

AFFIDAVIT REGARDING
IMPERVIOUS COVER ALLOWANCE

DATE: February ____, 2015

OWNER: TCHMALL SPORTS, LLC, a Texas limited liability company
11715 RM 2244, Suite 300
Austin, Texas 78738

PROPERTY: Lot 1, Block A (8.603 AC.), HCI Subdivision, in Travis County, Texas,
according to the map or plat of record in Document No. 201300022, Official
Public Records of Travis County, Texas.

The undersigned Affiant, being the Owner of the above referenced Property, after being duly sworn hereby states under oath that the following information is true and correct:

“Owner intends to develop and make valuable improvements to the Property, pursuant to the restrictions, requirements, rules and guidelines applicable to such development and improvements through ordinances of the City of Bee Cave, including its Code of 2014 and zoning ordinance no. 12-113, as subsequently amended in zoning ordinance no. 14-201.

“Impervious cover is authorized for the Property under section 8, on page 4, of the Planned Development Standards – HCI, attached as Exhibit C to ordinance no. 14-201. As outlined therein, *“The Project shall be authorized up to 40% impervious cover. Any impervious cover that is proposed for the Project in excess of 40% may be authorized as follows: (1) Up to 5% credit for construction and use of a rainwater collection system. (2) Transfer of available impervious cover from adjoining property”*

“Note (2) of Exhibit B-1 of ordinance no. 12-113 states: *“Individual Parcels within the Skaggs development may increase their impervious cover by 5% of the respective parcel area if rainwater harvesting is incorporated in accordance with Section 20.04.052 of the City’s Code of Ordinances.”*

“Note (3) of Exhibit B-1 of ordinance no. 12-113 states: *“Impervious cover may be transferred from tract to tract within the Skaggs 44.873 acre tract.”*

“That above note (3) is consistent with the instrument entitled Exception Request Letter – Overall Impervious Calculations, executed on May 10, 2012, as an agreement between JSJMCL, LLC (Owner’s predecessor in title for the Property and the HCI project) and Tim and Brenda Skaggs (Owners of the remainder of the land within the HCI Subdivision - Phase One), which states: *“Upon formation of the Hill Country Indoor Planned Development District, the Skaggs family and HCI would request an exception to the standards set forth in 20.04.043(c). In lieu of calculating impervious cover on an individual tract by tract basis, we would request that impervious credit be derived as a whole over the entire 45 acre tract.”* A true and correct copy of that instrument is attached hereto as Exhibit “A” and incorporated by reference.”

AFFIANT:

TCHMALL SPORTS, LLC,
a Texas limited liability company

By: _____
JEFFREY FRANKLIN KENT, Manager

ACKNOWLEDGMENT

THE STATE OF TEXAS }
COUNTY OF TRAVIS }

This instrument was acknowledged before me on February ____, 2015, by JEFFREY FRANKLIN KENT, Manager, as authorized representative on behalf of TCHMALL SPORTS, LLC, a Texas limited liability company.

NOTARY PUBLIC, STATE OF TEXAS
Name
printed: _____
Commission
expires: _____

PREPARED IN THE LAW OFFICES OF:
Kim D. Brown, Attorney, PLLC
1310 Ranch Rd. 620 So., Suite B-203
Lakeway, TX 78734
512-263-7450

AFTER RECORDING, RETURN TO:

Kim D. Brown, Attorney, PLLC
1310 Ranch Rd. 620 So., Suite B-203
Lakeway, TX 78734

EXHIBIT “A”

EXHIBIT "A"


Exception Request Letter
Overall Impervious Calculations

Pursuant to the exception provisions in §30.02.004 of the City of Bee Cave Code, JSJMCL, LLC (Hill Country Indoor) submits this exception request from §30.03.003, which requires all necessary on-site easements to be established by subdivision plats and not by separate instruments.

Upon formation of the Hill Country Indoor Planned Development District, the Skaggs family and HCI would request an exception to the standards set forth in 20.04.043(c). In lieu of calculating impervious cover on an individual tract by tract basis, we would request that impervious credit be derived as a whole over the entire 45 acre tract.

Owners of the Skaggs Tract:

Tim Skaggs:



Date:

5/10/12

Brenda Skaggs:



Date:

5/10/12

JSJMCL (Hill Country Indoor):

Josh McKay:



Date:

5/10/12

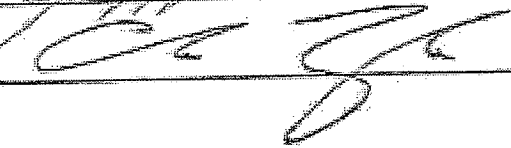
Jeff Spillar:



Date:

5/10/12

Chris Lupton:



Date:

5/10/12

HCI SUBDIVISION - PHASE ONE

SUBDIVISION IMPROVEMENTS

SITE & NPS PLAN

HCI SUBDIVISION - PHASE ONE
SUBDIVISION IMPROVEMENTS
A227-0401

SUBMITTED FOR APPROVAL BY:
LJA ENGINEERING, INC.

S. Danny Miller
S. DANNY MILLER, P.E. #82725
LICENSED PROFESSIONAL ENGINEER

2-7-13
DATE



FEBRUARY 26, 2013
CITY OF BEE CAVE APPROVAL DATE

REVIEWED BY:

Curcio S. Wilson
CITY OF BEE CAVE

4/18/13
DATE

Curcio S. Wilson
WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY

13 April 2013
DATE

John R. Durham
LAKE TRAVIS FIRE AND RESCUE

02-07-2013
DATE

Sam S. Sims
AUSTIN ENERGY

4/9/13
DATE

AE APPROVED
APR 04 2013
SES

NOTES:

1. ALL RESPONSIBILITY FOR THE ADEQUACY OF THESE PLANS REMAINS WITH THE ENGINEER WHO PREPARED THEM. IN APPROVING THESE PLANS, THE CITY OF BEE CAVE MUST RELY UPON THE ADEQUACY OF THE WORK OF THE DESIGN ENGINEER.

2. THIS PROJECT IS LOCATED IN THE LITTLE BARTON CREEK WATERSHED. THIS PROJECT IS WITHIN THE EDWARDS AQUIFER CONTRIBUTING ZONE.

3. THE 100-YEAR FLOOD PLAIN IS CONTAINED WITHIN THE DRAINAGE EASEMENTS AS SHOWN HEREON. NO PORTION OF THE IMPROVEMENTS IS WITHIN THE DESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) # 48453C0415 H, TRAVIS COUNTY, TEXAS, DATED SEPTEMBER 26, 2008.

4. THIS PROJECT IS LOCATED IN THE CITY OF BEE CAVE, TEXAS.

5. AN NPS PERMIT IS REQUIRED PRIOR TO CONSTRUCTION OF THE SITE.

6. THIS PROJECT IS ZONED PD-R PER ORDINANCE NO. 113, AND IS SUBJECT TO THE REGULATIONS STIPULATED THEREIN.

7. ALL WORK WITHIN ROW SHALL BE INSPECTED BY CITY OF BEE CAVE AND SHALL BE CONSTRUCTED TO CITY STANDARDS AND SPECS. STREETS MAY BE ACCEPTED BY THE CITY AS PUBLIC STREETS IN THE FUTURE.

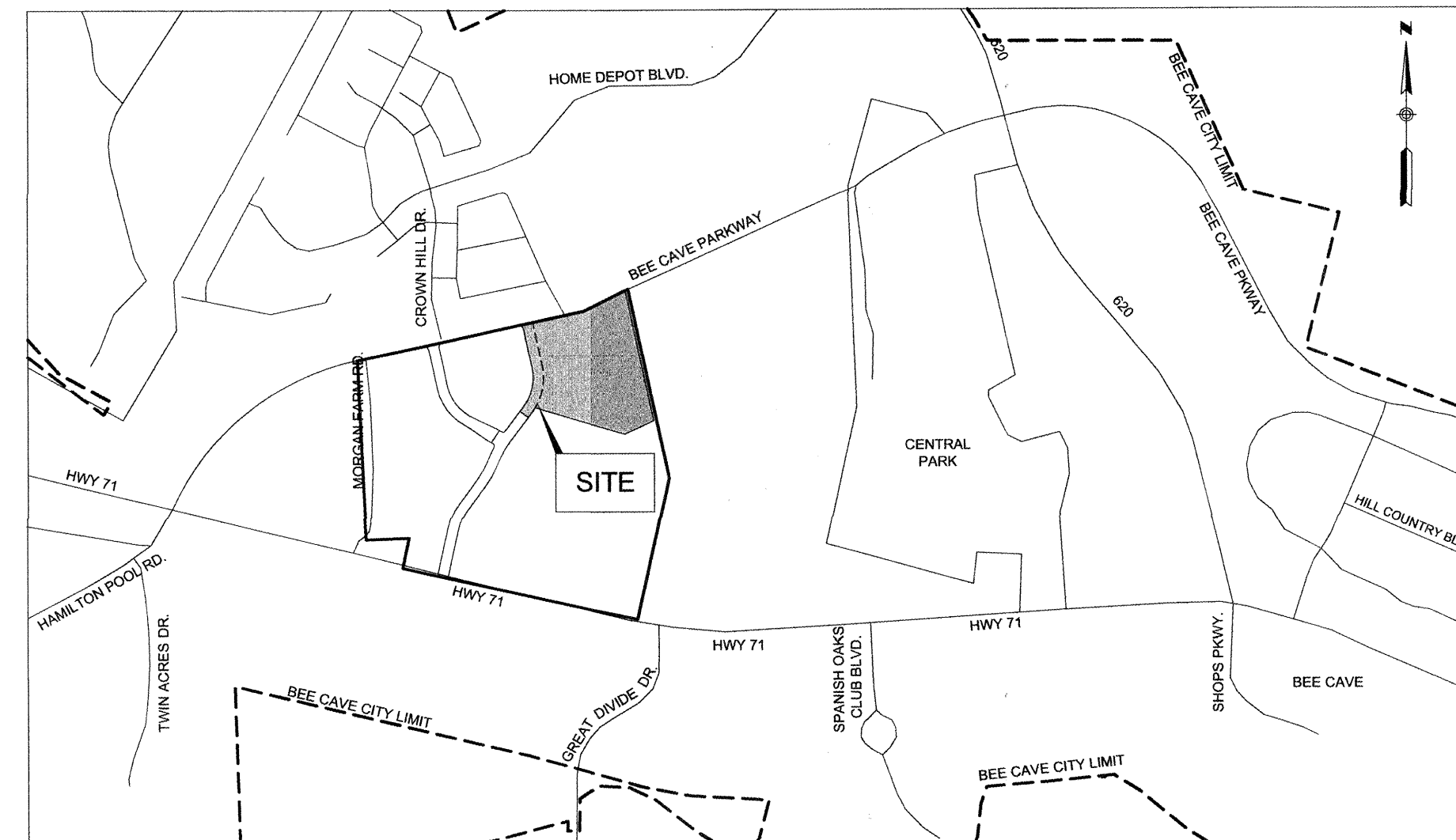
8. WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY IS THE WATER AND WASTEWATER PROVIDER.

9. WTC PUA DOES NOT GUARANTEE FIRE FLOW.

10. A WTC PUA REPRESENTATIVE MUST BE PRESENT AT THE TIME OF CONNECTION TO THE EXISTING SYSTEM.

11. WTC PUA HAS ADOPTED CITY OF AUSTIN DESIGN STANDARDS.

12. ALL WATER AND WASTEWATER UTILITY INFRASTRUCTURE SHALL BE CONSTRUCTED IN ACCORDANCE WITH CITY OF AUSTIN SPECIFICATIONS AND WITH MATERIALS FROM THE APPROVED CITY OF AUSTIN STANDARD PRODUCTS LIST.



LOCATION MAP
(N.T.S.)

SUBMITTAL DATE: AUGUST 12, 2012

LEGAL DESCRIPTION

A 9.36 ACRE PORTION OF A 44.611 ACRE TRACT (TRACT ONE), CONVEYED TO TIM & BRENDA SKAGGS, VOLUME 12007, PAGE 1764 OF THE REAL PROPERTY RECORDS WITH TRAVIS COUNTY, TX, OUT OF THE I.G. & N. R.R. CO. SURVEY NO. 56.

BENCHMARKS

CHAPARRAL CONTROL POINT R398
1/2 REBAR W/RANDOM TRV CAP SET

SURFACE COORDINATES:
N 10086279.90
E 3045142.67
ELEV=955.61

TEXAS CENTRAL ZONE STATE
PLANE COORDINATES:
N 10085377.43
E 3044870.21
ELEV=955.61

OWNER:	TIM & BRENDA SKAGGS 13618 W. HIGHWAY 71 BEE CAVE, TEXAS 78738 PHONE # (512) 263-2676
DEVELOPER:	BEE CAVE PARTNERS, LLC 13618 W. HIGHWAY 71 BEE CAVE, TEXAS 78738 PHONE # (512) 263-2676
ENGINEER:	LJA ENGINEERING INC. 5316 HIGHWAY 290 W., SUITE 150 AUSTIN, TEXAS 78735 CONTACT PERSON: DANNY MILLER, P. E. PHONE # (512) 439-4700 FAX # (512) 439-4716
SURVEYOR:	CHAPARRAL PROFESSIONAL LAND SURVEYING, INC. 3500 McCALL LANE AUSTIN, TEXAS 78744 PHONE # (512) 443-1724 FAX # (512) 389-0943

SHEET NO.	DESCRIPTION
1	CV01 COVER SHEET
2	FP01 FINAL PLAT
3	GN01 GENERAL NOTES SHEET 1
4	GN02 GENERAL NOTES SHEET 2
5	PP01 OVERALL PROJECT LAYOUT SHEET
6	SL01 SLOPE MAP
7	DM01 EXISTING DRAINAGE MAP
8	DM02 DEVELOPED DRAINAGE MAP
9	DM03 ONSITE DRAINAGE MAP
10	EC01 EROSION & SEDIMENTATION CONTROL PLAN
11	LS01 LANDSCAPE SHEET 1
12	LS02 LANDSCAPE SHEET 2
13	LS03 LANDSCAPE SHEET 3
14	GP01 OVERALL GRADING PLAN
15	ST01 PROPOSED SKAGGS DRIVE 1+00.00 TO 7+50.00
16	ST02 FUTURE PROPOSED SKAGGS DRIVE 7+50.00 TO 17+44
17	ST03 SKAGGS DRIVE CROSS-SECTIONS
18	JE01 PROPOSED JOINT ACCESS DRIVEWAY
19	SS01 STORM SEWER LINE 'F1' PLAN & PROFILE 1+00.00 TO 6+18.47
20	SS02 STORM SEWER PROFILES 'F2' - 'F6'
21	SS03 DETENTION POND OUTLET STRUCTURE & WQ POND OVERFLOW SSL P&P
22	SS04 STORM SEWER POND DETAILS SHEET 1
23	SS05 STORM SEWER POND DETAILS SHEET 2
24	DP01 DETENTION POND OUTLET STRUCTURE SECTION & DETAIL SHEET 1
25	DP02 DETENTION POND OUTLET STRUCTURE SECTION & DETAIL SHEET 2
26	DP03 DETENTION POND OUTLET STRUCTURE SECTION & DETAIL SHEET 3
27	DP04 DETENTION POND OUTLET STRUCTURE SECTION & DETAIL SHEET 4
28	DP05 DETENTION POND OUTLET STRUCTURE SECTION & DETAIL SHEET 5
29	DP06 DETENTION POND OUTLET STRUCTURE SECTION & DETAIL SHEET 6
30	DP07 DETENTION POND OUTLET STRUCTURE SECTION & DETAIL SHEET 7
31	UT01 OVERALL UTILITY PLAN
32	WL02 WATER LINE PLAN
33	WL01 WATER LINE PROFILES
34	WW01 WASTEWATER PLAN
35	WW02 WASTEWATER PROFILES
36	DT01 DETAIL SHEET 1
37	DT02 DETAIL SHEET 2
38	DT03 DETAIL SHEET 3

Public Water Improvements Materials List

Quantity	Units	Item
1,302	L.F.	12" AWWA C-900 FVC DR-14 Pipe
112	L.F.	12" Encased AWWA C-900 PVC DR-14 Pipe
1	Each	12"x12" Cross
1	Each	12"x12" Tee
6	Each	12"x6" Tee
72	L.F.	8" Class 350 Ductile Iron Pipe
8	Each	12" Gate Valve
6	Each	6" Gate Valve
6	Each	5-1/4" Fire Hydrant
1	Each	2" Air Release Valve

Public Wastewater Improvements Materials List

Quantity	Units	Item
1,162	L.F.	8" PVC SDR-26 ASTM D3034
34	L.F.	6" PVC SDR-26 ASTM D3034
8	Each	4" Diameter Standard Manhole with Bolted Cover
1	Each	4" Diameter Drop Manhole with Bolted Cover
4	Each	Cleanout Assy

LJA Engineering, Inc.

5316 Highway 290 West
Suite 150
Austin, Texas 78735

Phone 512.439.4700
Fax 512.439.4716
FRN - F-1386



Skaggs 44.873 acre tract - Allowable Impervious Cover

Gross Site Area	=	42.138 Ac.	
Water Quality Buffer Zone	=	7.873 Ac.	
Net Site Area	=	34.265 Ac.	
Bee Cave Parkway ROW	=	2.735 Ac.	
Allowable Impervious Cover			
40% Net Site Area	=	13.706 Ac.	597,033 SF
40% Bee Cave Parkway ROW (1)	=	1.094 Ac.	47,655 SF
Total Allowable IC (2)	=	14.800 Ac.	644,688 SF

Skaggs 44.873 acre tract - Proposed Impervious Cover (2) (3)

Tract No. / Description	Gross Site Area (sf)	Gross Site Area (Acres)	Bldg Area (sf)	Parking / Drives / Pvmt (sf)	Walks / Decks (sf)	Total Proposed IC (sf)	Total Proposed IC (Acres)	Total Proposed IC (% of Gross Area)
Tract 1 - Hill Country Indoor (4) (5)	374,780	8.60	80,490	81,745	5,112	167,347	3.84	44.65%
Tract 2 - Future Dev. / Temp Parking	213,473	4.90		28,230		28,230	0.65	13.22%
Tract 3 - Future Dev.	109,615	2.52						
Tract 4 - Future Dev.	195,049	4.48						
Tract 5 - Future Dev. / Private Drive	203,577	4.67		14,244		14,244	0.33	7.00%
Tract 6 - WQBZ / Open Space	148,256	3.40						
Tract 7 - WQBZ / Open Space	250,802	5.76						
Tract 8 - WQBZ / Open Space	17,294	0.40						
Tract 9 - Open Space	202,787	4.66						
Street ROW - Lot 2, Block A	32,844	0.75		21,896		21,896	0.50	66.67%
Street ROW - Future	87,074	2.00						
Bee Cave Parkway ROW (1)	119,137	2.74						
Total		44.87	80,490	146,115	5,112	231,717	5.32	11.85%

