

PUBLIC NOTICE
AGENDA
LOCKHART CITY COUNCIL
December 19, 2023

NOTICE:
DUE TO ELEVATOR BEING
OUT OF SERVICE - ROOM
LOCATION HAS CHANGED
TO CLARK BUILDING - 1ST FLOOR
Julio Swann

~~CLARK LIBRARY ANNEX-COUNCIL CHAMBERS~~ CLARK BUILDING
217 SOUTH MAIN STREET, ~~3RD FLOOR~~ 1ST FLOOR
LOCKHART, TEXAS

6:00 P.M. RECEPTION – Retirement reception for retiring City Attorney Monte Akers

6:30 P.M. WORK SESSION (No Action)

Work session will be held to receive briefings and to initially discuss all items contained on the Agenda posted for 7:30 p.m. Generally, this work session is to simplify issues as it relates to the agenda items. No vote will be taken on any issues discussed or reviewed during the work session except to the extent specifically authorized under the Texas Open Meetings Act.

DISCUSSION ONLY

- A. Presentation of the Parks Master Plan Update by Halff & Associates. 5-29
- B. Discuss renewal of the cemetery grounds mowing and maintenance agreement. 30-32
- C. Discuss semi-annual report concerning the status of implementation of Chapter 31, "Impact Fees" of the Code of Ordinances, and advise of the need to update the ordinance, land use assumptions, capital improvement plans, or impact fees. 33-38
- D. Review a petition of annexation from George Kronenberg III on behalf of McCormick Ranch Partners, LP and discussion regarding Resolution 2023-23, setting the date for the public hearing for the annexation of 53 acres out of the Crenshaw Cornelius Survey, Abstract 68. Caldwell county, Texas, located on the south and west sides of FM 2001, approximately 1060 feet north of SH 130. 39-51
- E. Discuss procurement options for Police Department vehicle replacements, including leasing program options with Enterprise Fleet Management. 52-52
- F. Discuss the nomination of Jerry Haug to the Historical Preservation Commission by Councilmember John Lairsen for a term to expire in November 2026. 53-59
- G. Discuss the adoption of Ordinance 2023-28 creating an Animal Shelter Advisory Board. 60-64
- H. Discuss Petition for Release of 224.692 acres of land from the City's ETJ by Chisholm Hill, LP, William J. Morgan and Edward D. Morgan, Petitioners. 65-81

PUBLIC NOTICE
AGENDA
LOCKHART CITY COUNCIL
December 19, 2023
CLARK LIBRARY ANNEX-COUNCIL CHAMBERS
217 SOUTH MAIN STREET, 3RD FLOOR
LOCKHART, TEXAS

6:00 P.M. **RECEPTION – Retirement reception for retiring City Attorney Monte Akers**

6:30 P.M. **WORK SESSION (No Action)**

Work session will be held to receive briefings and to initially discuss all items contained on the Agenda posted for 7:30 p.m. Generally, this work session is to simplify issues as it relates to the agenda items. No vote will be taken on any issues discussed or reviewed during the work session except to the extent specifically authorized under the Texas Open Meetings Act.

DISCUSSION ONLY

- A. Presentation of the Parks Master Plan Update by Halff & Associates. **5-29**
- B. Discuss renewal of the cemetery grounds mowing and maintenance agreement. **30-32**
- C. Discuss semi-annual report concerning the status of implementation of Chapter 31, "Impact Fees" of the Code of Ordinances, and advise of the need to update the ordinance, land use assumptions, capital improvement plans, or impact fees. **33-38**
- D. Review a petition of annexation from George Kronenberg III on behalf of McCormick Ranch Partners, LP and discussion regarding Resolution 2023-23, setting the date for the public hearing for the annexation of 53 acres out of the Crenshaw Cornelius Survey, Abstract 68. Caldwell county, Texas, located on the south and west sides of FM 2001, approximately 1060 feet north of SH 130. **39-51**
- E. Discuss procurement options for Police Department vehicle replacements, including leasing program options with Enterprise Fleet Management. **52-52**
- F. Discuss the nomination of Jerry Haug to the Historical Preservation Commission by Councilmember John Lairsen for a term to expire in November 2026. **53-59**
- G. Discuss the adoption of Ordinance 2023-28 creating an Animal Shelter Advisory Board. **60-64**
- H. Discuss Petition for Release of 224.692 acres of land from the City's ETJ by Chisholm Hill, LP, William J. Morgan and Edward D. Morgan, Petitioners. **65-81**

- I. Discuss amending the Consent Agreement for creation of Clear Fork Ranch MUD (Caldwell Co. MUD No. 2) dated January 16, 2019, for Perry Homes (Juniper Springs) development. 82-97

7:30 P.M. REGULAR MEETING

1. CALL TO ORDER

Mayor Lew White

2. INVOCATION, PLEDGE OF ALLEGIANCE

Invocation. Pledge of Allegiance to the United States and Texas flags.

3. PUBLIC COMMENT

The purpose of this item is to allow the public an opportunity to address the City Council on issues that are or are not on the agenda. No discussion can be carried out on the citizen/visitor comment about items not on the agenda. Comments are limited to three minutes per speaker.

4. PUBLIC HEARING/COUNCIL ACTION

- A. Hold a PUBLIC HEARING on application ZC-23-08 by Caroline Eckert with Wuest Group on behalf of Lockhart 130 North/South LTD and discussion and/or action to consider Ordinance 2023-27 for a **Zoning Change** from *RHD Residential High Density District* to *CHB Commercial Heavy Business District* on a total of 2.102 acres in the Cornelius Crenshaw Survey, Abstract No. A-68, located at 2500 West San Antonio Street (SH 142). 98-112

5. CONSENT AGENDA

- A. Approve renewal of the cemetery grounds mowing and maintenance agreement. 113-115
- B. Accept semi-annual report concerning the status of implementation of Chapter 31, "Impact Fees" of the Code of Ordinances, and advise of the need to update the ordinance, land use assumptions, capital improvement plans, or impact fees. 116-121

6. DISCUSSION/ACTION ITEMS

- A. Review of a petition of annexation from George Kronenberg III on behalf of McCormick Ranch Partners, LP and discussion and/or action regarding Resolution 2023-23, setting the date for the public hearing for the annexation of 53 acres out of the Crenshaw Cornelius Survey, Abstract 68. Caldwell county, Texas, located on the south and west sides of FM 2001, approximately 1060 feet north of SH 130. 122-134

- B. Discussion and/or action regarding procurement options for Police Department vehicle replacements, including leasing program options with Enterprise Fleet Management. 135-135
- C. Discussion and/or action regarding the nomination of Jerry Haug to the Historical Preservation Commission by Councilmember John Lairsen for a term to expire in November 2026. 136-142
- D. Consideration and action to adopt Ordinance 2023-28 creating an Animal Shelter Advisory Board. 143-147
- E. Consideration and action on Petition for Release of 224.692 acres of land from the City's ETJ by Chisholm Hill, LP, William J. Morgan and Edward D. Morgan, Petitioners. 148-164
- F. Consideration and action to amend the Consent Agreement for creation of Clear Fork Ranch MUD (Caldwell Co. MUD No. 2) dated January 16, 2019, for Perry Homes (Juniper Springs) development. 165-180

7. CITY MANAGER'S REPORT, PRESENTATION AND POSSIBLE ACTION

- Special City Council meeting will be held January 9, 2024 to discuss growth management issues regarding water and sewer utilities and transportation matters.
- City has received GFOA Recognition for Excellence in Financial Reporting for FY '21-'22.
- Downtown Revitalization Project Guide is now available.
- City's solid waste contractor, CTR, has been acquired by Republic Services.
- Live Christmas Tree recycling.
- City offices closed December 22 and December 25 for Christmas, and January 1 for the New Year.

8. COUNCIL AND STAFF COMMENTS - ITEMS OF COMMUNITY INTEREST

9. 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. Receive legal advice regarding Consent Agreement for creation of Clear Fork Ranch MUD (Caldwell Co. MUD No. 2) dated January 16, 2019, for Perry Homes (Juniper Springs) development.

10. 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 Consent Agreement for creation of Clear Fork Ranch MUD (Caldwell Co. MUD No. 2) dated January 16, 2019, for Perry Homes (Juniper Springs) development.

11. 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 15th day of December, 2023 at 3:45 p.m.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: December 19, 2023

AGENDA ITEM CAPTION: Presentation of the Parks Master Plan Update by Halff & Associates.

ORIGINATING DEPARTMENT AND CONTACT: Parks & Recreation - Travis Hughes

ACTION REQUESTED: Agreement

BACKGROUND/SUMMARY/DISCUSSION: Halff & Associates was awarded a General Services Contract on March 1, 2023, and tasked with providing the City with an updated open-space master plan. The existing master plan was adopted on April 17, 2018. This 5-year update will be important when seeking grant funding for parks projects.

PROJECT SCHEDULE (if applicable): Completed

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION: Council approved a General Services Contract for Halff & Associates on March 1, 2023, and a subsequent Work Authorization on March 21, 2023 tasking them with providing the City with an Updated Open Space Master Plan.

COMMITTEE/BOARD/COMMISSION ACTION:

STAFF RECOMMENDATION/REQUESTED MOTION:

LIST OF SUPPORTING DOCUMENTS: Parks Master Plan Update_City Council Presentation_12.19.23

City Council Presentation
December 19th, 2023

Lockhart Parks Master Plan Update



THE HALFF TEAM



Julian Salas-Porras



Ylda Capriccioso
AICP



James Hemenes
PLA, ASLA, CPRE



Kari Biddix
PLA, LI

Presentation Overview

- Planning Process
- 2018 Master Plan Overview
- Parks System Today
- 2024 Master Plan Overview
- Master Plan Priorities
- Implementation Table
- Key Takeaways of this Plan

PARKS PLANNING PROCESS





2018 PARKS MASTER PLAN

13 Goals in 2018 Plan

7 Priority Projects

This Update Verified the Goals

Evaluated status of Priority Projects

Why the update?

- Plans should be updated every 5–8 years to remain relevant and qualify for grants. The Texas Parks and Wildlife Department (TPWD) recommends that parks master plans retain validity for 10 years and should include a five-year update.

What needed to be updated in the 2018 Plan?

- Completed park projects, updated demographics, park system condition, community pulse, new actionable items, implementation program and new priority projects





MASTER PLAN OVERVIEW

PLAN COMPONENTS

The Parks Master Plan Update is organized by the following parts:

Part 1: Introduction and Context.

This introductory chapter defines the purpose of the master plan, provides the regional context for the area, and showcases the planning area for the Lockhart Parks System.

Part 3: Parks Condition Assessment.

This chapter incorporates an assessment of the entire parks system that was used to inform plan recommendations and implementation strategies.

Part 2: Demographics & Public Engagement Summary.

This chapter provides details and context of Lockhart's current demographic makeup, and summarizes the results of the public survey that was administered.

Part 4: Plan Recommendations and Implementation.

This chapter identifies plan goals recommended actions for new park facilities, improvements to existing parks, and operational elements.



PARK SYSTEM

Community Parks

1	City Park	504 E. City Park Road	51.9
Subtotal			51.9

Special Use Parks

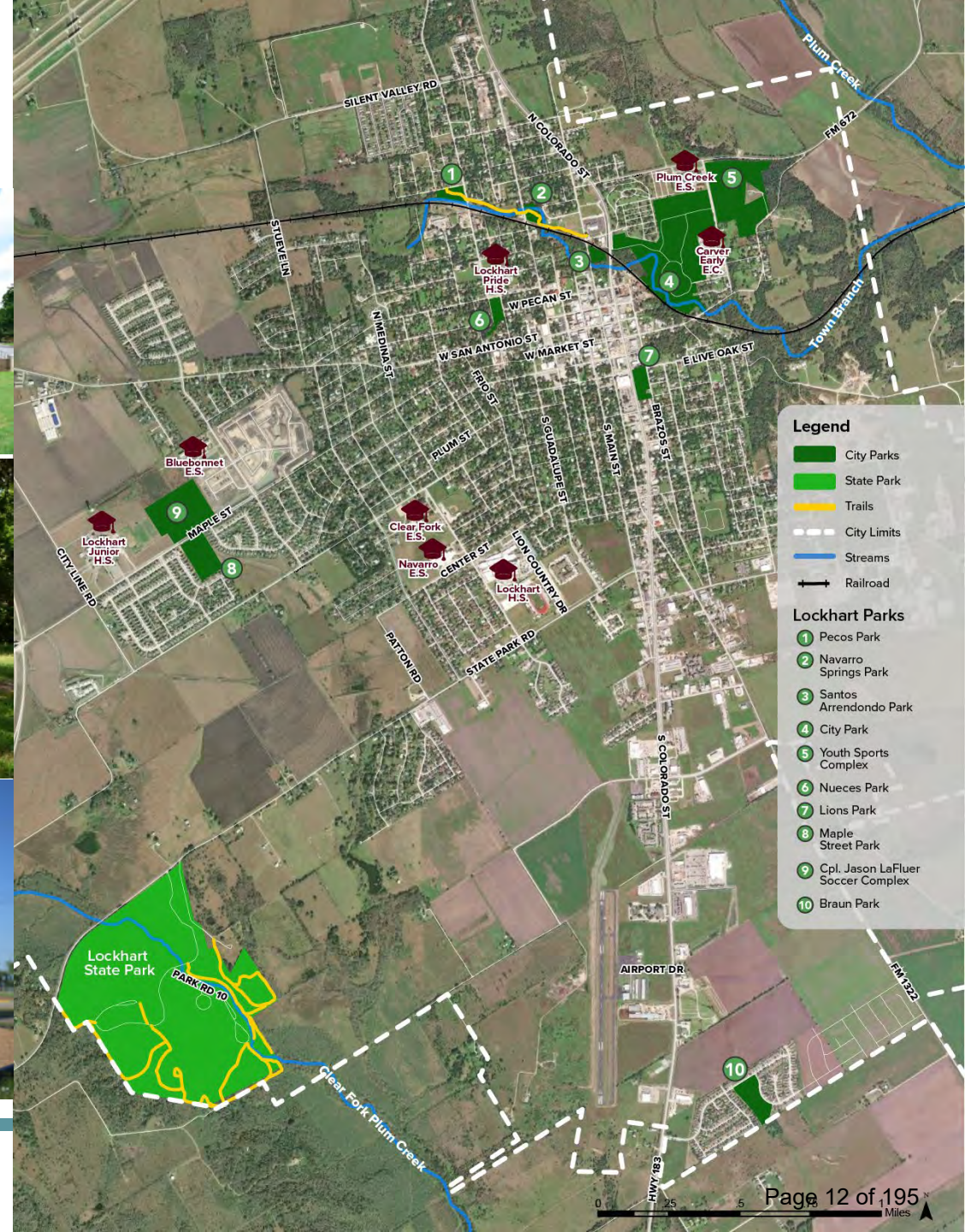
9	Jason K. LaFluer Soccer Complex	1507 Maple St.	19.9
10	Youth Sports Complex	700 North Carver	26.4
Subtotal			46.3

Neighborhood Parks

2	Braun Park	310 Summerside Ave.	6.8
3	Lion's Park	400 South Colorado	3.3
4	Navarro Springs Park	800 North Blanco	1.8
5	North Pecos Park	831 North Pecos	2.8
6	Nueces Park	315 Nueces	2.3
7	Maple Street Park	1508 Maple St.	8.4
8	Santos Arredondo Park	317 North Commerce	1.5
Subtotal			26.9

Undeveloped Parkland

11	Comanche Park	3800 FM 20	8.2
Total			133.3





DEMOGRAPHICS

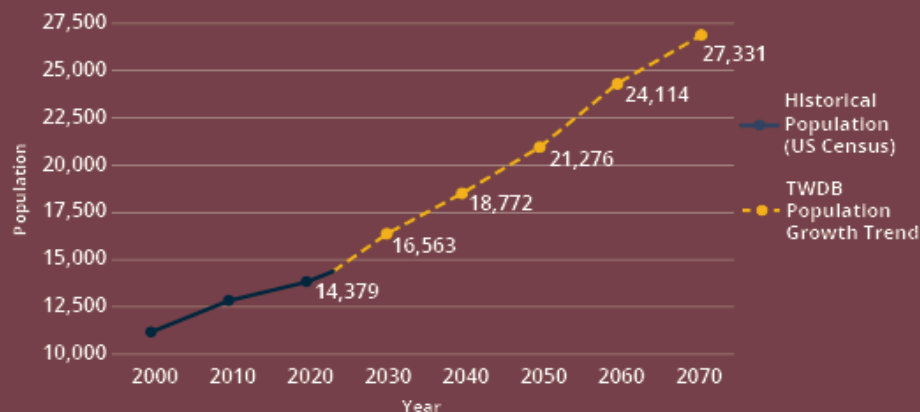
LOCKHART, TEXAS

CITY POPULATION
14,379

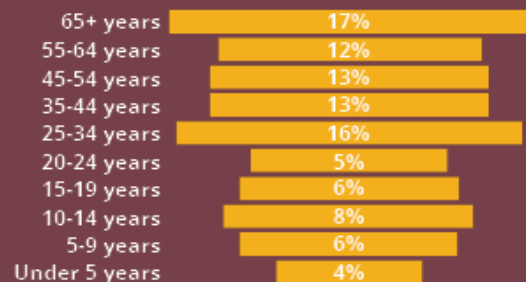
AVERAGE AGE
38.8

AVERAGE HOUSEHOLD INCOME
\$64,633

HISTORIC AND PROJECTED POPULATION



POPULATION AGE GROUPS



POVERTY LEVEL



HEALTH INDICATORS

20.0%

of residents in Lockhart live with a physical disability¹

57.3%

of residents in Lockhart exercise at a home or club 2+ times per week¹

40.0%

of adults in Lockhart are chronically obese²

CALDWELL COUNTY OVERALL HEALTH RANKINGS²

Caldwell County ranks **#109** of 254 ranked counties in Texas

Ranking Out of 254 Texas Counties

Health Factors
ranked in the lower to middle range of all counties

Physical Environment
242

Social & Economic
100

Clinical Care
179

Health Behaviors
143

Health Outcomes
ranked in the higher to middle range of all counties

Quality of Life
138

Length of Life
81

The Community Health Rankings issued by the Robert Wood Johnson Foundation are a tool used to understand the levels of overall health of a community. These annual rankings are an examination of community-wide health care outcomes which include length and quality of life and health factors which consist of health behaviors, clinical care, social and economic factors, and physical environment.

The County Health Rankings are based on a model of community health that emphasizes the many factors that influence how long and how well we live. The Rankings use more than 30 measures that help communities understand how healthy their residents are today (health outcomes) and what will impact their health in the future (health factors).

The Robert Wood Johnson Foundation's 2020 health rankings for Caldwell County are illustrated to the left. Caldwell County ranks 109 out of 254 Texas counties in terms of community-wide health factors - including measures of diet and exercise - and 88 out of 254 in health outcomes. Lockhart's lowest scores are in "length of life" and "social & economic".

Source: 1. U.S. Census Bureau, 2018-2019 American Community Survey 5-year estimates;
2. Robert Wood Johnson Foundation, County Health Rankings

PUBLIC ENGAGEMENT

Community Survey Summary

- **51% of respondents** feel the parks system is in fair condition
- **#1 Indoor Facilities** and **#2 Open Spaces/Trails** were the most desired park types
- **88% of respondents** indicated that indoor programs are important to the overall quality of life in Lockhart
- Most important facility or amenity – **New / Upgraded Restrooms**
- 30% of respondents say, **lack of maintenance** is keeping them from using the parks more frequently

Park Activities You Would Most Like To Participate In

Adults

1. EXERCISING ON TRAILS
2. SWIMMING
3. SPECIAL EVENTS
4. VIEWING NATURE
5. CANOEING OR KAYAKING

Children

1. PLAY-GROUNDS
2. SPLASH PAD
3. SWIMMING
4. ART / CRAFTS CLASSES
5. SOCCER

88%

OF RESPONSES INDICATED THAT INDOOR RECREATION PROGRAMS ARE IMPORTANT TO THE OVERALL QUALITY OF LIFE IN LOCKHART



Most Important Facilities or Amenities

- | #1 | #2 | #3 | #4 | #5 |
|--------------------------|-----------------------|---------|-------------------------|---------------|
| NEW / UPGRADED RESTROOMS | TREES AND LANDSCAPING | BENCHES | WALKING / HIKING TRAILS | SWIMMING POOL |

What is Keeping You or Your Family From Using the Parks More Frequently?

30%

OF RESPONDENTS SAY, LACK OF MAINTENANCE

Lockhart Parks System

96%

AGREE THAT BETTER PARKS WILL HELP TO IMPROVE OUR CITY IMAGE

If You Were Given an Unlimited Budget,

“Lockhart would truly benefit from an indoor recreation center (gym, courts and classes) with an indoor swimming pool. This would greatly benefit citizens of all ages, especially during the hot months (and the few cold months).”

- SURVEY RESPONDENT

Top Priorities

- | | | |
|---|---|---|
| #1
CONSTRUCT A NEW AQUATICS FACILITY (INDOOR/OUTDOOR)
34%
VOTED AS TOP PRIORITY | #2
IMPROVEMENTS / MAINTENANCE OF EXISTING PARKS AND RECREATION FACILITIES
23%
VOTED AS TOP PRIORITY | #3
DEVELOPMENT OF NEW INDOOR FACILITIES
13%
VOTED AS TOP PRIORITY |
|---|---|---|

ASSESSMENT METHODS

STANDARD-BASED ASSESSMENT

- Analyzes existing parkland & facilities to determine if the amount & distribution of park facilities & acreage is meeting the needs of residents today & in the future
 - Parkland Acreage Level of Service**
 - Access to Parkland**
 - Park Facilities**

Level of Service - Park Acreage. The parkland acreage LOS analysis defines the ratio of park acreage to population. It analyzes whether there is sufficient acreage to serve the population today and in the future. The analysis also sheds light on whether the amount of parks in the community is adequate to meet future growth and what the deficiencies are per park classification.

Level of Service - Access to Parkland. The access to parkland LOS analysis examines the location and distribution of parkland throughout Lockhart. This analysis determines how easy it is for residents to access parkland, and identifies where parkland is needed to meet the City's target LOS.

Level of Service - Park Facilities. The facility LOS analysis defines the number of facilities recommended to serve each particular recreation need. Facility standards are usually expressed as a ratio of units of one particular facility per population size. For example, a facility standard for a baseball field is one field for every 5,000 residents of the city.

CONDITIONS-BASED ASSESSMENT

The provision of accessible park spaces and amenities requires that assets are maintained and remain enticing to residents and visitors. This Plan measures and ranks the condition of parkland and recreation facilities according to 15 categories described in **Park System Condition Categories** below. This information helps determine what improvements are warranted at each park and to establish investment priorities.

Park System Condition Categories

Category	Principal Review Items
Sport Courts	Playing surface, fencing, netting, striping, walls, and other non-removable facilities essential to support the activity and define the area of play.
Athletic Fields	Playing surface, fencing, netting, and other non-removable facilities essential to support the activity and define the field of play (striping not considered due to differing conditions depending on season).
Park Pathways / Trails	Surface condition, pathway/trail widths, vertical and horizontal clearance, crossing points, and ADA accessibility. Considers variations in pathway/trail type depending on the type of fitness, recreational, or transportation activities the trail is designed to support.
Public Gathering Spaces	Areas defined for public gathering including seating and shade structures.
Structured Play	Playscapes, surrounding surface areas, accessory structures to improve the comfort of users and attendants.
Open Play Areas	Surface condition, landscaping, and access to shade for open lawn areas intended for random play.
Parking	Off-street parking areas and proximate on-street parking areas.
General Fencing and Retaining Walls	Condition of structures.
General Site Facilities	General recreational and accessory structures (enclosed and open air) including pavilions, restrooms, concession stands, bleachers, and special use facilities to support miscellaneous activities (i.e., Shooting sports, skating, archery, etc.).
Additional Site Amenities	Accessory amenities serving general visitation including trash receptacles, pet waste stations, water fountains, benches, etc.
Planting and Trees	Health, maintained condition, and coverage of trees and other landscaping including overgrowth. Strategic placement of vegetation to define park spaces.
Turf	Manicured lawn areas. Cumulative - may include surfacing for previously listed categories including athletic fields and open play areas.
Signage	Identification, informational, and way finding signage.
Site Lighting	Lighting standards, fixtures, and coverage area.
Park Accessibility	Bicycle, pedestrian, and ADA access to, from, and within the park space.

PARK SYSTEM INVENTORY

Existing Park System Inventory

Existing Parks			Active Facilities									
Facility	Address	Acres	Baseball Fields	Softball Fields	Soccer Fields	Softball Fields/ Adult	Basketball Full Courts	Basketball Half Courts	Baseball / Softball Backstops	Multi-purpose Practice Fields	Disc Golf Course	Tennis Courts
Community Parks												
1 City Park	504 E. City Park Road	51.9					2				1	
Subtotal		51.9	0	0	0	0	2	0	0	0	1	0
Special Use Parks												
9 Jason K. LaFluer Soccer Complex	1507 Maple St.	19.9			7		2					
10 Youth Sports Complex	700 North Carver	26.4	5	1	1					1		
Subtotal		46.3	5	1	8	0	2	0	0	1	0	0
Neighborhood Parks												
2 Braun Park	310 Summerside Ave.	6.8										
3 Lion's Park	400 South Colorado	3.3										
4 Navarro Springs Park	800 North Blanco	1.8										
5 North Pecos Park	831 North Pecos	2.8					1					
6 Nueces Park	315 Nueces	2.3					2					
7 Maple Street Park	1508 Maple St.	8.4										
8 Santos Arredondo Park	317 North Commerce	1.5										
Subtotal		26.9	0	0	0	0	3	0	0	0	0	0
Undeveloped Parkland												
11 Comanche Park	3800 FM 20	8.2										
Total		133.3	5	1	8	0	7	0	0	1	1	0

Active Facilities					Water			Passive / Support Facilities							Infrastructure						
Volleyball Courts (sand)	Paved Hike/Bike Trails (miles)	Un-Paved Hike/Bike Trails (miles)	Amphitheater	Playground (# of units)	Skating Facilities	Splash Pads	Swimming Pools	Fishing Piers	Covered Picnic Table	Pavilions	Picnic Tables	BBQ Grills	Benches	Bleachers	Drinking Fountains	Lakes or Water in Park	Bike Racks	Concession Bldgs.	Restroom Bldgs /Portable	Parking (# of spaces)	Handicapped Parking (# of spaces)
	1.5		1	2	1	1	1	1	8	4	36	7	16		4	1				150	
0	1.5	0	1	2	1	1	1	1	8	4	36	7	16	0	4	1	0	0	0	150	0
				1						3	5		3					1	1	170	
				1							7				2			1	1	72	
0	0	0	0	2	0	0	0	0	0	3	12	0	3	0	2	0	0	2	2	242	0
				1					1		4	1	3				1		1	9	
				2					2	2	9	3							1	12	
				1					1		7	2	4		1					25	
				2					2	1	6	2			1						
				2						1	3	4			1				1		
				1		1				1									1		
				1							9		3							12	
0	0	0	0	10	0	1	0	0	6	5	38	12	10	0	3	0	1	0	4	58	0
0	1.5	0	1	14	1	2	1	1	14	12	86	19	29	0	9	1	1	2	6	450	0

LEVEL OF SERVICE ANALYSES

Parkland Level of Service in Lockhart, 2023

Park Classification	Existing Acreage	# of Parks	Avg. Size (ac.)	Current Level of Service (Based on 14,379 population)		Recommended Target LOS Ac./1000 Residents	Recommended Acreage	2023 Surplus or Deficit
Community Park	51.9	1	51.9	3.6	Ac./1,000 Residents	5.0 to 8.0	71.9 to 115.0	Deficit
Neighborhood Park	26.9	7	3.8	1.9	Ac./1,000 Residents	1.0 to 2.0	14.8 to 28.8	Within Range
Special Use	46.3	2	23.2	N/A		Varies	N/A	N/A
Undeveloped	8.2	1	8.2	N/A		N/A	N/A	N/A

The 2023 NRPA Agency Performance Review Report suggests a city with a population size of 14,379 should have at least **10.8 acres** of parkland for every 1,000 residents. Currently, Lockhart sits at **5.5 acres** (combined community parks and neighborhood parks acreage LOS) for every 1,000 residents.

Parkland Level of Service in Lockhart, 2030 (projected)

Park Classification	Existing Acreage	# of Parks	Avg. Size (ac.)	Current Level of Service (Based on 16,563 population)		Recommended Target LOS Ac./1000 Residents	Recommended Acreage	2023 Surplus or Deficit
Community Park	51.9	1	51.9	3.1	Ac./1,000 Residents	5.0 to 8.0	82.8 to 132.5	Deficit
Neighborhood Park	26.9	7	3.8	1.6	Ac./1,000 Residents	1.0 to 2.0	16.6 to 33.1	Within Range
Special Use	46.3	2	15.4	N/A		Varies	N/A	N/A
Undeveloped	8.2	1	8.2	N/A		N/A	N/A	N/A

LEVEL OF SERVICE - PARK FACILITIES

Based on the table, **Recreation Facilities Level of Service**, the City currently needs to focus their resources on adding the following facilities to the parks system:

- *Softball fields*
- *Tennis courts*
- *Outdoor volleyball*
- *More trails*
- *Indoor recreation facility*
- *Swimming pool*

Overall, Lockhart has small deficiencies for seven different types of recreation facilities. Conversely, there are many categories that are in surplus, like playgrounds, basketball courts, soccer fields, and pavilions. There are also quite a few large facilities that fit the need for Lockhart residents, these include, an amphitheater, a disc golf course, a skate park, dog park, and splash pads.

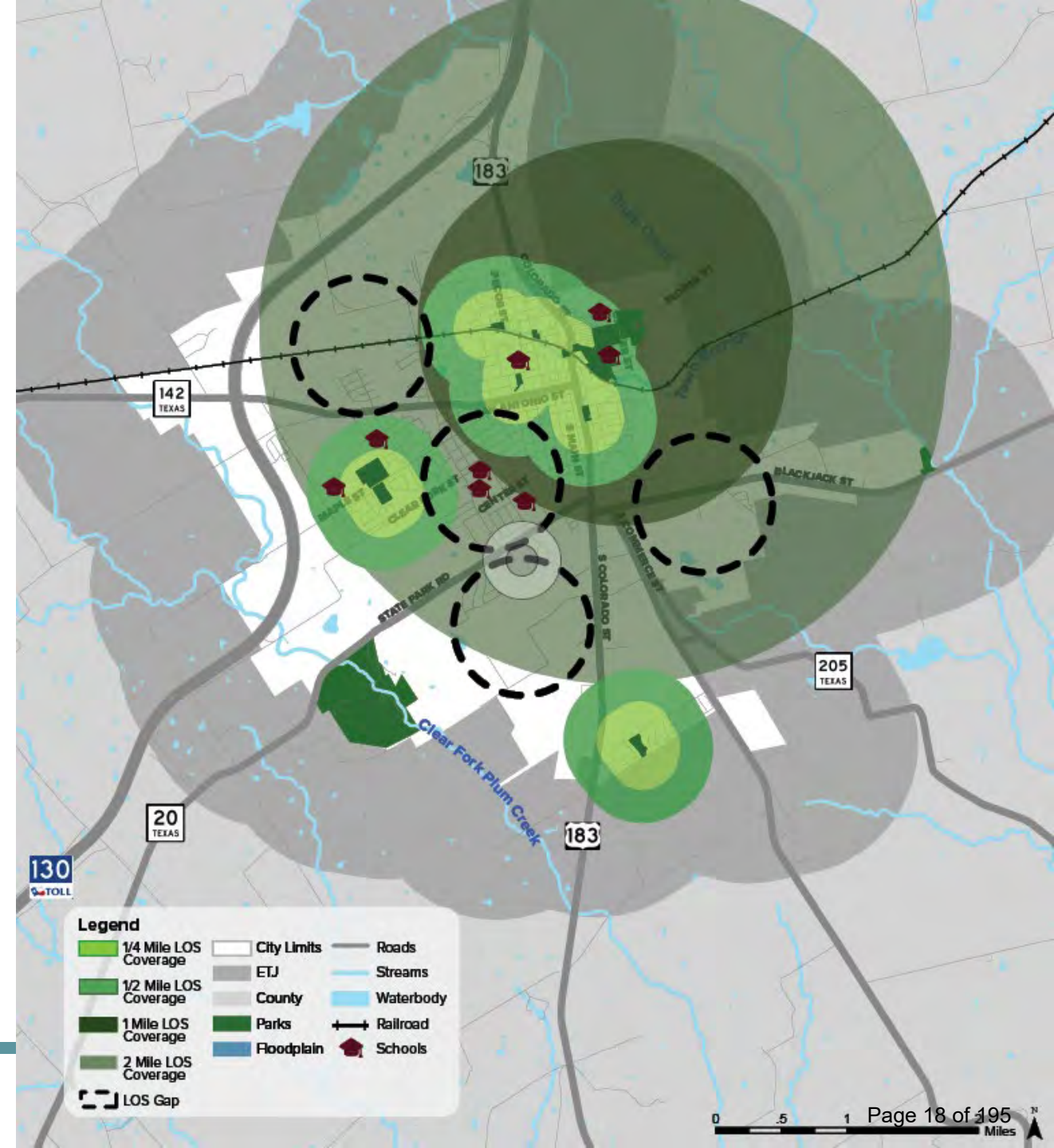
GAP ANALYSIS

Gap Analysis

- Identifies the “gaps” where parks are needed currently and, in the future
- Areas within Lockhart that are currently served by parks and schools are not included in the areas



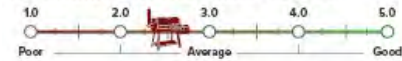
Navarro Springs Park



CONDITIONS ASSESSMENT

SYSTEM-WIDE CONDITIONS

ADDITIONAL SITE FACILITIES: SCORE 2.5



The system-wide conditions assessment for additional site facilities is 2.5. Many trash receptacles, water fountains, and benches are in a slightly deteriorated condition. There are many opportunities to provide immediate cosmetic updates, such as the color of receptacles and material used. There are many instances where a more permanent amenity solution should be provided such as in the provision of trash receptacles.



Trash receptacle in North Pecos Park, Overall condition is average.

PARK PATHWAYS | TRAILS: SCORE 2.4



The system-wide conditions assessment for park pathways and trails is 2.4. In general, half of the parks in Lockhart need pathways so the absence of these brings down the overall score. The quality of pavement in parks with pathways and sidewalks is above average with minimal areas of cracking or heaving. Some trails are of sufficient width, although instances of encroaching vegetation is evident in some areas with hard surface pathways.



Park pathway from parking lot in Santos Arredondo Park. Overall condition is below average.

PARKING: SCORE 2.2



The system-wide conditions assessment for parking is 2.2. This score reflects the quality of parking lots, pedestrian access, parking availability in relation to park type, and public transit opportunities. Most parking lots are in average condition, with resurfacing and striping improvements needed.



Parking lot at the Youth Sports Complex, overall condition is average.

Park Conditions Scale



Lockhart's system-wide rankings by category are depicted by the BBQ smoker.

Park Name/Rank	Average Score
#1 Santos Arredondo Park	3.8
#2 City Park	3.6
#3 North Pecos Park	3.4
#4 Navarro Springs Park	3.4
#5 Nueces Park	3.3
#6 Lion's Park	3.1
#7 Youth Sports Complex	2.7
#8 Jason K. LaFluer Soccer Complex	2.7
#9 Braun Park	2.7
#10 Maple Street Park	2.0

The average conditions score for the lowest and highest-ranking properties is shown in **Conditions Assessment by Park, Low and High Scores (2021)**.

HIGH SCORING PARKS

Park properties that received high conditions scores contain one or both of the following features:

- A) They are newer and contain more recent investments with limited deterioration; and/or,
- B) The park is popular and is a component of shared community-wide pride.

One of the most common elements of high scoring parks is the quality of structured play and turf — within each park property. High scoring parks also contained park accessibility, landscaping, and trees.

LOW SCORING PARKS

Several neighborhood parks ranked low in the conditions assessment. This is a common condition among municipal park systems for two reasons: A) The lack of facilities in most neighborhood parks reduces visits and public demands for investment or maintenance; and, B) These neighborhood parks are older, with aging equipment and lack diverse features that do not draw demand from the public.

Lower scoring parks in the Lockhart parks system still rank average or above average in turf condition, which was consistent in all parks (excluding areas where bare spots were present). The quality of "additional amenities" such as fountains, trash receptacles, and seating areas — in combination with low system-wide scores for lighting, general site facilities, and park accessibility — contributes to poor individual park scores.



Shaded play structure at Nueces Park, which was the highest ranked playground in the Conditions Assessment.



FUTURE SERVICE NEEDS

A review of the park-by-park condition assessment determined property-specific priorities that should be addressed. The system-wide condition of the Lockhart parks and recreation system can be quickly enhanced with attention to the following elements:

MAINTENANCE STANDARDS

- The City should establish designated areas within parks that are mowed only a few times a year (No Mow Zones / Grow Zones) to reduce cost of mowing and establish areas for native grasses and wildflowers.
- Reduce and reallocate the percentage of staff hours spent on reoccurring maintenance activities towards park improvement activities by 15-20% by 2026.
- Develop and implement a priority system for tasks and create an O&M manual for staff.

SPECIFIC INVESTMENTS

- Investments towards park access can be identified through a trails master plan. The creation of a trails master plan can provide a guide for how to connect the park system city-wide, creating connections from neighborhoods to parks.
- Invest in repairs and upgrades to parking facilities throughout the parks system.
- Create and implement a complete renovation plan (repairs and upgrades) for the Youth Sports Complex.
- Implement the construction of the recently completed (2023) concept plan for Lion's Park.
- Where possible, replace older lighting technologies with LED lighting to save on energy costs.
- Create a schedule to replace and upgrade all accessory amenities serving general visitation including trash receptacles, pet waste stations, water fountains, benches, etc.





2023 PARK MASTER PLAN PRIORITIES

#1

LION'S PARK

RENOVATIONS AND IMPROVEMENTS

#2

CITY PARK

RENOVATIONS AND IMPROVEMENTS

#3

YOUTH SPORTS COMPLEX

RENOVATIONS AND IMPROVEMENTS

#4

SWIMMING POOL & SPLASH PADS

CONSTRUCTING A NEW OUTDOOR POOL

#5

INDOOR RECREATION CENTER

CREATING THE CITY'S FIRST RECREATION CENTER

#6

TRAILS MASTER PLAN

DEVELOP THE CITY'S FIRST TRAILS MASTER PLAN

LIONS PARK CONCEPTUAL PLAN

- Halff led Project, completed fall of 2023
- Public Outreach – Stakeholder Meetings, 1 Public Survey
- Why this Park? Location in the center of town, lots of traffic (local and regional) passing by, and is an under-utilized park
- Conditions Assessment Score was average
- The City wanted a vision for what the future park standard will be in Lockhart





LEGEND

1. CREEK ACCESS AREA
2. PEDESTRIAN BRIDGE
3. ENTRY MONUMENT
4. DECORATIVE PAVING
5. BROCK CABIN
W/ INTERPRETIVE EXHIBITS
AND NATIVE PLANTING
6. PICNIC PAVILION W/ GRILL
7. ENHANCED POND
W/ FOUNTAIN
8. PICNIC TABLES
9. MULTI-USE SPORTS COURT
(BASKETBALL, PICKLEBALL,
VOLLEYBALL, TENNIS)
10. RENOVATED RESTROOM
11. 2-5 INCLUSIVE PLAYGROUND
12. 5-12 INCLUSIVE PLAYGROUND
13. MULTI-USE PAVILION
14. ADULT FITNESS
EQUIPMENT (TYP.)
15. QUARRY BLOCK
RETAINING WALLS (TYP.)
16. EXPANDED PARKING
17. TRAILHEAD AND
WAYFINDING SIGNAGE
18. SAND VOLLEYBALL COURT
19. UNDERGROUND DRAINAGE
20. WELL-FED SPLASHPAD

ADDITIONAL AMENITIES

- SITE LIGHTING
- TREE LIGHTING
- WI-FI HOTSPOT
- POWER RECEPTACLES
- NATIVE LANDSCAPING







IMPLEMENTATION

- 13 Goals from the 2018 Master Plan, this plan did not have any action items
- Actions are all new for this planning process
 - 44 new actions were developed for the 13 existing goals
- The time frames for the table actions focus on initiation and not necessarily completion:
 - Short-term: To be initiated or completed within the next 1 - 2 years
 - Long-term: To be initiated within the next 2 - 5 years, or as opportunities arise
 - Ongoing: Recommendations that are to be continually implemented during the course of the plan horizon

Action	Short-Term	Long-Term	Ongoing
Goal 1: Flexible Park Spaces			
Explore the feasibility of a multi-generational recreation center that could include indoor aquatics and a senior component.	✓		
Identify a location to construct a new swimming pool with a splash pad.		✓	
Consistently review recreation trends to ensure parks are meeting service needs and community interests.			✓
Goal 2: Strategic Cost-Sharing			
Coordinate with Lockhart Independent School District (LCISD) to execute a school joint use agreement for the sharing of resources related to new and existing school facilities and amenities.	✓		
Coordinate with Caldwell County to continue building county trails in the City of Lockhart.		✓	
Coordinate with Chamber of Commerce and area sports leagues on continuing efforts for sport tourism opportunities.			✓
Participate in the NRPA's park metrics program and agency performance review on a recurring basis.			✓
Goal 3: Parkland Aquisition			
Develop a concept plan focused around a nature park on the undeveloped land that is Comanche Park.		✓	
Preserve city-owned open space to support passive recreation uses.		✓	
Support development of a downtown park network, that could provide pocket parks, special use parks, and civic areas.	✓		
Goal 4: Parks for All			
Encourage exercise classes such as running / walking groups or yoga to community members to increase recreational program offerings that don't require facilities or supervision.			✓
Add additional athletic programming opportunities for adults and seniors.	✓		
Build inclusive play facilities at a neighborhood park to foster a recognized inclusive destination at that park for individuals and families.		✓	
Develop an ADA Transition Plan, in order to make Lockhart parks more ADA-compliant.		✓	
Expand multi-generational recreation opportunities through additional City-provided and third-party programming.	✓		



FUNDING RESOURCES TABLE

Halff's Funding Resources Team can help facilitate applying for grants and programs

Texas Parks and Wildlife Departments grants for local communities' deadline is March 2024

FUNDING CATEGORIES FUNDING RESOURCES	FUNDING CATEGORIES																			
	Agricultural	Community Garden	Community Development	Community Outreach	Conservation	Disaster Recovery	Economic Development	Environment	Health / Quality of Life	Historic Preservation	Infrastructure	Natural Resources	Parks & Recreation (Indoor / Outdoor)	Parks / Trails	Playground	Programmatic	Public Works	Revitalization	Safety	Transit: Bicycle / Pedestrian Access
Environmental Quality Incentive Program (EQIP)	x				x			x				x	x	x						
Conservation Innovation Grants (CIG)	x				x			x				x	x	x						
Community Facilities Direct Loan & Grant Program											x		x	x	x			x		
Transformational Habitat Restoration and Coastal Resilience Grants					x			x				x	x	x						
Coastal Habitat Restoration and Resilience Grants for Underserved Communities					x			x				x	x	x						
Multi-State Conservation Grant Program					x			x				x	x	x						
Challenge Cost Share Program					x			x					x	x						
Federal Lands-to-Parks Program										x			x	x						
Outdoor Recreation Legacy Partnership Program					x								x	x						
Rivers, Trails, and Conservation Assistance Program					x								x	x						
Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grants			x								x		x	x				x	x	x
Reconnecting Communities Pilot (RCP) Program			x				x				x		x	x				x	x	x
Multimodal Projects Discretionary Grant: National Infrastructure Project Assistance (MEGA)			x								x		x	x				x		x
Multimodal Projects Discretionary Grant: Infrastructure for Rebuilding America (INFRA)											x		x	x				x		x
Multimodal Projects Discretionary Grant: Rural Surface Transportation Grant Program (RURAL)							x		x		x		x	x				x		x
Air Grants & Funding								x	x				x	x				x		x
Environmental Education Grants Program					x			x	x			x	x	x						x
Environmental Justice Grants					x			x	x			x	x	x						x



KEY TAKEAWAYS OF THE PLAN

- All the goals in this update are from the 2018 Master Plan
- The actions in the implementation table were created for this planning process, the 2018 Master Plan did not have any action items. The 2018 Plan outlined a list of priority projects with cost estimations.
- This update identifies six priority projects.
 - Three of the priority projects were crafted with the Parks and Recreation Department (Lion's Park, Indoor Rec Center, Swimming Pool and Splash Pad), and the last priority project was created due to the public's interest in community trails (Trails Master Plan).
 - The other two priority projects were carried over as priorities from the 2018 Plan (Youth Sports Complex and City Park).
- We have changed City Park's classification to a community park classification, from a regional park classification.
- Maple Street Park is now two parks, the Jason K LaFluer Soccer Complex (special use park) & Maple Street Park (neighborhood park)
- Comanche Park presents an opportunity for addressing a gap in the level of service
- Plan is TPWD compliant, eligible for local parks grants



Questions?

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: December 19, 2023

AGENDA ITEM CAPTION: Discuss renewal of the cemetery grounds mowing and maintenance agreement

ORIGINATING DEPARTMENT AND CONTACT: Parks & Recreation - Travis Hughes

ACTION REQUESTED: Agreement

BACKGROUND/SUMMARY/DISCUSSION: Gene Bagwell d/b/a Maintenance Management has been under contract to perform mowing and maintenance of the cemetery grounds since 2010. This was initially a 5-year agreement and has since been renewed annually. Maintenance Management is required to mow and trim the Lockhart Municipal Burial Park and Hooks Cemetery 22–24 times per year (an approximate area of 35 acres) and provide a minimum of two cemetery cleanups. They are also responsible for tree trimming and mowing on both sides of the fence along Hwy 183 and FM 672. There are no changes to the scope of work or fees in the agreement from last year to this year.

PROJECT SCHEDULE (if applicable): January 1, 2024 - December 31, 2024

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): Funds are currently in the budget (account 100-5632-208-00)

PREVIOUS COUNCIL ACTION: Council has been annually renewing this agreement since 2020.

COMMITTEE/BOARD/COMMISSION ACTION:

STAFF RECOMMENDATION/REQUESTED MOTION: Approve renewal of the agreement.

LIST OF SUPPORTING DOCUMENTS: Cemetery Maintenance Agreement 2024

STATE OF TEXAS

)

CITY OF LOCKHART

)

CALDWELL COUNTY

)

CONTRACT RENEWAL

Mr. Gene Bagwell d/b/a Maintenance Management
625 Pioneer Trail
San Marcos, Texas 78666

Re: Sixth Renewal of Lockhart Cemeteries Maintenance Contract Agreement

Initial Term: January 1, 2010 through December 31, 2014

First Renewal Term: January 1, 2015 through December 31, 2019

Second Renewal Term: January 1, 2020 through December 31, 2020

Third Renewal Term: January 1, 2021 through December 31, 2021

Fourth Renewal Term: January 1, 2022 through December 31, 2022

Fifth Renewal Term: January 1, 2023 through December 31, 2023

Sixth Renewal Term: January 1, 2024 through December 31, 2024

Date: December 19, 2023

The Cemeteries Maintenance Contract described above was awarded to you on November 10, 2009. We have determined that you have performed in accordance with the requirements of the Contract.

Therefore, the City is exercising its option to renew the Contract year to year effective from January 1, 2024, through December 31, 2024. This renewal period is governed by the specifications, pricing, terms, and conditions set forth in the Cemeteries Maintenance Contract. Also, this Contract Renewal reflects the understanding of you and the City when the original Agreement was entered into, and rectifies the renewal language on page 8, section 1 of the Contract Agreement, that the first renewal term of the Lockhart Cemeteries Maintenance Contract Agreement is for five (5) years and thereafter year to year at the City's discretion.

The Contract amount price set forth in this Renewal will be in the amount of \$72,697.95 and includes the mowing and maintenance of all grounds within Lockhart Burial Park as well as Hooks Cemetery. This Contract amount is subject to price adjustments at the beginning of the City's fiscal year (October 1) based on the "June" Consumer Price Index as published by the U.S. Department of Labor, Bureau of Labor Statistics. Any such adjustments may not increase fees more than 3% and must be presented to the City in writing at least 90 days prior to October 1, 2024.

Re: Sixth Renewal of Lockhart Cemeteries Maintenance Contract Agreement

Initial Term: January 1, 2010 through December 31, 2014

First Renewal Term: January 1, 2015 through December 31, 2019

Second Renewal Term: January 1, 2020 through December 31, 2020

Third Renewal Term: January 1, 2021 through December 31, 2021

Fourth Renewal Term: January 1, 2022 through December 31, 2022

Fifth Renewal Term: January 1, 2023 through December 31, 2023

Sixth Renewal Term: January 1, 2024 through December 31, 2024

I hereby acknowledge acceptance of this Contract Renewal, and I agree to be bound by all requirements, terms, and conditions as set forth in the Lockhart Cemeteries Maintenance Contract Agreement and this Contract Renewal.

CONTRACTOR

Mr. Gene Bagwell d/b/a Maintenance Management

Date

CITY OF LOCKHART

Lew White, Mayor

Date

Attest:

Julie Bowerman, City Secretary

Date

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: December 19, 2023

AGENDA ITEM CAPTION: Discuss semi-annual report concerning the status of implementation of Chapter 31, "Impact Fees" of the Code of Ordinances, and advise of the need to update the ordinance, land use assumptions, capital improvement plans, or impact fees.

ORIGINATING DEPARTMENT AND CONTACT: Development Services - David Fowler

ACTION REQUESTED: Consensus

BACKGROUND/SUMMARY/DISCUSSION: The report covers April-September 2023. New impact fee studies for water-wastewater and roads were adopted on May 2, 2023. As such, the most recent reporting period reflects a blend of the old and new impact fee rates as existing projects have continued building and new projects have begun construction. The vast majority of the fees were received from the over 300 new houses permitted during the six-month reporting period, with the rest coming from one apartment development and several commercial projects. As a result of this high activity, fee receipts have broken previous records, resulting in a record balance for the four accounts.

PROJECT SCHEDULE (if applicable): The most recent impact fee study and capital improvement plans were enacted May, 2 2023. A new study would need to begin within five years of that date.

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): Please see attached exhibits for impact fee activity and fund balance updates.

PREVIOUS COUNCIL ACTION: City council passed the first impact fee study in January 2002. Updates have followed roughly every five years.

COMMITTEE/BOARD/COMMISSION ACTION: The Impact Fee Advisory Committee met December 13, 2023. Upon receiving the update, the Committee did not recommend any changes to the impact fee program.

STAFF RECOMMENDATION/REQUESTED MOTION: Staff recommends no further action be taken.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

LIST OF SUPPORTING DOCUMENTS: Fall 2023 signed committee report to CC, impact fee
Exhibit A Fall 2023, Fall 2023 Exhibit B

IMPACT FEE REPORT
To Lockhart City Council – December 2023

PURPOSE

State law requires a continuing semi-annual role for the Impact Fee Advisory Committee in monitoring the progress of implementation of the impact fee ordinance, and in advising the City Council on needed revisions. More specifically, State law provides that the Committee:

- 1) Monitor and evaluate implementation of the capital improvement plans;
- 2) File semi-annual reports with respect to the progress of the capital improvements plans and report to City Council any perceived inequities in implementing the plans or imposing the impact fees; and,
- 3) Advise the City Council of the need to update or revise the land use assumptions, capital improvements plans (CIP's), and impact fees.

This is the 43rd status report since the City's impact fee ordinance was originally adopted on January 15, 2002, and is for the period from October 1, 2022 to April 1, 2023. It is the eleventh report since the update adopted on April 4, 2017, and is based on a mix of the previous capital improvement plans and impact fees, and the new plan and fees adopted on May 2, 2023. The six-month reporting dates align with the fiscal year quarters.

STATUS OF ACCOUNTS

Exhibit A shows revenue totaling \$2,500,359 during the period covered by this report. Fees collected during the six-month period were for 315 new houses (232 last period), the expansion of the Stanton Apartments, and several smaller commercial buildings. The only expenditures were periodic payments of invoices to the impact fee update consultants as they prepared the recent impact fee update. The water, wastewater, and road impact fee account balances for the previous semi-annual report, as well as the current balances as of October 1, 2023, including accrued interest, are shown in the table.

The total estimated cost of all of the projects in the capital improvement plans in effect during the six-month reporting period was \$120,118,135. However, the City Council adopted one-half that amount as the maximum to be collected by May 1 2033, which is the end of the ten-year CIP period, so the maximum fees are based on an estimated cost of all three CIP's being \$60,059,068. The total of all impact fees spent on CIP projects so far since the April 4, 2017 update is \$774,729, which does not include payments to the impact fee update consultants. The total amount still to be spent is \$59,957,603. The total balance available remaining

collectively in the four impact fee accounts that can be used toward meeting that goal, is currently \$7,872,603.

TRENDS

The bar graph in **Exhibit B** illustrates the impact fee collection trends beginning with the first semi-annual report in July 2003. The trends reflect the state of the economy, as well as the availability of lots for residential development. Housing production and platting of new subdivisions have increased, with the total impact fee revenue in this six-month reporting period much higher than the previous reporting period, which was an all-time high. This one is the highest since the City began the semi-annual reports in 2003. It is important to build a healthy balance in all of the accounts because there is interest in development where the City does not currently have adequate infrastructure, but where many of the needed projects are already listed in the impact fee CIP's.

UPDATE

This report reflects the impact fee update completed and adopted in 2023, although many of the fees received were for projects still building out under the old impact fees. In addition, The CIPs are intended to reflect the anticipated growth of the city, and the rapid population growth we are experiencing may require changes in the location and size of projects that are in the current CIPs, and/or may support adding new projects in future reviews of the city's CIP.

RECOMMENDATION

The Committee met on December 13, 2023, and unanimously voted to forward this semi-annual report to the City Council for the period ending on September 30, 2023, recommending that no further changes are necessary at this time.

Respectfully,



Philip Ruiz, Chair
Impact Fee Advisory Committee

EXHIBIT A

FALL 2023 IMPACT FEE ACCOUNT BALANCES¹

	<u>April 1, 2023</u>	+	Revenue ²	–	Expense ³	<u>October 1, 2023</u>
Water	1,770,101		937,830		11,357	2,696,575
Wastewater	1,495,502		912,940		90,299	2,318,142
Roads (Service Area 1)	1,304,727		427,137		6,786	1,725,078
Roads (Service Area 2)	917,142		222,452		6,786	1,132,808
TOTAL	\$5,487,472		\$2,500,359		\$115,228	\$7,872,603

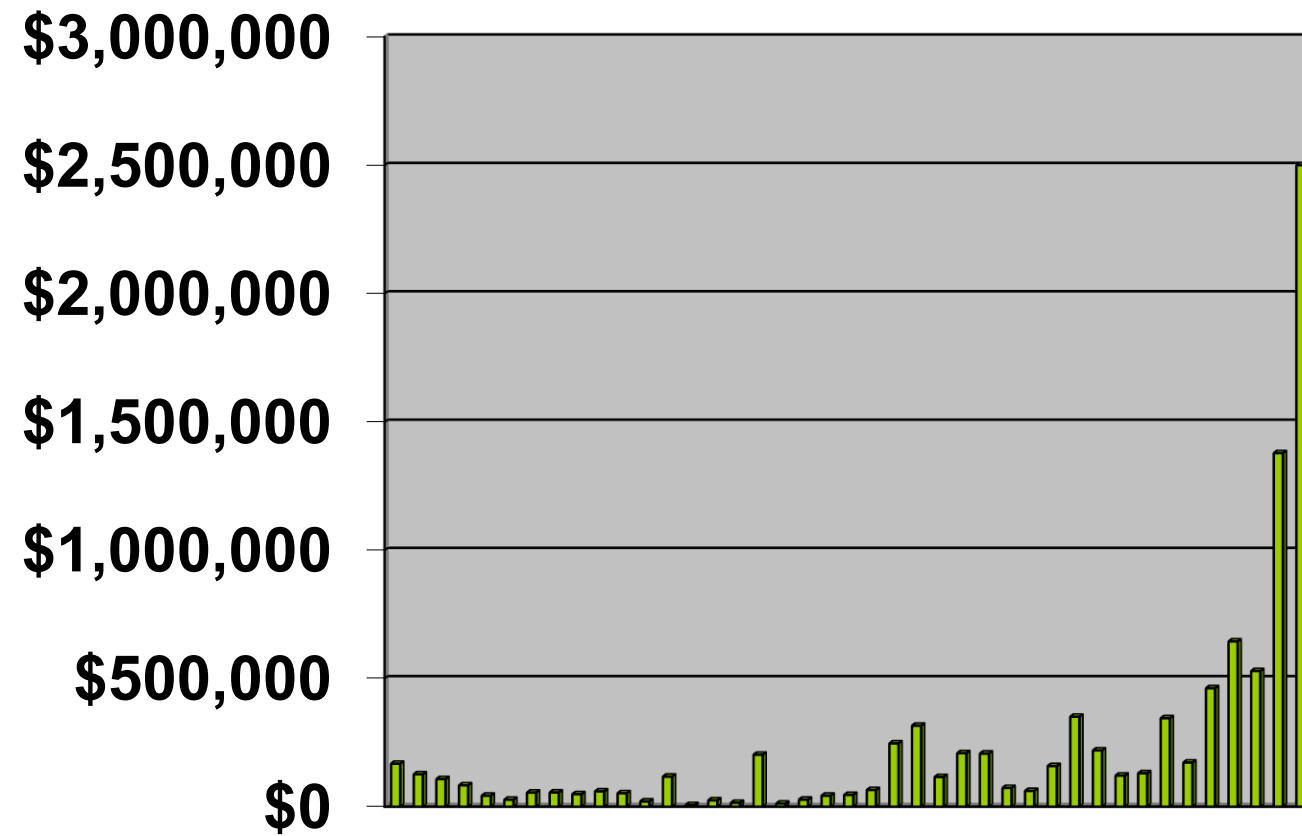
1. All amounts have been rounded to the nearest dollar.

2. Revenue amounts include accrued interest.

3. Expenses were due to invoices from impact fee update and water/wastewater master plan consultants.

One-half total CIP estimated cost (estimated 100% cost of all projects is \$120,118,135):	\$60,059,068
Total spent on projects since adoption of Ordinance 2023-09 on May 2, 2023:	\$101,656
Remaining amount of 1/2 estimated cost not yet spent:	\$59,957,412
Current balance on October 1, 2023:	\$7,872,603

Exhibit B
IMPACT FEE SEMI-ANNUAL REVENUE
July 2003-October 2023



City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: December 19, 2023

AGENDA ITEM CAPTION: Review a petition of annexation from George Kronenberg III on behalf of McCormick Ranch Partners, LP and discussion regarding Resolution 2023-23, setting the date for the public hearing for the annexation of 53 acres out of the Crenshaw Cornelius Survey, Abstract 68. Caldwell county, Texas, located on the south and west sides of FM 2001, approximately 1060 feet north of SH 130.

ORIGINATING DEPARTMENT AND CONTACT: Development Services - David Fowler

ACTION REQUESTED: Resolution

BACKGROUND/SUMMARY/DISCUSSION: The developer of an industrial project to be located at the bend of FM 2001 where it curves from northbound to westbound north of SH 130 has requested the city to annex the property. The developer has requested 53 acres of the 172.8 acre subject property to be brought into the city. The property has water service through a 3-inch line located in the FM 2001 right-of-way. Wastewater service would need to be extended to the property at the developer's expense. There is however, a reimbursement agreement for the extension of wastewater service and upgrading of water lines that was approved by City Council in October 2023 as part of an economic development incentive.

If the resolution setting the public hearing date is approved, the hearing will be held on January 16, 2024, and the annexation would be effective immediately if the ordinance and the accompanying annexation service agreement are approved. Due to recent changes in state annexation law, the annexation would not cause the City's extraterritorial jurisdiction to expand.

Upon annexation, the property would be zoned AO, Agricultural-Open Space. To accommodate the proposed industrial uses, the developer has submitted a Planned Development District request.

PROJECT SCHEDULE (if applicable): If the resolution is approved to set the public hearing date for January 16, 2024, the hearing will be advertised in the Lockhart Post-Register and posted on the City website between the 10th and 21st day before the public hearing. Letters will also be sent to all public service providers within the same notification window.

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): None for the proposed resolution.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

PREVIOUS COUNCIL ACTION: Lockhart City Council approved an Economic Development agreement for the Real Cold food storage facility in October 2023.

COMMITTEE/BOARD/COMMISSION ACTION: None

STAFF RECOMMENDATION/REQUESTED MOTION: Approval of Resolution 2023-23, setting the date of the public hearing for January 16, 2024.

LIST OF SUPPORTING DOCUMENTS: FM 2001 Real Cold Annexation Resolution 2023-23, Exhibits A and B to resolution 2023-23, 01641_ALTA_2023-05-10pdf, McCormick Annexation area map, FM 2001 Industrial Annexation 2023 Annexation Service Agreement

RESOLUTION NO. 2023-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART ACCEPTING A VOLUNTARY PETITION FOR ANNEXATION, ATTACHED HERETO AS EXHIBIT “A”; DECLARING THE INTENT OF THE CITY TO ANNEX INTO THE CITY LIMITS THE PROPERTY DESCRIBED IN EXHIBIT “B”, ATTACHED HERETO; PROVIDING WRITTEN NOTICE TO THE SERVICE PROVIDERS AND OWNERS OF RAILROAD RIGHT-OF-WAY, IF ANY, LOCATED IN SUCH TERRITORY, PROVIDING FOR A PUBLIC HEARING AND DIRECTING THE CITY MANAGER TO PREPARE AND NEGOTIATE A SERVICE PLAN AGREEMENT WITH THE LANDOWNERS PROVIDING FOR FULL MUNICIPAL SERVICES TO THE AREA TO BE ANNEXED; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property to be annexed consists of 53 acres as described more fully in Exhibit “B”, and as depicted in same exhibit, attached hereto, in Caldwell County, Texas; and

WHEREAS, the property to be annexed is adjacent to and contiguous to the boundaries of the City; and

WHEREAS, the property to be annexed is within the City’s extraterritorial jurisdiction and the property is not within the extraterritorial jurisdiction of any other city; and

WHEREAS, the Property owners have requested annexation into the City of Lockhart in accordance with a Petition for Annexation which is attached hereto as Exhibit “A”; and

WHEREAS, the City is authorized by Chapter 43, Subchapter C-3, Annexation of Area on Request of Owners, Texas Local Government Code, to accept the petition for annexation and annex the property.

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

1. The City Council hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the City hereby incorporates such recitals as a part of this Resolution.

2. Before the City institutes annexation proceedings, it shall provide written notice to each public entity or private entity that provides services in the area to be annexed and to each railroad company which owns right-of-way in the area to be annexed prior to the date of the

public hearing.

3. The City shall conduct a public hearing at which times persons interested in the annexation shall be given the opportunity to be heard. The public hearing shall be conducted in the Council Chamber of City Hall of the City of Lockhart, on the 16th day of January 2024, at 7:30 p.m.

4. Notice of the public hearing shall be published in the Lockhart Post-Register on or after December 27, 2023 and before January 5, 2024 and the notice will also be posted on the City's Internet website before January 5, 2024 and shall remain posted until the date of the public hearing.

5. The City Manager shall prepare and negotiate with the owners of the property requesting annexation a written Annexation Services Plan Agreement meeting the requirements of Section 43.0672 of the Texas Local Government Code. Such Agreement to be approved by the City and the Owners prior to the adoption of the Annexation Ordinance.

6. This Resolution shall become effective immediately upon passage.

Passed, read, and approved the 19th day of December 2023.

City of Lockhart, Texas

Lew White, Mayor

ATTEST:

Julie Bowermon, City Secretary

EXHIBIT A

May 8, 2023

Honorable Mayor and City Council Members
c/o Mike Kamerlander
City of Lockhart
308 West San Antonio Street
Lockhart, Texas 78644

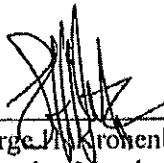
Re: Voluntary Annexation Petition – Project Apple Pie, Lockhart, Texas (*Property ID # 14698*)
("Property")

Honorable Mayor and City Council Members:

As the current owner of the Property, I hereby submit my request for voluntary annexation and zoning for the Property.

As owner, I reserve the right to withdraw this annexation request from consideration at any time during the proceedings. Pam Madere, Jackson Walker LLP, will serve as the agent for these applications.

Sincerely,



Name: George W. Kronenberg, III
Title: Managing Member, McCormick Ranch Partners, LP, a
Texas limited partnership

EXHIBIT B



Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 53.0000 ACRES (2,308,681 SQUARE FEET) OF LAND, MORE OR LESS, BEING OUT OF THE CORNELIUS CRENSHAW SURVEY, ABSTRACT NO. 68 IN CALDWELL COUNTY, TEXAS, BEING A PORTION OF A CALLED 168.04 ACRE TRACT (DESCRIBED AS "TRACT 2") CONVEYED TO MCCORMICK RANCH PARTNERS, LP IN DOCUMENT NO. 2021-007211 OF THE OFFICIAL PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS (O.P.R.C.C.T.), SAID 53.0000 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

PO Box 90876
Austin, TX 78709
512.554.3371
jward@4wardls.com
www.4wardls.com

BEGINNING, at 1/2-inch iron rod with "4Ward-Boundary" cap set in the west right-of-way line of F.M. 2001 (80' Right-of-way), being the southeast corner of said McCormick Ranch tract, and being the apparent northeast corner of a called 14.914 acre tract conveyed to Juan & Alice Garcia in Document No. 2019-005279 (O.P.R.C.C.T.), for the southeast corner and **POINT OF BEGINNING** hereof, from which a TxDOT Type II brass disc found for an ell-corner in the west right-of-way line of said F.M. 2001, and being an ell-corner in the east line of said Garcia tract bears, S01°17'38"E, a distance of 335.00 feet;

THENCE, leaving the west right-of-way line of said F.M. 2001, with the common line of said McCormick Ranch tract and said Garcia tract, S79°38'50"W, passing at a distance of 2.18 feet a 12" cedar fence post found, and continuing for a total distance of 1,545.81 feet to a 1/2-inch iron rod found for an angle point hereof, said point being the northwest corner of said Garcia tract, and being the northeast corner of Lot 2, Block 1 of the Spillman Subdivision, a subdivision in Caldwell County, Texas recorded in Cabinet C, Slide 108 of the Plat Records of Caldwell County, Texas (P.R.C.C.T.), and being an angle point in the east line of a called 92.793 acre tract conveyed to 92A Partnership, LLC in Document No. 2021-009427 (O.P.R.C.C.T.);

THENCE, with the common line of said McCormick Ranch tract and said Lot 2, S79°28'56"W, a distance of 484.45 feet to a 1/2-inch iron rod with "4Ward-Boundary" cap set for the southwest corner hereof, from which a 1/2-inch iron rod found for the northwest corner of said Lot 2, and being an angle point in the south line of said McCormick Ranch tract bears, S79°28'56"W, a distance of 2,779.12 feet;

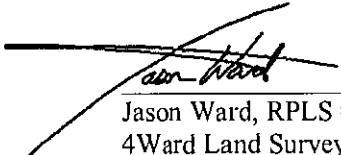
THENCE, leaving the common line of said McCormick Ranch tract and said Lot 2, over and across said McCormick Ranch tract, N10°21'10"W, a distance of 1,266.39 feet to a 1/2-inch iron rod with "4Ward-Boundary" cap set for the northwest corner hereof, said point being in the south right-of-way line of said F.M. 2001, and being in the north line of said McCormick Ranch tract, from which a calculated point for a point of curvature in the south right-of-way line of said F.M. 2001, and being a point of curvature in the north line of said McCormick Ranch tract bears, S79°31'56"W, passing at a distance of 1,138.46 feet a TxDOT Type I concrete monument found, and continuing for a total distance of 3,444.62 feet;

THENCE, with the common line of said McCormick Ranch tract and said F.M. 2001, the following three (3) courses and distances:

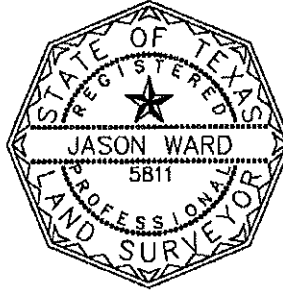
- 1) N79°31'56"E, a distance of 920.18 feet to a TxDOT Type I concrete monument found for a point of curvature hereof,
- 2) Along the arc of a curve to the right, whose radius is 1,107.08 feet, whose arc length is 1,741.35 feet and whose chord bears S55°27'19"E, a distance of 1,567.31 feet to a TxDOT Type I concrete monument found for a point of tangency hereof, and
- 3) S10°17'38"E, a distance of 160.58 feet to the **POINT OF BEGINNING** and containing 53.0000 Acres (2,308,681 Square Feet) of land, more or less.

NOTE:

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203); all distances were adjusted to surface using a combined scale factor of 1.000082521812. See attached sketch (reference drawing: 01604_10 Acres.dwg)



Jason Ward, RPLS #5811
4Ward Land Surveying, LLC



THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

UTILITY NOTE:
THE SURVEYOR MAKES NO GUARANTEES THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED (UTILITIES SHOWN HEREON MAY BE EXAGGERATED FOR GRAPHIC REPRESENTATION ONLY) ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES ONLY THE VISIBLE ABOVE GROUND UTILITY STRUCTURES.

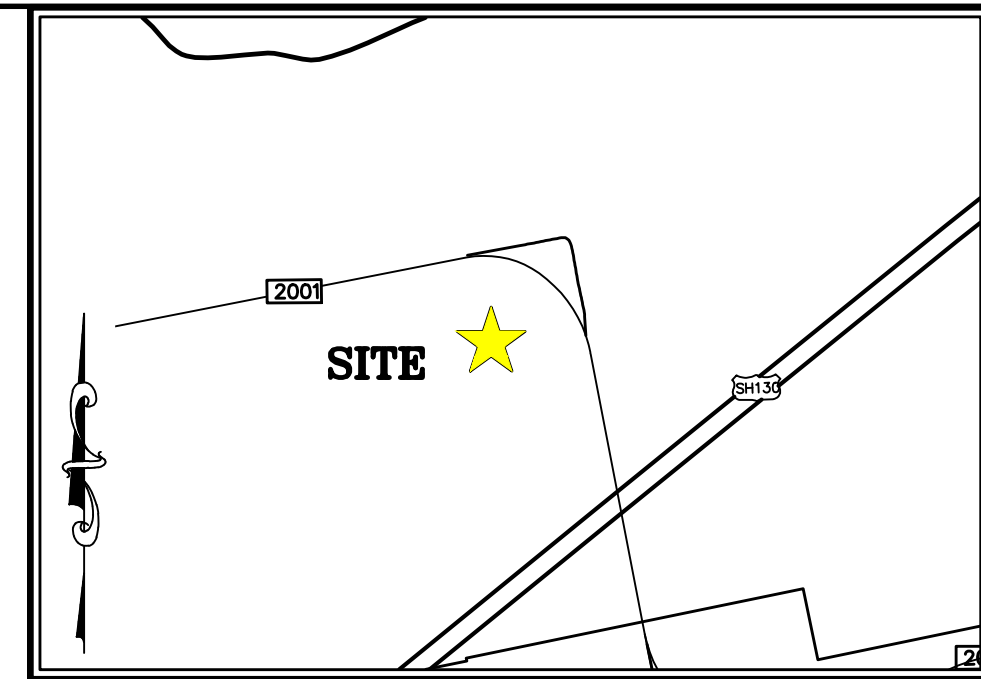
GENERAL NOTES:

1. PROPERTY ADDRESS: F.M. 2001, LOCKHART TEXAS
2. SEE ATTACHED METES AND BOUNDS DESCRIPTION.
3. THERE WERE NO BUILDINGS ON THIS TRACT AT THE TIME OF THE ON-THE-GROUND FIELD SURVEY.
4. THERE WAS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
5. THE LOCATION OF FENCES AND THE SIZE AND LOCATION OF UTILITY STRUCTURES, (IF SHOWN), MAY BE EXAGGERATED FOR GRAPHICAL CLARITY.
6. ADDITIONAL NUMBERS (IF SHOWN) IN THE TREE LIST AT THE END OF THE TREE DESCRIPTION, REPRESENT THE SIZES AND NUMBER OF MULTI-TRUNK TREES.
7. AT THE TIME OF THE FIELD SURVEY, THIS SITE WAS OVERGROWN WITH VEGETATION IN AREAS AS SHOWN. IN ADDITION, SOME AREAS APPEAR TO HAVE BEEN EXCAVATED AT SOME POINT IN THE PAST AND THOSE AREAS CONTAIN SPOIL PILES AND/OR DUG OUT AREAS OR SHALLOW PITS.

BENCHMARK NOTE:

BM #1-- SQUARE CUT ON TOP OF CONCRETE IN THE EAST MARGIN OF F.M. 2001 #483' NORTH OF THE POINT OF BEGINNING OF THE SUBJECT TRACT, ±140' NORTHWEST FROM A POWER POLE WITH ID# Q38010 IN THE EAST MARGIN OF F.M. 2001, ±102' NORTH FROM A 33" CEDAR ELM WITH TREE TAG #5003 IN THE WEST MARGIN OF F.M. 2001.
ELEVATION = 565.26'.

BM #2-- SQUARE CUT ON TOP OF CONCRETE IN THE EAST MARGIN OF F.M. 2001 #483' NORTH OF THE POINT OF BEGINNING OF THE SUBJECT TRACT, ±140' NORTHWEST FROM A POWER POLE WITH ID# Q38010 IN THE EAST MARGIN OF F.M. 2001.
ELEVATION = 567.46'.



VICINITY MAP

SCALE: 1" = 2000

LEGEND

- | | |
|------------|--|
| | PROPERTY LINE |
| — — — — | EXISTING PROPERTY LINES |
| -565- | CONTOUR LINE |
| ○ | CALCULATED POINT |
| ○ | 1/2" IRON ROD WITH "4WARD
IRONWAY" CAP SET |
| ● | 1/2" IRON ROD FOUND
(UNLESS NOTED) |
| ⊙ | IRON ROD WITH "B&A 2633"
CAP FOUND (UNLESS NOTED) |
| ■ | TxDOT TYPE I CONCRETE
MONUMENT FOUND (UNLESS NOTED) |
| ▲ | TxDOT TYPE II BRASS DISC
FOUND (UNLESS NOTED) |
| ⊙ | SURVEY CONTROL POINT |
| ⊙ | BENCHMARK |
| ⊙ | BOLLARD POST (UNLESS NOTED) |
| □ | TELECOMMUNICATIONS PEDESTAL |
| ■ | WATER METER |
| ■ | SIGN (AS NOTED) |
| ⊙ | POWER/UTILITY POLE |
| ⊙ | STOP SIGN |
| ▲ | TRAFFIC SIGN |
| — — — — | EDGE OF ASPHALT |
| — — — — | GUARD RAIL |
| x | WIRE FENCE |
| ou | OVERHEAD UTILITY |
| SS | STORM SEWER LINE |
| | CONCRETE |
| RCP | REINFORCED CONCRETE PIPE |
| FL ELEV | FLOW LINE ELEVATION |
| P.O.B. | POINT OF BEGINNING |
| CAB./SLD. | CABINET, SLIDE |
| DOC. NO. | DOCUMENT NUMBER |
| R.O.W. | RIGHT-OF-WAY |
| P.R.T.C. | PLAT RECORDS,
CADDWELL COUNTY, TEXAS |
| O.P.R.C.C. | OFFICIAL PUBLIC RECORDS,
CADDWELL COUNTY, TEXAS |
| (.....) | RECORD INFORMATION PER
DEED DOC. NO. 2021-007211 |
| {.....} | RECORD INFORMATION PER
DEED DOC. NO. 2019-005279 |
| [.....] | RECORD INFORMATION PER
DEED CAB. C, SLD. 108 |
| | RECORD INFORMATION PER
DEED DOC. NO. 2020-000913 |
| (.....) | RECORD INFORMATION PER
TxDOT ROW MAP |

[A]
KING FARM PARTNERS LP
CALLED 139.059 ACRES
DOC. NO. 2022-005503
O.P.R.C.C.T.

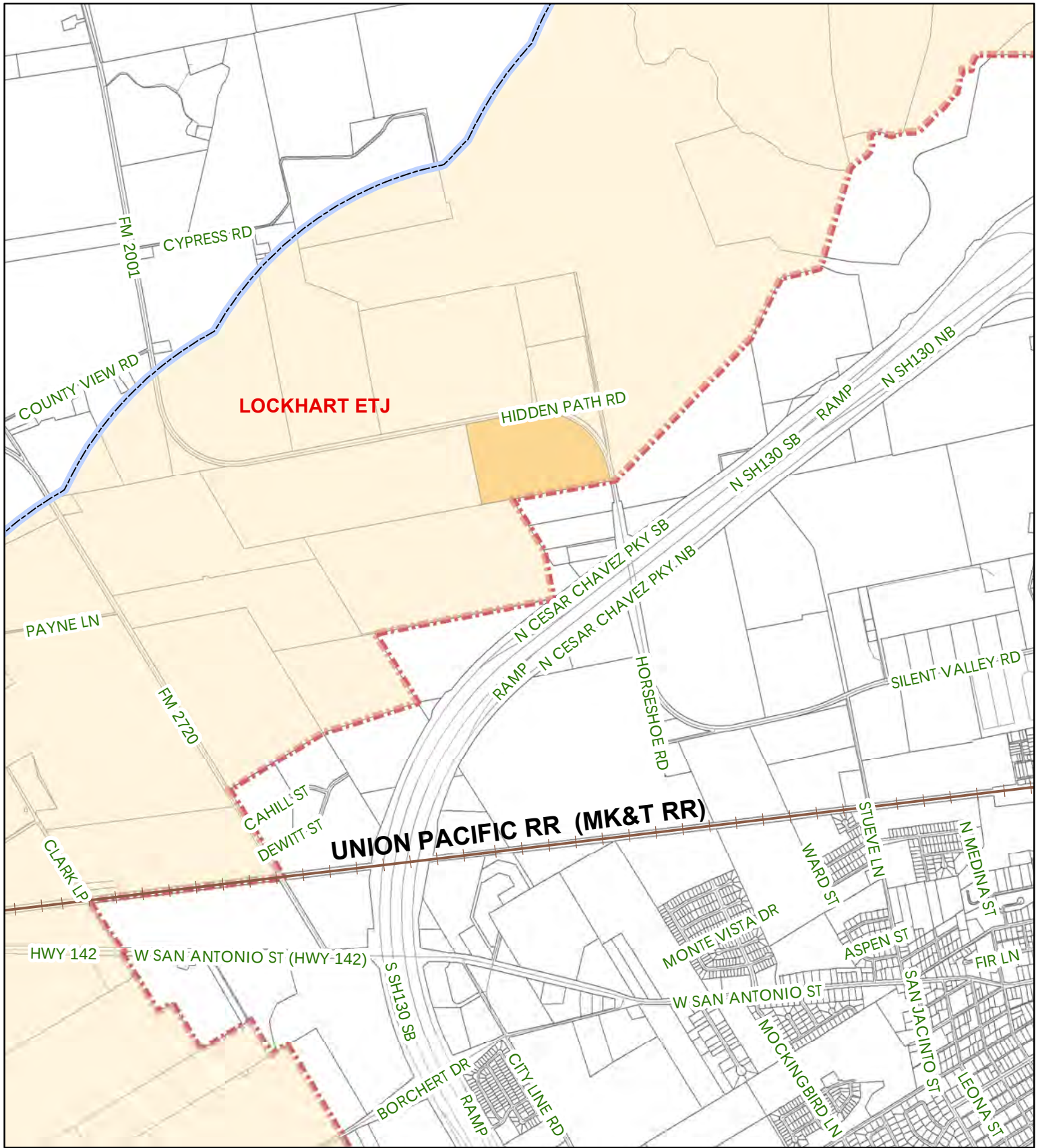
[B]
92A PARTNERSHIP, LLC
CALLED 92.793 ACRES
DOC. NO. 2021-009427
O.P.R.C.C.T.

**ALTA/NSPS LAND TITLE
SURVEY OF 53.0000
ACRES OUT OF THE
CORNELIUS
CRENSHAW SURVEY,
ABSTRACT NO. 68
City of Lockhart ETJ,
Caldwell County, Texas**

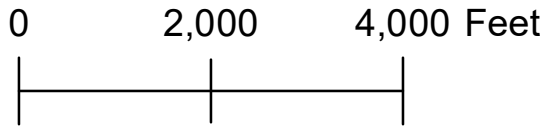
4WARD
Land Surveying
A Limited Liability Company

PO Box 90876, Austin Texas 78709
INFO@4WARDLS.COM (512) 537-2384
TBPELS FIRM #10174300

Date:	5/10/2023
Project:	0164
Scale:	1" = 100'
Reviewer:	FM
Tech:	TR
Field Crew:	JR/MP
Survey Date:	MAR. 2023
Sheet:	1 OF 1



CITY OF
Lockhart
TEXAS



This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey, and represents only the approximate relative location of property boundaries.

Map Legend

- MCCORMICK ANNEXATION
- PARCEL BOUNDARY
- LOCKHART CITY LIMITS
- LOCKHART ETJ

ORDINANCE EXHIBIT "B"

CITY OF LOCKHART ANNEXATION SERVICES AGREEMENT FOR FM 2001 INDUSTRIAL: ANNEXATION- 2023

WHEREAS, the City of Lockhart, Texas (the "City") has instituted annexation proceedings for the land described in Exhibit "A", attached hereto (referred to herein as the "Annexed Property"); and,

WHEREAS, Chapter 43, Texas Local Government Code, (referred to herein as "TLGC") requires a service plan agreement between the Landowner and the City adopted with, or prior to, the annexation ordinance;

NOW, THEREFORE, by execution hereof, the City and the Landowner agree to the Annexation Services set out herein for the Annexed Property on the date of annexation:

1. Intent

As used in this Agreement, *providing services* includes having services provided by any method or means by which the City may extend municipal services to any other area of the City, including the City's infrastructure extension policies and Landowner participation in accordance with applicable City ordinances. Provided however, that nothing in this Service Plan Agreement shall require the City to provide a uniform level of full municipal services to each area of the City, including the Annexed Property, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

The City shall provide the Annexed Property or cause the Annexed Property to be provided with services in accordance with this Agreement. This may include, but is not limited to, causing or allowing private utilities, governmental entities, and other agencies to provide such services, in whole or in part.

The parties acknowledge and agree that it is not the intent of this Agreement to create any vested rights to develop the Annexed Property, until such time that development of the Annexed Property is commenced as evidenced by the submittal of one or more complete development applications in accordance with the City's Code of Ordinances.

2. Police, EMS, and animal control

Immediately upon annexation, City of Lockhart Police will provide regular and routine patrols in the area as part of its overall patrol activities, and will respond to any calls for assistance. Similarly, Emergency Medical Service and animal control services will be provided by the City. The Bufkin Lane police and EMS station is the closest to and has the most direct access to this annexation area. No additional personnel or equipment is anticipated as a result of this annexation.

3. Fire protection

Immediately upon annexation, the Lockhart Fire Department will provide fire suppression service from Fire Station No. 2, located at 1911 Borchert Loop. Fire prevention activities, including subdivision/building plan review and fire inspections of structures, will be provided by the City, or a firm contracted by the City. Although no additional personnel or equipment is anticipated as a result of this annexation, the pace of future development will determine the need for a fire substation in the southeast part of the city.

4. Solid waste collection

Immediately upon annexation, refuse collection and voluntary household curbside recycling will be provided by the City in accordance with the rates and conditions of the Lockhart City Code. Recycling is also available at the City's voluntary drop-off center located at 110 N. Brazos St. No additional personnel or equipment is anticipated as a result of this annexation.

5. Water facilities

The closest City water mains are a 3-inch line along the west side of FM 2001. The Annexed Property is adjacent to, but not within, the City's water service jurisdiction, but Aqua Water Supply Corporation has previously issued letters allowing the city to serve similarly situated properties until a formal transfer of jurisdiction can be completed. Further water line extensions or upsizing are the responsibility of the Landowner or developer desiring service, in accordance with the City's subdivision regulations, water facility construction standards, and utility extension policy. The City of Lockhart will maintain any new public water facilities that are not in the service area of another utility, in accordance with standard City maintenance procedures.

6. Wastewater facilities

Centralized sanitary wastewater service is not currently available to the Annexed Property. The cost of extending centralized wastewater service to the Annexed Property shall be at the Landowner's cost and in accordance with the City's utility extension ordinance and subdivision ordinance. If the Landowner chooses not to extend centralized wastewater service to the Annexed Property, the Landowner is authorized to serve the Annexed Property with on-site septic systems in lieu of a centralized wastewater service until such time as the City centralized wastewater service becomes available to the Annexed Property. The City of Lockhart will maintain any new centralized wastewater facilities serving the Annexed Property in accordance with standard City maintenance procedures.

7. Electric service and street lighting

The Annexed Property is not within the City's jurisdiction for electric service. Electric service is provided by Bluebonnet Electric Cooperative.

8. Streets and drainage

Access to the Annexed Property is currently provided by FM 2001. Immediately upon annexation, street and drainage facility and public rights-of-way maintenance will be performed by the Lockhart Public Works Department in accordance with standard City maintenance procedures for streets located within the subject area that are not under the jurisdiction of the State. Construction of new streets and drainage facilities is the responsibility of the Landowner or developer desiring them, in accordance with the City's subdivision regulations and street and drainage facility construction standards.

9. Traffic control

Immediately upon annexation, the City of Lockhart will maintain street name signs, traffic control devices, and other required traffic system design improvements for any new public streets in the Annexed Property.

10. Parks and recreation

Immediately upon annexation, Lockhart Parks and Recreation Department facilities and services, including the use of any and all public parks, will be available to residents of the Annexed Property. There are currently no City parks or recreation facilities in the subject Annexed Property. Dedication of land, or payment of a fee-in-lieu-of land dedication, for new parkland is the responsibility of the Landowner at the time of land development in accordance with the City's subdivision regulations. Construction of park improvements on the dedicated land, and maintenance thereafter, will be in accordance with the standards of the Lockhart subdivision regulations unless otherwise negotiated with the Landowner or developer.

11. Public Library

Immediately upon annexation, all residents of the subject Annexed Property will be eligible for library services available to Lockhart citizens at the Lockhart Public Library.

12. Planning and Zoning

Immediately upon annexation, the Annexed Property will be zoned "AO" Agricultural–Open Space District, in accordance with the City of Lockhart zoning ordinance. Any other zoning classification for specific parcels may be subsequently requested by individual property owners in accordance with the standard City application, notification, and public hearing procedures. The Lockhart 2020 Land Use Plan indicates primarily future Agricultural/Rural Development, with a commercial node where a future collector street would cross through the northern portion of the Annexed Property. The land use plan also indicates a future arterial passing near the southeast corner of the annexation area. All services of the Lockhart Planning Department will be available to residents and owners of annexed Property.

13. Building inspection and code enforcement

Immediately upon annexation, the City of Lockhart Building Inspection Division, or a firm contracted by the City, will enforce the adopted building and nuisance codes within the Annexed Property. This includes consultation with developers, plan review, and on-site inspections for construction activity, as well as investigation of complaints and prosecution of code violations related to buildings, property maintenance, and other health and safety hazards or nuisances.

14. Environmental health code services

Immediately upon annexation, the City of Lockhart Health Officer will enforce the City's food-handler and other adopted health regulations within the Annexed Property area. This includes regular inspections as well as investigation of complaints and prosecution of violations.

15. Floodplain management

Immediately upon annexation, floodplain management will be in accordance with FEMA and City of Lockhart flood hazard regulations. There are no identified 100-year floodplains in the Annexed Property.

16. Miscellaneous municipal facilities and services

Should any other municipal facilities, buildings, or services be constructed or located within the subject area subsequent to annexation, all required operation or maintenance will be provided by the appropriate City department.

17. Term and Effective Date

This agreement shall be effective on the date the Annexed Property is annexed by the City. This Annexation Services Agreement shall be valid for a term of ten (10) years.

CITY OF LOCKHART

LANDOWNER

Lew White, Mayor

By:

Date: _____

Date: _____

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: December 19, 2023

AGENDA ITEM CAPTION: Discuss procurement options for Police Department vehicle replacements, including leasing program options with Enterprise Fleet Management.

ORIGINATING DEPARTMENT AND CONTACT: Administration - Joseph Resendez, Gary Williamson

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: City Council appropriated funding in the FY 2023-24 Adopted Budget for the procurement of 6 new police vehicles and associated radio and safety equipment. There are multiple options for procuring these vehicles - capital purchase, lease-purchase, or leasing program. Staff will make a presentation regarding the advantages and disadvantages of each option.

PROJECT SCHEDULE (if applicable):

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): \$378,450 of One-Time General Fund Balance expenditure appropriated in FY 2023-2024 Adopted Budget for 6 new vehicles and associated equipment for the Police Department.

PREVIOUS COUNCIL ACTION:

COMMITTEE/BOARD/COMMISSION ACTION:

STAFF RECOMMENDATION/REQUESTED MOTION: Provide staff direction regarding preferred method of procurement.

LIST OF SUPPORTING DOCUMENTS:

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: December 19, 2023

AGENDA ITEM CAPTION: Discuss the nomination of Jerry Haug to the Historical Preservation Commission by Councilmember John Lairsen for a term to expire in November 2026.

ORIGINATING DEPARTMENT AND CONTACT: Council Appointment -

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: Councilmember Lairsen has nominated Jerry Wayne Haug as his appointment to the Lockhart Historical Preservation Commission.

After reviewing the application, Mr. Haug meets the qualifications to serve on a city board and on the Commission.

Resolution 2022-03 was adopted in 2022 establishing administrative procedures for the nomination of board and commission members:

1. *The City Secretary shall prepare and maintain appropriate application forms to have available for persons interested in applying for membership on City Boards, Commissions, or Committees.*
2. *All persons requesting such appointment shall complete the aforesaid application form.*
3. *Nominations for appointment by the Mayor or Councilmembers nominations shall be submitted to the City Secretary at least seven days prior to the scheduled City Council meeting at which the nomination will be considered.*
4. *The City Secretary shall verify that the nominee meets the applicable qualifications (e.g. residency, occupation, certifications, etc.), as outlined in the member qualifications for each board, commission, or committee in advance of each scheduled appointment.*
5. *In the event the City Secretary determines that a nominee does not possess the requisite qualifications for appointment, he or she shall notify the Mayor or Councilmember who nominated the nominee, who shall be responsible for communicating the information to the nominee and taking appropriate action.*
6. *All nominations or appointments of qualified persons to boards, commissions, or committees will be placed on a City Council public agenda with each applicant's name, application (with personal information redacted), identification of the respective board, commission, or committee, and term of the appointment.*

PROJECT SCHEDULE (if applicable): N/A

City of Lockhart, Texas

Council Agenda Item Cover Sheet

FISCAL NOTE (if applicable): N/A

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: None. Discretion of the Council.

LIST OF SUPPORTING DOCUMENTS: Jerry Haug board application, LHPC Commission Members

CITY OF LOCKHART
ADVISORY BOARD/COMMISSION QUESTIONNAIRE/APPLICATION

In order to be considered for an appointment to a Lockhart Board or Commission, please complete the following application. You may also attach a current resume and letter of interest if you choose.

Date Received:

12/12/23 *jmh*

1. PERSONAL INFORMATION

Full Legal Name Jerry Wayne Haug		Preferred Name Jerry	
Physical Home Address 603 Trinity Street			
Mailing Address (if different)			
City Lockhart	State TX	Zip 78644	
Home Phone 512-744-7180		Work Phone	
Mobile Phone 512-744-7180			
Email Address			
Date of Birth			

2. AREAS OF INTEREST

Please indicate the position(s) of interest to you.

☐ Airport Advisory Board	☒ Historical Preservation Commission
☐ Zoning Board of Adjustment & Appeals	☐ Hotel Occupancy Tax Advisory Board
☐ Charter Review Commission	☐ Library Advisory Board
☐ Construction Board of Appeals	☐ Parks & Recreation Advisory Board
☐ Economic Development Corp (1/2 Cent Sales Tax)	☐ Planning & Zoning Commission
☐ Electric Board	

In the space below, please explain your interest in the position(s) selected above. Also, please explain any experience you have related to your selection(s).

I want to help to uphold the integrity and the historical significance of the buildings in our downtown square and historical district. As a member of the Lockhart community, I want to work to uphold the high standards set to ensure that our buildings and historical homes meet all regulations and codes required to continue to maintain quality preservation of these beautiful and historical structures.

3. BOARD MEMBER QUALIFICATIONS

The following are qualifications as outlined in Section 2-209 of the Lockhart Code of Ordinances to serve on a Board/Commission:

YES	NO	Please answer the following questions about Board/Commission qualifications:
☒	☐	Have you been a resident of the State of Texas/City of Lockhart for at least twelve (12) consecutive months preceding appointment?
☒	☐	Are you a registered voter?
☐	☒	Have you been removed from another city board or commission because of failure to attend meetings or for cause within the last three years?
☐	☒	Do you serve on any other City of Lockhart board/commission/committee at this time? If yes, please list: _____

For your reference, the following additional qualifications apply to appointed Board/Commission members:

- A member who is required to be a resident of the city (or county when applicable) when appointed and who thereafter moves his or her primary residence outside of the corporate limits of Lockhart (or county when applicable) vacates his or her position on a board of commission on the date the residency changes.
- The City Council shall have the right, but not the duty, to appoint up to two members who are not city residents but who are residents of Caldwell County to the Lockhart Airport Advisory Board, the Eugene Clark Library Board, and the Construction Board of Appeals.
- Any member of a board or commission who is absent from three consecutive regular meetings, or any four non-consecutive regular meetings of the board or commission during any twelve-month period, shall forfeit his or her position and the vacancy occurring shall be declared and filled by the Council.
- Members must maintain their qualifications while serving on a board or commission.
- No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.
- No appointed body shall deviate from its charge, deliberate items not on its agendas, or speak for the council or City of Lockhart without council authorization.
- Members appointed serve without compensation.

Certification of Applicant

I hereby certify that the foregoing and any attached statements are true, accurate and complete. I also understand that this application is subject to disclosure under the Texas Public Information Act.

Jerry_Haug

Digitally signed by Jerry_Haug
Date: 2023.12.01 23:58:53 -06'00'

12/01/2023

Applicant's Signature

Date

Completed application, resume and letter of interest may be submitted in person, email, mail, or by fax to:

City of Lockhart
City Secretary's Office
308 W. San Antonio Street / PO Box 239
Lockhart, TX 78644

Phone: 512.398.3461
FAX: 512.398.5103
cconstancio@lockhart-tx.org

APPLICANT'S NAME: Jerry HaugBOARD NAME(S): Historical Preservation Commission

The qualifications for members of boards and commissions, except special qualifications for service on a particular board or commission, are as follows:

- Appointees must each be a resident of the State of Texas and a resident of the City of Lockhart for at least twelve (12) consecutive months preceding their appointment unless a particular board's or commission's composition or state law allows for membership by a non-resident of the City.
Date of residency in Lockhart: MAY 2017
- Appointees shall be qualified voters in the City of Lockhart or, if not a resident of the City, of Caldwell County.
Date qualified voter in Lockhart: SEPT. 20, 2017
- Appointees shall not have been removed from another city board or commission because of failure to attend meetings or for cause within the last three years.
Removed from another board? YES or NO
If yes, date _____ and board _____
- No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.
Serves on another board? YES or NO
If yes, board currently serving: _____

BOARD SPECIFIC QUALIFICATIONS:**LHPC**

- Y or N Registered architect? (must have one)
If no, current # members registered architect? _____
- Y or N Planner or rep. of a design profession? (must have one)
If no, current # members planner/design profession? _____
- Y or N Registered professional engineer in the State of Texas? (must have one)
If no, current # members registered engineer? _____
- Y or N Member of a nonprofit historical organization of Caldwell County? (must have one)
If no, current # members a member of above? _____
- Y or N Local licensed real estate broker or member of the financial community? (must have one)
If no, current # members of above? _____
- Y or N Owner of an historic landmark residential building? (must have one)
If no, current # members of above? _____
- Y or N Owner or tenant of a business property that is an historic landmark or in an historic district?
(must have one)
If no, current # members of above? _____
- Y or N Member of the Caldwell County Historical Commission? (must have one)
If no, current # members of above? _____
- Y or N City Resident?
Y or N If no, Caldwell County resident? N/A - HE IS A LOCKHART RESIDENT
(one Caldwell County resident who is also an owner of real property within any local historic district)
How many members are qualified county residents? _____

Lockhart Historical Preservation Commission meets on the first and third Wednesday at 5:30 p.m. each month. Members of the Commission shall whenever possible meet one or more the following qualities: a registered architect, planner or representative of a design profession; a registered professional engineer in the State of Texas; a member of a nonprofit historical organization of Caldwell County; a local licensed real estate broker or member of the financial community; an owner of an historic landmark residential building; an owner or tenant of a business property that is an historic landmark or in an historic district; and a member of the Caldwell County Historical Commission. One Caldwell County resident who is also an owner of real property within any local historic district may be appointed as a full member. The Board consists of seven members that serve a three-year term. The City Planner is the staff liaison.

CITY SECRETARY'S DETERMINATION OF APPLICANT'S QUALIFICATION:

Is Applicant Qualified?

YES

NO

DISCRETION OF THE COUNCIL

NOTES:

LOCKHART HISTORICAL PRESERVATION COMMISSION

Seven (7) members - staggered three (3) year terms

Commission created September 23, 1993

First Name	Last Name	Title	Address1	Status?	Home# (512)	Work# (512)	Cell# (512)	Council Member	Term Exp	Date Appt	Email
Ray	Ramsey		411 S. Main St.	Downtown historic property owner			787-6065	Angie Sanchez	Nov-22	7/7/2020	ramseyr52@gmail.com
Kevin Randy	Thuerwaechter		409 W. San Antonio St.				689-1034	Brad Westmoreland	Nov-25	12/20/2022	kthuerwaechter@mac.com
Michel	Royal		PO Box 419 629 Cibola	Member Caldwell County Historical Commission	398-2612	353-2800	557-6490	Jeffrey Michelson	Nov-22	7/7/2020	Bluemoozeroyal10@yahoo.com
Christine	Ohlendorf		815 W. San Antonio St.				940-4784	Juan Mendoza	Nov-22	6/20/2020	ccohlen@gmail.com
Ron	Faulstich		121 Nueces St.	Downtown historic property business		398-5352	785-4331	David Bryant	Nov-22	10/20/2020	ron@pslockhart.com
Vacant	John Lairsen	elected to council 11.7.23						Mayor White			
Vacant								John Lairsen			

Assistant City Planner is Staff Liaison

Updated: December 8, 2023

NOTES:

Sec. 28-3. Historical preservation commission.

(b) The commission shall consist of seven members, appointed by the city council in accordance with section 2-210, who shall whenever possible meet one or more of the following qualities:

- (1) A registered architect, planner or representative of a design profession,
- (2) A registered professional engineer in the State of Texas,
- (3) A member of a nonprofit historical organization of Caldwell County,
- (4) A local licensed real estate broker or member of the financial community,
- (5) An owner of an historic landmark residential building,
- (6) An owner or tenant of a business property that is an historic landmark or in a historic district,
- (7) A member of the Caldwell County Historical Commission.

Section 2-210-(f). Method of selection; number of members; terms

(f) At the discretion of the majority of the city council, one Caldwell County resident who is also an owner of real property within any local historic district may be appointed as a full member to the historical preservation commission.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: December 19, 2023

AGENDA ITEM CAPTION: Discuss the adoption of Ordinance 2023-28 creating an Animal Shelter Advisory Board.

ORIGINATING DEPARTMENT AND CONTACT: City Attorney - Monte Akers, and
Administration - Steven Lewis

ACTION REQUESTED: Ordinance

BACKGROUND/SUMMARY/DISCUSSION: For the Council meeting of December 5, 2023, Councilmember Lairsen proposed creation of an animal shelter advisory board. After discussion, staff was directed to bring back a report regarding options for such a board, a statement of its duties, and related issues. Accordingly, a memo from the City Attorney dated December 13, 2023, and a draft ordinance are provided for the Council's consideration.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION: Discussion at the meeting of December 5, 2023.

COMMITTEE/BOARD/COMMISSION ACTION: None.

STAFF RECOMMENDATION/REQUESTED MOTION: Discussion and consideration of draft ordinance or other appropriate action as directed by the City Council.

LIST OF SUPPORTING DOCUMENTS: Memo dated December 13, 2023 from City Attorney ,
Draft Ordinance 2023-28

MEMORANDUM

TO: Mayor and City Council Members, City Manager, City of Lockhart

FROM: Monte Akers, City Attorney

DATE: December 13, 2023

RE: Creation of an Animal Shelter Advisory Board

As discussed at the Council meeting on December 5, 2023, the City may decide to create an animal shelter advisory board (or committee). Following are questions and considerations for doing so.

1. Q: Is creation of an animal shelter advisory board for Lockhart required by state law?

A: No. The relevant state laws regarding animal shelters are in Ch. 823, Tx. Health & Safety Code, and Sec. 823.005 thereof state that all counties and cities in which an animal shelter is located must appoint an advisory committee. However, Sec. 823.002 contains exemptions for certain entities, including a county with a population of less than 75,000, and, accordingly, the rules and advisories of the Texas Department of State Health Services indicate that a committee is required only in counties of more than 75,000.¹ The current population of Caldwell County is approximately 46,000.

2. Q: If Lockhart creates an advisory board, must it be consistent with Sec. 823.005?

A: No, doing so is optional. Art. IV of Ch. 2 of the Lockhart Code of Ordinances addresses boards, commissions, and committees and describes three types—quasi-judicial, advisory, and ad-hoc for a special purpose. An animal shelter advisory board, under state law or the City Code, is an advisory body (although the City Code would allow it to be created as an ad-hoc committee).

3. Q: What are the requirements for a Sec. 823.005 advisory board?

A: Its purpose is to assist the City in complying with the requirements of Ch. 823, Health & Safety Code; it must be composed of at least one licensed veterinarian, one county or city official, one person whose duties include operation of an animal shelter, and one representative from an animal welfare organization, and must meet three times a year.

4. Q: What is meant by assisting in complying “with the requirements of Ch. 823”?

A: Sec. 823.003 contains “standards for animal shelters,” as follows:

Sec. 823.003. STANDARDS FOR ANIMAL SHELTERS; CRIMINAL PENALTY. (a) Each animal shelter operated in this state shall comply with the standards for:

(1) housing and sanitation as provided in Chapter 826 for quarantine and impoundment facilities; and

(2) animal control officer training adopted under Chapter 829.

(b) An animal shelter shall separate animals in its custody at all times by species, by sex (if known), and if the animals are not related to one another, by size.

(c) An animal shelter may not confine healthy animals with sick, injured, or diseased animals.

(d) Each person who operates an animal shelter shall employ a veterinarian at least once a year to inspect the shelter to determine whether it complies with the requirements of this chapter and Chapter 829. The veterinarian shall file copies of the veterinarian's report with the person operating the shelter and with the department on forms prescribed by the department.

(e) The executive commissioner of the Health and Human Services Commission may require each person operating an animal shelter to keep records of the date and disposition of animals in its custody, to maintain the records on the business premises of the animal shelter, and to make the records available for inspection at reasonable times.

(f) A person commits an offense if the person substantially violates this section. An offense under this subsection is a Class C misdemeanor.

The two chapters other than 823 that are underlined in the section are 826, which deals with re rabies quarantine and impoundment, and 829, which deals with animal control officer training.

5. Q: Is the attached draft ordinance ready for adoption by the City Council?

A: Only if the Council desires to adopt an ordinance that is based on Ch. 823 (state law), with the following differences: (i) at least one citizen is added to the board; (ii) it applies City Code Sec. 2-214 the board, which provides that the committee shall not have formal policies other than those set forth by the council, meetings are posted and open to the public, and the committee shall not commit spend city funds, direct city staff, or speak for the council or the city without prior council authorization.

Assuming the Council desires to adopt an ordinance containing provisions not in the draft, it may either direct staff to bring back a different version or may adopt the attached ordinance with changes directed by the Council in the meeting on Dec. 19, 2023.

¹ See, for example, www.dshs.texas.gov/animal-safety-zoonosis/control/about-texas-animal-shelters

ORDINANCE NO. 2023-28

AN ORDINANCE OF THE CITY OF LOCKHART AMENDING SECTION 2.207 OF CHAPTER 2 OF THE LOCKHART CODE OF ORDINANCES AND THE ADOPTION OF A NEW SECTION 10-19 OF CHAPTER 10 OF THE LOCKHART CODE OF ORDINANCES TO ESTABLISH AN ANIMAL SHELTER ADVISORY BOARD; PROVIDING CLAUSES FOR REPEALER, SEVERABILITY, SAVINGS, PUBLICATION, AND EFFECTIVE DATE

WHEREAS, the City of Lockhart is a home rule city acting under its charter pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City of Lockhart periodically impounds animals to protect the health and safety of the general public and the animal population; and

WHEREAS, the City Council now deems it necessary and advisable to create an Animal Shelter Advisory Board to provide support and advice regarding the City of Lockhart Animal Shelter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS that:

SECTION 1: Recitals adopted. The foregoing recitals are adopted and incorporated herein for all purposes.

SECTION 2: Amendment. Section 2.207 of the Lockhart Code of Ordinances is amended by the addition of a new subsection (2)(f), which shall read as follows:

(f) Animal Shelter Advisory Board

SECTION 3: Adoption of New Section. Chapter 10 of the Lockhart Code of Ordinances is amended by the adoption of new Section 10-19, which shall read as follows:

Sec. 10-19. Animal Shelter Advisory Board

- a) *Appointments.* The city council shall appoint a four-person animal shelter advisory board.
- b) Membership of the board shall be composed of the following:
 - 1. One licensed veterinarian;
 - 2. One municipal official;
 - 3. One person whose duties include daily operation of an animal shelter, and
 - 4. A representative from an animal welfare organization.
 - 5. At least one citizen of the City.

(b) *Scheduled meetings.* The animal shelter advisory board shall meet at least three times each year.

(c) *Responsibilities.* The animal shelter advisory board authority shall assist the City in complying with Ch. 823, Texas Health & Safety Code.

(d) *Compliance with City Ordinances.* The animal shelter advisory board shall comply with and be subject to Section 2-214, as well as all other applicable city ordinances.

SECTION 3. Repealer. All provisions of the Code of Ordinances of the City of Lockhart in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, and all other provisions of the Code of Ordinances of the City of Lockhart codified or uncoded, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4. Severability. It is hereby declared to be the intention of the City Council that the components of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any remaining component of this Ordinance.

SECTION 5. Publication. The City Secretary shall cause the caption of this ordinance to be published in a newspaper of general circulation according to law.

SECTION 6. Effective Date. This ordinance shall become effective and be in full force from the date of its passage.

PASSED AND ADOPTED on this the ____ day of _____, 2023.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie Bowermon, City Secretary

Monte Akers, City Attorney

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: December 19, 2023

AGENDA ITEM CAPTION: Discuss Petition for Release of 224.692 acres of land from the City's ETJ by Chisholm Hill, LP, William J. Morgan and Edward D. Morgan, Petitioners.

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

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: On December 4, 2023, Petitioners filed an ETJ release petition pursuant to the process set forth in SB 2038. Petitioners are represented by a Houston-based law firm that has been involved in other petitions. They represent that the land is not located in a designated industrial district - this needs to be verified by staff. 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. If the City grants the petition, the area will be released immediately.

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: None.

COMMITTEE/BOARD/COMMISSION ACTION: None.

STAFF RECOMMENDATION/REQUESTED MOTION: Seek legal advice in executive session.

LIST OF SUPPORTING DOCUMENTS: Lockhart Petition for ETJ Release (Chisholm Hill LP Morgans)



CENTRAL TEXAS
919 Congress Avenue,
Suite 1500
Austin, TX 78701
(512) 518-2424

Direct Line: (512) 518-2425
Direct Fax: (512) 518-2415

tmiller@abhr.com

Tim Miller
Attorney

December 4, 2023

VIA EMAIL AND OVERNIGHT DELIVERY

Ms. Julie Bowermon
Interim City Secretary
City Secretary's Office
City of Lockhart
308 W. San Antonio Street
Lockhart, Texas 78644
jbowermon@lockhart-tx.org

Re: Petition for Release of an Area from a Municipality's Extraterritorial Jurisdiction

Dear Ms. Bowermon:

Please find enclosed, for consideration by the Mayor and City Council of the City of Lockhart, Texas (the "City"), one original of a Petition for Release of an Area from a Municipality's Extraterritorial Jurisdiction relating to 224.692 acres of land located in the City's extraterritorial jurisdiction (the "Land").

In accordance with Section 42.105(c) of the Local Government Code, we respectfully request that the City take official action to immediately release the Land from the City's extraterritorial jurisdiction. Should you have any questions, or need additional information, regarding this matter or the enclosed documents, please contact me. Thank you for your attention to this matter.

Sincerely,

Timothy D. Miller

Enclosures

1149925

HOUSTON
3200 Southwest Freeway, Suite 2600
Houston, TX 77027
(713) 860-6400

NORTH TEXAS
3100 McKinnon Street, Suite 1100
Dallas, TX 75201
(972) 823-0800

abhr.com

PETITION FOR RELEASE OF AN AREA FROM A MUNICIPALITY'S
EXTRATERRITORIAL JURISDICTION

THE STATE OF TEXAS §
 §
COUNTY OF CALDWELL §

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF LOCKHART,
TEXAS:

CHISHOLM HILL LP, a Texas limited partnership, **WILLIAM J. MORGAN** and **EDWARD D. MORGAN** (the "Petitioners"), acting pursuant to the provisions of Subchapter D, Chapter 42, Texas Local Government Code, together with all amendments and additions thereto, respectfully petition this Honorable City Council to release the 224.692 acres of land described by metes and bounds in **Exhibit A** and shown on the map attached as **Exhibit B** (the "Land"), attached hereto and incorporated herein for all purposes, from the extraterritorial jurisdiction of the City of Lockhart, Texas (the "City"), and in support of this petition the Petitioners represent, covenant, and agree as follows:

I.

The Petitioners hold fee simple title to the Land, and hereby represent that they own a majority in value of the Land to be released from the extraterritorial jurisdiction of the City as indicated by the certificate of ownership provided by the Caldwell County Appraisal District, attached hereto as **Exhibit C**.

II.

The Petitioners represent that the Land is not located within five (5) miles of the boundary of a military base, as defined by Section 43.0117 of the Texas Local Government Code, at which an active training program is conducted.

III.

The Petitioners represent that the Land has not been voluntarily annexed into the extraterritorial jurisdiction of a municipality that is located in a county (a) in which the population grew by more than fifty percent (50%) from the previous federal decennial census in the federal decennial census conducted in 2020; and (b) that has a population of greater than 240,000.

IV.

The Petitioners represent that the Land is not within the portion of the extraterritorial jurisdiction of a municipality with a population of more than 1.4 million

that is (a) within 15 miles of the boundary of a military base, as defined by Section 43.0117 of the Texas Local Government Code, at which an active training program is conducted; and (b) in a county with a population of more than two million.

V.

The Petitioners represent that the Land is not in an area designated as an industrial district under Section 42.944 of the Texas Local Government Code.

VI.

The Petitioners represent that the Land is not in an area subject to a strategic partnership agreement entered into under Section 43.0751 of the Texas Local Government Code.

WHEREFORE, the undersigned respectfully pray that this petition be heard and granted in all respects and that the City immediately release the Land from its extraterritorial jurisdiction, as required by Section 42.105(c) of the Texas Local Government Code, as it exists today and from any future expansions of the City's extraterritorial jurisdiction whether by annexation or pursuant to Section 42.021 of the Texas Local Government Code. If the City fails to release the Land from its extraterritorial jurisdiction by the later of forty-five (45) days from the date it 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 shall be released from the City's extraterritorial jurisdiction by operation of law.

[EXECUTION PAGES FOLLOW]

RESPECTFULLY SUBMITTED on December 4, 2023.

CHISHOLM HILL LP
a Texas limited partnership

By: 5Star Family GP LLC
a Texas limited liability company
its General Partner

By: [Signature]

Allen Cowden

Manager

DOB: 04/25/1973

Residence Address: 2603 Escondido Cove, Austin, TX

Date of Signing: 11/14/23 78703

THE STATE OF TEXAS

§

§

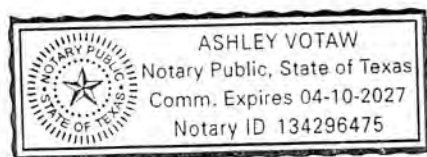
COUNTY OF Travis

§

This instrument was acknowledged before me, the undersigned authority, this 14th day of November, 2023, by Allen Cowden, Manager of 5Star Family GP LLC, a Texas limited liability company, General Partner of **CHISHOLM HILL LP**, a Texas limited partnership, on behalf of said limited liability company and limited partnership.

[Signature]
Notary Public, State of Texas

(NOTARY SEAL)



William J Morgan

WILLIAM J. MORGAN

DOB: 11/07/1955

Residence Address: 812 Nixon Lockhart

Date of Signing: 11/21/2023

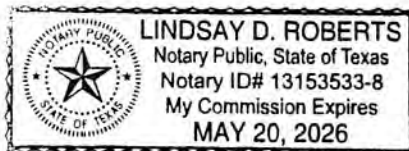
THE STATE OF TEXAS

COUNTY OF Caldwell

§
§
§

This instrument was acknowledged before me on this 21st day of November, 2023,
by WILLIAM J. MORGAN.

(NOTARY SEAL)



Lindsay D Roberts

Notary Public, State of Texas

attested 15 May

EDWARD D. MORGAN

DOB: 01-24-57

Residence Address: 2435 W Elmer St Olathe KS 66061

Date of Signing: 11-21-23

THE STATE OF ~~TEXAS~~ ^{Kansas} _{not} §
COUNTY OF Johnson §

This instrument was acknowledged before me on this 21st day of November, 2023,
by EDWARD D. MORGAN.

Mark D. Harper

Notary Public, State of Texas _{Kansas} _{not}

(NOTARY SEAL)

Attachments:

Exhibit A: Description of the Land

Exhibit B: Map of the Land

Exhibit C: Certificate of Ownership

Mark D. Harper

NOTARY PUBLIC

State of Kansas

My Commission Expires 10/31/2026

METES & BOUNDS DESCRIPTION

FIELD NOTES FOR A 224.692 ACRE TRACT OF LAND OUT OF THE JOHN S. STUMP SURVEY, ABSTRACT NO. 263 AND THE THEODORE BISSELL SURVEY, ABSTRACT NO. 43, BOTH OF CALDWELL COUNTY, TEXAS; BEING ALL OF THE REMAINDER OF A CALLED 101.7 ACRE TRACT OF LAND AS CONVEYED TO EDWARD D. MORGAN AND WILLIAM J. MORGAN BY INSTRUMENT RECORDED IN VOLUME 387, PAGE 366 OF THE DEED RECORDS OF CALDWELL COUNTY, TEXAS, A PORTION OF A CALLED 379.689 ACRE TRACT OF LAND AS CONVEYED TO CHISHOLM HILL, LP BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NUMBER 2022-005152 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF CALDWELL COUNTY, TEXAS, A PORTION OF A CALLED 117.946 ACRE TRACT OF LAND AS CONVEYED TO CHISHOLM HILL, LP BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NUMBER 2022-005156 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF CALDWELL COUNTY, TEXAS, AND A PORTION OF A CALLED 56.75 ACRE TRACT OF LAND DESCRIBED AS TRACT 2 AS CONVEYED TO CHISHOLM HILL, LP BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NUMBER 2022-005162 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF CALDWELL COUNTY, TEXAS; SAID 224.692 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron pipe found on the southeast line of a called 109.4 acre tract of land described as Tract 1 as conveyed to Dau Cattle Co. LLC by Special Warranty Deed recorded in Document Number 134593 of the Official Public Records of Real Property of Caldwell County, Texas, at the most northerly corner of the above described Morgan Tract, and at the most westerly corner of a called 140.075 acre tract of land as conveyed to Kenneth Schawe by General Warranty Deed recorded in Volume 421, Page 18 of the Official Public Records of Real Property of Caldwell County, Texas, for the northeast corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, with the northeast line of said Morgan Tract and the southwest line of said Schawe Tract, S 31°52'39" E a distance of 1,532.47 feet to a disturbed 1/2-inch iron rod with illegible cap found on the northwest right-of-way line of Boggy Creek Road (County Road 218) (width varies, no deed of record found), at the most southerly corner of said Schawe Tract, and at an exterior corner of the remainder of said Morgan Tract, for an exterior corner of the herein described tract;

THENCE, with the northwest right-of-way line of said Boggy Creek Road and a southeast line of the remainder of said Morgan Tract, S 58°09'36" W a distance of 35.37 feet to a calculated point at the intersection with the southwest right-of-way line of said Boggy Creek Road, and at an interior corner of the remainder of said Morgan tract, for an interior corner of the herein described tract;

THENCE, with the southwest right-of-way line of said Boggy Creek Road and the northeast line of the remainder of said Morgan Tract, S 30°33'17" E a distance of 950.46 feet to a 1/2-inch iron rod found at the most easterly corner of the remainder of said Morgan Tract, and at the most northerly corner of a called 2.250 acre tract of land as conveyed to Victor Smith Terrell and wife, Laurie K. Terrell by Warranty Deed with Vendor's Lien recorded in Volume 245, Page 623 of the Official Public Records of Real Property of Caldwell County, Texas, for the most easterly southeast corner of the herein described tract;

THENCE, with a southeast line of the remainder of said Morgan Tract and the northwest line of said Terrell Tract, S 49°19'03" W a distance of 314.00 feet to a 1/2-inch iron rod found at an interior corner of the remainder of said Morgan Tract, and at the most westerly corner of said Terrell Tract, for an interior corner of the herein described tract;

THENCE, generally along a barbed wire fence, with a northeast line of the remainder of said Morgan Tract and the southwest line of said Terrell Tract, S 34°32'34" E a distance of 313.33 feet to a 1/2-inch iron rod found on the northwest line of a called 83.035 acre tract of land as conveyed to W. A. Ross and wife, Barbara E. Ross by Deed recorded in Volume 376, Page 128 of the Deed Records of Caldwell County, Texas, at an exterior corner of the remainder of said Morgan Tract, and at the most southerly corner of said Terrell Tract, for an exterior corner of the herein described tract, from which a 4-inch metal fence post found on the southwest line of said Boggy Creek Road, at the most easterly corner of said Terrell Tract and at the most northerly corner of said Ross Tract, bears N 49°14'32" E a distance of 314.42 feet;

THENCE, with the southeast line of said Morgan Tract and the northwest line of said Ross Tract, S 49°07'45" W a distance of 964.79 feet to a 1/2-inch iron rod found leaning at the most easterly corner of the above described Chisholm Hill 117.946 acre tract, and at the most southerly corner of said Morgan Tract, for an angle point, from which a 3/4-inch iron pipe found leaning bears N 73°40'39" E a distance of 4.46 feet,;

THENCE, with a southeast line of said Chisholm Hill 117.946 acre tract and the northwest line of said Ross Tract, S 41°51'12" W a distance of 241.89 feet to a railroad tie fence post found at the most westerly corner of said Ross Tract, and at the most northerly corner of the above described Chisholm Hill 56.75 acre tract, for an interior corner of the herein described tract;

THENCE, generally along a barbed wire fence, with the northeast line of said Chisholm Hill 56.75 acre tract and the southwest line of said Ross Tract, S 36°07'17" E a distance of 912.87 feet to a 3-inch metal fence post found at the most easterly corner of said Chisholm Hill 56.75 acre tract, and at the most northerly corner of a called 140.769 acre tract of land described as Tract 2 as conveyed to Lockhart 130 Developers LLC by General Warranty Deed recorded in Document Number 2021-004067 of the Official Public Records of Caldwell County, Texas, for the most southerly southeast corner of the herein described tract, from which a 1/2-inch iron rod with cap stamped "TXDOT" found on the northwest right-of-way of State Highway 130 (width varies) as dedicated by Agreed Judgement recorded in Document Number 2015-001129 of the Official Public Records of Caldwell County, Texas, at the most easterly corner of said Lockhart 130 Developers Tract 2, and at the most southerly corner of the remainder of said Ross Tract, bears S 35°59'01" E a distance of 227.99 feet;

THENCE, generally along a barbed wire fence, with the southeast line of said Chisholm Hill 56.75 acre tract and the northwest line of said Lockhart 130 Developers Tract 2, S 48°28'55" W a distance of 1,055.80 feet to a 1/2-inch iron rod found for an angle point;

THENCE, continuing generally along a barbed wire fence, with the southeast line of said Chisholm Hill 56.75 acre tract and the northwest line of said Lockhart 130 Developers Tract 2, S 48°24'53" W a distance of 839.21 feet to a calculated point on the west line of the Lockhart ETJ line as provided by Caldwell County, for the southwest corner of the herein described tract, from which a 3-inch metal fence post found at the most southerly corner of a called 40.29 acre tract of land described as Tract 1A as conveyed to Chisholm Hill, LP by Special Warranty Deed recorded in said Document Number 2022-005162 of the Official Public Records of Real Property of Caldwell County, Texas, bears S 48°24'53" W a distance of 2,694.87 feet;

THENCE, with the west line of said Lockhart ETJ and over and across said Chisholm Hill 56.75 acre tract, N 15°00'00" W a distance of 318.26 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 56.75 acre tract, N 05°00'00" W a distance of 504.95 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 56.75 acre tract and said Chisholm Hill 117.946 acre tract, N 31°29'42" W a distance of 706.01 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 117.946 acre tract, N 30°44'51" W a distance of 137.75 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 117.946 acre tract and said Chisholm Hill 379.689 acre tract, N 25°00'00" W a distance of 920.36 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 379.689 acre tract, N 15°00'00" W a distance of 920.36 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 379.689 acre tract, N 05°00'00" W a distance of 920.36 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 379.689 acre tract, N 05°00'00" E a distance of 405.24 feet to a calculated point on the northeast line of said Chisholm Hill 379.689 acre tract and the southwest line of said Dau Cattle Co. Tract, for the northwest corner of the herein described tract, from which a 1/2-inch iron rod with cap stamped "Hinkle Surveyors" found for reference bears N 30°56'31" W a distance of 476.86 feet;

THENCE, generally along a barbed wire fence, with the northeast line of said Chisholm Hill 379.689 acre tract and the southwest line of said Dau Cattle Co. Tract, S 30°56'31" E a distance of 206.10 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set at an interior corner of said Chisholm Hill 379.689 acre tract, and at the most southerly corner of said Dau Cattle Co. Tract, for an interior corner of the herein described tract;

THENCE, with a northwest line of said Chisholm Hill 379.689 acre tract and the southeast line of said Dau Cattle Co. Tract, N 60°50'18" E a distance of 204.81 feet to a 4-inch square concrete monument found leaning at an exterior corner of said Chisholm Hill 379.689 acre tract, and at the most westerly corner of said Morgan Tract, for an exterior corner of the herein described tract;

THENCE, with a northwest line of said Morgan Tract and the southeast line of said Dau Cattle Co. Tract, N 59°08'25" E a distance of 1,772.97 feet to the **POINT OF BEGINNING** and containing 224.692 acres (9,787,574 square feet) of land, more or less.

I hereby certify that these notes were prepared from a survey made on the ground by BGE Inc., under my supervision on September 14, 2023 and are true and correct to the best of my knowledge. Bearing orientation is based on the Texas State Plane Coordinate System, NAD 83, Texas South Central Zone 4204. Distances shown hereon are in surface and can be converted to grid by multiplying by the combined scale factor of 0.99988113. This description was prepared under 22 Texas Administrative Code § 138.95 and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared. A map accompanies this description.



Damian G. Fisher RPLS No. 6928
BGE, Inc.

101 West Louis Henna Blvd, Suite 400
Austin, Texas 78728

Telephone: (512) 879-0400

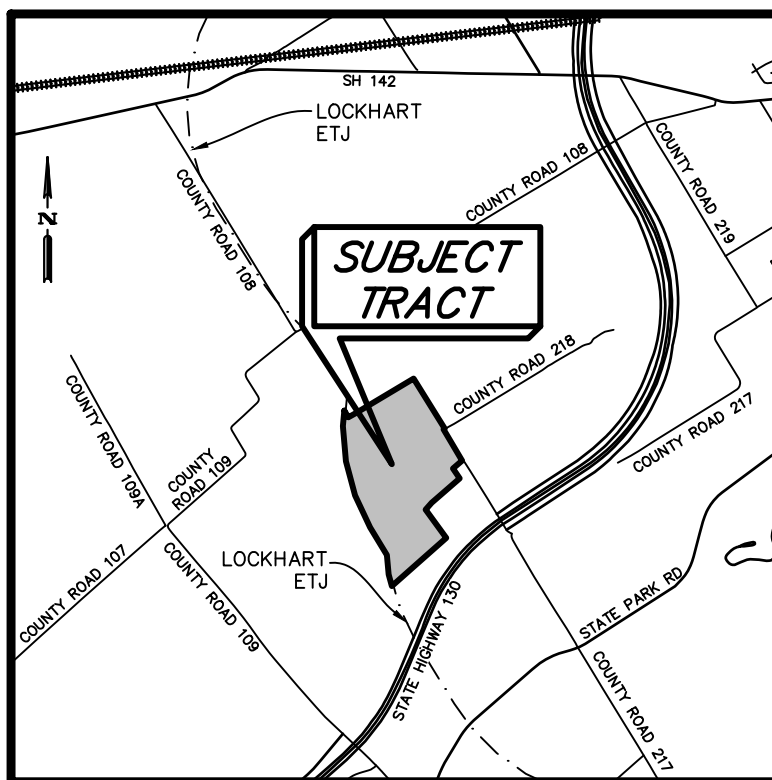
TBPLS Licensed Surveying Firm No. 10106502



9/27/2023

Date

Client: CTX Management Holdings
Date: September 27, 2023
Job No: 11592-00



SCALE: 1" = 5,000'

LOCATION MAP

LOCKHART ETJ RELEASE
EDWARD D. MORGAN AND WILLIAM J.
MORGAN & CHISHOLM HILL, LP TRACTS
224.692 ACRES



BGE, Inc.

101 West Louis Henna Blvd., Suite 400
Austin, Texas 78728

Tel: 512-879-0400 • www.bgeinc.com

TBPELS Registration No. F-1046

TBPELS Licensed Surveying Firm No. 10106502

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
16159	MORGAN WILLIAM J & EDWARD D	A263 STUMPS, JOHN S., ACRES 100.45
14937	CHISHOLM HILL LP	A103 FLOYD, ADOLPHIN, ACRES 379.689, A043 BISSELL, A108 FINCH
39026	CHISHOLM HILL LP	A263 STUMPS, JOHN S., ACRES 56.733
16150	CHISHOLM HILL LP	A263 STUMPS, JOHN S., ACRES 115.294

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

WITNESS MY SIGNATURE THIS 1st day of November, 2023.

CALDWELL COUNTY APPRAISAL DISTRICT

By: Shanna Ramzinski

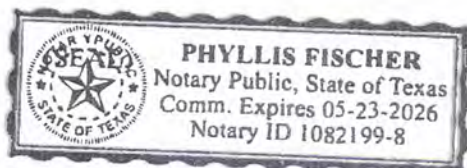
Name: Shanna Ramzinski

Title: Chief Appraiser

STATE OF TEXAS §

COUNTY OF CALDWELL §

This instrument was acknowledged before me on the 1st day of November, 2023 by Shanna Ramzinski, Chief Appraiser of the Caldwell County Appraisal District.



Phyllis Fischer

Name: Phyllis Fischer
Notary Public, State of Texas

METES & BOUNDS DESCRIPTION

FIELD NOTES FOR A 224.692 ACRE TRACT OF LAND OUT OF THE JOHN S. STUMP SURVEY, ABSTRACT NO. 263 AND THE THEODORE BISSELL SURVEY, ABSTRACT NO. 43, BOTH OF CALDWELL COUNTY, TEXAS; BEING ALL OF THE REMAINDER OF A CALLED 101.7 ACRE TRACT OF LAND AS CONVEYED TO EDWARD D. MORGAN AND WILLIAM J. MORGAN BY INSTRUMENT RECORDED IN VOLUME 387, PAGE 366 OF THE DEED RECORDS OF CALDWELL COUNTY, TEXAS, A PORTION OF A CALLED 379.689 ACRE TRACT OF LAND AS CONVEYED TO CHISHOLM HILL, LP BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NUMBER 2022-005152 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF CALDWELL COUNTY, TEXAS, A PORTION OF A CALLED 117.946 ACRE TRACT OF LAND AS CONVEYED TO CHISHOLM HILL, LP BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NUMBER 2022-005156 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF CALDWELL COUNTY, TEXAS, AND A PORTION OF A CALLED 56.75 ACRE TRACT OF LAND DESCRIBED AS TRACT 2 AS CONVEYED TO CHISHOLM HILL, LP BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NUMBER 2022-005162 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF CALDWELL COUNTY, TEXAS; SAID 224.692 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron pipe found on the southeast line of a called 109.4 acre tract of land described as Tract 1 as conveyed to Dau Cattle Co. LLC by Special Warranty Deed recorded in Document Number 134593 of the Official Public Records of Real Property of Caldwell County, Texas, at the most northerly corner of the above described Morgan Tract, and at the most westerly corner of a called 140.075 acre tract of land as conveyed to Kenneth Schawe by General Warranty Deed recorded in Volume 421, Page 18 of the Official Public Records of Real Property of Caldwell County, Texas, for the northeast corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, with the northeast line of said Morgan Tract and the southwest line of said Schawe Tract, S 31°52'39" E a distance of 1,532.47 feet to a disturbed 1/2-inch iron rod with illegible cap found on the northwest right-of-way line of Boggy Creek Road (County Road 218) (width varies, no deed of record found), at the most southerly corner of said Schawe Tract, and at an exterior corner of the remainder of said Morgan Tract, for an exterior corner of the herein described tract;

THENCE, with the northwest right-of-way line of said Boggy Creek Road and a southeast line of the remainder of said Morgan Tract, S 58°09'36" W a distance of 35.37 feet to a calculated point at the intersection with the southwest right-of-way line of said Boggy Creek Road, and at an interior corner of the remainder of said Morgan tract, for an interior corner of the herein described tract;

THENCE, with the southwest right-of-way line of said Boggy Creek Road and the northeast line of the remainder of said Morgan Tract, S 30°33'17" E a distance of 950.46 feet to a 1/2-inch iron rod found at the most easterly corner of the remainder of said Morgan Tract, and at the most northerly corner of a called 2.250 acre tract of land as conveyed to Victor Smith Terrell and wife, Laurie K. Terrell by Warranty Deed with Vendor's Lien recorded in Volume 245, Page 623 of the Official Public Records of Real Property of Caldwell County, Texas, for the most easterly southeast corner of the herein described tract;

THENCE, with a southeast line of the remainder of said Morgan Tract and the northwest line of said Terrell Tract, S 49°19'03" W a distance of 314.00 feet to a 1/2-inch iron rod found at an interior corner of the remainder of said Morgan Tract, and at the most westerly corner of said Terrell Tract, for an interior corner of the herein described tract;

THENCE, generally along a barbed wire fence, with a northeast line of the remainder of said Morgan Tract and the southwest line of said Terrell Tract, S 34°32'34" E a distance of 313.33 feet to a 1/2-inch iron rod found on the northwest line of a called 83.035 acre tract of land as conveyed to W. A. Ross and wife, Barbara E. Ross by Deed recorded in Volume 376, Page 128 of the Deed Records of Caldwell County, Texas, at an exterior corner of the remainder of said Morgan Tract, and at the most southerly corner of said Terrell Tract, for an exterior corner of the herein described tract, from which a 4-inch metal fence post found on the southwest line of said Boggy Creek Road, at the most easterly corner of said Terrell Tract and at the most northerly corner of said Ross Tract, bears N 49°14'32" E a distance of 314.42 feet;

THENCE, with the southeast line of said Morgan Tract and the northwest line of said Ross Tract, S 49°07'45" W a distance of 964.79 feet to a 1/2-inch iron rod found leaning at the most easterly corner of the above described Chisholm Hill 117.946 acre tract, and at the most southerly corner of said Morgan Tract, for an angle point, from which a 3/4-inch iron pipe found leaning bears N 73°40'39" E a distance of 4.46 feet,;

THENCE, with a southeast line of said Chisholm Hill 117.946 acre tract and the northwest line of said Ross Tract, S 41°51'12" W a distance of 241.89 feet to a railroad tie fence post found at the most westerly corner of said Ross Tract, and at the most northerly corner of the above described Chisholm Hill 56.75 acre tract, for an interior corner of the herein described tract;

THENCE, generally along a barbed wire fence, with the northeast line of said Chisholm Hill 56.75 acre tract and the southwest line of said Ross Tract, S 36°07'17" E a distance of 912.87 feet to a 3-inch metal fence post found at the most easterly corner of said Chisholm Hill 56.75 acre tract, and at the most northerly corner of a called 140.769 acre tract of land described as Tract 2 as conveyed to Lockhart 130 Developers LLC by General Warranty Deed recorded in Document Number 2021-004067 of the Official Public Records of Caldwell County, Texas, for the most southerly southeast corner of the herein described tract, from which a 1/2-inch iron rod with cap stamped "TXDOT" found on the northwest right-of-way of State Highway 130 (width varies) as dedicated by Agreed Judgement recorded in Document Number 2015-001129 of the Official Public Records of Caldwell County, Texas, at the most easterly corner of said Lockhart 130 Developers Tract 2, and at the most southerly corner of the remainder of said Ross Tract, bears S 35°59'01" E a distance of 227.99 feet;

THENCE, generally along a barbed wire fence, with the southeast line of said Chisholm Hill 56.75 acre tract and the northwest line of said Lockhart 130 Developers Tract 2, S 48°28'55" W a distance of 1,055.80 feet to a 1/2-inch iron rod found for an angle point;

THENCE, continuing generally along a barbed wire fence, with the southeast line of said Chisholm Hill 56.75 acre tract and the northwest line of said Lockhart 130 Developers Tract 2, S 48°24'53" W a distance of 839.21 feet to a calculated point on the west line of the Lockhart ETJ line as provided by Caldwell County, for the southwest corner of the herein described tract, from which a 3-inch metal fence post found at the most southerly corner of a called 40.29 acre tract of land described as Tract 1A as conveyed to Chisholm Hill, LP by Special Warranty Deed recorded in said Document Number 2022-005162 of the Official Public Records of Real Property of Caldwell County, Texas, bears S 48°24'53" W a distance of 2,694.87 feet;

THENCE, with the west line of said Lockhart ETJ and over and across said Chisholm Hill 56.75 acre tract, N 15°00'00" W a distance of 318.26 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 56.75 acre tract, N 05°00'00" W a distance of 504.95 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 56.75 acre tract and said Chisholm Hill 117.946 acre tract, N 31°29'42" W a distance of 706.01 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 117.946 acre tract, N 30°44'51" W a distance of 137.75 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 117.946 acre tract and said Chisholm Hill 379.689 acre tract, N 25°00'00" W a distance of 920.36 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 379.689 acre tract, N 15°00'00" W a distance of 920.36 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 379.689 acre tract, N 05°00'00" W a distance of 920.36 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 379.689 acre tract, N 05°00'00" E a distance of 405.24 feet to a calculated point on the northeast line of said Chisholm Hill 379.689 acre tract and the southwest line of said Dau Cattle Co. Tract, for the northwest corner of the herein described tract, from which a 1/2-inch iron rod with cap stamped "Hinkle Surveyors" found for reference bears N 30°56'31" W a distance of 476.86 feet;

THENCE, generally along a barbed wire fence, with the northeast line of said Chisholm Hill 379.689 acre tract and the southwest line of said Dau Cattle Co. Tract, S 30°56'31" E a distance of 206.10 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set at an interior corner of said Chisholm Hill 379.689 acre tract, and at the most southerly corner of said Dau Cattle Co. Tract, for an interior corner of the herein described tract;

THENCE, with a northwest line of said Chisholm Hill 379.689 acre tract and the southeast line of said Dau Cattle Co. Tract, N 60°50'18" E a distance of 204.81 feet to a 4-inch square concrete monument found leaning at an exterior corner of said Chisholm Hill 379.689 acre tract, and at the most westerly corner of said Morgan Tract, for an exterior corner of the herein described tract;

THENCE, with a northwest line of said Morgan Tract and the southeast line of said Dau Cattle Co. Tract, N 59°08'25" E a distance of 1,772.97 feet to the **POINT OF BEGINNING** and containing 224.692 acres (9,787,574 square feet) of land, more or less.

I hereby certify that these notes were prepared from a survey made on the ground by BGE Inc., under my supervision on September 14, 2023 and are true and correct to the best of my knowledge. Bearing orientation is based on the Texas State Plane Coordinate System, NAD 83, Texas South Central Zone 4204. Distances shown hereon are in surface and can be converted to grid by multiplying by the combined scale factor of 0.99988113. This description was prepared under 22 Texas Administrative Code § 138.95 and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared. A map accompanies this description.



Damian G. Fisher RPLS No. 6928
BGE, Inc.
101 West Louis Henna Blvd, Suite 400
Austin, Texas 78728
Telephone: (512) 879-0400
TBPLS Licensed Surveying Firm No. 10106502



9/27/2023

Date

Client: CTX Management Holdings
Date: September 27, 2023
Job No: 11592-00

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: December 19, 2023

AGENDA ITEM CAPTION: Discuss amending the Consent Agreement for creation of Clear Fork Ranch MUD (Caldwell Co. MUD No. 2) dated January 16, 2019, for Perry Homes (Juniper Springs) development.

ORIGINATING DEPARTMENT AND CONTACT: City Attorney - Monte Akers

ACTION REQUESTED: Agreement

BACKGROUND/SUMMARY/DISCUSSION: Perry Homes is the current owner of land in the MUD scheduled for development of the Juniper Springs subdivision, which will include construction of a new elementary school for the Lockhart Independent School District. In order to expedite the process for approval of a final plat and construction drawings for the school, it is desirable to amend the 2019 Consent Agreement to provide for review of the same by Caldwell County, which will be reviewing the final plat application and construction drawings for the project as well, rather than the City.

PROJECT SCHEDULE (if applicable): Construction of the school is targeted for mid-January, 2024.

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION: Approval of consent to creation of the MUD dated January 16, 2023.

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Approval of amendment.

LIST OF SUPPORTING DOCUMENTS: Draft Amendment of Consent Agreement

AMENDMENT OF CONSENT AGREEMENT

This Amendment of Consent Agreement (hereinafter “Amendment”) is entered into by the City of Lockhart, a home rule city located in Caldwell County, and PHAU-Lockhart 450, LLC, a Texas limited liability company (“PHAU”) (as *successor to J&P Lockhart I, LP, a Texas limited partnership*), effective as of December 19, 2023 (the “Effective Date”).

RECITALS

1. The City of Lockhart (hereinafter “City”) entered into a Consent Agreement for creation of Clear Fork Ranch Municipal Utility District, with J&P Lockhart I, LP (JPLI) and J&P Lockhart Builders, LP (JPLB) executed by the City on January 15, 2019, and by JPLI and JPLB on January 16, 2019, and approved by the City Council of the City by Resolution No. 2019-04 (the “Consent Agreement”).
2. The Consent Agreement set forth the terms and conditions for City consent to the inclusion of lands located in the City’s extraterritorial jurisdiction into a municipal utility district referred to therein as “Clear Fork Ranch Municipal Utility District” and subsequently named “Caldwell Municipal Utility District No. 2” upon its creation by the Texas Legislature.
3. PHAU has acquired those certain lands described in Exhibit “A” attached hereto (the “PHAU Property”) and is developing the PHAU Property as a master-planned single family residential development known as “Juniper Springs” or the “Project”.
4. Pursuant to Sec. 5.02(b) of the Consent Agreement, JPLI assigned its interest in the Consent Agreement as it relates to the PHAU Property to Assignor pursuant to that certain Assignment and Assumption of Rights, Duties and Obligations under Consent Agreement effective July 29, 2021 (the “Assignment”), a copy of which is attached hereto as Exhibit “B”.
5. A copy of the executed Assignment was not provided to the City within fifteen (15) days as required by Sec. 5.02 (b) of the Agreement.
6. The Consent Agreement provides, in Sec. 2.11, for conveyance of land to the Lockhart Independent School District (hereinafter “LISD”) for a new elementary school, which land is located in Phase 16 of the Project, as referenced below.
7. The Parties desire to amend the Consent Agreement as it relates to the PHAU Property but not otherwise and to reach further agreement, if necessary, in order to facilitate timely review and approval of plans for the construction of the elementary school and for development of the remaining lands in the Project.
8. A preliminary plat for the Project has heretofore been approved by the City and shall remain in full force and effect until succeeded by a final plat.

I.

AMENDMENT

For and in consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt and sufficiency are hereby acknowledged, City and PHAU agree as follows:

1. A copy of the Assignment is attached hereto as Exhibit "B" and the requirement in Sec. 5.02(b) for submission of the same to the City within 15 days of the assignment is hereby considered to be satisfied.
2. Section 2.07 of the Consent Agreement is hereby amended by deletion of the current language and its replacement with the following:

Section 2.07. Construction and Inspection of Facilities.

- (a) The District (or Developers on behalf of the District) shall construct all facilities to serve the ETJ Land in accordance with applicable Caldwell County or City requirements, subdivision regulations, construction standards, and design standards, including but not limited to applicable fire flow standards and fire hydrants, drainage detention regulations, floodplain regulations, building code, and sign ordinance, as specified in (c) below.*
- (b) Reasonable proof (including fire hydrant flow test data) shall be furnished to the City to demonstrate that applicable City fire flow standards will be met in the Project with the filing of the preliminary plat of any subdivision within the Project.*
- (c) Review and approval of construction within the Project shall be accomplished as follows:*
 - (i) By Caldwell County with regard to that portion of the facilities located within Phases 9 (65 lots), 10 (54 lots), and 16 (1 lot), as depicted on the updated lotting plan that is attached to this Amendment as Exhibit "C" and which is incorporated into the Consent Agreement for all purposes.*
 - (ii) By the City with regard to the facilities located within the Project other than Phases 9, 10, and 16 unless the City elects to allow the County to complete the review and approval process, as described in II b below. Should the City not so elect, City shall provide any and all comments required for its approval within twenty-one (21) days of its receipt of the request for approval, and in the event the City's fails to make comments or to otherwise complete its review and approval within said time, then the application shall be deemed approved by the City for all purposes.*

II.

AGREEMENT

For and in consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt and sufficiency are hereby acknowledged, City and PHAU further agree as follows:

1. A preliminary plat for the Project has heretofore been approved by the City and shall remain in full force and effect until succeeded by a final plat.
2. Within 180 days from the effective date of this Agreement, PHAU will apply to the City to voluntarily include all of the PHAU Land not currently within the ETJ of the City into the City' ETJ, less the land conveyed to the Lockhart Independent School District for a new elementary school located in Phase 16 (and less any other Project lands not currently owned by PHAU if any), including any land in the ETJ currently belonging to PHAU that was released from the ETJ by petition or operation of law.
3. With regard to facilities located within the Project other than those in Phases 9, 10, and 16, the City may elect, by written notice to PHAU and Caldwell County, to allow the County to continue and complete the review and approval for such facilities. Any such notice shall be given within ten (10) days of receipt of an administratively complete application. In the event that City does so elect, and in the event that City and County engineering standards or subdivision requirements conflict or are inconsistent, City standards shall apply.
4. The terms of this Amendment and City's agreement thereto is predicated on the cooperation and actions of PHAU in regard to completion of its commitment to the LISD for construction of an elementary school, and failure of PHAU to do so shall, upon City's receipt of notice from LISD of such failure, cause this Amendment to become null and void.
5. Force Majeure. City and PHAU agree that the obligations of each party shall be subject to force majeure events such as natural calamity, fire, pandemic, or strike.
6. Signature Warranty Clause. The signatories to this Amendment represent and warrant that they have the authority to execute this Amendment on behalf of PHAU and the City, respectively.
7. Multiple Counterparts. This Amendment may be executed in several counterparts, all of which taken together shall constitute one single agreement between the parties.
8. This Amendment shall not alter or amend the Consent Agreement as it relates to lands owned by, or the rights and obligations of, persons or entities other than PHAU.
9. To the extent necessary, City and PHAU will cooperate in good faith to facilitate timely construction of the elementary school or other facilities in the Project.

SIGNATURE LINES AND SIGNATURES FOLLOW ON THE NEXT PAGE

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the dates indicated below.

CITY OF LOCKHART:

Lew White, Mayor

Date: _____

ATTEST:

Julie Bowerman, Acting City Secretary

PHAU-LOCKHART 450, LLC, By:

PH Land Holdings, LLC, a Texas limited liability company, its Managing Member:

Nick McIntyre, Sr. Vice President for Land

Date: _____

Exhibit “A”
Description of PHAU Property

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

BEING a 485.169 acre (21,133,969 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 59.289 acre tract described in instrument to Jakovich Interest LLC in Document No. 2022-000879 of the Official Public Records of Caldwell County, further being all of that

- certain 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;
- certain 133.1 acre tract described in instrument to Clark R. and Anne J. William recorded in Document No. 122818 of the Official Public Records of Caldwell County;
- 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; and being more particularly described as follows:

BEGINNING 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 59.289 acre tract described in instrument to Jakovich Interest LLC, recorded in Document No. 2022-000879 of the of the Official Public Records of Caldwell County;

THENCE, along the said northeasterly right of way line of County Road 108 (Borcher Loop) the following two (2) courses and distances:

1. North 31°42'12" West, 831.96 feet to a 60D nail found in a wood post for corner;
2. North 31°09'41" West, 1784.12 feet to a rail road tie corner post found marking the west corner of said 316.436 acre tract and the south corner of that certain 133.1 acre tract described in instrument to William R. Clark and Anne J. Clark recorded in Document No. 122818 of the Official Public Records of Caldwell County;
3. North 31°45'04" West, 2080.69 feet to a brass disk in concrete (TxDOT Type 2 monument) found on the southeasterly right of way line of State Highway 142 (width varies) marking the west corner of said 133.1 acre tract;

THENCE, along the said southeasterly right of way line of State Highway 142 the following four (4) courses and distances:

1. North 77°29'15" East, 403.50 feet to a brass disk in concrete (TxDOT Type 2 monument) found for corner;
2. North 77°35'36" East, 614.53 feet to a brass disk in concrete (TxDOT Type 2 monument) found for a point of curvature;
3. in a northeasterly direction, along a tangent curve to the left, a central angle of 16°47'34", a radius of 1979.86 feet, a chord bearing and distance of North 69°11'50" East, 578.20 feet, and a total arc length of 580.27 feet to a brass disk in concrete (TxDOT Type 2 monument) found for the point of tangency;
4. 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 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;

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 1839.85 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, 1200.54 feet to a brass disk in concrete (TxDOT Type 2 monument) found marking the northeast corner of said 133.1 acre tract, and the northwest corner of that certain 55.627 acre tract described in instrument to Charles D. and Jane Spillmann recorded in Document No. 2016-004753 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 133.1 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, 2283.22 feet along the southeasterly line of aforesaid 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 the north corner of said 59.289 acre tract;

THENCE, South 31°48'12" East, 633.97 feet along the common line of said 59.289 acre tracts 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 59.289 acre tract and the south corner of said 45.489 acre tract;

THENCE, South 59°04'39" West, 2248.07 feet along the southeasterly line of said 59.289 acre tract to a 2" steel fence post found marking the most north-northwest corner of that certain 23.849 acre tract described in instrument to Kevin Dwane Schnautz recorded in Document No. 2015-005803 of the Official Public Records of Caldwell County;

THENCE, North 31°05'36" West, 627.22 feet crossing said 59.289 acre tract to a 1/2-inch iron rod with plastic cap stamped "KHA" set on the southeasterly line of aforesaid 316.436 acre tract, and the northwesterly line of said 59.289 acre tract;

THENCE, along the southeasterly line of aforesaid 316.436 acre tract the following three (3) courses and distances:

1. South 58°54'24" West, 620.36 feet to a 1/2-inch iron rod with cap stamped "HARPER" marking the east corner of said 0.5165 acre tract;
2. South 58°54'24" West, 150.00 feet to a 1/2-inch iron rod with cap stamped "HARPER" marking the south corner of said 0.5165 acre tract;
3. South 58°54'24" West, 1186.55 feet along the southeasterly line of aforesaid 316.436 acre tract to the **POINT OF BEGINNING** and containing 485.169 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 description was generated on 7/21/2022 at 12:27 PM, based on geometry in the drawing file K:\SNA_Survey\PERRY HOMES CLEAR FORK RANCH\068725500-CLEAR FORK RANCH\DWG\Exhibits\B-CLEAR FORK RANCH.dwg, in the office of Kimley-Horn and Associates in San Antonio, Texas.

John G. Mosier 8-2-22
John G. Mosier
Registered Professional Land Surveyor No. 6330
Kimley-Horn and Associates, Inc.
601 NW Loop 410, Suite 350
San Antonio, Texas 78216
Ph. 210-541-9166
greg.mosier@kimley-horn.com



Exhibit “B”
Assignment of Consent Agreement

**ASSIGNMENT AND ASSUMPTION OF RIGHTS, DUTIES AND OBLIGATIONS UNDER
CONSENT AGREEMENT**

THE STATE OF TEXAS §
 §
COUNTY OF CALWELL §

This Assignment and Assumption of Rights, Duties and Obligations under Consent Agreement (this “Assignment”) is executed effective this 29th day of July, 2021 (the “Effective Date”), between **J&P LOCKHART I, LP**, a Texas limited partnership (“Assignor”), and **PHAU-LOCKHART 450, LLC**, a Texas limited liability company (“Assignee”). In this Assignment, Assignor and Assignee are sometimes referred to individually as a “Party” and collectively as the “Parties”.

RECITALS

A. Assignor, J & P LOCKHART BUILDERS, LP, a Texas limited partnership, Caldwell County Municipal Utility District No. 2 (the “District”) and the City of Lockhart (“City”) entered into that certain Consent Agreement first executed by the City on January 15, 2019 and by Assignors on January 16, 2019 setting forth the terms and conditions pursuant to which the City consented to the creation of the District (the “Consent Agreement”) with respect to that portion of the District then located in the City’s extraterritorial jurisdiction;

B. JPLI and Assignee are parties to that certain “Contract of Sale” (the “Purchase Agreement”) under which Assignor has agreed to sell and Assignee has agreed to purchase, the real property defined in the Consent Agreement as the “Land.”

C. Section 5.02(b) of the Consent Agreement authorizes Assignor to assign the Consent Agreement, in whole or in part, to any person or entity, provided certain conditions are met, including that the assignee is a successor owner to all or part of the real property that is the subject of the Consent Agreement; and

D. Assignor desires to assign to Assignee, and Assignee desires to accept and assume from Assignor, certain of Assignor’s rights, duties and obligations under the Consent Agreement as set forth herein;

Therefore, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties agree as follows:

1. Assignment. Subject to the terms of this Assignment, Assignor hereby transfers and assigns to Assignee all of Assignor’s rights, title, interest, duties and obligations in, to and under the Consent Agreement as they relate to the Land and arise after the Effective Date, and Assignee hereby assumes and agrees to perform all obligations of Assignor under the Consent Agreement to the extent they relate to the Land and arise after the Effective Date.

2. Execution. To facilitate execution, this Assignment may be executed in any number of counterparts, and it will not be necessary that the signatures of all Parties be contained on any one counterpart. Additionally, for purposes of facilitating the execution of this Assignment, the signature pages taken from separate, individually executed counterparts of this Assignment may be combined to form multiple fully executed counterparts and a facsimile signature will be deemed to be an original signature

for all purposes. All executed counterparts of this Assignment will be deemed to be originals, but such counterparts, when taken together, will constitute one and the same instrument.

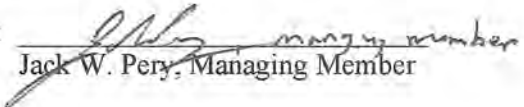
[The remainder of this page intentionally left blank.]

EXECUTED on the date or dates set forth below, to be effective as of the Effective Date.

ASSIGNOR:

J & P LOCKHART I, LP,
a Texas limited partnership

By: Jakovich & Perry Capital Partners, LLC,
a Texas limited liability company, its general
partner

By:  *managing member*
Jack W. Perry, Managing Member

ASSIGNEE:

PHAU-LOCKHART 450, LLC,
a Colorado Texas limited liability company

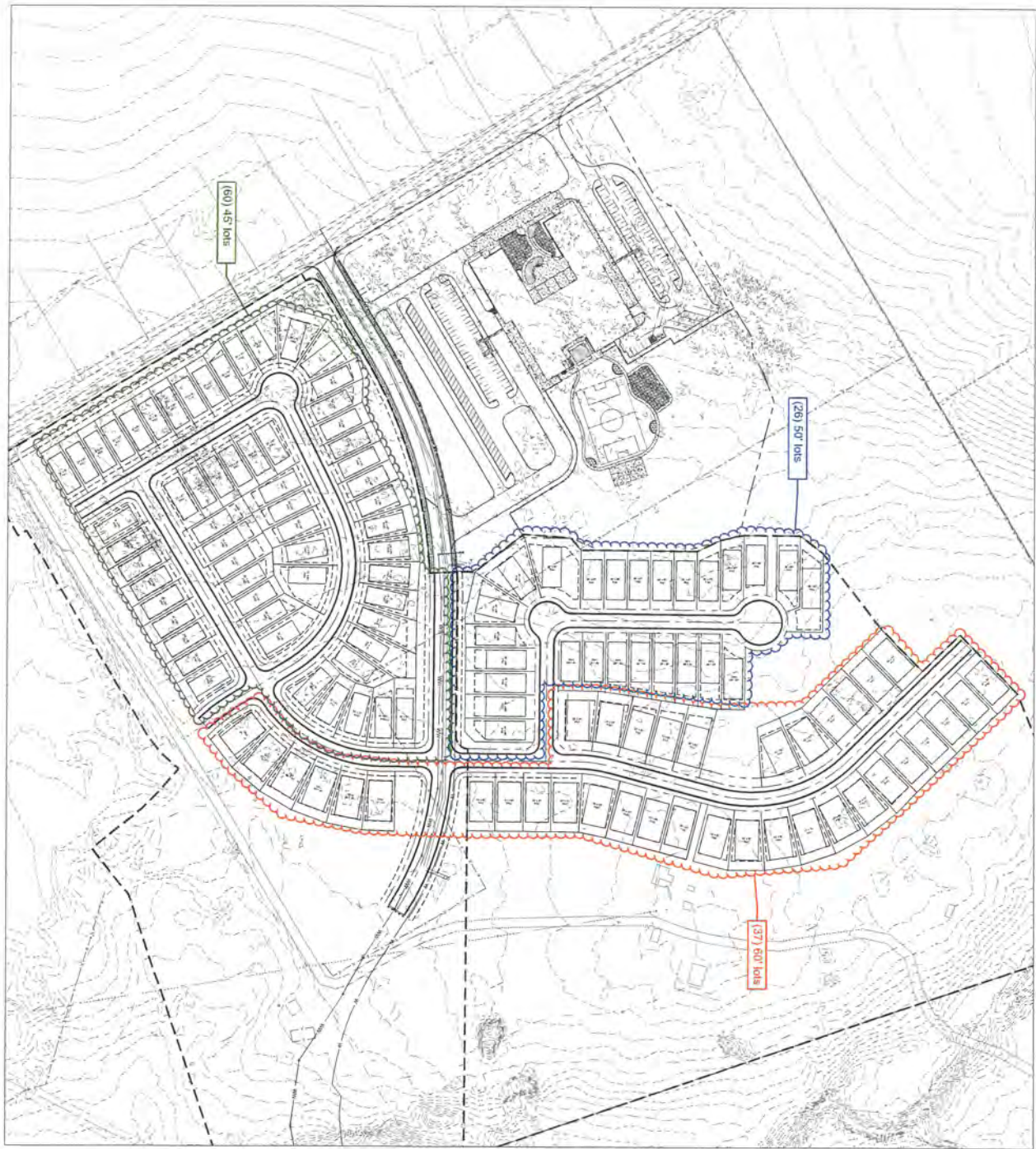
By: PH LAND HOLDINGS, LLC, A Texas limited
liability company, its Sole Member

By: _____

Name: Nick McIntyre

Title: VP Land

Exhibit “C”
Lotting Plan



45' lots - 60
50' lots - 26
60' lots - 37
TOTAL: 123

	PASSENGER LANE
	EXISTING CONTROLS
	EXISTING OR DERIVED POWER LANE
	EXISTING SAFETY LANE
	EXISTING NAVIGATION LANE
	EXISTING POWER POLE
	EXISTING FIRE ALARM
	EXISTING WATER METER
	EXISTING NAVIGATION MANHOLE
	STRUCTURAL LIFT TO BE REMOVED



UTILITY LEGEND

PROJECT NAME
PHASE
CITY OF XXXXXXXX
XXXXXXXXX COUNTY, TEXAS

KHA PROJECT XXXXXXXXXX	
DATE MONTH YEAR	
SCALE	AS SHOWN
DESIGNED BY	XXX
DRAWN BY	XXX
CHECKED BY	XXX

Kimley»Horn
© 2023 KIMLEY-HORN AND ASSOCIATES, INC.
10814 JOLLYVILLE ROAD, CAMPUS IV, SUITE 200, AUSTIN, TX 78758
PHONE: 512-416-1771 FAX: 512-416-1791
WWW.KIMLEY-HORN.COM
TEXAS REGISTERED ENGINEERING FIRM #4282

No.	REVISIONS	DATE	BY

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: December 19, 2023

AGENDA ITEM CAPTION: Hold a PUBLIC HEARING on application ZC-23-08 by Caroline Eckert with Wuest Group on behalf of Lockhart 130 North/South LTD and discussion and/or action to consider Ordinance 2023-27 for a **Zoning Change** from *RHD Residential High Density District* to *CHB Commercial Heavy Business District* on a total of 2.102 acres in the Cornelius Crenshaw Survey, Abstract No. A-68, located at 2500 West San Antonio Street (SH 142).

ORIGINATING DEPARTMENT AND CONTACT: Development Services - David Fowler

ACTION REQUESTED: Ordinance

BACKGROUND/SUMMARY/DISCUSSION: The requested zoning change is to allow for a larger commercially-zoned area on which a major convenience store with a fuel station could be located. The expansion of the CHB zoning is consistent with the future land use plan map. City water currently serves the site and the engineering plans to extend wastewater southward from the railroad tracks west of SH 130 have been approved. The site would have access to both the West San Antonio Street (SH 142) and southbound Cesar Chavez Parkway (SH 130) frontages. No correspondence has been received from the public regarding the proposed zoning change.

PROJECT SCHEDULE (if applicable): None

FISCAL NOTE (if applicable): None.

PREVIOUS COUNCIL ACTION: The property was annexed on December 19, 2006, and the zoning was changed from AO Agricultural-Open Space District to RHD Residential High Density District on November 15, 2007.

COMMITTEE/BOARD/COMMISSION ACTION: The Planning and Zoning Commission unanimously recommended approval of the zoning change request at its December 13, 2023 meeting. No citizen comments were received.

STAFF RECOMMENDATION/REQUESTED MOTION: Approval of Ordinance 2023-27, changing the zoning from Residential High Density to Commercial Heavy Business on 2.102 acres located at 2500 west San Antonio Street.

LIST OF SUPPORTING DOCUMENTS: Ordinance 2023-27, Ord 2023-27 Exhibit A, ZC2308 aerial, ZC2308 case map, ZC2308 zoning, ZC2308 fut land use-thoroughfares, zc-23-08 staff report Council Version, ZC2308 application

ORDINANCE 2023-27

AN ORDINANCE OF THE CITY OF LOCKHART, TEXAS, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LOCKHART, TEXAS, TO RECLASSIFY THE PROPERTY KNOWN AS 2.102 ACRES IN THE CORNELIUS CRENSHAW SURVEY NO. A-68 LOCATED AT 2500 WEST SAN ANTONIO STREET, FROM RHD RESIDENTIAL HIGH DENSITY DISTRICT TO CHB COMMERCIAL HEAVY BUSINESS DISTRICT.

WHEREAS, on December 13, 2023, the Planning and Zoning Commission held a public hearing and voted to recommend approval of said change; and,

WHEREAS, the City Council desires to amend the zoning map as provided in Section 64-128 of the Code of Ordinances; and,

WHEREAS, a public hearing was held in conformance with applicable law;

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

- I. The foregoing recitals are approved and adopted herein for all purposes.
- II. The above-referenced property described in Zoning Change request ZC-23-08, known as 2.102 acres in the Cornelius Crenshaw Survey, No. A-68, and more particularly described in Exhibit A and located at 2500 West San Antonio Street, will be reclassified from RHD Residential High Density District to CHB Commercial Heavy Business District.
- III. Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or unenforced, the validity of the remainder of this ordinance or its application shall not be affected, it being the intent of the City Council in adopting and of the Mayor in approving this ordinance that no portion, provision, or regulation contained herein shall become inoperative or fail by way of reasons of any unconstitutionality or invalidity of any other portion, provision or regulation.
- IV. Repealer: That all other ordinances, sections, or parts of ordinances heretofore adopted by the City of Lockhart in conflict with the provisions set out above in this ordinance are hereby repealed or amended as indicated.
- V. Publication: That the City Secretary is directed to cause this ordinance caption to be published in a newspaper of general circulation according to law.
- VI. Effective Date: That this ordinance shall become effective and be in full force immediately upon and from the date of its passage.

PASSED, APPROVED, AND ADOPTED AT A REGULAR MEETING OF THE LOCKHART CITY COUNCIL ON THIS THE 19th DAY OF DECEMBER, 2023

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie Bowermon, Deputy City Secretary

Monte Akers, City Attorney

EXHIBIT "A"

DESCRIPTION

DESCRIPTION OF A 2.102 ACRE (91,573 SQUARE FEET) TRACT OF LAND SITUATED IN THE CORNELIUS CRENSHAW SURVEY, A-68, AND THE WILLIAM HOUSE 1/4 LEAGUE, A-15, CALDWELL COUNTY, TEXAS; BEING A PORTION OF A CALLED 85.56 ACRE REMAINDER TRACT OF LAND CONVEYED TO LOCKHART 130 NORTH/SOUTH, LTD. BY WARRANTY DEED WITH VENDOR'S LIEN OF RECORD IN DOCUMENT #2014-004094, OFFICIAL PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS; SAID 2.102 ACRE TRACT DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a TXDOT type II brass disc monument found at a point of curvature of a curve to the left on the west right-of-way (R.O.W.) line of State Highway No. 130 (R.O.W. varies), said R.O.W. being conveyed in a street deed to the State of Texas by deed of record in Volume 570, Page 198, Deed Records of Caldwell County, Texas, also being near the south R.O.W. line of State Highway No. 142 (R.O.W. varies) (a/k/a "West San Antonio Street"), said R.O.W. being conveyed in a deed to the State of Texas by deed of record in Volume 121, Page 522, Deed Records of Caldwell County, Texas, said TXDOT type II brass disc monument found being 344.83 feet right of State Highway No. 130 Station 3668+60.12 and 206.33 feet left of State Highway No. 142 Station 124+92.16, same being an easterly corner of said 85.56 acre remainder tract and the tract described herein, from which a TXDOT type II brass disc monument found at the intersection of the west R.O.W. line of State Highway No. 130 with the south R.O.W. line of State Highway No. 142, said TXDOT type II brass disc monument found being 458.10 feet right of State Highway No. 130 Station 3667+15.38 and 70.61 feet left of State Highway No. 142 Station 126+29.24, being a northerly corner of said 85.56 acre remainder tract, bears N 44°15'42" W, a distance of 192.81 feet;

THENCE with the west curving R.O.W. line of State Highway No. 130 and the east curving line of said 85.56 acre remainder tract and the tract described herein, along said curve to the left having a radius of 5485.00 feet, an arc length of 392.97 feet, and a chord which bears S 11°20'15" E, a distance of 392.88 feet to a calculated point of tangency, for the southeast corner of the tract described herein, from which a TXDOT type II brass disc monument found on the west curving R.O.W. line of State Highway No. 130, said TXDOT type II brass disc monument being 341.73 feet right of State Highway No. 130 Station 3668+00.00, being on the east line of said 85.56 acre remainder tract, bears a chord bearing and distance of S 17°41'28" E, a distance of 822.72 feet;

THENCE leaving the curving west R.O.W. line of State Highway No. 130 and through the interior of said 85.56 acre remainder tract, with the irregular lines of the tract described herein, the following eight (8) courses and distances:

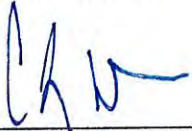
1. N 88°53'10" W, a distance of 249.59 feet to a calculated point,
2. N 01°06'50" E, a distance of 50.68 feet to a calculated point,
3. N 74°04'15" W, a distance of 183.02 feet to a calculated point of curvature of a curve to the left,

4. Along said curve to the left having a radius of 333.00 feet, an arc length of 86.52 feet, and a chord which bears N 81°30'52" W, a distance of 86.28 feet to a calculated point of tangency,
5. N 88°57'29" W, a distance of 334.65 feet to a calculated point for the southwest corner of the tract described herein,
6. N 01°05'05" E, a distance of 60.66 feet to a calculated point,
7. S 88°55'26" E, a distance of 736.64 feet to a calculated point for an interior corner of the tract described herein, and
8. N 01°06'34" E, a distance of 239.48 feet to a calculated point on the west R.O.W. line of State Highway No. 130 and being near the south R.O.W. line of State Highway No. 142, being on the northeast line of said 85.56 acre remainder tract, for the northernmost corner of the tract described herein;

THENCE S 44°15'42" E, with the west R.O.W. line of State Highway No. 130 and the northeast line of said 85.56 acre remainder tract, being with the north line of the tract described herein, a distance of 35.75 feet to the **POINT OF BEGINNING** and containing 2.102 acres (91,573 square feet) of land, more or less.

BEARING BASIS: Texas Coordinate System, South Central Zone (4204), NAD83, Grid.

That I, Cara L. Williams, a Registered Professional Land Surveyor, do hereby certify that the above description and the accompanying survey map are true and correct to the best of my knowledge and belief and was prepared from an actual on-the-ground survey under my direction and supervision.



11-08-23

Cara L. Williams
RPLS No. 6336
State of Texas

Date



CALDWELL COUNTY, TEXAS
CORNELIUS CRENSHAW SURVEY, A-68
WILLIAM HOUSE 1/4 LEAGUE, A-15

EXHIBIT " "

SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION

CALLED 0.507 ACRE
(PARCEL 647A - PART 2)
STATE OF TEXAS
VOL. 569, PG. 546, O.P.R.C.C.T.

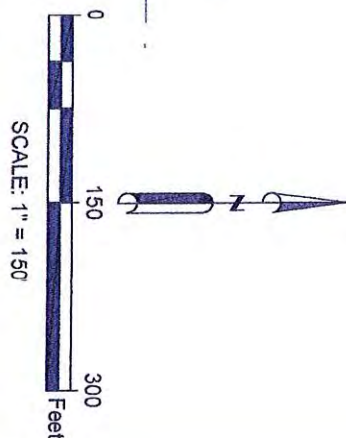
CALLED 6.123 ACRES
(PARCEL 647B)
STATE OF TEXAS
VOL. 569, PG. 570, O.P.R.C.C.T.

STATE HIGHWAY NO. 142

(R.O.W. VARIES) (AKA "WEST SAN ANTONIO STREET")
(SEE VOL. 121, PG. 522 - D.R.C.C.T.)

S88° 54' 55"E 1294.62'

STATE HIGHWAY 130
STA. 3667+15.38
458.10' RT
STATE HIGHWAY 142
STA. 126+29.24
70.61' LT



CALLED 85.56 ACRES (REMAINDER OF)
LOCKHART 130 NORTH/SOUTH, LTD.
DOC. #2014-004094, O.P.R.C.C.T.
CALDWELL COUNTY PROPERTY ID #31854

P.O.B.
STATE HIGHWAY 130
STA. 3668+60.12
344.83' RT
STATE HIGHWAY 142
STA. 124+92.16
206.33' LT

S88° 55' 26"E 736.64'
2.102 ACRES - 91,573 SF
(DOT HATCH)
N88° 57' 29"W 334.65'

CORNELIUS CRENSHAW SURVEY,
WILLIAM HOUSE 1/4 LEAGUE
ABSTRACT NO. 8
ABSTRACT NO. 5

STATE HIGHWAY NO. 130
(SEE VOL. 570, PG. 198 - D.R.C.C.T.) (R.O.W. VARIES)

NOTE:
* = APPROXIMATE LOCATION
BEARING BASIS & HORIZONTAL DATUM:
TEXAS COORDINATE SYSTEM, GRID
NAD '83 (SOUTH CENTRAL ZONE 4204)



WEST GROUP
ENGINEERING & SURVEYING

TBPELS FIRM # 10194507
AND FIRM # F-15324
5207 AIRPORT BOULEVARD
AUSTIN, TEXAS 78751
(512) 394-1900

LOCKHART 130/142
LOCKHART, TEXAS 78644
NOVEMBER, 2023
PROJECT NO. 0181-008

3 OF 4
SHEET

EXHIBIT " "
SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N88° 53' 10"W	249.59'
L2	N01° 06' 50"E	50.68'
L3	N74° 04' 15"W	183.02'
L4	N01° 05' 05"E	60.66'
L5	N01° 06' 34"E	239.48'
L6	S44° 15' 42"E	35.75'

CURVE TABLE			
CURVE #	LENGTH	RADIUS	CHORD
C1	392.97'	5485.00'	S11° 20' 15"E 392.88'
C2	86.52'	333.00'	N81° 30' 52"W 86.28'
C3	1216.46'	5485.00'	S15° 38' 19"E 1213.97'
C4	823.49'	5485.00'	S17° 41' 28"E 822.72'

LEGEND	
▲	RAILROAD SPIKE FOUND
■	TXDOT TYPE II BRASS DISC MONUMENT FOUND
Δ	CALCULATED POINT
R.O.W.	RIGHT-OF-WAY
P.O.B.	POINT OF BEGINNING
D.R.C.T.	DEED RECORDS, CALDWELL COUNTY, TEXAS
O.P.R.C.T.	OFFICIAL PUBLIC RECORDS, CALDWELL COUNTY, TEXAS

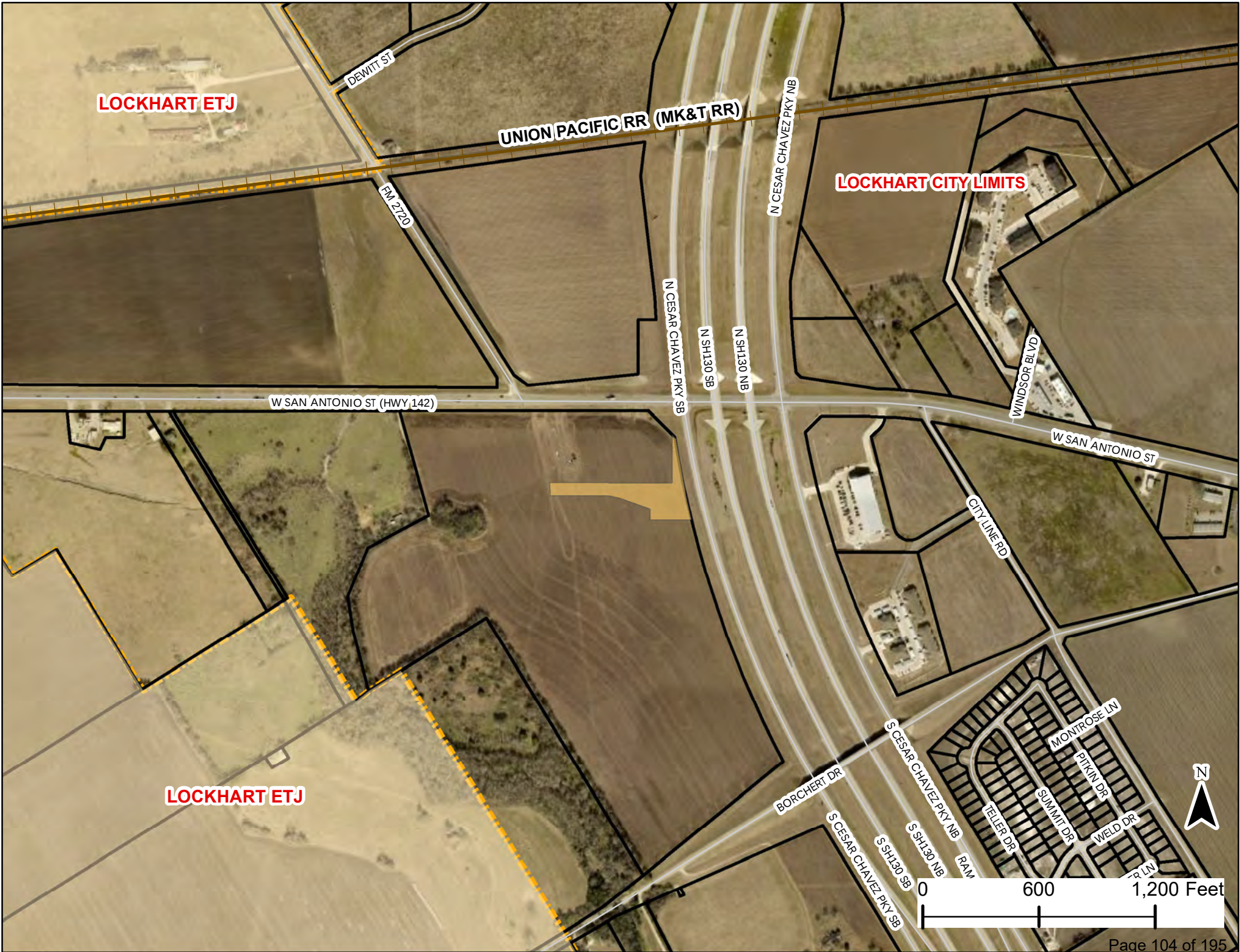
[Signature]
CARA L. WILLIAMS
RPLS NO. 6336 - STATE OF TEXAS
WUEST GROUP
(512)394-1900
DATE: 11-08-23



WUEST GROUP
ENGINEERING & SURVEYING

TBPELS FIRM # 10194507
AND FIRM # F-15324
5207 AIRPORT BOULEVARD
AUSTIN, TEXAS 78751
(512)394-1900

LOCKHART 130/142
LOCKHART, TEXAS 78644
NOVEMBER, 2023
PROJECT NO. 0181-008



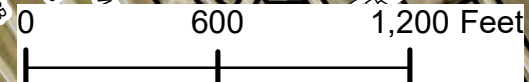
LOCKHART ETJ

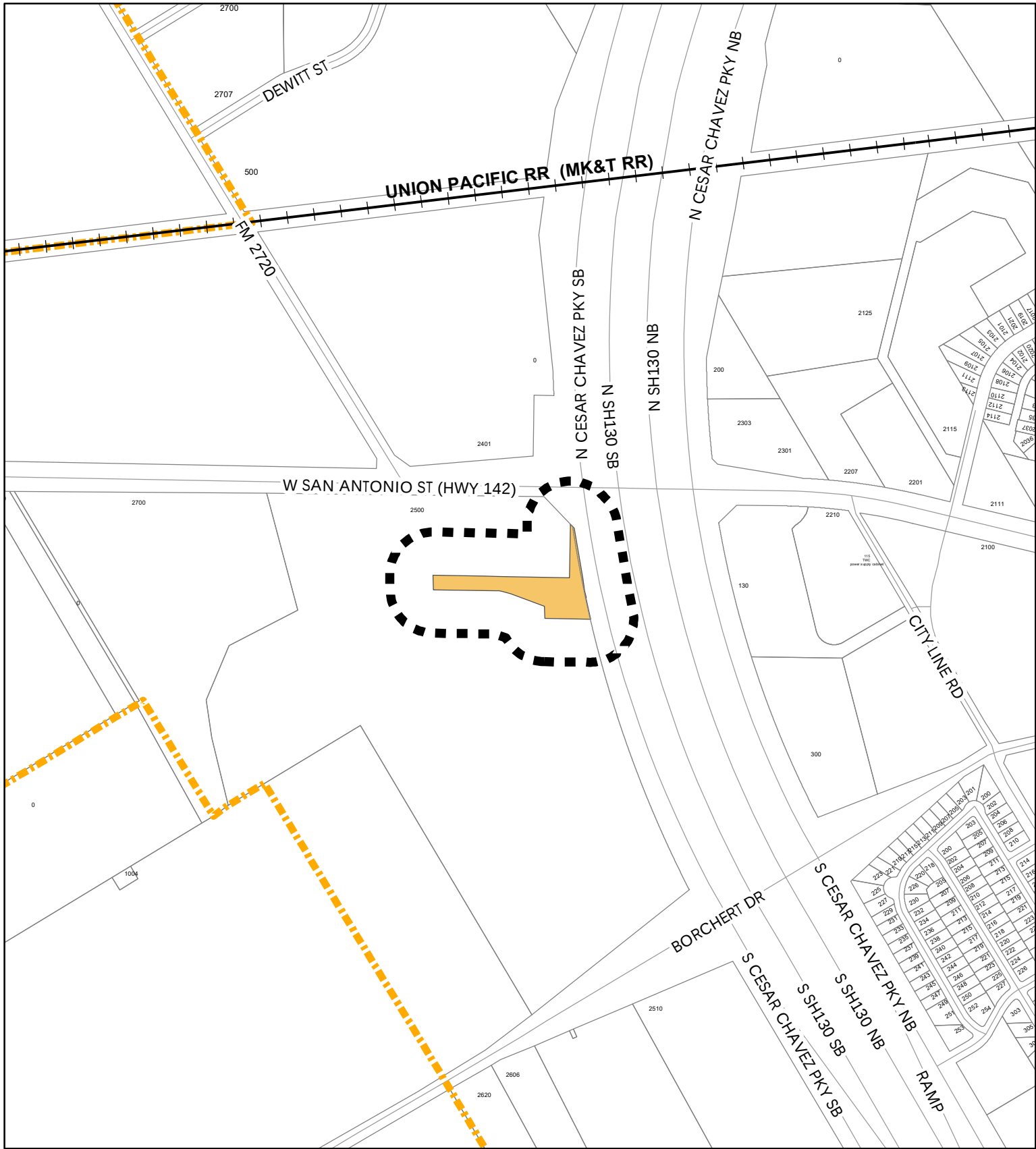
UNION PACIFIC RR (MK&T RR)

LOCKHART CITY LIMITS

W SAN ANTONIO ST (HWY 142)

LOCKHART ETJ





ZC-23-08

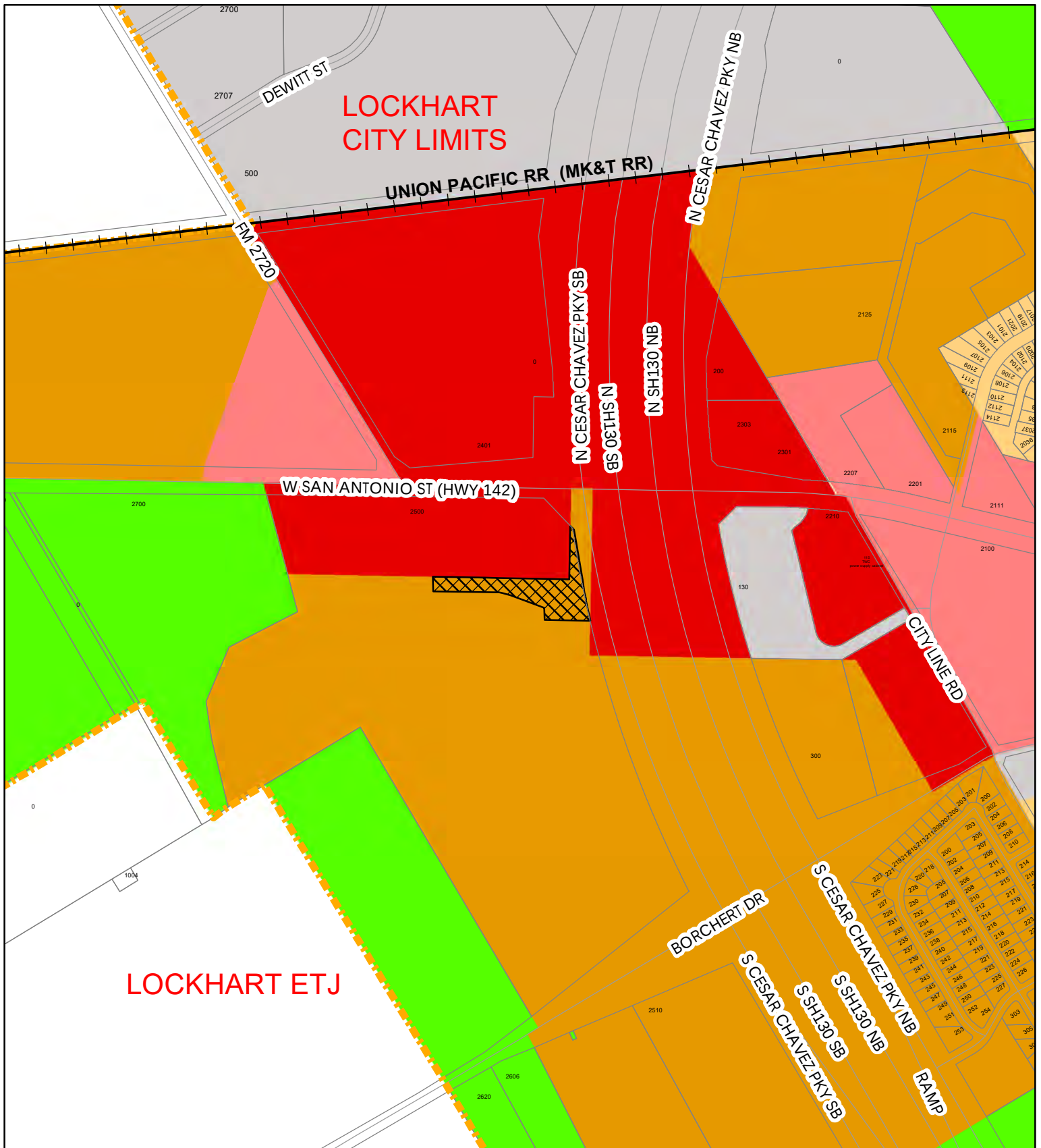
RHD TO CHB

2500 W SAN ANTONIO ST



scale 1" = 600'

-  SUBJECT PROPERTY
-  ZONING BOUNDARY
-  CITY LIMITS
-  200 FT BUFFER



ZC-23-08

RHD TO CHB

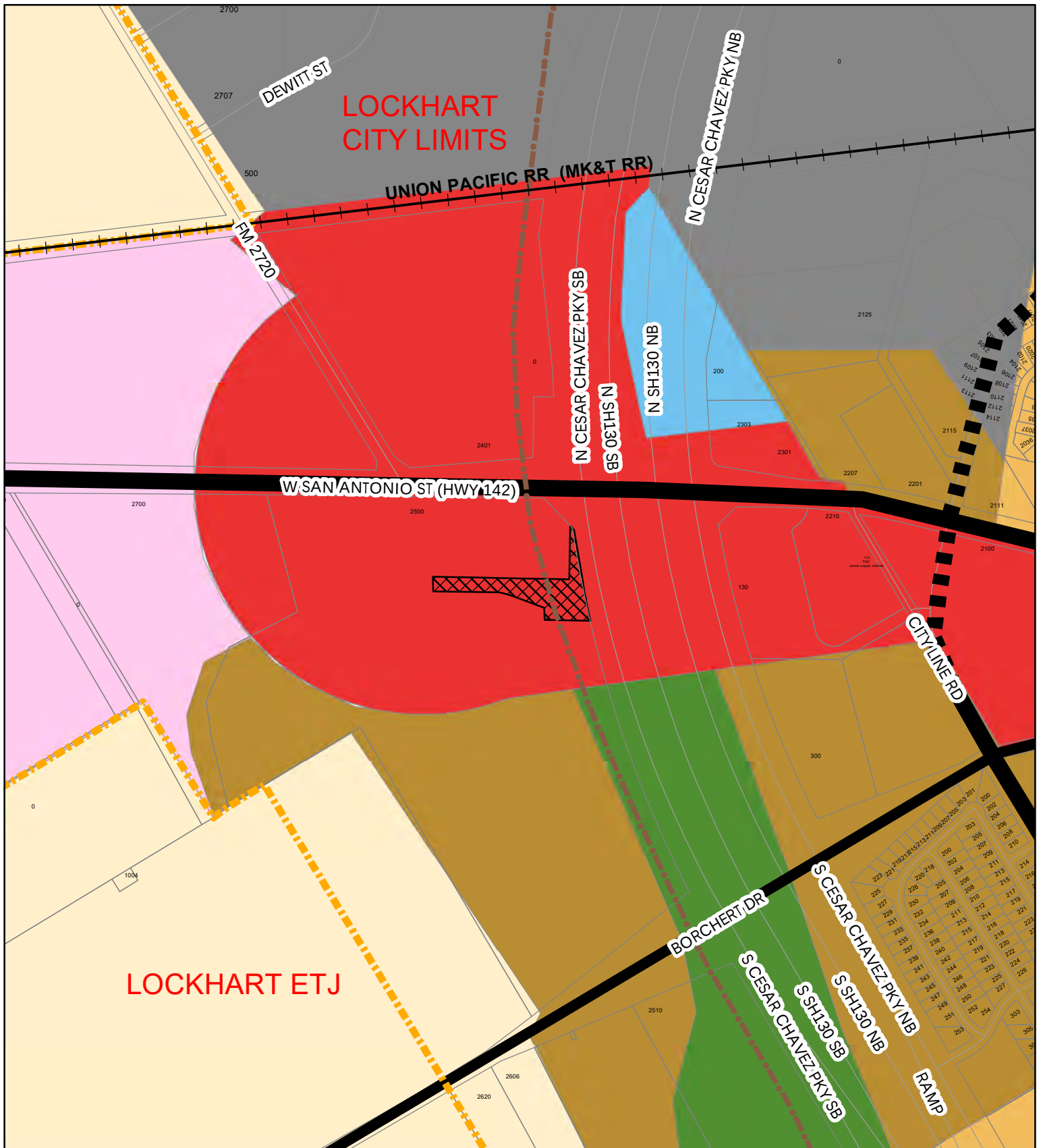
2500 W SAN ANTONIO ST



scale 1" = 600'

ZONING DISTRICTS

- AGRICULTURAL-OPEN SPACE
- COMMERCIAL HEAVY BUSINESS
- COMMERCIAL MEDIUM BUSINESS
- INDUSTRIAL LIGHT
- RESIDENTIAL HIGH DENSITY
- RESIDENTIAL MEDIUM DENSITY



FUTURE LANDUSE &
THOROUGHFARES
RHD TO CHB
2500 W SAN ANTONIO ST



scale 1" = 600'

- | | |
|-------------------------------|--------------------|
| AGRICULTURE/RURAL DEVELOPMENT | EXISTING COLLECTOR |
| GENERAL HEAVY COMMERCIAL | EXISTING ARTERIAL |
| INDUSTRY | FUTURE ARTERIAL |
| LIGHT-MEDIUM COMMERCIAL | HIKE/BIKE TRAIL |
| PARKS AND OPEN SPACE | |
| PUBLIC AND INSTITUTIONAL | |
| RESIDENTIAL, HIGH DENSITY | |
| RESIDENTIAL, MEDIUM DENSITY | |

CASE SUMMARY

STAFF: David Fowler, Planning Director

CASE NUMBER: ZC-23-08

REPORT DATE: December 14, 2023

PLANNING AND ZONING COMMISSION HEARING DATE: December 13, 2023

CITY COUNCIL HEARING DATE: December 19, 2023

REQUESTED CHANGE: RHD to CHB

STAFF RECOMMENDATION: **Approval**

PLANNING AND ZONING COMMISSION RECOMMENDATION: **Approval**

BACKGROUND DATA

APPLICANT: Caroline Eckert, Wuest Group

OWNER: Lockhart 130 North/South LTD

SITE LOCATION: 2500 West San Antonio Street

LEGAL DESCRIPTION: Metes and bounds

SIZE OF PROPERTY: 2.102 acres

EXISTING USE OF PROPERTY: Vacant land

LAND USE PLAN DESIGNATION: *General-Heavy Commercial*

ANALYSIS OF ISSUES

REASON FOR REQUESTED ZONING CHANGE: A major convenience store chain plans to develop a location on this property, as well as a pad site for another commercial business. The depth of the site plan for the proposed commercial development is slightly deeper than the area shown in the CHB zoning district along West San Antonio Street (US 142), which was drawn at a depth of approximately 350 feet south of the property line.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	Vacant land	CHB	<i>General Heavy Commercial</i>
East	Light Industrial, Vacant Land	LI	<i>General Heavy Commercial</i>
South	Vacant Land	RHD	<i>High Density Residential</i>
West	Vacant Land	CHB	<i>General Heavy Commercial</i>

TRANSITION OF ZONING DISTRICTS: The proposed CHB zoning district is common in the area near the intersection of West San Antonio Street (SH 142) and SH 130. The property to the south is zoned RHD and is planned for a future apartment development.

ADEQUACY OF INFRASTRUCTURE: Vehicular access is available from San Antonio Street (SH 142) as well as Cesar Chavez Parkway/SH 130. Water is available via a 12" line near the southwest intersection of San Antonio Street and Cesar Chavez Parkway. Wastewater will be available via an extension southward from the wastewater line along the railroad tracks, which is expected to begin construction shortly.

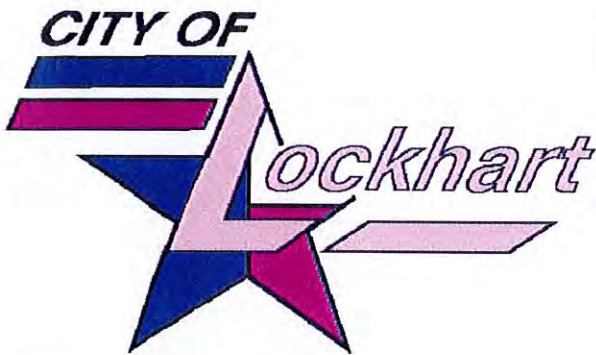
POTENTIAL NEIGHBORHOOD IMPACT: The surrounding area is currently rural in nature, with sparse development west of SH 130. The developer will be required by TxDOT to do a traffic impact analysis, and TxDOT can require the developer to construct roadway safety improvements at street and driveway intersections if determined to be necessary by the traffic impact analysis.

CONSISTENCY WITH COMPREHENSIVE PLAN: The proposed CHB zoning classification is consistent with the property's *General-Heavy Commercial* future land use designation.

ALTERNATIVE CLASSIFICATIONS: None.

RESPONSE TO NOTIFICATION: None.

STAFF RECOMMENDATION: Approval.



ZONING CHANGE APPLICATION

(512) 398-3461 • FAX (512) 398-3833
P.O. Box 239 • Lockhart, Texas 78644
308 West San Antonio Street

APPLICANT/OWNER

APPLICANT NAME CAROLINE ECKERT
DAY-TIME TELEPHONE 512-394-1900
E-MAIL CECKERT@WUESTGROUPTX.COM

ADDRESS 5207 AIRPORT BLVD
AUSTIN, TX
78751

OWNER NAME LOCKHART 130 NORTH/SOUTH, LTD
DAY-TIME TELEPHONE _____
E-MAIL _____

ADDRESS 809 CUERNAVACA DRIVE
AUSTIN, TX
78733

PROPERTY

ADDRESS OR GENERAL LOCATION 2500 WEST SAN ANTONIO STREET
LEGAL DESCRIPTION (IF PLATTED) _____
SIZE 2.102 ACRE(S) LAND USE PLAN DESIGNATION _____
EXISTING USE OF LAND AND/OR BUILDING(S) VACANT
PROPOSED NEW USE, IF ANY SERVICE STATION/CONVENIENCE STORE

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION RHD
TO PROPOSED ZONING CLASSIFICATION CHB
REASON FOR REQUEST EXTENDING THE CHB ZONING PER THE ATTACHED
METES AND BOUNDS. THIS WILL ALLOW CONSTRUCTION OF
THE PROPOSED 7ELEVEN GAS STATION/CONVENIENCE STORE.

SUBMITTAL REQUIREMENTS

IF THE APPLICANT IS NOT THE OWNER, A LETTER SIGNED AND DATED BY THE OWNER CERTIFYING THEIR OWNERSHIP OF THE PROPERTY AND AUTHORIZING THE APPLICANT TO REPRESENT THE PERSON, ORGANIZATION, OR BUSINESS THAT OWNS THE PROPERTY.

ATTACHED.

NAME(S) AND ADDRESS(ES) OF PROPERTY LIEN-HOLDER(S), IF ANY.

NO LIEN HOLDERS.

IF NOT PLATTED, A METES AND BOUNDS LEGAL DESCRIPTION OF THE PROPERTY.

APPLICATION FEE OF \$ 192.04 PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

1/4 acre or less	\$125
Between 1/4 and one acre	\$150
One acre or greater	\$170 plus \$20.00 per each acre over one acre

(2.102 ACRES)

TO THE BEST OF MY KNOWLEDGE, THIS APPLICATION AND ASSOCIATED DOCUMENTS ARE COMPLETE AND CORRECT, AND IT IS UNDERSTOOD THAT I OR ANOTHER REPRESENTATIVE SHOULD BE PRESENT AT ALL PUBLIC MEETINGS CONCERNING THIS APPLICATION.

SIGNATURE Carolee E. Eubank

DATE 11/9/2023

OFFICE USE ONLY

ACCEPTED BY Daniel Fowler

RECEIPT NUMBER 1st - 01243431
2nd - 01259648

DATE SUBMITTED 11-14-2023

CASE NUMBER ZC - 33 - 08

DATE NOTICES MAILED 11-17-2023

DATE NOTICE PUBLISHED 11-23-2023

PLANNING AND ZONING COMMISSION MEETING DATE 12-13-2023

PLANNING AND ZONING COMMISSION RECOMMENDATION _____

CITY COUNCIL MEETING DATE 12-19-2023

DECISION _____

July 13, 2023

From: LOCKHART 130 NORTH/SOUTH LTD – Property Owner

Re: **7/11 @ 130 & 142**
2500 West San Antonio Street
CCAD# 31854
Agent Authorization

To: The City of Lockhart Representatives:

As owner(s) of the above reference property, please take note that Wuest Group has authorization to act as agent for all matters pertaining to the following:

- All development applications related to the **2500 West San Antonio Street** project in conjunction with the proposed Site Plan Application

Sincerely,



Signature of Property Owner

Jean Pelissiero

Printed Name

Managing Partner of Centerpoint Management It's GP

Title

July 13, 2023

Date

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: December 19, 2023

AGENDA ITEM CAPTION: Approve renewal of the cemetery grounds mowing and maintenance agreement.

ORIGINATING DEPARTMENT AND CONTACT: Parks & Recreation - Travis Hughes

ACTION REQUESTED: Agreement

BACKGROUND/SUMMARY/DISCUSSION: Gene Bagwell d/b/a Maintenance Management has been under contract to perform mowing and maintenance of the cemetery grounds since 2010. This was initially a 5-year agreement and has since been renewed annually. Maintenance Management is required to mow and trim the Lockhart Municipal Burial Park and Hooks Cemetery 22–24 times per year (an approximate area of 35 acres) and provide a minimum of two cemetery cleanups. They are also responsible for tree trimming and mowing on both sides of the fence along Hwy 183 and FM 672. There are no changes to the scope of work or fees in the agreement from last year to this year.

PROJECT SCHEDULE (if applicable): January 1, 2024 - December 31, 2024

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): Funds are currently in the budget (account 100-5632-208-00)

PREVIOUS COUNCIL ACTION: Council has been annually renewing this agreement since 2020.

COMMITTEE/BOARD/COMMISSION ACTION:

STAFF RECOMMENDATION/REQUESTED MOTION: Approve renewal of the agreement.

LIST OF SUPPORTING DOCUMENTS: Cemetery Maintenance Agreement 2024

STATE OF TEXAS

)

CITY OF LOCKHART

)

CALDWELL COUNTY

)

CONTRACT RENEWAL

Mr. Gene Bagwell d/b/a Maintenance Management
625 Pioneer Trail
San Marcos, Texas 78666

Re: Sixth Renewal of Lockhart Cemeteries Maintenance Contract Agreement

Initial Term: January 1, 2010 through December 31, 2014

First Renewal Term: January 1, 2015 through December 31, 2019

Second Renewal Term: January 1, 2020 through December 31, 2020

Third Renewal Term: January 1, 2021 through December 31, 2021

Fourth Renewal Term: January 1, 2022 through December 31, 2022

Fifth Renewal Term: January 1, 2023 through December 31, 2023

Sixth Renewal Term: January 1, 2024 through December 31, 2024

Date: December 19, 2023

The Cemeteries Maintenance Contract described above was awarded to you on November 10, 2009. We have determined that you have performed in accordance with the requirements of the Contract.

Therefore, the City is exercising its option to renew the Contract year to year effective from January 1, 2024, through December 31, 2024. This renewal period is governed by the specifications, pricing, terms, and conditions set forth in the Cemeteries Maintenance Contract. Also, this Contract Renewal reflects the understanding of you and the City when the original Agreement was entered into, and rectifies the renewal language on page 8, section 1 of the Contract Agreement, that the first renewal term of the Lockhart Cemeteries Maintenance Contract Agreement is for five (5) years and thereafter year to year at the City's discretion.

The Contract amount price set forth in this Renewal will be in the amount of \$72,697.95 and includes the mowing and maintenance of all grounds within Lockhart Burial Park as well as Hooks Cemetery. This Contract amount is subject to price adjustments at the beginning of the City's fiscal year (October 1) based on the "June" Consumer Price Index as published by the U.S. Department of Labor, Bureau of Labor Statistics. Any such adjustments may not increase fees more than 3% and must be presented to the City in writing at least 90 days prior to October 1, 2024.

Re: Sixth Renewal of Lockhart Cemeteries Maintenance Contract Agreement

Initial Term: January 1, 2010 through December 31, 2014

First Renewal Term: January 1, 2015 through December 31, 2019

Second Renewal Term: January 1, 2020 through December 31, 2020

Third Renewal Term: January 1, 2021 through December 31, 2021

Fourth Renewal Term: January 1, 2022 through December 31, 2022

Fifth Renewal Term: January 1, 2023 through December 31, 2023

Sixth Renewal Term: January 1, 2024 through December 31, 2024

I hereby acknowledge acceptance of this Contract Renewal, and I agree to be bound by all requirements, terms, and conditions as set forth in the Lockhart Cemeteries Maintenance Contract Agreement and this Contract Renewal.

CONTRACTOR

Mr. Gene Bagwell d/b/a Maintenance Management

Date

CITY OF LOCKHART

Lew White, Mayor

Date

Attest:

Julie Bowerman, City Secretary

Date

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: December 19, 2023

AGENDA ITEM CAPTION: Accept semi-annual report concerning the status of implementation of Chapter 31, "Impact Fees" of the Code of Ordinances, and advise of the need to update the ordinance, land use assumptions, capital improvement plans, or impact fees.

ORIGINATING DEPARTMENT AND CONTACT: Development Services - David Fowler

ACTION REQUESTED: Consensus

BACKGROUND/SUMMARY/DISCUSSION: The report covers April-September 2023. New impact fee studies for water-wastewater and roads were adopted on May 2, 2023. As such, the most recent reporting period reflects a blend of the old and new impact fee rates as existing projects have continued building and new projects have begun construction. The vast majority of the fees were received from the over 300 new houses permitted during the six-month reporting period, with the rest coming from one apartment development and several commercial projects. As a result of this high activity, fee receipts have broken previous records, resulting in a record balance for the four accounts.

PROJECT SCHEDULE (if applicable): The most recent impact fee study and capital improvement plans were enacted May, 2 2023. A new study would need to begin within five years of that date.

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): Please see attached exhibits for impact fee activity and fund balance updates.

PREVIOUS COUNCIL ACTION: City council passed the first impact fee study in January 2002. Updates have followed roughly every five years.

COMMITTEE/BOARD/COMMISSION ACTION: The Impact Fee Advisory Committee met December 13, 2023. Upon receiving the update, the Committee did not recommend any changes to the impact fee program.

STAFF RECOMMENDATION/REQUESTED MOTION: Staff recommends no further action be taken.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

LIST OF SUPPORTING DOCUMENTS: Fall 2023 signed committee report to CC, impact fee
Exhibit A Fall 2023, Fall 2023 Exhibit B

IMPACT FEE REPORT

To Lockhart City Council – December 2023

PURPOSE

State law requires a continuing semi-annual role for the Impact Fee Advisory Committee in monitoring the progress of implementation of the impact fee ordinance, and in advising the City Council on needed revisions. More specifically, State law provides that the Committee:

- 1) Monitor and evaluate implementation of the capital improvement plans;
- 2) File semi-annual reports with respect to the progress of the capital improvements plans and report to City Council any perceived inequities in implementing the plans or imposing the impact fees; and,
- 3) Advise the City Council of the need to update or revise the land use assumptions, capital improvements plans (CIP's), and impact fees.

This is the 43rd status report since the City's impact fee ordinance was originally adopted on January 15, 2002, and is for the period from October 1, 2022 to April 1, 2023. It is the eleventh report since the update adopted on April 4, 2017, and is based on a mix of the previous capital improvement plans and impact fees, and the new plan and fees adopted on May 2, 2023. The six-month reporting dates align with the fiscal year quarters.

STATUS OF ACCOUNTS

Exhibit A shows revenue totaling \$2,500,359 during the period covered by this report. Fees collected during the six-month period were for 315 new houses (232 last period), the expansion of the Stanton Apartments, and several smaller commercial buildings. The only expenditures were periodic payments of invoices to the impact fee update consultants as they prepared the recent impact fee update. The water, wastewater, and road impact fee account balances for the previous semi-annual report, as well as the current balances as of October 1, 2023, including accrued interest, are shown in the table.

The total estimated cost of all of the projects in the capital improvement plans in effect during the six-month reporting period was \$120,118,135. However, the City Council adopted one-half that amount as the maximum to be collected by May 1 2033, which is the end of the ten-year CIP period, so the maximum fees are based on an estimated cost of all three CIP's being \$60,059,068. The total of all impact fees spent on CIP projects so far since the April 4, 2017 update is \$774,729, which does not include payments to the impact fee update consultants. The total amount still to be spent is \$59,957,603. The total balance available remaining

collectively in the four impact fee accounts that can be used toward meeting that goal, is currently \$7,872,603.

TRENDS

The bar graph in **Exhibit B** illustrates the impact fee collection trends beginning with the first semi-annual report in July 2003. The trends reflect the state of the economy, as well as the availability of lots for residential development. Housing production and platting of new subdivisions have increased, with the total impact fee revenue in this six-month reporting period much higher than the previous reporting period, which was an all-time high. This one is the highest since the City began the semi-annual reports in 2003. It is important to build a healthy balance in all of the accounts because there is interest in development where the City does not currently have adequate infrastructure, but where many of the needed projects are already listed in the impact fee CIP's.

UPDATE

This report reflects the impact fee update completed and adopted in 2023, although many of the fees received were for projects still building out under the old impact fees. In addition, The CIPs are intended to reflect the anticipated growth of the city, and the rapid population growth we are experiencing may require changes in the location and size of projects that are in the current CIPs, and/or may support adding new projects in future reviews of the city's CIP.

RECOMMENDATION

The Committee met on December 13, 2023, and unanimously voted to forward this semi-annual report to the City Council for the period ending on September 30, 2023, recommending that no further changes are necessary at this time.

Respectfully,



Philip Ruiz, Chair
Impact Fee Advisory Committee

EXHIBIT A

FALL 2023 IMPACT FEE ACCOUNT BALANCES¹

	<u>April 1, 2023</u>	+	Revenue ²	–	Expense ³	<u>October 1, 2023</u>
Water	1,770,101		937,830		11,357	2,696,575
Wastewater	1,495,502		912,940		90,299	2,318,142
Roads (Service Area 1)	1,304,727		427,137		6,786	1,725,078
Roads (Service Area 2)	917,142		222,452		6,786	1,132,808
TOTAL	\$5,487,472		\$2,500,359		\$115,228	\$7,872,603

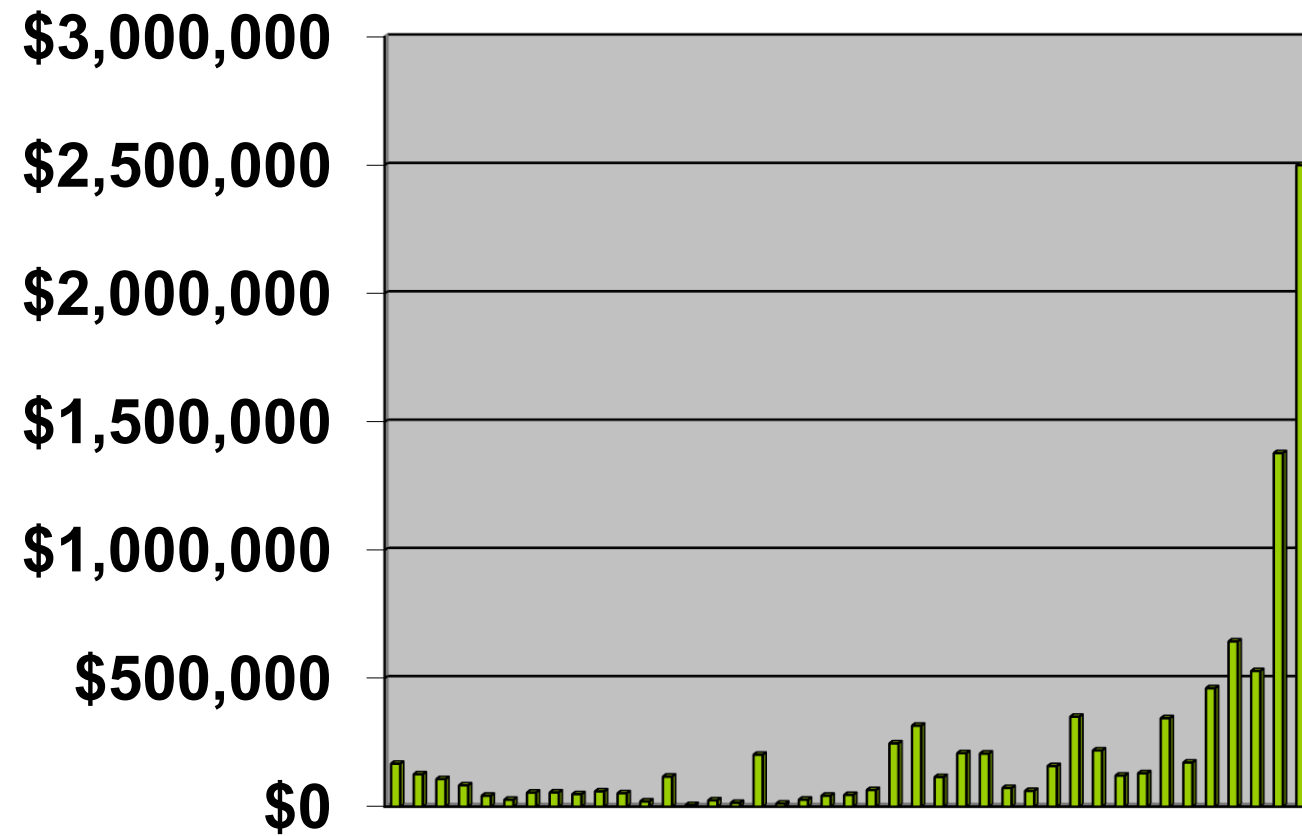
1. All amounts have been rounded to the nearest dollar.

2. Revenue amounts include accrued interest.

3. Expenses were due to invoices from impact fee update and water/wastewater master plan consultants.

One-half total CIP estimated cost (estimated 100% cost of all projects is \$120,118,135):	\$60,059,068
Total spent on projects since adoption of Ordinance 2023-09 on May 2, 2023:	\$101,656
Remaining amount of 1/2 estimated cost not yet spent:	\$59,957,412
Current balance on October 1, 2023:	\$7,872,603

Exhibit B
IMPACT FEE SEMI-ANNUAL REVENUE
July 2003-October 2023



City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: December 19, 2023

AGENDA ITEM CAPTION: Review of a petition of annexation from George Kronenberg III on behalf of McCormick Ranch Partners, LP and discussion and/or action regarding Resolution 2023-23, setting the date for the public hearing for the annexation of 53 acres out of the Crenshaw Cornelius Survey, Abstract 68. Caldwell county, Texas, located on the south and west sides of FM 2001, approximately 1060 feet north of SH 130.

ORIGINATING DEPARTMENT AND CONTACT: Development Services - David Fowler

ACTION REQUESTED: Resolution

BACKGROUND/SUMMARY/DISCUSSION: The developer of an industrial project to be located at the bend of FM 2001 where it curves from northbound to westbound north of SH 130 has requested the city to annex the property. The developer has requested 53 acres of the 172.8 acre subject property to be brought into the city. The property has water service through a 3-inch line located in the FM 2001 right-of-way. Wastewater service would need to be extended to the property at the developer's expense. There is however, a reimbursement agreement for the extension of wastewater service and upgrading of water lines that was approved by City Council in October 2023 as part of an economic development incentive.

If the resolution setting the public hearing date is approved, the hearing will be held on January 16, 2024, and the annexation would be effective immediately if the ordinance and the accompanying annexation service agreement are approved. Due to recent changes in state annexation law, the annexation would not cause the City's extraterritorial jurisdiction to expand.

Upon annexation, the property would be zoned AO, Agricultural-Open Space. To accommodate the proposed industrial uses, the developer has submitted a Planned Development District request.

PROJECT SCHEDULE (if applicable): If the resolution is approved to set the public hearing date for January 16, 2024, the hearing will be advertised in the Lockhart Post-Register and posted on the City website between the 10th and 21st day before the public hearing. Letters will also be sent to all public service providers within the same notification window.

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): None for the proposed resolution.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

PREVIOUS COUNCIL ACTION: Lockhart City Council approved an Economic Development agreement for the Real Cold food storage facility in October 2023.

COMMITTEE/BOARD/COMMISSION ACTION: None

STAFF RECOMMENDATION/REQUESTED MOTION: Approval of Resolution 2023-23, setting the date of the public hearing for January 16, 2024.

LIST OF SUPPORTING DOCUMENTS: FM 2001 Real Cold Annexation Resolution 2023-23, Exhibits A and B to resolution 2023-23, 01641_ALTA_2023-05-10pdf, McCormick Annexation area map, FM 2001 Industrial Annexation 2023 Annexation Service Agreement

RESOLUTION NO. 2023-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART ACCEPTING A VOLUNTARY PETITION FOR ANNEXATION, ATTACHED HERETO AS EXHIBIT “A”; DECLARING THE INTENT OF THE CITY TO ANNEX INTO THE CITY LIMITS THE PROPERTY DESCRIBED IN EXHIBIT “B”, ATTACHED HERETO; PROVIDING WRITTEN NOTICE TO THE SERVICE PROVIDERS AND OWNERS OF RAILROAD RIGHT-OF-WAY, IF ANY, LOCATED IN SUCH TERRITORY, PROVIDING FOR A PUBLIC HEARING AND DIRECTING THE CITY MANAGER TO PREPARE AND NEGOTIATE A SERVICE PLAN AGREEMENT WITH THE LANDOWNERS PROVIDING FOR FULL MUNICIPAL SERVICES TO THE AREA TO BE ANNEXED; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property to be annexed consists of 53 acres as described more fully in Exhibit “B”, and as depicted in same exhibit, attached hereto, in Caldwell County, Texas; and

WHEREAS, the property to be annexed is adjacent to and contiguous to the boundaries of the City; and

WHEREAS, the property to be annexed is within the City’s extraterritorial jurisdiction and the property is not within the extraterritorial jurisdiction of any other city; and

WHEREAS, the Property owners have requested annexation into the City of Lockhart in accordance with a Petition for Annexation which is attached hereto as Exhibit “A”; and

WHEREAS, the City is authorized by Chapter 43, Subchapter C-3, Annexation of Area on Request of Owners, Texas Local Government Code, to accept the petition for annexation and annex the property.

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

1. The City Council hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the City hereby incorporates such recitals as a part of this Resolution.

2. Before the City institutes annexation proceedings, it shall provide written notice to each public entity or private entity that provides services in the area to be annexed and to each railroad company which owns right-of-way in the area to be annexed prior to the date of the

public hearing.

3. The City shall conduct a public hearing at which times persons interested in the annexation shall be given the opportunity to be heard. The public hearing shall be conducted in the Council Chamber of City Hall of the City of Lockhart, on the 16th day of January 2024, at 7:30 p.m.

4. Notice of the public hearing shall be published in the Lockhart Post-Register on or after December 27, 2023 and before January 5, 2024 and the notice will also be posted on the City's Internet website before January 5, 2024 and shall remain posted until the date of the public hearing.

5. The City Manager shall prepare and negotiate with the owners of the property requesting annexation a written Annexation Services Plan Agreement meeting the requirements of Section 43.0672 of the Texas Local Government Code. Such Agreement to be approved by the City and the Owners prior to the adoption of the Annexation Ordinance.

6. This Resolution shall become effective immediately upon passage.

Passed, read, and approved the 19th day of December 2023.

City of Lockhart, Texas

Lew White, Mayor

ATTEST:

Julie Bowermon, City Secretary

EXHIBIT A

May 8, 2023

Honorable Mayor and City Council Members
c/o Mike Kamerlander
City of Lockhart
308 West San Antonio Street
Lockhart, Texas 78644

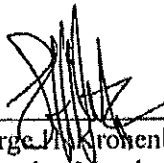
Re: Voluntary Annexation Petition – Project Apple Pie, Lockhart, Texas (*Property ID # 14698*)
("Property")

Honorable Mayor and City Council Members:

As the current owner of the Property, I hereby submit my request for voluntary annexation and zoning for the Property.

As owner, I reserve the right to withdraw this annexation request from consideration at any time during the proceedings. Pam Madere, Jackson Walker LLP, will serve as the agent for these applications.

Sincerely,



Name: George W. Kronenberg, III
Title: Managing Member, McCormick Ranch Partners, LP, a
Texas limited partnership

EXHIBIT B



Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 53.0000 ACRES (2,308,681 SQUARE FEET) OF LAND, MORE OR LESS, BEING OUT OF THE CORNELIUS CRENSHAW SURVEY, ABSTRACT NO. 68 IN CALDWELL COUNTY, TEXAS, BEING A PORTION OF A CALLED 168.04 ACRE TRACT (DESCRIBED AS "TRACT 2") CONVEYED TO MCCORMICK RANCH PARTNERS, LP IN DOCUMENT NO. 2021-007211 OF THE OFFICIAL PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS (O.P.R.C.C.T.), SAID 53.0000 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

PO Box 90876
Austin, TX 78709
512.554.3371
jward@4wards.com
www.4wards.com

BEGINNING, at 1/2-inch iron rod with "4Ward-Boundary" cap set in the west right-of-way line of F.M. 2001 (80' Right-of-way), being the southeast corner of said McCormick Ranch tract, and being the apparent northeast corner of a called 14.914 acre tract conveyed to Juan & Alice Garcia in Document No. 2019-005279 (O.P.R.C.C.T.), for the southeast corner and **POINT OF BEGINNING** hereof, from which a TxDOT Type II brass disc found for an ell-corner in the west right-of-way line of said F.M. 2001, and being an ell-corner in the east line of said Garcia tract bears, S01°17'38"E, a distance of 335.00 feet;

THENCE, leaving the west right-of-way line of said F.M. 2001, with the common line of said McCormick Ranch tract and said Garcia tract, S79°38'50"W, passing at a distance of 2.18 feet a 12" cedar fence post found, and continuing for a total distance of 1,545.81 feet to a 1/2-inch iron rod found for an angle point hereof, said point being the northwest corner of said Garcia tract, and being the northeast corner of Lot 2, Block 1 of the Spillman Subdivision, a subdivision in Caldwell County, Texas recorded in Cabinet C, Slide 108 of the Plat Records of Caldwell County, Texas (P.R.C.C.T.), and being an angle point in the east line of a called 92.793 acre tract conveyed to 92A Partnership, LLC in Document No. 2021-009427 (O.P.R.C.C.T.);

THENCE, with the common line of said McCormick Ranch tract and said Lot 2, S79°28'56"W, a distance of 484.45 feet to a 1/2-inch iron rod with "4Ward-Boundary" cap set for the southwest corner hereof, from which a 1/2-inch iron rod found for the northwest corner of said Lot 2, and being an angle point in the south line of said McCormick Ranch tract bears, S79°28'56"W, a distance of 2,779.12 feet;

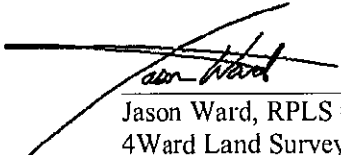
THENCE, leaving the common line of said McCormick Ranch tract and said Lot 2, over and across said McCormick Ranch tract, N10°21'10"W, a distance of 1,266.39 feet to a 1/2-inch iron rod with "4Ward-Boundary" cap set for the northwest corner hereof, said point being in the south right-of-way line of said F.M. 2001, and being in the north line of said McCormick Ranch tract, from which a calculated point for a point of curvature in the south right-of-way line of said F.M. 2001, and being a point of curvature in the north line of said McCormick Ranch tract bears, S79°31'56"W, passing at a distance of 1,138.46 feet a TxDOT Type I concrete monument found, and continuing for a total distance of 3,444.62 feet;

THENCE, with the common line of said McCormick Ranch tract and said F.M. 2001, the following three (3) courses and distances:

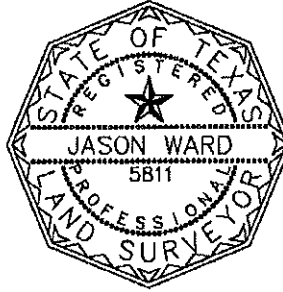
- 1) N79°31'56"E, a distance of 920.18 feet to a TxDOT Type I concrete monument found for a point of curvature hereof,
- 2) Along the arc of a curve to the right, whose radius is 1,107.08 feet, whose arc length is 1,741.35 feet and whose chord bears S55°27'19"E, a distance of 1,567.31 feet to a TxDOT Type I concrete monument found for a point of tangency hereof, and
- 3) S10°17'38"E, a distance of 160.58 feet to the **POINT OF BEGINNING** and containing 53.0000 Acres (2,308,681 Square Feet) of land, more or less.

NOTE:

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203); all distances were adjusted to surface using a combined scale factor of 1.000082521812. See attached sketch (reference drawing: 01604_10 Acres.dwg)



Jason Ward, RPLS #5811
4Ward Land Surveying, LLC



LEGAL DESCRIPTION:
BEING 53.0 ACRES OF LAND, MORE OR LESS, OUT OF THE CORNELIUS CRENSHAW SURVEY, ABSTRACT NO. 68, IN CALDWELL COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 168.04 ACRE TRACT CONVEYED AS "TRACT 2" IN WARRANTY DEED RECORDED IN DOCUMENT NO.2021-007211, OFFICIAL PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS.

FLOODPLAIN NOTE:
THIS PROPERTY IS LOCATED WITHIN ZONE "X", (UNSHADED) AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON F.I.R.M. MAP NO. 48055C0115E, CALDWELL COUNTY, TEXAS AND INCORPORATED AREAS, MAP REVISED JUNE 19, 2012.

THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

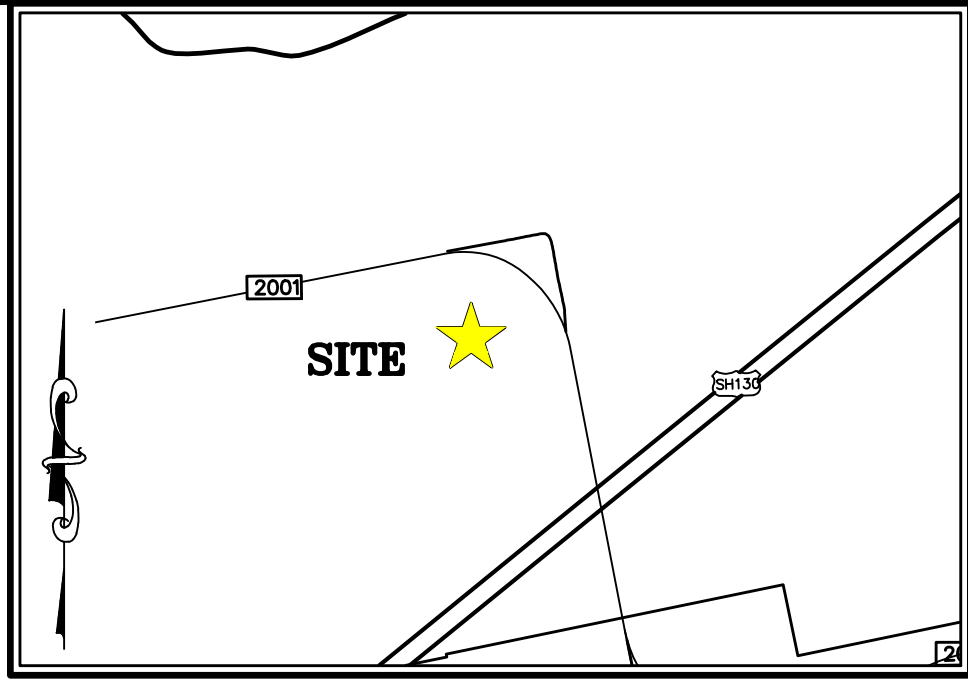
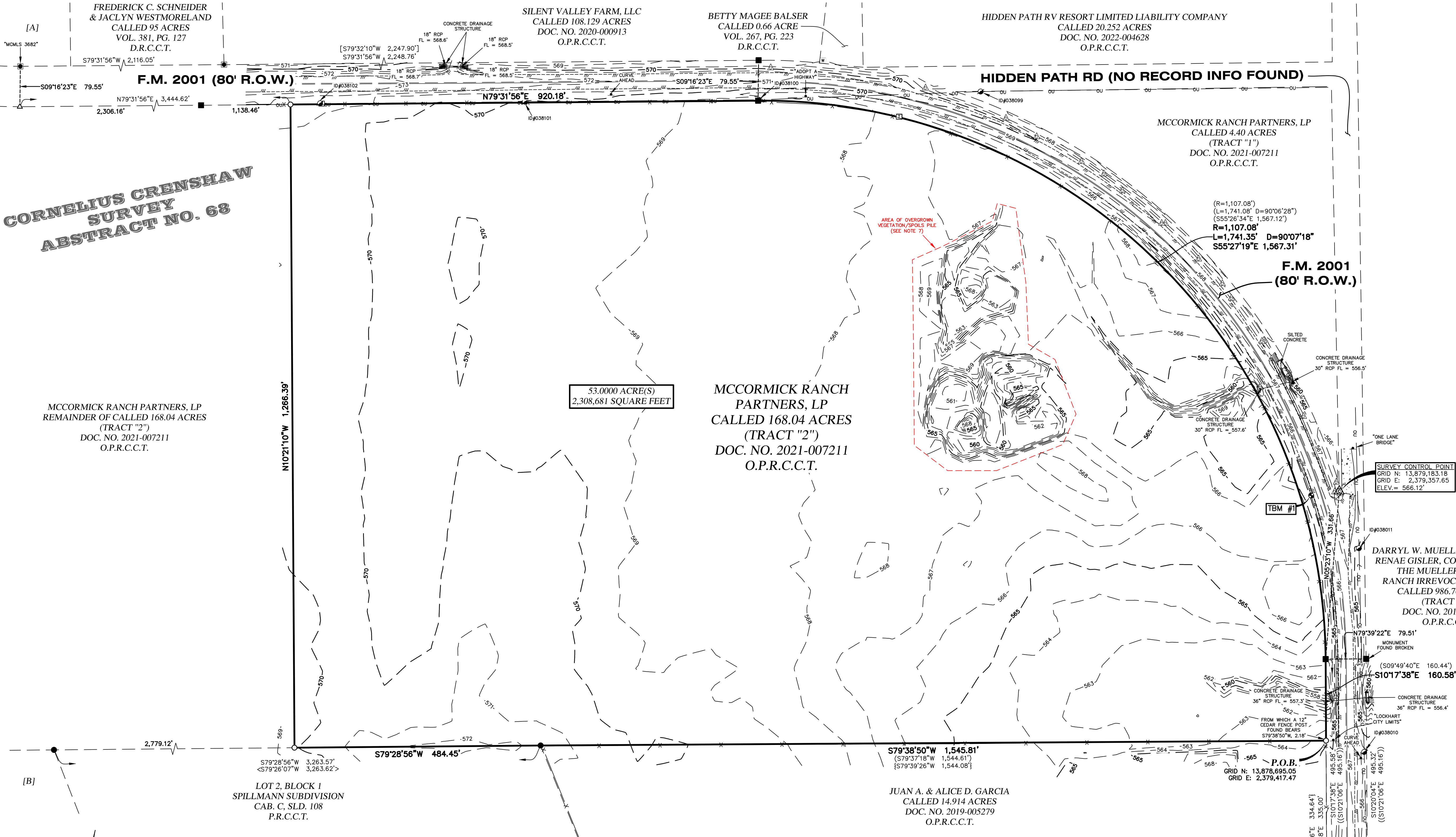
BEARING BASIS:
ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, SOUTH CENTRAL ZONE, (4204), NAD83, ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000114354478.

SURVEY CONTROL:
CONTROL FOR THIS SURVEY IS BASED ON A 1/2" IRON ROD WITH "4WARD CONTROL" CAP SET, GRID COORDINATES (STATE PLANE TEXAS SOUTH CENTRAL - 4204) AND ELEVATIONS (NAVD83) SHOWN HEREON WERE COMPUTED FROM NGS O.P.U.S. SOLUTION REPORT DERIVED FROM 4WARD STATIC DATA COLLECTED MARCH 20, 2023.

UTILITY NOTE:
THE SURVEYOR MAKES NO GUARANTEES THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED (UTILITIES SHOWN HEREON MAY BE EXAGGERATED FOR GRAPHIC REPRESENTATION ONLY) ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES ONLY THE VISIBLE ABOVE GROUND UTILITY STRUCTURES.

- GENERAL NOTES:**
1. PROPERTY ADDRESS: F.M. 2001, LOCKHART TEXAS
 2. SEE ATTACHED METES AND BOUNDS DESCRIPTION.
 3. THERE WERE NO BUILDINGS ON THIS TRACT AT THE TIME OF THE ON-THE-GROUND FIELD SURVEY.
 4. THERE WAS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
 5. THE LOCATION OF FENCES AND THE SIZE AND LOCATION OF UTILITY STRUCTURES, (IF SHOWN), MAY BE EXAGGERATED FOR GRAPHICAL CLARITY.
 6. ADDITIONAL NUMBERS (IF SHOWN) IN THE TREE LIST AT THE END OF THE TREE DESCRIPTION, REPRESENT THE SIZES AND NUMBER OF MULTI-TRUNK TREES.
 7. AT THE TIME OF THE FIELD SURVEY, THIS SITE WAS OVERGROWN WITH VEGETATION IN AREAS AS SHOWN. IN ADDITION, SOME AREAS APPEAR TO HAVE BEEN EXCAVATED AT SOME POINT IN THE PAST AND THOSE AREAS CONTAIN SPOIL PILES AND/OR DUG OUT AREAS OR SHALLOW PITS.

BENCHMARK NOTE:
TBM #1- SQUARE CUT ON TOP OF CONCRETE IN THE EAST MARGIN OF F.M. 2001 ±483' NORTH OF THE POINT OF BEGINNING OF THE SUBJECT TRACT, ±140' NORTHWEST FROM A POWER POLE WITH ID# 038011 IN THE EAST MARGIN OF F.M. 2001, ±102' NORTH FROM A 33" CEDAR ELM WITH TREE TAG #5003 IN THE WEST MARGIN OF F.M. 2001.
ELEVATION = 565.26'.
TBM #2- SQUARE CUT ON TOP OF CONCRETE IN THE EAST MARGIN OF F.M. 2001 ±483' NORTH OF THE POINT OF BEGINNING OF THE SUBJECT TRACT, ±140' NORTHWEST FROM A POWER POLE WITH ID# 038010 IN THE EAST MARGIN OF F.M. 2001.
ELEVATION = 567.46'.



VICINITY MAP

SCALE: 1" = 2000'

LEGEND

- PROPERTY LINE
- EXISTING PROPERTY LINES
- CONTOUR LINE
- CALCULATED POINT
- 1/2" IRON ROD WITH "4WARD BOUNDARY" CAP SET
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- IRON ROD WITH "8A 2633" CAP FOUND (UNLESS NOTED)
- TXDOT TYPE I CONCRETE MONUMENT FOUND (UNLESS NOTED)
- TXDOT TYPE II BRASS DISC FOUND (UNLESS NOTED)
- SURVEY CONTROL POINT
- BENCHMARK
- BOLLARD POST (UNLESS NOTED)
- TELECOMMUNICATIONS PEDESTAL
- WATER METER
- SIGN (AS NOTED)
- POWER/UTILITY POLE
- STOP SIGN
- TRAFFIC SIGN
- EDGE OF ASPHALT
- GUARD RAIL
- WIRE FENCE
- OVERHEAD UTILITY
- STORM SEWER LINE
- CONCRETE
- REINFORCED CONCRETE PIPE
- FLOW LINE ELEVATION
- P.O.B.
- CAB./SLD.
- DOCUMENT NUMBER
- RIGHT-OF-WAY
- PLAY RECORDS, CALDWELL COUNTY, TEXAS
- OFFICIAL PUBLIC RECORDS, CALDWELL COUNTY, TEXAS
- RECORD INFORMATION PER DEED DOC. NO. 2021-007211
- RECORD INFORMATION PER DEED DOC. NO. 2019-005279
- RECORD INFORMATION PER DEED CAB. C, SLD. 108
- RECORD INFORMATION PER DEED DOC. NO. 2020-000913
- RECORD INFORMATION PER TXDOT ROW MAP

[A]
KING FARM PARTNERS LP
CALLED 139.059 ACRES
DOC. NO. 2022-005503
O.P.R.C.C.T.

[B]
92A PARTNERSHIP, LLC
CALLED 92.793 ACRES
DOC. NO. 2021-009427
O.P.R.C.C.T.

ALTA/NSPS LAND TITLE SURVEY OF 53.0000 ACRES OUT OF THE CORNELIUS CRENSHAW SURVEY, ABSTRACT NO. 68 City of Lockhart ETJ, Caldwell County, Texas

4WARD
Land Surveying
A Limited Liability Company

PO Box 90876, Austin Texas 78709
INFO@4WARDLS.COM (512) 537-2384
TPELS: FIRM #10174500

Date: 5/10/2023
Project: 01641
Scale: 1" = 100'
Reviewer: FM
Tech: TR
Field Crew: JR/MP
Survey Date: MAR. 2023
Sheet: 1 OF 1
P:\01641\Drawg\01641.dwg

TITLE COMMITMENT NOTES:
COMMITMENT FOR TITLE INSURANCE PREPARED BY: FIDELITY NATIONAL TITLE INSURANCE COMPANY
C.F. NO.: 23-0667-CH
EFFECTIVE DATE: MARCH 14, 2023
ISSUED: MARCH 21, 2023

THE SURVEYOR HAS RELIED UPON THE REFERENCED COMMITMENT FOR TITLE REGARDING EASEMENTS, RESTRICTIONS, AND OTHER MATTERS AFFECTING THIS PROPERTY. NO ADDITIONAL RESEARCH WAS DONE FOR THE PURPOSE OF THIS SURVEY. ITEMS LISTED ARE WORDED ACCORDING TO THE COMMITMENT, FOLLOWED BY SURVEYOR'S NOTES AND/OR OBSERVATIONS SHOWN IN BRACKETS. []

1) THE FOLLOWING RESTRICTIVE COVENANTS OF RECORD ITEMIZED BELOW:
DELETED

10) THE FOLLOWING MATTERS AND ALL TERMS OF THE DOCUMENTS CREATING OR OFFERING EVIDENCE OF THE MATTERS:

E. EASEMENT GRANTED TO TEXAS POWER & LIGHT COMPANY, DATED SEPTEMBER 3, 1928, RECORDED IN VOLUME 137, PAGE 142, OF THE DEED RECORDS OF CALDWELL COUNTY, TEXAS. [POSSIBLY SUBJECT TO - UNABLE TO PLOT WITH CERTAINTY; NO METES & BOUNDS DESCRIPTION PROVIDED]

F. EASEMENT GRANTED TO POLONIA WATER SUPPLY CORP. DATED JULY 30, 1971, RECORDED IN VOLUME 346, PAGE 49 AND VOLUME 352, PAGE 366, OF THE DEED RECORDS OF CALDWELL COUNTY, TEXAS. [SUBJECT TO - BLANKET TYPE]

G. EASEMENT GRANTED TO PHILLIPS PETROLEUM COMPANY, DATED OCTOBER 14, 1975, RECORDED IN VOLUME 371, PAGE 594, OF THE DEED RECORDS OF CALDWELL COUNTY, TEXAS. [SUBJECT TO - BLANKET TYPE]

H. EASEMENT GRANTED TO HOUSTON PIPE LINE COMPANY, DATED JULY 15, 1986, RECORDED IN VOLUME 508, PAGE 606, OF THE DEED RECORDS OF CALDWELL COUNTY, TEXAS. [DOES NOT AFFECT]

I. EASEMENT GRANTED TO KOCH REFINING COMPANY, DATED JULY 31, 1987, RECORDED IN VOLUME 31, PAGE 768, OF THE OFFICIAL PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS. [SUBJECT TO - BLANKET TYPE]

J. EASEMENT GRANTED TO POLONIA WATER SUPPLY, DATED JUNE 16, 1992, RECORDED IN VOLUME 136, PAGE 422, OF THE OFFICIAL PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS. [SUBJECT TO - BLANKET TYPE]

N. EASEMENT EXECUTED BY MCCORMICK RANCH PARTNERS, LP, A TEXAS LIMITED PARTNERSHIP, TO ATMOS ENERGY CORPORATION, DATED JUNE 23, 2022, RECORDED IN DOCUMENT NO. 2022-008242, OF THE OFFICIAL PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS. [DOES NOT AFFECT]

ALTA/NSPS CERTIFICATION:
TO RELATED FUND MANAGEMENT; MCCORMICK RANCH PARTNERS, LP, A TEXAS LIMITED PARTNERSHIP; FIDELITY NATIONAL TITLE INSURANCE COMPANY; & CORRIDOR TITLE LLC

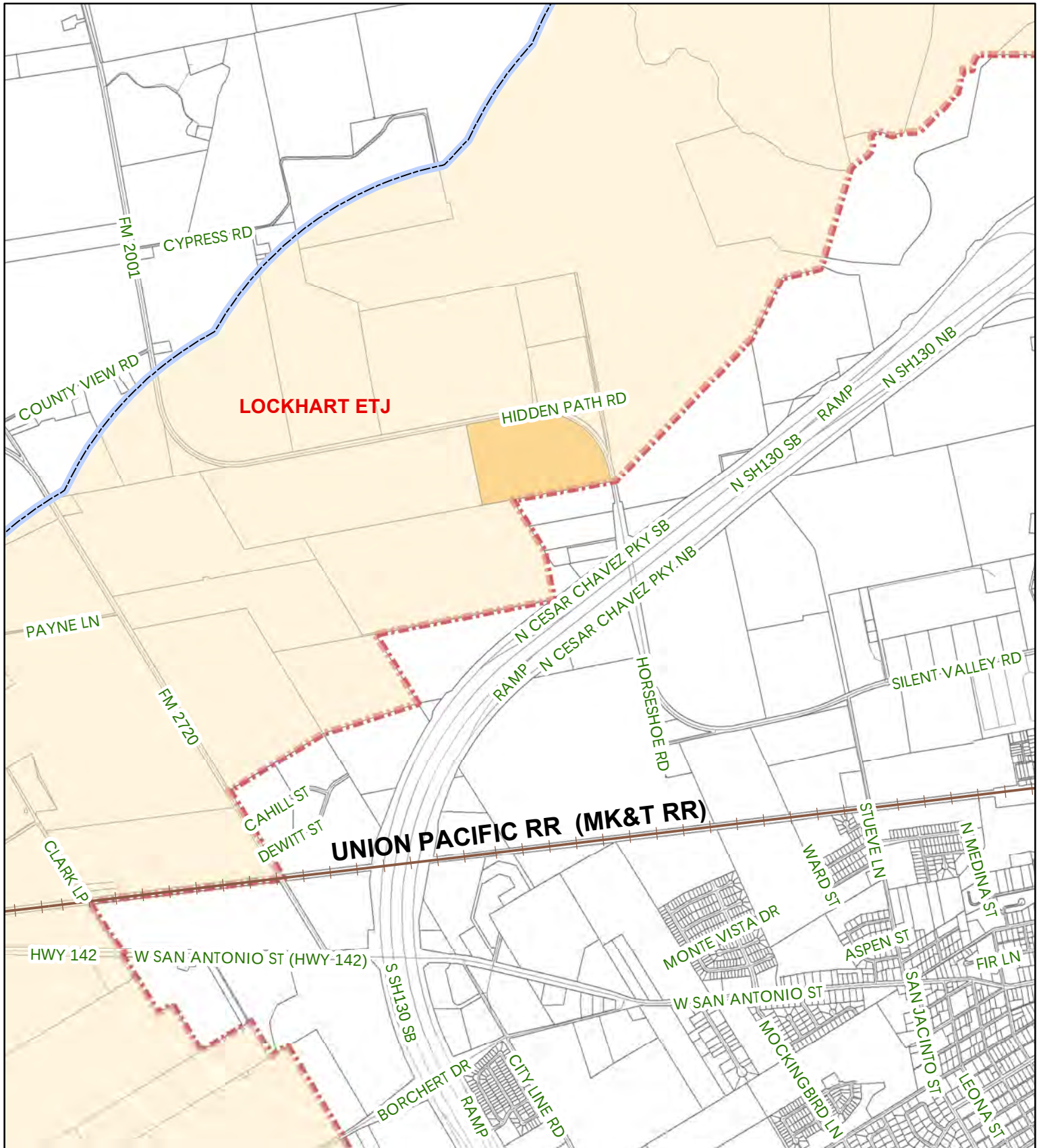
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-4, 7(G), 8, 10, 11(G), 13, 15, 16 AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON MARCH 31, 2023.

JASON WARD, RPLS
TEXAS REGISTRATION NO. 5811

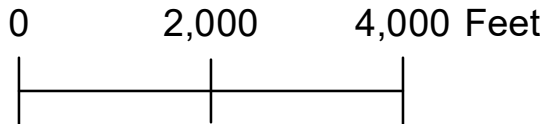
5/10/2023
DATE



0 100 200
50 150
GRAPHIC SCALE: 1" = 100'



CITY OF
Lockhart
TEXAS



This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey, and represents only the approximate relative location of property boundaries.

Map Legend

- MCCORMICK ANNEXATION
- PARCEL BOUNDARY
- LOCKHART CITY LIMITS
- LOCKHART ETJ

ORDINANCE EXHIBIT "B"

CITY OF LOCKHART ANNEXATION SERVICES AGREEMENT FOR FM 2001 INDUSTRIAL: ANNEXATION- 2023

WHEREAS, the City of Lockhart, Texas (the "City") has instituted annexation proceedings for the land described in Exhibit "A", attached hereto (referred to herein as the "Annexed Property"); and,

WHEREAS, Chapter 43, Texas Local Government Code, (referred to herein as "TLGC") requires a service plan agreement between the Landowner and the City adopted with, or prior to, the annexation ordinance;

NOW, THEREFORE, by execution hereof, the City and the Landowner agree to the Annexation Services set out herein for the Annexed Property on the date of annexation:

1. Intent

As used in this Agreement, *providing services* includes having services provided by any method or means by which the City may extend municipal services to any other area of the City, including the City's infrastructure extension policies and Landowner participation in accordance with applicable City ordinances. Provided however, that nothing in this Service Plan Agreement shall require the City to provide a uniform level of full municipal services to each area of the City, including the Annexed Property, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

The City shall provide the Annexed Property or cause the Annexed Property to be provided with services in accordance with this Agreement. This may include, but is not limited to, causing or allowing private utilities, governmental entities, and other agencies to provide such services, in whole or in part.

The parties acknowledge and agree that it is not the intent of this Agreement to create any vested rights to develop the Annexed Property, until such time that development of the Annexed Property is commenced as evidenced by the submittal of one or more complete development applications in accordance with the City's Code of Ordinances.

2. Police, EMS, and animal control

Immediately upon annexation, City of Lockhart Police will provide regular and routine patrols in the area as part of its overall patrol activities, and will respond to any calls for assistance. Similarly, Emergency Medical Service and animal control services will be provided by the City. The Bufkin Lane police and EMS station is the closest to and has the most direct access to this annexation area. No additional personnel or equipment is anticipated as a result of this annexation.

3. Fire protection

Immediately upon annexation, the Lockhart Fire Department will provide fire suppression service from Fire Station No. 2, located at 1911 Borchert Loop. Fire prevention activities, including subdivision/building plan review and fire inspections of structures, will be provided by the City, or a firm contracted by the City. Although no additional personnel or equipment is anticipated as a result of this annexation, the pace of future development will determine the need for a fire substation in the southeast part of the city.

4. Solid waste collection

Immediately upon annexation, refuse collection and voluntary household curbside recycling will be provided by the City in accordance with the rates and conditions of the Lockhart City Code. Recycling is also available at the City's voluntary drop-off center located at 110 N. Brazos St. No additional personnel or equipment is anticipated as a result of this annexation.

5. Water facilities

The closest City water mains are a 3-inch line along the west side of FM 2001. The Annexed Property is adjacent to, but not within, the City's water service jurisdiction, but Aqua Water Supply Corporation has previously issued letters allowing the city to serve similarly situated properties until a formal transfer of jurisdiction can be completed. Further water line extensions or upsizing are the responsibility of the Landowner or developer desiring service, in accordance with the City's subdivision regulations, water facility construction standards, and utility extension policy. The City of Lockhart will maintain any new public water facilities that are not in the service area of another utility, in accordance with standard City maintenance procedures.

6. Wastewater facilities

Centralized sanitary wastewater service is not currently available to the Annexed Property. The cost of extending centralized wastewater service to the Annexed Property shall be at the Landowner's cost and in accordance with the City's utility extension ordinance and subdivision ordinance. If the Landowner chooses not to extend centralized wastewater service to the Annexed Property, the Landowner is authorized to serve the Annexed Property with on-site septic systems in lieu of a centralized wastewater service until such time as the City centralized wastewater service becomes available to the Annexed Property. The City of Lockhart will maintain any new centralized wastewater facilities serving the Annexed Property in accordance with standard City maintenance procedures.

7. Electric service and street lighting

The Annexed Property is not within the City's jurisdiction for electric service. Electric service is provided by Bluebonnet Electric Cooperative.

8. Streets and drainage

Access to the Annexed Property is currently provided by FM 2001. Immediately upon annexation, street and drainage facility and public rights-of-way maintenance will be performed by the Lockhart Public Works Department in accordance with standard City maintenance procedures for streets located within the subject area that are not under the jurisdiction of the State. Construction of new streets and drainage facilities is the responsibility of the Landowner or developer desiring them, in accordance with the City's subdivision regulations and street and drainage facility construction standards.

9. Traffic control

Immediately upon annexation, the City of Lockhart will maintain street name signs, traffic control devices, and other required traffic system design improvements for any new public streets in the Annexed Property.

10. Parks and recreation

Immediately upon annexation, Lockhart Parks and Recreation Department facilities and services, including the use of any and all public parks, will be available to residents of the Annexed Property. There are currently no City parks or recreation facilities in the subject Annexed Property. Dedication of land, or payment of a fee-in-lieu-of land dedication, for new parkland is the responsibility of the Landowner at the time of land development in accordance with the City's subdivision regulations. Construction of park improvements on the dedicated land, and maintenance thereafter, will be in accordance with the standards of the Lockhart subdivision regulations unless otherwise negotiated with the Landowner or developer.

11. Public Library

Immediately upon annexation, all residents of the subject Annexed Property will be eligible for library services available to Lockhart citizens at the Lockhart Public Library.

12. Planning and Zoning

Immediately upon annexation, the Annexed Property will be zoned "AO" Agricultural–Open Space District, in accordance with the City of Lockhart zoning ordinance. Any other zoning classification for specific parcels may be subsequently requested by individual property owners in accordance with the standard City application, notification, and public hearing procedures. The Lockhart 2020 Land Use Plan indicates primarily future Agricultural/Rural Development, with a commercial node where a future collector street would cross through the northern portion of the Annexed Property. The land use plan also indicates a future arterial passing near the southeast corner of the annexation area. All services of the Lockhart Planning Department will be available to residents and owners of annexed Property.

13. Building inspection and code enforcement

Immediately upon annexation, the City of Lockhart Building Inspection Division, or a firm contracted by the City, will enforce the adopted building and nuisance codes within the Annexed Property. This includes consultation with developers, plan review, and on-site inspections for construction activity, as well as investigation of complaints and prosecution of code violations related to buildings, property maintenance, and other health and safety hazards or nuisances.

14. Environmental health code services

Immediately upon annexation, the City of Lockhart Health Officer will enforce the City's food-handler and other adopted health regulations within the Annexed Property area. This includes regular inspections as well as investigation of complaints and prosecution of violations.

15. Floodplain management

Immediately upon annexation, floodplain management will be in accordance with FEMA and City of Lockhart flood hazard regulations. There are no identified 100-year floodplains in the Annexed Property.

16. Miscellaneous municipal facilities and services

Should any other municipal facilities, buildings, or services be constructed or located within the subject area subsequent to annexation, all required operation or maintenance will be provided by the appropriate City department.

17. Term and Effective Date

This agreement shall be effective on the date the Annexed Property is annexed by the City. This Annexation Services Agreement shall be valid for a term of ten (10) years.

CITY OF LOCKHART

LANDOWNER

Lew White, Mayor

By:

Date: _____

Date: _____

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: December 19, 2023

AGENDA ITEM CAPTION: Discussion and/or action regarding procurement options for Police Department vehicle replacements, including leasing program options with Enterprise Fleet Management.

ORIGINATING DEPARTMENT AND CONTACT: Administration - Joseph Resendez, Gary Williamson

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: City Council appropriated funding in the FY 2023-24 Adopted Budget for the procurement of 6 new police vehicles and associated radio and safety equipment. There are multiple options for procuring these vehicles - capital purchase, lease-purchase, or leasing program. Staff will make a presentation regarding the advantages and disadvantages of each option.

PROJECT SCHEDULE (if applicable):

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): \$378,450 of One-Time General Fund Balance expenditure appropriated in FY 2023-2024 Adopted Budget for 6 new vehicles and associated equipment for the Police Department.

PREVIOUS COUNCIL ACTION:

COMMITTEE/BOARD/COMMISSION ACTION:

STAFF RECOMMENDATION/REQUESTED MOTION: Provide staff direction regarding preferred method of procurement.

LIST OF SUPPORTING DOCUMENTS:

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: December 19, 2023

AGENDA ITEM CAPTION: Discussion and/or action regarding the nomination of Jerry Haug to the Historical Preservation Commission by Councilmember John Lairsen for a term to expire in November 2026.

ORIGINATING DEPARTMENT AND CONTACT: Council Appointment -

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: Councilmember Lairsen has nominated Jerry Wayne Haug as his appointment to the Lockhart Historical Preservation Commission.

After reviewing the application, Mr. Haug meets the qualifications to serve on a city board and on the Commission.

Resolution 2022-03 was adopted in 2022 establishing administrative procedures for the nomination of board and commission members:

1. *The City Secretary shall prepare and maintain appropriate application forms to have available for persons interested in applying for membership on City Boards, Commissions, or Committees.*
2. *All persons requesting such appointment shall complete the aforesaid application form.*
3. *Nominations for appointment by the Mayor or Councilmembers nominations shall be submitted to the City Secretary at least seven days prior to the scheduled City Council meeting at which the nomination will be considered.*
4. *The City Secretary shall verify that the nominee meets the applicable qualifications (e.g. residency, occupation, certifications, etc.), as outlined in the member qualifications for each board, commission, or committee in advance of each scheduled appointment.*
5. *In the event the City Secretary determines that a nominee does not possess the requisite qualifications for appointment, he or she shall notify the Mayor or Councilmember who nominated the nominee, who shall be responsible for communicating the information to the nominee and taking appropriate action.*
6. *All nominations or appointments of qualified persons to boards, commissions, or committees will be placed on a City Council public agenda with each applicant's name, application (with personal information redacted), identification of the respective board, commission, or committee, and term of the appointment.*

PROJECT SCHEDULE (if applicable): N/A

City of Lockhart, Texas

Council Agenda Item Cover Sheet

FISCAL NOTE (if applicable): N/A

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: None. Discretion of the Council.

LIST OF SUPPORTING DOCUMENTS: Jerry Haug board application, LHPC Commission Members



CITY OF LOCKHART
ADVISORY BOARD/COMMISSION QUESTIONNAIRE/APPLICATION

In order to be considered for an appointment to a Lockhart Board or Commission, please complete the following application. You may also attach a current resume and letter of interest if you choose.

Date Received:

12/12/23 *(jmh)*

1. PERSONAL INFORMATION

Full Legal Name Jerry Wayne Haug		Preferred Name Jerry	
Physical Home Address 603 Trinity Street			
Mailing Address (if different)			
City Lockhart		State TX	Zip 78644
Home Phone 512-744-7180		Work Phone	
Mobile Phone 512-744-7180			
Email Address			
Date of Birth			

2. AREAS OF INTEREST

Please indicate the position(s) of interest to you.

☐ Airport Advisory Board	☒ Historical Preservation Commission
☐ Zoning Board of Adjustment & Appeals	☐ Hotel Occupancy Tax Advisory Board
☐ Charter Review Commission	☐ Library Advisory Board
☐ Construction Board of Appeals	☐ Parks & Recreation Advisory Board
☐ Economic Development Corp (1/2 Cent Sales Tax)	☐ Planning & Zoning Commission
☐ Electric Board	

In the space below, please explain your interest in the position(s) selected above. Also, please explain any experience you have related to your selection(s).

I want to help to uphold the integrity and the historical significance of the buildings in our downtown square and historical district. As a member of the Lockhart community, I want to work to uphold the high standards set to ensure that our buildings and historical homes meet all regulations and codes required to continue to maintain quality preservation of these beautiful and historical structures.

3. BOARD MEMBER QUALIFICATIONS

The following are qualifications as outlined in Section 2-209 of the Lockhart Code of Ordinances to serve on a Board/Commission:

YES	NO	Please answer the following questions about Board/Commission qualifications:
☒	☐	Have you been a resident of the State of Texas/City of Lockhart for at least twelve (12) consecutive months preceding appointment?
☒	☐	Are you a registered voter?
☐	☒	Have you been removed from another city board or commission because of failure to attend meetings or for cause within the last three years?
☐	☒	Do you serve on any other City of Lockhart board/commission/committee at this time? If yes, please list: _____

For your reference, the following additional qualifications apply to appointed Board/Commission members:

- A member who is required to be a resident of the city (or county when applicable) when appointed and who thereafter moves his or her primary residence outside of the corporate limits of Lockhart (or county when applicable) vacates his or her position on a board of commission on the date the residency changes.
- The City Council shall have the right, but not the duty, to appoint up to two members who are not city residents but who are residents of Caldwell County to the Lockhart Airport Advisory Board, the Eugene Clark Library Board, and the Construction Board of Appeals.
- Any member of a board or commission who is absent from three consecutive regular meetings, or any four non-consecutive regular meetings of the board or commission during any twelve-month period, shall forfeit his or her position and the vacancy occurring shall be declared and filled by the Council.
- Members must maintain their qualifications while serving on a board or commission.
- No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.
- No appointed body shall deviate from its charge, deliberate items not on its agendas, or speak for the council or City of Lockhart without council authorization.
- Members appointed serve without compensation.

Certification of Applicant

I hereby certify that the foregoing and any attached statements are true, accurate and complete. I also understand that this application is subject to disclosure under the Texas Public Information Act.

Jerry_Haug

Digitally signed by Jerry_Haug
Date: 2023.12.01 23:58:53 -06'00'

12/01/2023

Applicant's Signature

Date

Completed application, resume and letter of interest may be submitted in person, email, mail, or by fax to:

City of Lockhart
City Secretary's Office
308 W. San Antonio Street / PO Box 239
Lockhart, TX 78644

Phone: 512.398.3461
FAX: 512.398.5103
cconstancio@lockhart-tx.org

APPLICANT'S NAME: Jerry HaugBOARD NAME(S): Historical Preservation Commission

The qualifications for members of boards and commissions, except special qualifications for service on a particular board or commission, are as follows:

- Appointees must each be a resident of the State of Texas and a resident of the City of Lockhart for at least twelve (12) consecutive months preceding their appointment unless a particular board's or commission's composition or state law allows for membership by a non-resident of the City.

Date of residency in Lockhart: MAY 2017

- Appointees shall be qualified voters in the City of Lockhart or, if not a resident of the City, of Caldwell County.

Date qualified voter in Lockhart: SEPT. 20, 2017

- Appointees shall not have been removed from another city board or commission because of failure to attend meetings or for cause within the last three years.

Removed from another board? YES or NO

If yes, date _____ and board _____

- No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.

Serves on another board? YES or NO

If yes, board currently serving: _____

BOARD SPECIFIC QUALIFICATIONS:**LHPC**

- Y or N Registered architect? (must have one)
If no, current # members registered architect? _____
- Y or N Planner or rep. of a design profession? (must have one)
If no, current # members planner/design profession? _____
- Y or N Registered professional engineer in the State of Texas? (must have one)
If no, current # members registered engineer? _____
- Y or N Member of a nonprofit historical organization of Caldwell County? (must have one)
If no, current # members a member of above? _____
- Y or N Local licensed real estate broker or member of the financial community? (must have one)
If no, current # members of above? _____
- Y or N Owner of an historic landmark residential building? (must have one)
If no, current # members of above? _____
- Y or N Owner or tenant of a business property that is an historic landmark or in an historic district?
(must have one)
If no, current # members of above? _____
- Y or N Member of the Caldwell County Historical Commission? (must have one)
If no, current # members of above? _____
- Y or N City Resident?
Y or N If no, Caldwell County resident? N/A - HE IS A LOCKHART RESIDENT
(one Caldwell County resident who is also an owner of real property within any local historic district)
How many members are qualified county residents? _____

Lockhart Historical Preservation Commission meets on the first and third Wednesday at 5:30 p.m. each month. Members of the Commission shall whenever possible meet one or more the following qualities: a registered architect, planner or representative of a design profession; a registered professional engineer in the State of Texas; a member of a nonprofit historical organization of Caldwell County; a local licensed real estate broker or member of the financial community; an owner of an historic landmark residential building; an owner or tenant of a business property that is an historic landmark or in an historic district; and a member of the Caldwell County Historical Commission. One Caldwell County resident who is also an owner of real property within any local historic district may be appointed as a full member. The Board consists of seven members that serve a three-year term. The City Planner is the staff liaison.

CITY SECRETARY'S DETERMINATION OF APPLICANT'S QUALIFICATION:

Is Applicant Qualified?

YES

NO

DISCRETION OF THE COUNCIL

NOTES:

LOCKHART HISTORICAL PRESERVATION COMMISSION

Seven (7) members - staggered three (3) year terms

Commission created September 23, 1993

First Name	Last Name	Title	Address1	Status?	Home# (512)	Work# (512)	Cell# (512)	Council Member	Term Exp	Date Appt	Email
Ray	Ramsey		411 S. Main St.	Downtown historic property owner			787-6065	Angie Sanchez	Nov-22	7/7/2020	ramseyr52@gmail.com
Kevin Randy	Thuerwaechter		409 W. San Antonio St.				689-1034	Brad Westmoreland	Nov-25	12/20/2022	kthuerwaechter@mac.com
Michel	Royal		PO Box 419 629 Cibola	Member Caldwell County Historical Commission	398-2612	353-2800	557-6490	Jeffrey Michelson	Nov-22	7/7/2020	Bluemoozeroyal10@yahoo.com
Christine	Ohlendorf		815 W. San Antonio St.				940-4784	Juan Mendoza	Nov-22	6/20/2020	ccohlen@gmail.com
Ron	Faulstich		121 Nueces St.	Downtown historic property business		398-5352	785-4331	David Bryant	Nov-22	10/20/2020	ron@pslockhart.com
Vacant	John Lairsen	elected to council 11.7.23						Mayor White			
Vacant								John Lairsen			

Assistant City Planner is Staff Liaison

Updated: December 8, 2023

NOTES:

Sec. 28-3. Historical preservation commission.

(b) The commission shall consist of seven members, appointed by the city council in accordance with section 2-210, who shall whenever possible meet one or more of the following qualities:

- (1) A registered architect, planner or representative of a design profession,
- (2) A registered professional engineer in the State of Texas,
- (3) A member of a nonprofit historical organization of Caldwell County,
- (4) A local licensed real estate broker or member of the financial community,
- (5) An owner of an historic landmark residential building,
- (6) An owner or tenant of a business property that is an historic landmark or in a historic district,
- (7) A member of the Caldwell County Historical Commission.

Section 2-210-(f). Method of selection; number of members; terms

(f) At the discretion of the majority of the city council, one Caldwell County resident who is also an owner of real property within any local historic district may be appointed as a full member to the historical preservation commission.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: December 19, 2023

AGENDA ITEM CAPTION: Consideration and action to adopt Ordinance 2023-28 creating an Animal Shelter Advisory Board.

ORIGINATING DEPARTMENT AND CONTACT: City Attorney - Monte Akers, and
Administration - Steven Lewis

ACTION REQUESTED: Ordinance

BACKGROUND/SUMMARY/DISCUSSION: For the Council meeting of December 5, 2023, Councilmember Lairsen proposed creation of an animal shelter advisory board. After discussion, staff was directed to bring back a report regarding options for such a board, a statement of its duties, and related issues. Accordingly, a memo from the City Attorney dated December 13, 2023, and a draft ordinance are provided for the Council's consideration.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION: Discussion at the meeting of December 5, 2023.

COMMITTEE/BOARD/COMMISSION ACTION: None.

STAFF RECOMMENDATION/REQUESTED MOTION: Discussion and consideration of draft ordinance or other appropriate action as directed by the City Council.

LIST OF SUPPORTING DOCUMENTS: Memo dated December 13, 2023 from City Attorney ,
Draft Ordinance 2023-28

MEMORANDUM

TO: Mayor and City Council Members, City Manager, City of Lockhart

FROM: Monte Akers, City Attorney

DATE: December 13, 2023

RE: Creation of an Animal Shelter Advisory Board

As discussed at the Council meeting on December 5, 2023, the City may decide to create an animal shelter advisory board (or committee). Following are questions and considerations for doing so.

1. Q: Is creation of an animal shelter advisory board for Lockhart required by state law?

A: No. The relevant state laws regarding animal shelters are in Ch. 823, Tx. Health & Safety Code, and Sec. 823.005 thereof state that all counties and cities in which an animal shelter is located must appoint an advisory committee. However, Sec. 823.002 contains exemptions for certain entities, including a county with a population of less than 75,000, and, accordingly, the rules and advisories of the Texas Department of State Health Services indicate that a committee is required only in counties of more than 75,000.¹ The current population of Caldwell County is approximately 46,000.

2. Q: If Lockhart creates an advisory board, must it be consistent with Sec. 823.005?

A: No, doing so is optional. Art. IV of Ch. 2 of the Lockhart Code of Ordinances addresses boards, commissions, and committees and describes three types—quasi-judicial, advisory, and ad-hoc for a special purpose. An animal shelter advisory board, under state law or the City Code, is an advisory body (although the City Code would allow it to be created as an ad-hoc committee).

3. Q: What are the requirements for a Sec. 823.005 advisory board?

A: Its purpose is to assist the City in complying with the requirements of Ch. 823, Health & Safety Code; it must be composed of at least one licensed veterinarian, one county or city official, one person whose duties include operation of an animal shelter, and one representative from an animal welfare organization, and must meet three times a year.

4. Q: What is meant by assisting in complying “with the requirements of Ch. 823”?

A: Sec. 823.003 contains “standards for animal shelters,” as follows:

Sec. 823.003. STANDARDS FOR ANIMAL SHELTERS; CRIMINAL PENALTY. (a) Each animal shelter operated in this state shall comply with the standards for:

(1) housing and sanitation as provided in Chapter 826 for quarantine and impoundment facilities; and

(2) animal control officer training adopted under Chapter 829.

(b) An animal shelter shall separate animals in its custody at all times by species, by sex (if known), and if the animals are not related to one another, by size.

(c) An animal shelter may not confine healthy animals with sick, injured, or diseased animals.

(d) Each person who operates an animal shelter shall employ a veterinarian at least once a year to inspect the shelter to determine whether it complies with the requirements of this chapter and Chapter 829. The veterinarian shall file copies of the veterinarian's report with the person operating the shelter and with the department on forms prescribed by the department.

(e) The executive commissioner of the Health and Human Services Commission may require each person operating an animal shelter to keep records of the date and disposition of animals in its custody, to maintain the records on the business premises of the animal shelter, and to make the records available for inspection at reasonable times.

(f) A person commits an offense if the person substantially violates this section. An offense under this subsection is a Class C misdemeanor.

The two chapters other than 823 that are underlined in the section are 826, which deals with re rabies quarantine and impoundment, and 829, which deals with animal control officer training.

5. Q: Is the attached draft ordinance ready for adoption by the City Council?

A: Only if the Council desires to adopt an ordinance that is based on Ch. 823 (state law), with the following differences: (i) at least one citizen is added to the board; (ii) it applies City Code Sec. 2-214 the board, which provides that the committee shall not have formal policies other than those set forth by the council, meetings are posted and open to the public, and the committee shall not commit spend city funds, direct city staff, or speak for the council or the city without prior council authorization.

Assuming the Council desires to adopt an ordinance containing provisions not in the draft, it may either direct staff to bring back a different version or may adopt the attached ordinance with changes directed by the Council in the meeting on Dec. 19, 2023.

¹ See, for example, www.dshs.texas.gov/animal-safety-zoonosis/control/about-texas-animal-shelters

ORDINANCE NO. 2023-28

AN ORDINANCE OF THE CITY OF LOCKHART AMENDING SECTION 2.207 OF CHAPTER 2 OF THE LOCKHART CODE OF ORDINANCES AND THE ADOPTION OF A NEW SECTION 10-19 OF CHAPTER 10 OF THE LOCKHART CODE OF ORDINANCES TO ESTABLISH AN ANIMAL SHELTER ADVISORY BOARD; PROVIDING CLAUSES FOR REPEALER, SEVERABILITY, SAVINGS, PUBLICATION, AND EFFECTIVE DATE

WHEREAS, the City of Lockhart is a home rule city acting under its charter pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City of Lockhart periodically impounds animals to protect the health and safety of the general public and the animal population; and

WHEREAS, the City Council now deems it necessary and advisable to create an Animal Shelter Advisory Board to provide support and advice regarding the City of Lockhart Animal Shelter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS that:

SECTION 1: Recitals adopted. The foregoing recitals are adopted and incorporated herein for all purposes.

SECTION 2: Amendment. Section 2.207 of the Lockhart Code of Ordinances is amended by the addition of a new subsection (2)(f), which shall read as follows:

(f) Animal Shelter Advisory Board

SECTION 3: Adoption of New Section. Chapter 10 of the Lockhart Code of Ordinances is amended by the adoption of new Section 10-19, which shall read as follows:

Sec. 10-19. Animal Shelter Advisory Board

- a) *Appointments.* The city council shall appoint a four-person animal shelter advisory board.
- b) Membership of the board shall be composed of the following:
 - 1. One licensed veterinarian;
 - 2. One municipal official;
 - 3. One person whose duties include daily operation of an animal shelter, and
 - 4. A representative from an animal welfare organization.
 - 5. At least one citizen of the City.

(b) *Scheduled meetings.* The animal shelter advisory board shall meet at least three times each year.

(c) *Responsibilities.* The animal shelter advisory board authority shall assist the City in complying with Ch. 823, Texas Health & Safety Code.

(d) *Compliance with City Ordinances.* The animal shelter advisory board shall comply with and be subject to Section 2-214, as well as all other applicable city ordinances.

SECTION 3. Repealer. All provisions of the Code of Ordinances of the City of Lockhart in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, and all other provisions of the Code of Ordinances of the City of Lockhart codified or uncoded, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4. Severability. It is hereby declared to be the intention of the City Council that the components of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any remaining component of this Ordinance.

SECTION 5. Publication. The City Secretary shall cause the caption of this ordinance to be published in a newspaper of general circulation according to law.

SECTION 6. Effective Date. This ordinance shall become effective and be in full force from the date of its passage.

PASSED AND ADOPTED on this the ____ day of _____, 2023.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie Bowermon, City Secretary

Monte Akers, City Attorney

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: December 19, 2023

AGENDA ITEM CAPTION: Consideration and action on Petition for Release of 224.692 acres of land from the City's ETJ by Chisholm Hill, LP, William J. Morgan and Edward D. Morgan, Petitioners.

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

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: On December 4, 2023, Petitioners filed an ETJ release petition pursuant to the process set forth in SB 2038. Petitioners are represented by a Houston-based law firm that has been involved in other petitions. They represent that the land is not located in a designated industrial district - this needs to be verified by staff. 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. If the City grants the petition, the area will be released immediately.

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: None.

COMMITTEE/BOARD/COMMISSION ACTION: None.

STAFF RECOMMENDATION/REQUESTED MOTION: Seek legal advice in executive session.

LIST OF SUPPORTING DOCUMENTS: Lockhart Petition for ETJ Release (Chisholm Hill LP Morgans)



CENTRAL TEXAS
919 Congress Avenue,
Suite 1500
Austin, TX 78701
(512) 518-2424

Direct Line: (512) 518-2425
Direct Fax: (512) 518-2415

tmiller@abhr.com

Tim Miller
Attorney

December 4, 2023

VIA EMAIL AND OVERNIGHT DELIVERY

Ms. Julie Bowermon
Interim City Secretary
City Secretary's Office
City of Lockhart
308 W. San Antonio Street
Lockhart, Texas 78644
jbowermon@lockhart-tx.org

Re: Petition for Release of an Area from a Municipality's Extraterritorial Jurisdiction

Dear Ms. Bowermon:

Please find enclosed, for consideration by the Mayor and City Council of the City of Lockhart, Texas (the "City"), one original of a Petition for Release of an Area from a Municipality's Extraterritorial Jurisdiction relating to 224.692 acres of land located in the City's extraterritorial jurisdiction (the "Land").

In accordance with Section 42.105(c) of the Local Government Code, we respectfully request that the City take official action to immediately release the Land from the City's extraterritorial jurisdiction. Should you have any questions, or need additional information, regarding this matter or the enclosed documents, please contact me. Thank you for your attention to this matter.

Sincerely,

Timothy D. Miller

Enclosures

1149925

HOUSTON
3200 Southwest Freeway, Suite 2600
Houston, TX 77027
(713) 860-6400

NORTH TEXAS
3100 McKinnon Street, Suite 1100
Dallas, TX 75201
(972) 823-0800

abhr.com

PETITION FOR RELEASE OF AN AREA FROM A MUNICIPALITY'S
EXTRATERRITORIAL JURISDICTION

THE STATE OF TEXAS §
 §
COUNTY OF CALDWELL §

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF LOCKHART,
TEXAS:

CHISHOLM HILL LP, a Texas limited partnership, **WILLIAM J. MORGAN** and **EDWARD D. MORGAN** (the "Petitioners"), acting pursuant to the provisions of Subchapter D, Chapter 42, Texas Local Government Code, together with all amendments and additions thereto, respectfully petition this Honorable City Council to release the 224.692 acres of land described by metes and bounds in **Exhibit A** and shown on the map attached as **Exhibit B** (the "Land"), attached hereto and incorporated herein for all purposes, from the extraterritorial jurisdiction of the City of Lockhart, Texas (the "City"), and in support of this petition the Petitioners represent, covenant, and agree as follows:

I.

The Petitioners hold fee simple title to the Land, and hereby represent that they own a majority in value of the Land to be released from the extraterritorial jurisdiction of the City as indicated by the certificate of ownership provided by the Caldwell County Appraisal District, attached hereto as **Exhibit C**.

II.

The Petitioners represent that the Land is not located within five (5) miles of the boundary of a military base, as defined by Section 43.0117 of the Texas Local Government Code, at which an active training program is conducted.

III.

The Petitioners represent that the Land has not been voluntarily annexed into the extraterritorial jurisdiction of a municipality that is located in a county (a) in which the population grew by more than fifty percent (50%) from the previous federal decennial census in the federal decennial census conducted in 2020; and (b) that has a population of greater than 240,000.

IV.

The Petitioners represent that the Land is not within the portion of the extraterritorial jurisdiction of a municipality with a population of more than 1.4 million

that is (a) within 15 miles of the boundary of a military base, as defined by Section 43.0117 of the Texas Local Government Code, at which an active training program is conducted; and (b) in a county with a population of more than two million.

V.

The Petitioners represent that the Land is not in an area designated as an industrial district under Section 42.944 of the Texas Local Government Code.

VI.

The Petitioners represent that the Land is not in an area subject to a strategic partnership agreement entered into under Section 43.0751 of the Texas Local Government Code.

WHEREFORE, the undersigned respectfully pray that this petition be heard and granted in all respects and that the City immediately release the Land from its extraterritorial jurisdiction, as required by Section 42.105(c) of the Texas Local Government Code, as it exists today and from any future expansions of the City's extraterritorial jurisdiction whether by annexation or pursuant to Section 42.021 of the Texas Local Government Code. If the City fails to release the Land from its extraterritorial jurisdiction by the later of forty-five (45) days from the date it 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 shall be released from the City's extraterritorial jurisdiction by operation of law.

[EXECUTION PAGES FOLLOW]

RESPECTFULLY SUBMITTED on December 4, 2023.

CHISHOLM HILL LP
a Texas limited partnership

By: 5Star Family GP LLC
a Texas limited liability company
its General Partner

By: 

Allen Cowden

Manager

DOB: 04/25/1973

Residence Address: 2603 Escondido Cove, Austin, TX

Date of Signing: 11/14/23 78703

THE STATE OF TEXAS

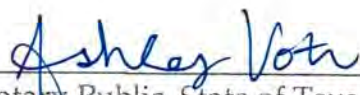
§

§

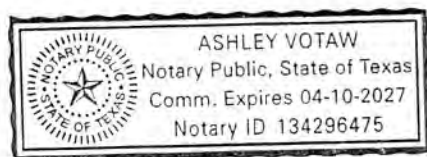
COUNTY OF Travis

§

This instrument was acknowledged before me, the undersigned authority, this 14th day of November, 2023, by Allen Cowden, Manager of 5Star Family GP LLC, a Texas limited liability company, General Partner of **CHISHOLM HILL LP**, a Texas limited partnership, on behalf of said limited liability company and limited partnership.


Notary Public, State of Texas

(NOTARY SEAL)



William J Morgan

WILLIAM J. MORGAN

DOB: 11/07/1955

Residence Address: 812 Nixon Lockhart

Date of Signing: 11/21/2023

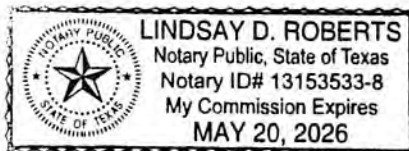
THE STATE OF TEXAS

COUNTY OF Caldwell

§
§
§

This instrument was acknowledged before me on this 21st day of November, 2023,
by WILLIAM J. MORGAN.

(NOTARY SEAL)



Lindsay Roberts

Notary Public, State of Texas

attested 15 May

EDWARD D. MORGAN

DOB: 01-24-57

Residence Address: 2435 W Elmer St Olathe KS 66061

Date of Signing: 11-21-23

THE STATE OF ~~TEXAS~~ ^{Kansas} _{not} §
COUNTY OF Johnson §

This instrument was acknowledged before me on this 21st day of November, 2023,
by EDWARD D. MORGAN.

Mark D. Harper
Notary Public, State of Texas _{Kansas} _{not}

(NOTARY SEAL)

Attachments:

Exhibit A: Description of the Land

Exhibit B: Map of the Land

Exhibit C: Certificate of Ownership

Mark D. Harper
NOTARY PUBLIC
State of Kansas
My Commission Expires 10/31/2026

METES & BOUNDS DESCRIPTION

FIELD NOTES FOR A 224.692 ACRE TRACT OF LAND OUT OF THE JOHN S. STUMP SURVEY, ABSTRACT NO. 263 AND THE THEODORE BISSELL SURVEY, ABSTRACT NO. 43, BOTH OF CALDWELL COUNTY, TEXAS; BEING ALL OF THE REMAINDER OF A CALLED 101.7 ACRE TRACT OF LAND AS CONVEYED TO EDWARD D. MORGAN AND WILLIAM J. MORGAN BY INSTRUMENT RECORDED IN VOLUME 387, PAGE 366 OF THE DEED RECORDS OF CALDWELL COUNTY, TEXAS, A PORTION OF A CALLED 379.689 ACRE TRACT OF LAND AS CONVEYED TO CHISHOLM HILL, LP BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NUMBER 2022-005152 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF CALDWELL COUNTY, TEXAS, A PORTION OF A CALLED 117.946 ACRE TRACT OF LAND AS CONVEYED TO CHISHOLM HILL, LP BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NUMBER 2022-005156 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF CALDWELL COUNTY, TEXAS, AND A PORTION OF A CALLED 56.75 ACRE TRACT OF LAND DESCRIBED AS TRACT 2 AS CONVEYED TO CHISHOLM HILL, LP BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NUMBER 2022-005162 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF CALDWELL COUNTY, TEXAS; SAID 224.692 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron pipe found on the southeast line of a called 109.4 acre tract of land described as Tract 1 as conveyed to Dau Cattle Co. LLC by Special Warranty Deed recorded in Document Number 134593 of the Official Public Records of Real Property of Caldwell County, Texas, at the most northerly corner of the above described Morgan Tract, and at the most westerly corner of a called 140.075 acre tract of land as conveyed to Kenneth Schawe by General Warranty Deed recorded in Volume 421, Page 18 of the Official Public Records of Real Property of Caldwell County, Texas, for the northeast corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, with the northeast line of said Morgan Tract and the southwest line of said Schawe Tract, S 31°52'39" E a distance of 1,532.47 feet to a disturbed 1/2-inch iron rod with illegible cap found on the northwest right-of-way line of Boggy Creek Road (County Road 218) (width varies, no deed of record found), at the most southerly corner of said Schawe Tract, and at an exterior corner of the remainder of said Morgan Tract, for an exterior corner of the herein described tract;

THENCE, with the northwest right-of-way line of said Boggy Creek Road and a southeast line of the remainder of said Morgan Tract, S 58°09'36" W a distance of 35.37 feet to a calculated point at the intersection with the southwest right-of-way line of said Boggy Creek Road, and at an interior corner of the remainder of said Morgan tract, for an interior corner of the herein described tract;

THENCE, with the southwest right-of-way line of said Boggy Creek Road and the northeast line of the remainder of said Morgan Tract, S 30°33'17" E a distance of 950.46 feet to a 1/2-inch iron rod found at the most easterly corner of the remainder of said Morgan Tract, and at the most northerly corner of a called 2.250 acre tract of land as conveyed to Victor Smith Terrell and wife, Laurie K. Terrell by Warranty Deed with Vendor's Lien recorded in Volume 245, Page 623 of the Official Public Records of Real Property of Caldwell County, Texas, for the most easterly southeast corner of the herein described tract;

THENCE, with a southeast line of the remainder of said Morgan Tract and the northwest line of said Terrell Tract, S 49°19'03" W a distance of 314.00 feet to a 1/2-inch iron rod found at an interior corner of the remainder of said Morgan Tract, and at the most westerly corner of said Terrell Tract, for an interior corner of the herein described tract;

THENCE, generally along a barbed wire fence, with a northeast line of the remainder of said Morgan Tract and the southwest line of said Terrell Tract, S 34°32'34" E a distance of 313.33 feet to a 1/2-inch iron rod found on the northwest line of a called 83.035 acre tract of land as conveyed to W. A. Ross and wife, Barbara E. Ross by Deed recorded in Volume 376, Page 128 of the Deed Records of Caldwell County, Texas, at an exterior corner of the remainder of said Morgan Tract, and at the most southerly corner of said Terrell Tract, for an exterior corner of the herein described tract, from which a 4-inch metal fence post found on the southwest line of said Boggy Creek Road, at the most easterly corner of said Terrell Tract and at the most northerly corner of said Ross Tract, bears N 49°14'32" E a distance of 314.42 feet;

THENCE, with the southeast line of said Morgan Tract and the northwest line of said Ross Tract, S 49°07'45" W a distance of 964.79 feet to a 1/2-inch iron rod found leaning at the most easterly corner of the above described Chisholm Hill 117.946 acre tract, and at the most southerly corner of said Morgan Tract, for an angle point, from which a 3/4-inch iron pipe found leaning bears N 73°40'39" E a distance of 4.46 feet,;

THENCE, with a southeast line of said Chisholm Hill 117.946 acre tract and the northwest line of said Ross Tract, S 41°51'12" W a distance of 241.89 feet to a railroad tie fence post found at the most westerly corner of said Ross Tract, and at the most northerly corner of the above described Chisholm Hill 56.75 acre tract, for an interior corner of the herein described tract;

THENCE, generally along a barbed wire fence, with the northeast line of said Chisholm Hill 56.75 acre tract and the southwest line of said Ross Tract, S 36°07'17" E a distance of 912.87 feet to a 3-inch metal fence post found at the most easterly corner of said Chisholm Hill 56.75 acre tract, and at the most northerly corner of a called 140.769 acre tract of land described as Tract 2 as conveyed to Lockhart 130 Developers LLC by General Warranty Deed recorded in Document Number 2021-004067 of the Official Public Records of Caldwell County, Texas, for the most southerly southeast corner of the herein described tract, from which a 1/2-inch iron rod with cap stamped "TXDOT" found on the northwest right-of-way of State Highway 130 (width varies) as dedicated by Agreed Judgement recorded in Document Number 2015-001129 of the Official Public Records of Caldwell County, Texas, at the most easterly corner of said Lockhart 130 Developers Tract 2, and at the most southerly corner of the remainder of said Ross Tract, bears S 35°59'01" E a distance of 227.99 feet;

THENCE, generally along a barbed wire fence, with the southeast line of said Chisholm Hill 56.75 acre tract and the northwest line of said Lockhart 130 Developers Tract 2, S 48°28'55" W a distance of 1,055.80 feet to a 1/2-inch iron rod found for an angle point;

THENCE, continuing generally along a barbed wire fence, with the southeast line of said Chisholm Hill 56.75 acre tract and the northwest line of said Lockhart 130 Developers Tract 2, S 48°24'53" W a distance of 839.21 feet to a calculated point on the west line of the Lockhart ETJ line as provided by Caldwell County, for the southwest corner of the herein described tract, from which a 3-inch metal fence post found at the most southerly corner of a called 40.29 acre tract of land described as Tract 1A as conveyed to Chisholm Hill, LP by Special Warranty Deed recorded in said Document Number 2022-005162 of the Official Public Records of Real Property of Caldwell County, Texas, bears S 48°24'53" W a distance of 2,694.87 feet;

THENCE, with the west line of said Lockhart ETJ and over and across said Chisholm Hill 56.75 acre tract, N 15°00'00" W a distance of 318.26 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 56.75 acre tract, N 05°00'00" W a distance of 504.95 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 56.75 acre tract and said Chisholm Hill 117.946 acre tract, N 31°29'42" W a distance of 706.01 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 117.946 acre tract, N 30°44'51" W a distance of 137.75 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 117.946 acre tract and said Chisholm Hill 379.689 acre tract, N 25°00'00" W a distance of 920.36 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 379.689 acre tract, N 15°00'00" W a distance of 920.36 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 379.689 acre tract, N 05°00'00" W a distance of 920.36 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 379.689 acre tract, N 05°00'00" E a distance of 405.24 feet to a calculated point on the northeast line of said Chisholm Hill 379.689 acre tract and the southwest line of said Dau Cattle Co. Tract, for the northwest corner of the herein described tract, from which a 1/2-inch iron rod with cap stamped "Hinkle Surveyors" found for reference bears N 30°56'31" W a distance of 476.86 feet;

THENCE, generally along a barbed wire fence, with the northeast line of said Chisholm Hill 379.689 acre tract and the southwest line of said Dau Cattle Co. Tract, S 30°56'31" E a distance of 206.10 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set at an interior corner of said Chisholm Hill 379.689 acre tract, and at the most southerly corner of said Dau Cattle Co. Tract, for an interior corner of the herein described tract;

THENCE, with a northwest line of said Chisholm Hill 379.689 acre tract and the southeast line of said Dau Cattle Co. Tract, N 60°50'18" E a distance of 204.81 feet to a 4-inch square concrete monument found leaning at an exterior corner of said Chisholm Hill 379.689 acre tract, and at the most westerly corner of said Morgan Tract, for an exterior corner of the herein described tract;

THENCE, with a northwest line of said Morgan Tract and the southeast line of said Dau Cattle Co. Tract, N 59°08'25" E a distance of 1,772.97 feet to the **POINT OF BEGINNING** and containing 224.692 acres (9,787,574 square feet) of land, more or less.

I hereby certify that these notes were prepared from a survey made on the ground by BGE Inc., under my supervision on September 14, 2023 and are true and correct to the best of my knowledge. Bearing orientation is based on the Texas State Plane Coordinate System, NAD 83, Texas South Central Zone 4204. Distances shown hereon are in surface and can be converted to grid by multiplying by the combined scale factor of 0.99988113. This description was prepared under 22 Texas Administrative Code § 138.95 and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared. A map accompanies this description.



Damian G. Fisher RPLS No. 6928
BGE, Inc.

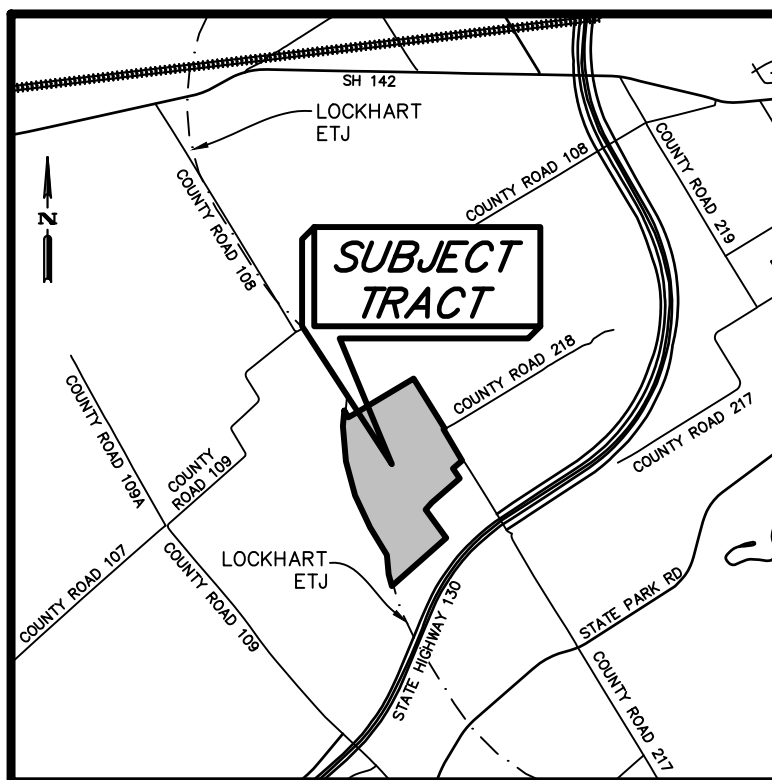
101 West Louis Henna Blvd, Suite 400
Austin, Texas 78728
Telephone: (512) 879-0400
TBPLS Licensed Surveying Firm No. 10106502



9/27/2023

Date

Client: CTX Management Holdings
Date: September 27, 2023
Job No: 11592-00



SCALE: 1" = 5,000'

LOCATION MAP

LOCKHART ETJ RELEASE
EDWARD D. MORGAN AND WILLIAM J.
MORGAN & CHISHOLM HILL, LP TRACTS
224.692 ACRES



BGE, Inc.

101 West Louis Henna Blvd., Suite 400
Austin, Texas 78728

Tel: 512-879-0400 • www.bgeinc.com

TBPELS Registration No. F-1046

TBPELS Licensed Surveying Firm No. 10106502

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
16159	MORGAN WILLIAM J & EDWARD D	A263 STUMPS, JOHN S., ACRES 100.45
14937	CHISHOLM HILL LP	A103 FLOYD, ADOLPHIN, ACRES 379.689, A043 BISSELL, A108 FINCH
39026	CHISHOLM HILL LP	A263 STUMPS, JOHN S., ACRES 56.733
16150	CHISHOLM HILL LP	A263 STUMPS, JOHN S., ACRES 115.294

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

WITNESS MY SIGNATURE THIS 1st day of November, 2023.

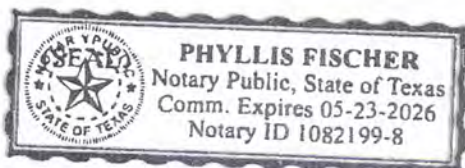
CALDWELL COUNTY APPRAISAL DISTRICT

By: Shanna RamzinskiName: Shanna RamzinskiTitle: Chief Appraiser

STATE OF TEXAS §

COUNTY OF CALDWELL §

This instrument was acknowledged before me on the 1st day of November, 2023 by Shanna Ramzinski, Chief Appraiser of the Caldwell County Appraisal District.



Phyllis Fischer

Name: Phyllis Fischer
Notary Public, State of Texas

METES & BOUNDS DESCRIPTION

FIELD NOTES FOR A 224.692 ACRE TRACT OF LAND OUT OF THE JOHN S. STUMP SURVEY, ABSTRACT NO. 263 AND THE THEODORE BISSELL SURVEY, ABSTRACT NO. 43, BOTH OF CALDWELL COUNTY, TEXAS; BEING ALL OF THE REMAINDER OF A CALLED 101.7 ACRE TRACT OF LAND AS CONVEYED TO EDWARD D. MORGAN AND WILLIAM J. MORGAN BY INSTRUMENT RECORDED IN VOLUME 387, PAGE 366 OF THE DEED RECORDS OF CALDWELL COUNTY, TEXAS, A PORTION OF A CALLED 379.689 ACRE TRACT OF LAND AS CONVEYED TO CHISHOLM HILL, LP BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NUMBER 2022-005152 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF CALDWELL COUNTY, TEXAS, A PORTION OF A CALLED 117.946 ACRE TRACT OF LAND AS CONVEYED TO CHISHOLM HILL, LP BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NUMBER 2022-005156 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF CALDWELL COUNTY, TEXAS, AND A PORTION OF A CALLED 56.75 ACRE TRACT OF LAND DESCRIBED AS TRACT 2 AS CONVEYED TO CHISHOLM HILL, LP BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NUMBER 2022-005162 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF CALDWELL COUNTY, TEXAS; SAID 224.692 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron pipe found on the southeast line of a called 109.4 acre tract of land described as Tract 1 as conveyed to Dau Cattle Co. LLC by Special Warranty Deed recorded in Document Number 134593 of the Official Public Records of Real Property of Caldwell County, Texas, at the most northerly corner of the above described Morgan Tract, and at the most westerly corner of a called 140.075 acre tract of land as conveyed to Kenneth Schawe by General Warranty Deed recorded in Volume 421, Page 18 of the Official Public Records of Real Property of Caldwell County, Texas, for the northeast corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, with the northeast line of said Morgan Tract and the southwest line of said Schawe Tract, S 31°52'39" E a distance of 1,532.47 feet to a disturbed 1/2-inch iron rod with illegible cap found on the northwest right-of-way line of Boggy Creek Road (County Road 218) (width varies, no deed of record found), at the most southerly corner of said Schawe Tract, and at an exterior corner of the remainder of said Morgan Tract, for an exterior corner of the herein described tract;

THENCE, with the northwest right-of-way line of said Boggy Creek Road and a southeast line of the remainder of said Morgan Tract, S 58°09'36" W a distance of 35.37 feet to a calculated point at the intersection with the southwest right-of-way line of said Boggy Creek Road, and at an interior corner of the remainder of said Morgan tract, for an interior corner of the herein described tract;

THENCE, with the southwest right-of-way line of said Boggy Creek Road and the northeast line of the remainder of said Morgan Tract, S 30°33'17" E a distance of 950.46 feet to a 1/2-inch iron rod found at the most easterly corner of the remainder of said Morgan Tract, and at the most northerly corner of a called 2.250 acre tract of land as conveyed to Victor Smith Terrell and wife, Laurie K. Terrell by Warranty Deed with Vendor's Lien recorded in Volume 245, Page 623 of the Official Public Records of Real Property of Caldwell County, Texas, for the most easterly southeast corner of the herein described tract;

THENCE, with a southeast line of the remainder of said Morgan Tract and the northwest line of said Terrell Tract, S 49°19'03" W a distance of 314.00 feet to a 1/2-inch iron rod found at an interior corner of the remainder of said Morgan Tract, and at the most westerly corner of said Terrell Tract, for an interior corner of the herein described tract;

THENCE, generally along a barbed wire fence, with a northeast line of the remainder of said Morgan Tract and the southwest line of said Terrell Tract, S 34°32'34" E a distance of 313.33 feet to a 1/2-inch iron rod found on the northwest line of a called 83.035 acre tract of land as conveyed to W. A. Ross and wife, Barbara E. Ross by Deed recorded in Volume 376, Page 128 of the Deed Records of Caldwell County, Texas, at an exterior corner of the remainder of said Morgan Tract, and at the most southerly corner of said Terrell Tract, for an exterior corner of the herein described tract, from which a 4-inch metal fence post found on the southwest line of said Boggy Creek Road, at the most easterly corner of said Terrell Tract and at the most northerly corner of said Ross Tract, bears N 49°14'32" E a distance of 314.42 feet;

THENCE, with the southeast line of said Morgan Tract and the northwest line of said Ross Tract, S 49°07'45" W a distance of 964.79 feet to a 1/2-inch iron rod found leaning at the most easterly corner of the above described Chisholm Hill 117.946 acre tract, and at the most southerly corner of said Morgan Tract, for an angle point, from which a 3/4-inch iron pipe found leaning bears N 73°40'39" E a distance of 4.46 feet,;

THENCE, with a southeast line of said Chisholm Hill 117.946 acre tract and the northwest line of said Ross Tract, S 41°51'12" W a distance of 241.89 feet to a railroad tie fence post found at the most westerly corner of said Ross Tract, and at the most northerly corner of the above described Chisholm Hill 56.75 acre tract, for an interior corner of the herein described tract;

THENCE, generally along a barbed wire fence, with the northeast line of said Chisholm Hill 56.75 acre tract and the southwest line of said Ross Tract, S 36°07'17" E a distance of 912.87 feet to a 3-inch metal fence post found at the most easterly corner of said Chisholm Hill 56.75 acre tract, and at the most northerly corner of a called 140.769 acre tract of land described as Tract 2 as conveyed to Lockhart 130 Developers LLC by General Warranty Deed recorded in Document Number 2021-004067 of the Official Public Records of Caldwell County, Texas, for the most southerly southeast corner of the herein described tract, from which a 1/2-inch iron rod with cap stamped "TXDOT" found on the northwest right-of-way of State Highway 130 (width varies) as dedicated by Agreed Judgement recorded in Document Number 2015-001129 of the Official Public Records of Caldwell County, Texas, at the most easterly corner of said Lockhart 130 Developers Tract 2, and at the most southerly corner of the remainder of said Ross Tract, bears S 35°59'01" E a distance of 227.99 feet;

THENCE, generally along a barbed wire fence, with the southeast line of said Chisholm Hill 56.75 acre tract and the northwest line of said Lockhart 130 Developers Tract 2, S 48°28'55" W a distance of 1,055.80 feet to a 1/2-inch iron rod found for an angle point;

THENCE, continuing generally along a barbed wire fence, with the southeast line of said Chisholm Hill 56.75 acre tract and the northwest line of said Lockhart 130 Developers Tract 2, S 48°24'53" W a distance of 839.21 feet to a calculated point on the west line of the Lockhart ETJ line as provided by Caldwell County, for the southwest corner of the herein described tract, from which a 3-inch metal fence post found at the most southerly corner of a called 40.29 acre tract of land described as Tract 1A as conveyed to Chisholm Hill, LP by Special Warranty Deed recorded in said Document Number 2022-005162 of the Official Public Records of Real Property of Caldwell County, Texas, bears S 48°24'53" W a distance of 2,694.87 feet;

THENCE, with the west line of said Lockhart ETJ and over and across said Chisholm Hill 56.75 acre tract, N 15°00'00" W a distance of 318.26 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 56.75 acre tract, N 05°00'00" W a distance of 504.95 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 56.75 acre tract and said Chisholm Hill 117.946 acre tract, N 31°29'42" W a distance of 706.01 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 117.946 acre tract, N 30°44'51" W a distance of 137.75 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 117.946 acre tract and said Chisholm Hill 379.689 acre tract, N 25°00'00" W a distance of 920.36 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 379.689 acre tract, N 15°00'00" W a distance of 920.36 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 379.689 acre tract, N 05°00'00" W a distance of 920.36 feet to a calculated angle point;

THENCE, continuing with the west line of said Lockhart ETJ and over and across said Chisholm Hill 379.689 acre tract, N 05°00'00" E a distance of 405.24 feet to a calculated point on the northeast line of said Chisholm Hill 379.689 acre tract and the southwest line of said Dau Cattle Co. Tract, for the northwest corner of the herein described tract, from which a 1/2-inch iron rod with cap stamped "Hinkle Surveyors" found for reference bears N 30°56'31" W a distance of 476.86 feet;

THENCE, generally along a barbed wire fence, with the northeast line of said Chisholm Hill 379.689 acre tract and the southwest line of said Dau Cattle Co. Tract, S 30°56'31" E a distance of 206.10 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set at an interior corner of said Chisholm Hill 379.689 acre tract, and at the most southerly corner of said Dau Cattle Co. Tract, for an interior corner of the herein described tract;

THENCE, with a northwest line of said Chisholm Hill 379.689 acre tract and the southeast line of said Dau Cattle Co. Tract, N 60°50'18" E a distance of 204.81 feet to a 4-inch square concrete monument found leaning at an exterior corner of said Chisholm Hill 379.689 acre tract, and at the most westerly corner of said Morgan Tract, for an exterior corner of the herein described tract;

THENCE, with a northwest line of said Morgan Tract and the southeast line of said Dau Cattle Co. Tract, N 59°08'25" E a distance of 1,772.97 feet to the **POINT OF BEGINNING** and containing 224.692 acres (9,787,574 square feet) of land, more or less.

I hereby certify that these notes were prepared from a survey made on the ground by BGE Inc., under my supervision on September 14, 2023 and are true and correct to the best of my knowledge. Bearing orientation is based on the Texas State Plane Coordinate System, NAD 83, Texas South Central Zone 4204. Distances shown hereon are in surface and can be converted to grid by multiplying by the combined scale factor of 0.99988113. This description was prepared under 22 Texas Administrative Code § 138.95 and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared. A map accompanies this description.


Damian G. Fisher RPLS No. 6928
BGE, Inc.
101 West Louis Henna Blvd, Suite 400
Austin, Texas 78728
Telephone: (512) 879-0400
TBPLS Licensed Surveying Firm No. 10106502



9/27/2023

Date

Client: CTX Management Holdings
Date: September 27, 2023
Job No: 11592-00

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: December 19, 2023

AGENDA ITEM CAPTION: Consideration and action to amend the Consent Agreement for creation of Clear Fork Ranch MUD (Caldwell Co. MUD No. 2) dated January 16, 2019, for Perry Homes (Juniper Springs) development.

ORIGINATING DEPARTMENT AND CONTACT: City Attorney - Monte Akers

ACTION REQUESTED: Agreement

BACKGROUND/SUMMARY/DISCUSSION: Perry Homes is the current owner of land in the MUD scheduled for development of the Juniper Springs subdivision, which will include construction of a new elementary school for the Lockhart Independent School District. In order to expedite the process for approval of a final plat and construction drawings for the school, it is desirable to amend the 2019 Consent Agreement to provide for review of the same by Caldwell County, which will be reviewing the final plat application and construction drawings for the project as well, rather than the City.

PROJECT SCHEDULE (if applicable): Construction of the school is targeted for mid-January, 2024.

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable):

PREVIOUS COUNCIL ACTION: Approval of consent to creation of the MUD dated January 16, 2023.

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Approval of amendment.

LIST OF SUPPORTING DOCUMENTS: Draft Amendment of Consent Agreement, .

AMENDMENT OF CONSENT AGREEMENT

This Amendment of Consent Agreement (hereinafter “Amendment”) is entered into by the City of Lockhart, a home rule city located in Caldwell County, and PHAU-Lockhart 450, LLC, a Texas limited liability company (“PHAU”) (as *successor to J&P Lockhart I, LP, a Texas limited partnership*), effective as of December 19, 2023 (the “Effective Date”).

RECITALS

1. The City of Lockhart (hereinafter “City”) entered into a Consent Agreement for creation of Clear Fork Ranch Municipal Utility District, with J&P Lockhart I, LP (JPLI) and J&P Lockhart Builders, LP (JPLB) executed by the City on January 15, 2019, and by JPLI and JPLB on January 16, 2019, and approved by the City Council of the City by Resolution No. 2019-04 (the “Consent Agreement”).
2. The Consent Agreement set forth the terms and conditions for City consent to the inclusion of lands located in the City’s extraterritorial jurisdiction into a municipal utility district referred to therein as “Clear Fork Ranch Municipal Utility District” and subsequently named “Caldwell Municipal Utility District No. 2” upon its creation by the Texas Legislature.
3. PHAU has acquired those certain lands described in Exhibit “A” attached hereto (the “PHAU Property”) and is developing the PHAU Property as a master-planned single family residential development known as “Juniper Springs” or the “Project”.
4. Pursuant to Sec. 5.02(b) of the Consent Agreement, JPLI assigned its interest in the Consent Agreement as it relates to the PHAU Property to Assignor pursuant to that certain Assignment and Assumption of Rights, Duties and Obligations under Consent Agreement effective July 29, 2021 (the “Assignment”), a copy of which is attached hereto as Exhibit “B”.
5. A copy of the executed Assignment was not provided to the City within fifteen (15) days as required by Sec. 5.02 (b) of the Agreement.
6. The Consent Agreement provides, in Sec. 2.11, for conveyance of land to the Lockhart Independent School District (hereinafter “LISD”) for a new elementary school, which land is located in Phase 16 of the Project, as referenced below.
7. The Parties desire to amend the Consent Agreement as it relates to the PHAU Property but not otherwise and to reach further agreement, if necessary, in order to facilitate timely review and approval of plans for the construction of the elementary school and for development of the remaining lands in the Project.
8. A preliminary plat for the Project has heretofore been approved by the City and shall remain in full force and effect until succeeded by a final plat.

I.

AMENDMENT

For and in consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt and sufficiency are hereby acknowledged, City and PHAU agree as follows:

1. A copy of the Assignment is attached hereto as Exhibit "B" and the requirement in Sec. 5.02(b) for submission of the same to the City within 15 days of the assignment is hereby considered to be satisfied.
2. Section 2.07 of the Consent Agreement is hereby amended by deletion of the current language and its replacement with the following:

Section 2.07. Construction and Inspection of Facilities.

- (a) The District (or Developers on behalf of the District) shall construct all facilities to serve the ETJ Land in accordance with applicable Caldwell County or City requirements, subdivision regulations, construction standards, and design standards, including but not limited to applicable fire flow standards and fire hydrants, drainage detention regulations, floodplain regulations, building code, and sign ordinance, as specified in (c) below.*
- (b) Reasonable proof (including fire hydrant flow test data) shall be furnished to the City to demonstrate that applicable City fire flow standards will be met in the Project with the filing of the preliminary plat of any subdivision within the Project.*
- (c) Review and approval of construction within the Project shall be accomplished as follows:*
 - (i) By Caldwell County with regard to that portion of the facilities located within Phases 9 (65 lots), 10 (54 lots), and 16 (1 lot), as depicted on the updated lotting plan that is attached to this Amendment as Exhibit "C" and which is incorporated into the Consent Agreement for all purposes.*
 - (ii) By the City with regard to the facilities located within the Project other than Phases 9, 10, and 16 unless the City elects to allow the County to complete the review and approval process, as described in II b below. Should the City not so elect, City shall provide any and all comments required for its approval within twenty-one (21) days of its receipt of the request for approval, and in the event the City's fails to make comments or to otherwise complete its review and approval within said time, then the application shall be deemed approved by the City for all purposes.*

II.

AGREEMENT

For and in consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt and sufficiency are hereby acknowledged, City and PHAU further agree as follows:

1. A preliminary plat for the Project has heretofore been approved by the City and shall remain in full force and effect until succeeded by a final plat.
2. Within 180 days from the effective date of this Agreement, PHAU will apply to the City to voluntarily include all of the PHAU Land not currently within the ETJ of the City into the City' ETJ, less the land conveyed to the Lockhart Independent School District for a new elementary school located in Phase 16 (and less any other Project lands not currently owned by PHAU if any), including any land in the ETJ currently belonging to PHAU that was released from the ETJ by petition or operation of law.
3. With regard to facilities located within the Project other than those in Phases 9, 10, and 16, the City may elect, by written notice to PHAU and Caldwell County, to allow the County to continue and complete the review and approval for such facilities. Any such notice shall be given within ten (10) days of receipt of an administratively complete application. In the event that City does so elect, and in the event that City and County engineering standards or subdivision requirements conflict or are inconsistent, City standards shall apply.
4. The terms of this Amendment and City's agreement thereto is predicated on the cooperation and actions of PHAU in regard to completion of its commitment to the LISD for construction of an elementary school, and failure of PHAU to do so shall, upon City's receipt of notice from LISD of such failure, cause this Amendment to become null and void.
5. Force Majeure. City and PHAU agree that the obligations of each party shall be subject to force majeure events such as natural calamity, fire, pandemic, or strike.
6. Signature Warranty Clause. The signatories to this Amendment represent and warrant that they have the authority to execute this Amendment on behalf of PHAU and the City, respectively.
7. Multiple Counterparts. This Amendment may be executed in several counterparts, all of which taken together shall constitute one single agreement between the parties.
8. This Amendment shall not alter or amend the Consent Agreement as it relates to lands owned by, or the rights and obligations of, persons or entities other than PHAU.
9. To the extent necessary, City and PHAU will cooperate in good faith to facilitate timely construction of the elementary school or other facilities in the Project.

SIGNATURE LINES AND SIGNATURES FOLLOW ON THE NEXT PAGE

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the dates indicated below.

CITY OF LOCKHART:

Lew White, Mayor

Date: _____

ATTEST:

Julie Bowerman, Acting City Secretary

PHAU-LOCKHART 450, LLC, By:

PH Land Holdings, LLC, a Texas limited liability company, its Managing Member:

Nick McIntyre, Sr. Vice President for Land

Date: _____

Exhibit “A”
Description of PHAU Property

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

BEING a 485.169 acre (21,133,969 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 59.289 acre tract described in instrument to Jakovich Interest LLC in Document No. 2022-000879 of the Official Public Records of Caldwell County, further being all of that

- certain 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;
- certain 133.1 acre tract described in instrument to Clark R. and Anne J. William recorded in Document No. 122818 of the Official Public Records of Caldwell County;
- 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; and being more particularly described as follows:

BEGINNING 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 59.289 acre tract described in instrument to Jakovich Interest LLC, recorded in Document No. 2022-000879 of the of the Official Public Records of Caldwell County;

THENCE, along the said northeasterly right of way line of County Road 108 (Borcher Loop) the following two (2) courses and distances:

1. North 31°42'12" West, 831.96 feet to a 60D nail found in a wood post for corner;
2. North 31°09'41" West, 1784.12 feet to a rail road tie corner post found marking the west corner of said 316.436 acre tract and the south corner of that certain 133.1 acre tract described in instrument to William R. Clark and Anne J. Clark recorded in Document No. 122818 of the Official Public Records of Caldwell County;
3. North 31°45'04" West, 2080.69 feet to a brass disk in concrete (TxDOT Type 2 monument) found on the southeasterly right of way line of State Highway 142 (width varies) marking the west corner of said 133.1 acre tract;

THENCE, along the said southeasterly right of way line of State Highway 142 the following four (4) courses and distances:

1. North 77°29'15" East, 403.50 feet to a brass disk in concrete (TxDOT Type 2 monument) found for corner;
2. North 77°35'36" East, 614.53 feet to a brass disk in concrete (TxDOT Type 2 monument) found for a point of curvature;
3. in a northeasterly direction, along a tangent curve to the left, a central angle of 16°47'34", a radius of 1979.86 feet, a chord bearing and distance of North 69°11'50" East, 578.20 feet, and a total arc length of 580.27 feet to a brass disk in concrete (TxDOT Type 2 monument) found for the point of tangency;
4. 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 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;

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 1839.85 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, 1200.54 feet to a brass disk in concrete (TxDOT Type 2 monument) found marking the northeast corner of said 133.1 acre tract, and the northwest corner of that certain 55.627 acre tract described in instrument to Charles D. and Jane Spillmann recorded in Document No. 2016-004753 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 133.1 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, 2283.22 feet along the southeasterly line of aforesaid 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 the north corner of said 59.289 acre tract;

THENCE, South 31°48'12" East, 633.97 feet along the common line of said 59.289 acre tracts 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 59.289 acre tract and the south corner of said 45.489 acre tract;

THENCE, South 59°04'39" West, 2248.07 feet along the southeasterly line of said 59.289 acre tract to a 2" steel fence post found marking the most north-northwest corner of that certain 23.849 acre tract described in instrument to Kevin Dwane Schnautz recorded in Document No. 2015-005803 of the Official Public Records of Caldwell County;

THENCE, North 31°05'36" West, 627.22 feet crossing said 59.289 acre tract to a 1/2-inch iron rod with plastic cap stamped "KHA" set on the southeasterly line of aforesaid 316.436 acre tract, and the northwesterly line of said 59.289 acre tract;

THENCE, along the southeasterly line of aforesaid 316.436 acre tract the following three (3) courses and distances:

1. South 58°54'24" West, 620.36 feet to a 1/2-inch iron rod with cap stamped "HARPER" marking the east corner of said 0.5165 acre tract;
2. South 58°54'24" West, 150.00 feet to a 1/2-inch iron rod with cap stamped "HARPER" marking the south corner of said 0.5165 acre tract;
3. South 58°54'24" West, 1186.55 feet along the southeasterly line of aforesaid 316.436 acre tract to the **POINT OF BEGINNING** and containing 485.169 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 description was generated on 7/21/2022 at 12:27 PM, based on geometry in the drawing file K:\SNA_Survey\PERRY HOMES CLEAR FORK RANCH\068725500-CLEAR FORK RANCH\DWG\Exhibits\B-CLEAR FORK RANCH.dwg, in the office of Kimley-Horn and Associates in San Antonio, Texas.

John G. Mosier 8-2-22

John G. Mosier
Registered Professional Land Surveyor No. 6330
Kimley-Horn and Associates, Inc.
601 NW Loop 410, Suite 350
San Antonio, Texas 78216
Ph. 210-541-9166
greg.mosier@kimley-horn.com



Exhibit “B”
Assignment of Consent Agreement

**ASSIGNMENT AND ASSUMPTION OF RIGHTS, DUTIES AND OBLIGATIONS UNDER
CONSENT AGREEMENT**

THE STATE OF TEXAS §
 §
COUNTY OF CALWELL §

This Assignment and Assumption of Rights, Duties and Obligations under Consent Agreement (this "Assignment") is executed effective this 29th day of July, 2021 (the "Effective Date"), between **J&P LOCKHART I, LP**, a Texas limited partnership ("Assignor"), and **PHAU-LOCKHART 450, LLC**, a Texas limited liability company ("Assignee"). In this Assignment, Assignor and Assignee are sometimes referred to individually as a "Party" and collectively as the "Parties".

RECITALS

A. Assignor, J & P LOCKHART BUILDERS, LP, a Texas limited partnership, Caldwell County Municipal Utility District No. 2 (the "District") and the City of Lockhart ("City") entered into that certain Consent Agreement first executed by the City on January 15, 2019 and by Assignors on January 16, 2019 setting forth the terms and conditions pursuant to which the City consented to the creation of the District (the "Consent Agreement") with respect to that portion of the District then located in the City's extraterritorial jurisdiction;

B. JPLI and Assignee are parties to that certain "Contract of Sale" (the "Purchase Agreement") under which Assignor has agreed to sell and Assignee has agreed to purchase, the real property defined in the Consent Agreement as the "Land."

C. Section 5.02(b) of the Consent Agreement authorizes Assignor to assign the Consent Agreement, in whole or in part, to any person or entity, provided certain conditions are met, including that the assignee is a successor owner to all or part of the real property that is the subject of the Consent Agreement; and

D. Assignor desires to assign to Assignee, and Assignee desires to accept and assume from Assignor, certain of Assignor's rights, duties and obligations under the Consent Agreement as set forth herein;

Therefore, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties agree as follows:

1. Assignment. Subject to the terms of this Assignment, Assignor hereby transfers and assigns to Assignee all of Assignor's rights, title, interest, duties and obligations in, to and under the Consent Agreement as they relate to the Land and arise after the Effective Date, and Assignee hereby assumes and agrees to perform all obligations of Assignor under the Consent Agreement to the extent they relate to the Land and arise after the Effective Date.

2. Execution. To facilitate execution, this Assignment may be executed in any number of counterparts, and it will not be necessary that the signatures of all Parties be contained on any one counterpart. Additionally, for purposes of facilitating the execution of this Assignment, the signature pages taken from separate, individually executed counterparts of this Assignment may be combined to form multiple fully executed counterparts and a facsimile signature will be deemed to be an original signature

for all purposes. All executed counterparts of this Assignment will be deemed to be originals, but such counterparts, when taken together, will constitute one and the same instrument.

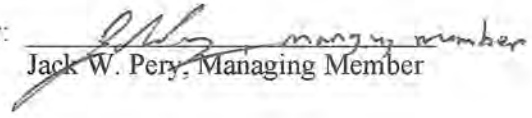
[The remainder of this page intentionally left blank.]

EXECUTED on the date or dates set forth below, to be effective as of the Effective Date.

ASSIGNOR:

J & P LOCKHART I, LP,
a Texas limited partnership

By: Jakovich & Perry Capital Partners, LLC,
a Texas limited liability company, its general
partner

By:  *managing member*
Jack W. Perry, Managing Member

ASSIGNEE:

PHAU-LOCKHART 450, LLC,
a Colorado Texas limited liability company

By: PH LAND HOLDINGS, LLC, A Texas limited
liability company, its Sole Member

By: _____

Name: Nick McIntyre

Title: VP Land

Exhibit “C”
Lotting Plan



45' lots - 60
50' lots - 26
60' lots - 37
TOTAL: 123

EXISTING CONTOUR	EXISTING POWER LINE
EXISTING OVERHEAD POWER LINE	
EXISTING WATER LINE	
EXISTING WASTEWATER LINE	
EXISTING POWER POLE	
EXISTING FIRE HYDRANT	
EXISTING WATER METER	
EXISTING WASTEWATER MANHOLE	
STRUCTURE/VEHICLE TO BE REMOVED	



UTILITY LEGEND

PROJECT NAME
PHASE
CITY OF XXXXXXXX
XXXXXXXXXX COUNTY, TEXAS

KHA PROJECT XXXXXXXXXX
DATE MONTH YEAR
SCALE: AS SHOWN
DESIGNED BY: XXX
DRAWN BY: XXX
CHECKED BY: XXX

Kimley»Horn
© 2025 KIMLEY-HORN AND ASSOCIATES, INC.
15814 JOLLYVILLE ROAD, CAMPUS IV, SUITE 200, AUSTIN TX 78758
PHONE: 512-416-1771 FAX: 512-416-1791
WWW.KIMLEY-HORN.COM
TEXAS REGISTERED ENGINEERING FIRM #4228

No.	ISC code/name	State	



Lockhart

T E X A S

2022-2023 Strategic Work Plan



The Strategic Planning Process

From January through April 2022, the City of Lockhart embarked on a strategic planning process to create strategic priorities for 2022-2023. The following is the process used to reach the conclusions for the plan:

The process kicked off with a preliminary Zoom between the City Manager, Steve Lewis, Mayor Lew White, and professional facilitator Alysia A. Cook, PCED, IOM with Opportunity Strategies LLC. The three met to review key issues facing the city, understand the programs and projects currently underway, and to prepare the process and format for the planning session.

On April 8, 2022, the City of Lockhart Management Team met at the Library for Part 1 of the Strategic Work Planning Session for 2022-2023.

On April 9, 2022, the City of Lockhart City Council and City Manager met at the Library for Part 2 of the Strategic Work Planning Session for 2022-2023.



Day One – Management Team

Day One began with City Manager Steve Lewis reviewing with the Management Team the City of Lockhart's accomplishments and success stories of 2021.

Following that, the City Manager and the facilitator shared some leadership concepts and considerations with the Lockhart Management Team. This led to some group discussions about the importance of continuous learning and leadership development.

The City Manager discussed with the participants that when goals are adopted by the City Council, they provide a positive impact for the Management Team in at least 4 different ways:

- a) Direction is clearly set by City Council
- b) Once that direction is established, differences can be discussed in a more open, less polarizing manner
- c) Saves time in decision making on projects/programs
- d) City Manager's recommendations can be better aligned with ultimate objectives

Mission of Lockhart Management Team

To promote and influence the alignment of organizational resources by focusing on:

- a) Organizational planning and issues
- b) Open communication with elected officials, staff, boards, commissions, and citizens
- c) Ensuring City of Lockhart is a leader in Central Texas regarding issues with community relevance
- d) Implementing programs that derive from the City Council and community's goals

Start – Stop – Continue

The facilitator then engaged the Management Team in a group exercise called *Start – Stop – Continue* which divides participants into small groups and has them offer feedback on what the City needs to start doing, stop doing, and continue doing.

These are individual manager recommendations and not necessarily agreed to by all managers or by City Council members. The responses are as follows:

Start

- Long-term capital planning
- Increasing non-emergency communications
- Administering annual customer service surveys that are statistically valid
- Developing recreation programs
- Indoor community recreation center
- City facilities and community infrastructure improvements
- New spaces for city facilities
- Modernize Human Resources policies including technology
- A vehicle acquisition fund
- Decreasing steps in the hiring process
- Staff planning for future growth
- Modernizing our contracts, best practices, attorney, etc. including reviewing for mutually beneficial language and avoiding one-sided contracts

Stop

- Ineffective/outdated contracts
- Thinking small
- Six-month probationary period for personnel
- Reconnecting customers after 10pm
- Providing free services (such as banners and road closures) and establish a fee schedule for these special requests
- Requiring utility inspections for every change of occupant

Continue

- Longevity pay
- Forward-looking planning for quality growth
- Law enforcement outreach with community
- Contracting (sending RFPs) for solid waste collection
- Supporting tourism
- Modernizing technology, e.g. paperless, Go Green
- Enhancing community investment
- Planning our wayfinding and signage
- Growing events that enhance overnight stays in Lockhart and maximize HOT \$ collections
- Economic growth including considering developing a 4th industrial park
- Striving for improved customer service
- Community engagement including public open houses and social media



Next, the Management Team embarked on a discussion around the following topics which also included some departmental reports on the status of various projects:

- Growth Trends
- Land Development
- Economic Development
- Service Delivery
- Workforce Development
- Long Range Financial Outlook

Following those discussions, the facilitator led the Management Team through a discussion of what they each thought should be the 2022-2023 goals City Council would establish the following day. She recorded those recommendations, then the group reached consensus on what would be put forth to the Council to consider.

The final decisions for 2022-2023 were made by City Council the following day and are listed below.

Day Two – City Council

Day Two began with City Manager Steve Lewis reviewing with City Council the City of Lockhart's accomplishments and success stories of 2021.

Expectations – City Council

Following that, the facilitator asked City Council to share any expectations for the day. Responses were as follows:

- TxDOT – Wayfinding and Signage
- Summerside Subdivision turn lane and traffic light
- Urgent Care facility
- Comprehensive mental health care for first responders
- Keeping City Staff wages competitive
- Need for an Assistant City Manager
- Need for a grantwriter
- Regional animal shelter
- Next industrial park and/or property

The following is the City of Lockhart 2022-2023 Strategic Work Plan.

City of Lockhart Vision:

- To be a first-class community that has maintained its integrity and sense of community characterized by livable neighborhoods and quality schools.
- To be a City that focuses on family by ensuring quality recreational and cultural activities, services, housing, economic, and educational opportunities that promote a well-rounded productive member of the community.
- To be a City that is friendly to visitors and future residents with a spirit of fellowship and cooperation by accommodating their needs and recognizing the wealth in cultural, ethnic and age diversity.
- To be a City committed to sustainability by diligently balancing community needs with available resources and managing growth in a smart and fiscally responsible manner.
- To be a City that celebrates and embraces its long and rich history by reinvesting in neighborhoods, preserving areas and buildings of historic significance and returning the Central Business District to an economically viable and lively activity center.
- To be a City recognized for the quality of its built environment and the integration of the natural landscape throughout the community.
- To be a City that ensures a good balance between residential, commercial, industrial, and public/institutional uses supported by quality infrastructure and transportation systems.
- To be a City known for its innovative solutions to managing growth, progressiveness of City government, and responsiveness to the needs of citizens and businesses.

Source: Lockhart 2020 Comprehensive Plan

Goal #1:

**City
Facilities**

Goal #2:

**Human Resources/
Staffing**

Goal #3:

**Parks &
Recreation**

Goal #4:

Infrastructure

Goal #5:

**Modernization &
Communications**

Goal #6:

**Development &
Quality of Life**

Goal #7:

**Revenue
Sustainability**

2022-2023 Goals:

Each of the following seven goals is guided by the values of diversity and inclusion. Diversity and inclusion are a tapestry that is woven through every goal, every service, and every program.

Goal #1: City Facilities

To begin planning for new city facilities and offices.

Goal #2: Human Resources/Staffing

To enhance our HR services to ensure Lockhart remains a competitive employer.

Goal #3: Parks & Recreation

To develop the Parks & Recreation program and services.

Goal #4: Infrastructure

To enhance physical infrastructure and branded wayfinding throughout Lockhart.

Goal #5: Modernization & Communications

To modernize our in-house and online technology, systems, and communications to serve residents more efficiently and tell the Lockhart story.

Goal #6: Development & Quality of Life

To continually improve the quality of life and employment opportunities of the people of Lockhart.

Goal #7: Revenue Sustainability

To ensure the long-term financial health and sustainability of the City of Lockhart.

Goal #1: City Facilities

To begin planning for new city facilities and offices.

- 1.1 Consider which facilities improvements should be funded by certificates of obligation vs. bonds
- 1.2 Begin plans to replace/update City Hall
- 1.3 Begin plans to replace/update Police/Fire/Training facilities
- 1.4 Begin plans to replace/update Maintenance/City Barn Utilities
- 1.5 Reclaim old space at the hospital
- 1.6 Lease additional space at the EDC building
- 1.7 Conduct a Facilities Study with architects and engineers
- 1.8 Consider Airport improvements (TxDOT Aviation) in the study

Goal #2: Human Resources/Staffing

To enhance our HR services to ensure Lockhart remains a competitive employer.

- 2.1 Hire ACM (Assistant City Manager) immediately
- 2.2 Hire City Manager Support Staff (Executive Assistant or Administrative Assistant)
- 2.3 Once new ACM is hired, assign him/her with developing a Staffing Plan
- 2.4 Once new ACM is hired, assign him/her with developing a Succession Plan
- 2.5 Consider adding additional staff city-wide as needed
- 2.6 Retain law enforcement officers by ensuring compensation competitiveness
- 2.7 Implement a formal EAP (Employee Assistance Program)
- 2.8 Secure a grantwriter (explore opportunities for hiring one vs. contractor)

Goal #3: Parks & Recreation

To develop the Parks & Recreation program and services.

- 3.1 Develop adult and youth programming that utilize existing facilities
- 3.2 Conduct successful outreach to sports leagues across Texas and neighboring states
- 3.3 Consider new Parks & Rec facilities such as pickleball, volleyball, and frisbee golf
- 3.4 Plan for and implement safety improvements of existing facilities
- 3.5 Plan for and implement aesthetic improvements of existing facilities
- 3.6 City Council requests to meet with Parks & Rec Director and City Manager to discuss ideas and brainstorm next steps in the Parks Plan including:
 - Work session, then tour Parks facilities with Parks & Rec Director
 - Discuss short-term vs. long-term Parks & Rec needs
 - Develop plan to survey citizens including bond exploration

Goal #4: Infrastructure

To enhance physical infrastructure and branded wayfinding throughout Lockhart.

- 4.1 Conduct public open houses to determine public wishes for Downtown
- 4.2 Council to approve a final Downtown Conceptual Design and authorize staff to implement
- 4.3 Consider an additional commercial district with retail and mixed-use offerings
- 4.4 Issue the RFP for a Comprehensive Plan update (hire firm by January 2023, then CIP (capital improvement plan) to follow
- 4.5 Explore downtown WiFi options including geofencing

Goal #5: Modernization & Communications

To modernize our in-house and online technology, systems, and communications to serve residents more efficiently and tell the Lockhart story.

- 5.1 PIO (Public Information Officer) to secure proposals for a new website design including:
 - Online forms and application portals (permitting, employment, variance requests, etc.)
 - Must be mobile responsive platform
 - Ensure ease of use and innovative utility of site
 - Include a portal to the Lockhart Economic Development Corporation website
- 5.2 Hire a consultant to 1) build a survey to ask the public what information they seek to find on the City of Lockhart website and 2) compare Lockhart website to other communities with high utilization of an innovative website
- 5.3 Streamline application processes of permits, developer proposals, engineering, employment, etc. to be placed on website (see 5.1)
- 5.4 Verify internet access at all City facilities



Goal #6: Development & Quality of Life

To continually improve the quality of life and employment opportunities of the people of Lockhart.

- 6.1 Consider proposed sidewalk ordinance
- 6.2 Facilitate/incentivize more housing options including:
 - Rental housing options
 - Workforce housing options
 - Higher-income housing
 - Infill/revitalized housing within centers of commerce (existing or planned)
 - Senior/retiree housing
- 6.3 Continue to promote family-friendly events in Downtown
- 6.4 Encourage higher development standards (within state legislature constraints) to research modernization techniques and make recommendations to City Manager for consideration
- 6.5 Continue to implement Animal Control Audit recommendations
- 6.6 Continue to provide concerts on the square

Goal #7: Revenue Sustainability

To ensure the long-term financial health and sustainability of the City of Lockhart.

- 7.1 Explore and increase film production permitting fees
- 7.2 Create and implement fees for banners, road closures, event special requests
- 7.3 Use grantwriter (see 2.8) to find and write grants that benefit the City of Lockhart and its residents
- 7.4 Conduct discussions between City Council and Staff regarding which items can/should be funded by certificates of obligation vs. bonds
- 7.5 Update/increase construction permit fees and impact fees
- 7.6 Explore a bond vote for the items proposed by Parks & Rec and Council from Goal #3
- 7.7 Explore the concept of a Community Foundation with community benefactor options including other communities who have successfully created and implemented a Community Foundation

City of Lockhart Leadership

The 2022 City Council and Management Team participating:

City Council:

Lew White, Mayor
Angie Gonzales-Sanchez, Mayor Pro-Tem
Brad Westmoreland, Councilmember At-Large
Juan Mendoza, Councilmember District 1
David Bryant, Councilmember District 2
Kara McGregor, Councilmember District 3
Jeffrey Michelson, Councilmember District 4

Management Team:

Steve Lewis, City Manager
Julie Bowermon, Director of Human Resources
Connie Constancio, City Secretary
Travis Hughes, Director of Parks & Recreation
Randy Jenkins, Fire Chief
Mike Kamerlander, Economic Development Director
Sean Kelley, Public Works Director
Pam Larison, Director of Finance
Bobby Leos, Electric Superintendent
Victoria Maranan, Public Information Officer
Bertha Martinez, Director of Library Services
Ernest Pedraza, Chief of Police





City of Lockhart

2020-2021 Strategic Priorities

Prepared by:

