

ORDINANCE NO. 1258

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, DESIGNATING A CONTIGUOUS GEOGRAPHIC AREA WITHIN THE CORPORATE LIMITS OF THE CITY AS A REINVESTMENT ZONE PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE, TO BE KNOWN AS REINVESTMENT ZONE NUMBER FOUR, CITY OF KYLE; DESCRIBING THE BOUNDARIES OF THE ZONE; CREATING A BOARD OF DIRECTORS FOR THE ZONE; ESTABLISHING A TAX INCREMENT FUND FOR THE ZONE; CONTAINING FINDINGS RELATED TO THE CREATION OF THE ZONE; PROVIDING A DATE FOR THE TERMINATION OF THE ZONE; PROVIDING THAT THE ZONE TAKE EFFECT IMMEDIATELY UPON PASSAGE OF THE ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kyle, Texas (the “City”), pursuant to Chapter 311 of the Texas Tax Code, as amended (the “Act”), may designate a geographic area within the corporate limits or extraterritorial jurisdiction of the City as a tax increment reinvestment zone if the area satisfies the requirements of the Act; and

**WHEREAS**, the Act provides that the governing body of a municipality by ordinance may designate a contiguous or noncontiguous geographic area within the corporate limits of the municipality or within the extraterritorial jurisdiction of the municipality to be a reinvestment zone if the governing body determines that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future; and

**WHEREAS**, the City Council of the City (the “City Council”) desires for the City to consider the creation of a tax increment reinvestment zone with the boundaries described in the metes and bounds attached hereto as **Exhibit A** and more generally depicted in **Exhibit B** attached hereto (the “Zone”); and

**WHEREAS**, pursuant to and as required by the Act, the City has prepared a *Preliminary Project and Finance Plan for Reinvestment Zone Number Four, City of Kyle, Texas* dated March 7, 2023, attached as **Exhibit C** (hereinafter referred to as the “Preliminary Project and Finance Plan”) for a proposed tax increment reinvestment zone containing the real property within the Zone; and

**WHEREAS**, notice of the public hearing on the creation of the proposed zone was published in the official newspaper of the City on or before January 31, 2023, which date is the seventh (7<sup>th</sup>) day before the public hearing was opened on February 7, 2023, and

**WHEREAS**, on February 7, 2023, the City Council opened and left open a public hearing in accordance with Section 311.003(c) of the Act and interested persons were allowed to speak for or against the creation of the Zone, the boundaries of the Zone, and

the concept of tax increment financing, and owners of property in the proposed Zone were given a reasonable opportunity to protest the inclusion of their property in the Zone; and

**WHEREAS**, on March 7, 2023, the City Council continued the public hearing on the creation of the Zone and, after all comments and evidence, both written and oral, were received by the City Council, the public hearing was closed; and

**WHEREAS**, the public hearing was held in full accordance with Section 311.003(c) of the Act; and

**WHEREAS**, the City has taken all actions required to create the Zone including, but not limited to, all actions required by the home-rule Charter of the City, the Act, the Texas Open Meetings Act (defined herein), and all other laws applicable to the creation of the Zone; and

**WHEREAS**, the percentage of the property in the proposed zone, excluding property that is publicly owned, that is used for residential purposes is less than thirty percent (30%); and

**WHEREAS**, the total appraised value of taxable real property in the proposed zone and in existing reinvestment zones within the City does not exceed fifty percent (50%) of the total appraised value of the taxable real property in the City and in the industrial districts created by the City, if any; and

**WHEREAS**, a Preliminary Project and Finance plan has been prepared for the proposed reinvestment zone.

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

**SECTION 1. RECITALS INCORPORATED.**

The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct and are incorporated and adopted as part of this Ordinance for all purposes.

**SECTION 2. FINDINGS.**

That the City Council, after conducting the above described hearing and having heard the evidence and testimony presented at the hearing, has made the following findings and determined based on the evidence and testimony presented to it:

- (a) That the public hearing on the creation of the proposed reinvestment zone has been properly called, held and conducted and that notice of such hearing has been published as required by applicable law, including the Act; and
- (b) That creation of the proposed reinvestment zone with boundaries as described and depicted in **Exhibits A** and **B** will result in benefits to the City, its residents and

property owners, in general, and to the property, residents and property owners in the reinvestment zone; and

- (c) That the proposed reinvestment zone, as described and depicted in **Exhibits A** and **B**, meets the criteria for the creation of a reinvestment zone set forth in the Act in that:
  - 1. It is a geographic area located wholly within the corporate limits of the City; and
  - 2. The area is predominately open, undeveloped or underdeveloped, and the lack of necessary public improvements substantially impairs sound growth of the City; and
- (d) That thirty percent (30%) or less of the property in the proposed reinvestment zone, excluding property dedicated to public use, is currently used for residential purposes; and
- (e) That the total appraised value of taxable real property in the proposed reinvestment zone according to the most recent appraisal rolls of the City, together with the total appraised value of taxable real property in all other existing reinvestment zones within the City, according to the most recent appraisal rolls of the City, does not exceed fifty percent (50%) of the current total appraised value of taxable real property in the City and in the industrial districts created by the City, if any; and
- (f) That the improvements in the proposed reinvestment zone will significantly enhance the value of all taxable real property in the proposed reinvestment zone and will be of general benefit to the City; and
- (g) That the development of the Property in the proposed reinvestment zone will not occur solely through private investment in the reasonably foreseeable future: and
- (h) The City Council has prepared the Preliminary Project and Finance Plan prior to the execution of this Ordinance; and
- (i) The City Council finds that the Preliminary Project and Finance Plan is feasible.

**SECTION 3. DESIGNATION AND NAME OF THE ZONE.**

Pursuant to the authority of, and in accordance with the requirements of the Act, the City Council hereby designates the area described and depicted in **Exhibits A** and **B** hereto as a tax increment reinvestment zone. The name assigned to the zone for identification is **Reinvestment Zone Number Four, City of Kyle, Texas** (hereinafter referred to as the "Zone").

**SECTION 4. BOARD OF DIRECTORS.**

- (a) The City Council hereby creates a board of directors for the Zone (hereinafter referred to as the "Board") consisting of seven (7) members all appointed by the City Council. The Mayor and Council Members may serve as Board members.

- (b) The Board members appointed to the Board shall be eligible to serve on the Board if that person is at least 18 years of age, and is a resident of the county in which the Zone is located or a county adjacent to that county.
- (c) The Board shall make recommendations to the City Council concerning the administration, management, and operation of the Zone. The Board shall prepare or cause to be prepared and adopt a project plan and a reinvestment zone financing plan for the Zone (hereinafter referred to as the "Project and Finance Plan") as required by the Act, and shall submit the Project and Finance Plan to the City Council for approval. The Board shall consider amendments to the Project and Finance Plan on its own initiative or upon submission by the City Council, but amendments considered by Board shall not take effect unless and until adopted by City Council.
- (d) Directors shall not receive any salary or other compensation for their services as directors.
- (e) Members of the Board shall be appointed for terms of two years. The terms of the Board members may be staggered. The City Council may remove and replace Board members at any time during a term.
- (f) The initial Board shall be seven members and the following shall be members:
  - 1. Mayor
  - 2. City Councilmember, Place 1
  - 3. City Councilmember, Place 2
  - 4. City Councilmember, Place 3
  - 5. City Councilmember, Place 4
  - 6. City Councilmember, Place 5
  - 7. City Councilmember, Place 6

The City Council hereby appoints Mayor to serve as chairman of the Board during the time the initial Board is serving. Each year the City shall appoint one member of the Board to serve as chairman for a term of one year that begins on January 1 of the year. If City Council does not appoint a chairman during that period, the Mayor is automatically appointed to serve as chairperson for the term that begins on January 1 of the following year. The Board may elect a vice-chairman to preside in the absence of the chairman or when there is a vacancy in the office of chairman. The Board may elect other officers as it considers appropriate.

**SECTION 5. DURATION OF THE ZONE.**

That the Zone shall take effect immediately upon the passage and approval of this Ordinance, consistent with Section 311.004(a)(3) of the Act, and termination of the Zone shall occur upon any of the following: (i) on December 31, 2063; or (ii) at such time that all project costs and other obligations of the Zone, and the interest thereon, have been paid in full, in accordance with Section 311.017 of the Act.

**SECTION 6. TAX INCREMENT BASE AND TAX INCREMENT.**

Pursuant to Section 311.012(c) of the Act, the tax increment base of the City is the total taxable value of all real property taxable by the City and located in the Zone for the year in which the Zone was designated as a reinvestment zone (the "Tax Increment Base"). That, consistent with Section 311.012(a) of the Act, the amount of the tax increment for a year is forty percent (**40.00%**) of real property taxes levied, assessed, and collected by the City (as set forth in an agreement to participate in the Zone) for that year on the Captured Appraised Value (defined below) of real property taxable by City and located in the Zone (the "Tax Increment"). Consistent with Section 311.012(b) of the Act, the Captured Appraised Value of real property taxable by the City for a year is the total appraised value of all real property taxable by the City and located in the Zone for that year less the Tax Increment Base (the "Captured Appraised Value").

**SECTION 7. TAX INCREMENT FUND.**

There is hereby created and established a "Tax Increment Fund" for the Zone that may be divided into subaccounts as authorized by subsequent ordinances, into which the Tax Increment of the City, as such increments are described in the Project and Finance Plan and includes administration costs, less any of the amounts not required to be paid into the Tax Increment Fund pursuant to the Act, are to be deposited. The Tax Increment Fund and any subaccounts shall be maintained at the affiliated depository bank of the City and shall be secured in the manner prescribed by law for funds of Texas cities. In addition, all revenues to be dedicated to and used in the Zone shall be deposited into the Tax Increment Fund from which money will be disbursed to pay project costs, plus interest, for the Zone, however excess funds may be transferred to the City's general fund as determined by the City.

**SECTION 8. SEVERABILITY CLAUSE.**

Should any provision, section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each provision, section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more provisions, sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

**SECTION 9. OPEN MEETINGS.**

It is hereby found, determined, and declared that sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding its meeting, as required by Chapter 551 of the Texas Government Code, as amended (the "Texas Open Meetings Act"), and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed,

considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**SECTION 10.**        **EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by law and the City Charter.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KYLE,  
TEXAS, THIS THE 7<sup>th</sup> DAY OF MARCH, 2023.

  
Travis Mitchell, Mayor

ATTEST:

  
Jennifer Kirkland, City Secretary



***Exhibit A – Metes and bounds description***



# DOUCET

Limestone Creek  
Hays County, Texas

7401B Highway 71 West, Suite 160, Austin, TX 78735

Office: 512.583.2600

Fax: 512.583.2601

Doucetengineers.com

“Exhibit “-----”

D&A Job No. 1691-009

April 19, 2022

## METES AND BOUNDS DESCRIPTION 161.5 ACRE TRACT

**BEING A 161.5 ACRE TRACT OUT OF THE JAMES WILLIAMS SURVEY, ABSTRACT NUMBER 473, HAYS COUNTY, TEXAS, BEING ALL OF A CALLED 179.278 ACRE TRACT OF LAND, DESCRIBED IN A DEED TO MERITAGE HOMES OF TEXAS LLC, RECORDED IN DOCUMENT NUMBER 21036270, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS [O.P.R.H.C.T.], SAVE AND EXCEPT A 5.895 ACRE TRACT AND A 11.946 ACRE TRACT IN SAID DEED, AND BEING ALL OF A CALLED 7.87 ACRE TRACT, DESCRIBED TO LASALLE MUNICIPAL UTILITY DISTRICT NO 1, RECORDED IN DOCUMENT NUMBER 21016927, [O.P.R.H.C.T.], SAID 161.5 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a 1/2-inch iron rod found for the northwest corner of said 179.278 acre tract, also on the east right-of-way line of County Road (CR) 145 (Volume 5, Page 205, Plat Records of Hays County, Texas [P.R.H.C.T.]), same being the southwest corner of a called 85.1806 acre tract, described in a deed to Allauddin N. Maredia, and recorded in Document Number 17039745 [O.P.R.H.C.T.];

**THENCE**, S46°44'17"E, departing the east right-of-way of said C.R. 145 and continuing with the common line of said 179.278 acre and said 85.1806 acre tract, a distance of 4,013.29 feet to a 1/2-inch iron rod found for the northeast corner of said 179.278 acre tract, and the southeast corner of said 85.1806 acre tract, same being on the northwest line of a called 236.1 acre tract, described in a deed to Tack Development, Ltd., recorded in C.F. Number 18007777 [O.P.R.H.C.T.];

**THENCE** S43°23'05"W, departing the south line of said 85.1806 acre tract and continuing with the common line of said 179.278 acre tract and said 236.1 acre tract, a distance of 1,947.18 feet to a 1/2-inch iron rod found for the southeast corner of said 179.278 acre tract, same being the northwest corner of Quail Ridge Subdivision, a subdivision of record in Volume 2, Page 337, [P.R.H.C.T.];

**THENCE** N46°44'14"W, departing the west line of said 236.1 acre tract and continuing with the common line of said 179.278 acre tract and said Quail Ridge Subdivision, a distance of 2,842.59 feet to a 1/2-inch iron rod found at the southeast corner of the said 5.895 acre save and except tract;

**THENCE** departing north line of said Quail Ridge Subdivision, and continuing over and across said 179.278 acre tract with the east and north lines of the said 5.895 acre save and except tract and the south line of the said 7.87 acre tract, the following eight (8) courses and distances:

- 1) N43°15'48"E, a distance of 195.23 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found and the beginning of a curve to the right,
- 2) with said curve to the right, defined by an arc length of 141.87 feet, a radius of 330.03 feet, a delta angle of 24°37'51", a chord bearing of N09°38'34"W, a chord distance of 140.78 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found,

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“Exhibit “-----”

- 3) N02°44'09"E, a distance of 243.78 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found and the beginning of a curve to the left,
- 4) with said curve to the left, defined by an arc length of 31.23 feet, a radius of 20.00 feet, a delta angle of 89°28'43", a chord bearing of N42°12'11"W, a chord distance of 28.16 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found,
- 5) N86°49'32"W, a distance of 280.56 feet to a to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found and the beginning of a curve to the right,
- 6) with said curve to the right, defined by an arc length of 573.03 feet, a radius of 1,040.13 feet, a delta angle of 31°33'55", a chord bearing of N71°23'01"W, a chord distance of 565.81 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found,
- 7) N55°32'03"W, a distance of 126.49 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found, and
- 8) S86°40'31", a distance of 20.47 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found on the west line of said 179.278 acre tract and on the south right-of-way line of said C.R. 145;

**THENCE** N43°16'02"E, with the east right-of-way line of said C.R. 145, a distance of 106.18 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found on the west line of said 179.278 acre tract, at the southwest corner of the said 11.946 acre save and except tract;

**THENCE**, departing the east right-of-way of said C.R. 145 and continuing over and across said 179.278 acre tract with the south and east lines of the said 11.946 acre save and except tract, and the north line of the said 7.87 acre tract, the following eight (8) courses and distances:

- 1) S10°17'05"E, a distance of 17.42 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found,
- 2) S55°36'03"E, a distance of 114.06 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found and the beginning of a curve to the left,
- 3) with said curve to the left, defined by an arc length of 529.19 feet, a radius of 960.25 feet, a delta angle of 31°34'31", a chord bearing of S71°23'26"E, a chord distance of 522.51 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found,
- 4) S86°49'32"E, a distance of 279.97 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found and the beginning of a curve to the left,
- 5) with said curve to the left, defined by an arc length of 31.59 feet, a radius of 20.00 feet, a delta angle of 90°29'25", a chord bearing of N47°49'44"W, a distance of 28.41 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found,
- 6) N02°43'44"E, a distance of 419.07 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found, and the beginning of a curve to the right. and

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“Exhibit “-----”

- 7) with said curve to the right, defined by an arc length of 136.59 feet, a radius of 330.03 feet, a delta angle of 23°42'48”, a chord bearing of N14°32'37”E, a chord distance of 135.62 feet to a 1/2-inch iron rod with cap stamped “PAYNE 6064” found, and
- 8) N47°21'17”W, a distance of 480.50 feet to a 1/2-inch iron rod with cap stamped “PAYNE 6064” found on the west line of said 179.278 acre tract and on the said east right-of-way of C.R. 145;

**THENCE** N43°16'09”W, with the west line of said 179.278 acre tract and on the said east right-of-way of C.R. 145, a distance of 958.21 feet to the POINT OF BEGINNING and containing approximately 161.5 acres.

Basis of bearings is the Texas Coordinate System, South Central Zone [4204], NAD83 (2011), Epoch 2010, observed using the Leica Smartnet Network. All distances shown are adjusted to surface values using a combined scale factor of 1.000081, units: US survey feet.

I, John Barnard, Registered Professional Land Surveyor, hereby certify that this description and accompanying exhibit of even date represent an actual survey performed on the ground.

04/19/2022

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John Barnard  
Registered Professional Land Surveyor  
Texas Registration No. 5749  
Doucet & Associates  
jbarnard@doucetengineers.com  
TBPLS Firm No. 10105800

Date



**A DESCRIPTION OF 4.407 ACRES IN THE JAMES W. WILLIAMS SURVEY NO. 11, ABSTRACT 473, HAYS COUNTY, TEXAS, BEING OUT OF A CALLED 134 1/2 ACRE TRACT OF LAND CONVEYED TO JOHN H. SPOONER, IN VOLUME 2940, PAGE 806 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY TEXAS (OPRHCT); SAID 4.407 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at a 1/2-inch iron rod found at the west corner of said 134 1/2 acre tract, same being the north corner of Lot 86, Quail Ridge Subdivision, recorded in Volume 2, Page 337 of the Plat Records of Hays County, Texas (OPRHCT), also being in the southeast right-of-way-line of E Post Road (right-of-way width varies);

**THENCE**, with the northwest line of said 134 1/2 acre tract, same being the southeast right-of-way line of E Post Road, **N43°16'11"E**, at a distance of **16.70** feet to a calculated point in the northwest line of said 134 1/2 acre tract, the same being the southeast right-of-way line of said E Post Road from which a calculated point at the north corner of said 134 1/2 acre tract bears **N43°16'11"E** a distance of 1443.64 feet, the same also being in the south right-of-way line of a roadway conveyed in Document Number 21016927;

**THENCE**, across said 134 1/2 acre tract and with said south-right-of way line the following two (2) courses and distances:

- 1) **N86°40'32"E**, a distance of **20.47** feet to a calculated point, and,
- 2) **S55°36'02"E**, a distance of **119.58** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set at the **POINT OF BEGINNING** hereof;

**THENCE**, continuing across said 134 1/2 acre tract and with said south right-of-way line the following three (3) courses and distances:

- 1) **S55°36'02"E**, a distance of **6.90** feet to a calculated point,
- 2) with a curve to the left, having a radius of 1040.13 feet, a delta angle of 31°33'56", an arc length of 573.03 feet, and a chord which bears **S71°23'01"E**, a distance of **565.81** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set, and,
- 3) **S86°49'32"E**, a distance of **280.48** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set;

**THENCE**, departing said south right-of-way line and continuing across said 134 1/2 acre tract the following five (5) courses and distances:

- 1) with a curve to the right, having a radius of 20.00 feet, a delta angle of 89°33'56", an arc length of 31.26 feet, and a chord which bears **S42°02'34"E**, a distance of **28.18** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set,
- 2) **S02°44'24"W**, a distance of **243.05** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set,
- 3) with a curve to the left, having a radius of 330.00 feet, a delta angle of 14°43'38", an arc length of 84.82 feet, and a chord which bears **S04°37'25"E**, a distance of **84.59** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set,

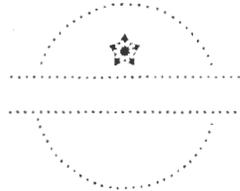
4) **S43°15'48"W**, a distance of **173.86** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set, and,

5) **N46°44'12"W**, a distance of **984.41** feet to the **POINT OF BEGINNING** hereof and containing 4.407 acres, more or less.

Surveyed on the ground May 20, 2021. Bearing Basis: Grid North on The Texas Coordinate System of 1983 (NAD83), South Central Zone, based on GPS solutions. Attachments: drawing 1960-001-PLAT EXCEPTION-SOUTH

**6/5/21**

Phillip C. Payne, RPLS  
State of Texas #6064



**A DESCRIPTION OF 11.946 ACRES IN THE JAMES W. WILLIAMS SURVEY NO. 11, ABSTRACT 473, HAYS COUNTY, TEXAS, BEING OUT OF A CALLED 134 1/2 ACRE TRACT OF LAND CONVEYED TO JOHN H. SPOONER, IN VOLUME 2940, PAGE 806 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY TEXAS (OPRHCT); SAID 11.946 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at a 1/2-inch iron rod found at the west corner of said 134 1/2 acre tract, same being the north corner of Lot 86, Quail Ridge Subdivision, recorded in Volume 2, Page 337 of the Plat Records of Hays County, Texas (OPRHCT), also being in the southeast right-of-way-line of E Post Road (right-of-way width varies);

**THENCE**, with the northwest line of said 134 1/2 acre tract, same being the southeast right-of-way line of E Post Road, **N43°16'11"E**, at a distance of **122.88** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set in the northwest line of said 134 1/2 acre tract, the same being in the southeast right-of-way line of said E Post Road and in the north right-of-way line of a 7.87 acre tract (80' wide road) conveyed to LaSalle Municipal Utility District No. 1 in Document No. 21016927 ORHCT, being the **POINT OF BEGINNING** hereof;

**THENCE**, leaving the 7.87 acre right-of-way tract, continuing with the northwest line of said 134 1/2 acre tract, same being the southeast right-of-way line of E Post Road, **N43°16'11"E**, at a distance of **865.89** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set in the northwest line of said 134 1/2 acre tract, the same being the southeast right-of-way line of said E Post Road from which a calculated point at the north corner of said 134 1/2 acre tract bears **N43°16'11"E** a distance of 471.57 feet;

**THENCE**, leaving E Post Road and across said 134 1/2 acre tract the following four (4) courses and distances:

- 1) **S47°21'20"E**, a distance of **480.45** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set,
- 2) with a curve to the left, having a radius of 330.00 feet, a delta angle of 23°38'24", an arc length of 136.16 feet, and a chord which bears **S14°33'37"W**, a distance of **135.19** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set,
- 3) **S02°44'25"W**, a distance of **419.43** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set, and,
- 4) with a curve to the right, having a radius of 20.00 feet, a delta angle of 90°26'03", an arc length of 31.57 feet, and a chord which bears **S47°57'26"W**, a distance of **28.39** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set in the north right-of-way line of the previously mentioned 7.87 acre roadway conveyed in Document Number 21016927, ORHCT ;

**THENCE**, across said 134 1/2 acre tract and with said north right-of-way of the 7.87 acre roadway tract the following four (4) courses and distances:

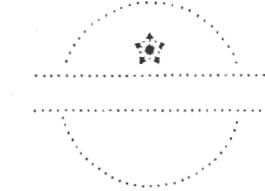
- 1) **N86°49'32"W**, a distance of **279.81** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set,
- 2) with a curve to the right, having a radius of 960.25 feet, a delta angle of 31°34'30", an arc length of 529.18 feet, and a chord which bears **N71°23'26"W**, a distance of **522.51** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set,
- 3) **N55°36'03"W**, a distance of **114.06** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set, and,

4) **N10°17'05"W**, a distance of **17.41** feet to the **POINT OF BEGINNING** hereof, and containing 11.946 acres, more or less.

Surveyed on the ground May 20, 2021. Bearing Basis: Grid North on The Texas Coordinate System of 1983 (NAD83), South Central Zone, based on GPS solutions. Attachments: drawing 1960-001-PLAT EXCEPTION-NORTH

6/5/21

Phillip C. Payne, RPLS  
State of Texas #6064



***Exhibit B – Map of the Zone***



THESE PLANS AND RELATED  
 DOCUMENTS ARE THE PROPERTY OF  
 DOUCET ENGINEERS, P.C. AND ARE TO BE  
 USED ONLY FOR THE PROJECT AND  
 PURPOSE SPECIFIED HEREIN. ANY  
 REUSE OR MODIFICATION OF THESE  
 PLANS WITHOUT THE WRITTEN  
 PERMISSION OF DOUCET ENGINEERS,  
 P.C. IS STRICTLY PROHIBITED.

PROJECT NO. 10000204  
 SHEET 1 OF 1

**LIMESTONE CREEK SUBDIVISION  
 KYLE, TEXAS**

**TIRZ BOUNDARY MAP**

**DOUCET**  
 Civil Engineering // Surveys // Geospatial  
 7401 S. Highway 71, W. Ste. 140  
 Austin, TX 78741, Tel: (512) 568-2600  
 www.doucetengineers.com  
 TSP# Firm Number: 8107  
 TSP#S Firm Number: 10106800

C.R. 145 (45' WDE R.O.W.)  
(VOL. 5, PG. 205 P.R.H.C.T.)

N43°16'09"E 958.21'

P.O.B.

SAVE AND EXCEPT  
CALLED 11.946 AC.  
DOC. NO. 21036270  
O.P.R.H.C.T.

C2

L2

L3

L4

L1

C1

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N43°15'48"E	195.23'
L2	N02°44'09"E	243.78'
L3	N86°49'32"W	280.56'
L4	N55°36'03"W	126.49'
L5	S86°40'31"W	20.47'
L6	N43°16'02"E	106.18'
L7	S10°17'05"E	17.42'
L8	S55°36'03"E	114.06'
L9	S86°49'32"E	279.97'
L10	N02°43'44"E	419.07'
L11	N47°21'17"W	480.50'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	141.87'	330.03'	24°37'51"	N09°38'34"W	140.78'
C2	31.23'	20.00'	89°28'43"	N42°12'11"W	28.16'
C3	573.03'	1,040.13'	31°33'55"	N71°23'01"W	565.81'
C4	529.19'	960.25'	31°34'31"	S71°23'26"E	522.51'
C5	31.59'	20.00'	90°29'25"	N47°49'44"E	28.41'
C6	136.59'	330.03'	23°42'48"	N14°32'37"E	135.62'

CONTROL NOTE:

BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983 (NAD83), 2011 ADJUSTMENT (EPOCH 2010). ALL COORDINATE VALUES AND DISTANCES SHOWN ARE SURFACE VALUES AND MAY BE CONVERTED TO GRID BY USING THE SURFACE ADJUSTMENT FACTOR OF 0.9999190065604686.  
UNITS: US SURVEY FEET.

I, JOHN BARNARD, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT AND ACCOMPANYING LEGAL DESCRIPTION OF EVEN DATE REPRESENT AN ACTUAL SURVEY PERFORMED ON THE GROUND UNDER MY SUPERVISION.

 04/19/2022

JOHN BARNARD DATE  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 5749  
DOUCET & ASSOCIATES  
JBARNARD@DOUCETENGINEERS.COM



LIMESTONE CREEK  
161.5 ACRE  
PROPERTY  
EXHIBIT  
HAYS COUNTY, TEXAS



**DOUCET**

Civil Engineering // Entitlements // Geospatial  
7401 B. Highway 71 W, Ste. 160  
Austin, TX 78735, Tel: (512)-583-2600  
www.doucetengineers.com  
TBPE Firm Number: 3937  
TBPELS Firm Number: 10105800

Date: 04/19/2022
Scale: 1" = 500'
Drawn by: SWP
Reviewer: JB
Project: 1691-009
Sheet: 5 OF 5
Field Book: N/A
Party Chief: ADM
Survey Date: 09/28/21

**NOTES**

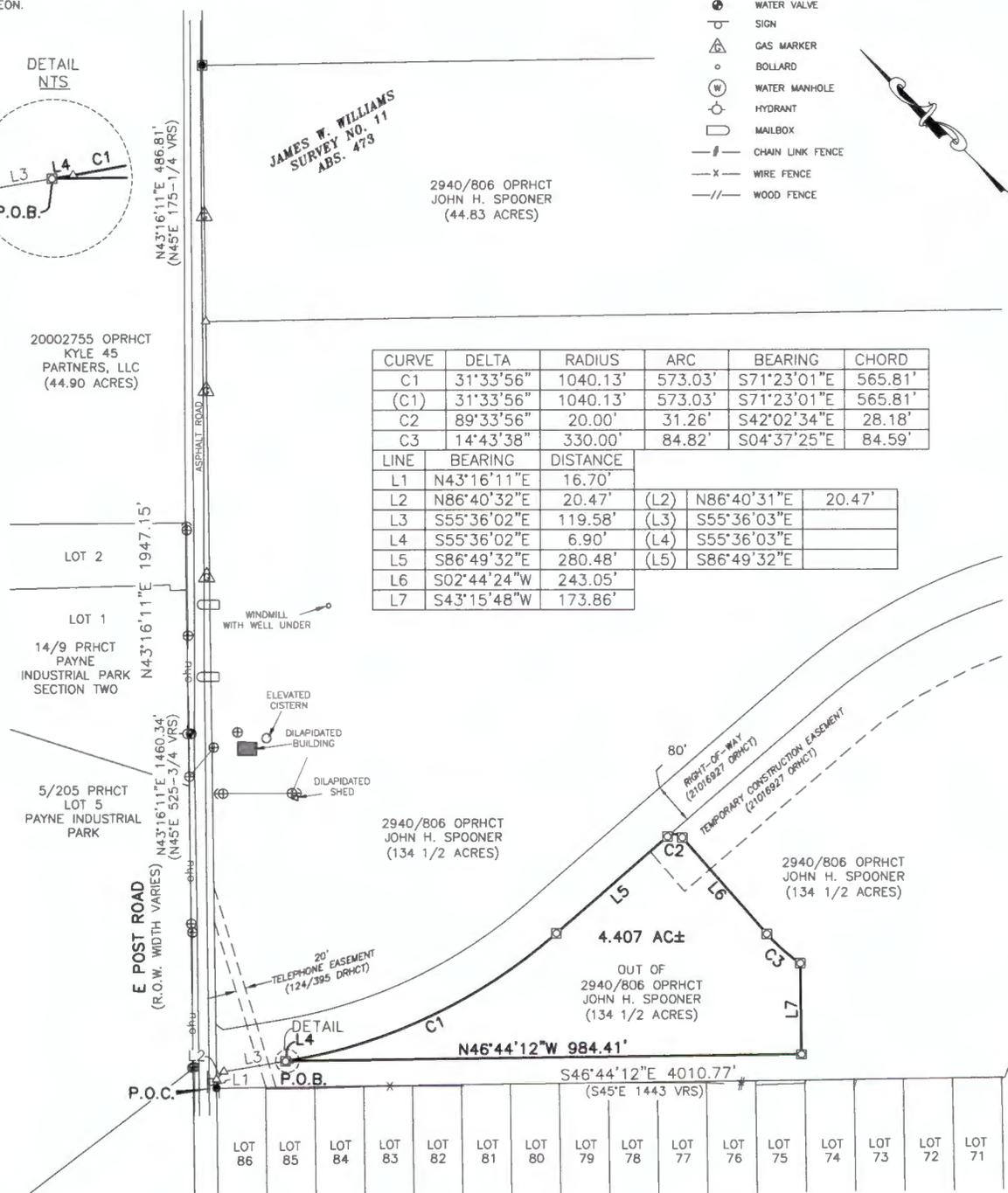
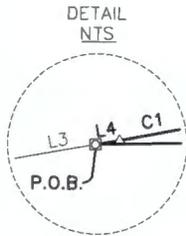
- FENCES MEANDER.
- BEARINGS, DISTANCES AND AREAS IN PARENTHESIS ARE FROM RECORD INFORMATION.
- ACCORDING TO HORIZONTAL SCALING FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 48290C0405F, DATED SEPTEMBER 2, 2005, THIS TRACT DOES NOT LIE WITHIN ZONE A OR ZONE AE.
- ATTACHMENTS: METES AND BOUNDS DESCRIPTION 1960-D01-4.407 ACRE TRACT
- THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE OR EASEMENT, THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON.

**CONTROL/BEARING BASIS INFORMATION**

BEARING BASIS: GRID NORTH ON THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), SOUTH CENTRAL ZONE, BASED ON GPS SOLUTIONS.

**LEGEND**

- OPRHCT OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
- PRCTCT PLAT RECORDS OF HAYS COUNTY, TEXAS
- DRCTCT DEED RECORDS OF HAYS COUNTY, TEXAS
- VRS VARAS
- 1/2" IRON ROD FOUND WITH A PLASTIC CAP STAMPED "RPLS 4046" OR OTHERWISE NOTED
- 1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED
- △ CALCULATED POINT
- 1/2" IRON ROD SET WITH A PLASTIC CAP STAMPED "PAYNE 6064"
- OHU-⊕ UTILITY POLE, OVERHEAD UTILITY LINE, GUY
- ⊕ WATER VALVE
- SIGN
- △ GAS MARKER
- BOLLARD
- ⊕ WATER MANHOLE
- ⊕ HYDRANT
- MAILBOX
- /— CHAIN LINK FENCE
- X— WIRE FENCE
- //— WOOD FENCE



CURVE	DELTA	RADIUS	ARC	BEARING	CHORD
C1	31°33'56"	1040.13'	573.03'	S71°23'01"E	565.81'
(C1)	31°33'56"	1040.13'	573.03'	S71°23'01"E	565.81'
C2	89°33'56"	20.00'	31.26'	S42°02'34"E	28.18'
C3	14°43'38"	330.00'	84.82'	S04°37'25"E	84.59'

LINE	BEARING	DISTANCE
L1	N43°16'11"E	16.70'
L2	N86°40'32"E	20.47'
L3	S55°36'02"E	119.58'
L4	S55°36'02"E	6.90'
L5	S86°49'32"E	280.48'
L6	S02°44'24"W	243.05'
L7	S43°15'48"W	173.86'

ADDRESS:  
6605 E. POST  
ROAD KYLE, TX 78640  
JOB NUMBER: 1960-001-  
PLAT EXCEPTION NORTH  
CLIENT: SANDERA LAND CO.  
DATE: 6/5/2021  
FIELD CREW: DV/BJ/ZB/LB  
OFFICE: RM/LB/ED/PP  
FB/Pg: 9/16 AND BV22/22

**A BOUNDARY SURVEY WITH IMPROVEMENTS OF 4.407 ACRES, IN THE JAMES W. WILLIAMS SURVEY NO. 11, ABSTRACT 473, HAYS COUNTY, TEXAS, BEING PART OF A CALLED 134 1/2 ACRE TRACT OF LAND CONVEYED TO JOHN H. SPOONER, IN VOLUME 2940, PAGE 808 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS**



I HEREBY STATE TO THE BEST OF MY KNOWLEDGE THAT THIS PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND ON MAY 20, 2021; THAT ALL CORNERS ARE MONUMENTED AS SHOWN HEREON; AND THAT THERE ARE NO VISIBLE ENCROACHMENTS OR OVERLAPPING OF IMPROVEMENTS, EXCEPT AS SHOWN OR NOTED HEREON.

6/5/2021  
PHILLIP C. PAYNE, R.P.L.S. NO. 6064  
FIRM NO. 10184453

CITY OF KYLE,  
HAYS COUNTY, TEXAS

302 W. Hopkins, Ste. 1A, San Marcos, TX 78666  
(512) 863-0004 www.payne-llc.com



**NOTES**

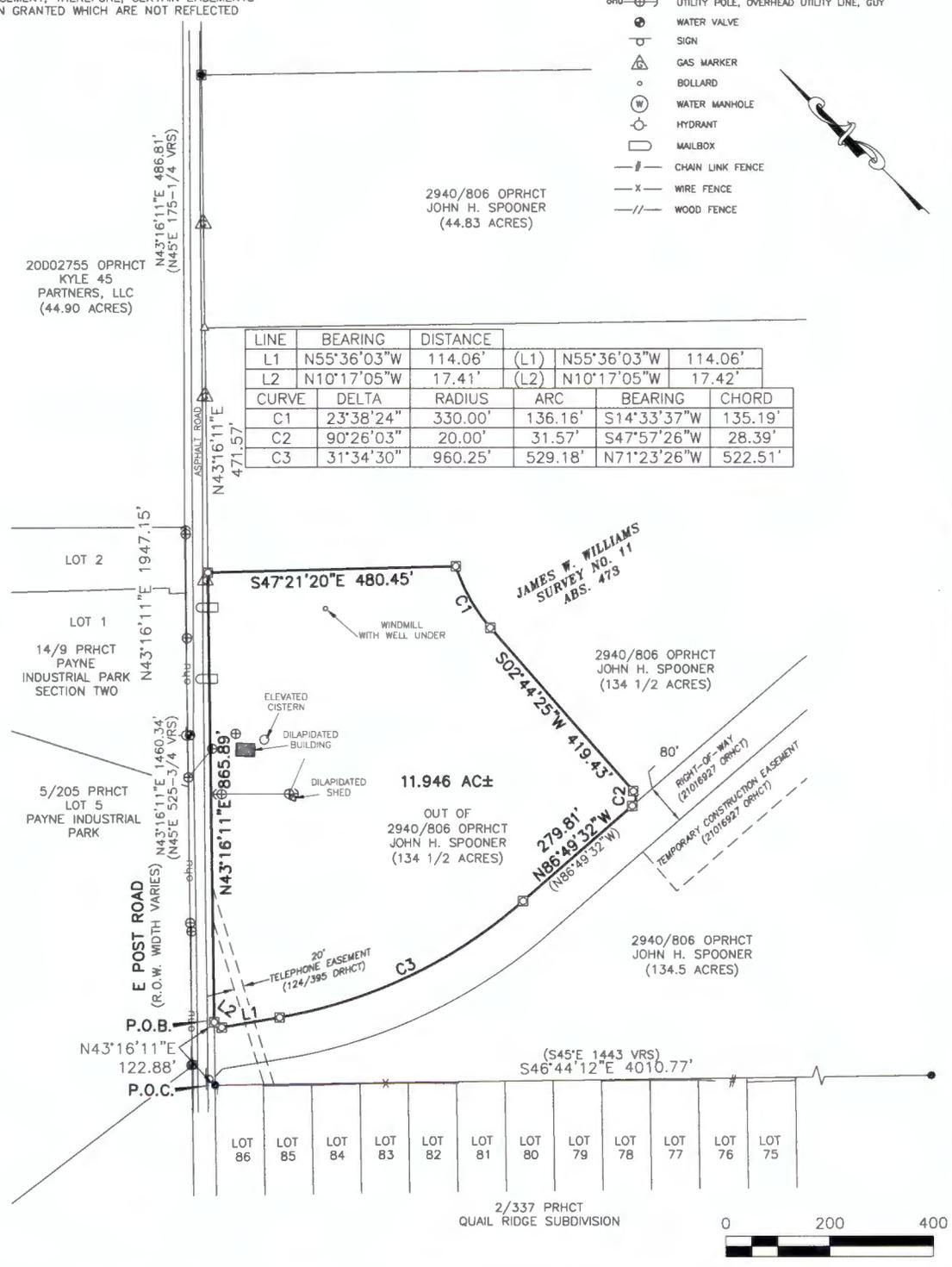
- FENCES MEANDER.
- BEARINGS, DISTANCES AND AREAS IN PARENTHESIS ARE FROM RECORD INFORMATION.
- ACCORDING TO HORIZONTAL SCALING FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 48290C0405F, DATED SEPTEMBER 2, 2005, THIS TRACT DOES NOT LIE WITHIN ZONE A OR ZONE AE.
- ATTACHMENTS: METES AND BOUNDS DESCRIPTION 1960-001-11.946 ACRE TRACT
- THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE OR EASEMENT, THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON.

**CONTROL/BEARING BASIS INFORMATION**

BEARING BASIS: GRID NORTH ON THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), SOUTH CENTRAL ZONE, BASED ON GPS SOLUTIONS.

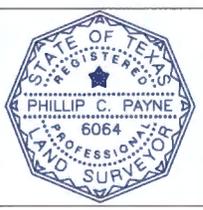
**LEGEND**

- OPRHCT OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
- PRRCT PLAT RECORDS OF HAYS COUNTY, TEXAS
- DRTCT DEED RECORDS OF HAYS COUNTY, TEXAS
- VRS VARS
- 1/2" IRON ROD FOUND WITH A PLASTIC CAP STAMPED "RPLS 4046" OR OTHERWISE NOTED
- 1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED
- △ CALCULATED POINT
- ⊗ 1/2" IRON ROD SET WITH A PLASTIC CAP STAMPED "PAYNE 6064"
- ⊕ UTILITY POLE, OVERHEAD UTILITY LINE, GUY
- ⊙ WATER VALVE
- ⊖ SIGN
- ⊠ GAS MARKER
- BOLLARD
- ⊙ WATER MANHOLE
- ⊙ HYDRANT
- MAILBOX
- CHAIN LINK FENCE
- X — WIRE FENCE
- // — WOOD FENCE



ADDRESS:  
6605 E. POST  
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JOB NUMBER: 1960-001-  
PLAT EXCEPTION NORTH  
CLIENT: SANDERA LAND CO.  
DATE: 6/5/2021  
FIELD CREW: DV/BJ/ZB/LB  
OFFICE: RM/LB/ED/PP  
FB/PG: 9/16 AND BV22/22

**A BOUNDARY SURVEY WITH IMPROVEMENTS OF 11.946 ACRES, IN THE JAMES W. WILLIAMS SURVEY NO. 11, ABSTRACT 473, HAYS COUNTY, TEXAS, BEING PART OF A CALLED 134 1/2 ACRE TRACT OF LAND CONVEYED TO JOHN H. SPOONER, IN VOLUME 2940, PAGE 806 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS**



I HEREBY STATE TO THE BEST OF MY KNOWLEDGE: THAT THIS PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND ON MAY 20, 2021; THAT ALL CORNERS ARE MONUMENTED AS SHOWN HEREON; AND THAT THERE ARE NO VISIBLE ENCROACHMENTS OR OVERLAPPING OF IMPROVEMENTS, EXCEPT AS SHOWN OR NOTED HEREON.

6/5/2021  
PHILLIP C. PAYNE, R.P.L.S. NO. 6064  
FIRM NO. 10194453

CITY OF KYLE,  
HAYS COUNTY, TEXAS

302 W. Hopkins, Ste. 1A, San Marcos, TX 78666  
(512) 663-0004 www.payne-llc.com

***Exhibit C – Preliminary Project and Finance Plan***



REINVESTMENT ZONE NUMBER FOUR,  
CITY OF KYLE, TEXAS  
PRELIMINARY PROJECT AND FINANCE PLAN

MARCH 7, 2023

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## SECTION 1: DEFINITIONS

Capitalized terms used in this Preliminary Plan shall have the meanings given to them in **Section I** below unless otherwise defined in this Preliminary Plan or unless the context in which a term is used clearly requires a different meaning. Unless otherwise defined, a reference to a “Section,” or an “Exhibit,” shall be a reference to a Section of this Preliminary Plan or an Exhibit or Appendix attached to and made a part of this Preliminary Plan for all purposes.

“**Act**” means Chapter 311, Texas Tax Code, Tax Increment Financing Act

“**Administrative Costs**” means the actual, direct costs paid or incurred by or on behalf of the City to administer the Zone, including planning, engineering, legal services, organizational costs, publicizing costs, or implementations costs paid by or on behalf of the City that are directly related to the administration of the Zone.

“**Appraisal District**” means the Hays Central Appraisal District.

“**Board**” means the Board of Directors for the Zone.

“**Captured Appraised Value**” means the new taxable value generated in addition to the Tax Increment Base on a parcel-by-parcel basis for each year during the term of the Zone, as calculated and confirmed annually by the Appraisal District.

“**City**” means the City of Kyle, Texas.

“**City Council**” means the governing body of the City.

“**City TIRZ Increment**” means forty percent (40%) of the City’s ad valorem real property taxes collected and received by the City on the Captured Appraised Value in the Zone, and deposited into the TIRZ Fund.

“**Commercial Developer**” means Kyle Land Partners, LLC and its successors or assigns.

“**Commercial Project Costs**” means the total costs for Commercial Projects in the Zone, including the actual costs of the Public Improvements and Administrative Costs specific to commercial uses.

“**Commercial Projects**” means those Public Improvements anticipated to be funded from the commercial property portion of the Zone and any programs administered by the Board pursuant to Chapter 380 of the Local Government Code, as authorized by Section 311.010 of the Tax Code, as amended.]

“**Commercial Property**” means 16.353 acres as described on **Exhibit F-3**, and depicted in **Exhibit A-3**.

**“Commercial Subaccount of the TIRZ Fund”** means a subaccount of the TIRZ Fund whereby Commercial TIRZ Increment Receipts are deposited.

**“Commercial TIRZ Increment Receipts”** means forty percent (40%) of the City’s ad valorem real property taxes collected and received by the City on the Captured Appraised Value in the Commercial Property portion of the Zone, and deposited into the Commercial Subaccount of the TIRZ Fund.

**“Creation Ordinance”** means Ordinance No. \_\_\_\_\_ adopted by the City Council on March 7, 2023.

**“Development Agreement”** means that certain Amended and Restated Development Agreement between the City, the Commercial Developer, and the Residential Developer, as amended.

**“Feasibility Study”** means the economic feasibility study as evaluated over the term of the Zone and focused only on direct financial benefits, as shown on **Exhibit E**.

**“Final Plan”** means the future *Reinvestment Zone Number Four, City of Kyle Final Project and Finance Plan*.

**“Limestone Creek PID Service and Assessment Plan”** means that certain Limestone Creek Public Improvement District Service and Assessment Plan, as originally adopted by the City on [\_\_\_\_\_], 2023 pursuant to Ordinance No. \_\_\_\_\_, and as amended from time to time.

**“Limestone Creek Public Improvement District”** means the Limestone Creek Public Improvement District, which includes certain of the Property within its boundaries, created by Resolution No. 1327 of the City passed on October 18, 2022.

**“Non-Project Costs”** means those certain costs that will be spent to develop in the Zone, but will not be financed by the Zone, and will be financed by private funds, as described in **Section 6**, and shown on **Exhibit B**.

**“Preliminary Plan”** means this *Reinvestment Zone Number Four, City of Kyle Preliminary Project and Finance Plan*.

**“Project Costs”** means the total costs for Residential Projects and Commercial Projects in the Zone, including the actual costs of the Public Improvements, and the Administrative Costs.

**“Property”** means 177.853 acres of land as depicted on **Exhibit A** and identified on **Exhibit F-1**.

**“Public Improvements”** means the proposed public improvements to be financed by the Zone, which includes roads, parking, drainage, stormwater, water, sewer, landscaping, public amenities, entryways, monumentation, signage, off-site water features, sitework, mass grading,

public utilities, paving, erosion control, street lights, construction management and soft costs related thereto, as depicted on **Exhibit H**, and detailed on **Exhibit C**.

**“Residential Developer”** means Meritage Homes of Texas, LLC, an Arizona limited liability company, and its successors or assigns.

**“Residential Project Costs”** means the total costs for Residential Projects in the Zone, including the actual costs of the Public Improvements and Administrative Costs specific to residential uses.

**“Residential Projects”** means those Public Improvements anticipated to be funded from the residential portion of the Zone.

**“Residential Property”** means 161.5 acres as described on **Exhibit F-2** and depicted in **Exhibit A-2**.

**“Residential Subaccount of the TIRZ Fund”** means a subaccount of the TIRZ Fund whereby Residential TIRZ Increment Receipts are deposited.

**“TIRZ Credit”** means the TIRZ No. 4 Maximum Annual Credit Amount designated towards the principal and interest portion of the Annual Installment for the Assessed Property, as further defined and described in the Limestone Creek PID Service and Assessment Plan.

**“Tax Increment Base”** means total appraised value of taxable real property in the Zone at the time of creation of the Zone, as calculated and certified by the Appraisal District.

**“TIRZ Fund”** means the tax increment fund created by the City and segregated from all other funds of the City.

**“Zone”** means Reinvestment Zone Number Four, City of Kyle, as depicted on **Exhibit A-1**, and described on **Exhibit F-1**.

## SECTION 2: INTRODUCTION

### 2.1 Authority and Purpose

The City has the authority under the Act to designate a contiguous or noncontiguous geographic area within the corporate limits or extraterritorial jurisdiction of the City as a tax increment reinvestment zone to promote development or redevelopment of the area because the City Council determined that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future, that the Zone is economically feasible, and that creation of the Zone is in the best interest of the City and the property in the Zone. The purpose of the Zone is to facilitate such development or redevelopment by financing the costs of public works, public improvements, programs, and other projects benefiting the Zone, plus other costs incidental to those expenditures, all of which costs are authorized by the Act.

### 2.2 Eligibility Requirements

An area is eligible under the Act to be designated as a tax increment reinvestment zone if the area:

- 1) substantially arrests or impairs the sound growth of the municipality designating the Zone, retard the provision of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition; or
- 2) is predominantly open or undeveloped and, because of obsolete platting, deterioration of structures or site improvements, or other factors, substantially impairs or arrests the sound growth of the City; or
- 3) is in a federally assisted new community located in the City or in an area immediately adjacent to a federally assisted new community; or
- 4) is in an area described in a petition requesting that the area be designated as a reinvestment zone, if the petition is submitted to the governing body of the City by the owners of property constituting at least fifty percent (50%) of the appraised value of the property in the area according to the most recent certified appraisal roll for the county in which the area is located.

The City cannot, however, designate a zone if more than thirty percent (30%) of the property in the proposed zone, excluding property that is publicly owned, is used for residential purposes, or if the total appraised value of taxable real property in the proposed zone and in existing reinvestment zones exceeds fifty percent (50%) of the total appraised value of taxable real property in the City and in industrial districts created by the City.

### **2.3 Proposed Zone**

The Property within the proposed Zone is currently located within the corporate limits of the City. The Property is predominantly open, undeveloped or underdeveloped, and substantially impairs and arrests the sound growth of the City. Due to its size, location, and physical characteristics development would not occur solely through private investment in the foreseeable future. The Property lacks public infrastructure and requires economic incentive to attract development for the purpose of providing long-term economic benefits including, but not limited to, increased real property tax base for all taxing units in the Zone. If the Public Improvements are financed as contemplated by this Preliminary Plan, the City envisions that the Property will be developed to take full advantage of the opportunity to bring to the City a quality development.

### **2.4 Preliminary Plan and Hearing**

Before the City Council adopts the Creation Ordinance, the City Council must prepare a preliminary reinvestment zone project and finance plan in accordance with the Act and hold a public hearing on the creation of the Zone and its benefits to the City and to the Property, at which public hearing interested persons shall be given the opportunity to speak for and against the creation of the Zone, the boundaries of the Zone and the concept of tax increment financing, and at which hearing the owners of the Property shall be given a reasonable opportunity to protest the inclusion of their Property in the Zone. The requirement of the Act for a preliminary reinvestment zone project and finance plan was satisfied by this Preliminary Plan, the purpose of which was to describe, in general terms, the Public Improvements that will be undertaken and financed by the Zone. A description of how such Public Improvements and projects will be undertaken and financed shall be determined by the Final Plan, which requires approval by the Board and City Council.

### **2.5 Creation of the Zone**

Upon the closing of the above referenced public hearing, the City Council shall consider the Creation Ordinance and the following findings:

- 1) that development or redevelopment of the Property would not occur solely through private investment in the reasonably foreseeable future,
- 2) that the Zone was feasible,
- 3) that improvements in the Zone will significantly enhance the value of all the taxable real property in the Zone and will be of general benefit to the City, and
- 4) that the Zone meets the eligibility requirements of the Act.

Among other provisions required by the Act, the Creation Ordinance shall appoint the Board.

## **2.6 Board Recommendations**

### **2.6.1 Residential Projects**

After the creation of the Zone, the Board shall review the Final Plan and recommend its approval to the City Council pursuant to which the City shall contribute the Residential TIRZ Increment Receipts into the Residential Subaccount of the TIRZ Fund to pay a portion of the Residential Project Costs benefiting the Zone.

## **SECTION 3: DESCRIPTION AND MAPS**

### **3.1 Existing Uses and Conditions**

The Property is currently zoned Residential Townhome, Community Commercial, and Single Family Residential and is intended to be developed with commercial and residential uses. The Property is undeveloped or underdeveloped, and there is limited public infrastructure to support development. Development requires extensive public infrastructure that: (1) the City could not provide, and (2) would not be provided solely through private investment in the foreseeable future.

### **3.2 Proposed Uses**

The proposed uses of the Property in the City include a master planned residential community, and new mixed-use commercial areas, as shown on **Exhibit G**.

## **SECTION 4: PROPOSED CHANGES TO ORDINANCES, PLANS, CODES, RULES, AND REGULATIONS**

The Property is wholly located in the corporate limits of the City and shall be subject to the City's zoning regulations. The property is currently zoned as Residential Townhome, Community Commercial, and Single Family Residential. The City has exclusive jurisdiction over the subdivision and platting of the property within the Property and the design, construction, installation, and inspection of water, sewer, drainage, roadway, and other public infrastructure. No proposed changes to zoning ordinances, comprehensive plan, building codes, subdivision rules, or other municipal ordinances are planned.

## **SECTION 5: RELOCATION OF DISPLACED PERSONS**

Approximately six (6) residences, as shown on Exhibit D, will be displaced as a result of condemnation proceedings relate to road improvements and may be eligible for relocation assistance through the implementation of a relocation plan (the "Relocation Plan" or "Plan"). Through the Relocation Plan, residents of each displaced residence will be given sufficient time

to plan for an orderly, timely, and efficient move. Information regarding the Relocation Plan will be provided to the residents individually and may also be provided and discussed at City initiated public hearings, town hall meetings or both, as may be necessary. In addition to the acquisition costs for [real] property acquired, certain displaced persons may also be eligible for relocation benefits (including reasonable moving costs, replacement housing payments, and/or purchase supplements). Relocation services will be provided by a relocation expert retained by the City in order to ensure that displaced persons are relocated to decent, safe, and sanitary housing.

**SECTION 6: ESTIMATED NON-PROJECT COSTS**

Non-project costs are costs that will be spent to develop in the Zone but will not be financed by the Zone, and will be financed by private funds. The list of non-project costs is shown on **Exhibit B** and are estimated to be approximately \$252,780,000.

**SECTION 7: PROPOSED PUBLIC IMPROVEMENTS**

**7.1 Categories of Public Improvements**

All Public Improvements shall be designed and constructed in accordance with all applicable City standards and shall otherwise be inspected, approved, and accepted by the City. At the City's option, the Public Improvements may be expanded to include any other category of improvements authorized by the Act.

**7.2 Locations of Public Improvements**

The estimated locations of the proposed Public Improvements are depicted on **Exhibit H**. These locations may be revised, with the approval of the City, from time to time without amending the Final Plan.

**SECTION 8: ESTIMATED PROJECT COSTS**

**8.1 Project Costs**

The total costs are estimated to be \$47,657,218, as shown below and detailed on **Exhibit C**. The costs of Public Improvements are estimated to be \$47,031,118, and the Administrative Costs are estimated to be \$626,100.

**8.2 Administrative Costs**

The Administrative Costs are estimated to be \$10,000 per year beginning 2023 and escalating at two percent (2%) thereafter. The Administrative Costs shall be paid each year from the TIRZ Fund before any other Project Costs are paid.

### **8.3 Commercial Projects**

The costs of the Commercial Projects are estimated to be \$5,000,000, as shown on **Exhibit C**.

### **8.4 Residential Projects**

The costs of the Residential Projects are estimated to be \$42,031,118, as shown on **Exhibit C**.

### **8.5 Estimated Timeline of Incurred Costs**

The Administrative Costs will be incurred annually through the remaining duration of the Zone. It is estimated the costs for constructing the Public Improvements will be incurred between 2025 and 2034, as shown on **Exhibit D**.

## **SECTION 9: ECONOMIC FEASIBILITY**

### **9.1 Feasibility Study**

The Feasibility Study focuses on only direct financial benefits (i.e. ad valorem tax revenues from the development of Public Improvements in the Zone). Based on the Feasibility Study, during the term of the Zone, new development (which would not have occurred but for the Zone) will generate approximately \$105,344,032 in total new real property tax revenue for the City. Approximately \$42,137,613 will be deposited into the TIRZ Fund to pay for the Residential Project Costs and the Commercial Project Costs, respectively, over the life of the Zone. The remaining real property tax revenue over that period, estimated at \$63,206,420 shall be retained by the City.

Additionally, the Development Agreement contemplates that certain Public Improvements undertaken within the boundaries of the Limestone Creek Public Improvement District will be financed in part by special assessments levied on property within the Limestone Creek Public Improvement District. A portion of the Residential TIRZ increment Receipts deposited into the Residential Subaccount of the TIRZ Fund may be used to pay a portion of the Residential Project Costs of the aforementioned Public Improvements, as described in greater detail in the Limestone Creek PID Service and Assessment Plan. Any Residential Project Costs not paid from Residential TIRZ Increment or assessment revenues will be paid for with private funds.

Any Commercial Project Costs not paid from the Commercial TIRZ Increment Receipts will be paid for with private funds.

One hundred percent (100%) of all taxing revenues generated for other taxing entities by the new development within the Zone will be retained by the respective taxing entities. Based on the foregoing, the feasibility of the Zone has been demonstrated.

## SECTION 10: ESTIMATED BONDED INDEBTEDNESS

No tax increment reinvestment zone bonds or public indebtedness by the City secured by the tax increments pursuant to the Act, is contemplated.

## SECTION 11: APPRAISED VALUE

### 11.1 Tax Increment Base

The Tax Increment Base is estimated to be \$5,655,860 and shall be confirmed by the Appraisal District. Each year, the Appraisal District shall confirm the Captured Appraised Value of the Zone.

### 11.2 Estimated Captured Appraised Value

It is estimated that upon expiration of the term of the Zone, the total Captured Appraised Value of taxable real property in the Zone will be approximately \$834,747,478 as shown on **Exhibit E**. The actual Captured Appraised Value, as certified by the Appraisal District each year, will be used to calculate both the Residential TIRZ Increment Receipts and the Commercial TIRZ Increment Receipts, as applicable, pursuant to the Final Plan.

## SECTION 12: METHOD OF FINANCING

### 12.1 TIRZ Fund Contributions

#### 12.1.1 Residential Projects

The Final Plan shall obligate the City to deposit the Residential TIRZ Increment Receipts into the Residential Subaccount of the TIRZ Fund beginning in 2024. For example, in FY 2022, the City's ad valorem tax rate was \$0.5082 per \$100 of taxable value, therefore the City would contribute \$0.20328 per \$100 of the Captured Appraised Value in the Residential Property portion of the Zone levied and collected, to the Residential Subaccount of the TIRZ Fund.

The funds deposited into the Residential Subaccount of the TIRZ Fund shall be prioritized and allocated on a parcel by parcel as follows:

1. For the reasonable Administrative Costs of the Residential Property portion of the Zone; then
2. For those parcels within the Residential Property for the payment of actual costs of the Residential Projects through an annual reduction of a portion of the principal and interest of the Annual Installment of Assessments (as each defined in the Limestone Creek PID Service and Assessment Plan), as further described in the Limestone Creek PID Service and Assessment Plan,

on a parcel by parcel basis, in an amount not to exceed the TIRZ Maximum Annual Credit Amount (as defined in the Limestone Creek PID Service and Assessment Plan); then

3. To reimburse the Residential Developer for Eminent Domain Fees or Negotiated Settlement Fees (each as defined in the Development Agreement) necessary to implement the Relocation Plan; then

4. For the payment of actual costs of the Residential Project Costs other than those paid or reimbursed pursuant to Section 12.1.1(1) – (3) herein; then

5. Any excess Residential Subaccount of the TIRZ Fund revenue may be used in any other matter as authorized by the City and allowed pursuant to the Act; and

6. After all eligible Residential Project Costs have been paid, any excess Residential Subaccount of the TIRZ Fund revenue shall be returned annually to the General Fund of the City.

All payments of Residential Project Costs shall be made solely from the Residential Subaccount of the TIRZ Fund and from no other funds of the City, unless otherwise approved by the City. The Residential Subaccount of the TIRZ Fund shall only be used to pay the Residential Project Costs. The City may amend the Final Plan in compliance with the TIRZ Agreement, including but not limited to what is considered a Residential Project Cost.

### **12.1.2 Commercial Projects**

The Final Plan shall obligate the City to deposit the Commercial TIRZ Increment Receipts into the Commercial Subaccount of the TIRZ Fund beginning in 2024. For example, in FY 2022, the City's ad valorem tax rate was \$0.5082 per \$100 of taxable value, therefore the City would contribute \$0.20328 per \$100 of the Captured Appraised Value in the Commercial Property portion of the Zone levied and collected, to the Commercial Subaccount of the TIRZ Fund.

The funds deposited into the Commercial Subaccount of the TIRZ Fund shall be prioritized and allocated on a parcel by parcel as follows:

1. For the reasonable Administrative Costs of the Commercial Property portion of the Zone; then

2. To reimburse the City for any City initiated roadway or drainage Public Improvements; then

3. Any excess Commercial Subaccount revenue may be used in any other matter as authorized by the City and allowed pursuant to the Act; and 4. After all eligible Commercial Project Costs have been paid, any excess Commercial Subaccount of the TIRZ Fund revenue shall be returned annually to the General Fund of the City.

All payments of Commercial Project Costs shall be made solely from the Commercial Subaccount of the TIRZ Fund and from no other funds of the City, unless otherwise approved by the City. The Commercial Subaccount of the TIRZ Fund shall only be used to pay the Commercial Project Costs. The City may amend the Final Plan in compliance with the TIRZ Agreement, including but not limited to what is considered a Commercial Project Cost.

## **SECTION 13: DURATION OF THE ZONE, TERMINATION**

### **13.1 Duration**

The stated term of the Zone shall commence upon the execution of the Creation Ordinance and shall continue until December 31, 2063, with the last payment being due by January 31, 2064, unless otherwise terminated in accordance with the Creation Ordinance.

### **13.2 Termination**

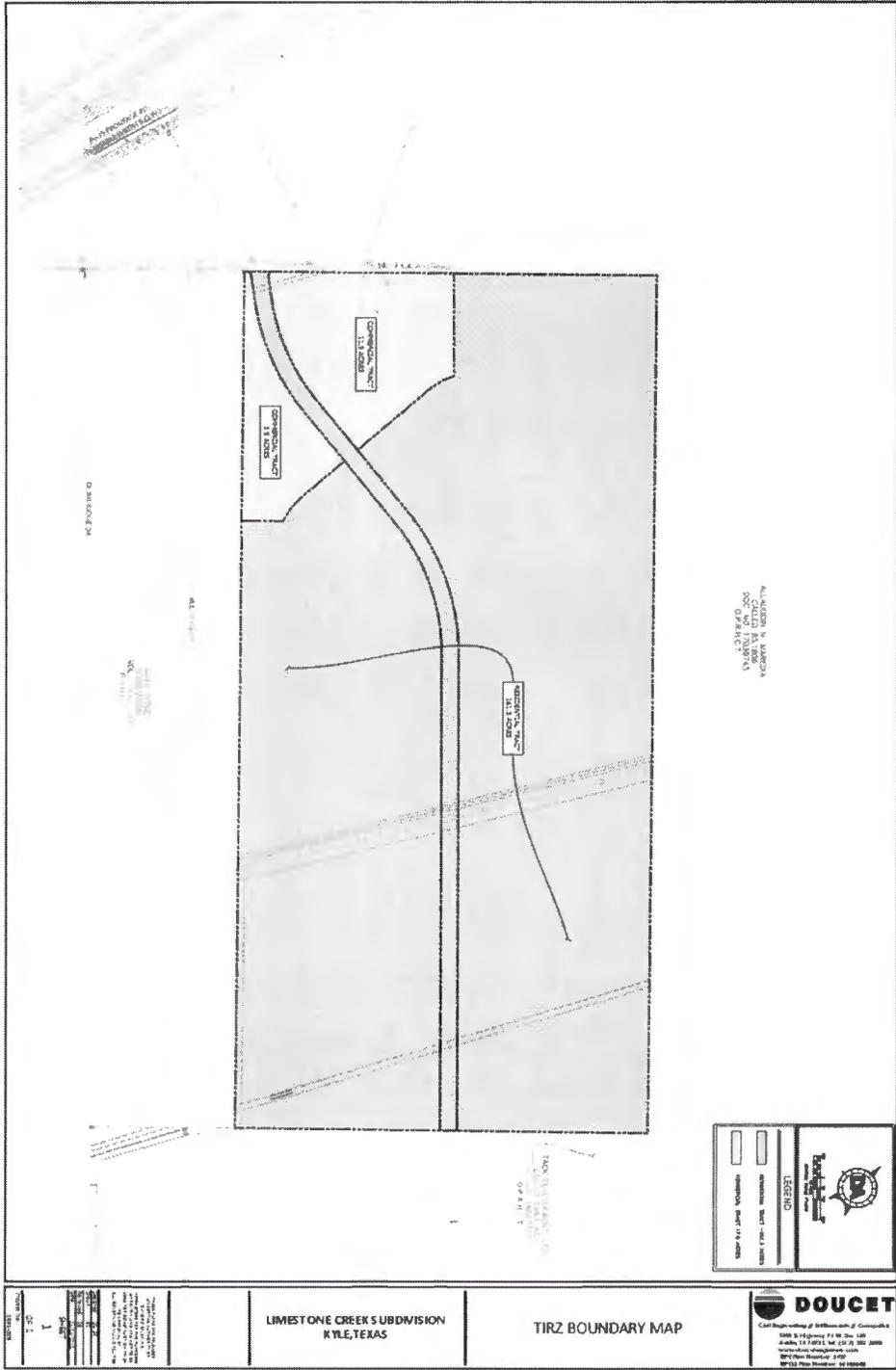
The Zone shall terminate on the earlier of (i) December 31, 2063, or (ii) at such time that the obligations of the Zone, including all Project Costs, have been paid in full. If upon expiration of the stated term of the Zone, the obligations of the Zone have not been fully funded by the TIRZ Fund, the City shall have no obligation to pay the shortfall and the term shall not be extended. Nothing in this Section is intended to prevent the City from extending the term of the Zone in accordance with the Act.

## LIST OF EXHIBITS

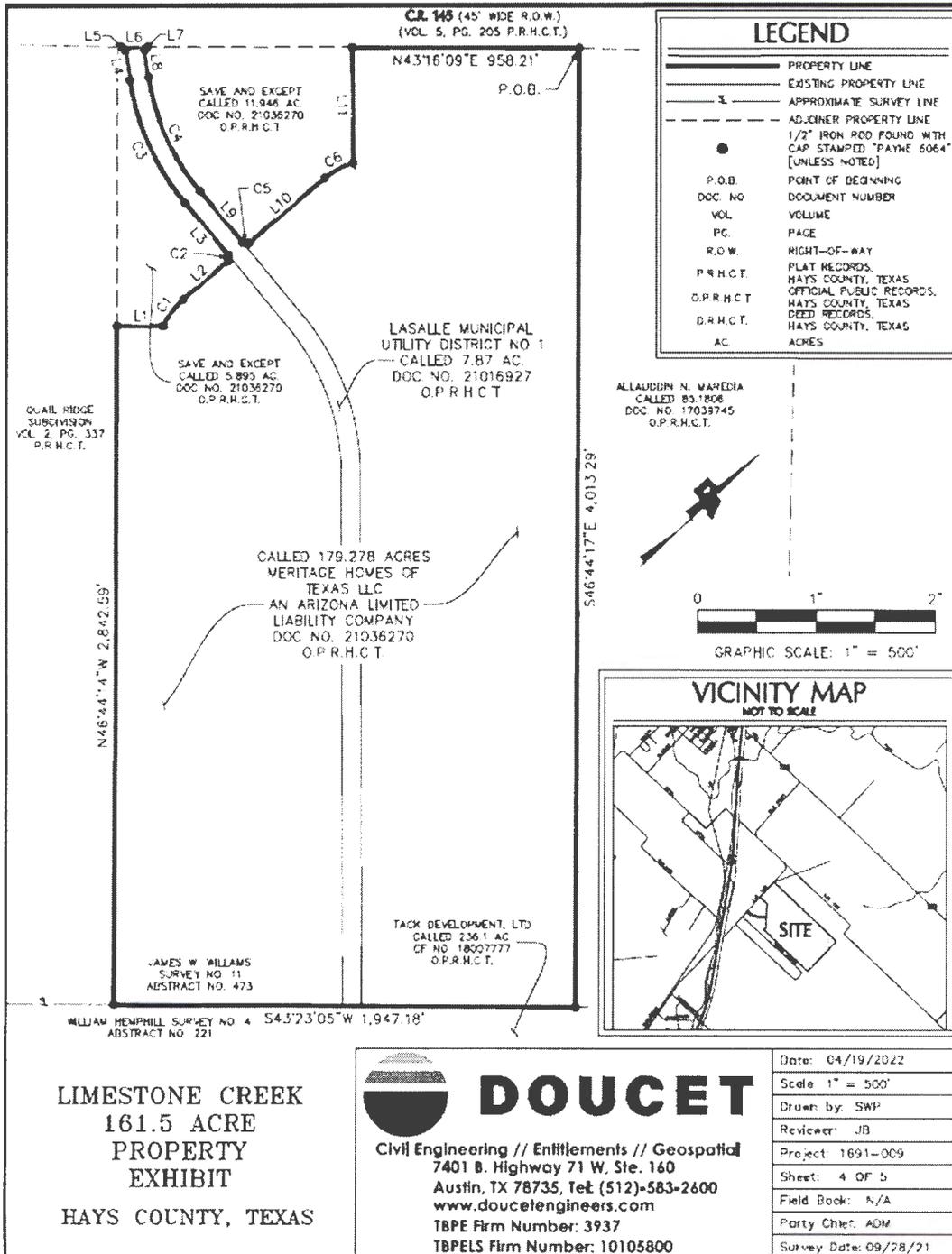
Unless otherwise stated, all references to "Exhibits" contained in this Preliminary Plan shall mean and refer to the following exhibits, all of which are attached to and made a part of this Preliminary Plan for all purposes.

<b>Exhibit A-1</b>	Map of the Zone
<b>Exhibit A-2</b>	Map of the Residential Property
<b>Exhibit A-3</b>	Map of the Commercial Property
<b>Exhibit B</b>	Non-Project Costs
<b>Exhibit C</b>	Project Costs
<b>Exhibit D</b>	Estimated Timeline of Incurred Costs
<b>Exhibit E</b>	Feasibility Study
<b>Exhibit F-1</b>	Legal Description of the Zone
<b>Exhibit F-2</b>	Legal Description of the Residential Property
<b>Exhibit F-3</b>	Legal Description of the Commercial Property
<b>Exhibit G</b>	Proposed Uses of the Property
<b>Exhibit H</b>	Map of the Public Improvements

**EXHIBIT A-1 – MAP OF THE ZONE**



**EXHIBIT A-2 – MAP OF THE RESIDENTIAL PROPERTY**

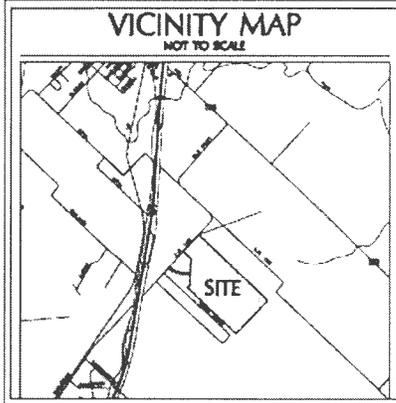


LEGEND	
	PROPERTY LINE
	EXISTING PROPERTY LINE
	APPROXIMATE SURVEY LINE
	ADJACENT PROPERTY LINE
	1/2" IRON ROD FOUND WITH CAP STAMPED "PAYNE 6064" [UNLESS NOTED]
	P.O.B. POINT OF BEGINNING
DOC. NO.	DOCUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
R.O.W.	RIGHT-OF-WAY
P.R.H.C.T.	PLAT RECORDS, HAYS COUNTY, TEXAS
O.P.R.H.C.T.	OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS
D.R.H.C.T.	DEED RECORDS, HAYS COUNTY, TEXAS
AC.	ACRES

ALLAUDDIN N. WAREDA  
CALLED 83,1806  
DOC. NO. 17033745  
O.P.R.H.C.T.



GRAPHIC SCALE: 1" = 500'



**LIMESTONE CREEK**  
161.5 ACRE  
PROPERTY  
EXHIBIT  
HAYS COUNTY, TEXAS



**DOUCET**  
Civil Engineering // Entitlements // Geospatial  
7401 B. Highway 71 W, Ste. 160  
Austin, TX 78735, Tel: (512)-583-2600  
www.doucetengineers.com  
TBPE Firm Number: 3937  
TBPELS Firm Number: 10105800

Date:	04/19/2022
Scale:	1" = 500'
Drawn by:	SWP
Reviewer:	JB
Project:	1691-009
Sheet:	4 OF 5
Field Book:	N/A
Party Chief:	ADM
Survey Date:	09/28/21

\\doucet\do\_res\Departments\Geospatial\Projects\1691-009 Meritage Tract Survey\CAD\dwg\Active - Exhibits\1691-009 Limestone Creek Overall Exhibit\_Surf.dwg

# EXHIBIT A-3 – MAP OF THE COMMERCIAL PROPERTY

**NOTES**

1. FENCES MEASURER
2. BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.
3. ACCORDING TO HORIZONTAL SCALING FROM THE CURRENT F.E.M.A FLOOD INSURANCE RATE MAP NO. 4829000402F, DATED SEPTEMBER 2, 2003, THIS TRACT DOES NOT LIE WITHIN ZONE A OR ZONE AE.
4. ATTACHMENTS METES AND BOUNDS DESCRIPTION 1980-001-4-407 ACRE TRACT
5. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE OR EASEMENTS. THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON.

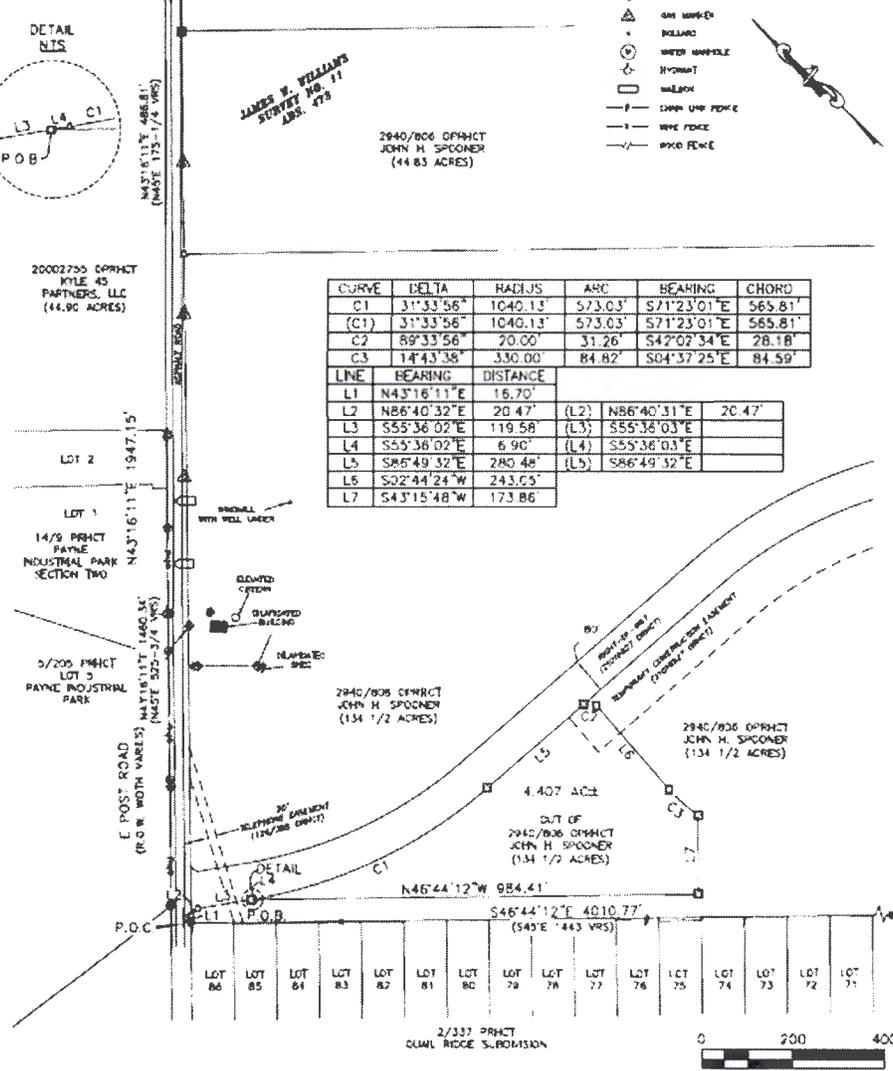
**CONTROL MEASUREMENT INFORMATION**

BEARING BASIS: GRID NORTH ON THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83); SOUTH CENTRAL ZONE, BASED ON GPS SOLUTIONS.

**LEGEND**

- OPRHT: OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
- PRCT: PLAT RECORDS OF HAYS COUNTY, TEXAS
- CRCT: CITIES RECORDS OF HAYS COUNTY, TEXAS
- WTS: WELLS
- 1/2" IRON ROD FOUND WITH A PLASTIC CAP STAMPED "WELLS 6047" OR OTHERWISE NOTED
- 1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED
- ▲: CALCULATED POINT
- 1/2" IRON ROD SET WITH A PLASTIC CAP STAMPED "THIRME 6047"
- UTILITY POLE OVERHEAD UTILITY LINE, 60KV
- WATER VALVE
- SEW
- ONE MARKER
- BOLLARD
- WATER METER
- HYDRANT
- WELLHEAD
- OPEN UMP FENCE
- WIRE FENCE
- WOOD FENCE

**DETAIL NOTS**



CURVE	DELTA	RADIUS	ARC	BEARING	CHORD
C1	31°33'56"	1040.13'	573.03'	S71°23'01"E	565.81'
(C1)	31°33'56"	1040.13'	573.03'	S71°23'01"E	565.81'
C2	89°33'56"	70.00'	31.26'	S42°02'34"E	28.18'
C3	14°43'38"	330.00'	84.82'	S04°37'25"E	84.59'

LINE	BEARING	DISTANCE
L1	N43°16'11"E	16.70'
L2	N86°40'32"E	20.47'
L3	S55°36'02"E	119.58'
L4	S55°36'02"E	6.90'
L5	S86°49'32"E	280.48'
L6	S02°44'24"W	243.05'
L7	S43°15'48"W	173.86'

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
(L2)	N86°40'31"E	20.47'	(L3)	S55°36'03"E	
(L4)	S55°36'03"E		(L5)	S55°36'03"E	
(L6)	S86°49'32"E		(L7)	S86°49'32"E	

<p>ADDRESS: 6805 E POST ROAD KYLE, TX 78640</p> <p>DATE: 6/3/2021 LAT: 30.072783 N LONG: 97.822722 W</p> <p>BY: SANDRA LIND CO. DATE: 6/3/2021 TITLE: 2021-06-02-001</p>	<p><b>A BOUNDARY SURVEY WITH IMPROVEMENTS OF 4.407 ACRES, IN THE JAMES W. WILLIAMS SURVEY NO. 11, ABSTRACT 675, HAYS COUNTY, TEXAS, BEING PART OF A CALLED 134 1/8 ACRE TRACT OF LAND CONVEYED TO JOHN H. SPOONER, IN VOLUME 2946, PAGE 806 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.</b></p>		<p>I HEREBY STATE TO THE BEST OF MY KNOWLEDGE THAT THE PLATS ARE TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND ON MAY 20, 2021, THAT ALL CORNERS ARE DEMONSTRATED AS SHOWN HEREON, AND THAT THERE ARE NO UNRECORDED ENCUMBRANCES OR OBLIGATIONS OF ANY KIND OR CHARACTER AFFECTING THE SURVEYED PROPERTY.</p> <p>6/3/2021 PHILIP C. PAYNE, S.P.L.S. NO. 6664 (EXP. 06/30/2023)</p>
		<p>CITY OF KYLE, HAYS COUNTY, TEXAS</p>	

**NOTES**

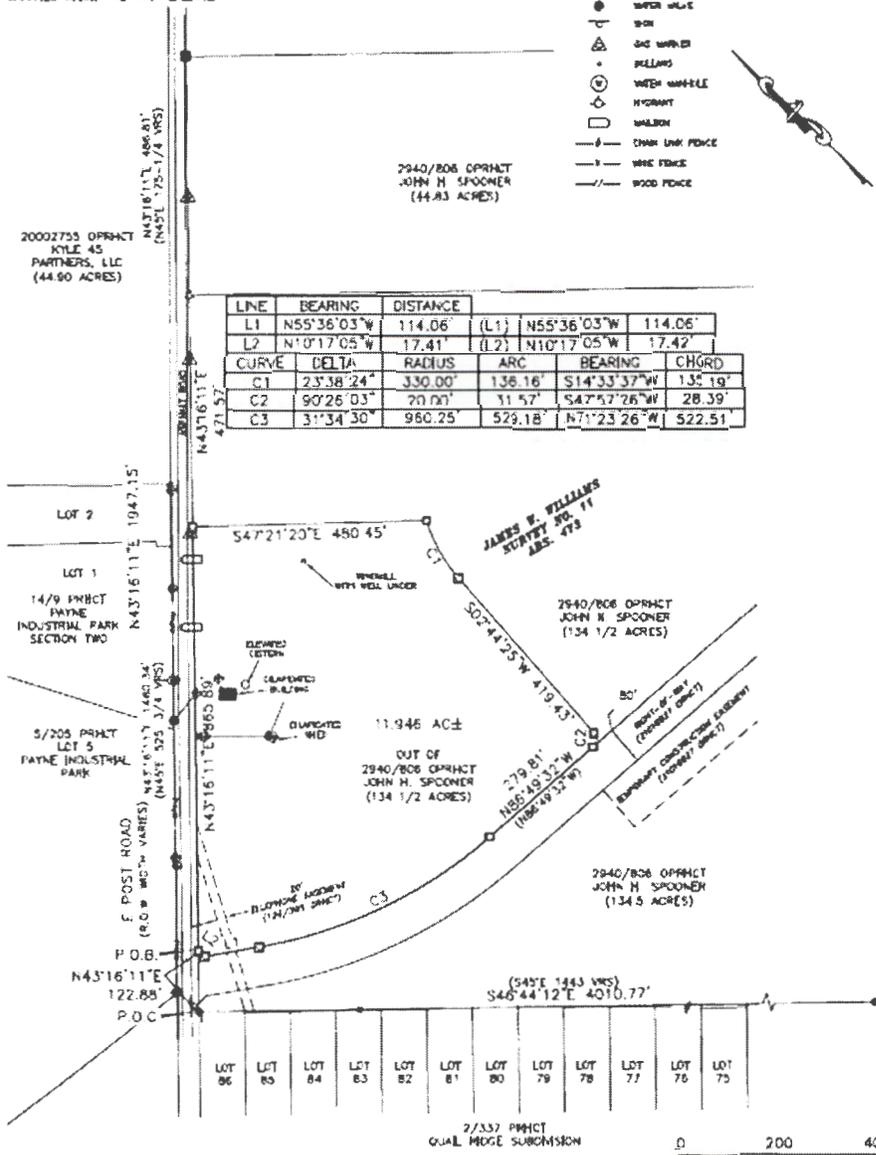
1. FENCES MEANDER.
2. BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.
3. ACCORDING TO HORIZONTAL SCALING FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 4829000400F, DATED SEPTEMBER 2, 2003, THIS TRACT DOES NOT LIE WITHIN ZONE 2 OR ZONE AE.
4. ATTACHMENTS: METES AND BOUNDS DESCRIPTION 1980-201-11 946 ACRE TRACT.
5. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE OR EASEMENT. THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON.

**CONTROL BEARING BASE INFORMATION**

BEARING BASIS: GRID NORTH ON THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), SOUTH CENTRAL ZONE, BASED ON GPS SOLUTIONS.

**LEGEND**

- OPR/PT: OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
- PR/CT: PLAT RECORDS OF HAYS COUNTY, TEXAS
- CR/CT: CASE RECORDS OF HAYS COUNTY, TEXAS
- VR: VARIUS
- 1/2" IRON ROD FOUND WITH A PLASTIC CAP STAMPED "PLS 6068" OR OTHERWISE NOTED
- 1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED
- : CALCULATED POINT
- 1/2" IRON ROD SET WITH A PLASTIC CAP STAMPED "TRIMM 8084"
- UTILITY POLE OVERHEAD UTILITY LINE, GUY
- WATER WALE
- IRON
- ONE MARKER
- PILLARS
- WATER METER
- HYDRANT
- WALKWAY
- CHAIN LINK FENCE
- WIRE FENCE
- WOOD FENCE



ADDRESS:  
8605 E POST  
ROAD KYLE, TX 78640  
JOB NUMBER: 1980-201-11  
PLAT DESCRIPTION: 1980-201-11

CLIENT: SANDERA LAND CO.  
DATE: 4/3/2021  
TRACED BY: PHILLIP C. PAYNE  
FIELD NO: 1980-201-11

**A BOUNDARY SURVEY WITH IMPROVEMENTS OF 11.946 ACRES, IN THE JAMES W. WILLIAMS SURVEY NO. 11, ABSTRACT 473, HAYS COUNTY, TEXAS, BEING PART OF A CALLED 134 1/2 ACRE TRACT OF LAND CONVEYED TO JOHN E. SPOONER, IN VOLUME 2840, PAGE 806 OF THE OFFICIAL PUBLIC RECORDS**



I HEREBY STATE TO THE BEST OF MY KNOWLEDGE THAT THIS PLAT IS TRUE AND CORRECT ACCORDING TO THE ACTUAL SURVEY MADE ON THE GROUND OR BY ME OR ONE OF MY ASSISTANTS, AND THAT THERE ARE NO VISIBLE ENCUMBRANCES OR OBLIGATIONS OF RECORDS, EXCEPT AS SHOWN OR NOTED HEREON.

6/3/2021  
PHILLIP C. PAYNE, P.S.L.S. NO. 6264

CITY OF KYLE,  
HAYS COUNTY, TEXAS

**PAYNE**  
INDUSTRIAL

PHILLIP C. PAYNE, P.S.L.S. NO. 6264

**EXHIBIT B – NON-PROJECT COSTS**

Lot Type	Unit/SF	Lot Value		Buildout Value		Non-Project Costs
		Per Unit <sup>2</sup>	Total	Per Unit <sup>1</sup>	Total	
50'	466	85,000	39,610,000	425,000	198,050,000	158,440,000
Townhome	219	65,000	14,235,000	325,000	71,175,000	56,940,000
Commercial	91,500	23	2,104,500	115	10,522,500	8,418,000
Multi-Family	228	34,000	7,752,000	170,000	38,760,000	31,008,000
<b>Total</b>						<b>\$ 254,806,000</b>

**Footnotes:**

<sup>1</sup>Represents 2023 values based on Developer's model dated 1/23/2023.

<sup>2</sup>Values are assumed to be 20% of Per Unit Buildout Value.

**EXHIBIT C – PROJECT COSTS**

<b>Reinvestment Zone Number Four, City of Kyle Project Costs</b>	
<b>Public Improvements</b>	<b>Costs</b>
<b>Commercial Projects</b>	
City Initiated Roadway Improvements <sup>1</sup>	2,500,000
City Initiated Drainage Improvements <sup>1</sup>	2,500,000
<b>Subtotal</b>	<b>\$ 5,000,000</b>
<b>Residential Projects</b>	
Waterstone Boulevard	\$ 3,669,462
Go-Forth Road	1,641,829
Lift Station	904,400
Roadway	9,059,536
Water	3,388,023
Wastewater	2,650,195
Drainage	6,772,982
Parks and Landscaping	1,850,000
Contingency	3,182,770
Soft Costs	3,311,921
Eminent Domain Fees or Negotiated Settlement Fees	600,000
Off-site Water Tower <sup>2</sup>	2,500,000
Off-site Drainage Improvements <sup>2</sup>	2,500,000
<b>Subtotal</b>	<b>\$ 42,031,118</b>
<b>Public Improvements Subtotal</b>	
	<b>\$ 47,031,118</b>
<b>Administrative Costs</b>	<b>\$ 626,100</b>
<b>Total Project Costs</b>	
	<b>\$ 47,657,218</b>

**Footnotes:**

<sup>1</sup> Preliminary estimate, subject to change upon City Council approval.

<sup>2</sup> Off-site Water Tower, and Off-site Drainage Improvements only to be funded from TIRZ Revenue if such funds are available pursuant to the TIRZ Reimbursement Agreement.

**EXHIBIT D – ESTIMATED TIMELINE OF INCURRED COSTS**

**Reinvestment Zone Number Four, City of Kyle  
Timeline to Incur Project Costs**

Zone Year	Calendar Year	Total Project Costs	
		Annual	Cumulative
Base	2022		
1	2023	\$ -	-
2	2024	\$ 7,845,852	7,845,852
3	2025	\$ 12,246,251	20,092,103
4	2026	\$ 13,730,146	33,822,249
5	2027	\$ 7,287,942	41,110,191
6	2028	\$ 5,799,572	46,909,763
7	2029	\$ 121,354	47,031,118
8	2030	\$ -	47,031,118
9	2031	\$ -	47,031,118
10	2032	\$ -	47,031,118
11	2033	\$ -	47,031,118
12	2034	\$ -	47,031,118
<b>Total</b>		<b>\$ 47,031,118</b>	

**EXHIBIT E - FEASIBILITY STUDY**

Reinvestment Zone Number Four, City of Kyle Feasibility Study																	
Zone Year	Tax Year	Growth/Year <sup>1</sup>	Development				New Taxable Value	Incremental Value	City TIRZ Increment				Total		City Retained New Revenue		
			New Residential Value		New Commercial Value				Residential Account		Commercial Account		Annual	Cumulative	Annual	Cumulative	
			Annual	Cumulative	Annual	Cumulative			Annual	Cumulative	Annual	Cumulative					
Base	2023	0.0%	\$ -	\$ -	\$ -	\$ -	\$ 5,655,860	\$ -	40%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
1	2024	3.0%	\$ 57,705,750	\$ 57,858,546	\$ -	\$ 16,879	\$ 63,531,286	\$ 57,875,426	40%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2	2025	3.0%	\$ 90,070,410	\$ 149,817,509	\$ -	\$ 34,265	\$ 155,507,634	\$ 149,851,774	40%	\$ 117,615	\$ 117,615	\$ 34	\$ 34	\$ 117,649	\$ 117,649	\$ 176,474	\$ 176,474
3	2026	3.0%	\$ 53,352,396	\$ 207,817,226	\$ 47,631,970	\$ 47,684,143	\$ 261,157,229	\$ 255,501,369	40%	\$ 304,549	\$ 422,164	\$ 70	\$ 104	\$ 304,619	\$ 422,268	\$ 456,928	\$ 633,402
4	2027	3.0%	\$ 51,660,854	\$ 265,865,394	\$ 1,941,503	\$ 51,073,049	\$ 322,594,303	\$ 316,938,443	40%	\$ 422,451	\$ 844,615	\$ 96,932	\$ 97,036	\$ 519,383	\$ 941,651	\$ 779,075	\$ 1,412,477
5	2028	3.0%	\$ 38,922,627	\$ 312,916,779	\$ 3,732,863	\$ 56,354,983	\$ 374,927,622	\$ 369,271,762	40%	\$ 540,451	\$ 1,385,066	\$ 103,821	\$ 200,858	\$ 644,272	\$ 1,585,924	\$ 966,409	\$ 2,378,885
6	2029	3.0%	\$ -	\$ 322,457,079	\$ -	\$ 892,554	\$ 387,068,004	\$ 381,412,144	40%	\$ 636,097	\$ 2,021,163	\$ 114,558	\$ 315,416	\$ 750,656	\$ 2,336,579	\$ 1,125,983	\$ 3,504,869
7	2030	3.0%	\$ -	\$ 332,283,587	\$ -	\$ 60,740,597	\$ 398,680,004	\$ 393,024,145	40%	\$ 655,491	\$ 2,676,654	\$ 119,844	\$ 435,260	\$ 775,335	\$ 3,111,914	\$ 1,163,002	\$ 4,667,871
8	2031	3.0%	\$ -	\$ 342,404,891	\$ -	\$ 62,579,695	\$ 410,640,446	\$ 404,984,546	40%	\$ 675,466	\$ 3,352,120	\$ 123,473	\$ 558,713	\$ 798,940	\$ 3,910,853	\$ 1,198,409	\$ 5,866,280
9	2032	0%	\$ -	\$ 342,404,891	\$ -	\$ 62,579,695	\$ 410,640,446	\$ 404,984,586	40%	\$ 696,041	\$ 4,048,161	\$ 127,212	\$ 685,945	\$ 823,253	\$ 4,734,106	\$ 1,234,879	\$ 7,101,159
10	2033	0%	\$ -	\$ 342,404,891	\$ -	\$ 62,579,695	\$ 410,640,446	\$ 404,984,586	40%	\$ 696,041	\$ 4,744,201	\$ 127,212	\$ 813,117	\$ 823,253	\$ 5,557,359	\$ 1,234,879	\$ 8,336,038
11	2034	3.0%	\$ -	\$ 352,829,834	\$ -	\$ 64,473,965	\$ 422,959,659	\$ 417,303,799	40%	\$ 696,041	\$ 5,440,242	\$ 127,212	\$ 940,369	\$ 823,253	\$ 6,380,611	\$ 1,234,879	\$ 9,570,917
12	2035	3.0%	\$ -	\$ 363,567,526	\$ -	\$ 66,423,063	\$ 435,648,449	\$ 429,992,549	40%	\$ 717,232	\$ 6,157,474	\$ 131,063	\$ 1,071,432	\$ 848,295	\$ 7,228,906	\$ 1,272,443	\$ 10,843,360
13	2036	3.0%	\$ -	\$ 374,627,348	\$ -	\$ 68,434,695	\$ 448,717,903	\$ 443,062,043	40%	\$ 739,060	\$ 6,896,535	\$ 135,029	\$ 1,206,461	\$ 874,089	\$ 8,102,995	\$ 1,311,133	\$ 12,154,493
14	2037	3.0%	\$ -	\$ 386,018,964	\$ -	\$ 70,504,615	\$ 462,179,440	\$ 456,523,540	40%	\$ 761,542	\$ 7,658,077	\$ 139,114	\$ 1,345,575	\$ 900,657	\$ 9,003,652	\$ 1,350,985	\$ 13,505,478
15	2038	3.0%	\$ -	\$ 397,752,330	\$ -	\$ 72,636,633	\$ 476,044,823	\$ 470,388,963	40%	\$ 784,699	\$ 8,442,776	\$ 143,322	\$ 1,488,897	\$ 928,021	\$ 9,931,673	\$ 1,392,032	\$ 14,897,510
16	2039	3.0%	\$ -	\$ 409,837,696	\$ -	\$ 74,832,612	\$ 490,326,168	\$ 484,670,308	40%	\$ 808,551	\$ 9,251,327	\$ 147,656	\$ 1,636,552	\$ 956,207	\$ 10,887,880	\$ 1,434,310	\$ 16,331,820
17	2040	3.0%	\$ -	\$ 422,285,623	\$ -	\$ 77,094,470	\$ 505,035,953	\$ 499,380,093	40%	\$ 833,118	\$ 10,084,445	\$ 152,120	\$ 1,788,672	\$ 985,238	\$ 11,873,118	\$ 1,477,857	\$ 17,809,676
18	2041	3.0%	\$ -	\$ 435,106,988	\$ -	\$ 79,424,183	\$ 520,187,031	\$ 514,531,171	40%	\$ 858,422	\$ 10,942,868	\$ 156,718	\$ 1,945,390	\$ 1,015,140	\$ 12,888,257	\$ 1,522,710	\$ 19,332,386
19	2042	0%	\$ -	\$ 435,106,988	\$ -	\$ 79,424,183	\$ 520,187,031	\$ 514,531,171	40%	\$ 884,485	\$ 11,827,353	\$ 161,453	\$ 2,106,843	\$ 1,045,939	\$ 13,934,196	\$ 1,568,908	\$ 20,901,295
20	2043	0%	\$ -	\$ 435,106,988	\$ -	\$ 79,424,183	\$ 520,187,031	\$ 514,531,171	40%	\$ 884,485	\$ 12,711,839	\$ 161,453	\$ 2,268,297	\$ 1,045,939	\$ 14,980,135	\$ 1,568,908	\$ 22,470,203
21	2044	3.0%	\$ -	\$ 448,312,994	\$ -	\$ 81,823,788	\$ 535,797,642	\$ 530,136,782	40%	\$ 884,485	\$ 13,596,324	\$ 161,453	\$ 2,429,750	\$ 1,045,939	\$ 16,026,074	\$ 1,568,908	\$ 24,039,111
22	2045	3.0%	\$ -	\$ 461,915,180	\$ -	\$ 84,295,381	\$ 551,866,421	\$ 546,210,561	40%	\$ 911,331	\$ 14,507,655	\$ 166,331	\$ 2,596,042	\$ 1,077,662	\$ 17,103,736	\$ 1,616,493	\$ 25,655,605
23	2046	3.0%	\$ -	\$ 475,925,432	\$ -	\$ 86,841,122	\$ 568,422,414	\$ 562,766,554	40%	\$ 938,981	\$ 15,446,636	\$ 171,356	\$ 2,767,417	\$ 1,110,337	\$ 18,214,073	\$ 1,665,505	\$ 27,321,110
24	2047	3.0%	\$ -	\$ 490,355,991	\$ -	\$ 89,463,235	\$ 585,475,086	\$ 579,819,226	40%	\$ 967,461	\$ 16,414,097	\$ 176,531	\$ 2,943,968	\$ 1,143,992	\$ 19,358,045	\$ 1,715,988	\$ 29,037,098
25	2048	3.0%	\$ -	\$ 505,219,467	\$ -	\$ 92,164,012	\$ 603,039,339	\$ 597,383,479	40%	\$ 996,796	\$ 17,410,893	\$ 181,861	\$ 3,125,829	\$ 1,178,657	\$ 20,536,712	\$ 1,767,985	\$ 30,805,082
26	2049	3.0%	\$ -	\$ 520,528,847	\$ -	\$ 94,945,812	\$ 621,130,519	\$ 615,474,659	40%	\$ 1,027,010	\$ 18,437,903	\$ 187,351	\$ 3,313,180	\$ 1,214,361	\$ 21,751,063	\$ 1,821,542	\$ 32,626,624
27	2050	3.0%	\$ -	\$ 536,297,509	\$ -	\$ 97,811,046	\$ 639,764,435	\$ 634,108,575	40%	\$ 1,058,131	\$ 19,496,034	\$ 193,006	\$ 3,506,186	\$ 1,251,137	\$ 23,002,210	\$ 1,876,705	\$ 34,503,329
28	2051	3.0%	\$ -	\$ 552,539,231	\$ -	\$ 100,762,217	\$ 658,957,368	\$ 653,301,508	40%	\$ 1,090,186	\$ 20,586,219	\$ 198,830	\$ 3,705,046	\$ 1,289,016	\$ 24,291,215	\$ 1,933,524	\$ 36,436,853
29	2052	0%	\$ -	\$ 552,539,231	\$ -	\$ 100,762,217	\$ 658,957,368	\$ 653,301,508	40%	\$ 1,123,202	\$ 21,709,421	\$ 204,830	\$ 3,909,846	\$ 1,328,031	\$ 25,619,217	\$ 1,992,047	\$ 38,428,900
30	2053	0%	\$ -	\$ 552,539,231	\$ -	\$ 100,762,217	\$ 658,957,368	\$ 653,301,508	40%	\$ 1,123,202	\$ 22,832,623	\$ 204,830	\$ 4,114,625	\$ 1,328,031	\$ 26,947,298	\$ 1,992,047	\$ 40,420,947
31	2054	3.0%	\$ -	\$ 569,268,204	\$ -	\$ 103,802,025	\$ 678,726,089	\$ 673,070,229	40%	\$ 1,123,202	\$ 23,955,825	\$ 204,830	\$ 4,319,505	\$ 1,328,031	\$ 28,275,329	\$ 1,992,047	\$ 42,412,994
32	2055	3.0%	\$ -	\$ 586,499,046	\$ -	\$ 106,932,965	\$ 699,087,871	\$ 693,432,011	40%	\$ 1,157,208	\$ 25,113,033	\$ 211,009	\$ 4,530,513	\$ 1,368,217	\$ 29,643,547	\$ 2,052,326	\$ 44,465,320
33	2056	3.0%	\$ -	\$ 604,246,814	\$ -	\$ 110,157,834	\$ 720,060,508	\$ 714,404,648	40%	\$ 1,192,235	\$ 26,305,268	\$ 217,373	\$ 4,747,887	\$ 1,409,609	\$ 31,053,155	\$ 2,114,413	\$ 46,579,733
34	2057	3.0%	\$ -	\$ 622,527,015	\$ -	\$ 113,479,448	\$ 741,662,323	\$ 736,006,463	40%	\$ 1,228,313	\$ 27,533,581	\$ 223,929	\$ 4,971,816	\$ 1,452,242	\$ 32,505,397	\$ 2,178,363	\$ 48,758,095
35	2058	3.0%	\$ -	\$ 641,355,621	\$ -	\$ 116,900,711	\$ 763,912,192	\$ 758,256,332	40%	\$ 1,265,473	\$ 28,799,054	\$ 230,681	\$ 5,202,457	\$ 1,496,154	\$ 34,001,511	\$ 2,244,231	\$ 51,002,326
36	2059	3.0%	\$ -	\$ 660,749,086	\$ -	\$ 120,424,612	\$ 786,829,558	\$ 781,173,698	40%	\$ 1,303,748	\$ 30,102,802	\$ 237,636	\$ 5,440,112	\$ 1,541,383	\$ 35,542,914	\$ 2,312,075	\$ 53,314,401
37	2060	3.0%	\$ -	\$ 680,724,355	\$ -	\$ 124,054,230	\$ 810,434,445	\$ 804,778,585	40%	\$ 1,343,171	\$ 31,445,973	\$ 244,799	\$ 5,684,932	\$ 1,587,970	\$ 37,130,914	\$ 2,381,955	\$ 55,696,356
38	2061	3.0%	\$ -	\$ 701,298,882	\$ -	\$ 127,792,736	\$ 834,747,478	\$ 829,091,618	40%	\$ 1,383,776	\$ 32,829,749	\$ 252,177	\$ 5,937,109	\$ 1,635,954	\$ 38,766,816	\$ 2,453,931	\$ 58,150,287
39	2062	0%	\$ -	\$ 701,298,882	\$ -	\$ 127,792,736	\$ 834,747,478	\$ 829,091,618	40%	\$ 1,425,600	\$ 34,255,350	\$ 259,777	\$ 6,196,886	\$ 1,685,377	\$ 40,452,236	\$ 2,528,066	\$ 60,678,353
40	2063	0%	\$ -	\$ 701,298,882	\$ -	\$ 127,792,736	\$ 834,747,478	\$ 829,091,618	40%	\$ 1,425,600	\$ 35,680,950	\$ 259,777	\$ 6,456,663	\$ 1,685,377	\$ 42,137,613	\$ 2,528,066	\$ 63,206,420
<b>Total</b>			\$ 291,712,037	\$ 54,198,889	\$ -	\$ -	\$ 834,747,478	\$ 829,091,618		\$ 35,680,950	\$ 6,456,663	\$ -	\$ -	\$ 42,137,613	\$ 63,206,420	\$ -	\$ -

Assumptions	
Base Taxable Value <sup>2</sup>	\$ 5,655,860
City Av Rate	0.5082

Footnotes	
1)	Values increased at 2% annually, with two years of no growth each decade to simulate an economic downturn.
2)	Absorption schedule and values follow Developer's model dated 11/28/2022.

**EXHIBIT F-1 – LEGAL DESCRIPTION OF THE ZONE**

*The legal description of the Zone is the legal description of the Residential Property and the legal description of the Commercial Property.*

**EXHIBIT F-2 – LEGAL DESCRIPTION OF THE RESIDENTIAL PROPERTY**



**DOUCET**  
Limestone Creek  
Hays County, Texas

7401B Highway 71 West, Suite 160, Austin, TX 78735  
Office: 512.583.2600  
Fax: 512.583.2601  
Doucetengineers.com

“Exhibit F-2”

**D&A Job No. 1691-009**  
**April 19, 2022**

**METES AND BOUNDS DESCRIPTION**  
**161.5 ACRE TRACT**

**BEING A 161.5 ACRE TRACT OUT OF THE JAMES WILLIAMS SURVEY, ABSTRACT NUMBER 473, HAYS COUNTY, TEXAS, BEING ALL OF A CALLED 179.278 ACRE TRACT OF LAND, DESCRIBED IN A DEED TO MERITAGE HOMES OF TEXAS LLC, RECORDED IN DOCUMENT NUMBER 21036270, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS [O.P.R.H.C.T.], SAVE AND EXCEPT A 5.895 ACRE TRACT AND A 11.946 ACRE TRACT IN SAID DEED, AND BEING ALL OF A CALLED 7.87 ACRE TRACT, DESCRIBED TO LASALLE MUNICIPAL UTILITY DISTRICT NO 1, RECORDED IN DOCUMENT NUMBER 21016927, [O.P.R.H.C.T.], SAID 161.5 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a 1/2-inch iron rod found for the northwest corner of said 179.278 acre tract, also on the east right-of-way line of County Road (CR) 145 (Volume 5, Page 205, Plat Records of Hays County, Texas [P.R.H.C.T.]), same being the southwest corner of a called 85.1806 acre tract, described in a deed to Allaudin N. Maredia, and recorded in Document Number 17039745 [O.P.R.H.C.T.];

**THENCE**, S46°44'17"E, departing the east right-of-way of said C.R. 145 and continuing with the common line of said 179.278 acre and said 85.1806 acre tract, a distance of 4,013.29 feet to a 1/2-inch iron rod found for the northeast corner of said 179.278 acre tract, and the southeast corner of said 85.1806 acre tract, same being on the northwest line of a called 236.1 acre tract, described in a deed to Tack Development, Ltd., recorded in C.F. Number 18007777 [O.P.R.H.C.T.];

**THENCE** S43°23'05"W, departing the south line of said 85.1806 acre tract and continuing with the common line of said 179.278 acre tract and said 236.1 acre tract, a distance of 1,947.18 feet to a 1/2-inch iron rod found for the southeast corner of said 179.278 acre tract, same being the northwest corner of Quail Ridge Subdivision, a subdivision of record in Volume 2, Page 337, [P.R.H.C.T.];

**THENCE** N46°44'14"W, departing the west line of said 236.1 acre tract and continuing with the common line of said 179.278 acre tract and said Quail Ridge Subdivision, a distance of 2,842.59 feet to a 1/2-inch iron rod found at the southeast corner of the said 5.895 acre save and except tract;

**THENCE** departing north line of said Quail Ridge Subdivision, and continuing over and across said 179.278 acre tract with the east and north lines of the said 5.895 acre save and except tract and the south line of the said 7.87 acre tract, the following eight (8) courses and distances:

- 1) N43°15'48"E, a distance of 195.23 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found and the beginning of a curve to the right.
- 2) with said curve to the right, defined by an arc length of 141.87 feet, a radius of 330.03 feet, a delta angle of 24°37'51", a chord bearing of N09°38'34"W, a chord distance of 140.78 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found.

**CONTINUED ON NEXT PAGE**



**DOUCET**

7401B Highway 71 West, Suite 160, Austin, TX 78735

Office: 512.583.2600

Fax: 512.583.2601

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“Exhibit “-----”

- 3) N02°44'09"E, a distance of 243.78 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found and the beginning of a curve to the left.
- 4) with said curve to the left, defined by an arc length of 31.23 feet, a radius of 20.00 feet, a delta angle of 89°28'43", a chord bearing of N42°12'11"W, a chord distance of 28.16 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found.
- 5) N86°49'32"W, a distance of 280.56 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found and the beginning of a curve to the right.
- 6) with said curve to the right, defined by an arc length of 573.03 feet, a radius of 1,040.13 feet, a delta angle of 31°33'55", a chord bearing of N71°23'01"W, a chord distance of 565.81 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found.
- 7) N55°32'03"W, a distance of 126.49 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found, and
- 8) S86°40'31", a distance of 20.47 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found on the west line of said 179.278 acre tract and on the south right-of-way line of said C.R. 145;

**THENCE** N43°16'02"E, with the east right-of-way line of said C.R. 145, a distance of 106.18 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found on the west line of said 179.278 acre tract, at the southwest corner of the said 11.946 acre save and except tract;

**THENCE**, departing the east right-of-way of said C.R. 145 and continuing over and across said 179.278 acre tract with the south and east lines of the said 11.946 acre save and except tract, and the north line of the said 7.87 acre tract, the following eight (8) courses and distances:

- 1) S10°17'05"E, a distance of 17.42 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found.
- 2) S55°36'03"E, a distance of 114.06 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found and the beginning of a curve to the left.
- 3) with said curve to the left, defined by an arc length of 529.19 feet, a radius of 960.25 feet, a delta angle of 31°34'31", a chord bearing of S71°23'26"E, a chord distance of 522.51 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found,
- 4) S86°49'32"E, a distance of 279.97 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found and the beginning of a curve to the left.
- 5) with said curve to the left, defined by an arc length of 31.59 feet, a radius of 20.00 feet, a delta angle of 90°29'25", a chord bearing of N47°49'44"W, a distance of 28.41 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found.
- 6) N02°43'44"E, a distance of 419.07 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found, and the beginning of a curve to the right, and

**CONTINUED ON NEXT PAGE**



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Fax: 512.583.2601  
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"Exhibit "-----"

- 7) with said curve to the right, defined by an arc length of 136.59 feet, a radius of 330.03 feet, a delta angle of 23°42'48", a chord bearing of N14°32'37"E, a chord distance of 135.62 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found, and
- 8) N47°21'17"W, a distance of 480.50 feet to a 1/2-inch iron rod with cap stamped "PAYNE 6064" found on the west line of said 179.278 acre tract and on the said east right-of-way of C.R. 145;

THENCE N43°16'09"W, with the west line of said 179.278 acre tract and on the said east right-of-way of C.R. 145, a distance of 958.21 feet to the POINT OF BEGINNING and containing approximately 161.5 acres.

Basis of bearings is the Texas Coordinate System, South Central Zone [4204], NAD83 (2011), Epoch 2010, observed using the Leica Smartnet Network. All distances shown are adjusted to surface values using a combined scale factor of 1.000081, units: US survey feet.

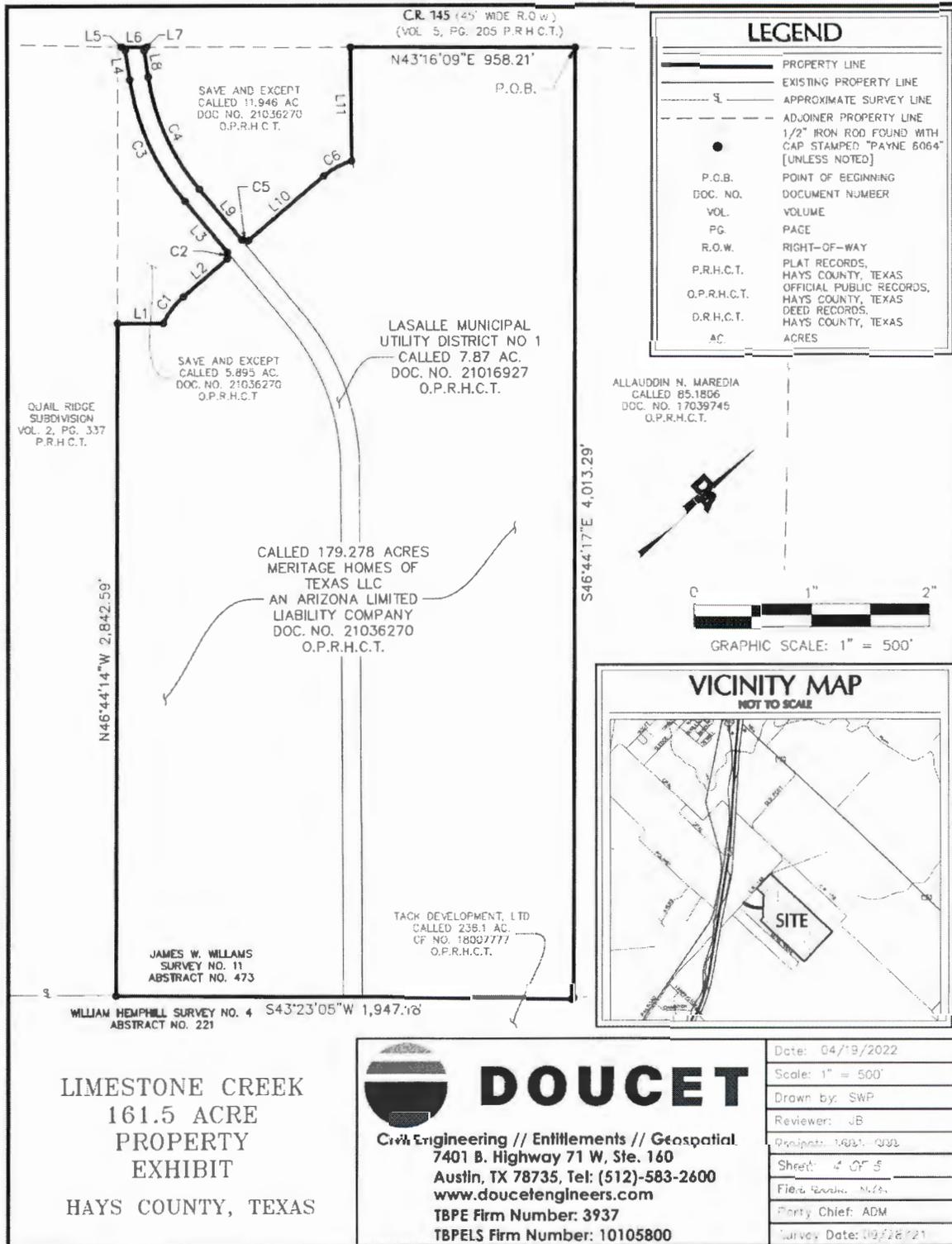
I, John Barnard, Registered Professional Land Surveyor, hereby certify that this description and accompanying exhibit of even date represent an actual survey performed on the ground.

04/19/2022

John Barnard  
Registered Professional Land Surveyor  
Texas Registration No. 5749  
Doucet & Associates  
jbarnard@doucetengineers.com  
TBPLS Firm No. 10105800

Date





LEGEND	
	PROPERTY LINE
	EXISTING PROPERTY LINE
	APPROXIMATE SURVEY LINE
	ADJOINER PROPERTY LINE
	1/2" IRON ROD FOUND WITH CAP STAMPED "PAYNE 6064" [UNLESS NOTED]
P.C.B.	POINT OF BEGINNING
DOC. NO.	DOCUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
R.O.W.	RIGHT-OF-WAY
P.R.H.C.T.	PLAT RECORDS, HAYS COUNTY, TEXAS
O.P.R.H.C.T.	OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS
D.R.H.C.T.	DEED RECORDS, HAYS COUNTY, TEXAS
AC	ACRES

ALLAUDDIN N. MAREDIS  
CALLED 85.18D6  
DOC. NO. 17039746  
O.P.R.H.C.T.



GRAPHIC SCALE: 1" = 500'



LIMESTONE CREEK  
161.5 ACRE  
PROPERTY  
EXHIBIT  
HAYS COUNTY, TEXAS



**DOUCET**  
Civil Engineering // Entitlements // Geospatial  
7401 B. Highway 71 W, Ste. 160  
Austin, TX 78735, Tel: (512)-583-2600  
www.doucetengineers.com  
TBPE Firm Number: 3937  
TBPELS Firm Number: 10105800

Date:	04/19/2022
Scale:	1" = 500'
Drawn by:	SWP
Reviewer:	JB
Proposed:	1603-000
Sheet:	4 OF 5
File Name:	N/A
Party Chief:	ADM
Survey Date:	09/28/21

LINE	BEARING	DISTANCE
L1	N43°10'44"E	195.237
L2	S02°44'19"E	241.197
L3	S86°14'03"W	248.176
L4	N55°16'02"W	211.297
L5	S84°14'17"W	211.471
L6	N42°14'02"E	114.174
L7	S27°14'02"E	71.174
L8	S50°36'03"E	114.166
L9	S86°14'13"E	279.977
L10	S02°44'19"E	241.197
L11	N43°10'17"E	195.162

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	141.87	131.03	245°29'17"	N20°35'15"W	141.87
C2	11.21	25.00	69°26'43"	N42°12'11"W	11.21
C3	573.13	1074.73	37°12'56"	N77°27'11"W	573.13
C4	523.19	49.14	87°14'31"	S77°27'11"E	523.19
C5	10.98	25.00	50°09'05"	N47°46'44"E	10.98
C6	136.57	111.03	234°24'48"	N14°11'17"E	136.57

UNITS: NUMBER OF THE TEXAS COORDINATE SYSTEM SOUTH DATUM, 2011. LOCAL NORTH ARROW POINT 1941 (NAD 83) LOCAL ADJUSTMENT (ELEVATION) ALL LOCAL DATA VALUES AND DISTANCES SHOWN ARE SURFACE VALUES AND MAY BE DIFFERENT TO GRADE BY USING THE SURFACE ADJUSTMENT FACTOR OF 0.000143314 (1/7000000). ALL DISTANCES ARE IN FEET.

THIS PLAN HAS BEEN PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A MEMBER IN GOOD STANDING OF THE TEXAS SURVEYORS ASSOCIATION. I AM NOT PROVIDING ANY PROFESSIONAL SERVICES IN THE STATE OF TEXAS.

*[Signature]*  
04/19/2022  
JOHN D. BARNARD  
REGISTERED PROFESSIONAL LAND SURVEYOR  
5749  
STATE OF TEXAS



LIMESTONE CREEK  
161.5 ACRE  
PROPERTY  
EXHIBIT  
HAYS COUNTY, TEXAS

**DOUCET**  
Civil Engineering // Easements // Geospatial  
7401 B. Highway 71 W. Ste. 160  
Austin, TX 78735, Tel: (512)-583-2600  
www.doucetengineers.com  
TBPE Firm Number: 3937  
TBPELS Firm Number: 10105800

Prepared by:	JTB
Checked by:	JTB
Reviewed by:	JTB
Approved by:	JTB
Date:	04/19/2022
Party:	City of Kyle
Project:	Reinvestment Zone Number Four

## EXHIBIT F-3 – LEGAL DESCRIPTION OF THE COMMERCIAL PROPERTY



www.payneind.com  
737.636.9445

**A DESCRIPTION OF 4.407 ACRES IN THE JAMES W. WILLIAMS SURVEY NO. 11, ABSTRACT 473, HAYS COUNTY, TEXAS, BEING OUT OF A CALLED 134 1/2 ACRE TRACT OF LAND CONVEYED TO JOHN H. SPOONER, IN VOLUME 2940, PAGE 806 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY TEXAS (OPRHCT); SAID 4.407 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at a 1/2-inch iron rod found at the west corner of said 134 1/2 acre tract, same being the north corner of Lot 86, Quail Ridge Subdivision, recorded in Volume 2, Page 337 of the Plat Records of Hays County, Texas (OPRHCT), also being in the southeast right-of-way-line of E Post Road (right-of-way width varies).

**THENCE**, with the northwest line of said 134 1/2 acre tract, same being the southeast right-of-way line of E Post Road, **N43°16'11"E**, at a distance of **16.70** feet to a calculated point in the northwest line of said 134 1/2 acre tract, the same being the southeast right-of-way line of said E Post Road from which a calculated point at the north corner of said 134 1/2 acre tract bears **N43°16'11"E** a distance of **1443.61** feet, the same also being in the south right-of-way line of a roadway conveyed in Document Number 21016927;

**THENCE**, across said 134 1/2 acre tract and with said south-right-of-way line the following two (2) courses and distances:

- 1) **N86°40'32"E**, a distance of **20.47** feet to a calculated point, and,
- 2) **S55°36'02"E**, a distance of **119.58** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set at the **POINT OF BEGINNING** hereof.

**THENCE**, continuing across said 134 1/2 acre tract and with said south right-of-way line the following three (3) courses and distances:

- 1) **S55°36'02"E**, a distance of **6.90** feet to a calculated point,
- 2) with a curve to the left, having a radius of **1040.13** feet, a delta angle of **31°33'56"**, an arc length of **573.03** feet, and a chord which bears **S71°23'01"E**, a distance of **565.81** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set, and,
- 3) **S86°49'32"E**, a distance of **280.48** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set;

**THENCE**, departing said south right-of-way line and continuing across said 134 1/2 acre tract the following five (5) courses and distances:

- 1) with a curve to the right, having a radius of **20.00** feet, a delta angle of **89°33'56"**, an arc length of **31.26** feet, and a chord which bears **S42°02'34"E**, a distance of **28.18** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set,
- 2) **S02°44'24"W**, a distance of **243.05** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set,
- 3) with a curve to the left, having a radius of **330.00** feet, a delta angle of **14°43'38"**, an arc length of **84.82** feet, and a chord which bears **S04°37'25"E**, a distance of **84.59** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set.

Payne Industries, L.P. 12000 W. Highway 101, Suite 100, Austin, Texas 78737 | 737.636.9445 | 2024.09.02

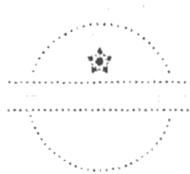
4) **S43°15'48"W**, a distance of **173.86** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set, and.

5) **N46°44'12"W**, a distance of **984.41** feet to the **POINT OF BEGINNING** hereof and containing 4.407 acres, more or less.

Surveyed on the ground May 20, 2021. Bearing Basis: Grid North on The Texas Coordinate System of 1983 (NAD83), South Central Zone, based on GPS solutions. Attachments: drawing 1960-001-PLAT EXCEPTION-SOUTH

6/5/21

Phillip C. Payne, RPLS  
State of Texas #6064





20191113.dwg  
11/12/2019 10:54

**A DESCRIPTION OF 11.946 ACRES IN THE JAMES W. WILLIAMS SURVEY NO. 11, ABSTRACT 473, HAYS COUNTY, TEXAS, BEING OUT OF A CALLED 134 1/2 ACRE TRACT OF LAND CONVEYED TO JOHN H. SPOONER, IN VOLUME 2940, PAGE 806 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY TEXAS (OPRHCT); SAID 11.946 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at a 1/2-inch iron rod found at the west corner of said 134 1/2 acre tract, same being the north corner of Lot 86, Quail Ridge Subdivision, recorded in Volume 2, Page 337 of the Plat Records of Hays County, Texas (OPRHCT), also being in the southeast right-of-way-line of E Post Road (right-of-way width varies):

**THENCE**, with the northwest line of said 134 1/2 acre tract, same being the southeast right-of-way line of E Post Road, **N43°16'11"E**, at a distance of **122.88** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set in the northwest line of said 134 1/2 acre tract, the same being in the southeast right-of-way line of said E Post Road and in the north right-of-way line of a 7.87 acre tract (80' wide road) conveyed to LaSalle Municipal Utility District No. 1 in Document No. 21016927 ORHCT, being the **POINT OF BEGINNING** hereof:

**THENCE**, leaving the 7.87 acre right-of-way tract, continuing with the northwest line of said 134 1/2 acre tract, same being the southeast right-of-way line of E Post Road, **N43°16'11"E**, at a distance of **865.89** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set in the northwest line of said 134 1/2 acre tract, the same being the southeast right-of-way line of said E Post Road from which a calculated point at the north corner of said 134 1/2 acre tract bears **N43°16'11"E** a distance of **471.57** feet:

**THENCE**, leaving E Post Road and across said 134 1/2 acre tract the following four (4) courses and distances:

- 1) **S47°21'20"E**, a distance of **480.45** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set.
- 2) with a curve to the left, having a radius of 330.00 feet, a delta angle of 23°38'24", an arc length of 136.16 feet, and a chord which bears **S14°33'37"W**, a distance of **135.19** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set.
- 3) **S02°44'25"W**, a distance of **419.43** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set, and,
- 4) with a curve to the right, having a radius of 20.00 feet, a delta angle of 90°26'03", an arc length of 31.57 feet, and a chord which bears **S47°57'26"W**, a distance of **28.39** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set in the north right-of-way line of the previously mentioned 7.87 acre roadway conveyed in Document Number 21016927, ORHCT :

**THENCE**, across said 134 1/2 acre tract and with said north right-of-way of the 7.87 acre roadway tract the following four (4) courses and distances:

- 1) **N86°49'32"W**, a distance of **279.81** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set.
- 2) with a curve to the right, having a radius of 960.25 feet, a delta angle of 31°34'30", an arc length of 529.18 feet, and a chord which bears **N71°23'26"W**, a distance of **522.51** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set.
- 3) **N55°36'03"W**, a distance of **114.06** feet to a 1/2-inch iron rod with "PAYNE 6064" cap set, and,

*Drawn by: [unclear] | 502 W. Highway 107, Suite 100 | San Antonio, TX 78209 | 210.216.0000 | Page 1 of 2*

4) **N10°17'05"W**, a distance of **17.41** feet to the **POINT OF BEGINNING** hereof, and containing 11.946 acres, more or less.

Surveyed on the ground May 20, 2021. Bearing Basis: Grid North on The Texas Coordinate System of 1983 (NAD83), South Central Zone, based on GPS solutions. Attachments: drawing 1960-001-PLAT EXCEPTION-NORTH

6/5/21

Phillip C. Payne, RPLS  
State of Texas #6064

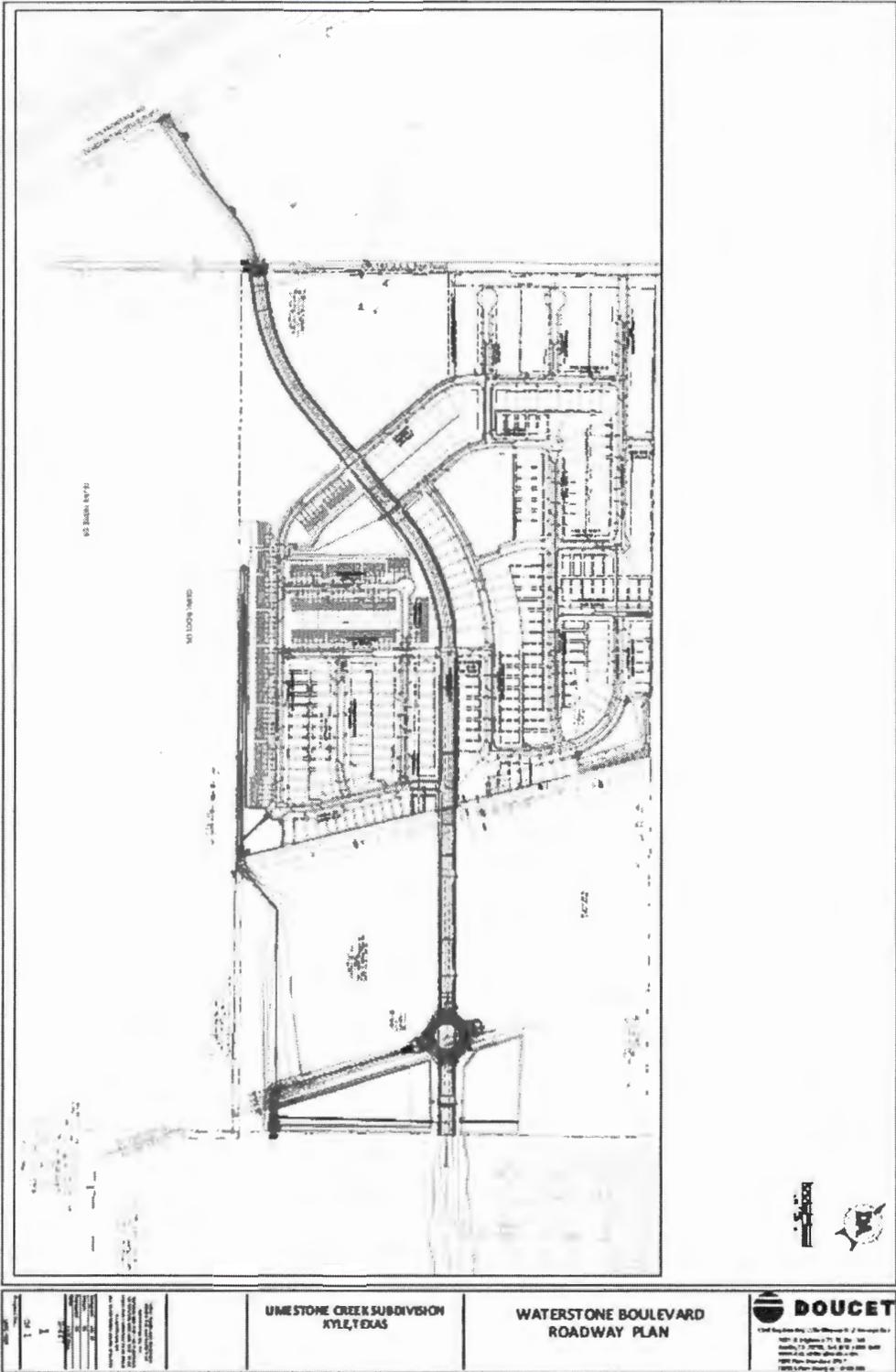


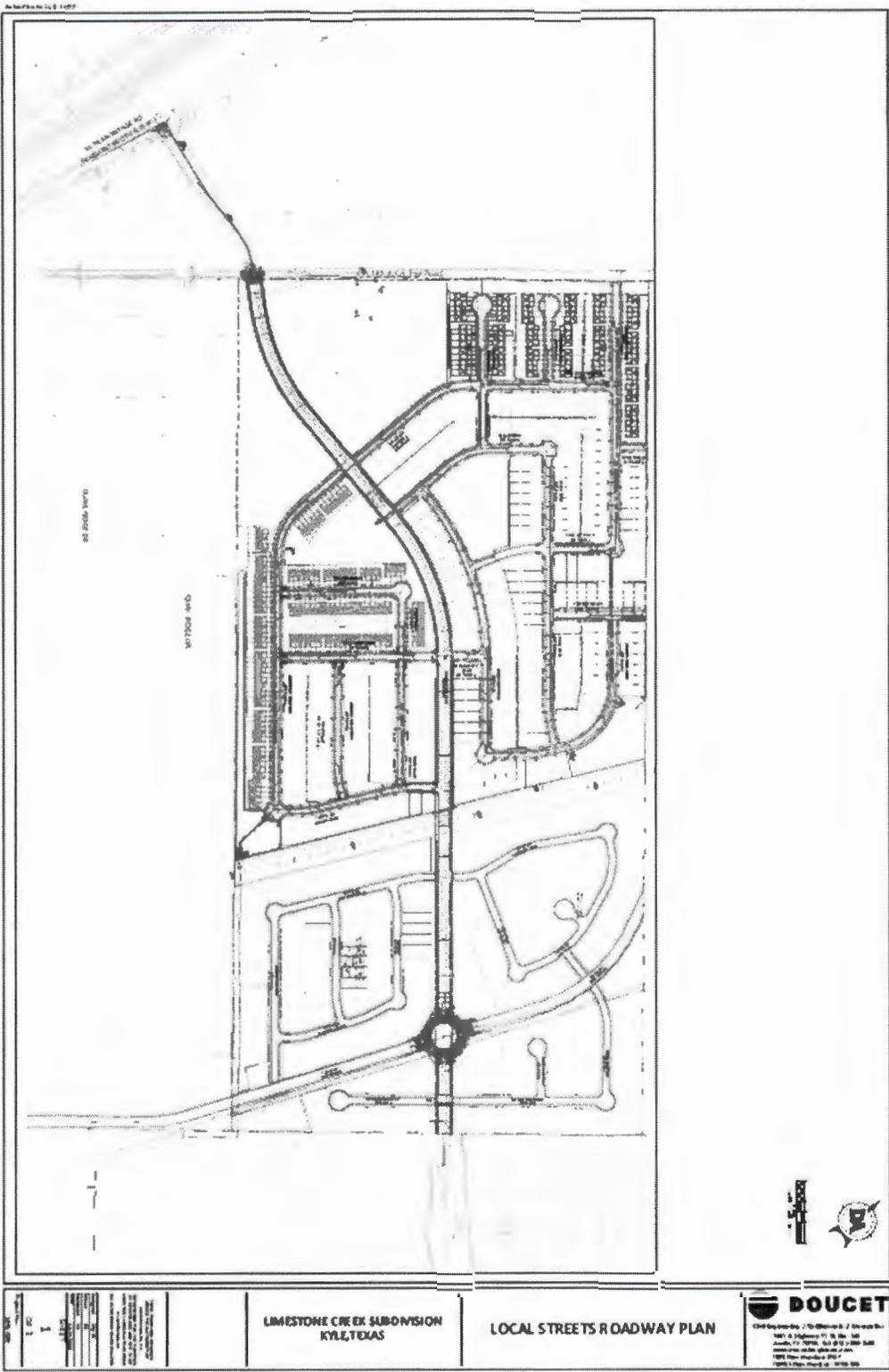
PHILLIP C. PAYNE - 2021 - 2024 - 2 of 2

## EXHIBIT G – PROPOSED USES OF THE PROPERTY

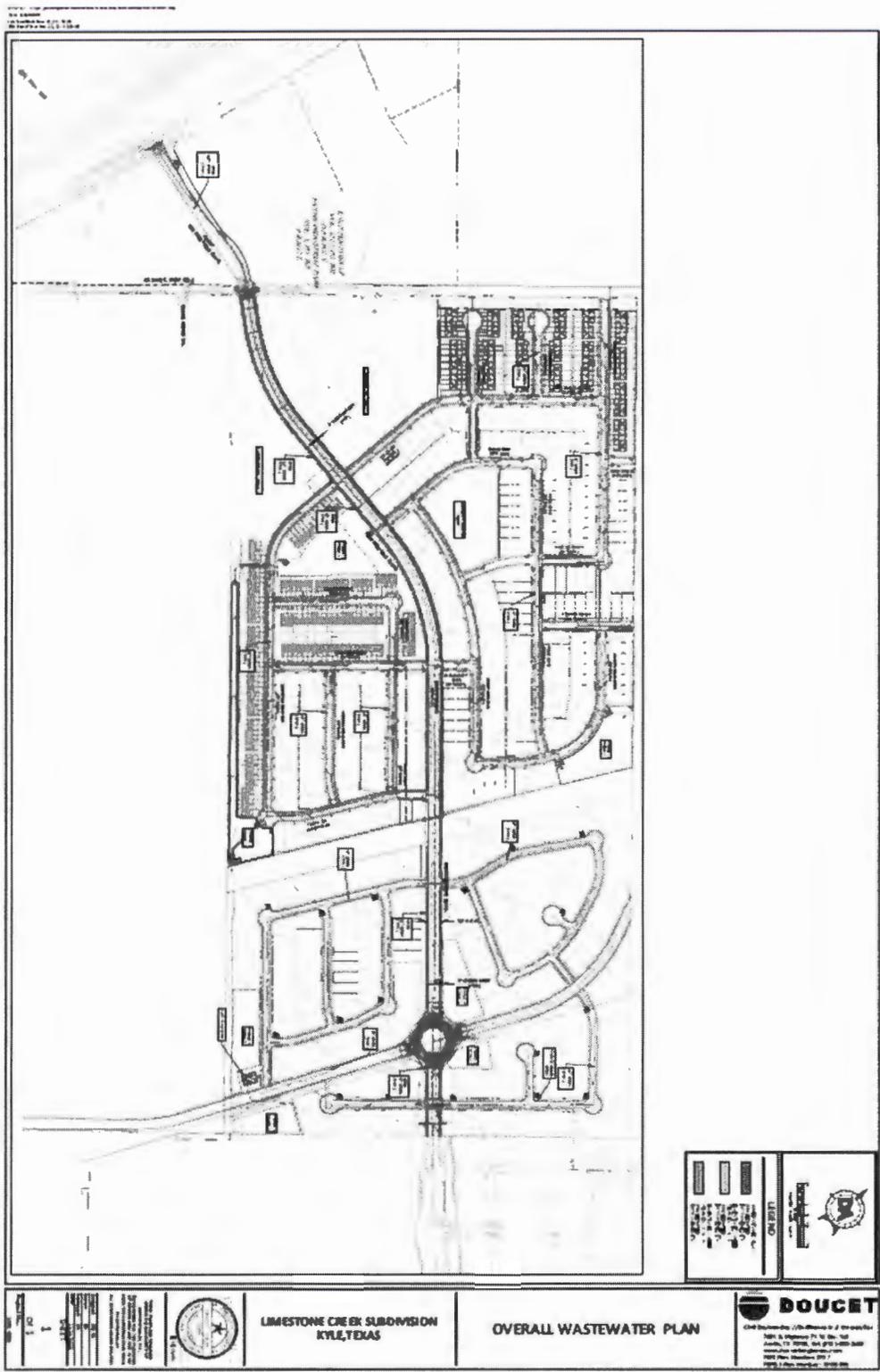


**EXHIBIT H – MAP OF THE PUBLIC IMPROVEMENTS**















**SECOND AMENDMENT TO  
AMENDED AND RESTATED  
LIMESTONE CREEK DEVELOPMENT AGREEMENT**

This Second Amendment to Amended and Restated Limestone Creek Development Agreement (this "Second Amendment") is made and entered into as of the \_\_\_\_\_, 2023 (the "Second Amendment Effective Date") by and among **The City of Kyle, Texas**, a home rule municipality situated in Hays County, Texas (the "City"), and **Meritage Homes of Texas, LLC**, an Arizona limited liability company, their successors and assigns (the "Developer"). The City and Developer are sometimes each individually herein referred to as a "Party" and sometimes collectively herein referenced as the "Parties".

**RECITALS**

- A. Developer and City entered into that certain Amended and Restated Limestone Creek Development Agreement, dated June 21, 2022 (the "Amended and Restated Agreement"), which was amended by that certain First Amendment to Amended and Restated Limestone Creek Development Agreement, dated October 18, 2022 (the "First Amendment") in connection with the development of a master planned community, providing for, among other terms, certain development obligations of the Developer in return for consideration of special financing terms by the City.
- B. Developer and City desire to modify and amend the Amended and Restated Agreement on the terms and conditions hereinafter set forth.

**NOW, THEREFORE**, for and in consideration of the mutual agreements, covenants, and conditions contained in this Second Amendment, and other good and valuable consideration, the City and Developer agree as follows:

- 1. The recitals set forth above are incorporated herein and made a part of this Second Amendment to the same extent as if set forth herein in full.
- 2. All capitalized terms in this Second Amendment shall have the same meanings as in the Amended and Restated Agreement unless expressly provided otherwise herein.
- 3. Section A of the Recitals of the Amended and Restated Agreement is hereby deleted and replaced with the following:

A. Developer owns approximately 161.5 acres of land, more or less, located within the City and described by metes and bounds on the attached Exhibit "A" (the "Property"). Kyle Land Partners, LLC, the Consenting Party, owns approximately 17.841 acres of land, more or less adjacent to the Property and described by metes and bounds on the attached Exhibit

“A-1” (the “Commercial Tracts”) which the Parties intend to be included, along with the Property, in the proposed TIRZ.

4. Section E of the Recitals of the Amended and Restated Agreement is hereby deleted and replaced with the following:

E. Prior to the Effective Date, the Property was subject to that certain Agreement Regarding Roadway and Drainage Improvements — Spooner Tract, entered into December 15, 2020 (the “Original Agreement”) between the City and Sandera Land Development Company, LLC, as predecessor in interest to Developer (the “Previous Owner”), which provided for certain improvements to the Property for the benefit of the City. Sandera assigned the Roadway and Drainage Agreement to Kyle Land Partners, LLC, effective June 1, 2021. Developer subsequently acquired approximately 161.5 acres from Kyle Land Partners, LLC and Kyle Land Partners retained approximately 17.841 acres.

5. The Definition of “Eminent Domain Fees” in the Amended and Restated Agreement is hereby deleted and replaced with the following:

“**Eminent Domain Fees**” means the reasonable and necessary legal proceeding/litigation costs, compensation awards by courts or negotiated amounts for the condemned property interest, attorneys’ fees, appraiser and expert witness fees, right-of-way and/or relocation agent fees, reasonable moving costs, replacement housing payments, and/or purchase supplements for displaced residents, interest, court costs, mediation fees, deposition costs, copy charges, courier fees, postage and taxable court costs.

6. The Definition of “Goforth Boulevard” in the Amended and Restated Agreement is hereby deleted and replaced with the following:

“**S. Goforth Road**” means the roadway that will be constructed to City standards in addition to the requirements set forth in Sections 5.03 and 6.03 in this Agreement, and as generally depicted on the Concept Plan and on Exhibit “C” attached hereto. The use of “Goforth Boulevard” in the Agreement shall mean “S. Goforth Road.”

7. The following definition is hereby added to Article II Definitions in the Amended and Restated Agreement:

“**Negotiated Settlement Fees**” means the reasonable and necessary negotiated amounts for the property interest subject to a cap equal to the fair market appraisal of such property, attorneys’ fees, appraiser fees, right-of-way and/or relocation agent fees, reasonable moving costs, replacement housing payments, and/or purchase supplements for displaced residents, interest, costs, copy charges, courier fees, and postage.

8. Section 6.04. Section 6.04 of the Amended and Restated Agreement is hereby deleted and replaced with the following:

(a) **Off-Site Properties Acquisition.**

- (1) The Parties acknowledge that in order to facilitate the construction of the off-site portion of S. Goforth Road and its inclusion of same into the City's Transportation Master Plan network, the Off-Site Properties, consisting of no more than six (6) lots and any partial additional property that may need to be acquired for the construction of the off-site portion of S. Goforth Road, as generally shown in Exhibit "D" attached hereto, will need to be acquired by the City. Once acquired by the City, the City will own and maintain the Off-Site Properties.
- (2) Construction of the off-site portion of S. Goforth Road, Access to acquired Off-Site Properties and Platting. The City hereby agrees to grant the Developer access to the Off-Site Properties after the City acquires the Off-Site Properties for purposes related to the construction of the off-site portion of S. Goforth Road pursuant to the submission by the Developer of a re-plat, or other instrument agreed to by the Parties, that includes the City as owner of the Off-Site Properties and the Off-Site Properties dedicated as right-of-way. Developer agrees to construct the off-site portion of S. Goforth Road to City standards in addition to the requirements set forth in Sections 5.03 and 6.03. Developer further agrees that in its agreement with the contractor for the construction of the off-site portion of S. Goforth Road, cause the contractor to: (i) carry commercial general liability insurance, with a combined single limit of not less than one million and No/100 Dollars (\$1,000,000.00), which coverage may be provided in the form of a rider and/or endorsement to a previously existing insurance policy and such insurance coverage shall specifically name the City as an additional insured; and (ii) indemnify, defend, and hold harmless the City and its officers, agents and employees against all claims, suits, demands, judgments, expenses, including attorney's fees, or other liability for personal injury, death, or damage to any person or property which arises from or is in any manner caused by the construction or installation of the off-site portion of S. Goforth Road or use of the Off-Site Properties by the contractor.
- (3) As a condition to requiring the Developer to construct the off-site portion of S. Goforth Road outside the Property, the City shall use its best efforts and pursue all reasonable actions to secure the Off-Site Properties, including consideration of the use of the City's power of eminent domain or negotiated settlement. If the City takes such eminent domain action or negotiated settlement pursuant to an acquisition, the Developer shall fund all reasonable and necessary Negotiated Settlement Fees or Eminent Domain Fees paid or incurred by the City in the exercise of its eminent domain powers or general acquisition powers and shall escrow with a mutually agreed upon escrow agent the City's reasonably estimated Negotiated Settlement Fees or Eminent Domain Fees both in advance of the initiations of each eminent domain proceeding or negotiated acquisition and as funds are needed by the City. If the escrow fund remains appropriately funded in accordance with this Agreement and in accordance with the City's discretionary governmental powers, the City will use all reasonable efforts to expedite such condemnation procedures so that the off-site portion of S. Goforth Road can be constructed as soon as reasonably practicable. If the Eminent Domain Fees exceed the amount of funds escrowed in accordance with this paragraph, Developer shall

deposit additional funds as requested by the City into the escrow account within ten (10) days after written notice from the City. Any unused escrow funds will be refunded to Developer within thirty (30) days after any condemnation award or settlement becomes final and non-appealable. Nothing in this subsection is intended to constitute a delegation of the police powers or governmental authority of the City, and the City reserves the right, at all times, to control its proceedings in eminent domain.

- (4) To the extent Eminent Domain Fees and/or Negotiated Settlement Fees are paid by the Developer, the Developer may seek reimbursement of any or all eligible Eminent Domain Fees and/or Negotiated Settlement Fees from PID Bonds, or if PID Bonds are not issued, Assessments. The Developer may seek reimbursement of Eminent Domain Fees and/or Negotiated Settlement Fees from TIRZ proceeds, if a determination is made that any Eminent Domain Fees and/or Negotiated Settlement Fees are not reimbursable from the PID but are eligible for reimbursement from the TIRZ.

**(b) Relocation Plan.**

- (1) The Parties acknowledge that no more than six (6) residences, as shown on Exhibit D, will be displaced as a result of condemnation proceedings and/or negotiated settlement and may be eligible for relocation assistance through the implementation of a relocation plan (the "Relocation Plan" or "Plan"). Through the Relocation Plan, residents of each displaced residence will be given sufficient time to plan for an orderly, timely, and efficient move. Information regarding the Relocation Plan will be provided to the residents individually and may also be provided and discussed at City initiated public hearings, town hall meetings or both, as may be necessary. In addition to the acquisition costs for [real] property acquired, certain displaced persons may also be eligible for relocation benefits (including reasonable moving costs, replacement housing payments, and/or purchase supplements). Relocation services will be provided by a relocation expert retained by the City in order to ensure that displaced persons are relocated to decent, safe, and sanitary housing.
- (2) As part of the Eminent Domain Fees and/or Negotiated Settlement Fees, Developer agrees to pay for all reasonable and necessary costs associated with the implementation of the Relocation Plan, including but not limited to, the City's cost in retaining a right-of-way and/or relocation agent(s).
- (3) If there is a dispute by the Developer on the amount of additional funds requested by the City, the Developer shall give written notice to the City of the amount disputed and the specific basis for the dispute within five (5) days of receipt of the City's additional funds request. The Parties shall cooperate to resolve any dispute permitted under this paragraph promptly in order to avoid a default under this

Amended and Restated Agreement. The Developer agrees to deposit with the City the amount not in dispute or another amount in order to not delay the eminent domain proceedings and/or negotiated settlement while the dispute is being resolved.

9. **Section 12.21.** The following section is hereby added to the Amended and Restated Agreement:

**12.21. Acceptance of Authorized Improvements.** The Parties acknowledge and confirm that any Authorized Improvements identified in a PID Service and Assessment Plan approved by the City for the Property, will only be acquired by the City through the City's formal process for accepting Authorized Improvements and with the proceeds of PID Assessments, PID bond proceeds, or TIRZ proceeds. For off-site Authorized Improvements, Developer shall request acceptance of the off-site Authorized Improvements in writing to the City Engineer and City Engineer shall provide Developer an acceptance letter once the City Engineer deems the off-site Authorized Improvements completed and ready for acceptance. For on-site Authorized Improvements, Developer shall request acceptance of the on-site Authorized Improvements in writing to the City Engineer and the City Engineer shall place the request on the City Council agenda for City Council acceptance approval once the City Engineer deems the on-site Authorized Improvements completed and ready for acceptance.

10. **Additional Exhibits.** Exhibit "A-1" Commercial Tracts is hereby added as an exhibit to the Amended and Restated Agreement.

11. **Replaced Exhibits.** Exhibits "C" S. Goforth Road, and "D" Off-Site Properties to the Amended and Restated Agreement are hereby deleted and replaced with the following:

Exhibit "C" S. Goforth Road and Drainage

Exhibit "D" Off-Site Properties (showing connection to S. Goforth Road). At the request of city staff, a vehicular connection shall be made between the southern, east/west alignment of Quail Ridge Drive to S. Goforth Road, as depicted in Exhibit D. Developer is not responsible for any other improvements to Quail Ridge Drive or nearby residential driveways.

12. **Incorporation of Amended and Restated Development Agreement.** The Amended and Restated Agreement is incorporated herein by reference for all purposes.

13. **Ratification and Compliance.** Except as expressly amended or modified by this Second Amendment, the Amended and Restated Agreement and First Amendment shall continue in full force and effect. The City and Developer each hereby ratify, affirm, and agree that the Amended and Restated Agreement and First Amendment, as herein modified, represent the valid, binding, and enforceable obligations of Developer and the City respectively. Developer and the City each promise and agree to perform and comply with the terms, provision, and conditions of and the agreements in the Amended and Restated Agreement, as modified by this Second Amendment. In the event of any conflict or inconsistency between the provisions of

the Amended and Restated Agreement, the First Amendment and this Second Amendment, the provisions of this Second Amendment shall control and govern.

**14. Binding.** This Second Amendment shall be binding on and inure to the benefit of City, Developer, and their respective heirs, executors, administrators, legal representatives, successors and assigns.

**15. Governing Law.** This Second Amendment shall be construed and governed by the laws of the State of Texas in effect from time to time.

**16. No Waiver.** Neither City's nor Developer's execution of this Second Amendment shall (a) constitute a waiver of any of its rights and remedies under the Amended and Restated Agreement and the First Amendment, or at law with respect to the other party's obligations under the Amended and Restated Agreement and First Amendment; or (b) be construed as a bar to any subsequent enforcement of any of its rights or remedies against the other party.

**17. Section Headings.** The section headings used herein are intended for reference purposes only and shall not be considered in the interpretation of the terms and conditions hereof.

**18. Construction.** Each party acknowledges that it and its counsel have had the opportunity to review this Amendment; that the normal rule of construction shall not be applicable and there shall be no presumption that any ambiguities will be resolved against the drafting party in interpretation of this Amendment.

**19. Counterparts.** This Amendment may be executed in any number of counterparts, all of which taken together shall constitute one and the same agreement, and any parties to this Amendment may execute the Amendment by signing any of the counterparts.

**20. Boycotts and Foreign Business Engagements.**

A. The Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott Israel and, to the extent this Second Amendment is a contract for goods or services, will not boycott Israel during the term of this Second Amendment. The foregoing verification is made solely to comply with Section 2271.002, Texas Government Code, and to the extent such Section does not contravene applicable State or federal law. As used in the foregoing verification, 'boycott Israel' means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes. The Developer understands 'affiliate' to mean an entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

B. The Developer represents that neither it nor any of its respective parent companies, wholly- or majority-owned subsidiaries, and other affiliates is a company identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201, Texas Government Code, and posted on any of the following pages of such

officer's internet website: <https://comptroller.texas.gov/purchasing/docs/sudan-list.pdf>, <https://comptroller.texas.gov/purchasing/docs/iran-list.pdf>, or <https://comptroller.texas.gov/purchasing/docs/fo-list.pdf>. The foregoing representation is made solely to comply with Section 2252.152, Texas Government Code, and to the extent such Section does not contravene applicable Federal law and excludes the Developer and its respective parent companies, wholly- or majority-owned subsidiaries, and other affiliates, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization. The Developer understands "affiliate" to mean any entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

C. Firearm Entity Boycotts. To the extent this Second Amendment constitutes a contract for the purchase of goods or services for which a written verification is required under Section 2274.002, Texas Government Code, (as added by Senate Bill 19, 87th Texas Legislature, Regular Session, "SB 19"), as amended, the Developer hereby verifies that it and its parent company, wholly- or majority- owned subsidiaries, and other affiliates, if any,

- (1) do not have a practice, policy, guidance or directive that discriminates against a firearm entity or firearm trade association; and
- (2) will not discriminate during the term of this Second Amendment against a firearm entity or firearm trade association.

The foregoing verification is made solely to comply with Section 2274.002, Texas Government Code, as amended, to the extent Section 2274.002, Texas Government Code does not contravene applicable Texas or federal law. As used in the foregoing verification, "discriminate against a firearm entity or firearm trade association" shall have the meaning assigned to such term in Section 2274.001(3), Texas Government Code (as added by SB 19). The Developer understands "affiliate" to mean an entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

D. Energy Company Boycotts. To the extent this Second Amendment constitutes a contract for goods or services for which a written verification is required under Section 2274.002, Texas Government Code, (as added by Senate Bill 13, 87th Texas Legislature, Regular Session) as amended, the Developer hereby verifies that it and its parent company, wholly- or majority- owned subsidiaries, and other affiliates, if any, do not boycott energy companies and, will not boycott energy companies during the term of this Second Amendment. The foregoing verification is made solely to comply with Section 2274.002, Texas Government Code, as amended, to the extent Section 2274.002, Texas Government Code does not contravene applicable Texas or federal law. As used in the foregoing verification, "boycott energy companies" shall have the meaning assigned to the term "boycott energy company" in Section 809.001, Texas Government Code. The Developer understands "affiliate" to mean an entity that controls, is controlled by, or is under common control with the Trustee and exists to make a profit.

**21. 1295 Compliance.** Section 2252.908 of the Texas Government Code requires that for certain types of contracts, you must fill out a conflict of interest form ("Disclosure of Interested Parties") at the time you submit your signed contract to the City. For further information please go to the Texas Ethics Commission website via the following link.

[https://www.ethics.state.tx.us/whatsnew/elf\\_info\\_form1295.htm](https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm). The City has no obligation under this Second Amendment until such form is accurately completed and properly submitted, and any City obligation is conditioned on such proper completion and submission.

*[Signature pages follow]*

EXECUTED in multiple counterparts, each of which shall constitute an original, as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CITY:

**CITY OF KYLE, TEXAS**  
a Texas home-rule municipal corporation

Attest:

By: \_\_\_\_\_  
Name: Jennifer Kirkland  
Title: City Secretary

By: \_\_\_\_\_  
Name: Travis Mitchell  
Title: Mayor

**THE STATE OF TEXAS           §**  
**COUNTY OF HAYS               §**

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2023, by Travis Mitchell, Mayor of the City of Kyle, Texas, a Texas home-rule municipal corporation, on behalf of said corporation.

(SEAL)

\_\_\_\_\_  
Notary Public, State of Texas

EXECUTED in multiple counterparts, each of which shall constitute an original, as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

DEVELOPER:

**Meritage Homes of Texas, LLC**  
an Arizona limited liability company

By: \_\_\_\_\_  
Name:  
Title:

**THE STATE OF TEXAS           §**  
**COUNTY OF TRAVIS           §**

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2023, by \_\_\_\_\_, as \_\_\_\_\_ of Meritage Homes of Texas, LLC, an Arizona limited liability company, on behalf of said limited liability company.

(SEAL)

\_\_\_\_\_  
Notary Public, State of Texas

EXECUTED in multiple counterparts, each of which shall constitute an original, as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CONSENTING PARTY:

Kyle Land Partners, LLC  
a Texas limited liability company

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

EXHIBIT "A-1"  
COMMERCIAL TRACTS

**A DESCRIPTION OF 11.946 ACRES IN THE JAMES W. WILLIAMS SURVEY NO. 11, ABSTRACT 473, HAYS COUNTY, TEXAS, BEING OUT OF A CALLED 134 1/2 ACRE TRACT OF LAND CONVEYED TO JOHN H. SPOONER, IN VOLUME 2940, PAGE 806 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY TEXAS (OPRHCT); SAID 11.946 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at a 1/2-inch iron rod found at the west corner of said 134 1/2 acre tract, same being the north corner of Lot 86, Quail Ridge Subdivision, recorded in Volume 2, Page 337 of the Plat Records of Hays County, Texas (OPRHCT), also being in the southeast right-of-way-line of E Post Road (right-of-way width varies);

**THENCE**, with the northwest line of said 134 1/2 acre tract, same being the southeast right-of-way line of E Post Road, N43°16'11"E, at a distance of 122.88 feet to a 1/2-inch iron rod with "PAYNE 6064" cap set in the northwest line of said 134 1/2 acre tract, the same being in the southeast right-of-way line of said E Post Road and in the north right-of-way line of a 7.87 acre tract (80' wide road) conveyed to LaSalle Municipal Utility District No. 1 in Document No. 21016927 ORHCT, being the **POINT OF BEGINNING** hereof.

**THENCE**, leaving the 7.87 acre right-of-way tract, continuing with the northwest line of said 134 1/2 acre tract, same being the southeast right-of-way line of E Post Road, N43°16'11"E, at a distance of 865.89 feet to a 1/2-inch iron rod with "PAYNE 6064" cap set in the northwest line of said 134 1/2 acre tract, the same being the southeast right-of-way line of said E Post Road from which a calculated point at the north corner of said 134 1/2 acre tract bears N43°16'11"E a distance of 471.57 feet;

**THENCE**, leaving E Post Road and across said 134 1/2 acre tract the following four (4) courses and distances:

- 1) S47°21'20"E, a distance of 480.45 feet to a 1/2-inch iron rod with "PAYNE 6064" cap set.
- 2) with a curve to the left, having a radius of 330.00 feet, a delta angle of 23°38'24", an arc length of 136.16 feet, and a chord which bears S14°33'37"W, a distance of 135.19 feet to a 1/2-inch iron rod with "PAYNE 6064" cap set.
- 3) S02°44'25"W, a distance of 419.43 feet to a 1/2-inch iron rod with "PAYNE 6064" cap set, and,
- 4) with a curve to the right, having a radius of 20.00 feet, a delta angle of 90°26'03", an arc length of 31.57 feet, and a chord which bears S47°57'26"W, a distance of 28.39 feet to a 1/2-inch iron rod with "PAYNE 6064" cap set in the north right-of-way line of the previously mentioned 7.87 acre roadway conveyed in Document Number 21016927, ORHCT ;

**THENCE**, across said 134 1/2 acre tract and with said north right-of-way of the 7.87 acre roadway tract the following four (4) courses and distances:

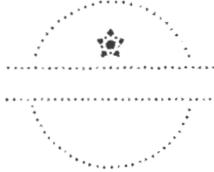
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- 2) with a curve to the right, having a radius of 960.25 feet, a delta angle of 31°34'30", an arc length of 529.18 feet, and a chord which bears N71°23'26"W, a distance of 522.51 feet to a 1/2-inch iron rod with "PAYNE 6064" cap set.
- 3) N55°36'03"W, a distance of 114.06 feet to a 1/2-inch iron rod with "PAYNE 6064" cap set, and,

4) N10°17'05"W, a distance of 17.41 feet to the POINT OF BEGINNING hereof, and containing 11.946 acres, more or less.

Surveyed on the ground May 20, 2021. Bearing Basis: Grid North on The Texas Coordinate System of 1983 (NAD83), South Central Zone, based on GPS solutions. Attachments: drawing 1960-001-PLAT EXCEPTION-NORTH

6/5/21

Phillip C. Payne, RPLS  
State of Texas #6064



**NOTES**

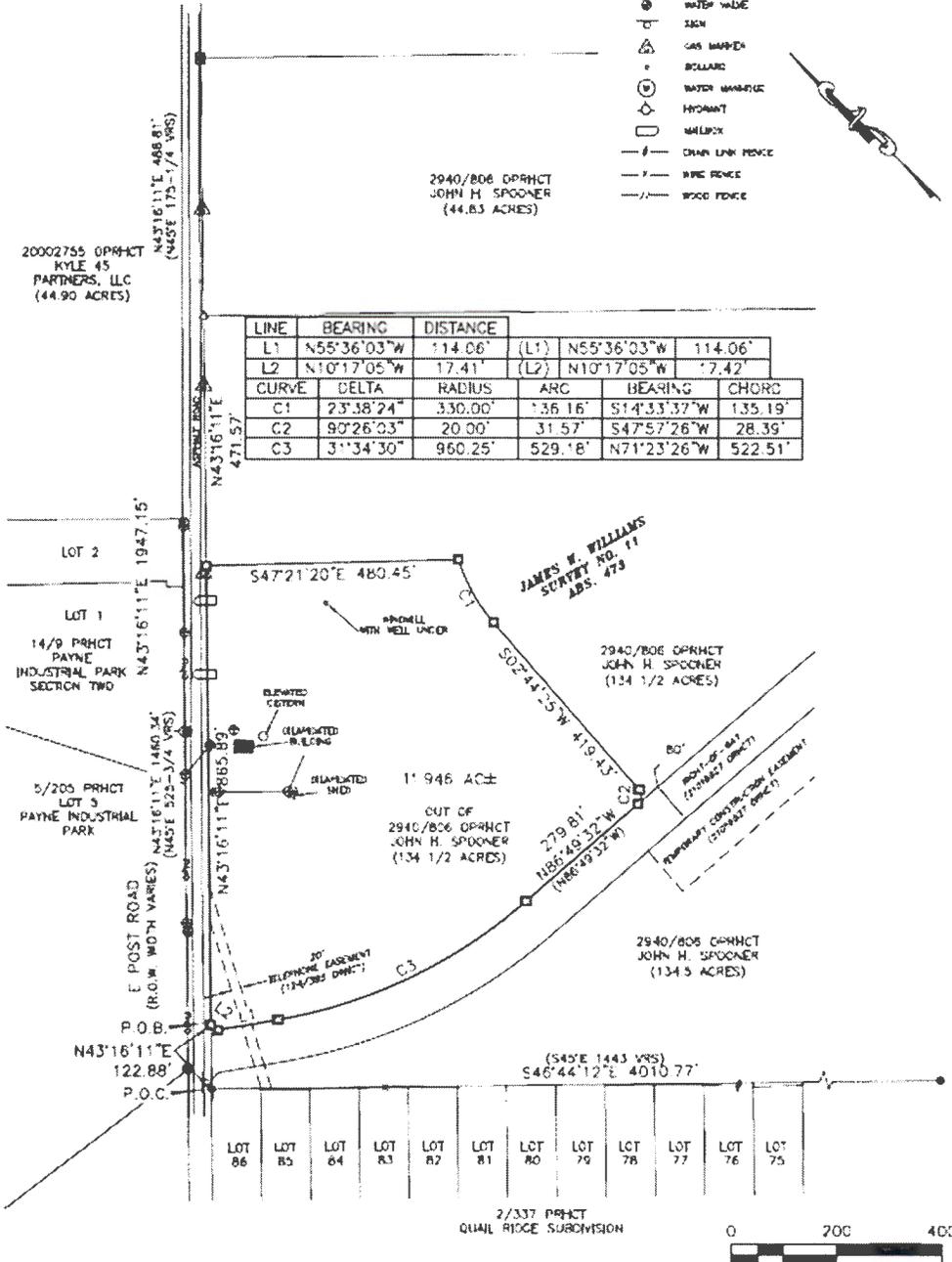
- FENCES MEANDER
- BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.
- ACCORDING TO HORIZONTAL SCALING FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 48290C0402SF, DATED SEPTEMBER 2, 2009, THIS TRACT DOES NOT LIE WITHIN ZONE A OR ZONE AE.
- ATTACHMENTS: METES AND BOUNDS DESCRIPTION 1960-001-11 946 ACRE TRACT
- THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE OR EASEMENT, THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON.

**CONTROL/READING BASIS INFORMATION**

BEARING BASIS GRID NORTH ON THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), SOUTH CENTRAL ZONE, BASED ON GPS SOLUTIONS.

**LEGEND**

- OPRHCY OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
- PRFCT PLAT RECORDS OF HAYS COUNTY, TEXAS
- DRFCT DEED RECORDS OF HAYS COUNTY, TEXAS
- VRS VARIAS
- 1/2" IRON ROD FOUND WITH A PLASTIC CAP STAMPED "RPLS 4048" OR OTHERWISE NOTED
- 1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED
- △ CALCULATED POINT
- 1/2" IRON ROD SET WITH A PLASTIC CAP STAMPED "PAYNE 8064"
- ⊕ UTILITY POLE, OVERHEAD UTILITY LINE, OR
- WATER VALVE
- ⊖ SIGN
- △ GAS MARKER
- BOLLARD
- WATER MANSUET
- ◇ HYDRANT
- MAILBOX
- CHAIN LINK FENCE
- WIRE FENCE
- WOOD FENCE



ADDRESS:  
6605 E POST  
ROAD KYLE, TX 78640  
JOB NUMBER: 1905-001  
PLAT CONVECTION NORTH  
CLIENT: SANDRA LAND CO.  
DATE: 8/2/2021  
FIELD CHECK BY: PHILIP C. PAYNE  
CITY: PHILIP C. PAYNE  
PB/P: 8/16 AND 8/22/22

A BOUNDARY SURVEY WITH IMPROVEMENTS OF 11.946 ACRES, IN THE JAMES W. WILLIAMS SURVEY NO. 11, ABSTRACT 679, HAYS COUNTY, TEXAS, BEING PART OF A CALLED 134 1/2 ACRE TRACT OF LAND CONVEYED TO JOHN H. SPOONER, IN VOLUME 2940, PAGE 806 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS



I HEREBY STATE TO THE BEST OF MY KNOWLEDGE THAT THIS PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND ON MAY 30, 2021, THAT ALL CORNERS ARE MONUMENTED AS SHOWN HEREON, AND THAT THERE ARE NO VISIBLE ENCROACHMENTS OR OVERLAPPING OF IMPROVEMENTS EXCEPT AS SHOWN OR NOTED HEREON.

6/2/2021  
PHILIP C. PAYNE, R.P.L.S. NO. 6064  
P.M. NO. 10194653

CITY OF KYLE,  
HAYS COUNTY, TEXAS

**PAYNE**  
SURVEYORS

322 S. Highway, Ste. 1A, San Marcos, TX 78666  
(817) 883-0884 www.paynesurveyors.com

**NOTES**

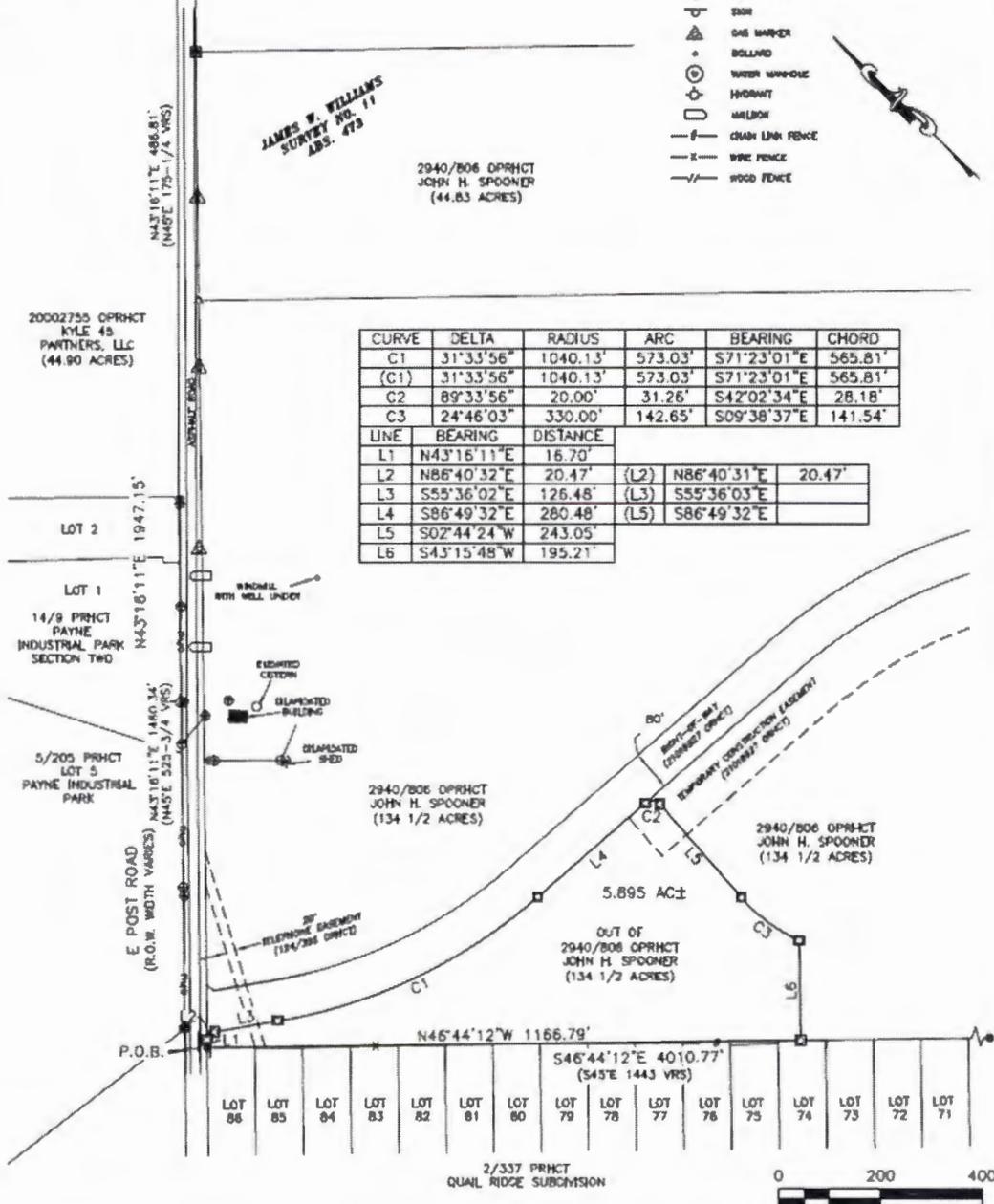
1. FENCES MEANDER
2. BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.
3. ACCORDING TO HORIZONTAL SCALING FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 48290C0405F, DATED SEPTEMBER 2, 2005, THIS TRACT DOES NOT LIE WITHIN ZONE A OR ZONE AE.
4. ATTACHMENTS: METES AND BOUNDS DESCRIPTION 1986-001-5.895 ACRE TRACT
5. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE OR EASEMENT, THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON.

**CONTROL/BEARING BASIS INFORMATION**

BEARING BASIS: GRID NORTH ON THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), SOUTH CENTRAL ZONE, BASED ON GPS SOLUTIONS.

**LEGEND**

- OPRHCT OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
- PIRCHT PLAT RECORDS OF HAYS COUNTY, TEXAS
- DRFCT DEED RECORDS OF HAYS COUNTY, TEXAS
- VRS VERTICES
- 1/2" IRON ROD FOUND WITH A PLASTIC CAP STAMPED "TULS 604" OR OTHERWISE NOTED
- 1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED
- △ CALCULATED POINT
- 1/2" IRON ROD SET WITH A PLASTIC CAP STAMPED "PHVIE 8884"
- UTILITY POLE OVERHEAD UTILITY LINE ONLY
- WATER WADLE
- ROAD
- ONE MARKER
- BOLLARD
- WATER WADOLE
- HYDRANT
- WELLBORE
- CHAIN LINK FENCE
- WIRE FENCE
- WOOD FENCE



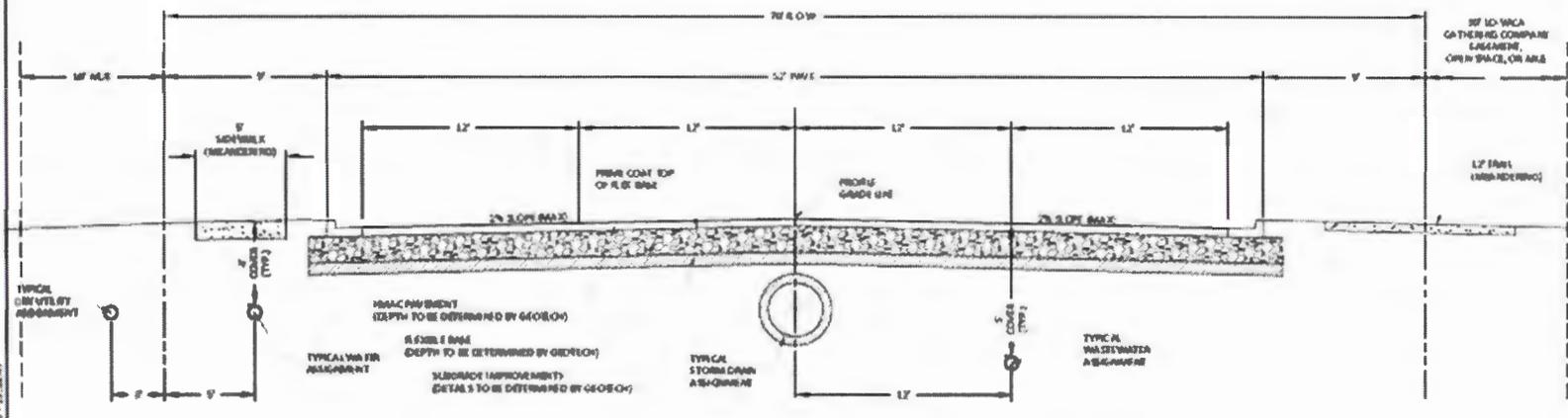
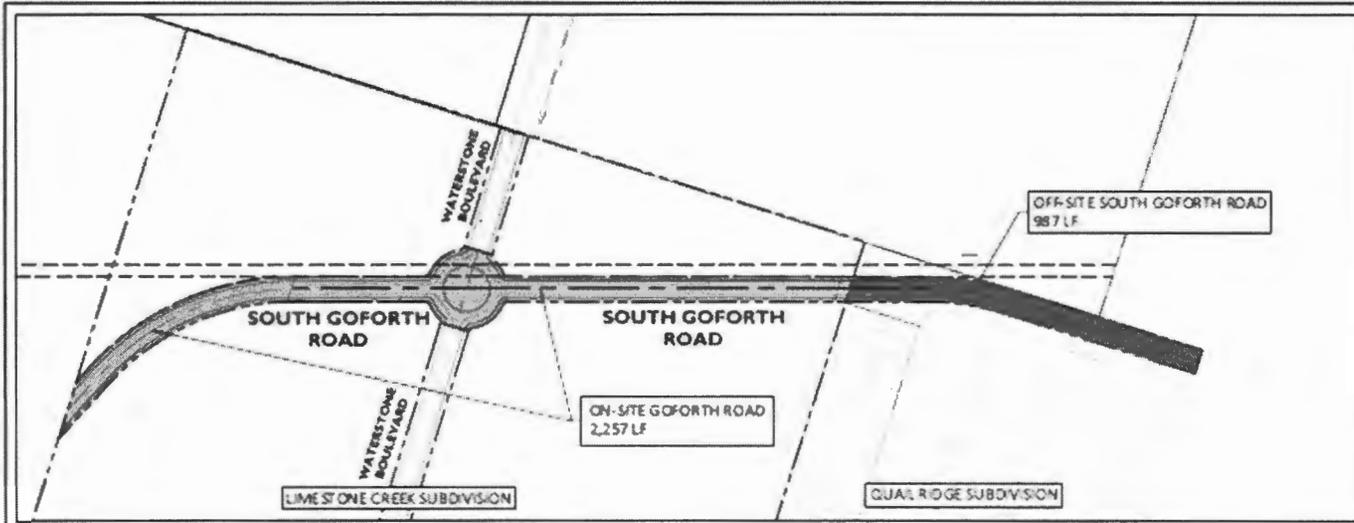
CURVE	DELTA	RADIUS	ARC	BEARING	CHORD
C1	31°33'56"	1040.13'	573.03'	S71°23'01"E	565.81'
(C1)	31°33'56"	1040.13'	573.03'	S71°23'01"E	565.81'
C2	89°33'56"	20.00'	31.26'	S42°02'34"E	28.18'
C3	24°46'03"	330.00'	142.65'	S09°38'37"E	141.54'

LINE	BEARING	DISTANCE
L1	N43°16'11"E	16.70'
L2	N86°40'32"E	20.47'
L3	S55°36'02"E	126.48'
L4	S86°49'32"E	280.48'
L5	S02°44'24"W	243.05'
L6	S43°15'48"W	195.21'

<p>ADDRESS: 6605 E. POST ROAD KYLE, TX 78640 JOB NUMBER: 1985-001- PLAT EXCEPTION NORTH CLIENT: SANDRA LAND CO. DATE: 8/10/2021 FIELD CHECK: DV/BA/28/AM CITY: HAYS COUNTY, TX PR/PQ: 9/78 AND 8102/22</p>	<p>A BOUNDARY SURVEY WITH IMPROVEMENTS OF 5.895 ACRES, IN THE JAMES W. WILLIAMS SURVEY NO. 11, ABSTRACT 473, HAYS COUNTY, TEXAS, BEING PART OF A CALLED 134 1/2 ACRE TRACT OF LAND CONVEYED TO JOHN H. SPOONER, IN VOLUME 2940, PAGE 806 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS</p>		<p>I HEREBY STATE TO THE BEST OF MY KNOWLEDGE THAT THIS PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND ON MAY 20, 2021, THAT ALL CORNERS ARE MONUMENTED AS SHOWN HEREON, AND THAT THERE ARE NO VISIBLE ENCROACHMENTS OR OVERLAPPING OF IMPROVEMENTS, EXCEPT AS SHOWN OR NOTED HEREON.</p> <p>8/10/2021 PHILLIP C. PAYNE, P.L.S. NO. 6064 (PR. NO. 1018443)</p>	<p>CITY OF KYLE, HAYS COUNTY, TEXAS</p> <p>303 S. Highway, Ste. 1A, San Marcos, TX 78686 (712) 892-0206 www.payne-land.com</p>
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EXHIBIT "C"  
S. GOFORTH ROAD AND DRAINAGE



**SOUTH GOFORTH ROAD  
TYPICAL SECTION**  
SCALE: 1"=6'

Drawing: C:\pva\_working\pva\creek\limestone\177\Development\Agreement\Detail C & D.dwg  
 User: ECH000002  
 Last Modified: Tue, 05/31/2017 10:38  
 Plot Date/Time: Fri, 05/27/2017 11:28:47



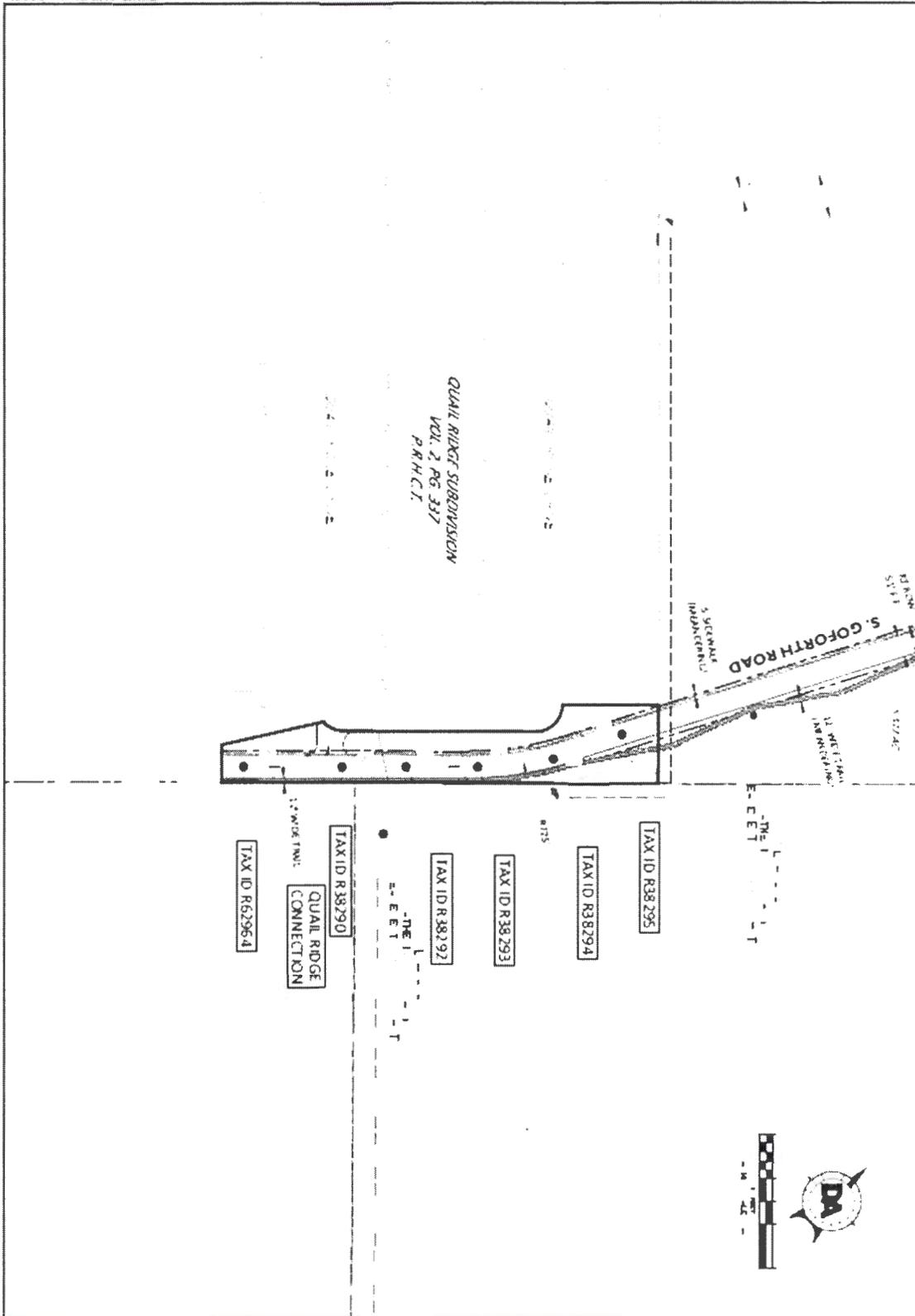
**POUCET**  
 Civil Engineering & Surveying, Incorporated  
 7401 S. Highway 71 W. Ste. 110  
 Austin, TX 78728 Tel: (512) 853-3400  
 www.civilandsurvey.com  
 State License Number: 3617  
 State License Number: 3315000

DEVELOPMENT AGREEMENT  
 EXHIBIT C

LIMESTONE CREEK SUBDIVISION  
 KYLE, TEXAS

Scale: 1" = 6'  
 Date: 02/20/21  
 Project No: 1692-009

EXHIBIT "D"  
OFF-SITE PROPERTIES  
(showing connection to S. Goforth Road)



<p>       Scale: 1" = 50'        Date: 02/10/2011        10:51 AM     </p>	<p> <b>LIMESTONE CREEK SUBDIVISION</b>        KYLE, TEXAS     </p>	<p> <b>DEVELOPMENT AGREEMENT</b>  <b>QUAIL RIDGE ACQUIRED LOTS</b>  <b>EXHIBIT D</b> </p>	<p>  <b>DOUCET</b>        Civil Engineering, Interiors, Geospatial        7401 S. Highway 71 W. Ste. 160        Austin, TX 78735 Tel: (512) 883-2400        www.douceteng.com        TSP# Firm Number: 2037        TSP# Firm Number: 10106800     </p>
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