

PUBLIC NOTICE
AGENDA
LOCKHART CITY COUNCIL
SPECIAL MEETING

October 30, 2023

CLARK LIBRARY ANNEX-COUNCIL CHAMBERS
217 SOUTH MAIN STREET, 3RD FLOOR
LOCKHART, TEXAS

6:30 P.M.

1. CALL TO ORDER

2. DISCUSSION/ACTION ITEMS

- A. Consideration and action on Petition for Release of 389.249 acres from the City's ETJ filed by PHAU-Lockhart 450, LLC.

2 - 22

3. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.071, PRIVATE CONSULTATION WITH ITS ATTORNEY TO SEEK ADVICE ABOUT LEGAL MATTERS SUBJECT TO ATTORNEY/CLIENT PRIVILEGE.

- A. Discussion with City Attorney regarding a petition for release of property from the extraterritorial jurisdiction of the City of Lockhart.
- B. Discussion with City Attorney regarding legal advice related to SB 2038.

4. OPEN SESSION

- A. Discussion and/or action regarding a petition for release of property from the extraterritorial jurisdiction of the City of Lockhart.
- B. Discussion and/or action regarding authorizing City Attorney to take appropriate action related to SB 2038.

5. ADJOURNMENT

City Council shall have the right at anytime to seek legal advice in Executive Session from its Attorney on any agenda item, whether posted for Executive Session or not.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, on the 27th day of October, 2023 at 12:00 p.m.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: October 30, 2023

AGENDA ITEM CAPTION: Consideration and action on Petition for Release of 389.249 acres from the City's ETJ filed by PHAU-Lockhart 450, LLC.

ORIGINATING DEPARTMENT AND CONTACT: Development Services - City Attorney
Monte Akers; Planning Director David Fowler

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: *ITEM TABLED FROM THE OCTOBER 17, 2023 CITY COUNCIL MEETING:* On October 25, 2023, PHAU-Lockhart, the owners of 384.249 acres located to the south of State Highway 142 and east of Borchert Loop, requested the property be released from the Lockhart Extraterritorial Jurisdiction. This property is the site of the Juniper Springs subdivision, which was the subject of a preliminary plat which the Lockhart Planning and Zoning Commission approved in July 2023. This property is also part of the Clearfork Ranch Municipal Utility District (MUD), which the city approved in January 2019. The petition was filed in accordance with Sections 42.101-105 of the Texas Local Government Code. Senate Bill 2038, effective September 1, 2023, provides that owners of land in a City's ETJ may petition for release of the land by the City, resulting in the land being considered subject only to County jurisdiction. The City has received such a petition requesting the release of 389.249 acres along SH 142, as described in the attached petition. If the City grants the petition, the area will be released immediately. Additional information about SB 2038 is also attached.

PROJECT SCHEDULE (if applicable): None.

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): N/A

PREVIOUS COUNCIL ACTION: Discussion only during the October 17, 2023 Council meeting.

COMMITTEE/BOARD/COMMISSION ACTION: None.

STAFF RECOMMENDATION/REQUESTED MOTION: Seek legal advice in executive session before taking action on the petition.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

LIST OF SUPPORTING DOCUMENTS: Petition, cover letter, property description, survey exhibit, certificate of ownership, and Post Session Update: ETJ Release



RECEIVED

4301 Bull Creek Rd. Ste 150
Austin, Texas 78731
Tel. 512.328.2008
Fax 512.328.2409
www.mhllp.com

OCT - 6 2023

A handwritten signature in black ink, appearing to read 'Julie Bowermon'.

CITY OF LOCKHART
CITY SECRETARY'S OFFICE

October 6, 2023

City of Lockhart
Attn: Julie Bowermon, City Secretary
308 West San Antonio Street
Lockhart, Texas 78644

Via Hand Delivery

RE: Petition for Release of Property from the Extraterritorial Jurisdiction of the City of Lockhart

Dear Ms. Bowermon,

On behalf of PHAU-Lockhart 450, LLC ("Petitioner"), owner of property located within the extraterritorial jurisdiction of the City of Lockhart ("City"), enclosed please find a Request and Petition for Release of Property from the Extraterritorial Jurisdiction of the City of Lockhart (the "Petition"). In accordance with Sections 42.101-105 of the Texas Local Government Code, Petitioner requests the release of lands owned by Petitioner from the City's extraterritorial jurisdiction.

Please file stamp and return the enclosed extra copy of the Petition. We appreciate the City's actions regarding this Petition.

Sincerely,

A handwritten signature in black ink, appearing to read 'Laci Ehlers'.

Laci Ehlers

October 6, 2023

City of Lockhart
Attn: Julie Bowermon, City Secretary
308 West San Antonio Street
Lockhart, Texas 78644

Via Hand Delivery

RE: Petition for Release of Property from the Extraterritorial Jurisdiction of the City of Lockhart

Dear Ms. Bowermon,

On behalf of PHAU-Lockhart 450, LLC ("Petitioner"), owner of property located within the extraterritorial jurisdiction of the City of Lockhart ("City"), enclosed please find a Request and Petition for Release of Property from the Extraterritorial Jurisdiction of the City of Lockhart (the "Petition"). In accordance with Sections 42.101-105 of the Texas Local Government Code, Petitioner requests the release of lands owned by Petitioner from the City's extraterritorial jurisdiction.

Please file stamp and return the enclosed extra copy of the Petition. We appreciate the City's actions regarding this Petition.

Sincerely,



Laci Ehlers

**REQUEST AND PETITION FOR RELEASE OF PROPERTY FROM THE
EXTRATERRITORIAL JURISDICTION OF THE CITY OF LOCKHART
(384.249 ACRES)**

**TO THE MAYOR OF THE GOVERNING BODY OF THE CITY OF LOCKHART,
TEXAS:**

The undersigned ("Petitioner"), acting pursuant to the provisions Sections 42.101-105 of the Texas Local Government Code, respectfully petitions the City of Lockhart (the "City") to release the land described by metes and bounds on Exhibit "A" and depicted on Exhibit "A-1" (the "Land"), from the extraterritorial jurisdiction ("ETJ") of the City. In support of this petition, Petitioner would show the following:

I.

Petitioner is the owner of all of the Land, comprised of 384.249 acres currently situated within the extraterritorial boundaries of the City in Caldwell County, Texas, and is fully described by metes and bounds on Exhibit "A", attached hereto and incorporated herein by reference. Petitioner certifies that the description of the Land attached as Exhibit "A" is true and correct. A map of the Land to be released is attached hereto as Exhibit "B".

II.

Pursuant to section 43.102(b) of the Texas Local Government Code, Petitioner certifies that it is the owner of one hundred percent (100%) in value of the holders of title of the Land pursuant to the tax rolls of the Caldwell County Appraisal District as evidenced by Exhibit "C" and is, therefore, authorized to file this Petition.

III.

To the extent required by applicable law, this Petition has satisfied the signature requirements described in Sections 42.103 and 42.104(a) of the Texas Local Government Code and Chapter 277 of the Texas Election Code, not later than the 180th day after the date the first signature for the Petition is obtained.

IV.

The individual who executed this Petition on behalf of the Petitioner is fully authorized to sign this Petition as evidenced by Exhibit "D". The signature is hereby sufficient to effectuate the immediate release of the Land from the City's ETJ. If the City fails to take action to release the Land by the later of the 45th day after the date the City receives this Petition or the next meeting of the City's governing body that occurs after the 30th day after the date the City receives this Petition, the Land is released by operation of law.

V.

Petitioner prays that (i) this Petition be verified by the City Secretary or other person at the City responsible for verifying signatures, (ii) the Petitioner be notified of the results, and (iii) this Petition be granted, immediately releasing the Land from the City's ETJ.

Executed to be effective as of the 4th day of October, 2023.

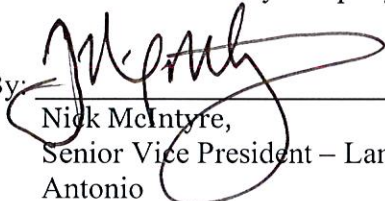
* * *

SIGNATURE PAGE TO
REQUEST AND PETITION FOR RELEASE OF PROPERTY FROM THE
EXTRATERRITORIAL JURISDICTION OF THE CITY OF LOCKHART
(384.249 ACRES)

PETITIONER:

PHAU-Lockhart 450, LLC,
a Texas limited liability company

By: _____


Nick McIntyre,
Senior Vice President – Land Austin/San
Antonio

Date: 10/4/2023

DOB or VRN of Signer: 9/15/1978

Residence Address of Signer:

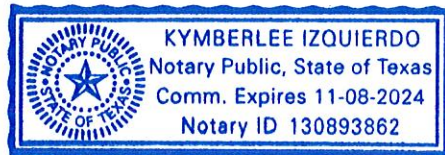
1903 STONEWRIGHT DRIVE
ROUND ROCK, TX 78681

THE STATE OF TEXAS §

COUNTY OF Travis §

This instrument was acknowledged before me on this 4th day of October, 2023
by Nick McIntyre, Senior Vice President – Land Austin/San Antonio of PHAU-Lockhart 450,
LLC, a Texas limited liability company, on behalf of said limited liability company.

(SEAL)





Notary Public, State of Texas

EXHIBIT "A"
THE LAND

Exhibit A

**A METES AND BOUNDS
DESCRIPTION OF A
384.249 ACRE TRACT OF LAND**

BEING a 384.249 acre (16,737,882 square feet) tract of land situated in the J.B. Gray Survey, Abstract 116, and the W. House Survey, Abstract 15, Caldwell County, Texas; and being a portion of that certain called 316.436 acre tract described in instrument to PHAU-LOCKHART 450, LLC recorded in Document No. 2021-005590 of the Official Public Records of Caldwell County, being a portion of that certain called 135.731 acre tract described in instrument to PHAU-LOCKHART 450, LLC recorded in Document No. 2022-005824 of the Official Public Records of Caldwell County, being all of that certain called 32.486 acre tract described in instrument to PHAU-LOCKHART 450, LLC recorded in Document No. 2023-000880 of the Official Public Records of Caldwell County, being all of that certain called 0.5165 acre tract described in instrument to Maya Ingram recorded in Document No. 2019-004315, described in instrument to John Casey Roy recorded in Document No. 2019-004310, described in instrument to Rene Abrego Roy recorded in Document No. 2019-004312, described in instrument to Danielle Benson recorded in Document No. 2019-004314, and described in instrument to Michelle Wittenburg recorded in Document No. 2019006266 all of the Official Public Records of Caldwell County, being a portion of the land as depicted in Exhibit A of the Interlocal Cooperative Agreement between Caldwell County and the City of Lockhart for Subdivision Regulation within the Extraterritorial Jurisdiction of the City of Lockhart under Resolution 2018-19; and being more particularly described as follows:

COMMENCING at a 2-inch metal post found on the northeasterly right of way line of County Road 108 (Borcher loop) (width varies) marking the south corner of the said 316.436 acre tract, and the western-most corner of that certain remainder of called 59.289 acre tract described in instrument to JAKOVICH INTERESTS, L.L.C., recorded in Document No. 2022-000876 of the Official Public Records of Caldwell County;

THENCE, North 58°54'24" East, 1006.26 feet along the southeasterly line of aforesaid 316.436 acre tract to the **POINT OF BEGINNING** of herein described tract;

THENCE, departing the southeasterly line of aforesaid 316.436 acre tract and over and across aforesaid 316.436 acre tract and aforesaid 135.731 acre tract, the following four (4) courses and distances:

1. North 36°00'10" West, 776.25 feet to a point for corner;
2. North 32°00'19" West, 2,102.91 feet to a point for corner;
3. North 25°00'00" West 1,031.18 feet to a point for corner;
4. North 15°00'00" West 429.28 feet to a point of curvature in the southeasterly right-of-way of State Highway 142 (width varies);

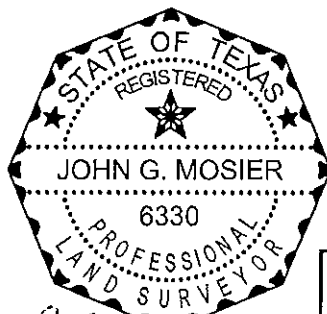
THENCE, along said southeasterly right-of-way of State Highway 142, the following two (2) courses and distances:

1. In a northeasterly direction, along a non-tangent curve to the left, a central angle of 10°37'41", a radius of 1,979.86 feet, a chord bearing and distance of North 66°06'53" East, 366.72 feet, and a total arc length of 367.25 feet, to a brass disk in concrete (TxDOT Type 2 monument) found for the point of tangency;
2. North 60°48'03" East, 72.48 feet to a point for corner, on the southwesterly line of that certain 2.04 acre tract described in instrument to the State of Texas recorded in Volume 211, Page 501 of the Deed Records of Caldwell County, and marking the southeast corner of that certain 1.148 acre tract (Part 2) described in Instrument to the State of Texas recorded in Volume 111, Page 272 of the Official Public Records of Caldwell County, and from which a 1/2-inch iron rod (bent) found bears: South 48°25'08" East, 0.20 feet;

THENCE, along the southwesterly, southeasterly, and northeasterly lines of said 2.04 acre tract the following four (4) courses and distances:

1. South 48°25'08" East, 243.37 feet to a concrete monument (TxDOT Type 1) found marking the south corner of said 2.04 acre tract for corner;
2. North 61°06'51" East, 199.72 feet to a concrete monument (TxDOT Type 1) found marking the southeast corner of said 2.04 acre tract for corner;
3. North 11°21'22" East, 159.62 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set found marking the east corner of said 2.04 acre tract for corner;
4. North 65°23'10" West, 135.83 feet to a brass disk in concrete (TxDOT Type 2 monument) found on the southeasterly right of way line of said State Highway 142 marking the southwest corner of that certain 1.553 acre tract (Part 1) described in aforesaid instrument to the State of Texas;

JOHN G. MOSIER
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6330
10101 REUNION PLACE, SUITE 400
SAN ANTONIO, TEXAS 78216
PH. 210-541-9166
GREG.MOSIER@KIMLEY-HORN.COM



John G. Mosier
9-22-23

**SURVEY EXHIBIT OF A
384.249 ACRES**

J.B. GRAY SURVEY, ABSTRACT NO. 116
W. HOUSE SURVEY, ABSTRACT NO. 15
CALDWELL COUNTY, TEXAS

Kimley»Horn

10101 Reunion Place, Suite 400
San Antonio, Texas 78216

FIRM # 10193973

Tel. No. (210) 541-9166
www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	MGB	JGM	Sep. 2023	068725500	1 OF 4

THENCE, along the said southeasterly right of way line of State Highway 142 the following three (3) courses and distances:

1. North 60°48'30" East, 73.56 feet to a brass disk in concrete (TxDOT Type 2 monument) found for the point of curvature;
2. in a northeasterly direction, along a tangent curve to the right, a central angle of 30°17'19", a radius of 1,839.85 feet, a chord bearing and distance of North 75°57'11" East, 961.33 feet, and a total arc length of 972.61 feet to a brass disk in concrete (TxDOT Type 2 monument) found at a point of tangency;
3. South 88°54'09" East, 1,200.54 feet to a brass disk in concrete (TxDOT Type 2 monument) found marking the northeast corner of said 135.731 acre tract, and the northwest corner of that certain 55.627 acre tract described in instrument to SPILLMAN FARMS LLC recorded in Document No. 2023-002277 of the Official Public Records of Caldwell County;

THENCE, along the southwesterly, and northwesterly, lines of said 55.627 acre tract the following five (5) courses and distances:

1. South 31°07'22" East, 708.49 feet to a wood post found marking the east corner of said 135.731 acre tract;
2. South 58°52'53" West, 114.97 feet to a 1/2-inch iron rod with plastic cap "UNREADABLE" found for corner;
3. South 55°23'01" West, 17.64 feet to a "T" post in rock mound found marking a westerly corner of said 55.627 acre tract;
4. South 31°47'47" East, 1102.97 feet to a "T" post found in a 2-inch iron pipe in a rock mound marking the south corner of said 55.627 acre tract;
5. North 59°08'09" East, 2443.75 feet to a 12-inch wood post found on the southwesterly line of that certain 17.18 acre tract (first tract) described in instrument to Kenneth G. Willenberg recorded in Document No. 2015-001132 of the Official Public Records of Caldwell County;

THENCE, along the southwesterly and southeasterly line of said 17.18 acre tract the following two (2) courses and distances:

1. South 32°06'46" East, 654.15 feet to a 2-inch metal post found marking the south corner of said 17.18 acre tract;
2. North 59°21'32" East, 262.39 feet to a 2-inch metal post found marking the west corner of that certain 14.6 acre tract (second tract) described in said instrument to Kenneth G. Willenberg;

THENCE, South 30°58'48" East, 850.02 feet to a 2-inch metal post found on the northwesterly line of that certain 45.489 acre tract described in instrument to Kyle R. and Rudolph E. Schroeder recorded in Document No. 2016-000084 of the Official Public Records of Caldwell County, marking the east corner of aforesaid 316.436 acre tract and the south corner of said 14.6 acre tract;

THENCE, South 58°49'37" West, 2,283.22 feet, along the southeasterly line of said 316.436 acre tract to a cotton spindle in a 3/4-inch iron pipe found marking the west corner of said 45.489 acre tract and northeast corner of aforesaid 32.486 acre tract;

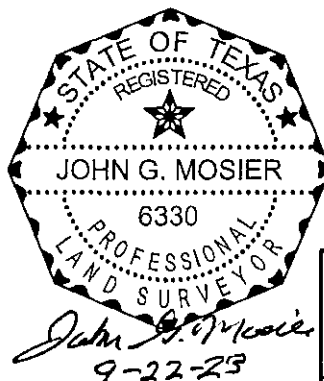
THENCE, South 31°48'12" East, 633.97 feet along the common line of said 32.486 acre tract and said 45.489 acre tract to a metal fence post found on the northwesterly line of that certain 46.401 acre tract described in the partition deed to Rudolph E. Schroeder recorded in Document No. 2015-005802 of the Official Public Records of Caldwell County, and marking the east corner of said 32.486 acre tract and the south corner aforesaid 45.489 acre tract;

THENCE, South 59°04'39" West, 2,248.07 feet along the southeasterly line aforesaid 32.486 acre tract to a 2" Steel fence post found marking the southeast corner aforesaid 32.486 acre tract and being in the northeast line of aforesaid 59.289 acre tract;

THENCE, North 31°05'36" West, 627.22 feet along the common line aforesaid 32.486 acre tract and said 59.289 acre tract to a 1/2" iron rod with plastic cap stamped "KHA" set marking the southwest corner aforesaid 32.486 acre tract and inner ell corner aforesaid 316.436 acre tract;

THENCE, South 58°54'24" West, 950.64 feet along aforesaid 316.436 acre tract and said 0.5165 acre tract to the **POINT OF BEGINNING** and containing 384.249 acres of land in Caldwell County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System, South Central Zone (FIPS 4204) (NAD'83), as determined by the Global Positioning System (GPS). All distances shown hereon are on the Surface. To convert Surface distances to Grid apply the Surface to Grid Scale Factor of 0.9998858382. The unit of linear measurement is U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

JOHN G. MOSIER
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6330
10101 REUNION PLACE, SUITE 400
SAN ANTONIO, TEXAS 78216
PH. 210-541-9166
GREG.MOSIER@KIMLEY-HORN.COM



SURVEY EXHIBIT OF A 384.249 ACRES

J.B. GRAY SURVEY, ABSTRACT NO. 116
W. HOUSE SURVEY, ABSTRACT NO. 15
CALDWELL COUNTY, TEXAS

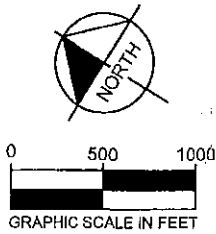
Kimley»Horn

10101 Reunion Place, Suite 400
San Antonio, Texas 78216 FIRM # 10193973

Tel. No. (210) 541-9166
www.kimley-horn.com

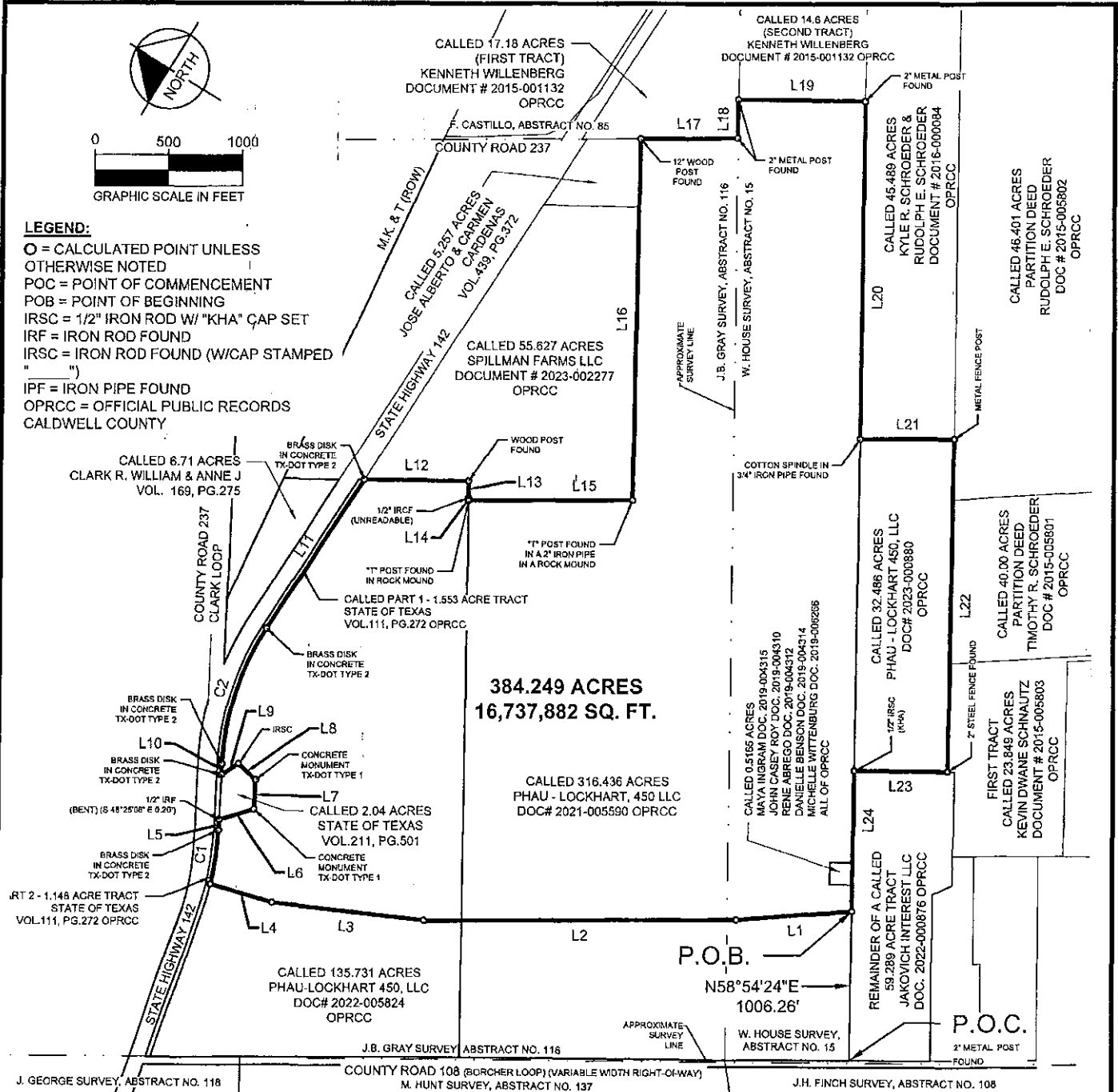
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	MGB	JGM	Sep. 2023	068725500	2 OF 4

EXHIBIT "A-1"
THE LAND



LEGEND:

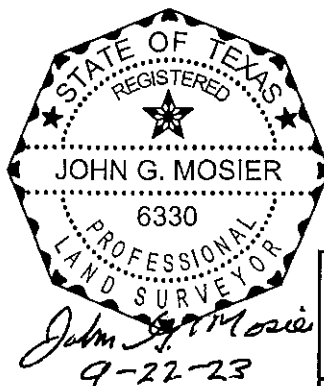
O = CALCULATED POINT UNLESS OTHERWISE NOTED
 POC = POINT OF COMMENCEMENT
 POB = POINT OF BEGINNING
 IRSC = 1/2" IRON ROD W/ "KHA" CAP SET
 IRF = IRON ROD FOUND
 IRSC = IRON ROD FOUND (W/CAP STAMPED " ")
 IPF = IRON PIPE FOUND
 OPRCC = OFFICIAL PUBLIC RECORDS
 CALDWELL COUNTY



NOTES: SEE SHEET 4 FOR LINE & CURVE TABLE

SURVEYORS CERTIFICATION: THIS IS A LEGAL DESCRIPTION BASED ON A FIELD SURVEY BY KIMLEY-HORN PERSONNEL. NO IMPROVEMENTS ARE SHOWN. ALL EXISTING EASEMENTS MAY NOT BE SHOWN. THIS IS NOT A LAND TITLE SURVEY. SEE THE SEPARATE LAND TITLE SURVEY UNDER JOB NUMBER 068725500 FOR ADDITIONAL INFORMATION.

JOHN G. MOSIER
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 6330
 10101 REUNION PLACE, SUITE 400
 SAN ANTONIO, TEXAS 78216
 PH. 210-541-9166
 GREG.MOSIER@KIMLEY-HORN.COM



**SURVEY EXHIBIT OF A
 384.249 ACRES**

J.B. GRAY SURVEY, ABSTRACT NO. 116
 W. HOUSE SURVEY, ABSTRACT NO. 15
 CALDWELL COUNTY, TEXAS

Kimley»Horn

10101 Reunion Place, Suite 400
 San Antonio, Texas 78216 FIRM # 10193973 Tel. No. (210) 541-9166
 www.kimley-horn.com

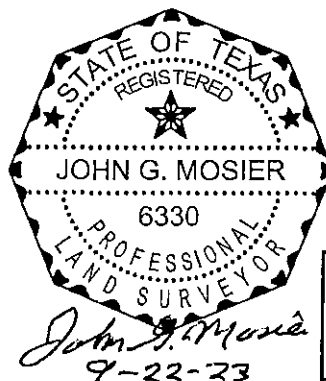
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 1000'	MGB	JGM	9/22/2023	068725500	3 OF 4

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	10°37'41"	1979.86'	367.25'	N66°06'53"E	366.72'
C2	30°17'19"	1839.85'	972.61'	N75°57'11"E	961.33'

LINE TABLE		
NO.	BEARING	LENGTH
L1	N36°00'10"W	776.25'
L2	N32°00'19"W	2102.91'
L3	N25°00'00"W	1031.18'
L4	N15°00'00"W	429.28'
L5	N60°48'03"E	72.48'
L6	S48°25'08"E	243.37'
L7	N61°06'51"E	199.72'
L8	N11°21'22"E	159.62'
L9	N65°23'10"W	135.83'
L10	N60°48'30"E	73.56'
L11	S88°54'09"E	1200.54'
L12	S31°07'22"E	708.49'
L13	S58°52'53"W	114.97'
L14	S55°23'01"W	17.64'
L15	S31°47'47"E	1102.97'
L16	N59°08'09"E	2443.75'
L17	S32°06'46"E	654.15'
L18	N59°21'32"E	262.39'
L19	S30°58'48"E	850.02'
L20	S58°49'37"W	2283.22'
L21	S31°48'12"E	633.97'
L22	S59°04'39"W	2248.07'
L23	N31°05'36"W	627.22'
L24	S58°54'24"W	950.64'

SURVEYORS CERTIFICATION: THIS IS A LEGAL DESCRIPTION BASED ON A FIELD SURVEY BY KIMLEY-HORN PERSONNEL. NO IMPROVEMENTS ARE SHOWN. ALL EXISTING EASEMENTS MAY NOT BE SHOWN. THIS IS NOT A LAND TITLE SURVEY. SEE THE SEPARATE LAND TITLE SURVEY UNDER JOB NUMBER 068725500 FOR ADDITIONAL INFORMATION.

JOHN G. MOSIER
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6330
10101 REUNION PLACE, SUITE 400
SAN ANTONIO, TEXAS 78216
PH. 210-541-9166
GREG.MOSIER@KIMLEY-HORN.COM



SURVEY EXHIBIT OF A 384.249 ACRES

J.B. GRAY SURVEY, ABSTRACT NO. 116
W. HOUSE SURVEY, ABSTRACT NO. 15
CALDWELL COUNTY, TEXAS

Kimley»Horn

10101 Reunion Place, Suite 400
San Antonio, Texas 78216 FIRM # 10193973

Tel. No. (210) 541-9166
www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 1000'	MGB	JGM	9/22/2023	068725500	4 OF 4

EXHIBIT “B”
MAP

Exhibit B

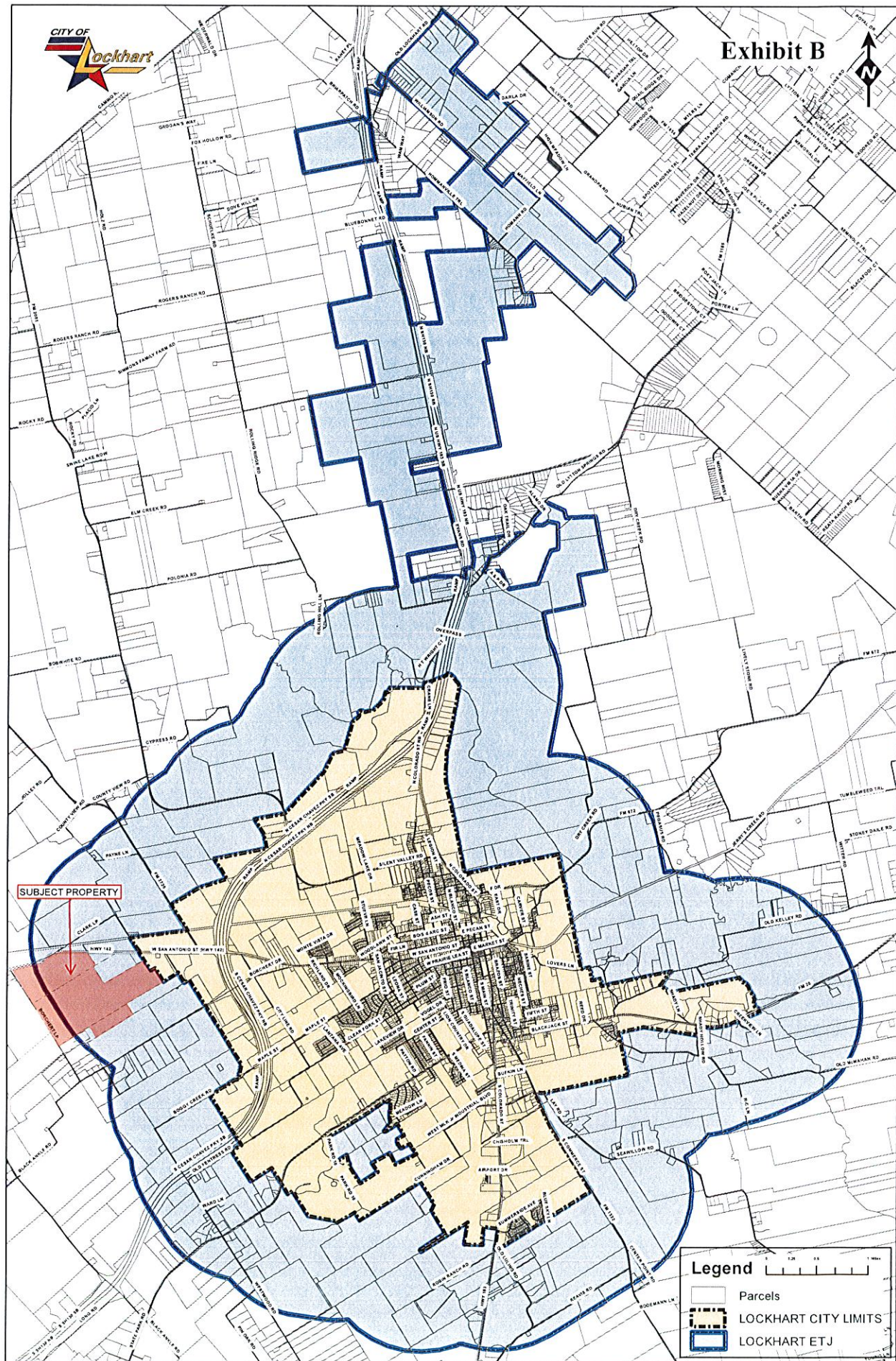


EXHIBIT "C"
CERTIFICATE OF OWNERSHIP

Exhibit C

CERTIFICATE OF OWNERSHIP

STATE OF TEXAS §
 §
 COUNTY OF CALDWELL §

I, Shanna Ramzinski, Chief Appraiser of the Caldwell County Appraisal District ("District"), hereby certify that I have examined the 2023 appraisal roll of the District and find that according to the records of the District as of today's date listed below, the following is true:

Property ID	Owner	Appraisal District Property Description
125238	PHAU - LOCKHART 450 LLC	A015 HOUSE, WILLIAM, ACRES 32.486
14994	PHAU - LOCKHART 450 LLC	A116 GRAY, JOHN B., ACRES 135.731
14998	PHAU - LOCKHART 450 LLC	A116 GRAY, JOHN B., ACRES 316.436, & A015 HOUSE, WILLIAM

Appraisal card(s) indicating the 2023 ownership and property for the Property are attached.

WITNESS MY SIGNATURE THIS 4th day of October, 2023.

CALDWELL COUNTY APPRAISAL DISTRICT

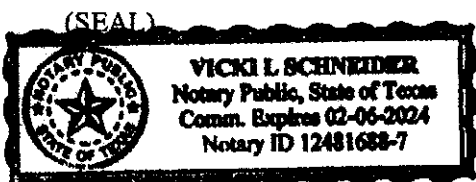
By: Shanna Ramzinski

Name: Shanna Ramzinski

Title: Chief Appraiser

STATE OF TEXAS §
 COUNTY OF CALDWELL §

This instrument was acknowledged before me on the 4th day of October, 2023 by Shanna Ramzinski, Chief Appraiser of the Caldwell County Appraisal District.



Vicki L. Schneider
 Name: Vicki L. Schneider
 Notary Public, State of Texas

EXHIBIT “D”
SIGNATURE AUTHORITY

PHAU – LOCKHART 450, LLC

CERTIFICATE

The undersigned hereby certifies that he is the duly elected and acting Secretary of **PHAU – LOCKHART 450, LLC**, a Texas limited liability company (“Company”), duly organized to conduct business in the State of Texas and as such has custody of the corporate records of the Company and is authorized to execute and deliver this Certificate on behalf of the Company; and hereby further certifies as follows:

1. Attached hereto as Exhibit “A” is a full, true, and correct copy of the Resolutions duly adopted by a majority of the Managers of the Company by a written consent effective January 1, 2023, in accordance with the Texas Business Organizations Code, the Certificate of Formation, and Company Agreement of the Company.

2. The Resolutions attached hereto as Exhibit “A” have not been amended, modified, or rescinded, and are in full force and effect on the date hereof.

3. There are no provisions in the Certificate of Formation or Company Agreement of the Company limiting the above-described Resolutions, and such Resolutions are in conformity with the provisions of the Company’s Certificate of Formation and Company Agreement, and with the proceedings of the Managers.

EXECUTED the 25th day of April 2023.



Michael C. Brisch
Secretary

The undersigned, the Chief Financial Officer of the Company, hereby certifies that Michael C. Brisch is the Secretary of the Company and is authorized to execute and deliver this Certificate for, and on behalf of, the Company.



Eric Bakk
Chief Financial Officer

EXHIBIT "A"

RESOLVED, that Nick McIntyre is authorized and empowered, in his capacity as Senior Vice President – Land Austin/San Antonio of the Company, to execute and deliver for, and on behalf of, the Company, any and all documents relating to plats, contracts for improvements to land, land planning, engineering or design, and covenants, conditions, and restrictions ("Land Documents") as may be reasonable, necessary, proper or convenient and to perform all acts and do all such other things necessary for, and on behalf of, the Company relating to the Land Documents;

FURTHER RESOLVED, that any and all instruments related to the Land Documents executed and delivered on behalf of the Company in connection with the foregoing resolutions shall be binding against the Company; and

FURTHER RESOLVED, that all acts, transactions, or agreements undertaken prior to the adoption of these resolutions by Nick McIntyre, in his capacity as Senior Vice President – Land Austin/San Antonio, are hereby authorized, adopted, ratified, confirmed and approved by the undersigned to the extent they were not authorized, adopted, ratified, confirmed and approved previously and as if they had been authorized, adopted, ratified, confirmed and approved in accordance with the Company's Agreement or other governing documents.

POST-SESSION UPDATE: ETJ RELEASE

[Senate Bill 2038](#) is a significant piece of legislation that could fundamentally alter how cities interact with their extraterritorial jurisdictions (ETJs). This law authorizes residents and landowners to decide if their respective areas within a city's ETJ remain in the ETJ, offering two pathways for areas within a city's ETJ to be released: (1) through a petition filed by residents or landowners, or (2) by an election on the question of release held in the area within the ETJ.

For the first option, a resident can file a petition for release of their area from the city's ETJ. The petition must contain signatures from more than 50 percent of the registered voters or a majority in value of the titleholders of land in the area. Upon receiving a valid petition, the city secretary verifies the signatures, notifies the residents whether or not the petition contains the required number of signatures, and, if it indeed contains the required number of signatures, the city is required to immediately release the area from its ETJ.

The second pathway for release is by an election. A resident can request an election by submitting to the city a petition bearing the signatures of at least five percent of the registered voters in the area to be released. Following the election, if a majority of qualified voters in the area approve the release, the city must release the area. A city can voluntarily release an area instead of holding an election.

To be valid, a petition must fulfill specific requirements. It must be in writing, detail the area's boundaries, and include a map of the area to be released. The petition must also carry the requisite number of signatures and include each signer's printed name, signature, date of birth, voter registration number, county of registration (if the area spans multiple counties), residence address, and date of signing. For home rule cities, city charter provisions governing petition validity may also apply under certain circumstances.

S.B. 2038's ETJ release provisions do not apply to the following five areas: (1) an area within five miles of a military base boundary where active training occurs; (2) an area within 15 miles of an active military base in San Antonio's or Houston's ETJ; (3) certain areas that were voluntarily annexed into cities' ETJ in Hays County; (4) property located in an industrial district; and (5) property subject to a strategic partnership agreement as defined in Chapter 43 of the Texas Local Government Code.

Moreover, starting from January 1, 2023, the law prevents automatic ETJ expansion due to annexation. Instead, ETJ expansion can only occur if property owners who would be included in the city's ETJ request their area to be included in the ETJ when an area is annexed. The bill requires a city to release ETJ acquired from an annexation commenced after January 1, 2023 to comply with this new limitation on ETJ expansion through annexation.

S.B. 2038 may also impact agreements between cities and counties regarding the regulation of subdivisions in the ETJ under Chapter 242 of the Local Government Code. If an area that is subject to an agreement between the city and county relating to platting or subdivision authority is removed from the city's ETJ, the city retains no authority over that property and the county is the entity authorized to regulate subdivisions in the removed area.

The release of areas from the ETJ under the new legislation will impact the applicability of city regulations outside the city limits. Though cities have limited authority to regulate in the ETJ as it is, S.B. 2038 will potentially disrupt the uniform application of those limited regulations. Most notably, released areas will no longer be subject to applicable subdivision and platting regulations or sign regulations. Cities also will lose the ability to participate in the establishment of certain special purpose districts, like municipal utility districts, in areas that are released from the ETJ.

It is possible that other types of economic development measures are impacted as well, including the operation of municipal development districts and public improvement districts that include areas within the ETJ. Other city regulations, like the extension of nuisance ordinances outside the city limits for home rule cities and regulations governing the operation of city utilities likely will not be impacted, as the statutes authorizing those regulations outside the city limits do not distinguish applicability based on inclusion of the area in the city's ETJ.

S.B. 2038 takes effect on September 1, 2023.