

Resolution

The Spillman Ranch Community, Inc.

State of Texas)
)
County of Travis)

WHEREAS, The Spillman Ranch Community, Inc. was granted a nonexclusive easement, along with the Village of Bee Cave, Texas (now known as the City of Bee Cave, Texas) for drainage, water quality, landscape and sidewalk easement purposes (hereinafter referred to as the "Drainage Easement") pursuant to that document recorded in Document No. 2002179495, Official Public Records, Travis County, Texas by the original developers/owners of the The Spillman Ranch, Spillman Investment Group, Ltd. and Spillman Development Group, Ltd.; and

WHEREAS, the Drainage Easement's primary purpose was for conveyance and treatment of storm water runoff; and whereas a Drainage Easement area, described as the "Restricted Property" could also be used for landscaping and sidewalk construction, among other "Permitted Improvements," only with the consent of both named easement beneficiaries; i.e., the City of Bee Cave and The Spillman Ranch Community, Inc.; and

WHEREAS, The Spillman Ranch Community, Inc. does not believe the construction of a sidewalk on the south side of Falconhead Boulevard from Spillman Loop to Myrtle Beach or from Myrtle Beach to the Gateway tract along FM 620 is in the best interest of The Spillman Ranch Community, Inc., also known as Falconhead, for the following reasons:

1. A sidewalk within the Drainage Easement will necessarily interfere with the primary function of the easement for storm water drainage and water quality control;
2. Any sidewalk within the Drainage Easement or future-acquired sidewalk easement on the south side of Falconhead Boulevard will be dangerously close to the travel portion of the road and/or create conflicts with golfers along the sixth hole tee box and fairway;
3. A sidewalk extending along the south side of Falconhead Boulevard beyond the Drainage Easement area will be unduly expensive to bridge two golf cart tunnels;
4. The sidewalk is unnecessary for the community, which already has an 8' sidewalk along the north side of Falconhead Boulevard from Spillman Loop to just behind the commercial tracts on FM 620 and which also provides connectivity with Lake Travis Middle School to the north and eventually to Central Park to the south; and
5. There is presently no dedicated sidewalk easement on the south side of Falconhead Boulevard east of Myrtle Beach Drive, and no such easement will likely ever be acquired.

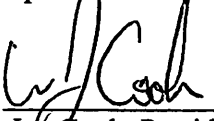
WHEREAS, any of the defined "Permitted Improvements" in the Drainage Easement, such as sidewalk improvements, require the written approval of both the City of Bee Cave, Texas and The Spillman Ranch Community, Inc.; and

WHEREAS, the City of Bee Cave has not given its written approval for the construction of a sidewalk within this Drainage Easement, but the Planning Commission has recommended that fencing of residential lots within the proposed Spillman Ranch Section 10 (which would otherwise be allowed within the Drainage Easement), be located on the south boundary of the Drainage Easement in order to accommodate a prospective future sidewalk within the Drainage Easement; and

WHEREAS, The Spillman Ranch Community, Inc. desires to clarify the rights of the owner of the proposed Spillman Ranch Section 10 with respect to the permitted uses of the encumbered Drainage Easement area; and does not object to a metal wrought iron design fence within the Drainage Easement located along the line described in the attached Fence Plan on proposed Spillman Ranch Section 10 Lots 1-2, Block A and Lots 1-5, Block B.

NOW, THEREFORE, The Spillman Ranch Community, Inc. Resolves and Declares that it does not approve any future construction of a sidewalk within the Drainage Easement over and across the proposed Spillman Ranch Section 10, over which it has the continuing duty to maintain under its NTS Pollution Control Plan, and Resolves further that The Spillman Ranch Community, Inc. approves the Fence Plan attached hereto as a Permitted Improvement in the Drainage Easement.

The Spillman Ranch Community, Inc.

By: 
Joe Cook, President

Date: 08/31/2016