet** to the **PLACE OF BEGINNING**, in all containing **6.528 acres** of land.

SURVEYED: May 20, 2004

BY: _____

Timothy D. Hearitige
Registered Professional Land Surveyor No. 5036

STATE OF TEXAS
REGISTERED
TIMOTHY D. HEARITIGE
5036
PROFESSIONAL
LAND SURVEYOR

Tract D

FIELD NOTE DESCRIPTION OF 1.500 ACRES OF LAND OUT OF THE MOZEA ROUSSEAU SURVEY, ABSTRACT NO. 56, IN BASTROP COUNTY, TEXAS, AND BEING THAT SAME (1.500 ACRE) TRACT OF LAND CONVEYED TO JULIE JEAN RABENSBURG AND LYNN MARIE OUALLINE, AS TRUSTEES FOR JAMIE LYNN MARTIN IN A DEED AS RECORDED IN VOLUME 329 PAGE 579 OF THE OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod set at the most southeasterly corner of that certain (1.500 acre) tract of land conveyed to Julia Jean Rabensburg and Lynn Marie Oualline as trustees for Jamie Lynn Martin in a deed as recorded in Volume 329 Page 579 of the Official Records of Bastrop County, Texas, and also being at the most southwesterly corner of that certain (20.000 acre) tract of land conveyed to Carl G. Rabensburg, jr. in a Contract of Sale and Purchase as described and recorded in Volume 332 Page 547 of the Official Records of Fayette County, Texas, and being at the most southeasterly corner of the tract herein described, and from which a ½" iron rod found at the most northeasterly corner of that certain (6.500 acre) tract of land conveyed to Lynn Schaefer Oualline in a deed as recorded in Volume 831 Page 246 of the Official Records of Bastrop County, Texas, bears N 69 deg. 48' 22" E 60.00 feet,

THENCE, with the common line between the Martin tract and the Oualline (6.500 acre) tract, **S 69 deg. 48' 22" W 266.22 feet** to a ½" iron rod set for the most southwesterly corner of this tract,

THENCE, with the northwesterly line of the Martin tract, **N 27 deg. 15' 50" E 460.99 feet** to a ½" iron rod set for the most northerly corner of this tract,

THENCE, with the northeasterly line of the Martin tract, **S 62 deg. 44' 09" E 180.00 feet** to a ½" iron rod set in the westerly line of the Rabensburg (20.000 acre) tract, being for the most easterly corner of this tract, and from which a ½" iron rod found at the most northwesterly corner of the Rabensburg tract bears N 27 deg. 15' 50" E 1334.65 feet,

THENCE, with the westerly line of the Rabensburg (20.000 acre) tract, **S 27 deg. 15' 50" W 264.84 feet** to the **PLACE OF BEGINNING**, in all containing **1.500 acres** of land.

SURVEYED: May 20, 2004

BY: _____

Timothy D. Heartige
Registered Professional Land Surveyor No. 5036

STATE OF TEXAS
REGISTERED
TIMOTHY D. HEARITIGE
5036
PROFESSIONAL
LAND SURVEYOR

FIELD NOTE DESCRIPTION OF 69.296 ACRES OF LAND OUT OF THE NANCY BLAKEY SURVEY, ABSTRACT NO. 98, IN BASTROP COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN (74.347 ACRE) TRACT OF LAND CONVEYED TO FRANCIS SCHAEFER BUCKHAULTS, JULIA JEAN RABENSBURG, AND LYNN MARI SCHAEFER OUALLINE IN A DEED AS RECORDED IN VOLUME 553 PAGE 684 OF THE OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS, TOGETHER WITH ALL OF LOT 1 OF SCHAEFER WEST, A SUBDIVISION IN BASTROP COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN CABINET 2 PAGE 399B OF THE PLAT RECORDS OF BASTROP COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a capped ½" iron rod found in the southwesterly right-of-way line of State Highway 71, being at the most northeasterly corner of that certain (43.00 acre) tract of land conveyed to Lisa Berdoll, as trustee, in a deed as recorded in Volume 631 Page 485 of the Official Records of Bastrop County, Texas, and being at the most northwesterly corner of the remainder of that certain (74.347 acre) tract of land conveyed to Francis Schaefer Buckhaults, Julia Jean Rabensurg, and Lynn Marie Schaefer Oualline in a deed as recorded in Volume 533 Page 684 of the Official Records of Bastrop County, Texas, and being for the most northwesterly corner of the tract herein described,

THENCE, with the southwesterly right-of-way line of Highway 71 **S 66 deg. 57' 15" E 521.79 feet** to a ½" iron rod found at the most northwesterly corner of that certain (2.00 acre) tract of land conveyed to Lynn Schaefer Oualline and John H. Wieting, jr. in a deed as recorded in Volume 664 Page 448 of the Official Records of Bastrop County, Texas, and being for an angle in the northerly line of this tract,

THENCE, leaving said right-of-way line, and with the westerly line of the Oualline tract, **S 00 deg. 15' 28" W 483.74 feet** to a ½" iron rod found at the most southwesterly corner of said (2.00 acre) tract,

THENCE, with the southerly line of the Oualline tract, **S 89 deg. 44' 15" E 198.84 feet** to a ½" iron rod found at the base of a fence corner post at the most southwesterly corner of that certain (2.00 acre) tract of land conveyed to Don A. Stewart, Inc. in a deed as recorded in Volume 661 Page 194 of the Official Records of Bastrop County, Texas, and being for an angle in the northerly line of this tract,

THENCE, with the southerly line of the Stewart tract **S 89 deg. 44' 15" E 253.46 feet** to a ½" iron rod set in the westerly line of Schaefer West, a subdivision in Bastrop County, Texas, according to the map or plat thereof recorded in Cabinet 2 Page 399B of the Plat Records of Bastrop County, Texas, and being for an angle in the northerly line of this tract,

THENCE, with the southerly line of the Schaefer West tract, being the westerly and southerly right-of-way lines of Schaefer Boulevard **S 00 deg. 14' 48" W 48.38 feet** to a ½" iron rod set and **S 89 deg. 48' 19" E 80.00 feet** to a ½" iron rod found at the southwesterly corner of Lot 2 of said Schaefer subdivision,

THENCE, with the southerly line of said Lot 2, **S 89 deg. 48' 19" E 150.12 feet** to a ½" iron rod found for the common southerly corner of Lots 1 and 2 of said subdivision,

THENCE, with the common line between Lots 1 and 2, **N 00 deg. 18' 15" E**, passing a ½" iron rod found at 242.33 feet and continuing on the same course another 3.00 feet for a total distance of 245.33 feet to a ½" iron rod set in the southwesterly right-of-way line of Highway 71, being for an angle in the northerly line of this tract,

THENCE, with said right-of-way line **S 68 deg. 57' 50" E 233.53 feet** to a ½" iron rod set for the most northeasterly corner of this tract, being the most northwesterly corner of that certain (17.516 acre) tract of land conveyed to the Merle Arnold Prokop, jr. Revocable Living Trust, Dated November 22, 1991, in a deed as recorded in Volume 617 Page 308 of the Official Records of Bastrop County, Texas, and also being at the most northwesterly corner of the Beck, NHP, and Prokop Subdivision, Section One, a subdivision in Bastrop County, Texas, according to the map or plat thereof recorded in Cabinet 3 Page 181B of the Plat Records of Bastrop County, Texas,

THENCE, leaving said right-of-way line and with the common line between the Buckhaults tract and the Prokop tract **S 00 deg. 28' 13" W 2069.52 feet** to a ½" iron rod found at the base of a fence corner post being the most southeasterly corner of the Buckhaults tract, and also being the most northwesterly corner of that certain (remaining portion of 258.51 acre) tract of land conveyed to Francis Schaefer Buckhaults in a Will as recorde din Volume 82 Page 483 of the Probate Records of Bastrop County, Texas, and also being at the most northeasterly corner of that certain (16.007 acre) tract of land conveyed to Julia Jean Rabensburg and Carl G. Rabensburg in a deed as recorded in Volume 658 Page 429 of the Official Records of Bastrop County, Texas, and being for the most southeasterly corner of this tract,

THENCE, with the northerly line of the Rabensburg (16.007 acre) Tract, **S 89 deg. 26' 27" W 444.41 feet** to a ½" iron rod found at the most northeasterly corner of that certain (94.00 acre) tract of land conveyed to Jo Ann Griesenbeck Cantrell in a deed as recorded in Volume 445 Page 684 of the Official Records of Bastrop County, Texas, and being for an angle in the southerly line of this tract,

THENCE, with the common line between the Buckhaults tract and the Cantrell tract, **S 89 deg. 58' 23" W 930.30 feet** to a capped ½" iron rod found at the base of a fence corner post, being at the most southeasterly corner of the Berdoll tract and being for the most southwesterly corner of this tract,

THENCE, with the common line between the Buckhaults tract and the Berdoll tract, **N 00 deg. 19' 46" E 2661.79 feet** to the **PLACE OF BEGINNING**, in all containing **69.296 acres** of land.

SURVEYED: April 23, 2004

BY: _____

Timothy D. Hearitige
Registered Professional Land Surveyor No. 5036

STATE OF TEXAS
REGISTERED
TIMOTHY D. HEARITIGE
5036
PROFESSIONAL
LAND SURVEYOR

EXHIBIT MOU-2
CONCEPT PLAN

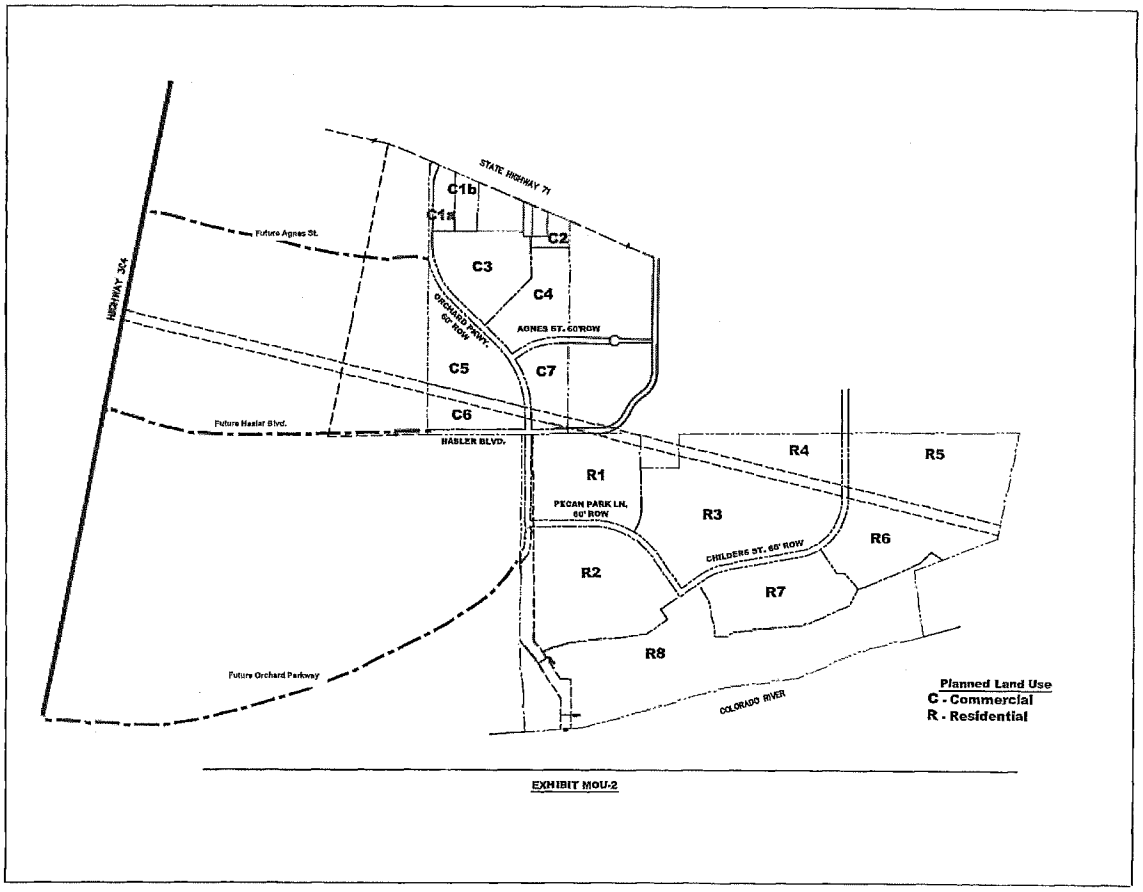
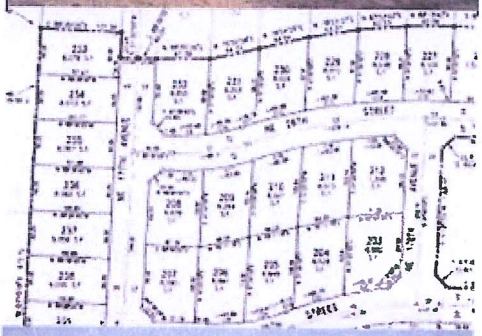


EXHIBIT MOU-2

EXHIBIT MOU-3
DEVELOPMENT CHECKLIST







City of Bastrop Development Manual

BASTROPTX
Heart of the Lost Pines
Est. 1832

Planning & Development Department
1311 Chestnut Street
Bastrop, Texas 78602
(512) 332-8840

DEVELOPMENT MANUAL
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Section 1 – Submittal Calendars

Section 2 – Subdivision Related Applications

Section 3 – Zoning Related Applications

Section 4 – Site Development Related Applications

Section 5 – Fee Schedules

Section 2
Subdivision Related Applications

BASTROPTX
Heart of the Lost Pines
Est. 1832

PRELIMINARY PLAT APPLICATION

Please complete all of the following information (type or print):

Project Name: _____

Project Address/Location: _____

Legal Description: _____

Zoning District (if inside city limits): _____

Owner / Developer (applicant):

Contact Person: _____

Company: _____

Address: _____

City, State Zip: _____

Phone Number: (_____) _____ Fax Number: (_____) _____

E-mail Address _____

Agent:

Contact Person: _____

Company Name: _____

Address: _____

City, State Zip: _____

Phone Number: (_____) _____ Fax Number: (_____) _____

E-mail Address _____

Engineer / Surveyor (all preliminary plats must be prepared by a licensed engineer or land surveyor):

Contact Person: _____

Company Name: _____

Address: _____

Phone Number: (_____) _____ Fax Number: (_____) _____

E-mail Address _____

Signature of Owner: _____

The signature of the Owner authorizes the City of Bastrop and its agents to visit and inspect the property for which this application is being submitted. The signature also indicates that the Owner or his Agent has reviewed the requirements of this checklist and all items on this checklist have been addressed and complied with. **Note: The Owner's signature designates the Agent as the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the Agent. If no agent is listed, the Owner will be considered the Agent.**

(STAFF USE ONLY) Date Submitted: _____ Fee Paid: _____ Received by _____

PRELIMINARY PLAT APPLICATION

PURPOSE:
The purpose of the Preliminary Plat review is to ensure the Preliminary Plat presents detailed information indicating the proposed street and drainage systems, easements, utilities, building lots, and other lots (including parkland) and to aid in the coordination of improvements within and among individual parcels of land or phases of development in the area of the development.

INSTRUCTIONS:

Step 1 – Pre-Application Process.
Make an appointment to schedule a pre-application project meeting with the Planning and Development Department (512) 332-8840 prior to plan submission. The purpose of this meeting is to:

- allow the applicant to explain issues relating to the design of the project and to ask questions about the plan review application procedures,
- provide staff the opportunity to identify issues that may be addressed prior to the plans being completed and the application being finalized,
- identify policies and regulations that create opportunities or pose significant restraints for the proposed development, and to
- identify special studies or other information and data needed in conjunction with the application.

This exchange of information often makes the remainder of the process more efficient and may reduce the time required to receive preliminary plat approval. It is not necessary to have detailed plans drawn prior to the pre-application meeting. However, the more information provided at the meeting (even in sketch form), the more thorough and specific the staff can be in response. ***Please be aware that the pre-application meeting may not address all issues related to the development process, and decisions/discussions during the pre-application process are subject to change based on information submitted at the time the application is filed.***

Step 2 – Complete the Application and Checklist.
These items must be fully completed prior to submission.

- Place a check mark in the appropriate box on each line indicating if the submitted plans have complied with that item. Indicate with N/A if the item does not apply to your application. ***This checklist is a guide for meeting local and state development requirements.*** Please refer to the City of Bastrop Subdivision Ordinance to ensure all requirements are addressed appropriately for the proposed development. You may contact the Planning and Development Department staff anytime to discuss applicable requirements.
- All requirements must be addressed by the application, unless otherwise approved by City staff depending on the scope and complexity of the project. Any requirements not required to be addressed should be so noted on the checklist.
- A supporting summary and explanation must be provided for each item in the checklist marked "not submitted" or "not met". The application will be considered incomplete and will not be accepted without the summary and such explanation. This explanation will help facilitate staff review and help reduce the time required to receive preliminary plat approval.

Step 3 – Project Evaluation by Staff.
City staff will evaluate the preliminary plat for compliance with the preliminary plat details provided in Section 4.10.1. and 4.10.2. Staff will determine if the preliminary plat application is complete and will return incomplete submittals to the applicant without forwarding the application to the Planning and Zoning Commission for review. If the staff determines the application is complete and complies with the standards set forth in the City's development ordinances and policies, the Director of Planning and Development will accept the preliminary plat and schedule it for consideration by the Planning and Zoning Commission and City Council.

PRELIMINARY PLAT APPLICATION

Step 4 – Planning and Zoning Commission Review.
Within 45 days from the date the preliminary plat application is accepted by the Director of Planning and Development, the Planning and Zoning Commission will consider the preliminary plat and make recommendations to the City Council for approval or denial.

Step 5 – City Council Review and Action.
The City Council shall consider the recommendations of the Planning and Zoning Commission and staff and may concur or take separate action from that recommended.

Step 6 – Final Plat Application.
Approval of the preliminary plat does not constitute acceptance of the subdivision, but is authority to proceed with the preparation of the final plat. While highly discouraged, any site improvements made on the property that is the subject of the preliminary plat application prior to acceptance by the city and recordation of the final plat is done at the risk of the applicant. **Approval of the preliminary plat expires at the end of 180 days from the date the City Council approves the preliminary plat unless a final plat has been submitted to the City Council.** However, the City Council may grant one extension of 180 days upon written request of the applicant.

Step 7 – Site Development Plans and/or Building Permit Application.
Upon acceptance and recordation of the final plat, the applicant may submit either a site development plan application or building permit application depending upon the nature and type of development that is proposed within the subdivision. Additional details and application materials for these applications are available from the Planning and Development Department or the City's web site.

PRELIMINARY PLAT APPLICATION

The following shall be provided with the preliminary plat application, unless otherwise approved by the Planning and Development Director in coordination with the City Manager. Unless an item is determined by the Director to be not applicable, written explanation must be provided for any requirement not submitted with the application.

Preliminary Plat Submittal Checklist (This form must be completed and submitted with application)			
Submittal Requirements	Submitted		
	Yes	No	N/A
Completed and signed application and checklist.			
Nine (9) 24" x 36" copies for projects inside the City limits or Seven (7) 24" x 36" copies for projects in the ETJ **(collated and folded)** of the preliminary plat to a scale of one inch to one hundred feet (1" - 100') and one 11" x 17" reduction. Only Four (4) copies of the drainage plan and the utility plans are required.			
Digital file for plan review (PDF format). Upon final approval a digital version of the plans must be submitted in the design software file format used to produce the plans (i.e. AutoCAD).			
Copy of deed showing current ownership.			
A current tax certificate showing that taxes have been paid.			
A cover letter providing an explanation of the proposed project.			
A notification list of all property owners and mailing addresses, as identified on the latest approved tax roll of the Bastrop Central Appraisal District, within 200 feet of the subject property. One copy of the list must be submitted on mailing labels (Avery 5160 or similar).			
Three (3) copies the development agreement or Planned Development (PD) ordinance and a letter outlining how the requirements of the development agreement or PD are addressed on the preliminary plat.			
Application fee – see Appendix A – Fee Schedule, of the City of Bastrop Code of Ordinances			
Total Application Fee Submitted			

Applications missing any required items above will be rejected

PRELIMINARY PLAT APPLICATION

The following shall be provided in accordance with the preliminary plat details stated in Section 4.10.2 of the subdivision ordinance, unless otherwise approved by the Planning and Development Director in coordination with the City Manager. Note: references to standards required in other sections of the City's development ordinances are provided to facilitate completion of the preliminary plat application. However these references may not be inclusive of all regulations applicable to the proposed development. The applicant is encouraged to contact the Planning Department with any questions regarding the required information.

Written explanation must be provided for any requirement not submitted with the application or not addressed in accordance with the Zoning and Subdivision Ordinances.

Section 4.10.2. Preliminary Plat Details					
To Be Completed By Applicant Indicate Below Compliance With The Following.					To Be Completed By Staff
		Yes	No	Comments	Reviewed By:
Section 4.10.2.A	**The name of the subdivision, which shall not duplicate an existing or pending subdivision.**				
Section 4.10.2.B	**The total acreage and the proposed total number of lots and blocks within the subdivision.**				
Section 4.10.2.C	**The name of the owner (and address unless given in letter of transmittal). If the owner is a partnership, corporation or other entity other than an individual, the name of the responsible individual such as president or vice-president must be given.**				
Section 4.10.2.D	**The name of the licensed public surveyor and licensed engineer (when required) responsible for preparing the plat.**				
Section 4.10.2.E	**Scale: 1''=100'. The prior consent of the Director of Planning and Development will be required for use of a smaller scale.**				

PRELIMINARY PLAT APPLICATION

To Be Completed By Applicant Indicate Below Compliance With The Following.					To Be Completed By Staff
		Yes	No	Comments	Reviewed By:
Section 4.10.2.F	North point, north to be at top of sheet if possible.				
Section 4.10.2.G	Date, revision block and each revision shall bear a new date.				
Section 4.10.2.H	Ownership boundaries shall be drawn in very heavy lines and shall include overall dimensions and bearings.				
Section 4.10.2.I	Adjacent boundary lines and adjacent right-of-way lines of the proposed subdivision drawn with dashed lines.				
Section 4.10.2.J	A tie to an original corner of the tract of land of which subdivision is a part.				
Section 4.10.2.K	Name and location of adjacent subdivisions, streets, easements, pipelines, water courses, etc., and the property lines and name of all adjoining property owners.				
Section 4.10.2.L	Existing and proposed topographic and planimetric features within the subdivision, including water courses and ravines, high banks, width of existing and proposed easements and any other physical features pertinent to the subdivision. Contour lines at two (2) foot intervals in terrain with a slope of two (2) percent or less and five (5) foot intervals in terrain with slope greater than two (2) percent.				

PRELIMINARY PLAT APPLICATION

To Be Completed By Applicant Indicate Below Compliance With The Following.					To Be Completed By Staff
		Yes	No	Comments	Reviewed By:
Section 4.10.2.M	Existing transportation features within the subdivision including the location and width of right-of-way, streets, alleys and easements.				
Section 4.10.2.N	Proposed features including location, right-of-way and pavement width, surfacing and name of streets; approximate width and depth of all lots; location of building lines, alleys and public utility easements; and schematic plans for drainage, sanitary facilities and utilities.				
Section 4.10.2.O	Designation of any sites for special uses including churches, sewage disposal plants, water storage/pumping facilities, wells or plants, business, industry or other special land uses. If proposed use is unknown, designate as unrestricted.				
Section 4.10.2.P	Regulatory flood elevations and boundaries of flood prone areas, including floodways.				
Section 4.10.2.Q	A preliminary plan sheet showing proposed on-site sewage disposal systems, or sanitary sewers with grade, pipe size and location of points of discharge or connection to existing collection lines.				
Section 4.10.2.R	A preliminary plan of the drainage system, indicating inlet locations, with grade, pipe size and location of points of discharge. *(See drainage criteria in Section 1.40)*				
Section 4.10.2.S	A preliminary plan for proposed fills or other structure elevating techniques, levees, channel modifications, and other methods to overcome flood or erosion related hazards.				
Section 4.10.2.T	Location of City limits line, the outer border of the City's extraterritorial jurisdiction and zoning district boundaries, if they traverse the subdivision, form part of the subdivision, or are contiguous to such boundary.				

PRELIMINARY PLAT APPLICATION

To Be Completed By Applicant Indicate Below Compliance With The Following.					To Be Completed By Staff
		Yes	No	Comments	Reviewed By:
Section 4.10.2.U	**Key Map. A key map showing relation of subdivision tow ell known streets in all directions to a distance of at least one (1) mile.**				
Section 4.10.2.V	**Master Plan Submission. When the subdivision is a portion of a tract later to be subdivided in its entirety, a general development plan of the entire subdivision, showing a schematic layout of the entire subdivision, in the entire tract, shall be submitted with the preliminary plan of the portion first to be subdivided. Acceptance or approval of the said Master Plan does not release the subdivider from submitting a preliminary plat for each section to be developed to compare against Master Plan. The Master Plan may be required by the City to show and provide continuous public utility easements for the construction of future utilities through the subdivision for service to adjoining property. Such easements shall have sufficient setback requirements to accommodate construction of future utility.**				
	Supplemental requirements. *(See Sect. 1.30 –Traffic Impact and Mitigation. The applicability of these regulations is outlined in Sect 1.30.2)* *(May include other information and data as required by staff)*				

BASTROPTX
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FINAL PLAT APPLICATION

Please complete all of the following information (type or print):

Project Name: _____

Project Address/Location: _____

Legal Description: _____

Zoning District (if inside city limits): _____

Owner / Developer (applicant):

Contact Person: _____

Company: _____

Address: _____

City, State Zip: _____

Phone Number: (_____) _____ Fax Number: (_____) _____

E-mail Address _____

Agent:

Contact Person: _____

Company Name: _____

Address: _____

City, State Zip: _____

Phone Number: (_____) _____ Fax Number: (_____) _____

E-mail Address _____

Engineer / Surveyor (all plats must be prepared by a licensed engineer or land surveyor):

Contact Person: _____

Company Name: _____

Address: _____

Phone Number: (_____) _____ Fax Number: (_____) _____

E-mail Address _____

Signature of Owner: _____

The signature of the Owner authorizes the City of Bastrop and its agents to visit and inspect the property for which this application is being submitted. The signature also indicates that the Owner or his Agent has reviewed the requirements of this checklist and all items on this checklist have been addressed and complied with. **Note: The Owner's signature designates the Agent as the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the Agent. If no agent is listed, the Owner will be considered the Agent.**

(STAFF USE ONLY) Date Submitted: _____ Fee Paid: _____ Received by _____

FINAL PLAT APPLICATION

PURPOSE:
The purpose of the Final Plat review is to ensure consistency with the approved preliminary plat and to ensure the Final Plat presents detailed information required for the official record map and plat of the property to be subdivided or developed, showing thereon the boundaries, lots, public streets, easements, public facilities and features which are necessary to serve the development.

INSTRUCTIONS:

Step 1 – Pre-Application Process.
Make an appointment to schedule a pre-application project meeting with the Planning and Development Department (512) 332-8840 prior to plan submission. The purpose of this meeting is to:

- allow the applicant to explain issues relating to the design of the project and to ask questions about the plat review application procedures,
- provide staff the opportunity to identify issues that may be addressed prior to the plans being completed and the application being finalized,
- identify policies and regulations that create opportunities or pose significant restraints for the proposed development, and to
- identify special studies or other information and data needed in conjunction with the application.

This exchange of information often makes the remainder of the process more efficient and may reduce the time required to receive final plat approval. ***Please be aware that the pre-application meeting may not address all issues related to the development process, and decisions/discussions during the pre-application process are subject to change based on information submitted at the time the application is filed.***

Step 2 – Complete the Application and Checklist.
These items must be fully completed prior to submission.

- Place a check mark in the appropriate box on each line indicating if the submitted plans have complied with that item. Indicate with N/A if the item does not apply to your application. ***This checklist is a guide for meeting local and state development requirements.*** Please refer to the City of Bastrop Subdivision Ordinance to ensure all requirements are addressed appropriately for the proposed development. You may contact the Planning and Development Department staff anytime to discuss applicable requirements.
- All requirements must be addressed by the application, unless otherwise approved by City staff depending on the scope and complexity of the project. Any requirements not required to be addressed should be so noted on the checklist.
- A supporting summary and explanation must be provided for each item in the checklist marked "not submitted" or "not met". The application will be considered incomplete and will not be accepted without the summary and such explanation. This explanation will help facilitate staff review and help reduce the time required to receive plat approval.

Step 3 – Project Evaluation by Staff.
City staff will evaluate the final plat for compliance with the final plat details provided in Section 4.20.1. and 4.20.2. Staff will determine if the final plat application is complete and will return incomplete submittals to the applicant without forwarding the application to the City Council for review. Prior to forwarding the final plat to the City Council, staff must receive the appropriate fiscal surety instrument guaranteeing the construction of subdivision improvements (if applicable). If the staff determines the application is complete and complies with the standards set forth in the City's development ordinances and policies, the Director of Planning and Development will accept the final plat and schedule it for consideration by the City Council.

FINAL PLAT APPLICATION

Step 4 – City Council Review and Action.
Approval or disapproval of the final plat shall be voted by the City Council within thirty (30) days of the date filing is determined to be administratively complete.

Should the final plat as submitted fail to meet the conditions and requirements of the Subdivision Ordinance, the City Council shall disapprove said plat. If requested by the developer, the City Manager will provide a written statement of the reasons for disapproval. In the event of disapproval, the City may withhold all City improvements of whatsoever nature including the furnishing of sewerage facilities and water service from all additions which have not been approved as provided by law and further, permits may not be issued by the building official of the City on any piece of property other than an original or a resubdivided lot in a duly approved and recorded subdivision.

Step 5 – Filing of the Final Plat.
After approval of the final plat and only after the approval statement set forth in paragraph 4.20.3 has been executed, the City shall cause the original of the plat to be recorded in the Bastrop County Clerk's office with the developer/subdivider providing the City with the actual amount of the filing fee and any other documents as required prior to filing. Contact the Planning and Development Department for a current list of fees and required documents.

One (1) mylar of the approved plat shall be provided the Director of Planning and Development for filing. The final plat shall be drawn in ink on mylar or comparable substitute, on sheets twenty-four inches by thirty-six inches (24" x 36") and to a scale of one inch to one hundred feet (1" - 100'). Where more than one (1) sheet is required, an index sheet shall be used. In addition to the mylar, one digital copy of the final plat shall also be submitted.

Step 6 – Site Development Plans and/or Building Permit Application.
Upon acceptance and recordation of the final plat, the applicant may submit either a site development plans application or building permit application depending upon the nature and type of development that is proposed within the subdivision. Additional details and application materials for these applications are available from the Planning and Development Department or on the City's web site.

FINAL PLAT APPLICATION

The following shall be provided with the final plat application, unless otherwise approved by the Planning and Development Director in coordination with the City Manager. Unless an item is determined by the Director to be not applicable, written explanation must be provided for any requirement not submitted with the application. **No final plat will be considered unless a preliminary plat has first been submitted and approved.**

Final Plat Submittal Checklist (This form must be completed and submitted with application)			
Submittal Requirements	Submitted		
	Yes	No	N/A
Completed and signed application and checklist.			
Five (5) 24" x 36" copies **(collated and folded)** of the final plat to a scale of one inch to one hundred feet (1" - 100') and one 11" x 17" reduction.			
Five (5) 24" x 36" copies **(collated and folded)** of the construction plans (if applicable) to a scale of one inch to one hundred feet (1" - 100') and one 11" x 17" reduction.			
Copy of the engineer's estimate of probable costs for subdivision infrastructure (if applicable).			
Digital file for plan review (PDF format). Upon final approval a digital version of the plans must be submitted in the design software file format used to produce the plans (i.e. AutoCAD).			
Copy of deed showing current ownership.			
A current tax certificate showing that taxes have been paid.			
A cover letter providing an explanation of the proposed project including an explanation of any changes or deviations from the approved preliminary plat.			
A notification list of all property owners and mailing addresses, as identified on the latest approved tax roll of the Bastrop Central Appraisal District, within 200 feet of the subject property. One copy of the list must be submitted on mailing labels (Avery 5160 or similar).			
Three (3) copies the development agreement or Planned Development (PD) ordinance and a letter outlining how the requirements of the development agreement or PD are addressed on the final plat.			
Application fee – see Appendix A – Fee Schedule, of the City of Bastrop Code of Ordinances			
Total Application Fee Submitted			

Applications missing any required items above will be rejected

FINAL PLAT APPLICATION

The following shall be provided in accordance with the final plat details stated in Section 4.20.2 of the subdivision ordinance, unless otherwise approved by the Planning and Development Director in coordination with the City Manager. Note: references to standards required in other sections of the City's development ordinances are provided to facilitate completion of the final plat application. However these references may not be inclusive of all regulations applicable to the proposed development. The applicant is encouraged to contact the Planning Department with any questions regarding the required information.

Written explanation must be provided for any requirement not submitted with the application or not addressed in accordance with the Zoning and Subdivision Ordinances.

Section 4.20.2. Final Plat Details					
To Be Completed By Applicant Indicate Below Compliance With The Following.					To Be Completed By Staff
		Yes	No	Comments	Reviewed By:
Section 4.20.2.A	**A title giving the name of the subdivision; the name of the land owner, or owners; the name of the licensed public surveyor and licensed Engineer (if required) responsible for the preparation of the plat; the scale north point, total acres in the subdivision and date .**				
Section 4.20.2.B	**The certificate of the licensed public surveyor who surveyed, mapped and monumented the land shall be placed on the face of the plat as indicated in Section 4.20.2.B.**				
Section 4.20.2.C	**A certificate of ownership and dedication to the public of all streets, easements, alleys, parks, playgrounds or other dedicated public uses, signed and acknowledged before a notary public by the owners and any holders of liens against the land.**				
Section 4.20.2.D	**An accurate on-the-ground boundary survey of the property with bearing and distances and showing the lines of all adjacent land, streets, easements and alleys with their names and width. (Streets, alleys and lot lines in adjacent subdivisions shall be shown dashed.) All necessary data to reproduce the plat on the ground must be shown on the plat.**				
Section 4.20.2.E	**A complete legal description by metes and bounds of the land being subdivided.**				

FINAL PLAT APPLICATION

To Be Completed By Applicant Indicate Below Compliance With The Following.					To Be Completed By Staff
		Yes	No	Comments	Reviewed By:
Section 4.20.2.F	A certificate of approval to be signed by the mayor shall be placed on the face of the plat. See Section 4.20.3.				
Section 4.20.2.G	The plat shall show width of streets, alleys, public utility easements and easements of record.				
Section 4.20.2.H	Streets, alleys and easements that are to be dedicated shall be shown with the following engineering data: (1) For streets: Complete curve data (delta, length of curve, radius, point of reverse curvature, point of tangency, chord length and bearing) shown on each side of the street; length and bearing of all tangents; dimensions from all angle points of curve to an adjacent side lot line shall be provided. (2) For water courses and easement: Distances to be provided along the side lot lines from the front lot line or the high bank of a stream. Traverse line to be provided along the edge of all large water courses in a convenient location, preferably along a utility easement or drainage if paralleling the easement or stream. The 100 year flood plain easement shall be shown where applicable. A note shall be provided prohibiting construction within the 100 year flood plain except for public streets or roads and utilities.				
Section 4.20.2.I	Lot and block lines and numbers of all proposed lots and blocks with complete dimensions for front, rear and side lot lines.				
Section 4.20.2.J	Building set back lines shall be shown for each lot. Refer to Section 530 [5.70] for set back dimensions if property is zoned.				

FINAL PLAT APPLICATION

To Be Completed By Applicant Indicate Below Compliance With The Following.					To Be Completed By Staff
		Yes	No	Comments	Reviewed By:
Section 4.20.2.K	**Proposed Water and Sewer Lines. Two (2) copies of the proposed utility plan showing contours, proposed locations of water and sewer lines relative to street right-of-way, and dimensions of existing water and sewer lines. These proposed lines shall meet the requirements as set forth in Section 5.**				
Section 4.20.2.L	**Proposed Drainage System.** **(1) Two (2) copies of the proposed drainage plan, showing two foot contour intervals. All street widths and grades shall be indicated on the plan, and runoff calculations shall be provided for all storm sewers, drainage structures and at all points in the street at changes of grade or where the water enters another street or storm sewer or drainage structure. Drainage easements shall be indicated.** **(2) A general location map of the subdivision showing the entire watershed (a U.S.G.S. quadrangle map is satisfactory).** **(3) Calculations showing the anticipated storm water flow, including watershed area, runoff coefficient, and time of concentration. When a drainage structure or storm sewer is proposed, calculations shall be submitted showing basis for design.**				
Section 4.20.2.M	**A receipt showing that all taxes have been paid shall be submitted with the final plat.**				

FINAL PLAT APPLICATION

To Be Completed By Applicant Indicate Below Compliance With The Following.					To Be Completed By Staff
		Yes	No	Comments	Reviewed By:
Section 4.20.2.O	**The City Council shall be satisfied that the subdivider will be in a financial position to install or cause to be installed at his own cost, risk and expense all of the improvements herein required. The City Council shall require such security as it in its sole and absolute discretion may deem best in order to insure the orderly development within any subdivision, specifically including, but not limited to, a performance bond equal to the estimated cost of the improvements; a bank letter of credit; a personal guarantee; or by requiring the subdivider to grant a lien upon the property contained in such subdivision in favor of the City of Bastrop to secure the estimated cost of such improvements. It is expressly understood that as a condition to the approval of said subdivision, no permanent City utilities shall be furnished to any lot within said subdivisions until all improvements required by this ordinance are completed within the block in which said lot is contained and all such improvements have been accepted by the City of Bastrop.**				
Section 4.20.3	**City Council approval format and text consistent with Section 4.20.3.**				
	Supplemental requirements. *(Other information and data as required by staff)*				

BASTROPTX
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ADMINISTRATIVE PLAT APPLICATION

(For amending plats, minor plats, or replats meeting the conditions and requirements in accordance with Local Government Code Section 212.0065)

Please complete all of the following information (type or print):

Project Name: _____

Project Address/Location: _____

Legal Description: _____

Zoning District (if inside city limits): _____

Owner / Developer (applicant):

Contact Person: _____

Company: _____

Address: _____

City, State Zip: _____

Phone Number: (_____) _____ Fax Number: (_____) _____

E-mail Address _____

Agent:

Contact Person: _____

Company Name: _____

Address: _____

City, State Zip: _____

Phone Number: (_____) _____ Fax Number: (_____) _____

E-mail Address _____

Engineer / Surveyor (all plats must be prepared by a licensed engineer or land surveyor):

Contact Person: _____

Company Name: _____

Address: _____

Phone Number: (_____) _____ Fax Number: (_____) _____

E-mail Address _____

Signature of Owner: _____

The signature of the Owner authorizes the City of Bastrop and its agents to visit and inspect the property for which this application is being submitted. The signature also indicates that the Owner or his Agent has reviewed the requirements of this checklist and all items on this checklist have been addressed and complied with. **Note: The Owner's signature designates the Agent as the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the Agent. If no agent is listed, the Owner will be considered the Agent.**

(STAFF USE ONLY) Date Submitted: _____ Fee Paid: _____ Received by _____

ADMINISTRATIVE PLAT APPLICATION

PURPOSE:
The administrative procedure may be followed for the approval of an Amending Plat, replat or a subdivision when the land proposed to be subdivided or resubdivided meets the following conditions and requirements in accordance with Local Government Code Section 212.0065.

(1) Amending plats described by Section 212.016;
(2) Minor plats or replats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities; or
(3) A replat under Section 212.0145 that does not require the creation of any new street or the extension of municipal facilities.

INSTRUCTIONS:

Step 1 – Pre-Application Process.
Make an appointment to schedule a pre-application project meeting with the Planning and Development Department (512) 332-8840 prior to plan submission. The purpose of this meeting is to:

- allow the applicant to explain issues relating to the design of the project and to ask questions about the plat review application procedures,
- provide staff the opportunity to identify issues that may be addressed prior to the plans being completed and the application being finalized,
- identify policies and regulations that create opportunities or pose significant restraints for the proposed plat, and to
- identify special information and data needed in conjunction with the application.

This exchange of information often makes the remainder of the process more efficient and may reduce the time required to receive final plat approval. ***Please be aware that the pre-application meeting may not address all issues related to the development process, and decisions/discussions during the pre-application process are subject to change based on information submitted at the time the application is filed.***

Step 2 – Complete the Application and Checklist.
These items must be fully completed prior to submission.

- Place a check mark in the appropriate box on each line indicating if the submitted plans have complied with that item. Indicate with N/A if the item does not apply to your application. ***This checklist is a guide for meeting local and state development requirements.*** Please refer to the City of Bastrop Subdivision Ordinance to ensure all requirements are addressed appropriately for the proposed development. You may contact the Planning and Development Department staff anytime to discuss applicable requirements.
- All requirements must be addressed by the application, unless otherwise approved by City staff depending on the scope and complexity of the project. Any requirements not required to be addressed should be so noted on the checklist.
- A supporting summary and explanation must be provided for each item in the checklist marked "not submitted" or "not met". The application will be considered incomplete and will not be accepted without the summary and such explanation. This explanation will help facilitate staff review and help reduce the time required to receive plat approval.

ADMINISTRATIVE PLAT APPLICATION

Step 3 – Project Evaluation by Staff.
City staff will evaluate the final plat for compliance with the requirements provided in Section 4.40.3. and the conditions and requirements in accordance with Local Government Code Section 212.00654.20.2. Staff will determine if the application is complete and will return incomplete submittals to the applicant without review. If the staff determines the application is complete and complies with the standards set forth by the Local Government Code and the City's development ordinances and policies, the Director of Planning and Development will accept and review the application.

Any proposed plat may be removed from the administrative process and placed in either the short form or standard process at the sole discretion of the Director of Planning and Development.

Step 4 – Appeal Process.
Applicants may appeal administrative decisions denying their proposed plat to the City Council by filing a request for such appeal with the Planning Director on or before the 30th day following the date of administrative denial.

Step 5 – Filing of the Final Plat.
After approval of the final plat and only after the approval statement set forth in paragraph 4.20.3 has been executed, the City shall cause the original of the plat to be recorded in the Bastrop County Clerk's office with the developer/subdivider providing the City with the actual amount of the filing fee and any other documents as required prior to filing. Contact the Planning and Development Department for a current list of fees and required documents.

One (1) mylar of the approved plat shall be provided the Director of Planning and Development for filing. The final plat shall be drawn in ink on mylar or comparable substitute, on sheets twenty-four inches by thirty-six inches (24" x 36") and to a scale of one inch to one hundred feet (1" - 100'). Where more than one (1) sheet is required, an index sheet shall be used. In addition to the mylar, one digital copy of the final plat shall also be submitted.

Step 6 – Site Development Plans and/or Building Permit Application.
Upon acceptance and recordation of the plat, the applicant may submit either a site development plans application or building permit application depending upon the nature and type of development that is proposed within the subdivision. Additional details and application materials for these applications are available from the Planning and Development Department or on the City's web site.

ADMINISTRATIVE PLAT APPLICATION

The following shall be provided with the administrative plat application, unless otherwise approved by the Planning and Development Director in coordination with the City Manager. Unless an item is determined by the Director to be not applicable, written explanation must be provided for any requirement not submitted with the application. **Only plats meeting the conditions and requirements in accordance with Local Government Code Section 212.0065 are allowed by administrative procedures.**

Application Type	Check one of the following
Amending Plat (described by Section 212.016 of the Local Government Code)	
Minor Plats or replats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or extension of municipal facilities	
A replat under Section 212.0145 of the Local Government Code that does not require the creation of any new street or the extension of municipal facilities	

Administrative Plat Submittal Checklist
(This form must be completed and submitted with application)

Submittal Requirements	Submitted		
	Yes	No	N/A
Completed and signed application and checklist.			
A cover letter providing an explanation of the proposed project.			
Copy of deed showing current ownership.			
A current tax certificate showing that taxes have been paid.			
Five (5) 24" x 36" copies **(collated and folded)** of the final plat to a scale of one inch to one hundred feet (1" - 100') and one 11" x 17" reduction.			
The subdivider wishing to amend or replat property must provide a complete copy of the original plat and a signed written statement stating which features of the plat are to be changed			
Digital file for plan review (PDF format). Upon final approval a digital version of the plans must be submitted in the design software file format used to produce the plans (i.e. AutoCAD).			
Application fee – see Appendix A – Fee Schedule, of the City of Bastrop Code of Ordinances.			
Total Application Fee Submitted			

Applications missing any required items above will be rejected

ADMINISTRATIVE PLAT APPLICATION

The following shall be provided in accordance with the final plat details stated in Section 4.40.3 of the subdivision ordinance, unless otherwise approved by the Planning and Development Director in coordination with the City Manager. Note: references to standards required in other sections of the City's development ordinances are provided to facilitate completion of the administrative procedures application. However these references are not inclusive of all regulations applicable to the proposed development, and must conform to the conditions and requirements in accordance with Local Government Code Section 212.0065.

The applicant is encouraged to contact the Planning Department with any questions regarding the required information. Written explanation must be provided for any requirement not submitted with the application or not addressed in accordance with the Zoning and Subdivision Ordinances.

Section 4.40 Administrative Procedures Plat Details					
To Be Completed By Applicant Indicate Below Compliance With The Following.					To Be Completed By Staff
		Yes	No	Comments	Reviewed By:
Section 4.40.1.C	**The topography of the tract and the surrounding lands is such that no regard need be given in such subdivision to drainage. If drainage facilities are required, this administrative process cannot be used.**				
Section 4.40.1.D	**Each lot meets the minimum lot requirements as set forth in Section 5.50 and 6.110.4 and does not require any variance or exception to regulations. The resubdivision of any lot, tract or parcel of land within a rural subdivision shall not be permitted if the proposed lot (s) size will be less than one (1) acre.**				
Section 4.40.1.E	**The perimeter of the tract being subdivided has been surveyed and marked on the ground, and each corner of each lot of such proposed subdivision has been marked on the ground, and is tied to a corner of the tract being subdivided. A plat thereof shall be filed with the City as outlined in Section 4.30.2 and 4.30.3.**				
Section 4.40.3.A	**The name of the land owner or owners - the name of the licensed public surveyor responsible for the preparation of the plat; the scale and location of each lot with reference to an original corner of the original subdivision or tract of which said land is a part; the date, north point and total acres in the proposed subdivision or lots.**				
Section 4.40.3.B	**The certificate of the licensed public surveyor and/or licensed engineer who surveyed, mapped and monumented the land shall be placed on the face of the plat as described in Section 4.40.3.B**				

ADMINISTRATIVE PLAT APPLICATION

To Be Completed By Applicant Indicate Below Compliance With The Following.					To Be Completed By Staff
		Yes	No	Comments	Reviewed By:
Section 4.40.3.C	A certificate of ownership acknowledged before a notary public by the owners and any holders of liens against the land.				
Section 4.40.3.D	An accurate on-the-ground boundary survey of the property showing bearing and distances and the lines of all adjacent land, streets, easements and alleys with their names and width. (Streets, alleys and lot lines in adjacent subdivisions shall be shown dashed.) All necessary data to reproduce the plat on the ground must be shown on the plat.				
Section 4.40.3.E	A certificate of approval to be signed by the mayor shall be placed on the face of the plat. See Section 4.20.3.				
Section 4.40.3.F	The plat shall show all existing features within the area being subdivided, amended or replatted such as existing drainage, easements, width of adjacent streets and alleys and existing utility easements.				
Section 4.40.3.G	Lot lines and numbers of all lots proposed to be created with complete dimensions for front, rear and side lot lines.				
Section 4.40.3.H	Building setback lines shall be shown for each lot created. Refer to Section 5.70 for set back dimensions.				
Section 4.40.3.I	Existing Utilities and Drainage. Five (5) copies of the proposed plat marked to show locations and size of dimensions of existing utilities, drainage and streets.				
Section 4.40.3.J	A receipt showing that all taxes have been paid shall be submitted with the plat.				

Section 3
Zoning Related Applications

BASTROPTX
Heart of the Lost Pines
Est. 1832

REZONING APPLICATION

Please complete all of the following information (type or print):

Project Name: _____

Project Address/Location: _____

Legal Description: _____

Existing Zoning District: _____ Proposed Zoning District: _____ Acreage: _____

Land Use Category: _____

Owner (applicant):

Contact Person: _____

Company: _____

Address: _____

City, State Zip: _____

Phone Number: (_____) _____ Fax Number: (_____) _____

E-mail Address _____

Agent:

Contact Person: _____

Company Name: _____

Address: _____

Phone Number: (_____) _____ Fax Number: (_____) _____

E-mail Address _____

Land Planner / Engineer / Surveyor:

Contact Person: _____

Company Name: _____

Address: _____

Phone Number: (_____) _____ Fax Number: (_____) _____

E-mail Address _____

Signature of Owner or Agent: _____

The signature of the Owner authorizes the City of Bastrop and its agents to visit and inspect the property for which this application is being submitted. The signature also indicates that the Owner or his Agent has reviewed the requirements of this checklist and all items on this checklist have been addressed and complied with. **Note: The Owner's signature designates the Agent as the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the Agent. If no agent is listed, the Owner will be considered the Agent.**

(STAFF USE ONLY) Date Submitted: _____ Fee Paid: _____ Received by _____

REZONING APPLICATION

PURPOSE:
The purpose of the rezoning review is to ensure a proposed variance from the design standards and regulations maintain an efficient and safe land development project that is a harmonious use of land and does not adversely impact vehicular and pedestrian circulation, parking and loading, adequate water supply, wastewater facilities, drainage and storm water management, and other utilities and services.

The procedures for considering a change in zoning designation are outlined by Section 10 of the City of Bastrop Zoning Ordinance. In making a determination regarding a requested zoning change, the Planning and Zoning Commission and City Council must consider the following factors:

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.
2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.
3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.
4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
5. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved.
6. Any other factors which will substantially affect the public health, safety, morals, or general welfare.

INSTRUCTIONS:

Step 1 – Pre-Application Process.
Make an appointment to schedule a pre-application project meeting with the Planning and Development Department (512) 332-8840 prior to plan submission. The purpose of this meeting is to:

- allow the applicant to explain issues relating to the design of the project and to ask questions about the approval process and procedures,
- provide staff the opportunity to identify issues that may be addressed prior to the application being finalized,
- identify policies and regulations that create opportunities or pose significant restraints for the proposed development, and to
- identify special information and data needed in conjunction with the application.

This exchange of information often makes the remainder of the process more efficient and may reduce the time required to receive approval. ***Please be aware that the pre-application meeting may not address all issues related to the development process, and decisions/discussions during the pre-application process are subject to change based on information submitted at the time the application is filed.***

Step 2 – Complete the Application and Checklist.
These items must be fully completed prior to submission.

- Place a check mark in the appropriate box on each line indicating if the submitted plans have complied with that item. Indicate with N/A if the item does not apply to your application. ***This checklist is a guide for meeting local and state development requirements.*** Please refer to the City of Bastrop Zoning Ordinance to ensure all requirements are addressed appropriately for the proposed development.

You may contact the Planning and Development Department staff anytime to discuss applicable requirements.

- All requirements must be addressed by the application, unless otherwise approved by City staff depending on the scope and complexity of the project. Any requirements not required to be addressed should be so noted on the checklist.
- A supporting summary and explanation must be provided for each item in the checklist marked "not submitted" or "not met". The application will be considered incomplete and will not be accepted without the summary and such explanation. This explanation will help facilitate staff review and help reduce the time required to receive approval.

Step 3 – Approval Process and Procedure.

The complete process for consideration and approval of a rezoning application is found in Section 10 of the Zoning Ordinance. A summary of the process is described below.

- The completed application must be received by one of the application deadlines published for each calendar year by the Planning and Development Department.
- Upon acceptance of the completed application the Planning and Development Department will schedule the application for public hearing and consideration by the Planning and Zoning Commission in accordance with the published calendar and provide the legally required notice to surrounding property owners.
- The Planning and Zoning Commission will make a recommendation to the City Council for approval or denial of the application and the City Council shall hold a public hearing on the application and consider an ordinance making the zoning change on two readings in accordance with the published calendar.

REZONING APPLICATION

The following must be provided with the application to rezone property, unless otherwise approved by the Planning and Development Director in coordination with the City Manager. Unless an item is determined by the Director to be not applicable, written explanation must be provided for any requirement not submitted with the application.

Rezoning Application Checklist (This form must be completed and submitted with application)			
Submittal Requirements	Submitted		
	Yes	No	N/A
Completed and signed application and checklist.			
A cover letter providing an explanation of the appropriateness for the proposed change in zoning classification given the six factors outlined in Section 10.1.			
Legal description of property, including clear and legible copy of field notes (metes and bounds) describing the tract of land (when not subdivided).			
A location map identifying the property to be rezoned and identifying the uses on the surrounding properties within a minimum of 200 feet.			
A notification list of all property owners and mailing addresses, as identified on the latest approved tax roll of the Bastrop Central Appraisal District, within 200 feet of the subject property. One copy of the list must be submitted on mailing labels (Avery 5160 or similar).			
Copy of deed showing current ownership.			
A current tax certificate showing that taxes have been paid.			
Application fee – see Appendix A – Fee Schedule, of the City of Bastrop Code of Ordinances			
Total Application Fee Submitted			

Applications missing any required items above will be rejected

BASTROPTX
Heart of the Lost Pines
Est. 1832

CONDITIONAL USE PERMIT (CUP) APPLICATION

Please complete all of the following information (type or print):

Project Name: _____

Project Address/Location: _____

Legal Description: _____

Zoning District: _____ Land Use Category: _____

Owner (applicant):

Contact Person: _____

Company: _____

Address: _____

City, State Zip: _____

Phone Number: (_____) _____ Fax Number: (_____) _____

E-mail Address _____

Agent:

Contact Person: _____

Company Name: _____

Address: _____

City, State Zip: _____

Phone Number: (_____) _____ Fax Number: (_____) _____

E-mail Address _____

Land Planner / Engineer / Surveyor:

Contact Person: _____

Company Name: _____

Address: _____

Phone Number: (_____) _____ Fax Number: (_____) _____

E-mail Address _____

Signature of Owner: _____

The signature of the Owner authorizes the City of Bastrop and its agents to visit and inspect the property for which this application is being submitted. The signature also indicates that the Owner or his Agent has reviewed the requirements of this checklist and all items on this checklist have been addressed and complied with. **Note: The Owner's signature designates the Agent as the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the Agent. If no agent is listed, the Owner will be considered the Agent.**

(STAFF USE ONLY) Date Submitted: _____ Fee Paid: _____ Received by _____

CONDITIONAL USE PERMIT (CUP) APPLICATION

PURPOSE:
The purpose of this district is to allow uses in districts that under most circumstances would not be compatible with other permitted uses but with certain conditions and development restrictions may be compatible. The City Council by an affirmative vote may, after public hearing and proper notice to all parties affected, and after recommendations from the Planning and Zoning Commission that the uses are in general conformance with the Comprehensive Plan and general objectives of the City and containing such requirements and safeguards as are necessary to protect adjoining property, authorize certain uses by a Conditional Use Permit (CUP or C).

When considering the appropriateness of a Conditional Use Permit the City must determine if the proposed use(s) are ***harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration***, and must make recommendations as to requirements for:

- paving of streets, alleys and sidewalks,
- means of ingress and egress to public streets,
- provisions for drainage,
- adequate off-street parking,
- screening,
- open space,
- heights of structures, and
- compatibility of buildings.

In approving a requested CUP, the Planning and Zoning Commission and City Council may consider the following:

1. The use is harmonious and compatible with surrounding existing uses or proposed uses;
2. The activities requested by the applicant are normally associated with the permitted uses in the base district;
3. The nature of the use is reasonable;
4. Any negative impact on the surrounding area has been mitigated;
5. That any additional conditions specified ensure that the intent of the district purposed are being upheld.

In granting a Conditional Use Permit, the Planning and Zoning Commission and Council may impose conditions which shall be complied with by the owner or grantee before a Certificate of Occupancy may be issued by the Building Official for use of the building on such property pursuant to such Conditional Use Permit and such conditions precedent to the granting of the Certificate of Occupancy. Any special conditions shall be set forth in writing by the City Council prior to issuance of the Certificate of Occupancy.

No Conditional Use Permit shall be granted unless the applicant, owner and grantee of the Conditional Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements of the Conditional Use Permit, as attached to the site plan drawing (or drawings) and reviewed by the Planning and Zoning Commission and approved by the City Council.

The application for Conditional Use Permit must be accompanied by a site plan (see Section 42) drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200').

See attached submittal information and checklist.

CONDITIONAL USE PERMIT (CUP) APPLICATION

INSTRUCTIONS:

Step 1 – Pre-Application Process.
Make an appointment to schedule a pre-application project meeting with the Planning and Development Department (512) 332-8840 prior to plan submission. The purpose of this meeting is to:

- allow the applicant to explain issues relating to the design of the project and to ask questions about the approval process and procedures,
- provide staff the opportunity to identify issues that may be addressed prior to the site plans being completed and the application being finalized,
- identify policies and regulations that create opportunities or pose significant restraints for the proposed development, and to
- identify special information and data needed in conjunction with the application.

This exchange of information often makes the remainder of the process more efficient and may reduce the time required to receive approval. ***Please be aware that the pre-application meeting may not address all issues related to the development process, and decisions/discussions during the pre-application process are subject to change based on information submitted at the time the application is filed.***

Step 2 – Complete the Application and Checklist.
These items must be fully completed prior to submission.

- Place a check mark in the appropriate box on each line indicating if the submitted plans have complied with that item. Indicate with N/A if the item does not apply to your application. ***This checklist is a guide for meeting local and state development requirements.*** Please refer to the City of Bastrop Zoning Ordinance to ensure all requirements are addressed appropriately for the proposed development. You may contact the Planning and Development Department staff anytime to discuss applicable requirements.
- All requirements must be addressed by the application, unless otherwise approved by City staff depending on the scope and complexity of the project. Any requirements not required to be addressed should be so noted on the checklist.
- A supporting summary and explanation must be provided for each item in the checklist marked "not submitted" or "not met". The application will be considered incomplete and will not be accepted without the summary and such explanation. This explanation will help facilitate staff review and help reduce the time required to receive approval.

Step 3 – Preparation of Site Plan and Review by Staff.
A site plan must be prepared for consideration during the public hearing process. City staff will review the site development plan for compliance with the items stipulated in Section 33.1.

- City staff will conduct a review of the submitted site plan and prepare written comments of any issues to be addressed.
- A meeting may be required with the applicant to review the site plan review comments.
- If modifications to the site plan are required, a revised plan may be submitted by the applicant to address the staff review comments prior to consideration during the public hearing process.
- A written report will be prepared by the Director of Planning and Development which discusses the merits of the application. In addition, written comments from applicable public agencies (such as the school district and utility companies) may be submitted to the Planning and Zoning Commission prior to the Commission making any recommendations to the City Council.

Step 4 – Approval Process and Procedure. The procedure for establishing a Conditional Use Permit are the same as those for zoning amendments as set forth in Section 10.

CONDITIONAL USE PERMIT (CUP) APPLICATION

The following must be provided with the Conditional Use Permit application, unless otherwise approved by the Planning and Development Director in coordination with the City Manager. Unless an item is determined by the Director to be not applicable, written explanation must be provided for any requirement not submitted with the application.

Conditional Use Permit Submittal Checklist (This form must be completed and submitted with application)			
Submittal Requirements	Submitted		
	Yes	No	N/A
Completed and signed application and checklist.			
A cover letter providing an explanation of the proposed conditional use(s) and the appropriateness given the considerations outlined in Section 33.2.			
Legal description of property, including clear and legible copy of field notes (metes and bounds) describing the tract of land (when not subdivided).			
A site plan including the information described in the Site Plan Details section of this application.			
Seven (7) 24" x 36" copies **(collated and folded)** of all plans and one 11" x 17" reduction.			
Digital file for plan review (PDF format). Upon final approval a digital version of the plans must be submitted in the design software file format used to produce the plans (i.e. AutoCAD).			
Copy of deed showing current ownership.			
A current tax certificate showing that taxes have been paid.			
A notification list of all property owners and mailing addresses, as identified on the latest approved tax roll of the Bastrop Central Appraisal District, within 200 feet of the subject property. One copy of the list must be submitted on mailing labels (Avery 5160 or similar).			
Application fee – see Appendix A – Fee Schedule, of the City of Bastrop Code of Ordinances			
Total Application Fee Submitted			

Applications missing any required items above will be rejected

CONDITIONAL USE PERMIT (CUP) APPLICATION

Conditional Use Permit Site Plan Details
(This form must be completed and submitted with application)

The following information shall be provided for all site plans that accompany a Conditional Use Permit (CUP) application, unless otherwise approved by the Planning and Development Director in coordination with the City Manager. Unless an item is determined by the Director to be not applicable, written explanation must be provided for any requirement not submitted with the application.

Section 33.1 Conditional Use Site Plan Details				
To Be Completed By Applicant Indicate Below Compliance With The Following.				To Be Completed By Staff
	Yes	No	Comments	Reviewed By:
A plan, drawn to scale, showing the general arrangement of the project and including the items listed below.				
Off-street parking facilities.				
Size, height, construction materials, and locations of buildings and the uses to be permitted.				
Location of signs.				
Means of ingress and egress to public streets.				
The type of visual screening such as walls, plantings and fences.				
The relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200').				
All supplemental requirements including studies, information, and data as identified by staff during the pre-application meeting.				

Section 4
Site Development Related Applications

BASTROPTX
Heart of the Lost Pines
Est. 1832

SITE DEVELOPMENT PLANS APPLICATION

Please complete all of the following information (type or print):

Project Name: _____

Project Address/Location: _____

Zoning District: _____

Owner / Developer (applicant):

Contact Person: _____

Company: _____

Address: _____

City, State Zip: _____

Phone Number: (_____) _____ Fax Number: (_____) _____

E-mail Address _____

Agent:

Contact Person: _____

Company Name: _____

Address: _____

City, State Zip: _____

Phone Number: (_____) _____ Fax Number: (_____) _____

E-mail Address _____

Architect / Engineering / Land Planner:

Contact Person: _____

Company Name: _____

Address: _____

City, State Zip: _____

Phone Number: (_____) _____ Fax Number: (_____) _____

E-mail Address _____

Signature of Owner or Agent: _____

The signature of the Owner authorizes City of Bastrop staff to visit and inspect the property for which this application is being submitted. The signature also indicates that the Owner or his Agent has reviewed the requirements of this checklist and all items on this checklist have been addressed and complied with. **Note: The Agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the Agent. If no agent is listed, the Owner will be considered the Agent.**

(STAFF USE ONLY) Date Submitted: _____ Fee Paid: _____ Received by _____

SITE DEVELOPMENT PLANS APPLICATION

PURPOSE:
The purpose of the site development plan review is to ensure efficient and safe land development, harmonious use of land, compliance with appropriate design standards, safe and efficient vehicular and pedestrian circulation, parking and loading, and adequate water supply, drainage and storm water management, sanitary facilities, and other utilities and services.

Site development plan review and approval is required for new construction or the significant enlargement or alteration of any exterior dimension of any building, structure, or improvement involving nonresidential development, multi-family development (duplex and single-family attached) or manufactured / mobile home park, developments with two (2) or more buildings per platted lot, and any planned development district or conditional use permit.

See Section 42 of the City of Bastrop Zoning Ordinance for more information about the site development plan requirements and review process.

INSTRUCTIONS:

Step 1 – Pre-Application Process. Make an appointment to schedule a pre-application project meeting with Yvonne Pritchard in the Planning and Development Department (512) 332-8840 prior to plan submission. The purpose of this meeting is to:

- allow the applicant to explain issues relating to the design of the project and to ask questions about the plan review application procedures,
- provide staff the opportunity to identify issues that may be addressed prior to the plans being completed and the application being finalized,
- identify policies and regulations that create opportunities or pose significant restraints for the proposed development, and to
- identify special studies or other information and data needed in conjunction with the application. Such supplemental requirements are stated in Section 42.1.D.

This exchange of information often makes the remainder of the process more efficient and may reduce the time required to receive site development plan approval. It is not necessary to have detailed plans drawn prior to the pre-application meeting. However, the more information provided at the meeting (even in sketch form), the more thorough and specific the staff can be in response. ***Please be aware that the pre-application meeting may not address all issues related to the development process, and decisions/discussions during the pre-application process are subject to change based on information submitted at the time the application is filed.***

Step 2 – **Complete the Application and Checklist.** These items must be fully completed prior to submission.

- Place a check mark in the appropriate box on each line indicating if the submitted plans have complied with that item. Indicate with N/A if the item does not apply to your application. ***This checklist is a guide for meeting local and state development requirements.*** Please refer to the City of Bastrop Zoning Ordinance to ensure all requirements are addressed appropriately for the proposed development. You may contact the Planning and Development Department staff anytime to discuss applicable requirements.
- All requirements must be addressed by the application, unless otherwise approved by City staff depending on the scope and complexity of the project. Any requirements not required to be addressed should be so noted on the checklist.

- A supporting summary and explanation must be provided for each item in the checklist marked "not submitted" or "not met". The application will be considered incomplete and will not be accepted without the summary and such explanation. This explanation will help facilitate staff review and help reduce the time required to receive site development plan approval.

Step 3 – Project Evaluation. City staff will evaluate the site development plan as set forth by the site plan details provided in Section 42.1.E, items 1-13.

- City staff will conduct a review of the submitted site development plan and prepare written comments of any issues to be addressed.
- A meeting will be scheduled with the applicant to review the site development plan review comments.
- If modifications to plans are required, revised plans may be submitted by the applicant to address the staff review comments.
- Based on review the staff may approve, conditionally approve, request modifications, or deny the site development plan.
- Any decision on a site development plan with which the applicant disagrees may be appealed to the Planning and Zoning Commission as set forth by Section 42.2.B.

Step 4 – Building Permit Application. Upon receiving approval of the site development plan, the applicant may submit an application for a building permit. The building permit may be submitted simultaneously with the site development permit, however it is at the applicant's risk as changes necessitated by the site development plan review process may impact the building plans and require modifications to those plans. Prior to making application for building permit any modifications required with conditional approvals shall be completed to the appropriate plans. Applications for building permit and related site improvements shall include all required information for such applications and are submitted to the Building Official.

SITE DEVELOPMENT PLANS APPLICATION

The following shall be provided with the site development plan application, unless otherwise approved by the Planning and Development Director in coordination with the City Manager. Unless an item is determined by the Director to be not applicable, written explanation must be provided for any requirement not submitted with the application.

Site Development Plan Submittal Checklist (This form must be completed and submitted with application)			
Submittal Requirements	Submitted		
	Yes	No	N/A
Completed application form with names and addresses of developer, owner, engineer and/or architect.			
Site development plan was prepared by a licensed and registered professional land surveyor, and / or a licensed professional engineer.			
Seven (7) copies of all plans --Collated and Folded, 24" x 36"			
One 8.5" x 11" reduction of each sheet in the site development plans.			
Digital file for plan review. (Auto-cad and pdf formats)			
Copy of deed showing current ownership.			
A current tax certificate showing that taxes have been paid.			
A cover letter providing an explanation of the proposed project.			
Three (3) copies the development agreement and a letter outlining the requirements of the development agreements are addressed on the Plan (if project is part of an approved development agreement).			
Application fee - See Schedule of Fees and Charges (Article 8 of Appendix A, of the Bastrop City Code)			
Total Application Fee Submitted			

Applications missing any required items above will be rejected

SITE DEVELOPMENT PLANS APPLICATION

Plan Review Checklist
(This form must be completed and submitted with application)

The following shall be provided on a cover sheet and as appropriate on all supporting plan sheets, unless otherwise approved by the Planning and Development Director in coordination with the City Manager. Unless an item is determined by the Director to be not applicable, written explanation must be provided for any requirement not submitted with the application.

Submittal Requirements	Submitted		
	Yes	No	N/A
Brief description of the project.			
Boundary lines of the area included in the site plan, including bearings, dimensions and reference to a section corner, quarter corner or point on a recorded plat.			
North arrow and scale (standard engineer for site Development Plan and standard architectural for building elevations/details). Minimum scale 1"=50 feet unless otherwise approved by the Director.			
Small key map indicating the location of the property within the City.			
Date of preparation of the plan.			
Legend with all acronyms defined.			
Name and address of the architect, landscape architect, planner, engineer, surveyor, or other person involved in the preparation of the plan.			
Label the zoning district of the development and all adjacent properties.			
Schedule indicating total floor area, dwelling units, land area, parking spaces, land use intensity and all other quantities relative to the submitted plan that are required to determine compliance with the City's Zoning Ordinance.			
Name and location of existing or proposed easements, right-of-way, streets, pipelines, water courses, etc. within or abutting the lot where development is proposed.			
All supplemental requirements including studies, information, and data as identified by staff during the pre-application meeting.			

SITE DEVELOPMENT PLANS APPLICATION

The following shall be provided in accordance with the site details stated in Section 42.1.C of the Zoning Ordinance, unless otherwise approved by the Planning and Development Director in coordination with the City Manager. Note: references to standards required throughout the Zoning Ordinance and Subdivision Ordinance are provided to facilitate completion of plans and the site development plan application. However these references may not be inclusive of all regulations applicable to the proposed development. The applicant is encouraged to contact the Planning Department with any questions regarding the required information.

Written explanation must be provided for any requirement not submitted with the application or not addressed in accordance with the Zoning and Subdivision Ordinances.

Section 42.1.C. Site Plan Details					
To Be Completed By Applicant Indicate Below Compliance With The Following.					To Be Completed By Staff
		Yes	No	Comments	Reviewed By:
Section 42.1.C.1	**Location of existing and proposed building(s), structure(s) or other improvement(s), as well as proposed modifications of the external configuration of the building(s), structure(s) or improvement(s).**				
Section 42.1.C.2	**Required front, side and rear setbacks from property lines.** *(See Sections 15 thru 31 for required setbacks of the applicable zoning district or Section 32 as allowed by planned development requirements. See also Illustrations 6, 7, and 8. If not otherwise specified, see Section 5.70 of the Subdivision Ordinance*.)*				
Section 42.1.C.3	**Existing or proposed easements or right-of-way, within or abutting the lot where development is being proposed.** *(See the Subdivision Ordinance for easement requirements)*				
Section 42.1.C.4	**The dimensions of any street, sidewalk, alley or other part of the property intended to be dedicated to public use. These dedications must be made by separate instrument and referenced on the site plan.** *(See the Subdivision Ordinance for required dimensions and design requirements.)**				
Section 42.1.C.5	**On and off-site circulation (including truck loading and pickup areas) and fire lanes.** *(See Section 45 for outdoor lighting standards)*				

*Applicable standards for rural and suburban areas are provided in Section 6 and Section 7 of the Subdivision Ordinance.

SITE DEVELOPMENT PLANS APPLICATION

To Be Completed By Applicant Indicate Below Compliance With The Following.					To Be Completed By Staff
		Yes	No	Comments	Reviewed By:
Section 42.1.C.6	**Required parking with dimensions given for layout.** *(See Section 38)* *For parking space configuration, location, arrangement, size, and circulation see Illustration 10.*				
Section 42.1.C.7	**Topography.**				
Section 42.1.C.8	**Grading.**				
Section 42.1.C.9	**Landscape plan.** *(See Section 39)* *See Appendix A-4 for plant materials that conform to the standards of the approved plant list for the City of Bastrop and the American Standard for Nursery Stock.*				
Section 42.1.C.10	**The location and size of existing public water and wastewater lines, fire hydrants and manholes available to service the proposed development; or, if public service is unavailable, the location and size of existing private on site water and wastewater facilities; and any proposed water and wastewater lines, fire hydrants and manholes required to serve the project.**				
Section 42.1.C.11	**Location of screening with dimensions and material used.** *(See Section 41 for fencing, wall and screening requirements)*				
Section 42.1.C.12	**Engineering for streets and utilities.** *(See the Subdivision Ordinance)**				

*Applicable standards for rural and suburban areas are provided in Section 6 and Section 7 of the Subdivision Ordinance.

SITE DEVELOPMENT PLANS APPLICATION

To Be Completed By Applicant Indicate Below Compliance With The Following.					To Be Completed By Staff
		Yes	No	Comments	Reviewed By:
Section 42.1.C.13	**The location of the 100 year flood plain and the proposed development site, if any.**				
Section 42.1.C.14	**Calculations, prepared by a licensed professional engineer, showing the storm water flow (e.g. rate, velocity, location) before and after the proposed construction. Calculations must take into account storm water that currently enters and exits the site.** *(See Section 1.40 and 5.90 of the Subdivision Ordinance)**				
Section 42.1.C.15	**Building elevations.** *(See Section 37 for exterior construction requirements)*				
Section 42.1.C.16	**The location and ownership of adjacent properties.**				
Section 42.1.C.17	**If it is the intent to use groundwater under the land, a licensed engineer registered to practice in Texas must certify that adequate groundwater is available to serve the development.**				
Section 42.1.C.18	**Location of dumpster and screening for it.** *(See Section 38.3.G, Illustration 12, and Section 41.2.E)*				
Section 42.1.D	**Supplemental requirements.** *(See Section 45-Outdoor Lighting Standards)* *(May include other information and data as required by staff)*				

*Applicable standards for rural and suburban areas are provided in Section 6 and Section 7 of the Subdivision Ordinance.

Section 5
Fee Schedules

BASTROPTX
Heart of the Lost Pines
Est. 1832

DEVELOPMENT MANUAL
FEE SCHEDULES

The following pages include development, construction and utility related fee schedules from the City of Bastrop Code of Ordinances. These fee schedules are subject to change by action of the City Council of the City of Bastrop. The original schedules from which these excerpts were taken are found in Appendix A – Fee Schedules of the Bastrop Code of Ordinances maintained by Franklin Legal Publishing and available on the City's web site at:
http://www.cityofbastrop.org/departments/city_secretary/index.html

CHAPTER 3 BUILDING REGULATIONS

ARTICLE A3.01 GENERAL PROVISIONS

Sec. A3.01.005 Work commencing prior to permit issuance

Penalty for commencing work before obtaining necessary permits: 100% of usual permit fee in addition to required permit fee or a minimum of $200.00, whichever is greater. (1995 Code, app. A, sec. 3.100; Ordinance adopting Code)

ARTICLE A3.04 BUILDING CODE

Sec. A3.04.005 Amendment to schedule of permit fees

(a) B102. Moving fees will be divided into two categories:

(1) For the moving of a portable building or structure, the fee shall be $25.00.

(2) For the moving of a permanent building or structure, the fee shall be $100.00.

(1995 Code, app. A, sec. 3.200)

ARTICLE A3.05 ELECTRICITY

Sec. A3.05.035 Electrician licensing fees

Electrical licenses and annual renewal fees shall be as follows:

(1) Master electrician: $25.00.

(2) Journeyman electrician: $10.00.

(1995 Code, app. A, sec. 3.300)

ARTICLE A3.18 MOBILE HOME PARKS

Sec. A3.18.002 Permit for construction, alteration or extension; construction or occupancy of permanent structures

(d) Permit fee. $5.00. (1995 Code, app. A, sec. 3.400; Ordinance adopting Code)

Sec. A3.18.003 License

(e) Fee. Original license applications or renewals thereof shall be accompanied by a fee of five dollars ($5.00), plus five dollars ($5.00) for each mobile home space in the mobile home park.

(g) Transfer fee. All applications for license transfer shall be accompanied by a fee of five dollars ($5.00).

(1995 Code, app. A, sec. 3.500)

ARTICLE A3.20 SIGNS

Sec. A3.20.053 Fees

All sign permit application fees shall be fifty dollars ($50.00) for the first sign and five dollars ($5.00) per sign thereafter up to a maximum of one hundred dollars ($100.00).

Billboard application fees shall be one hundred dollars ($100.00) each. If the building official determines that an engineering review is required, the required fee shall increase by an additional four hundred dollars ($400.00).

(1995 Code, app. A, sec. 11.100)

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CHAPTER 10 SUBDIVISIONS

ARTICLE A10.03 SUBDIVISION ORDINANCE

Sec. A10.03.002 Filing fees and charges

The schedule of fees and charges referred to in section 11.10 of Ordinance 99-23 in exhibit A to chapter 10 of the Code of Ordinances shall be as follows:

Preliminary plat	$800.00, plus $40.00 per lot, and/or $25.00 each acre not designated as lots, exclusive of streets.
Final plat	$300.00, plus $40.00 per lot, and/or $25.00 each acre not designated as lots, exclusive of streets.
Amended plat	$450.00
Replats	$500.00
Short form plat	$500.00
Site development plan	$800.00
Variances	$300.00 each
Plat recordation with the county	$50.00, plus fees charged by the county

The above fees shall be charged on all plats regardless of the action taken by the city council.

(1995 Code, app. A, secs. 9.100, 9.200)

Sec. A10.03.003 Subdivision and development escrow fees

(a) Escrow required. Following approval of the subdivision and development plans and specifications, the city shall require an escrow deposit in the amount shown in subsection (b) of this section, to be put on deposit with the city. No notice to proceed shall be issued until the escrow amount has been deposited as required. The purpose of the escrow amount is to cover the costs of inspections and testing materials within the subdivision and development.

(b) Escrow amount. An escrow amount of the following appropriate percentage of the total estimated construction cost shall be put on deposit as required by subsection (a) of this section, above:

Total Construction Cost	Escrow Deposit Required
$1.00 to $200,000.00	4.0%, with minimum of $2,000.00
$200,001.00 to $400,000.00	$8,000.00 for the first $200,000.00, plus 3% of any amount over $200,000.00
$400,001.00 to $600,000.00	$14,000.00 for the first $400,000.00, plus 2.75% of any amount over $400,000.00
$600,001.00 and over	$19,500.00 for the first $600,000.00, plus 2.50% of any amount over $600,000.00

(c) Minimum escrow amount; short form plats. The minimum escrow amount, excluding short form plats, shall be $2,500.00. Short form plats shall have an escrow deposit of $500.00.

(d) Escrow adjustments. Any unused amount of the escrow deposit shall be returned to the developer after final acceptance of the subdivision by the city. Should the escrow deposit be inadequate, the city council may require an additional sum to be deposited.

(1995 Code, app. A, secs. 10.100–10.400)

CHAPTER 13 UTILITIES

ARTICLE A13.02 WATER AND WASTEWATER RATES AND CHARGES

Sec. A13.02.002 Wastewater service charge

(a) These rates are applicable to all residential, multifamily and commercial retail wastewater customers within the corporate limits of the city who have metered water connections and to whom city wastewater service has actually been connected, except for customers who have a city approved, on-site sewer system, septic system or other on-site wastewater system, and have not connected to the city's wastewater system, or customers who have a water meter for irrigation use only, as long as the irrigation meter does not provide water to plumbing fixtures.

Minimum Charge:	$19.34

Plus the following charges for consumption per 1,000 gallons:

0–5,000 gallons	$1.75
5,001–10,000 gallons	$1.98
10,001–20,000 gallons	$2.12
20,001–50,000 gallons	$2.27
Over 50,000 gallons	$2.48

(Ordinance 2008-56 adopted 12/9/08)

(b) Intention to increase rates in future years in order to fund critical needs. In order to meet critical needs of the city's wastewater system, it is the city's intention to increase these rates, by separate ordinances, by not less than 10.5% each year, starting in January 2009, and increasing each succeeding January until January 2012, consistent with the recommendations of the city's staff, K* Friese and Associates and Rimrock Consulting. The intended future rate increases are as follows:

January 2009 – Minimum and volume charges not less than 10.5% higher than those shown above for 2008;

January 2010 – Minimum and volume charges not less than 10.5% higher than those adopted in January 2009;

January 2011 – Minimum and volume charges not less than 10.5% higher than those adopted in January 2010; and

January 2012 – Minimum and volume charges not less than 10.5% higher than those adopted in January 2011.

(Ordinance 2008-6, pt. 3, adopted 2/12/08)

Sec. A13.02.003 Sewer connection and tapping fees

4" connection: $300.00.

6" connection or larger: Cost plus 25%.

(1995 Code, app. A, sec. 7.200)

Sec. A13.02.004 Water service charges

These rates will be applicable to all sales or service of water within the corporate limits of the city.

(1) Residential - In city limits.

Meter Size	Minimum Charge
3/4" (or smaller)	$19.89
1"	$33.81
1-1/2"	$57.02
2"	$84.86
3"	$159.12
4"	$182.99
6"	$474.71

Plus the following charges for consumption per 1,000 gallons:

0–3,000 gallons	$2.04
3,001–5,000 gallons	$2.18
5,001–10,000 gallons	$2.31
10,001–20,000 gallons	$2.44
20,001–50,000 gallons	$2.64
Over 50,000 gallons	$2.77

Commercial - In city limits.

Meter Size	Minimum Charge
3/4" (or smaller)	$19.89
1"	$33.81
1-1/2"	$57.02

2"	$84.86
3"	$125.97
4"	$182.99
6"	$474.71

Plus the following charges for consumption per 1,000 gallons:

0–3,000 gallons	$2.04
3,001–5,000 gallons	$2.18
5,001–10,000 gallons	$2.31
10,001–20,000 gallons	$2.44
20,001–50,000 gallons	$2.64
Over 50,000 gallons	$2.77

(2) Residential and commercial - Outside city limits.

Meter Size	Minimum Charge
3/4" (or smaller)	$29.84
1"	$50.72
1-1/2"	$85.53
2"	$127.30
3"	$238.68
4"	$363.99
6"	$712.06

Plus the following charges for consumption per 1,000 gallons:

0–3,000 gallons	$2.97
3,001–5,000 gallons	$3.17
5,001–10,000 gallons	$3.37
10,001–20,000 gallons	$3.57
20,001–50,000 gallons	$3.87
Over 50,000 gallons	$4.07

(Ordinance 2008-56 adopted 12/9/08)

(3) Intention to increase rates in future years in order to fund critical needs. In order to meet critical needs of the city's water system, it is the city's intention to increase these rates, by separate ordinances, by not less than 10.5% each year, starting in January 2009, and increasing each succeeding January until January 2012, consistent with the recommendations of the city's commissioned study, "City of Bastrop Financial Capacity for Water and Sewer System Improvements," by Rimrock Consulting Company, October, 2007. The intended future rate increases are as follows:

January 2009 – Minimum and volume charges not less than 10.5% higher than those shown above for 2008;

January 2010 – Minimum and volume charges not less than 10.5% higher than those adopted in January 2009;

January 2011 – Minimum and volume charges not less than 10.5% higher than those adopted in January 2010; and

January 2012 – Minimum and volume charges not less than 10.5% higher than those adopted in January 2011.

(Ordinance 2008-6, pt. 4, adopted 2/12/08)

Sec. A13.02.005 Water connection and tapping fees

(a) Inside city limits.

3/4"	$300.00
1"	$400.00
1-1/2"	$800.00
2"	$1,950.00
3"	$2,450.00
4"	$3,450.00

All service connections larger than 4" and all nonroutine service connections shall be billed at actual cost plus twenty-five (25) percent.

(b) Outside city limits.

3/4"	$400.00
1"	$500.00
1-1/2"	$900.00
2"	$2,050.00
3"	$2,550.00
4"	$3,550.00

All service connections larger than 4" and all nonroutine service connections shall be billed at actual cost plus twenty-five (25) percent.

(Ordinance 2003-38, pt. 3 (sec. 7.400), adopted 11/11/03)

Sec. A13.02.006 Reconnect fees and service fees for delinquent accounts

(b) Service fee or reconnect fee:

Within city limits:

During regular working hours: $25.00.

After-hours calls: $40.00.

Outside city limits:

During regular working hours $40.00.

After-hours calls: $50.00.

Service charge for all returned checks: $25.00.

Administration fee for all utility transfer requests: $20.00.

(1995 Code, app. A, sec. 7.500; Ordinance adopting Code)

Sec. A13.02.008 Billing; discontinuance of service

Reset fee: $100.00. (1995 Code, app. A, sec. 7.600; Ordinance adopting Code)

Sec. A13.02.009 Deposit

Customer deposit: $50.00. (1995 Code, sec. 11.209)

Sec. A13.02.010 Bulk water sales

(b) Bulk metering and meter deposit. Minimum deposit per bulk meter requested: $500.00.

(c) Sales for small quantities and short durations. Small quantity/short duration purchase of bulk water per one thousand (1,000) gallons or a fraction thereof: $5.00.

(Ordinance 2003-38, pt. 2 (11.210), adopted 11/11/03)

Sec. A13.02.011 Acceptance and treatment of wastes from on-site sewage facilities or septic systems

(d) Annual license fees.

Vehicles, Transports or Tanks Capable of Containing:	Fee
From 0 to 500 gallons:	$75.00
From 501 to 1500 gallons:	$125.00

From 1501 to 2500 gallons:	$150.00
From 2501 to 3500 gallons:	$175.00
From 3501 and greater:	$250.00

(Ordinance 2005-21, pt. 2 (7.110), adopted 5/10/05)

(e) Wastewater treatment plant septic unloading fees.

Gallons	Rates
0–1,000	$46.41
1,001–1,500	$69.62
1,501–2,000	$92.82
2,001–2,500	$116.03
2,501–3,000	$139.23
3,001–3,500	$162.44
3,501–4,000	$185.64
4,001–4,500	$208.85
4,501–5,000	$232.05
5,001–5,500	$255.26
5,501–6,000	$278.46
6,001–6,500	$301.67
6,501–7,000	$324.87
7,001–7,500	$348.08
7,501–8,000	$371.28
8,001–8,500	$394.49
8,501–9,000	$417.69
9,001–9,500	$440.90
9,501–10,000	$464.10

(Ordinance 2008-56 adopted 12/9/08)

(f) Intention to increase rates in future years in order to fund critical needs. In order to meet critical needs of the city's wastewater system, it is the city's intention to increase these rates, by separate ordinances, by not less than 10.5% each year, starting in January 2009, and increasing each succeeding January until January 2012, consistent with the recommendations of the city's commissioned study, "City of Bastrop Financial Capacity for Water and Sewer System Improvements," by Rimrock Consulting Company, October, 2007. The intended future rate schedules increases are as follows:

January 2009 – Charges not less than 10.5% higher than those shown above for 2008;

January 2010 – Charges not less than 10.5% higher than those adopted in January 2009;

January 2011 – Charges not less than 10.5% higher than those adopted in January 2010; and

January 2012 – Charges not less than 10.5% higher than those adopted in January 2011.

(Ordinance 2008-6, pt. 5, adopted 2/12/08)

ARTICLE A13.04 ON-SITE SEWAGE FACILITIES

Sec. A13.04.010 Permit fees

On-Site Sewage Facility Activity	Fee
Standard system	$250.00
Designed system	$400.00
Modification to standard permit	$100.00
Modification to designed permit	$100.00
Adjustment from standard to designed	$100.00
Holding tank	$200.00
Septic tank replacement	$125.00
Reinspection (failed installation inspection)	$125.00
Maintenance contract renewal	$25.00

(Ordinance 2005-44 adopted 11/22/05)

ARTICLE A13.05 CREATION OF WATER DISTRICTS

Sec. A13.05.005 Filing fee for applications

(a) Filing fee for application to create water control improvement district or municipal utility district: $10,000.00. (1995 Code, app. A, sec. 7.1200; Ordinance adopting Code)

ARTICLE A13.07 ELECTRICAL SERVICE

Sec. A13.07.001 Residential service

(b) Monthly rate schedule.

Monthly customer charge	$10.00
Wires charge	$0.0328 per KWH
Generation charge	This rate, which may vary from month to month, is set by the city's wholesale power provider, and is passed directly through to the customer.**

(Ordinance 2005-46 adopted 12/13/05)

(c) Security deposit. $150.00.

(f) Reconnect fees and service fees.

Within city limits:

During regular working hours: $25.00.

After-hours calls: $40.00.

Outside city limits:

During regular working hours: $40.00.

After-hours calls: $50.00.

(g) Relocation of service. Transfer fee, per meter: $20.00.

(h) Temporary service. Nonrefundable charge:

New temporary service single-phase connection: $50.00.

New three-phase connection, if available: $100.00.

(j) Security lights. Installation charge and flat monthly rate:

Installation	$70.00
Monthly rate:	100 watt hps bulb - $6.35
Installation	$185.00
Monthly rate:	250 watt hps bulb - $12.50

Installation	$215.00
Monthly rate:	400 watt hps bulb - $18.00

(k) Line extension fee. Minimum charge per extension of new service line: $300.00.

(1995 Code, app. A, sec. 7.700; Ordinance adopting Code)

(l) Returned checks. Charge of $30.00. (Ordinance 2004-2, pt. 1, app. A (7.700), adopted 1/13/04; Ordinance adopting Code)

Sec. A13.07.002 Commercial service

(b) Monthly rate schedule.

Monthly customer charge	$16.00
Wire charge	$0.0326 per KWH
Generation charge	This rate, which may vary from month to month, is set by the city's wholesale power provider, and is passed directly through to the customer.**

(Ordinance 2005-46 adopted 12/13/05)

(f) Reconnect fees and service fees.

Within city limits:

During regular working hours: $25.00.

After-hours calls: $40.00.

Outside city limits:

During regular working hours: $40.00.

After-hours calls: $50.00.

(g) Relocation of service. Transfer fee, per meter: $20.00.

(h) Temporary service. Nonrefundable charge:

New temporary service single-phase connection: $50.00.

New three-phase connection, if available: $100.00.

(j) Security lights. Installation charge and flat monthly rate:

Installation	$70.00
Monthly rate:	100 watt hps bulb - $6.35

Installation	$185.00
Monthly rate:	250 watt hps bulb - $12.50

Installation	$215.00
Monthly rate	400 watt hps bulb - $18.00

(k) Line extension fee. Minimum charge per extension of new service lines: $300.00.

(1995 Code, app. A, sec. 7.800; Ordinance adopting Code)

(l) Returned checks. Charge of $30.00. (Ordinance 2004-2, pt. 1, app. A (7.800), adopted 1/13/04; Ordinance adopting Code)

Sec. A13.07.003 Key accounts

(b) Rate schedule.

Monthly customer charge	$16.00
Wires charge	$0.0318 per KWH
Generation charge	This rate, which may vary from month to month, is set by the city's wholesale power provider, and is passed directly through to the customer.**

(Ordinance 2005-46 adopted 12/13/05)

(f) Reconnect fees and service fees.

Within city limits:

During regular working hours: $25.00.

After-hours calls: $40.00.

Outside city limits:

During regular working hours: $40.00.

After-hours calls: $50.00.

(g) Relocation of service. Transfer fee, per meter: $20.00.

(h) Temporary service. Nonrefundable charge:

New temporary service single-phase connection: $50.00.

New three-phase connection, if available: $100.00.

(j) Security lights. Installation charge and flat monthly rate:

Installation	$70.00
Monthly rate:	100 watt hps bulb - $6.35
Installation	$185.00
Monthly rate:	250 watt hps bulb - $12.50
Installation	$215.00
Monthly rate	400 watt hps bulb - $18.00

(k) Line extension fee. Minimum charge per extension of new service line: $300.00.

(l) Returned checks. Charge of $25.00.

(1995 Code, app. A, sec. 7.900; Ordinance adopting Code)

Sec. A13.07.004 Municipal electric rates

(b) Rate schedule.

Wires charge	$0.0048 per KWH
Generation charge	This rate, which may vary from month to month, is set by the city's wholesale power provider, and is passed directly through to the customer.**

(Ordinance 2005-46 adopted 12/13/05)

Sec. A13.07.005 Billing and terms of service

(d) Theft of service.

Service fee or reconnect fee:

Within city limits:

During regular working hours: $25.00.

After-hours calls: $40.00.

Outside city limits:

During regular working hours: $40.00.

After-hours calls: $50.00.

Reset fee: $100.00.

(1995 Code, app. A, sec. 7.1100; Ordinance adopting Code)

** Generation charge is equal to the amount per KWH that is calculated monthly to reflect the amounts charged the city by its power provider that is not covered in the monthly customer and wires charges listed in this fee schedule. This calculation will be made by the city on an ongoing basis, from month to month, and the generation charge passed through to the consumer will be based on the city's cost. Generation charge is equal to the total charges billed by the city's wholesale power provider divided by the total KWH measured/metered by all customers except "key account customers" for the ensuing month times the electric consumption for each customer. (Ordinance 2005-46 adopted 12/13/05)

ARTICLE A13.09 UTILITY FEES, RATES, AND DEPOSITS

Sec. A13.09.001 Application of rates

Rates shall be applied in accordance with the city fee schedule set forth in this appendix.

Sec. A13.09.002 Applicant pays city fees, deposit, etc.

The applicant shall pay city fees, deposits, and other necessary costs, as required by the rules, regulations or ordinances of the city.

Sec. A13.09.003 Presence of responsible person for connection

Failure to have a responsible person at a location where utility service is to be provided will result in a return trip by the city and a charge of $25.00 for the return trip and any subsequent trip thereafter.

Sec. A13.09.004 Credit check

Any charges incurred by the city to perform a credit check, whether conducted by the city or an outside agency, will be passed through to the customer.

Sec. A13.09.005 Deposits

(a) Amount of deposit for residential service. The amount of deposit for residential services shall be one of the following:

(1) None. A deposit for residential services may be waived if the applicant is in good standing with the city or another qualifying utility company.

(2) Electric deposit: $200.00.

(3) Water deposit: $75.00.

(4) At the discretion of the city and as above, if the account or customer is not in good standing.

(b) Amount of deposit for commercial service. The amount of deposit for commercial service shall be one of the following:

(1) None. A deposit for commercial services may be waived if the customer is in good standing with the city or another qualifying utility company.

(2) Equivalent to twelve (12) months billing average, times two (2), plus fifteen percent (15%).

(3) At the discretion of the city and as stated above if the account becomes not in good standing.

(4) A reevaluation of deposit amounts shall occur after each 12 month period to determine if the deposit amount must be decreased or increased.

(c) Amount of deposit for temporary service. Involving temporary meter loop or location of service:

Deposit requirements are as set in 306.1 or 306.2 [sic] and a nonrefundable fee of $50.00.

(d) Amount of deposit after disconnection for nonpayment. Residential and commercial accounts:

(1) New or additional deposit required. Twelve (12) month billing average, times two (2), plus fifteen percent (15%).

(2) Solid waste (garbage) only accounts: $50.00 deposit.

(e) Amount of deposit after delinquencies. Residential and commercial accounts:

(1) Equivalent to twelve (12) months billing average, times two (2), plus fifteen percent (15%) due at the time of application and/or prior to connection due within 10 days of written notice.

Sec. A13.09.006 Deferred payment plan

The submission of a deferred payment plan shall cost an administration fee of $25.00.

Sec. A13.09.007 Service fees

(a) New application for service: $50.00 billed to first bill.

(b) Disconnection and reconnection fees.

(1) Disconnect fee: $50.00.

(2) Reconnect fee: $50.00.

(3) After hours reconnection fee: $75.00.

(c) Trip fees.

(1) Investigation fee regular business hours: $50.00.

(2) After hours investigation: $100.00.

(3) Miscellaneous service fee: $50.00.

(4) Meter rereading fee: $25.00.

(5) Meter inaccessible fee: $25.00.

(d) Transfer of service fee: $20.00 charge per account.

(e) Returned check fee. Applicable amount determined by the district attorney plus any charges assessed against the city by any financial institution for each payment instrument dishonored or returned to the city by the customers bank or financial institution.

(f) Meter test fee. Customer will be charged the actual cost of the meter test plus a $25.00 fee. However, if any meter is found to be outside of the accuracy standards, or the city initiates the meter test, no charge will be made to the customer for the testing or associated costs.

(g) Reproduction of utility account information, rules and regulations.

(1) Utility rules and regulations/policy/ordinance all or part. The reasonable cost of reproduction as per state law.

(2) Open records request. The reasonable cost of reproduction as per state law.

(h) Temporary service connection. A one time, nonrefundable charge of $50.00 will be charged per service location.

(i) Tampering with city's meters, equipment or other property, and unauthorized use or consumption of utility service. Any one or more of the following charges may apply to an individual who tampers with city meters, equipment or other property or, without authorization, uses or consumes utility service:

(1) Minimum charge of $500.00 or actual damages or both.

(2) Actual cost of repairs and/or replacement of any damaged meters, equipment or other property, and the cost of installing protective facilities or relocation the meter, equipment or other property.

(3) The cost of the estimated or actual amounts of service used without city authorization.

(4) Trip fee of $25.00 per city personnel to investigate, evaluate and correct the tampering or diversion.

(5) All other costs associated with the investigation, evaluation and correction of the meter tampering or diversion, including personnel time, travel expenses, engineering expenses and legal expenses.

(6) All fees must be paid in full prior to the reconnection of service.

(j) Miscellaneous customer billings. Other miscellaneous fees may apply as determined by the appropriate city department and payable in advance by the customer.

(k) Solid waste (garbage). The customer shall be charged for each receptacle provided by the solid waste collection provider. This costs is subject to change on a yearly basis.

(Ordinance 2010-3 adopted 1/26/10)

(l) Convenience fee. The city charges a 2.50% convenience fee to process debit/credit card payments. The fee is collected to attempt to offset any charges incurred by the city from the credit card companies and their interchange rates associated with the specific type of card used. (Ordinance 2010-28 adopted 10/26/10)

Sec. A13.09.008 Meters and meter reading

(a) Customer will be notified if their meter(s) become obstructed. If the customer fails to correct the problem, after notification by the city, the customer will be charged the cost incurred by the city in correcting the obstruction and a $25.00 trip charge.

(b) Each time the city has to return to a location to attempt a meter reading, the customer will be charged $25.00.

(Ordinance 2010-3 adopted 1/26/10)

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CHAPTER 14 ZONING

ARTICLE A14.01 GENERAL PROVISIONS

Sec. A14.01.001 Fees for review of zoning change and conditional use permit applications

Single-family or less intensive use: $300/parcel + $3/acre.

Multifamily use: $300/parcel + $5/acre.

Commercial or industrial use: $300/parcel + $5/acre.

(1995 Code, app. A, sec. 8.100)

Sec. A14.01.002 Fees for review of variance request or appeal of site plan

Single-family or less intensive use: $300/parcel.

Multifamily use: $300/parcel.

Commercial or industrial use: $300/parcel.

(1995 Code, app. A, sec. 8.200)

EXHIBIT MOU-4
SALES AND INFORMATION CENTER

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (this "**Agreement**") dated as of _____, 2013 (the "**Effective Date**"), is between the **CITY OF BASTROP**, a municipal corporation located in Bastrop County, Texas (the "**City**") and **DM PECAN PARK ASSOCIATES, LTD.**, a Texas limited partnership ("**Developer**").

WHEREAS, Developer is the owner of approximately _____ acres located in the City ("**Property**") for the future development of a master-planned mixed use community which will include residential and non-residential uses ("**Pecan Park**"); and

WHEREAS, Developer desires to install and maintain an information center on a portion of the Property as conceptually illustrated on Exhibit "A" ("**S&IC Tract**") for the sales and marketing of Pecan Park (the "**Sales and Information Center**"); and

WHEREAS, the City Council desires to encourage economic activity in the City and is willing to enter into this Agreement to allow installation of the Sales and Information Center on the Property, subject to compliance of the terms and conditions of this Agreement.

NOW THEREFORE, to memorialize certain matters with respect to the installation, operation of and maintenance of the Sales and Information Center, the City and Developer have entered into this Agreement:

1. Sales and Information Center. The Sales and Information Center may be used for the sales and marketing of Pecan Park to the general public. No other use or uses without the prior written consent of City are permitted. The Sales Information Center may be open to the public for business during the hours of 8 a.m. through 9 p.m., seven (7) days a week.

2. Permitting. Prior to any development on the S&IC Tract, Developer shall obtain a building permit and certificate of occupancy. The building permit application shall demonstrate plumbing, electrical, and Americans with Disability Act ("ADA") compliance. The building permit application shall also include a state certification for the building. Developer shall pay the applicable connection fees for water and wastewater service from the City. City acknowledges the Sales and Information Center is temporary in nature; therefore, upon termination of the temporary use, City agrees to credit any such fees for future development of other uses within Pecan Park.

3. Landscaping and Maintenance. The Sales and Information Center shall incorporate a landscaping plan substantially similar to that shown on Exhibit "B". The Developer shall be responsible for the maintenance of the landscaping and exterior of all improvements. All landscaping shall be well maintained on a regular basis.

4. Term. Unless sooner terminated by City as provided in Section 11 of this Agreement or by written notification from Developer to City, this Agreement will be effective from the date of its execution by City and Developer and continue in effect for a period of two (2) years following the City's issuance of the certificate of occupancy for the Sales and Information Center. So long as Developer is not in default of this Agreement, Developer may extend this Agreement upon written

notice to City up to three (3) additional times for one (1) year each. Thereafter, the Developer may request the City Council to extend the Agreement which will be at the City's discretion.

5. Compliance. Developer, at Developer's sole cost and expense, shall comply in all material respects with all laws, ordinances, orders, rules and regulations of state, federal, municipal or other agencies or bodies having jurisdiction over the use, condition or occupancy of the Sales and Information Center, including, but not limited to, the ADA and all state law regarding accessibility for the disabled. Developer will comply with the rules and regulations adopted by City to the extent such rules and regulations do not conflict with the terms and conditions of the Agreement.

6. Alterations. Developer shall not make any exterior alterations, additions or improvements to the Sales Information Center without the prior written consent of City.

7. Construction. All construction done by Developer on the Sales Information Center shall be (i) performed by a qualified professional, (ii) performed in a good and workmanlike manner, (iii) in compliance with all governmental requirements (including all requirements of the Occupational Safety and Health Administration and City Code of Ordinances unless modified by this Agreement). All such construction work by Developer must be ADA compliant and all state laws regarding accessibility for the disabled.

8. Signage. All signage shall be substantially consistent with those depicted in Exhibit "C" and located on Exhibit "A" and Exhibit "B" or otherwise comply with City's sign requirements. All signs shall be kept in good condition and in proper operating order at all times. The temporary banner shown as Figure 3 in Exhibit "C" shall be permitted for display for a period of sixty (60) days upon the Developer sending written notification to City. The Developer shall remove the temporary banner after the sixtieth (60^{th}) day.

9. Utilities. Developer shall be permitted, at its expense, to connect to the existing utilities (including but not limited to water, electricity, telephone service and sewer services) on a temporary basis for the term of this Agreement subject to the payment of applicable connection and monthly fees.

10. Assignment. Developer shall not assign this Agreement, in whole or in part, without the prior written consent of City, which consent shall not be unreasonably withheld, delayed or conditioned. City shall have the right to request reasonable information about a potential assignee to determine assignee's general reputation and ability to perform the obligations so assigned prior to granting its consent.

11. Default by Developer. Each of the following events shall be deemed to be an event of default by Developer under this Agreement (each an "Event of Default"): Developer fails to comply with any provision of this Agreement and either shall not cure such failure within thirty (30) days after written notice to Developer, provided, however, if such default is of the type which cannot reasonably be cured within thirty (30) days, then Developer shall have such longer time as is reasonably necessary provided Developer commences to cure within ten (10) days after receipt of written notice from City and diligently prosecutes such cure to completion within sixty (60) days of such notice, or Developer shall cure that particular failure, but shall again fail to comply with the

same provision of the Agreement within three (3) months after City's written notice, City shall have the option to terminate this Agreement in which event Developer shall immediately suspend the operation of the Sales Information Center.

12. Removal of Sales and Information Center. Within thirty (30) days following the expiration of the term or the termination of this Agreement, Developer shall be responsible for removing the Sales and Information Center. Developer shall ensure the area is free of debris and litter once the improvements have been removed.

13. Nuisance. Developer shall not permit any objectionable noises or odors to emanate from the Sales Information Center; nor place or permit any radio, television, loudspeaker or amplifier on the roof or outside the Sales Information Center or which can be seen or heard from outside the Sales Information Center; nor place any antenna, equipment, awning or other projection on the exterior of the Sales Information Center; nor take any other action which would constitute a nuisance.

14. Time of Essence. The time of the performance of all of the covenants, conditions, and agreements of this Agreement is of the essence.

15. Notice. Any notice ("Notice") required or permitted to be given under this Agreement must be in writing. Notice may, unless otherwise provided herein, be given or served: (i) by depositing the Notice in the United States Mail, postage paid, certified, and addressed to the party to be notified with return receipt requested; (ii) by delivering the Notice to the party, or an agent of the party or (iii) given by confirmed facsimile, provided that a copy of the Notice is given in one of the manners specified in (i) or (ii). Notice deposited in the mail in the manner specified will be effective three days after such deposit. Notice given in any other manner will be effective only if and when received by the party to be notified. For the purposes of notice, the addresses of the parties will, until changed as provided below, be as follows:

CITY: City of Bastrop, Attn: City Manager
P.O. Box 427
Bastrop, Texas 78602

WITH COPY TO: Jo-Christy Brown
1411 West Avenue, #100
Austin, TX 78701

OWNER: DM PECAN PARK ASSOCIATES, LTD.
c/o Duke McDowell
1213 Ranch Road 620, Suite 200
Austin, TX 78734

WITH COPY TO: David Armbrust
Armbrust & Brown, PLLC
100 Congress Ave., Ste. 1300

Austin, Texas 78701

The parties may change their respective addresses for purposes of Notice by giving at least five days written notice of the new address to the other party.

16. Entirety of Agreement. This Agreement, together with the exhibits attached, contain the entire agreement between the parties, and no rights are created in favor of either party any other than as specified or expressly contemplated in this Agreement. In addition, no agreement shall be effective to change, modify or terminate this Agreement in whole or in part unless such is in writing and duly signed by the party against whom enforcement of such change, modification or termination is sought.

1. Executed by Owner and City on the counterpart signature pages attached to this Agreement.

[signature page immediately follows]

COUNTERPART SIGNATURE PAGE FOR ATTACHMENT TO
MEMORANDUM OF UNDERSTANDING BY AND BETWEEN
DM PECAN PARK ASSOCIATES, LTD. AS "DEVELOPER"
AND CITY OF BASTROP AS "CITY"

Executed by the undersigned on the date set forth hereinbelow, to be effective as of _____, 2013.

DEVELOPER:

DM Pecan Park Associates, Ltd.,
a Texas limited partnership

By: McDowell Development, LLC
a Texas limited liability company
its General Partner

_____
By: Duke McDowell, Manager

STATE OF TEXAS §

COUNTY OF _____ §

This instrument was acknowledged before me the ____ day of _____, 2013, by Duke McDowell, Manager of McDowell Development, LLC, a Texas limited liability company, General Partner of DM Pecan Park Associates, Ltd., a Texas limited partnership on behalf of said limited liability company and limited partnership.

_____
Notary Public Signature

COUNTERPART SIGNATURE PAGE FOR ATTACHMENT TO
MEMORANDUM OF UNDERSTANDING BY AND BETWEEN
DM PECAN PARK ASSOCIATES, LTD. AS "DEVELOPER"
AND CITY OF BASTROP AS "CITY"

Executed by the undersigned on the date set forth hereinbelow, to be effective as of _____, 2013.

CITY: CITY OF BASTROP

By: _____
Printed Name: _____
Title: _____

Date: _____

THE STATE OF TEXAS §

COUNTY OF BASTROP §

This instrument was acknowledged before me this ____ day of _____, 2013 by _____, _____ of the City of Bastrop, on behalf of the City of Bastrop.

_____
Notary Public Signature

(SEAL)

EXHIBIT MOU-5
CITY'S ECONOMIC DEVELOPMENT GUIDELINES

POLICY OF THE
CITY OF BASTROP
ECONOMIC DEVELOPMENT GUIDELINES

The City Council Reserves the Right at their Sole Discretion to Amend these Guidelines at any Time

1. **REIMBURSEMENT FOR PUBLIC IMPROVEMENTS:** The City of Bastrop will consider reimbursement for "Initial/Additional Incentives" for the actual cost of constructing (exclusive of any design cost, which shall be borne by the developer) for the "Public Improvements" agreed to by both parties. The City of Bastrop will consider providing incentives to potential developers of "Retail/Commercial Projects" only for off-site infrastructure improvements associated with the project and which have positive impact and use by the general public. This definition also includes a series of payments made by the City of Bastrop to the developer in accordance with the understanding reached between the parties to offset all or a portion of the cost of the public improvements associated with the project.

2. **DESIGN-CRITERIA:** Commercial/Retail construction/building improvements shall be designed and constructed to provide an attractive commercial/retail environment consistent with other first class commercial/retail centers in the "Austin Area". Design shall reflect an attention to architectural details, on-site amenities available to the customers and public, the use of high quality materials and finishes, visual interest, and articulation of building facades that are consistent with the historical design and flavor of the City of Bastrop.

3. **TENANTS:** In the event of tenant turnover during the term of the agreement for the project, the developer/project owner shall seek to obtain quality tenants that are new to the Bastrop area. Existing Bastrop businesses shall not be prohibited from leasing space at the project site.

4. **PROPERTY TAXES:** The property will not be conveyed during the term of an agreement with the City of Bastrop to any entity whose ownership of the Property would cause the property to become tax exempt from ad valorem taxes unless an agreement with the City to ensure a program of payments in lieu of ad valorem taxes has first been agreed upon.

5. **SALES TAXES REBATES:** It is the policy of the City Council of the City of Bastrop that off-sites improvements will be reimbursement by the

additional sales taxes generated from the project site. The additional sales taxes will be determined as follows:

A. Calculation of base sales tax amount. The City will evaluate the past three years of sales tax generations from the proposed date of execution of any agreement, for determining the scope of any applicable incentives. This three year evaluation will establish the initial base amount of sales tax revenues being generated for City. Three percent (3%), or the 'historical average' if not 3%, will be added to this base amount to account for normal growth rate of the sales tax, without the proposed project, the base amount will/can be periodically recalculated (on a rolling basis) to ensure that the increased sales tax amounts are not a result of 'normal growth in the City', but rather, that they are directly attributable to the development in question. This will then become the base amount in which to measure any growth in sales tax generation from any proposed new commercial/retail project for the City of Bastrop.

And

Reference to actual sales tax amounts generated. Alternatively, the City may determine, on a project-by-project basis, that rather than establishing the rolling "base amount" as set forth above, it will track the actual sales taxes generated by the development by requiring a confidentially agreement with the Developer and the retailers in the development, which would require all retailers release/provide to the City (under confidentiality) their applicable sales tax data, which will then be used to determine appropriate reimbursements under the Agreement.

B. Any additional new sales tax generated from the creation and operation of a proposed project will be split between the parties, with no more than 50% available for allocation to the developer/owner of the project, which reimbursement shall be applied only to the costs of public improvements.

C. The term of any economic development agreement between the City and the developer/owner shall not exceed a period of 240 months, as well as stipulating a certain dollar amount agreed to by the parties that may be reimbursed to the developer during said period, prior to execution of any economic development incentive agreement.

6. **REQUIREMENTS OF THE DEVELOPER:** The developer seeking an economic development incentive from the City of Bastrop must provide the following information, at the time the developer initially requests consideration for reimbursements for public improvements:

   A. Contract (or other suitable documentation satisfactory to the Council) related to acquisition of the property" that will be the site of the proposed project, (e.g., such as, but not limited to, an "option agreement" or a "finally executed real estate contract. .
   B. Documentation demonstrating a binding agreement obligating a major tenant to: (1) locate at the proposed project site, and (2) to complete construction of the anchor store and commence operation, within in one year from the agreed upon project opening date.
   C. Demonstrate to the satisfaction of the Bastrop City Council that the developer has the financial resources for successful and timely development of the project.
   D. Documentation demonstrating that developer has engaged a general contractor to construct the proposed project.

7. **ANNUAL PAYMENT:** The eligible total sales tax amounts, in dollars, above the base amount, and the actual reported sales tax collected by retailers, subject to reimbursement to the City, shall be 1.5 % of the sales tax generated by retail/commercial establishments at the project site.

8. **BEST EFFORTS:** Developers/Owners seeking economic development incentive agreements from the City will use reasonable efforts to use local contractors, supplies, and subs in the construction and development of their project.

NOTE: Nothing in this general policy, outlined herein creates any obligations on the part of the City or any rights on the part of any developer, related to Economic Development Incentives and Negotiations.

EXHIBIT MOU-6
SIGN PLAN

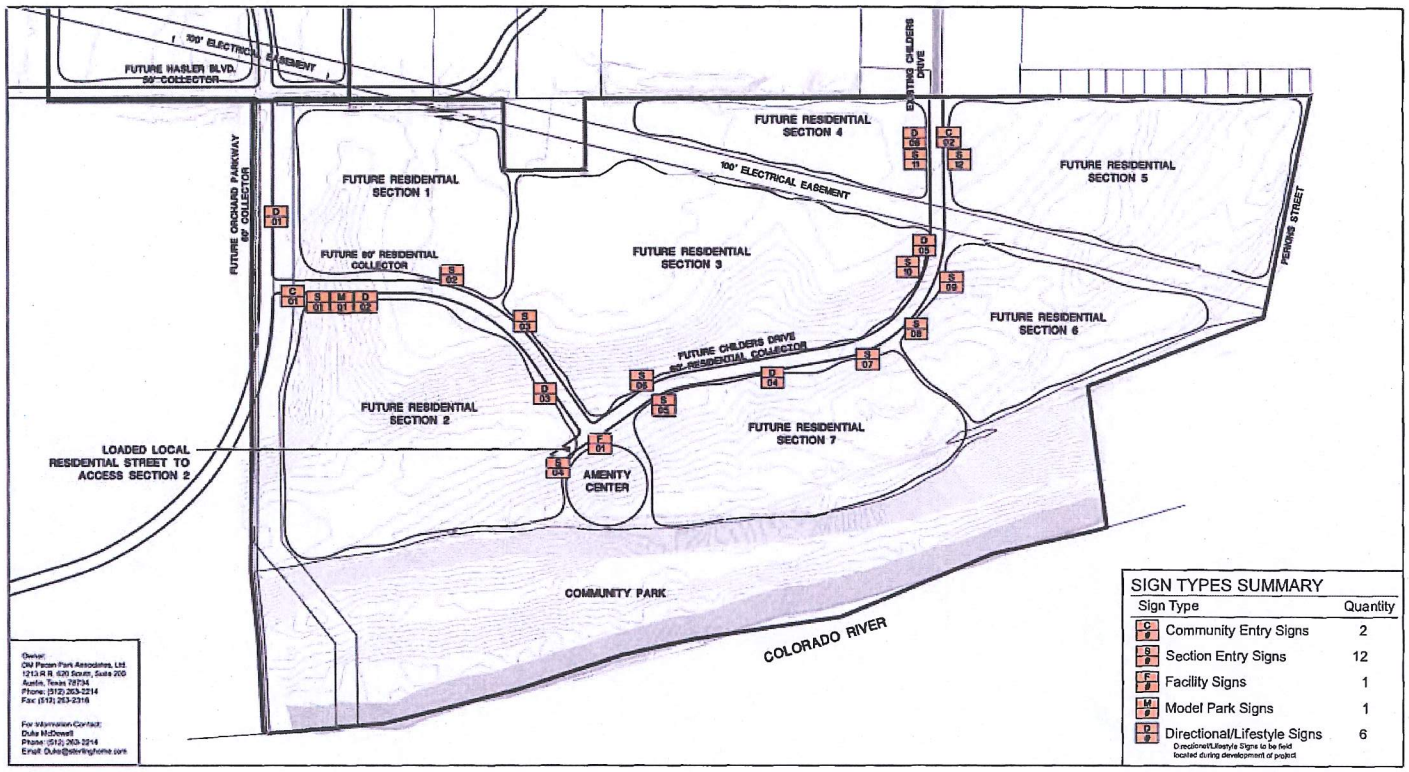


EXHIBIT MOU-6
PAGE 1 OF 12

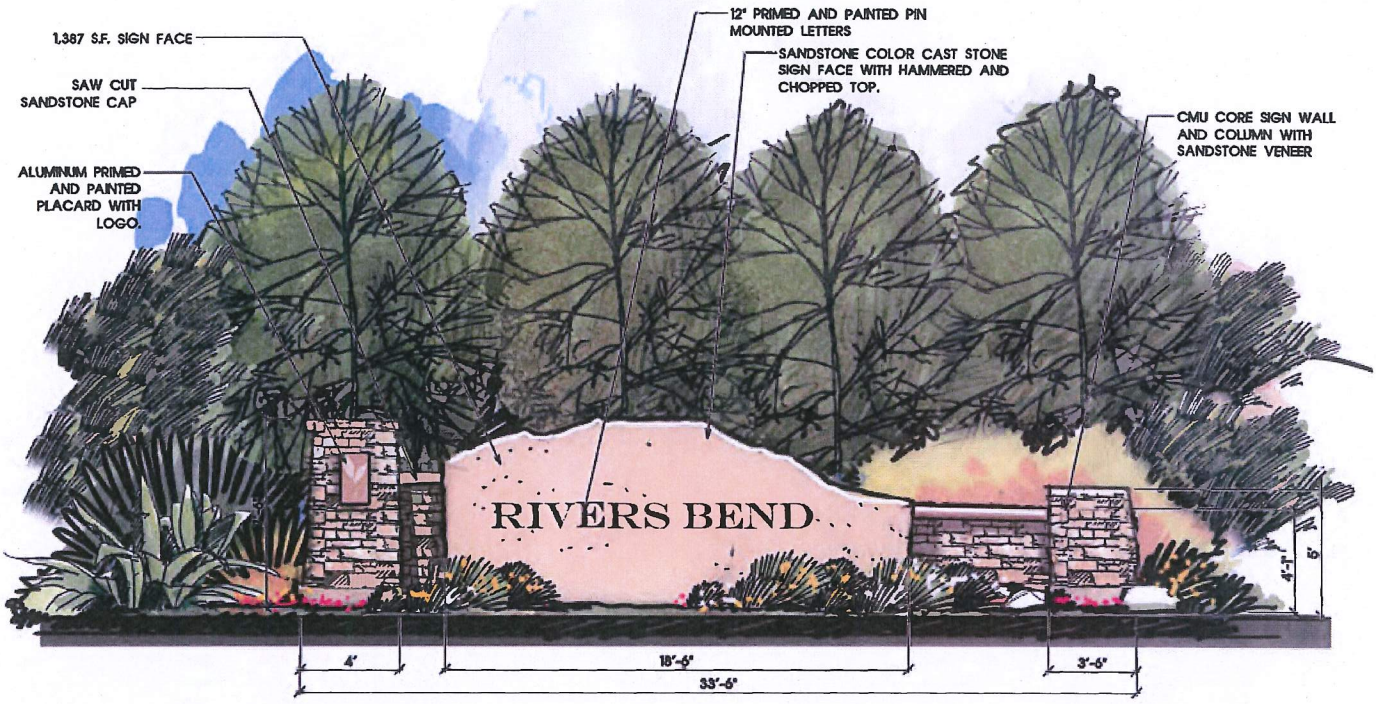
SEC Planning, LLC
Land Planning + Landscape Architecture + Community Branding
AUSTIN, TEXAS

RESIDENTIAL MASTER SIGN PLAN
PECAN PARK
BASTROP, TEXAS

North
Scale: 1" = 400'
Revised: October 11, 2013

SHEET FILE: M:\090525-PVE\CadRes\PLANNING\Master Sign Plans\2013-10-02 Composite Revision\Residential Master Sign Plan Exhibit.dwg

Base mapping compiled from best available information. All map data should be considered as preliminary, in need of verification, and subject to change. This land plan is conceptual in nature and does not represent any regulatory approval. Plan is subject to change.



C # ELEVATION: PRIMARY ENTRY SIGN
SCALE: 3/16"=1'-0"

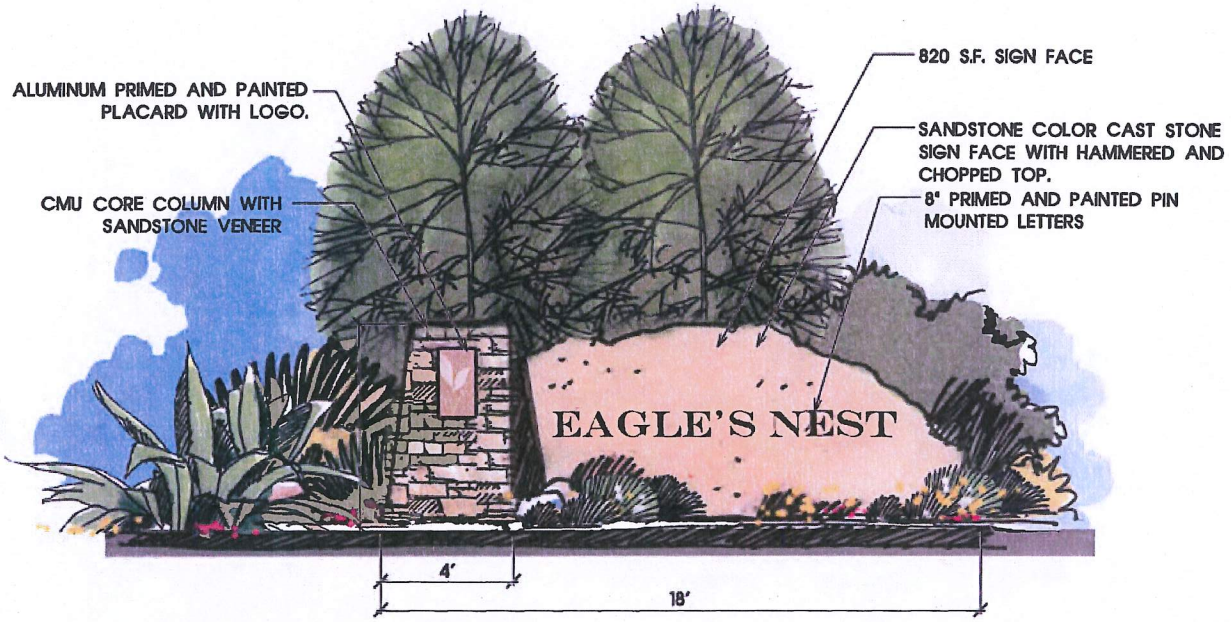
Note:
Per Master Signage Plan,
Community Entry Sign

EXHIBIT MOU-6
PAGE 2 OF 12

SEC Planning, LLC
Land Planning + Landscape Architecture + Community Branding
AUSTIN, TEXAS

RESIDENTIAL MASTER SIGN PLAN
PECAN PARK
BASTROP, TEXAS

Revised: October 11, 2013



S # ELEVATION: SECTION ENTRY SIGN
SCALE: 1/4"=1'-0"

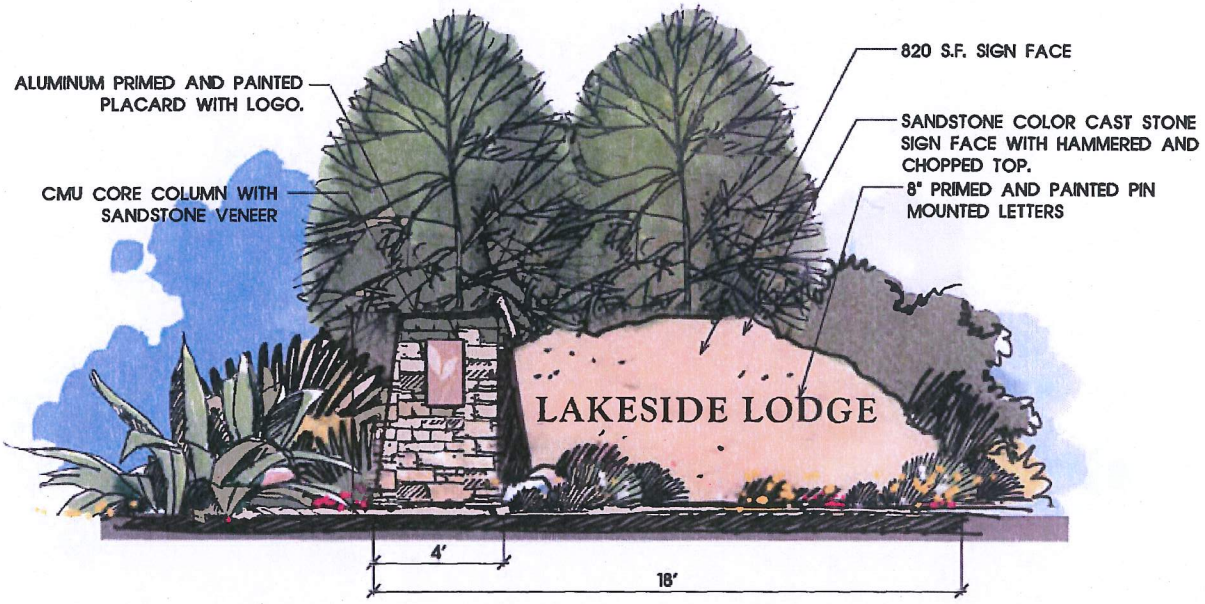
Note:
Per Master Signage Plan, Section Entry Sign

EXHIBIT MOU-6
PAGE 3 OF 12

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AUSTIN, TEXAS

SIGN PLAN
PECAN PARK
BASTROP, TEXAS

Revised: October 11, 2013



F # ELEVATION: FACILITIES ENTRY SIGN
SCALE: 1/4"=1'-0"

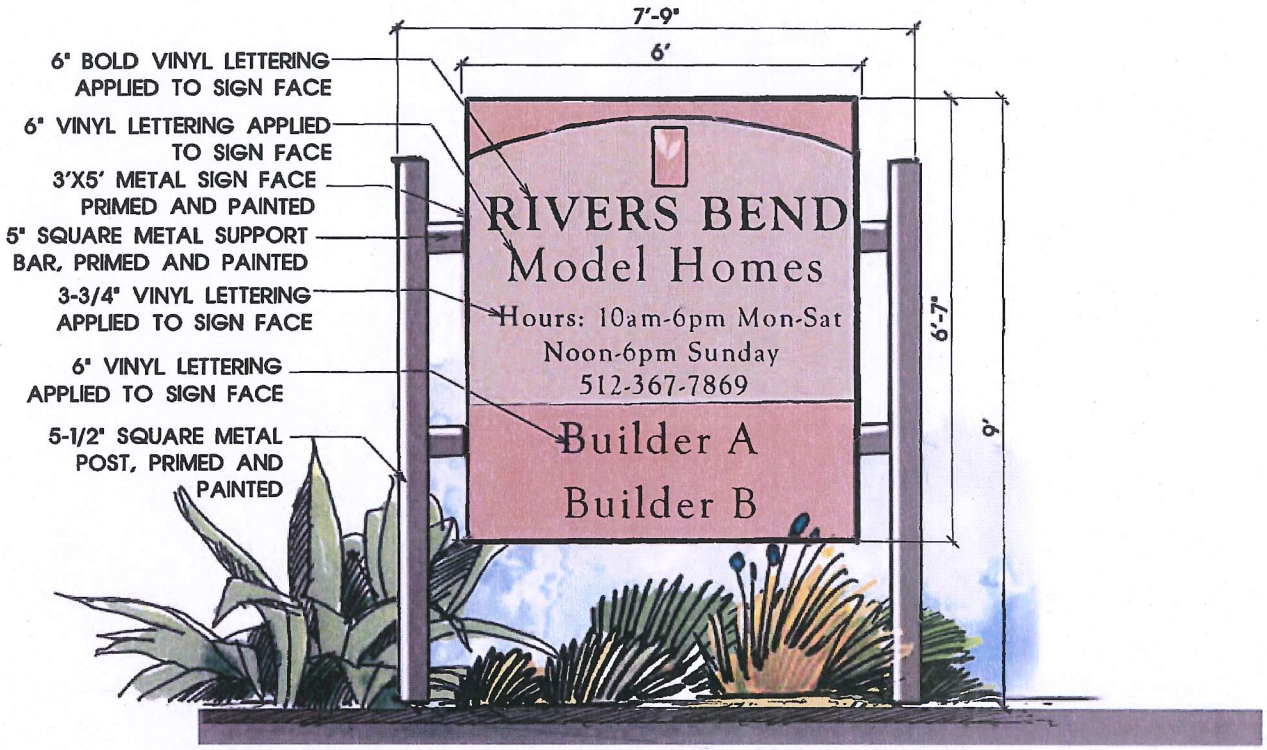
Note:
Per Master Signage Plan, Facility Entry Sign

EXHIBIT MOU-6
PAGE 4 OF 12

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AUSTIN, TEXAS

RESIDENTIAL MASTER SIGN PLAN
PECAN PARK
BASTROP, TEXAS

Revised: October 11, 2013



M# ELEVATION: MODEL HOME PARK SIGNS
SCALE: 1/2"=1'-0"

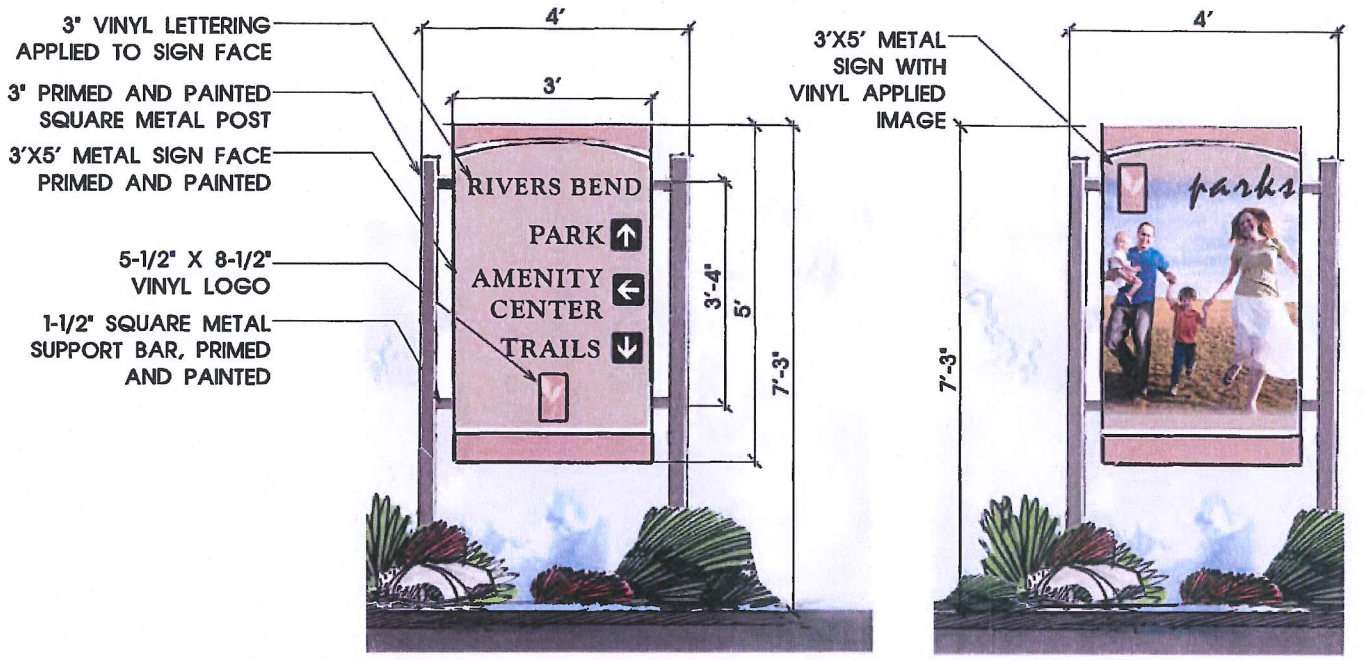
Note:
Per Master Signage Plan,
Model Home Park Sign

EXHIBIT MOU-6
PAGE 5 OF 12

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RESIDENTIAL MASTER SIGN PLAN
PECAN PARK
BASTROP, TEXAS

Revised: October 11, 2013



ELEVATION: DIRECTIONAL SIGNS

ELEVATION: LIFESTYLE SIGN

D # ELEVATION: DIRECTIONAL AND LIFESTYLE SIGNS
SCALE: 1/2"=1'-0"

Notes:
1. Sign Materials, size and form to be same on both directional and lifestyle signs.
2. Per Master Signage Plan, Directional and Lifestyle Sign.

EXHIBIT MOU-6
PAGE 6 OF 12

SEC Planning, LLC
Land Planning + Landscape Architecture + Community Branding
AUSTIN, TEXAS

RESIDENTIAL MASTER SIGN PLAN
PECAN PARK
BASTROP, TEXAS

Revised: October 11, 2013

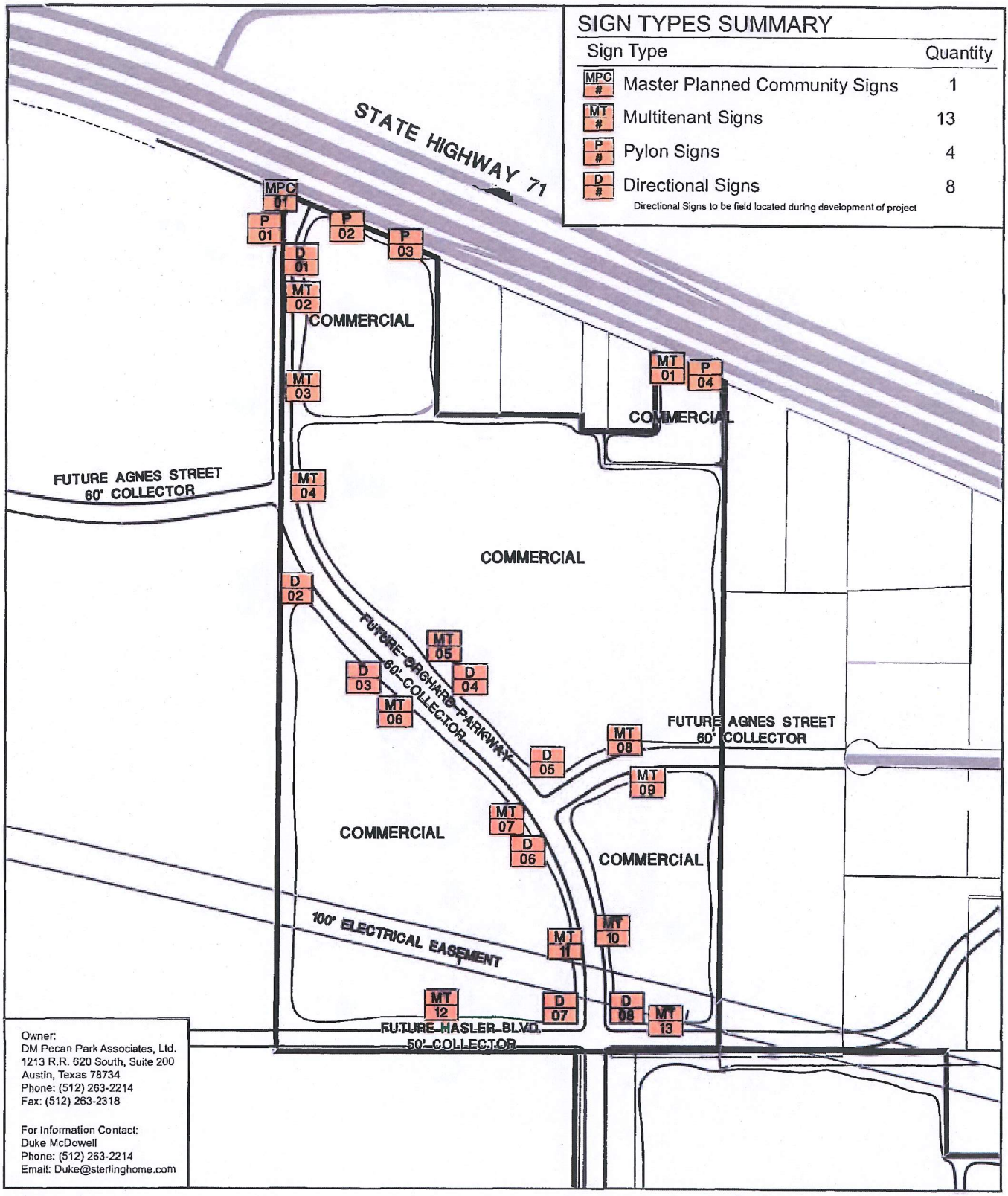


EXHIBIT MOU-6
PAGE 7 OF 12

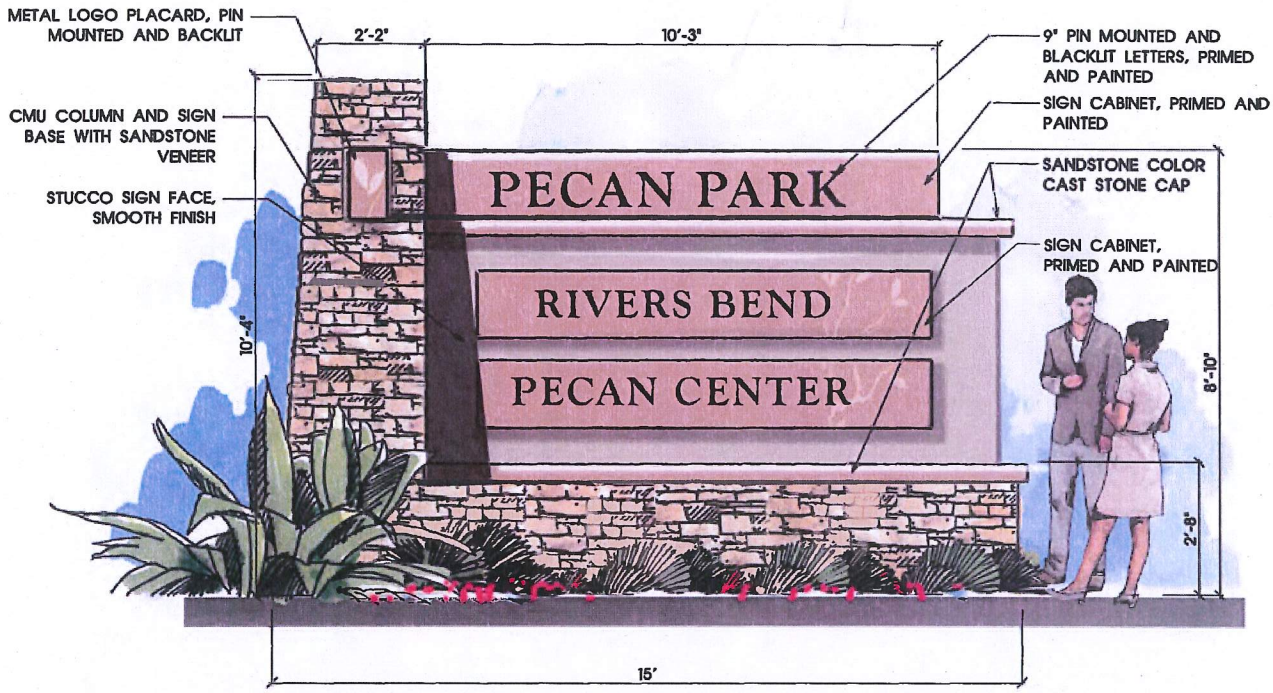
SEC Planning, LLC
Land Planning + Landscape Architecture + Community Branding
AUSTIN, TEXAS

COMMERCIAL MASTER SIGN PLAN

PECAN PARK
BASTROP, TEXAS

North
0 200 400 600
Scale: 1" = 400'
Revised: October 11, 2013

Base mapping compiled from best available information. All map data should be considered as preliminary, in need of verification, and subject to change. This land plan is conceptual in nature and does not represent any regulatory approval. Plan is subject to change.



MPC # ELEVATION: MASTER PLANNED COMMUNITY SIGNS
SCALE: 3/8"=1'-0"

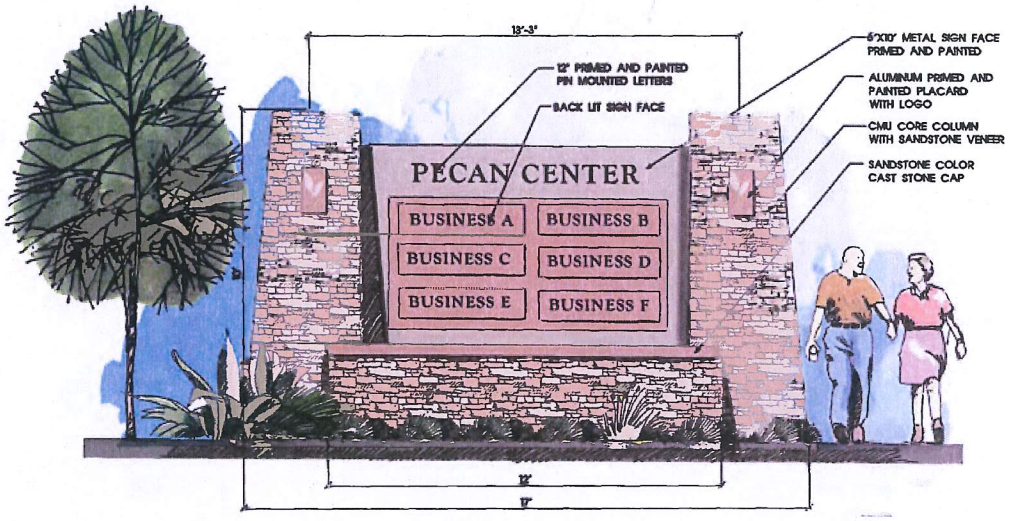
Note:
Per Master Signage Plan, Master Planned Community Sign

EXHIBIT MOU-6
PAGE 8 OF 12

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AUSTIN, TEXAS

COMMERCIAL MASTER SIGN PLAN
PECAN PARK
BASTROP, TEXAS

Revised: October 11, 2013



MT # ELEVATION: MULTI-TENANT SIGNS
SCALE: 1/4"=1'-0"

Note:
Per Master Signage Plan, Multi-Tenant Sign

EXHIBIT MOU-6
PAGE 9 OF 12

SEC Planning, LLC
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AUSTIN, TEXAS

COMMERCIAL MASTER SIGN PLAN
PECAN PARK
BASTROP, TEXAS

Revised: October 11, 2013

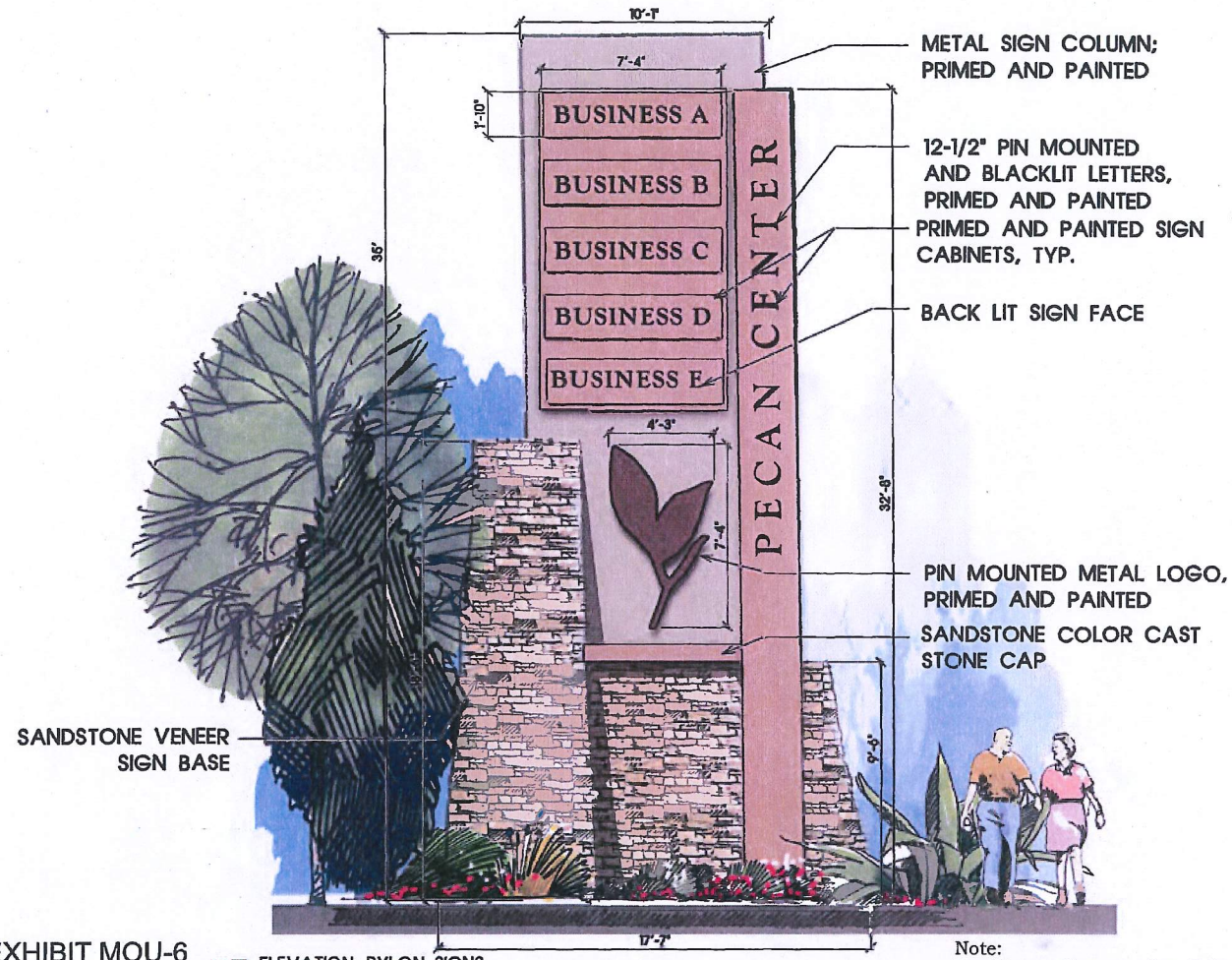


EXHIBIT MOU-6
PAGE 10 OF 12

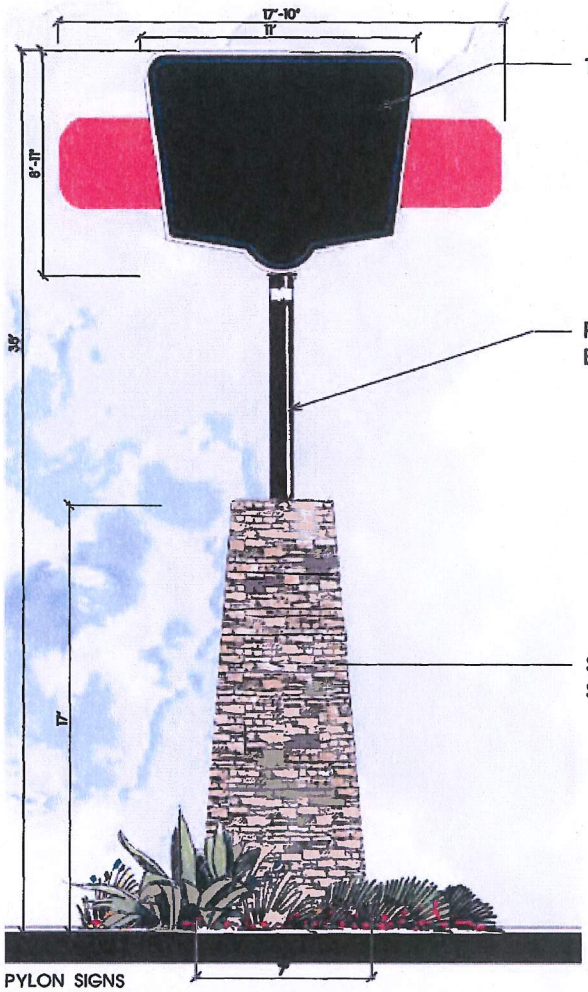
P # ELEVATION: PYLON SIGNS
SCALE: 3/16"=1'-0"

Note:
Per Master Signage Plan, Pylon Sign

SEC Planning, LLC
Land Planning + Landscape Architecture + Community Branding

COMMERCIAL MASTER SIGN PLAN
PECAN PARK
BASTROP, TEXAS

Revised: October 11, 2013



Note:
Per Master Signage Plan, Pylon Sign (Alternative)

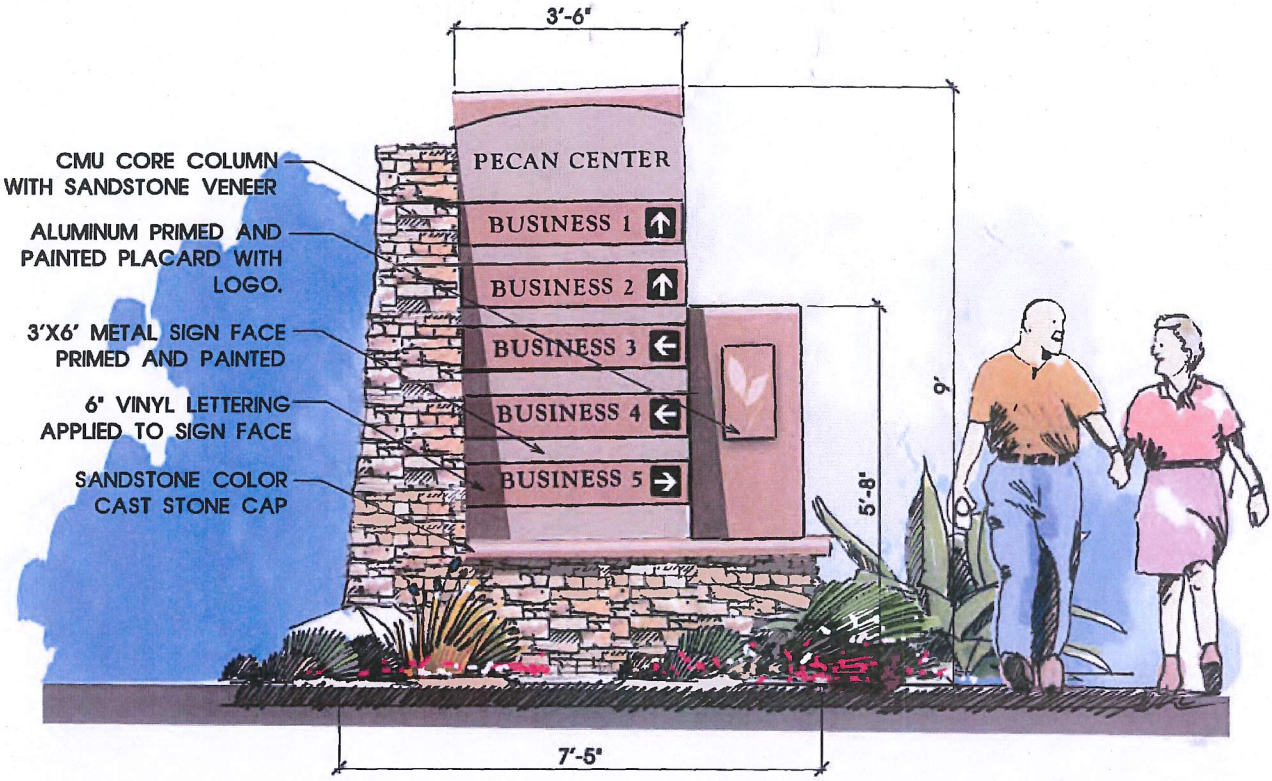
EXHIBIT MOU-6
PAGE 11 OF 12

P #
ELEVATION: PYLON SIGNS
SCALE: 3/16"=1'-0"

SEC Planning, LLC
Land Planning + Landscape Architecture + Community Revitalization

COMMERCIAL MASTER SIGN PLAN
PECAN PARK
BASTROP, TEXAS

Revised: October 11, 2013



D # ELEVATION: DIRECTIONAL SIGNS
SCALE: 1/2"=1'-0"

Note:
Per Master Signage Plan, Directional Sign

EXHIBIT MOU-6
PAGE 12 OF 12

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COMMERCIAL MASTER SIGN PLAN
PECAN PARK
BASTROP, TEXAS

Revised: October 11, 2013

EXHIBIT MOU-7
SUE COMMITMENT LETTER

November 12, 2013

Duke McDowell, GMB, CGB, CGP
Bastrop Pecan Park
1213 Ranch Road 620, Suite 200
Austin, TX 78734

RE: Future Utility Reservation and Capacity for Pecan Park Subdivision

Dear Duke:

At our meeting on August 13th, you raised a question concerning the City's ability to reserve water and wastewater capacity for your future development of the Pecan Park Subdivision ("Subdivision"). The purpose of my letter today is to let you know at "what level" and on "what terms" the City is able to offer to reserve capacity for the Subdivision. The offer to reserve this capacity is, as you understand, contingent upon finalizing and executing the final Memorandum of Understanding for Development of Land ("MOU") for the Subdivision. If approved by the parties, this letter shall be included as an exhibit to the MOU.

In previous discussions on this matter you have indicated to the City that the "2005 Subdivision" plat will be vacated by execution of the MOU and your new plans for developing the 311 acres will ultimately now require 910 Service Equivalent Units ("SUEs"). Additionally, you have asked the City to "reserve" capacity in its water and wastewater systems, at no 'Reservation Fee' or cost to you, for 362 SUEs until December 31, 2019 to serve the initial phases of the Subdivision.

Since our meeting, I have worked with the City's engineers and am pleased to provide you the following detailed update.

The City commits to reserve 365 SUEs for service to the new Subdivision in accordance with the MOU, with no Reservation Fee required from the date of execution of the MOU until December 31, 2019. Any development within the Subdivision will require payment of the City's then current "Impact Fee," in the amount in effect at the time the Subdivision sections are platted. All SUEs shall be allocated within the Subdivision by the Original Owner (as such term is defined in the MOU).

Beginning on June 1, 2018 and continuing until December 31, 2019, Original Owner may send a "one-time" written notice to the City to notify the City to reserve up to an additional 545 SUEs ("Additional SUEs"), and may ask the City to carry forward the reservation of any then unused (i.e., unconnected) SUEs from the original 365 SUEs allocation, which will require payment of the Reservation Fee defined below. Original Owner shall not use any Additional SUEs earlier than one hundred eighty (180) days after City's receipt of said letter. Original Owner shall pay the City a Reservation Fee, on or before the one hundred eightieth (180th) day after City receives

written notification from Original Owner. The Reservation Fee necessary for the City to continue to reserve any of the remaining available SUEs (i.e., of both the original 365 SUEs allocation, as well as any requested Additional 545 SUEs) will be an amount that is one-half (1/2) of the then current City Impact Fee. Thereafter, as the Subdivision uses the reserved SUEs, the applicant will pay the difference between the Reservation Fee that was paid to the City and the then current Impact Fee, per SUE. If the Reservation Fee for the carried forward SUEs and any requested Additional SUEs is unpaid within thirty (30) days of Original Owner's receipt of written notification from City that SUEs are ready for purchase and use, all of the then unused and reserved SUEs from the total carried forward and/or reserved Additional SUEs sought to be reserved by the Original Owner shall automatically expire.

If development of the Subdivision requires more than the requested 910 SUEs, the Original Owner may apply to the City to receive additional SUE capacity in accordance with the City's standard policies.

The number of SUEs required for development will be determined per the conversion chart, depicted on the attached Exhibit "A".

I hope that the City's assurance that it is able to provide water and wastewater service for your planned development of the Subdivision, at this time, and that it is willing to reserve substantial capacity for your proposed development, satisfies your needs and reassures you that your proposed Subdivision is feasible and welcome in the City of Bastrop. The City is currently working on specific long term planning efforts to assure that the City will have a reliable source of water and wastewater treatment capacity for the foreseeable future.

If you have any questions, please do not hesitate to call me directly.

Very truly yours,

Mike Talbot

cc: Mr. David B. Armbrust
Armbrust & Brown, PLLC
100 Congress Avenue
Suite 1300
Austin, Texas 78701-2744

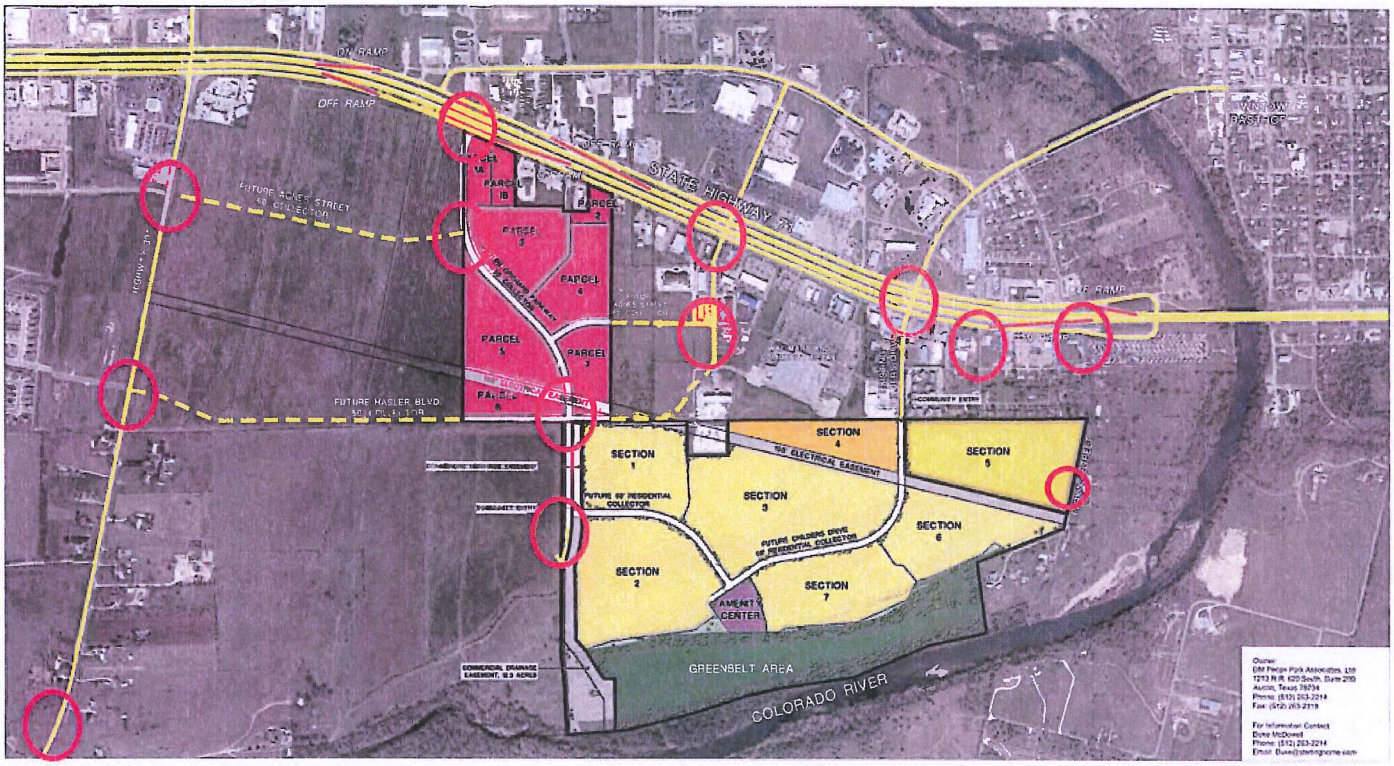
icc: Mayor Orr and City Council

JC Brown, City Attorney

EXHIBIT "A"

EXHIBIT MOU-8
SCOPE AND AREA OF TRAFFIC IMPACT ANALYSIS

MOU-8



Intersections to be included in TIA

Scale: 1" = 800'

October 15, 2013 TIA Scope and Impact Area

SEC Planning, LLC
Land Planning + Landscape Architecture + Community Branding
AUSTIN, TEXAS

CONCEPTUAL PLAN
PECAN PARK
BASTROP, TEXAS

Base mapping compiled from best available information. All map data should be considered as preliminary, in need of verification, and subject to change. This land plan is conceptual in nature and does not represent any regulatory approval. Plan is subject to change.