



**MEETING AGENDA
City Council
REGULAR SESSION CITY COUNCIL
December 13, 2022**

**HAL BALDWIN MUNICIPAL COMPLEX COUNCIL CHAMBERS
1400 SCHERTZ PARKWAY BUILDING #4
SCHERTZ, TEXAS 78154**

CITY OF SCHERTZ CORE VALUES

Do the right thing

Do the best you can

Treat others the way you want to be treated

Work cooperatively as a team

**AGENDA
TUESDAY, DECEMBER 13, 2022 at 6:00 p.m.**

Call to Order

**Opening Prayer and Pledges of Allegiance to the Flags of the United States and State of Texas.
(Councilmember Scagliola)**

City Events and Announcements

- Announcements of upcoming City Events (B. James/S. Gonzalez)
- Announcements and recognitions by the City Manager (S. Williams)
- Announcements and recognitions by the Mayor (R. Gutierrez)

Hearing of Residents

This time is set aside for any person who wishes to address the City Council. Each person should fill out the speaker's register prior to the meeting. Presentations should be limited to no more than 3 minutes.

All remarks shall be addressed to the Council as a body, and not to any individual member thereof. Any person making personal, impertinent, or slanderous remarks while addressing the Council may be requested to leave the meeting.

Discussion by the Council of any item not on the agenda shall be limited to statements of specific factual information given in response to any inquiry, a recitation of existing policy in response to an inquiry, and/or a proposal to place the item on a future agenda. The presiding officer, during the

Hearing of Residents portion of the agenda, will call on those persons who have signed up to speak in the order they have registered.

Consent Agenda Items

The Consent Agenda is considered self-explanatory and will be enacted by the Council with one motion. There will be no separate discussion of these items unless they are removed from the Consent Agenda upon the request of the Mayor or a Councilmember.

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the regular meeting of November 1, 2022. (S.Edmondson)
2. **Resolution No. 22-R-130** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving a request for a Schertz Main Street Local Flavor Economic Development Grant for 817 Main Street. (S.Williams/B. James)
3. **Resolution No. 22-R-136** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving a request for a Schertz Main Street Local Flavor Economic Development Grant for 507 Main Street. (S.Williams/B. James)
4. **Ordinance No. 22-T-49** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, authorizing an adjustment to the fiscal year 2022-2023 budget, repealing all Ordinances or parts of Ordinances in conflict with this Ordinance; and providing an effective date. (***Final Reading***) (B. James/J. Walters)
5. **Ordinance No. 22-S-45** Consideration and/ or action on a request to rezone approximately 0.14 acres of land from Single-Family Residential District (R-2) to Main Street Mixed Use District (MSMU), generally located southeast of the intersection of Randolph Ave and Exchange Ave, also known as 204 Randolph Ave, also known as Guadalupe County Property Identification Number 67555, Guadalupe County, Texas. (B. James, L. Wood, E. Delgado) (***Final Reading***)
6. **Ordinance No. 22-S-42** - Consideration and /or action on a request to rezone approximately 31 acres of land from General Business District (GB) to Single-Family Residential District (R-2), the property, a portion of Parcel ID 63998, generally located approximately 1,000 feet to the northwest of the Eckhardt Road and Green Valley Road intersection. City of Schertz, Guadalupe County, Texas. (B. James, L. Wood, S. Haas) (***Final Reading***)
7. **Ordinance No. 22-S-44** - Consideration and/ or action on a request to rezone approximately 75 acres of land from General Business District (GB) and Manufacturing District-Light (M-1) to Planned Development District (PDD), generally located southeast of the intersection of IH 35 and Cibolo Valley Drive, also known as Guadalupe County Property Identification Numbers 68313, 68314, and 148510, City of Schertz, Guadalupe County, Texas. (B. James, L. Wood, E. Delgado) (***Final Reading***)

Discussion and Action Items

8. **Resolution No. 22-R-132** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas creating the Schertz Senior Citizen Emergency Expense Support Program. (S. Williams/B. James)
9. **Resolution 22-R-137** - Consideration and/or action by the City Council of the City of Schertz, Texas authorizing the land acquisition of a 10.5-acre property on Dry Comal Creek generally at FM 482 and Bunker Street, and specifying funding sources, and other matters in connection therewith. (B. James/L. Shrum)

Closed Session

10. The City Council will meet in closed session under Section 551.087 of the Texas Government Code, Deliberation Regarding Economic Development Negotiations; Closed Meeting. The governmental body is not required to conduct an open meeting (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect. • Project E-088
11. The City Council will convene in closed session pursuant to Section 551.071 of the Texas Government Code to conduct a private consultation with its attorney about pending or contemplated litigation or a settlement offer on one or more of the following matters: Green Valley Special Utility District vs. City of Schertz et al Case No. 17-CV-00819-LY (U.S. District Court, Western District of Texas, Austin Division); City of Schertz v. United States Department of Agriculture, et al., No. 19-51056 (U.S. Fifth Circuit Court of Appeals); City of Schertz, Texas v. Texas Commission on Environmental Quality, et al. No. 07-20-00167-CV (Seventh Court of Appeals, Amarillo, Texas); Green Valley Special Utility District v. the Public Utility Commission of Texas and DeAnn T. Walker; Arthur C. D’Andrea, Jr.; Shelly Botkin; in their official capacities as Commissioners of the Public Utility Commission of Texas; and John Paul Urban in his official capacity as Executive Director the Public Utility Commission of Texas; and the City of Schertz, Texas. Cause No. D-1-GN-18-000535, In the District Court of Travis County, Texas, 419th Judicial District; Application of Green Valley Special Utility District for New TPDES Permit, No. WQ0015917-001 (Texas Commission on Environmental Quality)
12. The City Council will meet in Closed Session under Section 551.074 of the Texas Government Code, Personnel Matters, to discuss the vacancy of the City Secretary position.

Reconvene into Regular Session

Roll Call Vote Confirmation

Information available in City Council Packets - NO DISCUSSION TO OCCUR

Requests and Announcements

- Announcements by the City Manager
- Requests by Mayor and Councilmembers for updates or information from Staff
- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda
- Announcements by Mayor and Councilmembers
 - City and Community Events attended and to be attended
 - City Council Committee and Liaison Assignments (see assignments below)
 - Continuing Education Events attended and to be attended
 - Recognition of actions by City Employees
 - Recognition of actions by Community Volunteers

Adjournment

CERTIFICATION

I, SHEILA EDMONDSON, INTERIM CITY SECRETARY OF THE CITY OF SCHERTZ, TEXAS, DO HEREBY CERTIFY THAT THE ABOVE AGENDA WAS PREPARED AND POSTED ON THE OFFICIAL BULLETIN BOARDS ON THIS THE 9TH DAY OF DECEMBER 2022 AT 4:00 P.M., WHICH IS A PLACE READILY ACCESSIBLE TO THE PUBLIC AT ALL TIMES AND THAT SAID NOTICE WAS POSTED IN ACCORDANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

SHEILA EDMONDSON

I CERTIFY THAT THE ATTACHED NOTICE AND AGENDA OF ITEMS TO BE CONSIDERED BY THE CITY COUNCIL WAS REMOVED BY ME FROM THE OFFICIAL BULLETIN BOARD ON ____ DAY OF _____, 2022. TITLE: _____

This facility is accessible in accordance with the Americans with Disabilities Act. Handicapped parking spaces are available. If you require special assistance or have a request for sign interpretative services or other services, please call 210-619-1030.

The City Council for the City of Schertz reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act.

Closed Sessions Authorized: This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Closed Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

COUNCIL COMMITTEE AND LIAISON ASSIGNMENTS

Mayor Gutierrez Audit Committee Board of Adjustments Investment Advisory Committee Main Street Committee	Councilmember Scagliola – Place 5 Animal Advisory Commission - Alternate Cibolo Valley Local Government Corporation - Alternate Hal Baldwin Scholarship Committee Interview Committee for Boards and Commissions - Alternate
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	Schertz-Seguin Local Government Corporation
Councilmember Davis– Place 1 Interview Committee for Boards and Commissions Main Street Committee - Chair Parks & Recreation Advisory Board Schertz Housing Authority Board Transportation Safety Advisory Commission TIRZ II Board	Councilmember – Place 2 (VACANT)
Councilmember Whittaker – Place 3 Audit Committee Historical Preservation Committee Interview Committee for Boards and Commissions Library Advisory Board TIRZ II Board	Councilmember Dahle – Place 4 Cibolo Valley Local Government Corporation Interview Committee for Boards and Commissions Planning & Zoning Commission TIRZ II Board
Councilmember Heyward – Place 6 Animal Advisory Commission Audit Committee Building and Standards Commission Economic Development Corporation - Alternate Investment Advisory Committee Main Street Committee	Councilmember Brown – Place 7 Economic Development Corporation Main Street Committee Schertz-Seguin Local Government Corporation - Alternate

CITY COUNCIL MEMORANDUM

City Council Meeting: December 13, 2022
Department: City Secretary
Subject: Minutes – Consideration and/or action regarding the approval of the minutes of the regular meeting of November 1, 2022. (S.Edmondson)

BACKGROUND

RECOMMENDATION

Recommend Approval.

Attachments

Minutes 11-01-2022

DRAFT

MINUTES REGULAR MEETING November 1, 2022

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on November 1, 2022, at 6:00 p.m. in the Hal Baldwin Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas. The following members present to-wit:

Present: Mayor Ralph Gutierrez; Mayor Pro-Tem Allison Heyward; Councilmember Mark Davis; City Council Place 2 - Vacant; Councilmember Jill Whittaker; Councilmember Michael Dahle; Councilmember David Scagliola; Councilmember Tim Brown

City City Manager Mark Browne; Assistant City Manager Brian James; City Attorney
Staff: Daniel Santee; Assistant to the City Manager Sarah Gonzalez; Interim City Secretary Sheila Edmondson

Call to Order

Mayor Gutierrez called the meeting to order at 6:00 p.m.

Opening Prayer and Pledges of Allegiance to the Flags of the United States and State of Texas. (Councilmember Whittaker)

Mayor Gutierrez recognized Councilmember Jill Whittaker who provided the opening prayer followed by the Pledges of Allegiance to the Flags of the United States and State of Texas.

Presentations

- Proclamation-Municipal Court Appreciation Week-November 7th-11th, 2022

Mayor Gutierrez proclaimed the week of November 7th -11th, 2022 as Municipal Court Appreciation Week and presented Municipal Court Clerks with the Municipal Court Appreciation Week Proclamation.

- Proclamation-International Accounting Day-November 10th, 2022

Mayor Gutierrez proclaimed November 10, 2022, as International Accounting Day and presented James Walters, City of Schertz Finance Director, and Babett Martin, City of Schertz Assistant Finance Director, with the International Accounting Day 2022 Proclamation.

City Events and Announcements

- Announcements of upcoming City Events (B. James/S. Gonzalez)

Mayor Gutierrez recognized Assistant to the City Manager Sara Gonzalez who provided the following information:

Early voting for November 8 General Election continues through Friday, November 4, 2022

Check the City Website for locations, dates and times.

Tuesday, November 8

Election Day

Refer to City Website for locations

Thursday, November 10

Northeast Partnership Monthly meeting

11:30 a.m.

Olympia Hills Golf Course and Conference Center

RSVP to Sheila

Friday, November 11

Veterans Day

City Offices Closed

Veterans Day Celebration - Schertz, Cibolo & Selma

9:00 a.m.

Cibolo City Hall, 200 S. Main Street, Cibolo

Saturday, November 12

Nature Discovery Series

10:00 - 11:00

Crescent Bend Nature Park, 12805 Schaefer Road

Friday, November 18

Hal Baldwin Scholarship Golf Tournament

Registration and Check-in starting at 7:00 a.m.

Shotgun start at 9:00 a.m.

Olympia Hills Golf Course

Monday, November 21

City Council Meeting to Canvass November 8 Election

6:00 p.m.

City Council Chambers

Thursday, November 24

Thanksgiving

City Offices Closed

Friday, November 25

Thanksgiving Holiday
City Offices Closed

Saturday, November 26

Star Party
5:00 - 8:00
Crescent Bend Nature Park, 12805 Schaefer Road

Thursday, December 1

Deck the City Hall Tree Lighting Ceremony
6:00 p.m.
Hal Baldwin Municipal Complex, City Hall Bldg. 1

Saturday, December 3

Holidazzle
8:00 a.m. - 7:00 p.m.
Hal Baldwin Municipal Complex

Tuesday, December 6

Next regular scheduled City Council Meeting
6:00 p.m.
Council Chambers

- Announcements and recognitions by the City Manager (M. Browne)

City Manager Dr. Mark Browne recognized and thanked Chief Rogers and the Fire Department for the success of the Trunk-or-Treat event.

Recognized and thanked Patti Casas and the Municipal Clerks for the service they provide.

Recognized and thanked James Walters and the Finance Department staff for the work they do on behalf of the City.

- Announcements and recognitions by the Mayor (R. Gutierrez)

Mayor Gutierrez had no additional announcements or recognitions at this time.

Hearing of Residents

This time is set aside for any person who wishes to address the City Council. Each person should fill out the speaker’s register prior to the meeting. Presentations should be limited to no more than 3 minutes.

All remarks shall be addressed to the Council as a body, and not to any individual member thereof. Any person making personal, impertinent, or slanderous remarks while addressing the Council may be requested to leave the meeting.

Mayor Gutierrez asked Mayor Pro-Tem Heyward to call the first speaker.
Mayor Pro-Tem Heyward recognized the following speakers:

Maggie Titterington, 1730 Schertz Parkway

Chamber Updates and Appreciation Recognition

Skylight was a big success in spite of not being able to float but they did have tethered balloon rides, Record 22,000 people in attendance. Moving the event to the last weekend in September next year, September 29-30.

The Chamber Military Affairs Committee has been working with the City of Cibolo on the November 11th Veterans Day Ceremony. The keynote speaker will be Brigadier General Russell Driggers, Commander 502nd Air Base JBSA Randolph.

Special thanks for the work done on the Kramer House for their Ribbon Cutting to the following individuals:

John Wilston
Joe Villerreal
Bruno Sepeda
Jeremiah Yandal
Chad Lonsberry
Sammy Maieda
Toby Salazar
Doug Ledbetter
Coyle French
Trevor Walker
Buddy Lewis
Michael Hernandez
Kevin Anderson
Jared Motney
Larry May
Ian Kind
Diego Isaac
Cole Moody
Nick Cromer
Ray Taikienko
Robert Dobratz
Office of Lexis Taylor

Ribbon Cutting and Grand Re-opening for First United Bank on Monday, November 5th. Ms. Titterington expressed her many thanks to Brian James and his team for helping get the renovations underway.

She recognized the Coldwell Banker and Health Texas items on the Consent Agenda and expressed her thanks and gratitude for the assistance given by Dr. Browne, Brian James, the development team, and GVEC which helped them overcome some of the challenges, enabling them to break ground. She also recognized Adrian Perez and the EDC Board of Directors for their help in getting Coldwell Banker and Health Texas to

this point.

There were no additional comments from residents.

Consent Agenda Items

The Consent Agenda is considered self-explanatory and will be enacted by the Council with one motion. There will be no separate discussion of these items unless they are removed from the Consent Agenda upon the request of the Mayor or a Councilmember.

Mayor Gutierrez read Consent Agenda Items 1- 4.

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the regular meeting of October 11, 2022 and regular meeting of October 25, 2022. (S.Edmondson)
2. **Resolution 22-R-127-** A Resolution by the City Council of the City of Schertz authorizing an agreement with UBEO Services, LLC for the upgrade of multi-function printers and copiers and other matters in connection therewith. (M. Brown/J. Kurz/J. Gohlke)
3. **Resolution No. 22-R-110** - A Resolution by the City Council of the City of Schertz, Texas authorizing an Economic Development Performance Agreement between the City of Schertz, City of Schertz Economic Development Corporation and 3009 OAC Investments, LLC. (M. Browne/ A. Perez)
4. **Resolution No. 22-R-111** - A Resolution by the City Council of the City of Schertz, Texas authorizing an Economic Development Performance Agreement between the City of Schertz, City of Schertz Economic Development Corporation and Schertz RE Company, LLC. (M. Browne/ A. Perez)
5. **Resolution No. 22-R-104** - A Resolution by the City Council of the City of Schertz, Texas authorizing an Economic Development Performance Agreement between the City of Schertz, City of Schertz Economic Development Corporation and Schertz Medical Building, LLC. (M. Browne/ A. Perez)

Mayor Gutierrez asked if any items needed to be removed for discussion. No requests to move items from Consent were received. Mayor Gutierrez asked for a motion to approve Consent Agenda Items 1 - 4.

Moved by Mayor Pro-Tem Allison Heyward, seconded by Councilmember Tim Brown

AYE: Mayor Pro-Tem Allison Heyward, Councilmember Mark Davis, Councilmember Jill Whittaker, Councilmember Michael Dahle, Councilmember David Scagliola, Councilmember Tim Brown

Passed

Discussion and Action Items

- 6. Ordinance 22-T- 43** - An Ordinance by the City Council of the City of Schertz, Texas authorizing an adjustment to the Fiscal Year 2022-2023 Budget to fund audio/visual improvements for Municipal Court, repealing all ordinance or parts of ordinance in conflict with this ordinance; and providing an effective date. *First Reading* (M.Browne/J.Walters)

Mayor Gutierrez read the following into the record:

ORDINANCE NO. 22-T-43
AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN ADJUSTMENT TO THE FISCAL YEAR 2022-2023 BUDGET TO FUND AUDIO/VISUAL IMPROVEMENTS FOR MUNICIPAL COURT, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

Mayor Gutierrez recognized Finance Director James Walters, who explained the need for the additional audio/visual improvements is to allow municipal court to be held in the Council Chamber. The current courtroom is slated for renovations to create office space for new personnel. The funding to be utilized for the audio/visual improvements required for the municipal court will come from court technology restricted funds that can only be used for core technology upgrades. The current fund balance is \$507,000. This adjustment will provide the additional \$10,000 required to accommodate court needs.

Mayor Gutierrez called for a motion to approve Ordinance No. 22-T-43.

Moved by Councilmember Tim Brown, seconded by Mayor Pro-Tem Allison Heyward

AYE: Mayor Pro-Tem Allison Heyward, Councilmember Mark Davis, Councilmember Jill Whittaker, Councilmember Michael Dahle, Councilmember David Scagliola, Councilmember Tim Brown

Passed

- 7. Resolution 22-R-128** - Consideration and/or action approving a Resolution amending the Schertz Main Street Area Preservation Incentive Program. (B. James)

Mayor Gutierrez read the following into the record:

RESOLUTION NO. 22-R-128
A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ,

**TEXAS AMENDING THE SCHERTZ MAIN STREET AREA
PRESERVATION INCENTIVE PROGRAM CITY OF SCHERTZ, TEXAS,
AND RELATED MATTERS IN CONNECTION THEREWITH**

Mayor recognized Assistant City Manager Brian James stated that the goal of this resolution is to modify the Historic Preservation Grant to stipulate the property has to be in the Main Street area, or it has to have one of the Landmark designations. Landmark designations require it be a historic structure, at least 50 years old, and have significance to the City (architectural or event). These grants are for improvements of the primary elements of the building, such as foundation, roof, etc., not interior renovations.

Councilmember Whittaker stated she is the City Council Liaison to the Historical Preservation Committee, and she supports expanding the grant outside the Main Street area with the recommendation of the Historic Preservation Committee. Entire Aviation Heights is historic in nature and there is great potential specifically in this area.

Councilmember Brown asked for confirmation that the grants are for exterior renovation and preservation and that the City Historical designation does not fall under the State Historical designation criteria which may require the owner to do additional improvements creating undue financial strain. Mr. James confirmed the use of the grants for exterior renovation and stated that they make it very clear this is an Honorary Acknowledgment of the history as opposed to a historic designation from the State.

Councilmember Dahle asked for the maximum value of the grant. Mr. James responded that it is a dollar for dollar match up to \$20,000.

Mayor Gutierrez asked for confirmation that the grants are for structural and not landscaping. Mr. James confirmed stating that the grants are for owners of structures used for residential exterior improvements to the roof, foundation, and wall repairs, including brick repointing.

Mayor Gutierrez asked about the funding source for the grants. Mr. James stated that the grants are paid from the General Fund.

Councilmember Davis requested clarification on the use of the grant to renovate front porches to bring them in line with the historic structure. Mr. James suggested adding clarifying language to speak to the "historic look" of the structure to the motion to add it to the program.

Councilmember Whittaker requested clarification regarding the landmark designation process. Mr. James stated that in order to get on the list of Landmark properties, a request is made to the Historic Preservation Committee. Committee evaluates the request and makes a recommendation. If the recommendation is approved, Staff will notify the property owner of the nomination. If the owner is accepting of the recognition, then the recommendation goes to Council where a proclamation will be

read signifying the Landmark designation. Once they are on the Landmark designation list, they can apply for the grant. The application goes to the Historic Preservation Committee first, and if approved, it then goes to Council.

Mayor Gutierrez asked how long they would need to wait to apply for a second grant. Mr. James stated that currently awards are made on a one-time basis.

Mayor Gutierrez called for a motion to approve Resolution 22-R-128.

Moved by Mayor Pro-Tem Allison Heyward, seconded by Councilmember Tim Brown Motion made and amended to approve Resolution 22-R-128 with addition of verbiage that states grants will be limited to exterior structural or aesthetic modifications that are approved and coordinated through the Historical Preservation Committee.

AYE: Mayor Pro-Tem Allison Heyward, Councilmember Mark Davis, Councilmember Jill Whittaker, Councilmember Michael Dahle, Councilmember David Scagliola, Councilmember Tim Brown

Passed

8. **Ordinance No. 22-S-41-** Consideration and/or action on a request to rezone approximately 15 acres of land from Pre-Development District (PRE) to Planned Development District (PDD), generally located approximately 2,200 feet southeast of the intersection of Lower Seguin Road and FM 1518, also known as Bexar County Property Identification Number 309997 and 309999, City of Schertz, Bexar County, Texas. *Final Reading* (B. James / L. Wood / E. Delgado)

Mayor Gutierrez stated for the record that Councilmember Dahle had stepped down from the dais. Councilmember Dahle is the property and has signed an affidavit regarding a conflict of interest regarding this ordinance.

Mayor Gutierrez read the following into record:

**ORDINANCE NO. 22-S-41
CONSIDERATION AND/OR ACTION ON A REQUEST TO REZONE
APPROXIMATELY 15 ACRES OF LAND FROM PRE-DEVELOPMENT
DISTRICT (PRE) TO PLANNED DEVELOPMENT DISTRICT (PDD),
GENERALLY LOCATED APPROXIMATELY 2,200 FEET SOUTHEAST OF
THE INTERSECTION OF LOWER SEGUIN ROAD AND FM 1518, ALSO
KNOWN AS BEXAR COUNTY PROPERTY IDENTIFICATION NUMBER
309997 AND 309999, CITY OF SCHERTZ, BEXAR COUNTY, TEXAS. FINAL
READING.**

Mayor Gutierrez recognized Councilmember Scagliola. Councilmember Scagliola stated he is in favor of Workforce housing and this development satisfies a significant need in our community, so he is in favor of the development. However, he objected to a seeming disregard for the voice of the people. He stated it is the absolute

responsibility of the developer to ensure projects in our city are perceived as being beneficial to our community. It is the responsibility of the developer to inform the residents and ensure their objections are heard and addressed. He did not feel that was accomplished.

Mayor Gutierrez called for a motion to approve Ordinance No. 22-S-41.

Moved by Councilmember Tim Brown, seconded by Mayor Pro-Tem Allison Heyward

AYE: Mayor Pro-Tem Allison Heyward, Councilmember Mark Davis, Councilmember Jill Whittaker, Councilmember Michael Dahle, Councilmember David Scagliola, Councilmember Tim Brown

Passed

9. **Resolution 22-R-129-** Consideration and/or action approving an amendment to the contract for upgrades to the Council Chambers with Bluum USA, Inc. (B. James, M. Clauser)

Mayor Gutierrez asked Councilmember Dahle to rejoin Councilmembers on the dais.

Mayor Gutierrez read the following into the record:

**RESOLUTION NO. 22-R-129
CONSIDERATION AND/OR ACTION APPROVING AN AMENDMENT TO
THE CONTRACT FOR UPGRADES TO THE COUNCIL CHAMBERS WITH
BLUUM USA, INC.**

Mayor Gutierrez recognized Assistant City Manager Brian James. ACM James explained that the amendment to the contract is required in order to make the necessary audio/visual improvements in the Council Chambers to accommodate the Municipal Court.

Mayor recognized Councilmember Davis who asked if the contract included updated outlets with the USB port. Jack Bluebird, IT Department, responded affirmatively.

Councilmember Scagliola asked for the start date. Mr. Bluebird responded by stating late December.

Mayor asked if there were any other questions or comments. None were expressed.

Mayor Gutierrez called for a motion to approve Resolution 22-R-129.

Moved by Councilmember Mark Davis, seconded by Councilmember Jill Whittaker

AYE: Mayor Pro-Tem Allison Heyward, Councilmember Mark Davis,
Councilmember Jill Whittaker, Councilmember Michael Dahle,
Councilmember David Scagliola, Councilmember Tim Brown

Passed

Roll Call Vote Confirmation

Mayor Gutierrez recognized Interim City Secretary Sheila Edmondson who provided roll call confirmation for Consent Agenda Items 1-4 and Agenda Items 5-8.

Closed Session

10. City Council will meet in closed session under Section 551.087 of the Texas Government Code, Deliberation Regarding Economic Development Negotiations; Closed Meeting. The governmental body is not required to conduct an open meeting (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect.
 - Project E-86
 - Project E-88

11. The City Council will convene in closed session pursuant to Section 551.071 of the Texas Government Code to conduct a private consultation with its attorney about pending or contemplated litigation or a settlement offer on one or more of the following matters: Green Valley Special Utility District vs. City of Schertz et al Case No. 17-CV-00819-LY (U.S. District Court, Western District of Texas, Austin Division); City of Schertz v. United States Department of Agriculture, et al., No. 19-51056 (U.S. Fifth Circuit Court of Appeals); City of Schertz, Texas v. Texas Commission on Environmental Quality, et al. No. 07-20-00167-CV (Seventh Court of Appeals, Amarillo, Texas); Green Valley Special Utility District v. the Public Utility Commission of Texas and DeAnn T. Walker; Arthur C. D'Andrea, Jr.; Shelly Botkin; in their official capacities as Commissioners of the Public Utility Commission of Texas; and John Paul Urban in his official capacity as Executive Director the Public Utility Commission of Texas; and the City of Schertz, Texas. Cause No. D-1-GN-18-000535, In the District Court of Travis County, Texas, 419th Judicial District; Application of Green Valley Special Utility District for New TPDES Permit, No. WQ0015917-001 (Texas Commission on Environmental Quality)

12. The City Council will meet in Closed Session in accordance with Section 551.074 of the Texas Government Code, Personnel Matters, to discuss the direction on an appointment of a new City Manager.

13. The City Council will meet in Closed Session under Section 551.074 of the Texas Government Code, Personnel Matters, to discuss the vacancy of the City Secretary position.

Reconvene into Regular Session

14. Take any action based on discussion held in Closed Session under Agenda Item 9.

Start time: 7:28 p.m.

End time: 7:41 p.m.

No action taken on Agenda Item 9.

15. Take any action based on discussions held in Closed Session under Agenda Item 10.

Start 6:55 p.m.

End 7:41 p.m.

No action taken on Agenda Item 10.

16. Take any action based on discussions held in Closed Session under Agenda Item 11.

Start time: 8:16 p.m.

End time: 8:25 p.m.

Mayor Gutierrez asked for a motion. Mayor Pro-Tem Heyward made a motion to appoint Steve Williams as the City Manager with an effective date of 1 December. Seconded by Councilmember Scagliola.

Moved by Mayor Pro-Tem Allison Heyward, seconded by Councilmember David Scagliola

AYE: Mayor Pro-Tem Allison Heyward, Councilmember Mark Davis,
Councilmember Jill Whittaker, Councilmember Michael Dahle,
Councilmember David Scagliola, Councilmember Tim Brown

Passed

17. Take any action based on discussions held in Closed Session under Agenda Item 12.

Start time: 8:28 p.m.

End time: 8:35 p.m.

No action taken on Agenda Item 12.

Roll Call Vote Confirmation

Mayor Gutierrez recognized Interim City Secretary Sheila Edmondson who provided roll call confirmation for Closed Session Agenda Item 10.

Information available in City Council Packets - NO DISCUSSION TO OCCUR

Requests and Announcements

- Announcements by the City Manager.

Dr. Browne welcomed the new City Manager, Steve Williams.

- Requests by Mayor and Councilmembers for updates or information from staff.

No requests by Mayor or Councilmembers for updates or information from staff.

- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda.

No requests by Mayor or Councilmembers that items or presentations be placed on a future City Council agenda.

- Announcements by Mayor and Councilmembers

- City and Community Events attended and to be attended
- City Council Committee and Liaison Assignments (see assignments below)
- Continuing Education Events attended and to be attended
- Recognition of actions by City Employees
- Recognition of actions by Community Volunteers

Mayor Pro-Tem Heyward welcomed Steve Williams as the new City Manager.

Attended the EDC meeting as City Council Liaison.

Attended the 'Live to Lead Leadership Conference' with Jay Johnson.

Ribbon cutting for Nolan Agency, a health care insurance company.

Ag event at elementary school.

Councilmember Davis welcomed Steve Williams to Schertz.

Councilmember Whittaker welcomed Steve Williams.

Attended Coffee with the Chamber.

Attended the Historic Preservation Committee Meeting.

Attended First United Bank Community Prayer Event.

Councilmember Dahle welcomed Mr. Williams.

Attended the first meeting of the Schertz Young Leaders Program.

Attended CVLGC Meeting.

Councilmember Scagliola

Attended Chamber Ribbon cutting ceremony for Kramer House.
Attended the Domestic Violence Observance in Cibolo.
Voted

Councilmember Brown welcomed Mr. Williams.

Adjournment

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, Interim City Secretary

CITY COUNCIL MEMORANDUM

City Council Meeting: December 13, 2022
Department: Executive Team
Subject: Resolution No. 22-R-130 - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving a request for a Schertz Main Street Local Flavor Economic Development Grant for 817 Main Street. (S.Williams/B. James)

BACKGROUND

The tenant, Greyhouse Blooms, and the owner of the property, Jason Contreras, are applying for a Main Street Local Flavor Grant for 817 Main (formerly the Contreras Flower Shop). Staff is recommending the grant up to \$5,000 (work totaling \$10,000) for interior and exterior painting and refinishing the existing hardwood floors.

Painting the exterior of the building clearly falls within the facade improvement category. Although not as clearly falling into a category, the interior painting and the refinishing of the hardwood floors is clearly necessary given how long it has been since this work had been done. The Contreras Flower Shop occupied this location for decades. The benefit of Grayhouse Blooms - a florist moving into this location is that the structure is well suited to this use. It already has a large walk in cooler for example. But that does mean work like painting that occurs as part of interior demolition and floor refinishing is occurring without that significant level of renovation. As such staff is comfortable with these costs being considered Systems Grant elements.

A grant for up to \$4,750 generally for electrical, plumbing and mechanical related work was approved on August 23, 2002. A second grant for up to \$2,500 was approved on September 6, 2022 for mechanical, electrical, and asbestos testing. Both of these grants were just to the property owner.

GOAL

Promote and enhance commercial activity along Main Street to promote the economic, cultural and general welfare of the public. The area around Main Street in Schertz once served as the commercial and social hub of the community. The City seeks to improve the image of the area around Main Street through matching grants that promote local economic development and stimulate business and commercial activities.

COMMUNITY BENEFIT

Encourage the attraction of small businesses that will create local charm and help develop a sense of place around Main Street. Promote commercial development. Stabilize and improve property values. Foster civic pride. Strengthen the economy of the City by protecting and enhancing the attractiveness of the Main Street area to residents and visitors, as well as provide support of local businesses.

SUMMARY OF RECOMMENDED ACTION

Staff recommends approval of Resolution 22-R-130, approving a Schertz Main Street Local Flavor Economic Development Grant for up to \$5,000 for 817 Main Street.

FISCAL IMPACT

The maximum fiscal impact of approval of this grant is \$5,000. The City budgets \$50,000 annually for the Main Street Grant programs. So far this fiscal year the City has paid \$871.53.

The City has currently approved up to \$60,000 for the proposed new building at 824 Main (corner of Schertz Parkway and Main Street) and the second Local Flavor Grant for 817 Main has \$1,648.27 that could be paid. The grant for 507 Main (Masonic Lodge) is also on this agenda for approval. Assuming that grant is approved along with this grant request, the outstanding liabilities for the Main Street Grant programs total \$74,128.47. While this is above the \$49,128.47 of funding left, the City has traditionally either tapped into Contingency Funds or submitted a budget adjustment to Council for approval. One aspect of this program is that the property owner has a year to complete the work (or seek re-approval), so grants can extend past a fiscal year.

RECOMMENDATION

Approval of Resolution 22-R-130.

Attachments

Res 22-R-130 817 Main 3rd Grant
Grant 817 Main St

RESOLUTION NO. 22-R-130

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS APPROVING A REQUEST FOR A SCHERTZ MAIN STREET LOCAL FLAVOR ECONOMIC DEVELOPMENT GRANT FOR 817 MAIN STREET IN THE CITY OF SCHERTZ, TEXAS, AND RELATED MATTERS IN CONNECTION THEREWITH

WHEREAS, The City of Schertz desires to protect, enhance, and preserve the historic resources and landmarks which represent distinctive elements of Schertz' historic, architectural, economic, cultural, and social heritage by providing property owners and incentive for protecting their property; and

WHEREAS, the City of Schertz desires to encourage the attraction of small businesses that will create local charm and help develop a sense of place in and around Main Street;

WHEREAS, the City of Schertz desires to stabilize and improve property values; and

WHEREAS, Foster civic pride in the beauty and accomplishments of the past, and to promote the use of the historic structures for the culture, education, and general welfare of residents; and

WHEREAS, Strengthen the economy of the city by protecting and enhancing the attractiveness of the Main Street area to residents and visitors, as well as provide support and stimulus to businesses.

WHEREAS, the City Council approved the Schertz Main Street Local Flavor Economic Development Grant;

WHEREAS, staff is in support of this program and recommended approval of the grant request for 817 Main Street for up to \$5,000.00;

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

Section 1. The City Council hereby approves the Schertz Main Street Local Flavor Economic Development Grant request for 817 Main Street subject to the approved criteria of the program and execution of a funding agreement generally as outlined in Exhibit "A".

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 13th day of December, 2022.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, Interim City Secretary

(CITY SEAL)

Exhibit A

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

SCHERTZ MAIN STREET LOCAL FLAVOR ECONOMIC DEVELOPMENT PROGRAM
FUNDING AGREEMENT BETWEEN THE CITY OF SCHERTZ, TEXAS AND Jason
Contreras and Greyhouse Blooms FOR EXPENDITURE OF LOCAL FLAVOR GRANT
FUNDS

This Local Flavor Development Program Funding Agreement (AGREEMENT) is made and entered into by and between the City of Schertz, Texas (CITY) and Jason Contreras (owner) and Greyhouse Blooms, (ENTITY).

WHEREAS, the ENTITY has developed a proposal to Make improvements and repairs, painting and refinishing floors to 817 Main (the “Project”); and

WHEREAS, Section 380.001 of the Texas Local Government Code, as amended, allows the governing body of a municipality to establish and provide for the administration of one or more programs to promote state and local economic development and to stimulate business and commercial activity in the municipality; and

WHEREAS, the Schertz Main Street Local Flavor Economic Development Program is intended to encourage and expansion and attract small businesses that create local charm and help develop a sense of place in and around Main Street, promote commercial development, stabilize and improve property values, foster civic pride, and protect and enhance the attractiveness of the Main Street area to residents and visitors; and

WHEREAS, funding for the Schertz Main Street Local Flavor Economic Development Program will be provided annually through the City’s General Fund; and

WHEREAS, the Schertz Main Street Local Flavor Economic Development Program will enhance other city efforts to improve, beautify, and promote economic development in the Main Street area.

WHEREAS, the area around Main Street in Schertz once served as commercial and social hub of the community; and

WHEREAS, the City seeks to improve the image of the area around Main Street through restoration and rehabilitation of structures in the Main Street area to serve as a commercial, social, cultural and tourism hub of the City; and

WHEREAS, the City Council of the City of Schertz desires to provide funds to Jason Contreras (ENTITY).

NOW, THEREFORE, it is mutually agreed by and between the CITY , OWNER and ENTITY as follows:

GENERAL PROVISIONS

Section 1. Purpose. The purpose of this Agreement is to provide funding to for the project identified in the attached Exhibit "A" (the "Project"), the intent of which is to promote state and local economic development and to stimulate business and commercial activity in the municipality to encourage and expansion and attract small businesses that create local charm and help develop a sense of place in and around Main Street, promote commercial development, stabilize and improve property values, foster civic pride, and protect and enhance the attractiveness of the Main Street area to residents and visitors.

Section 2. Obligation of the ENTITY. The ENTITY shall use all of the awarded funds provided by the CITY in accordance with Chapter 351 of the Texas Tax Code, the ENTITY'S funding application, and the attached Exhibit "A".

Section 3. Reporting Requirements of the ENTITY. The ENTITY shall deliver a detailed accounting of the expenditures for the Project within thirty (30) days after completion of the Project (the "Post Event Report"). The Post Event Report shall include copies of receipts and other documents establishing the expenditures for the project. The CITY shall not make reimbursements for expenditures where no receipt or invoice is provided. Partial or incomplete reports will not be accepted.

Section 4. Authorization of Payment. Subject to the ENTITY'S satisfactory performance and compliance with the terms of this AGREEMENT, the CITY agrees to pay the ENTITY up to fifty percent (50%) of the Project. The Project is estimated to be approximately \$10,000.00 and fifty percent of which, is capped at 5,000.00 for work falling within the criteria for a systems grant and façade improvement grant. Payment(s) will be made within forty-five (45) days of acceptance of the complete Post Event Report. Partial or incomplete reports will not be accepted. Only expenditures that meet Chapter 351 of the Tax Code and this AGREEMENT shall be reimbursed.

Section 5. Appeal Process. Any ENTITY wishing to appeal the decision of the CITY must present their appeal in writing within ten (10) business days of funding denial.

Section 6. Rights. The City of Schertz has the right, at any time, to inspect the books or records of the ENTITY that may relate to performance of this AGREEMENT. The CITY, at its sole expenses, has the right to conduct an audit of the ENTITY or Project.

Section 7. Term. The AGREEMENT shall become effective as of the date entered below. The AGREEMENT shall terminate one year from its effective date or once the terms have been met, whichever occurs first.

Section 8. Indemnification. The OWNER and ENTITY agrees to defend, indemnify and hold harmless the CITY, its officers, agents and employees, against any and all claims, lawsuits, judgments, cause of action, costs and expenses for personal injury (including death), property damage or other harm

for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the OWNER or ENTITY's breach of any of the terms or provisions of this AGREEMENT, or by any negligent act or omission of the OWNER or ENTITY, its officers, agents, servants, employees, contractors, or subcontractors, in the performance of this AGREEMENT; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence of the CITY, its officers, agents, employees or separate contractors, and in the event of joint and concurrent negligence of both the OWNER or ENTITY and the CITY under Texas law and without waiving any defenses of the parties under Texas law. The provisions of this paragraph are solely for the benefit of the parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity. Both parties expressly agree that this AGREEMENT does not assign any responsibility for civil liability to the City of Schertz that may arise by virtue of this AGREEMENT.

Section 9. Termination. A party may terminate this AGREEMENT in whole or in part if the other party fails to comply with a term of the AGREEMENT, including the inability of the ENTITY to conform to any change required by federal, state or local laws or regulations; or for the convenience of either party. The terminating party shall provide written notification to the other party of the decision to terminate this AGREEMENT within thirty (30) days before the effective date of termination. A party may terminate the AGREEMENT for breach of any provision of this AGREEMENT, upon written notice of the breach and the breaching party shall have ten (10) days after receipt of the written notice in which to cure the breach to the satisfaction of the non-breaching party.

Section 10. Notice. All notices required or permitted under this AGREEMENT shall be in writing and shall be delivered in person or mailed as follows:

to the CITY at:

City of Schertz
Attention: City Manager
1400 Schertz Parkway
Schertz, TX 78154
(210) 619-1000

To: Jason Contreras, OWNER
Attention: Jason Contreras
817 Main
Schertz, Texas 78154

To: Greyhouse Blooms, ENTITY
Attention Tammy Weissmann
817 Main Street
Schertz, Texas 78154

MISCELLANEOUS

Section 11. Entire Agreement. This AGREEMENT constitutes the entire agreement of the parties regarding the subject matter contained herein. The parties may not modify or amend this AGREEMENT, except by written agreement approved by the governing bodies of each party and duly executed by both parties.

Section 12. Approval. This AGREEMENT has been duly and properly approved by each party's governing body and constitutes a binding obligation on each party.

Section 13. Assignment. Except as otherwise provided in this AGREEMENT, a party may not assign this AGREEMENT or subcontract the performance of services without first obtaining the written consent of the other party.

Section 14. Non-Waiver. A party's failure or delay to exercise right or remedy does not constitute a waiver of the right or remedy. An exercise of a right or remedy under this AGREEMENT does not preclude the exercise of another right or remedy. Rights and remedies under this AGREEMENT are cumulative and are not exclusive of other rights or remedies provided by law.

Section 15. Paragraph Headings. The various paragraph headings are inserted for convenience of reference only, and shall not affect the meaning or interpretation of this AGREEMENT or any section thereof.

Section 16. Attorney fees. In any lawsuit concerning this AGREEMENT, the prevailing party shall be entitled to recover reasonable attorney's fees from the nonprevailing party, plus all out-of-pocket expense such as deposition costs, telephone, calls, travel expenses, expert witness fees, court costs, and their reasonable expenses, unless otherwise prohibited by law.

Section 17. Severability. The parties agree that in the event any provision of this AGREEMENT is declared invalid by a court of competent jurisdiction that part of the AGREEMENT is severable and the decree shall not affect the remainder of the AGREEMENT. The remainder of the AGREEMENT shall be in full force and effect.

Section 18. Venue. The parties agree that all disputes that arise of this AGREEMENT are governed by the laws of the State of Texas and venue for all purposes herewith shall be in Milam County, Texas.

Section 19. Certificate of Insurance. The ENTITY agrees to provide a certificate of insurance for liability and worker's compensation insurance or letter of self-insurance on its letterhead indicating its self-insured status before any event awarded funding under this AGREEMENT. The cost of the insurance herein mentioned to be secured and maintained by the ENTITY shall be borne solely by the ENTITY.

IN WITNESS HEREOF, the CITY and ENTITY make and execute this AGREEMENT to be effective this _____ day of _____, 2022.

CITY OF SCHERTZ, TEXAS

City Manager

Jason Contreras, OWNER

Tammy Weissmann, ENTITY

Jeri Twenter, ENTITY

ATTEST:

City Secretary

EXHIBIT A

Painting the exterior of the building
Painting the interior of the building
Refinish hardwood floors

CITY COUNCIL MEMORANDUM

City Council Meeting: December 13, 2022
Department: Executive Team
Subject: Resolution No. 22-R-136 - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving a request for a Schertz Main Street Local Flavor Economic Development Grant for 507 Main Street. (S.Williams/B. James)

BACKGROUND

The Owner of the building at 507 Main, the Randolph Masonic Lodge #1286 is applying for a Schertz Main Street Local Flavor Grant to redo the roof of their building. This is the white building on the northeast corner of Schertz Parkway and Lindbergh Avenue. The estimated cost of the work is approximately \$15,000, so the grant amount would be \$7,500. They are proposing to replace the current roof with a similar corrugated roof system.

GOAL

Promote and enhance commercial activity along Main Street to promote the economic, cultural and general welfare of the public. The area around Main Street in Schertz once served as the commercial and social hub of the community. The City seeks to improve the image of the area around Main Street through matching grants that promote local economic development and stimulate business and commercial activities.

COMMUNITY BENEFIT

Encourage the attraction of small businesses that will create local charm and help develop a sense of place around Main Street. Promote commercial development. Stabilize and improve property values. Foster civic pride. Strengthen the economy of the City by protecting and enhancing the attractiveness of the Main Street area to residents and visitors, as well as provide support of local businesses.

SUMMARY OF RECOMMENDED ACTION

Staff recommends approval of Resolution 22-R-136, approving a Schertz Main Street Local Flavor Economic Development Grant for up to \$7,500 for 507 Main Street.

FISCAL IMPACT

The maximum fiscal impact of approval of this grant is \$7,500. The City budgets \$50,000 annually for the Main Street Grant programs. So far this fiscal year the City has paid \$871.53. The City has currently approved up to \$60,000 for the proposed new building at 824 Main (corner of Schertz Parkway and Main Street) and the second Local Flavor Grant for 817 Main has \$1,648.27 that could be paid. The third grant for 8177 Main (Flower Shop is also on this agenda for approval. Assuming that grant is approved along with this grant request, the outstanding liabilities for the Main Street Grant programs total \$74,128.47. While this is above the \$49,128.47 of funding left, the City has traditionally either tapped into Contingency Funds or submitted a budget adjustment to Council for approval. One aspect of this program is that the property owner has a year to complete the work (or seek re-approval), so grants can extend past a fiscal year.

RECOMMENDATION

Approval of Resolution 22-R-136

Attachments

Res 22 R 136 Masonic Lodge
 507 Main Local Flavor Agreement

RESOLUTION NO. 22-R-130

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS APPROVING A REQUEST FOR A SCHERTZ MAIN STREET LOCAL FLAVOR ECONOMIC DEVELOPMENT GRANT FOR 507 MAIN STREET IN THE CITY OF SCHERTZ, TEXAS, AND RELATED MATTERS IN CONNECTION THEREWITH

WHEREAS, The City of Schertz desires to protect, enhance, and preserve the historic resources and landmarks which represent distinctive elements of Schertz' historic, architectural, economic, cultural, and social heritage by providing property owners and incentive for protecting their property; and

WHEREAS, the City of Schertz desires to encourage the attraction of small businesses that will create local charm and help develop a sense of place in and around Main Street;

WHEREAS, the City of Schertz desires to stabilize and improve property values; and

WHEREAS, Foster civic pride in the beauty and accomplishments of the past, and to promote the use of the historic structures for the culture, education, and general welfare of residents; and

WHEREAS, Strengthen the economy of the city by protecting and enhancing the attractiveness of the Main Street area to residents and visitors, as well as provide support and stimulus to businesses.

WHEREAS, the City Council approved the Schertz Main Street Local Flavor Economic Development Grant;

WHEREAS, staff is in support of this program and recommended approval of the grant request for 817 Main Street for up to \$7,000.00;

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

Section 1. The City Council hereby approves the Schertz Main Street Local Flavor Economic Development Grant request for 507 Main Street subject to the approved criteria of the program and execution of a funding agreement generally as outlined in Exhibit "A".

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 13th day of December, 2022.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, Interim City Secretary

(CITY SEAL)

Exhibit A

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

SCHERTZ MAIN STREET LOCAL FLAVOR ECONOMIC DEVELOPMENT PROGRAM
FUNDING AGREEMENT BETWEEN THE CITY OF SCHERTZ, TEXAS AND the
Randolph Lodge #1268 FOR EXPENDITURE OF LOCAL FLAVOR GRANT FUNDS

This Local Flavor Development Program Funding Agreement (AGREEMENT) is made and entered into by and between the City of Schertz, Texas (CITY) and the Randolph Lodge #1268, (ENTITY).

WHEREAS, the ENTITY has developed a proposal to Make improvements to the roof of 507 Main (the “Project”); and

WHEREAS, Section 380.001 of the Texas Local Government Code, as amended, allows the governing body of a municipality to establish and provide for the administration of one or more programs to promote state and local economic development and to stimulate business and commercial activity in the municipality; and

WHEREAS, the Schertz Main Street Local Flavor Economic Development Program is intended to encourage and expansion and attract small businesses that create local charm and help develop a sense of place in and around Main Street, promote commercial development, stabilize and improve property values, foster civic pride, and protect and enhance the attractiveness of the Main Street area to residents and visitors; and

WHEREAS, funding for the Schertz Main Street Local Flavor Economic Development Program will be provided annually through the City’s General Fund; and

WHEREAS, the Schertz Main Street Local Flavor Economic Development Program will enhance other city efforts to improve, beautify, and promote economic development in the Main Street area.

WHEREAS, the area around Main Street in Schertz once served as commercial and social hub of the community; and

WHEREAS, the City seeks to improve the image of the area around Main Street through restoration and rehabilitation of structures in the Main Street area to serve as a commercial, social, cultural and tourism hub of the City; and

WHEREAS, the City Council of the City of Schertz desires to provide funds to AND the Randolph Lodge #1268 (ENTITY).

NOW, THEREFORE, it is mutually agreed by and between the CITY and ENTITY as follows:

GENERAL PROVISIONS

Section 1. Purpose. The purpose of this Agreement is to provide funding to the ENTITY for the project identified in the attached Exhibit "A" (the "Project"), the intent of which is to promote state and local economic development and to stimulate business and commercial activity in the municipality to encourage and expansion and attract small businesses that create local charm and help develop a sense of place in and around Main Street, promote commercial development, stabilize and improve property values, foster civic pride, and protect and enhance the attractiveness of the Main Street area to residents and visitors.

Section 2. Obligation of the ENTITY. The ENTITY shall use all of the awarded funds provided by the CITY in accordance with Chapter 351 of the Texas Tax Code, the ENTITY' funding application, and the attached Exhibit "A".

Section 3. Reporting Requirements of the ENTITY. The ENTITY shall deliver a detailed accounting of the expenditures for the Project within thirty (30) days after completion of the Project (the "Post Event Report"). The Post Event Report shall include copies of receipts and other documents establishing the expenditures for the project. The CITY shall not make reimbursements for expenditures where no receipt or invoice is provided. Partial or incomplete reports will not be accepted.

Section 4. Authorization of Payment. Subject to the ENTITY' satisfactory performance and compliance with the terms of this AGREEMENT, the CITY agrees to pay the ENTITY up to fifty percent (50%) of the Project. The Project is estimated to be approximately \$15,000.00 and fifty percent of which, is capped at 7,500.00 for work falling within the criteria for a façade improvement grant. Payment(s) will be made within forty-five (45) days of acceptance of the complete Post Event Report. Partial or incomplete reports will not be accepted. Only expenditures that meet Chapter 351 of the Tax Code and this AGREEMENT shall be reimbursed.

Section 5. Appeal Process. Any ENTITY wishing to appeal the decision of the CITY must present their appeal in writing within ten (10) business days of funding denial.

Section 6. Rights. The City of Schertz has the right, at any time, to inspect the books or records of the ENTITY that may relate to performance of this AGREEMENT. The CITY, at its sole expenses, has the right to conduct an audit of the ENTITY or Project.

Section 7. Term. The AGREEMENT shall become effective as of the date entered below. The AGREEMENT shall terminate one year from its effective date or once the terms have been met, whichever occurs first.

Section 8. Indemnification. The ENTITY agrees to defend, indemnify and hold harmless the CITY, its officers, agents and employees, against any and all claims, lawsuits, judgments, cause of action, costs and expenses for personal injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the ENTITY's breach of any of the terms or provisions of this AGREEMENT, or by any negligent act or omission of the ENTITY, its officers, agents, servants, employees, contractors, or subcontractors, in the

performance of this AGREEMENT; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence of the CITY, its officers, agents, employees or separate contractors, and in the event of joint and concurrent negligence of both the ENTITY and the CITY under Texas law and without waiving any defenses of the parties under Texas law. The provisions of this paragraph are solely for the benefit of the parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity. Both parties expressly agree that this AGREEMENT does not assign any responsibility for civil liability to the City of Schertz that may arise by virtue of this AGREEMENT.

Section 9. Termination. A party may terminate this AGREEMENT in whole or in part if the other party fails to comply with a term of the AGREEMENT, including the inability of the ENTITY to conform to any change required by federal, state or local laws or regulations; or for the convenience of either party. The terminating party shall provide written notification to the other party of the decision to terminate this AGREEMENT within thirty (30) days before the effective date of termination. A party may terminate the AGREEMENT for breach of any provision of this AGREEMENT, upon written notice of the breach and the breaching party shall have ten (10) days after receipt of the written notice in which to cure the breach to the satisfaction of the non-breaching party.

Section 10. Notice. All notices required or permitted under this AGREEMENT shall be in writing and shall be delivered in person or mailed as follows:

to the CITY at:

City of Schertz
Attention: City Manager
1400 Schertz Parkway
Schertz, TX 78154
(210) 619-1000

To: Randolph Lodge #1268
Attention: Lionel Cortinas
507 Main
Schertz, Texas 78154

MISCELLANEOUS

Section 11. Entire Agreement. This AGREEMENT constitutes the entire agreement of the parties regarding the subject matter contained herein. The parties may not modify or amend this AGREEMENT, except by written agreement approved by the governing bodies of each party and duly executed by both parties.

Section 12. Approval. This AGREEMENT has been duly and properly approved by each party's governing body and constitutes a binding obligation on each party.

Section 13. Assignment. Except as otherwise provided in this AGREEMENT, a party may not assign this AGREEMENT or subcontract the performance of services without first obtaining the written consent of the other party.

Section 14. Non-Waiver. A party's failure or delay to exercise right or remedy does not constitute a waiver of the right or remedy. An exercise of a right or remedy under this AGREEMENT does not preclude the exercise of another right or remedy. Rights and remedies under this AGREEMENT are cumulative and are not exclusive of other rights or remedies provided by law.

Section 15. Paragraph Headings. The various paragraph headings are inserted for convenience of reference only, and shall not affect the meaning or interpretation of this AGREEMENT or any section thereof.

Section 16. Attorney fees. In any lawsuit concerning this AGREEMENT, the prevailing party shall be entitled to recover reasonable attorney's fees from the nonprevailing party, plus all out-of-pocket expense such as deposition costs, telephone, calls, travel expenses, expert witness fees, court costs, and their reasonable expenses, unless otherwise prohibited by law.

Section 17. Severability. The parties agree that in the event any provision of this AGREEMENT is declared invalid by a court of competent jurisdiction that part of the AGREEMENT is severable and the decree shall not affect the remainder of the AGREEMENT. The remainder of the AGREEMENT shall be in full force and effect.

Section 18. Venue. The parties agree that all disputes that arise of this AGREEMENT are governed by the laws of the State of Texas and venue for all purposes herewith shall be in Milam County, Texas.

Section 19. Certificate of Insurance. The ENTITY agrees to provide a certificate of insurance for liability and worker's compensation insurance or letter of self-insurance on its letterhead indicating its self-insured status before any event awarded funding under this AGREEMENT. The cost of the insurance herein mentioned to be secured and maintained by the ENTITY shall be borne solely by the ENTITY.

IN WITNESS HEREOF, the CITY and ENTITY make and execute this AGREEMENT to be effective this _____ day of _____, 2022.

CITY OF SCHERTZ, TEXAS

ENTITIES

City Manager

ATTEST:

City Secretary

EXHIBIT A

ReRoof Work

CITY COUNCIL MEMORANDUM

City Council Meeting: December 13, 2022
Department: City Secretary
Subject: Ordinance No. 22-T-49 - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, authorizing an adjustment to the fiscal year 2022-2023 budget, repealing all Ordinances or parts of Ordinances in conflict with this Ordinance; and providing an effective date. (*Final Reading*) (B. James/J. Walters)

BACKGROUND

This budget amendment ordinance is meant to move unused budgeted amounts from FY 2021-22 to FY 2022-23. This adjustment is for departments that had unused budgeted amounts due to delays in manufacturing, back ordered/out of stock items, or project schedules that run through multiple fiscal years. The identified items and amounts to be rolled forward amount to \$1,801,317. A list of items are outlined below:

1. Police - \$81,139 in vehicle purchases to replace the K-9 vehicle
2. Parks - \$27,800 budgeted for Wendy Swan Restroom Repairs
3. Parks - \$9,015 to purchase tables for Ashley Park
4. Parks - \$133,118 to continue renovations at Thulemeyer Park
5. Parks - \$3,993 to continue upgrading the garden at the Senior Center
6. Parks - \$88,173 to continue the Cibolo Valley Drive median landscaping
7. IT - \$4,483 to continue the city's wifi and camera upgrades
8. Fire - \$15,533 community outreach for promotional material purchases
9. Fire - \$283,561 for vehicle purchase and outfitting
10. Fire - \$10,000 promotional testing cost increases
11. Fire - \$27,732 for delayed uniform purchases
12. PEG - \$479,796 to continue the master communication plan execution
13. PEG - \$374,974 to continue the Council Chambers AV upgrade project
14. EMS - \$262,000 for an ambulance remount and equipment that was delayed

Staff also recommends setting a budget for graffiti abatement in the City. Sec. 50-307 of the City Code of Ordinances must offer property owners graffiti removal services free of charge. Once City Staff has probably cause to believe graffiti has been placed upon any property, staff will notify the property owner in writing of the graffiti and offer to remove it free of charge. If no response is received in 10 calendar days the offer shall be deemed refused.

A budget for this service was not included in the FY 2022-23 Adopted Budget and staff recommends setting it at \$10,000 based on the current known requests for service and properties that have been notified.

GOAL

To move forward unused budget amounts on approved programs from FY 2021-22 to prevent expenses from the previous fiscal year from inhibiting the operating budgets for FY 2022-23.

COMMUNITY BENEFIT

This will prevent current year projects from being delayed due to overlapping expenditures from the previous fiscal year.

SUMMARY OF RECOMMENDED ACTION

Staff recommends approval of Ordinance 22-T-49.

FISCAL IMPACT

This adjustment will use budgeted amounts from FY 2021-22. Those unused funds increased fund balance at the end of the fiscal year. This adjustment will use \$1,801,317 of fund balance that will be reported on the annual financial report.

Estimated Unassigned Fund Balance as of September 30, 2022

Fund	Starting Balance	Roll Forward	Remaining
General Fund	\$12,570,000	\$684,548	\$11,885,452
PEG	\$880,000	\$854,770	\$25,230
EMS	\$2,970,000	\$262,000	\$2,708,000

General Fund and EMS operating funds will still meet the 26% fund balance requirement after the adjustment.

The \$10,000 for graffiti removal services will also come from reserves and will be considered as base budget for the following year.

RECOMMENDATION

Staff recommends approval of Ordinance 22-T-49.

Attachments

Ordinance 22-T-49

ORDINANCE NO. 22-T-49

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN ADJUSTMENT TO THE FISCAL YEAR 2022-2023 BUDGET TO REAUTHORIZE UNUSED FUNDS FROM FISCAL YEAR 2021-2022 AND SETTING A BUDGET FOR GRAFFITI ABATEMENT, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to Ordinance 22-T-30, the City of Schertz (the “City”) adopted the budget for the City for the fiscal year 2022-2023 (the “Budget”), which provides funding for the City’s operations throughout the 2022-2023 fiscal year; and

WHEREAS, the City needs to authorized budget amounts of \$1,801,317.00 to re-authorize unused funds from fiscal year 2021-22; and

WHEREAS, the City needs to authorize a budget of \$10,000.00 to be used for graffiti abatement; and

WHEREAS, City staff recommends that the City Council of the City adjust the Budget and approve the ordinance; and

WHEREAS, the City Council of the City has determined that it is in the best interest of the City to adjust the and re-authorize the funds as more fully set forth in this Ordinance.

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

Section 1. The City shall increase the Fire Department Budget by \$336,826.00 to purchase and outfit vehicles, for uniforms, community outreach, and for promotional testing.

Section 2. The City shall increase the Police Department Budget by \$81,139.00 for a K-9 vehicle replacement.

Section 3. The City shall increase the Parks Department Budget by \$173,926.00 to complete Wendy Swam restroom repairs, Ashley Park and Thulemyer Park renovations, and the update for the Senior Center Garden.

Section 4. The City shall increase the Roadway Impact Fees Budget by \$88,173.00 to continue the Cibolo Valley Drive median project.

Section 5. The City shall increase the Information Technology Budget by \$4,483.00 to complete wifi and camera upgrades.

Section 6. The City shall increase the Public, Education, and Governmental Programing (PEG) Fund Budget by \$854,770.00. The first \$479,796.00 is to continue the Master

Communication Plan and the remaining \$374,974.00 is to complete the City Council Chambers audio/visual upgrade.

Section 7. The City shall increase the Emergency Medical Services (EMS) Department Budget by \$262,000.00 to complete the purchase and outfit of an approved ambulance replacement.

Section 8. The City shall set a budget of \$10,000.00 for graffiti abatement services.

Section 9. These expenditures will be funded from the fund balance of their respective funds.

Section 10. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 11. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 12. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 13. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 14. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 15. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

PASSED ON FIRST READING, the 6th day of December, 2022.

PASSED AND ADOPTED ON SECOND AND FINAL READING, the 13th day of December, 2022.

CITY OF SCHERTZ, TEXAS

Mayor

ATTEST:

Interim City Secretary

(CITY SEAL)

CITY COUNCIL MEMORANDUM

City Council Meeting: December 13, 2022
Department: City Secretary
Subject: Ordinance No. 22-S-45 Consideration and/ or action on a request to rezone approximately 0.14 acres of land from Single-Family Residential District (R-2) to Main Street Mixed Use District (MSMU), generally located southeast of the intersection of Randolph Ave and Exchange Ave, also known as 204 Randolph Ave, also known as Guadalupe County Property Identification Number 67555, Guadalupe County, Texas. (B. James, L. Wood, E. Delgado)(*Final Reading*)

BACKGROUND

The applicant is proposing to rezone approximately 0.14 acres of land from Single-Family Residential District (R-2) to Main Street Mixed Use District (MSMU), the property is located at 204 Randolph Ave. The rezone is desired by the property owner in order to utilize the property for commercial purposes and for additional parking spaces which will benefit 603 Main Street, 204 Randolph, and 539 Main Street.

A Public Hearing notice was published in the San Antonio Express news on November 16, 2022. Twenty-three (23) public hearing notices were mailed to surrounding property owners within two hundred (200)feet of the subject property on November 3, 2022. At the time of this staff report one (1) response in favor of the zoning request has been received. No responses neutral or opposed to the request have been received.

The following residents spoke at the November 16, 2022 Planning and Zoning Commission Public Hearing:

- Thomas Perkins- 305 Randolph Ave
 - Expressed concerns with parking and noise currently in the vicinity (specifically on Randolph Ave) due to existing commercial development and the impact it makes on the nearby residential.
- Linda Perkins- 305 Randolph Ave
 - Expressed concerns with noise due to existing commercial development and the impact on the tenants that reside in her rental property.

GOAL

The proposed rezone is for approximately 0.14 acres of land from Single Family Residential District (R-2) to Main Street Mixed Use District (MSMU) located southeast of the intersection of Randolph Ave and Exchange Ave, also known as 204 Randolph Ave.

COMMUNITY BENEFIT

It is the City's desire to promote safe, orderly, efficient development and ensure compliance with the City's vision of future growth.

SUMMARY OF RECOMMENDED ACTION

The Sector Plan amendment to the Comprehensive Land Use Plan (CLUP) designates the subject property as part of Historic Downtown Schertz. The objectives for Historic Downtown Schertz are to leverage Schertz's history and heritage to create a unique destination with local independent businesses, encouraging the use of existing buildings. The Main Street Mixed-Use District (MSMU) was created to help achieve these objectives. The Main Street Mixed-Use District (MSMU) is intended to provide a base zoning district to the area along Main Street and within the Main Street Incentive Program area. In light of the history of the area and variety of land uses that exist, this zoning district allows for both single-family residential uses and low intensity commercial uses. Reduced setbacks and parking requirements are provided as part of this district due to physical constraints.

- **Comprehensive Plan Goals and Objectives:** The proposed rezoning request is generally in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed zone change will provide for either single family or low intensity commercial occupancy.
- **Impact of Infrastructure:** The proposed rezoning request should have a minimal impact on the existing water and wastewater systems.
- **Impact of Public Facilities/Services:** The proposed rezoning request will have minimal impact on public services, such as schools, fire, police, parks and sanitation services.
- **Compatibility with Existing and Potential Adjacent Land Uses:** The subject property is currently surrounded by a single-family dwelling, a counselors' office (currently zoned MSMU), and right-of-way, with commercial businesses in the vicinity along Main Street and across Randolph Ave (The Hidden Grove, zoned MSMU). The Main Street Mixed Use District (MSMU) will allow for either low intensity commercial or single-family residential, both of which are compatible with the adjacent land uses.

The rezoning request appears to have a minimal impact on the public infrastructure, facilities or services and is consistent with the Comprehensive Land Use Plan and compatible with the surrounding land uses. The applicant is proposing to rezone the property from the current Single Family Residential District (R-2) to Main Street Mixed Use District (MSMU), to allow for single family residential or low intensity commercial land uses that are permitted in the Main Street Mixed Use District (MSMU). Based on the Comprehensive Land Use Plan and surrounding land uses the Main Street Mixed Use District (MSMU) is a compatible / appropriate zoning district for this tract of land. Staff recommends approval of the rezoning application as submitted.

FISCAL IMPACT

None.

RECOMMENDATION

The Planning and Zoning Commission conducted a public hearing on November 16, 2022 and offered a recommendation of approval by a 6-0 vote.

Based on the Comprehensive Land Use Plan and surrounding land uses the Main Street Mixed Use District (MSMU) is a compatible and appropriate zoning district for this property. Staff recommends approval of the rezoning application as submitted.

Attachments

Ord. No. 22-S-45

Exhibit A- Zoning Exhibit and Field Notes

Aerial Map

Public Hearing Notice Map

ORDINANCE NO. 22-S-45

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 0.14 ACRES OF LAND TO MAIN STREET MIXED-USE DISTRICT (MSMU), GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF RANDOLPH AVE AND EXCHANGE AVE, ALSO KNOWN AT 204 RANDOLPH AVE, ALSO KNOWN AS GUADALUPE COUNTY PROPERTY IDENTIFICATION NUMBER 67555, GUADALUPE COUNY, TEXAS

WHEREAS, an application to rezone approximately 0.14 acres of land located southeast of the intersection of Randolph Ave and Exchange Ave, also known as 204 Randolph Ave, also known as Guadalupe County Property Identification Number 67555, and more specifically described in the Exhibit A attached herein (herein, the “Property”) has been filed with the City; and

WHEREAS, the City’s Unified Development Code Section 21.5.4.D. provides for certain criteria to be considered by the Planning and Zoning Commission in making recommendations to City Council and by City Council in considering final action on a requested zone change (the “Criteria”); and

WHEREAS, on November 16, 2022, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council to approve the requested rezoning; and

WHEREAS, on December 6, 2022, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested zoning be approved as provided for herein.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS:
THAT:**

Section 1. The Property as shown and more particularly described in the attached Exhibit A, is hereby zoned Main Street Mixed-Use District (MSMU).

Section 2. The Official Zoning Map of the City of Schertz, described and referred to in Article 2 of the Unified Development Code, shall be revised to reflect the above amendment.

Section 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 4. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 8. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

Section 9. This Ordinance shall be cumulative of all other ordinances of the City of Schertz, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Schertz except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.

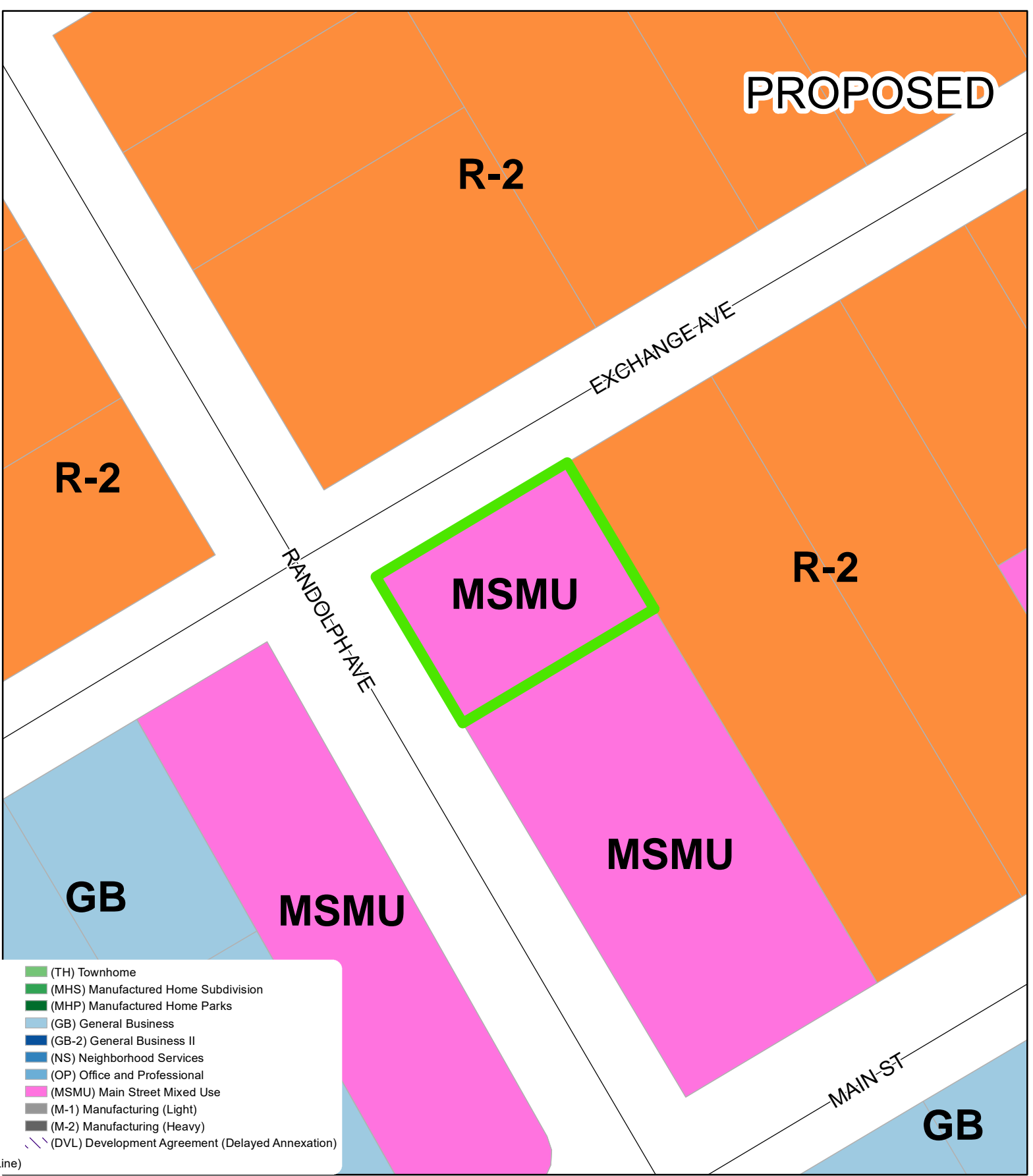
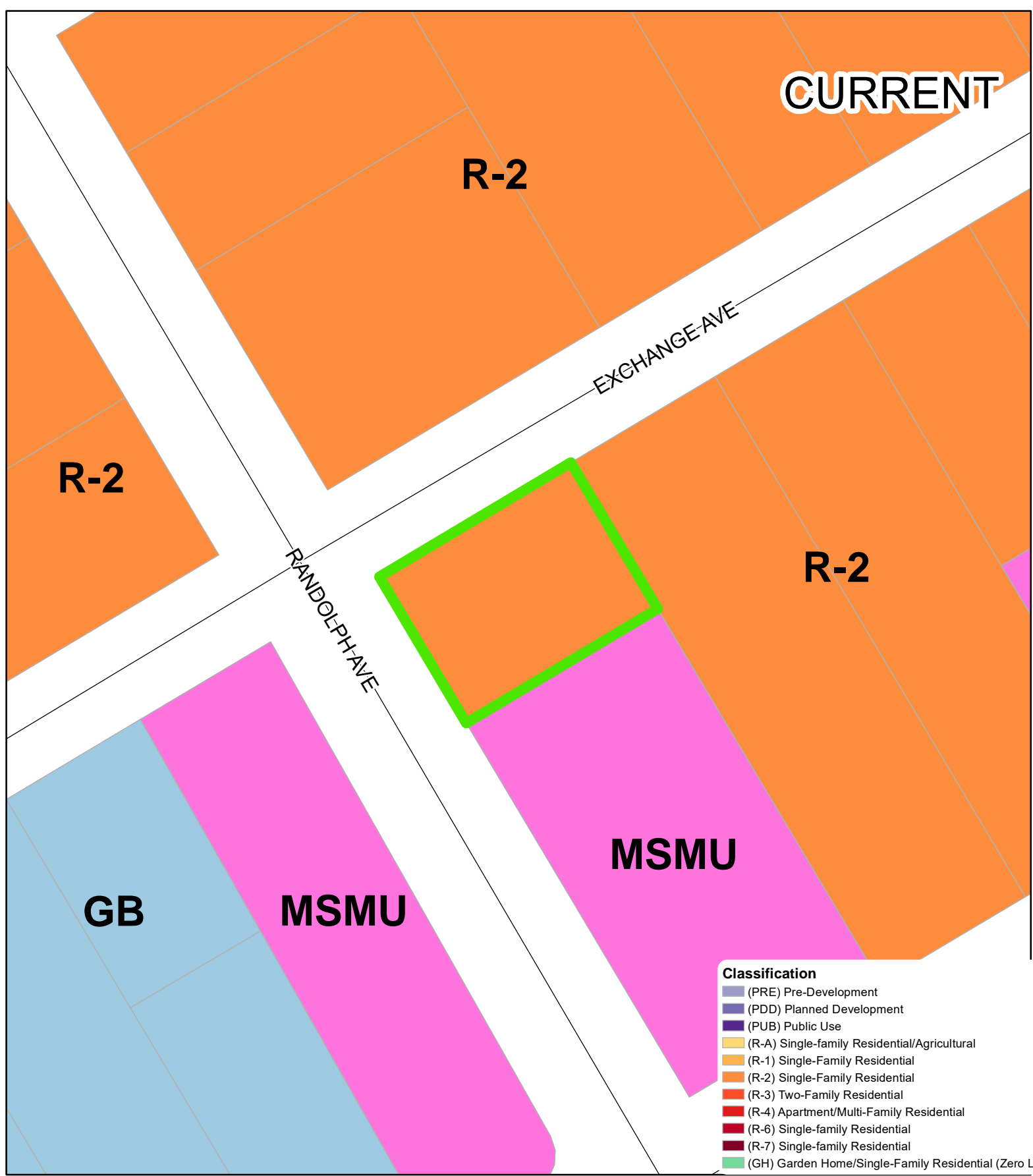
Approved on first reading the 6th day of December, 2022.

PASSED, APPROVED AND ADOPTED on final reading the 13th day of December, 2022.

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, Interim City Secretary
(SEAL OF THE CITY)

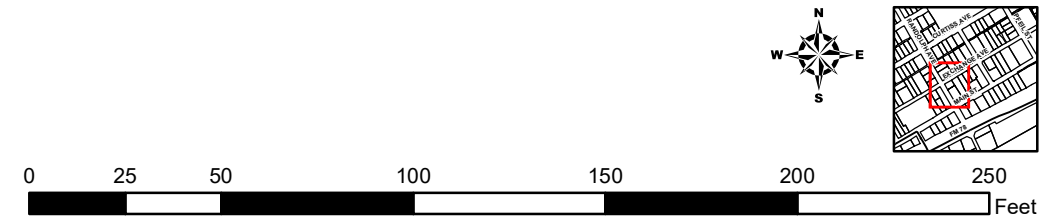


Classification

- (PRE) Pre-Development
- (PDD) Planned Development
- (PUB) Public Use
- (R-A) Single-family Residential/Agricultural
- (R-1) Single-Family Residential
- (R-2) Single-Family Residential
- (R-3) Two-Family Residential
- (R-4) Apartment/Multi-Family Residential
- (R-6) Single-family Residential
- (R-7) Single-family Residential
- (GH) Garden Home/Single-Family Residential (Zero Lot Line)
- (TH) Townhome
- (MHS) Manufactured Home Subdivision
- (MHP) Manufactured Home Parks
- (GB) General Business
- (GB-2) General Business II
- (NS) Neighborhood Services
- (OP) Office and Professional
- (MSMU) Main Street Mixed Use
- (M-1) Manufacturing (Light)
- (M-2) Manufacturing (Heavy)
- (DVL) Development Agreement (Delayed Annexation)

Proposed Zoning Change

204 Randolph Ave
ABS: 221 SUR: G MALPAZ 0.1400 AC.



**CROSS BRANCH
SURVEYING**
10615 PERRIN BEITEL #703
SAN ANTONIO, TEXAS 78217
(210) 828-1102

STATE OF TEXAS
COUNTY OF GUADALUPE

0.14 ACRES
204 RANDOLPH BLVD.

BEING A 0.14 ACRE TRACT OUT OF THE G. MALPAZ SURVEY NO. 67, GUADALUPE COUNTY, TEXAS, BEING ALL OF THAT SAME TRACT DESCRIBED IN DOCUMENT NO. 202199019648 OF THE OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½” iron rod found in the southwest line of that certain tract of land conveyed to Francisco H. & L.T. Coronado by deed recorded in Volume 518, Page 643, of the Deed Records of Guadalupe County, Texas, same being the north corner of a 0.3418-acre tract of land conveyed to MM STX, LLC by deed recorded in Document No. 201999027444 of the Official Public Records of Guadalupe County, Texas, same being the east corner and the **POINT OF BEGINNING** of this herein described tract;

THENCE, S 60°00’00” W, leaving the southwest line of said Coronado tract, with the northwest line of said 0.3418-acre tract, a distance of **89.06 feet** to a ½” iron rod set in the northeast right-of-way line of Randolph Avenue for the west corner of said 0.3418-acre tract, same being the south corner of this herein described tract and the east corner of that certain 779 square foot tract of land conveyed to Urban Renewal Agency of the City of Schertz;

THENCE, N 30°00’00” W, with the northeast right-of-way line of Randolph Avenue, a distance of **54.14 feet** to a ½” iron rod set at the beginning of a tangent curve to the right;

THENCE, 23.56 feet with said curve to the right, having a radius of 15.00 feet, a central angle of 90°00’00” and a chord which bears N 15°00’00” E, a distance of 21.21 feet to a ½” iron rod set in the southeast right-of-way line of Exchange Avenue for the point of tangency;

THENCE, N 60°00’00” E (the bearing basis), with the southeast right-of-way line of Exchange Avenue, a distance of **74.06 feet** to a ½” iron rod set for the west corner of said Coronado tract, same being the north corner of this herein described tract;

THENCE, S 30°00’00” E, leaving the southeast right-of-way line of Exchange Avenue, with the southwest line of said Coronado tract, a distance of **69.14 feet** to the **POINT OF BEGINNING** of this herein described tract, containing 0.14 acres (6,109 square feet) of land, more or less, within these metes and bounds.

I hereby certify that this survey was performed upon the ground May 24th, 2022, under my direct supervision and is true and correct to the best of my knowledge.



Caesar A. Garcia
Registered Professional Land Surveyor No. 5904
WO #22-5-4D





Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



204 RANDOLPH AVE
(PLZC20220175)

- | | | | | | | | |
|--------------------|----------------------------|----------------------------------|--------------------------------|-----|-----|-----|---------------------|
| <all other values> | <all other values> | Planned Secondary Arterial | Commercial Collector B | 1" | 8" | 20" | Schertz Gravity |
| Highways | Freeway | Secondary Rural Arterial | Planned Commercial Collector B | 2" | 10" | 24" | Schertz Pressure |
| Major Roads | Principal Arterial | Planned Secondary Rural Arterial | Commercial Collector A | 3" | 12" | 30" | Neighboring Gravity |
| Minor Roads | Planned Principal Arterial | Residential Collector | Planned Commercial Collector A | 4" | 16" | 36" | Private Pressure |
| Other Cities | Secondary Arterial | Planned Residential Collector | 6" | 18" | | | |

Hydrant
 Manholes
 200' Buffer
 Schertz Municipal Boundary
 County Boundaries

0 37.5 75 150 225 300 Feet
 1 Inch = 75 Feet



City of Schertz

204 Randolph Ave (PLZC20220175)

 Project Area  200' Buffer



NOTICE OF PUBLIC HEARING

November 3, 2022

Dear Property Owner,

The Schertz Planning and Zoning Commission will conduct a public hearing on **Wednesday, November 16, 2022 at 6:00 p.m.** located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and make recommendation on the following item:

PLZC20220175- A request to rezone approximately 0.14 acres of land from Single-Family Residential District (R-2) to Main Street Mixed Use District (MSMU), generally located southeast of the intersection of Randolph Ave and Exchange Ave, also known as 204 Randolph Ave, also known as Guadalupe County Property Identification Number 67555, Guadalupe County, Texas.

The Planning and Zoning Commission would like to hear how you feel about this request and invites you to attend the public hearing. *This form is used to calculate the percentage of landowners that support and oppose the request.* You may return the reply form below prior to the first public hearing date by mail or personal delivery to Emily Delgado, Planning Manager, 1400 Schertz Parkway, Schertz, Texas 78154, by fax (210) 619-1789, or by e-mail edelgado@schertz.com. If you have any questions, please feel free to call Emily Delgado, Planning Manager directly at (210) 619-1784.

Sincerely,

Emily Delgado

Emily Delgado
Planning Manager

Reply Form

I am: in favor of opposed to neutral to the request for **PLZC20220175**

COMMENTS: _____

NAME: MIKE KIRBY SIGNATURE *Mike Kirby*
(PLEASE PRINT)

STREET ADDRESS: 605 EXCHANGE

DATE: 7 NOV 22

CITY COUNCIL MEMORANDUM

City Council Meeting: December 13, 2022
Department: City Secretary
Subject: Ordinance No. 22-S-42 - Consideration and /or action on a request to rezone approximately 31 acres of land from General Business District (GB) to Single-Family Residential District (R-2), the property, a portion of Parcel ID 63998, generally located approximately 1,000 feet to the northwest of the Eckhardt Road and Green Valley Road intersection. City of Schertz, Guadalupe County, Texas. (B. James, L. Wood, S. Haas) *(Final Reading)*

BACKGROUND

Owner: Theresa Jeanne Ackermann

Forty public hearing notices were mailed to the surrounding property owners on September 30, 2022 with a public hearing notice published in the "San Antonio Express" on Wednesday, November 16, 2022. At the time of this report, staff has received six (6) responses opposed and one (1) response in favor of the requested rezoning. Five of the responses in opposition are from property owners within the 200' notice area. They represent 20.1% of the area within the 200' notice area. As these protests exceed the 20% requirement, an affirmative vote of at least three-fourths of Council is required to approve this request. The attached Opposition Exhibit shows the opposition that is within the 200' notice area.

A public hearing was held at the October 12, 2022, Planning and Zoning Commissions meeting where the following residents spoke:

- Louis Dawkins - 536 Scarlet Ct., Canyon Lake
- Donna Sanders - 4507 Pecos Pt.
- Theresa Jeanne Ackermann - property owner
- Carlos Sanders - 4507 Pecos Pt.

There was a discussion on:

- Clarification on water standards and availability
- Property Taxes
- Retail sales businesses
- Road improvements
- Land use changes

GOAL

The goal is to rezone approximately 31 acres of land from General Business District (GB) to Single-Family Residential District (R-2) in order to develop a residential subdivision.

COMMUNITY BENEFIT

The community benefit is to promote safe, orderly, efficient development and bring about the City's vision of future growth.

SUMMARY OF RECOMMENDED ACTION

The Comprehensive Land Use Plan (CLUP), through the Future Land Use Plan and the North Schertz Sector Plan, designates this subject property as Single-Family Residential.

- **Comprehensive Plan Goals and Objectives:** The Single-Family Residential designation from the Comprehensive Land Use Plan and the Future Land Use Plan is intended to accommodate Single-Family Residential which is defined as conventional detached dwellings. For areas proposed to utilize a traditional neighborhood design the Single Family Residential use may include a mix of residential uses as well as limited commercial development to support the daily activities of the development. Additionally, in all Single Family Residential use areas, public and semi-public development such as schools and churches are encouraged as neighborhood focal points. Currently, the property is zoned General Business District (GB), which does not align with the Comprehensive Land Use Plans designation for the property. The proposed zone change to Single-Family Residential District (R-2) is directly in line with the goals and objectives of the Comprehensive Land Use Plan.
- **Impact of Infrastructure:** The proposed rezone would have a minimal impact on the existing infrastructure. If the zone change were to be approved, during the platting / development process the property will need to comply with all subdivision regulations in relation to water and sewer.
- **Impact of Public Facilities/Services:** The proposed zone change would have minimal impact to the public services, such as schools, fire, police and parks.
- **Compatibility with Existing and Potential Adjacent Land Uses:** The property is adjacent to single family homes to the north and predominately undeveloped land. The Comprehensive Land Use Plan designates the property as Single-Family Residential. The proposed zone change is compatible with existing and potential land uses.

FISCAL IMPACT

None

RECOMMENDATION

The property is compatible with adjacent land uses as well as the Comprehensive Land Use. If the zone change gets approved, the approximately 31 acres will be developed into single-family homes with an R-2 zoning district designation for a proposed traditional neighborhood design that may include a mix of residential uses such areas of public and semi-public uses.

The Planning and Zoning Commission held a public hearing on October 12, 2022, and offered a recommendation of approval with a 6-0 vote. Staff supports the Commissions recommendation and recommends approval of the proposed rezoning from General Business District (GB) to Single-Family Residential District (R-2).

Attachments

Ordinance No. 22-S-42

Exhibit A

Aerial Exhibit

Public Hearing Notice Map

Public Hearing Responses

Opposition Exhibit

ORDINANCE NO. 22-S-42

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 31 ACRES OF LAND TO SINGLE-FAMILY RESIDENTIAL DISTRICT (R-2) GENERALLY LOCATED 1,000 FEET TO THE NORTHWEST OF THE ECKHARDT ROAD AND GREEN VALLEY ROAD INTERSECTION ALSO KNOWN AS GUADALUPE COUNTY PROPERTY IDENTIFICATION NUMBER 63998, GUADALUPE COUNY, TEXAS

WHEREAS, an application to rezone approximately 31 acres of land located 1,000 feet to the northwest of the Eckhardt Road and Green Valley Road intersection, also known as 4600 Eckhardt Road, also known as Guadalupe County Property Identification Number 63998, and more specifically described in the Exhibit A attached herein (herein, the “Property”) has been filed with the City; and

WHEREAS, the City’s Unified Development Code Section 21.5.4.D. provides for certain criteria to be considered by the Planning and Zoning Commission in making recommendations to City Council and by City Council in considering final action on a requested zone change (the “Criteria”); and

WHEREAS, on October 12, 2022, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council to approve the requested rezoning; and

WHEREAS, on December 6, 2022, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested zoning be approved as provided for herein.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS:
THAT:**

Section 1. The Property as shown and more particularly described in the attached Exhibit A, is hereby zoned Single-Family Residential (R-2).

Section 2. The Official Zoning Map of the City of Schertz, described and referred to in Article 2 of the Unified Development Code, shall be revised to reflect the above amendment.

Section 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 4. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 8. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

Section 9. This Ordinance shall be cumulative of all other ordinances of the City of Schertz, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Schertz except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Approved on first reading the 6th day of December, 2022.

PASSED, APPROVED AND ADOPTED on final reading the 13th day of December, 2022.

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, Interim City Secretary
(SEAL OF THE CITY)

NOTE
 REFERENCED PROPERTY IS IN ZONE X. AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SCALED FROM FEMA FLOOD MAP 90 OF 480, COMMUNITY PANEL NO. 48187C0090F, DATED NOVEMBER 2, 2007.

ZONING TABLE		
TOTAL ACREAGE	EXISTING ZONING	PROPOSED ZONING
30.13 ACRES	GB	R-2

4.99 ACRE TRACT
 LAND USE: AGRICULTURE
 ZONING: NONE
 PROPERTY ID: 61591
 (DOC. # 16165)
 OWNER: DAKE COLLEEN J
 7208 GREEN VALLEY RD
 CIBOLO, TX 78108

4.99 ACRE TRACT
 LAND USE: AGRICULTURE
 ZONING: NONE
 PROPERTY ID: 61628
 (VOL. . PG.)
 OWNER: GROVER E & BA WRIGHT
 7260 GREEN VALLEY RD
 CIBOLO, TX 78108

0.75 ACRE TRACT
 LAND USE: AGRICULTURE
 ZONING: NONE
 PROPERTY ID: 61626
 (VOL. 477, PG. 698 O.P.R.)
 OWNER: BARBARA ANN WRIGHT
 7260 GREEN VALLEY RD
 CIBOLO, TX 78108

23.63 ACRE TRACT
 LAND USE: AGRICULTURE
 ZONING: NONE
 PROPERTY ID: 61592
 (VOL. 2780, PG. 1073 O.P.R.)
 OWNER: BARBARA WRIGHT
 7260 GREEN VALLEY RD
 CIBOLO, TX 78108

11.682 ACRE TRACT
 LAND USE: AGRICULTURE
 ZONING: NONE
 PROPERTY ID: 61525
 (VOL. 669, PG. 102 O.P.R.)
 OWNER: HAROLD M
 KLAERNER
 7470 GREEN VALLEY RD
 NEW BRAUNFELS, TX 78132

0.630 ACRE TRACT
 LAND USE: SINGLE-FAMILY
 RESIDENTIAL
 ZONING: A1
 PROPERTY ID: 61526
 (VOL. 669, PG. 102 O.P.R.)
 OWNER: HAROLD M KLAERNER
 7470 GREEN VALLEY RD
 NEW BRAUNFELS, TX 78123

1.50 ACRE TRACT
 LAND USE: N/A
 ZONING: NONE
 PROPERTY ID: 153815
 (VOL. 2955, PG. 1031)
 OWNER: THERESA
 JEANNE ACKERMANN
 7263 GREEN VALLEY
 RD
 CIBOLO, TX 78108

44.332 ACRE TRACT
 OWNER: THERESA JEANNE ACKERMAN
 (VOL. 2955, PG. 1031 O.P.R.)

5.503 ACRE TRACT
 LAND USE: AGRICULTURE
 ZONING: GB
 PROPERTY ID: 63997
 (VOL. 2416, PG. 26 O.P.R.)
 OWNER: KATHY ADAMS AND
 JASON LUND
 4190 ECKHARDT ROAD
 MARION, TX 78124

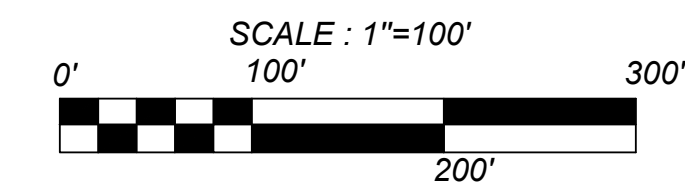
22.14 ACRE TRACT
 LAND USE: AGRICULTURE
 ZONING: GB
 PROPERTY ID: 64006
 (VOL. 4176, PG. 767 O.P.R.)
 OWNER: SCHWAB CREDIT TRUST
 RUBY F SCHWAB - TRUSTEE
 1288 N BUSINESS 35
 NEW BRAUNFELS, TX 78130

42.79 ACRE TRACT
 LAND USE:
 ZONING: GB
 PROPERTY ID: 63992
 (DOC. # 202099005854)
 OWNER: HESS HILLS DEVELOPMENT LLC
 606 EAST 42ND ST,
 AUSTIN, TX 78751

7.95 ACRE TRACT
 LAND USE:
 ZONING: GB
 PROPERTY ID: 63993
 (DOC. # 202099005854)
 OWNER: HESS HILLS DEVELOPMENT LLC
 606 EAST 42ND ST. AUSTIN, TX 78751

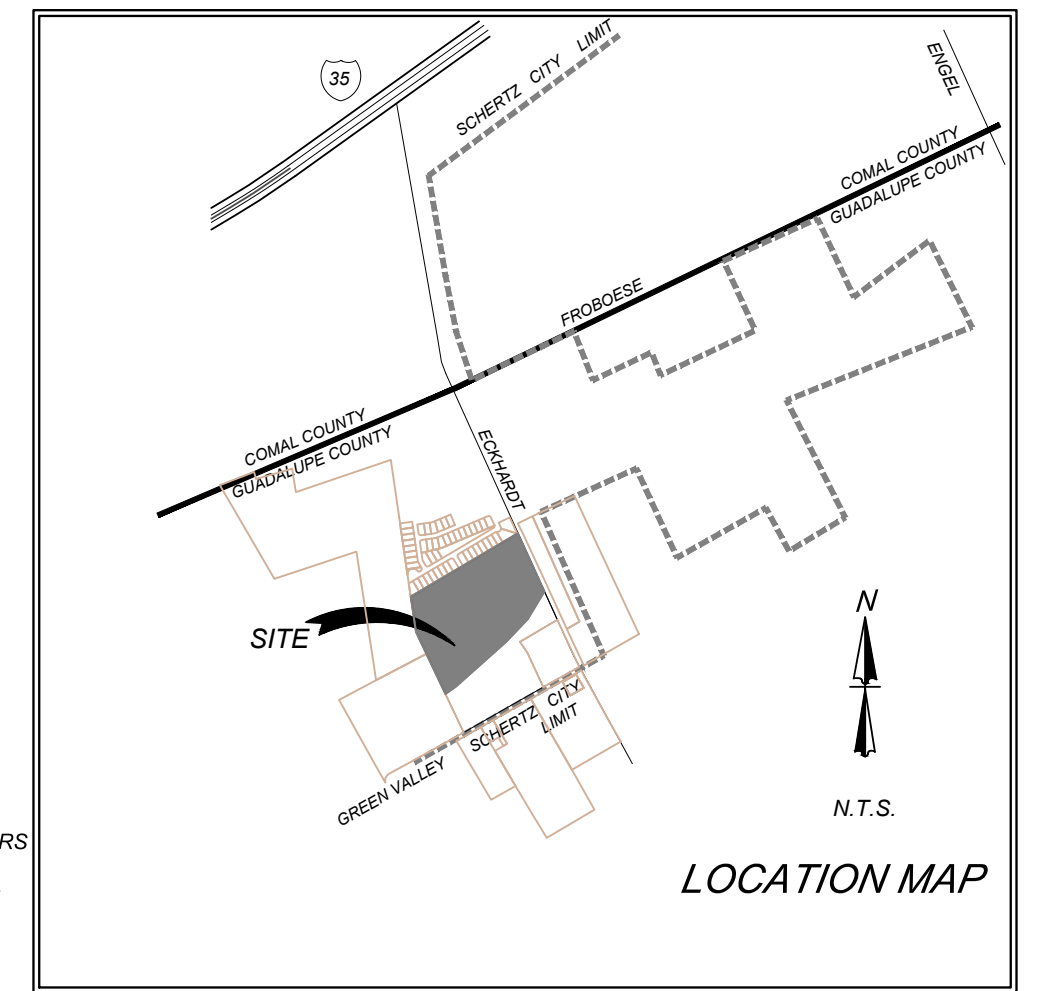
95.34 ACRE TRACT
 LAND USE: AGRICULTURE
 ZONING: GB
 PROPERTY ID: 63994
 (VOL. 1654, PG. 902 O.P.R.)
 OWNER: RBV2 LIMITED PARTNERSHIP
 8809 CARRIAGE DR
 SAN ANTONIO, TX 78217

47.51 ACRE TACT
 LAND USE: SINGLE-FAMILY RESIDENTIAL
 ZONING: R4
 THE PARKLANDS SUBDIVISION UNIT 1
 (VOL. 8, PGS. 739-744 M.P.R.)



LEGEND

	= BOUNDARY
	= RIGHT-OF-WAY
	= EXISTING CONTOURS
	= 200' NOTIFICATION BOUNDARY



OWNER:
 THERESA ACKERMANN
 7263 GREEN VALLEY RD.
 CIBOLO, TX 78108
 (210) 415-0697

APPLICANT:
 AWH CONSULTING, LLC.
 4630 N LOOP 1604 W, SUITE 514
 SAN ANTONIO, TX 78249
 (210) 367-0445

ENGINEER:
 KFW ENGINEERS & SURVEYING
 162 W MILL ST., NEWBRAUNFELS, TX 78130
 PHONE: (830) 220-6042
 FAX: (830) 627-9097

PROPERTY INFORMATION

ID#	OWNER	ADDRESS	DEED INFO
168220	SANDOVAL DUSTIN R	4486 PECOS POINT SCHERTZ, TX. 78108	201899019438
168219	VI JAE & KIMEO VI	4490 PECOS POINT SCHERTZ, TX. 78108	201999014105
168218	KURTZ TRACIELYNN MARIE	4494 PECOS POINT SCHERTZ, TX. 78108	202199014783
168217	STEWART KENNETH WAYNE JR & MICHELLE STEWART	4498 PECOS POINT SCHERTZ, TX. 78108	202099029079
168216	BERRYMAN KENDALL & JANET	4502 PECOS POINT SCHERTZ, TX. 78108	202099000893
168215	GARCIA JOSEPHINE EUGENIA & PEDRO A CRESPO	4506 PECOS POINT SCHERTZ, TX. 78108	202099026663
168214	GOCHENOUR CHASE MATTHEW & CHLOE SHEILA BROUILLARD	4510 PECOS POINT SCHERTZ, TX. 78108	201999022663
168213	PATTERSON AMY M & LINDSAY M BARRETT	4514 PECOS POINT SCHERTZ, TX. 78108	201999003589
168212	POLLANTIER DAWN M & THOMAS W CALDWELL	4518 PECOS POINT SCHERTZ, TX. 78108	202199005869
168211	SCHERTZ CYPRESS POINT HOMEOWNERS ASSOCIATION INC	3424 PAESANOS PARKWAY STE. 100 SHAVANO PARK, TX. 78108	201999018273
168201	MONTALVO ALEXANDRA LEE & ALFRED G MONTALVO JR	4622 PECOS POINT SCHERTZ, TX. 78108	201899027222
168200	MORENO ELISEO JR & REBECCA	4626 PECOS POINT SCHERTZ, TX. 78108	202099011053
168199	COIN HOLLY NIKOLE	4630 PECOS POINT SCHERTZ, TX. 78108	201999030064
168198	MURRAY ANTHONY & TIFFANI A	4634 PECOS POINT SCHERTZ, TX. 78108	202099023806
168197	WOOLRIDGE LENNY & JILL COBB	4638 PECOS POINT SCHERTZ, TX. 78108	201999011613
168196	LALONDE GERALD DOUGLAS	4642 PECOS POINT SCHERTZ, TX. 78108	201999024971
168195	THAI ANTHONY D & YUIRIRIA VERA	4646 PECOS POINT SCHERTZ, TX. 78108	202099003285
168194	GROSS LARRY & DEBRA	4650 PECOS POINT SCHERTZ, TX. 78108	201999015896
168193	SPARKS MATTHEW STEVEN & KELSEY RAY SPARKS	4654 PECOS POINT SCHERTZ, TX. 78108	201899023930
168192	SHIELDS KENNETH W JR & TAMARA	4804 FOREST OAK SCHERTZ, TX. 78108	201899023457
168191	SCOTT CHRISTOPHER JAMES & JENNIFER PATRICIA	4808 FOREST OAK SCHERTZ, TX. 78108	202099010419
168185	RODRIGUEZ ALENANDRO & LUZ M	4696 GREY SOTOL WAY SCHERTZ, TX. 78108	201899025788
168172	PEGINS ASHLEY C & SHENIKA	4503 PECOS POINT SCHERTZ, TX. 78108	20199902212
168171	SANDERS CARLOS & DONNA LYNN	4507 PECOS POINT SCHERTZ, TX. 78108	201999021733
168170	SWEDA BRIAN & LAURIE	4511 PECOS POINT SCHERTZ, TX. 78108	202099021747
168169	SCHERTZ CYPRESS POINT HOMEOWNERS ASSOCIATION INC	3424 PAESANOS PARKWAY STE. 100 SHAVANO PARK, TX. 78108	201999018273
168421	FRISBEY PERRY M II & WENDY L	4905 ARROW RIDGE SCHERTZ, TX. 78124	201999004122
168420	NELSON-LANG ALLAINA MARGUERITE & DONALD LANG	4901 ARROW RIDGE SCHERTZ, TX. 78124	202099004471
168435	PARKLANDS UNITS 1 & 2 LTD	11 LYNN BATTS LN STE. #100 SAN ANTONIO, TX. 78218	201620113115

18.461 ACRE TACT
 LAND USE: SINGLE-FAMILY RESIDENTIAL
 ZONING: R4
 CYPRESS POINT, UNIT 4
 (VOL. 8, PGS. 729-730 M.P.R.)



**ECKHARDT ROAD SUBDIVISION
 ZONING EXHIBIT**
 SCHERTZ, TEXAS
 GUADALUPE COUNTY

LEGAL DESCRIPTION:
 A 30.13 ACRE TRACT OF LAND, OUT OF THE CARROL M. GAHAGAN JR. SURVEY NO. 258, ABSTRACT NO. 142, THE EMANUELA DE LOS SANTOS COY SURVEY ABSTRACT NO. TATE2 BEING OUT OF THE 44.332 ACRE TRACT OF LAND AS CONVEYED TO THERESA JEANNE ACKERMAN OF RECORD IN VOLUME 2955, PAGE 1031 OF THE OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS AND SITUATED IN THE CITY OF SCHERTZ, GUADALUPE COUNTY, TEXAS.

PREPARED : JULY, 2022

Date: Sep 14, 2022, 10:13am User ID: rwalder File: U:\Projects\772\05\01\Design\Exhibits\CAD\EX_Eckhardt_Rd_Zoning.dwg



**FIELD NOTES
FOR
44.36 ACRES**

A **44.36 acre** tract of land, out of the Carrol M. Gahagan Jr. Survey No. 258, Abstract No. 142, the Emanuela De Los Santos Coy Survey Abstract No. Tate2 and all of the 44.332 acre tract of land as conveyed to Theresa Jeanne Acherman of record in Volume 2955, Page 1031 of the Official Public Records of Guadalupe County, Texas and situated in the City of Schertz, Guadalupe County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a found $\frac{1}{2}$ " iron rod in the southwest right-of-way line of Eckhardt Road, a variable width right-of-way, for the northeast corner of the 44.332 acre tract and of the tract described herein;

THENCE: S 24°28'50" E, along and with the southwest right-of-way line of Eckhardt Road and the northeast line of the 44.332 acre tract, a distance of **1011.26 feet** to a found $\frac{1}{2}$ " iron rod, for the northeast corner of the 5.503 acre tract of land as conveyed to Kathy Adams and Jason Lund of record in Volume 2416, Page 26 of the Official Public Records of Guadalupe County, Texas and the east corner of the 44.332 acre tract and the tract described herein;

THENCE: Along and with the common lines between a 5.503 acre tract and the 44.332 acre tract, the following three (3) courses:

1. **S 59°25'28" W**, a distance of **461.11 feet** to a found $\frac{1}{2}$ " iron rod, for the northwest corner of the 5.503 acre tract and an interior corner of the tract described herein,
2. **S 34°06'14" E**, a distance of **141.77 feet** to a set $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW SURVEYING", for an angle point of the tract described herein, and
3. **S 24°57'12" E**, a distance of **399.72 feet** to a found $\frac{1}{2}$ " iron rod in the northwest right-of-way line of Green Valley Road, for the southwest corner of the 5.503 acre tract and the southeast corner of the 44.332 acre tract and the tract described herein;

THENCE: S 60°17'00" W, along and with the common line between the 44.332 acre tract and the northwest right-of-way line of Green Valley Road, a distance of **973.47 feet** to a found post, for the southeast corner of Tract One as conveyed to Schwab Credit Trust of record in Volume 4176, Page 767 of the Official Public Records of Guadalupe County, Texas, the southwest corner of the 44.332 acre tract and the tract described herein;

THENCE: Along and with the common line between Tract One, a 95.34 acre tract of land as conveyed to RBV2 Limited Partnership of record in Volume 1654, Page 902 of the Official Public Records of Guadalupe County, Texas, and the 44.332 acre tract, the following two (2) courses:

1. **N 25°24'38" W**, at a distance of 922.56 feet passing a found $\frac{1}{2}$ " iron rod for the northeast corner of Tract One and the southeast corner of the 95.34 acre tract and continuing for a total distance of **1183.63 feet** to a set $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW SURVEYING", for an angle point of the tract described herein, and
2. **N 08°29'34" W**, a distance of **379.51 feet** to a set $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW SURVEYING", for the southwest corner of Lot 9, Block 14 of Cypress Point, Unit 4, a plat of record in

Volume 8, Pages 729-730 of the Map and Plat Records of Guadalupe County, Texas, and the northwest corner of the tract described herein;

THENCE: N 59°26'06" E, along and with the common line between Cypress Point, Unit 4 and the 44.332 acre tract, at a distance of 594.81 feet to a found ½" iron rod with a cap stamped "FORD ENG INC", for the south corner of White Elm, a 50' right-of-way of the Cypress Point, Unit 4, a plat of record in Volume 8 Pages 729-730 of the Map and Plat Records of Guadalupe County, Texas and continuing for a distance of 50 feet to a found ½" iron rod with a cap stamped "FORD ENG INC", for the east corner of White Elm and continuing for a total distance of **1323.05 feet** to the **POINT OF BEGINNING** and containing **44.36 acres** more or less, in the City of Schertz, Guadalupe County, Texas and being described in accordance with a survey prepared by KFW Surveying.

Job No.: 21-232
Prepared by: KFW Surveying
Date: January 19, 2022
File: S:\Draw 2021\21-232 Eckhardt Rd\DOCS\FN 44.36AC.docx



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

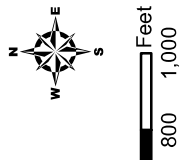
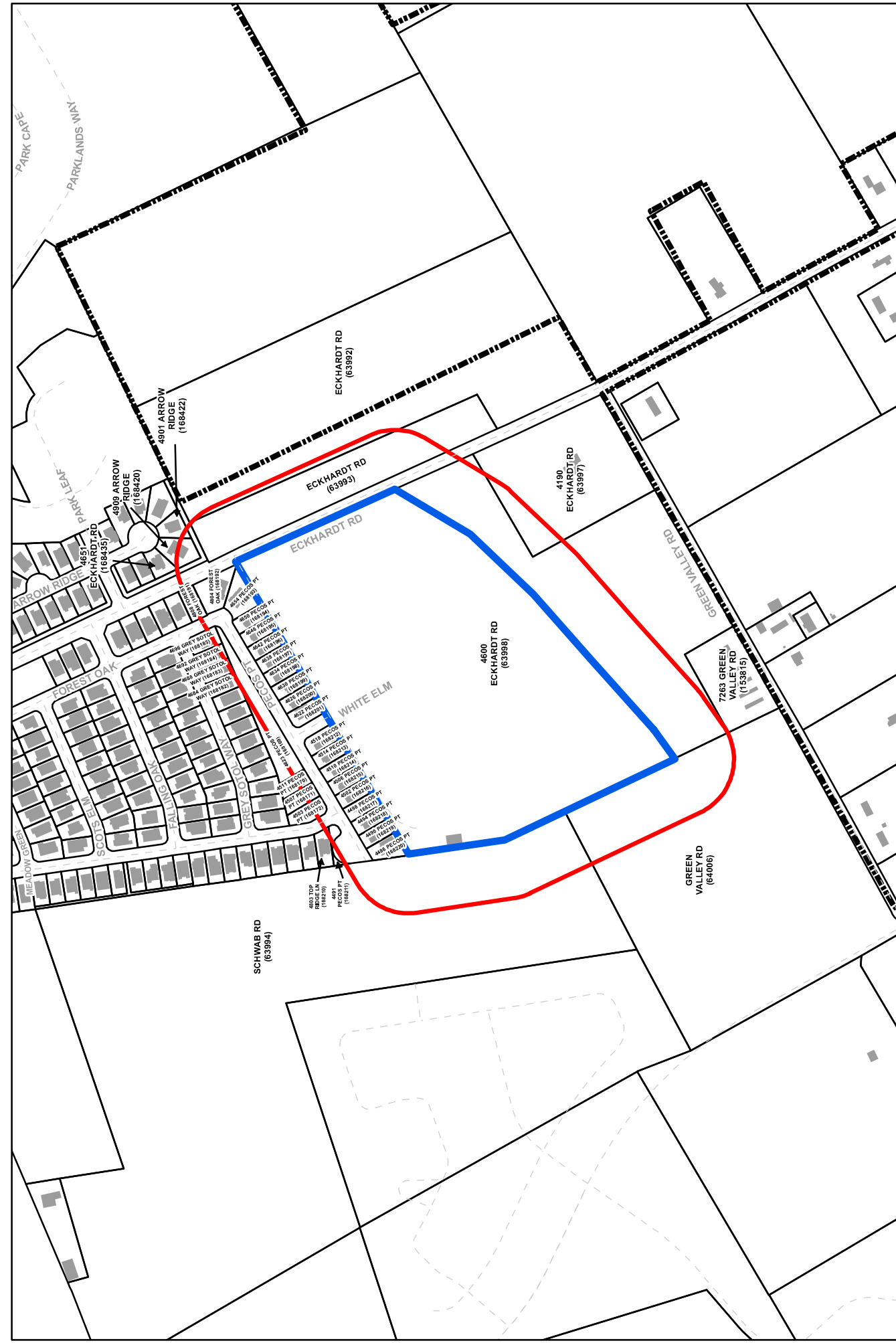



**Eckhardt Road Subdivision
(PLZC20220092)**



- | | | | | | | | |
|--------------------|----------------------------|----------------------------------|--------------------------------|-----|-----|-----|---------------------|
| <all other values> | <all other values> | Planned Secondary Arterial | Commercial Collector B | 1" | 8" | 20" | Schertz Gravity |
| Highways | Freeway | Secondary Rural Arterial | Planned Commercial Collector B | 2" | 10" | 24" | Schertz Pressure |
| Major Roads | Principal Arterial | Planned Secondary Rural Arterial | Commercial Collector A | 3" | 12" | 30" | Neighboring Gravity |
| Minor Roads | Planned Principal Arterial | Residential Collector | Planned Commercial Collector A | 4" | 16" | 36" | Private Pressure |
| Other Cities | Secondary Arterial | Planned Residential Collector | 6" | 18" | | | |


Hydrant
 Manholes
 200' Buffer
 Schertz Municipal Boundary
 County Boundaries

0 200 400 800 1,200 1,600 Feet
 1 Inch = 400 Feet




City of Schertz
 Eckhardt Road Subdivision
 (PLSPU20220092)

 Project Area
  200' Buffer

 City Limit Boundary

NOTICE OF PUBLIC HEARING

September 29, 2022

Dear Property Owner,

The Schertz Planning and Zoning Commission will conduct a public hearing on **Wednesday, October 12th, 2022**, at **6:00 p.m.** located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and make recommendation on the following item:

PLZC20220092 – A request to rezone approximately 31 acres of land from General Business District (GB) to Single-Family Residential District (R-2), the property, a portion of Parcel ID 63998, generally located approximately 1,000 feet to the northwest of the Eckhardt Road and Green Valley Road intersection. City of Schertz, Guadalupe County, Texas.

The Planning and Zoning Commission would like to hear how you feel about this request and invites you to attend the public hearing. *This form is used to calculate the percentage of landowners that support and oppose the request.* You may return the reply form below prior to the first public hearing date by mail or personal delivery to shaas@schertz.com. If you have any questions, please feel free to call Samuel Haas, Planner directly at (210) 619-1783.

Sincerely,

Samuel Haas
Planner

Reply Form

I am: in favor of opposed to neutral to the request for **PLZC20220092**

COMMENTS: _____

NAME: THERESA J. ACKERMAN SIGNATURE
(PLEASE PRINT)

STREET ADDRESS: 7263 GREEN VALLEY RD. SCHERTZ, TEXAS 78108

DATE: Oct. 04, 2022

NOTICE OF PUBLIC HEARING

September 29, 2022

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Sincerely,

Samuel Haas
Planner

Reply Form

I am: in favor of opposed to neutral to the request for **PLZC20220092**

COMMENTS: I'm not sure why we are building more houses to pack in more people.

NAME: Ashley Eckert SIGNATURE Ashley E. Eckert
(PLEASE PRINT)

STREET ADDRESS: 4680 Grey Sotol Way Schertz, TX 78108

DATE: 10/9/22

Is more money in pockets the goal? We have so many wild animals, including a pair of crested caracaras, foxes, coyotes, owls, falcons and hawks that live on the lot in question and surrounding areas.
1400 Schertz Parkway * Schertz, Texas 78154 * 210.619.1000 * schertz.com
Stop taking MORE away from animals just to get more money. I like the woody area - leave it.

Reply Form

I am: in favor of opposed to neutral to the request for **PLZC20220092**

COMMENTS: Adamently opposed. I purchased this lot specifically bc there is ~~not~~ no development behind us.

NAME: Amilynn Stewart (PLEASE PRINT) SIGNATURE Amilynn Stewart

STREET ADDRESS: 4498 Pecos Point, Schertz, TX 78108

DATE: 10-06-22

Samuel Haas

From: James Patterson <jeampatt@yahoo.com>
Sent: Wednesday, October 26, 2022 11:55 AM
To: Samuel Haas
Subject: RE: PLZC20220092

Hi Sam,

Thank you for taking the time to speak with me the other day regarding the rezoning letter I received. I am currently a property owner on Pecos Pt and back up to the zoning area in question. Please accept this email as my response as "opposed to". There is so much construction being built already in the area and with the interest rates going higher, i don't think we need additional single family residential zoning. They are tearing down and clearing land right next to the proposed area. Maybe revisit in a few years and see if still needed.

Thanks,
Amy

Samuel Haas

From:
Sent: Thursday, October 6, 2022 9:07 AM
To: Samuel Haas
Subject: PLZC20220092
Attachments: doc00640920221006090431.pdf

Good morning,

Please find attached hereto our response in opposition to the PLZ20220092.

Thank you,

Amilynn Stewart

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September 29, 2022

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Sincerely,



Samuel Haas
Planner

Reply Form

I am: in favor of opposed to neutral to the request for **PLZC20220092**

COMMENTS: _____

NAME: Dawn Caldwell SIGNATURE Dawn M Caldwell
(PLEASE PRINT)

STREET ADDRESS: 4518 Pecos Point

DATE: 10/5/2022

Samuel Haas

From: Dawn Caldwell
Sent: Thursday, October 6, 2022 8:32 AM
To: Samuel Haas
Subject: Rezoning - PLZC20220092
Attachments: Schertz reply form.pdf

Attached is our reply to the rezoning

NOTICE OF PUBLIC HEARING

September 29, 2022

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Sincerely,

[Handwritten signature of Samuel Haas]

Samuel Haas
Planner

Reply Form

I am: in favor of [] opposed to [X] neutral to [] the request for PLZC20220092

COMMENTS:

NAME: Debra Gross SIGNATURE [Handwritten signature]
(PLEASE PRINT)

STREET ADDRESS: 4650 Pecan Point

DATE: 10/5/2022

Samuel Haas

From: Debra Gross
Sent: Wednesday, October 5, 2022 1:32 PM
To: Samuel Haas
Subject: Request to Rezone from Larry and Debra Gross, 4650 Pecos Point
Attachments: 2022-10-05 13-28.pdf

--

Sent with Genius Scan for iOS.

We would like to know what the plans are for this area if it is rezoned.

Debra Gross

“Charm is deceptive, and beauty is fleeting; but a woman who fears the LORD is to be praised.”
(Proverbs 31:30)

Sent from my iPhone

Samuel Haas

From: L Dawkins
Sent: Tuesday, October 11, 2022 3:08 PM
To: Samuel Haas
Subject: Public Hearing - PLZC 20220092 Response

Dear Mr. Haas,

I, Ruby F. Schwab am' Opposed' to the request for PLZC20220092. I will be in attendance tomorrow night for the hearing.

Ruby F. Schwab
7057 Green Valley
Cibolo, TX 78108

Sincerely,
Ruby F. Schwab

NOTICE OF PUBLIC HEARING

September 29, 2022

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Sincerely,

Samuel Haas
Planner

Reply Form

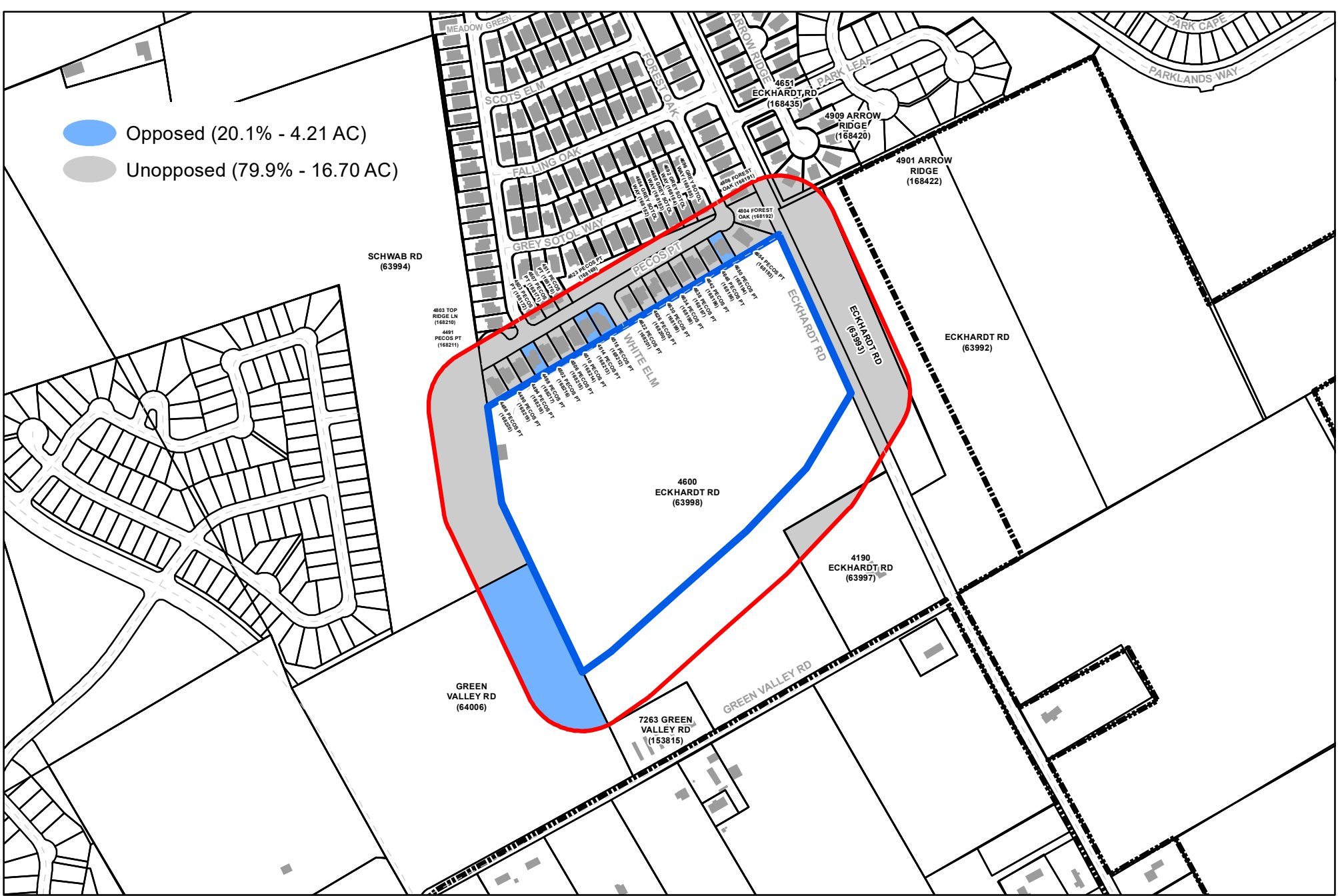
I am: in favor of opposed to neutral to the request for PLZC20220092

COMMENTS: I Am opposed to Another subdivision / water concerns.

NAME: Ruby F. Schwab (PLEASE PRINT) SIGNATURE: Ruby F. Schwab

STREET ADDRESS: 7057 Green Valley Rd. Cibolo, TX 78108

DATE: 10-8-2022

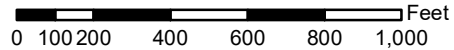


- Opposed (20.1% - 4.21 AC)
- Unopposed (79.9% - 16.70 AC)

City of Schertz

Eckhardt Road Subdivision (PLSPU20220092)

- Project Area
- City Limit Boundary
- 200' Buffer



CITY COUNCIL MEMORANDUM

City Council Meeting: December 13, 2022
Department: City Secretary
Subject: Ordinance No. 22-S-44 - Consideration and/ or action on a request to rezone approximately 75 acres of land from General Business District (GB) and Manufacturing District-Light (M-1) to Planned Development District (PDD), generally located southeast of the intersection of IH 35 and Cibolo Valley Drive, also known as Guadalupe County Property Identification Numbers 68313, 68314, and 148510, City of Schertz, Guadalupe County, Texas. (B. James, L. Wood, E. Delgado) *(Final Reading)*

BACKGROUND

Update from the December 6, 2022 City Council Meeting:

Based on the discussion at the December 6th City Council meeting in relation to "Auto Repairs & Service Major" within Area I, the proposed Schertz Station PDD has been modified. The PDD Design Standards for Area I now propose a permitted land use of "Auto Repairs & Service, Medium" with a created definition for what is allowable within that land use. The proposed PDD design standards indicate that within this land use no outdoor storage of materials such as tires, auto parts, etc. is allowed.

Owner: San Antonio One, LTD Partnership
Applicant / Developer: Embrey, Omar Rivera
Engineer: Kimley-Horn
Representative: Ashley Farrimond

Forty Four (44) public hearing notices were mailed to the surrounding property owners on October 14, 2022 with a public hearing notice published in the "San Antonio Express" on November 16, 2022, prior to the City Council public hearing. At the time of this report, staff has received one response in favor, and three responses opposed to the request.

The Planning and Zoning Commission conducted a public hearing on October 26, 2022. During the public hearing property owners from neighboring subdivisions from the north and west spoke in opposition of the proposed development.

GOAL

The goal is to rezone approximately 75 acres of land from General Business District (GB) and Manufacturing District-Light (M-1) to Planned Development District (PDD).

COMMUNITY BENEFIT

The community benefit is to promote safe, orderly, efficient development and bring about the City's vision of future growth.

SUMMARY OF RECOMMENDED ACTION

The applicant is proposing to rezone approximately 75 acres of land from General Business District (GB) and Manufacturing District-Light (M-1) to Planned Development District (PDD). Currently, the property is undeveloped / agricultural land. The proposed Planned Development District, titled "Schertz Station", is divided into four (4) different areas to include Commercial, Retail, and Multi-Family, each of which has their own designations and standards, outlined below.

Area I: The portion of the property along IH 35 and Cibolo Valley Drive, proposed to develop as Commercial /Retail- Approximately 18.6 acres

- Area I is proposed with a base zoning of General Business (GB), and will allow all uses permitted in General Business per the UDC along with "Auto Repairs & Service, Major" and "Retail Cabinet Sales".
- Within Area I, The maximum impervious coverage is proposed to be 85%. Additionally, 15% of Area I will be required to be landscaping. Since Area I is adjacent to IH 35, a minimum fifty (50) foot front building setback will be required for all lots fronting IH 35 frontage road.

Area II: The portion of the property located in the center of the 75 acres, immediately behind Area I, proposed to develop as Commercial / Retail - Approximately 19.2 acres. Originally the applicant also was requesting that multifamily uses be allowed in Area II. After Planning and Zoning Commission consideration the applicant modified their request to eliminate multifamily residential uses as an allowed use.

- Area II is proposed with a base zoning of General Business (GB), and will allow all uses permitted in General Business per the UDC, along with "Commercial Amusement, Outdoor".
- Within Area II, The maximum impervious coverage is proposed to be 90%. Additionally, 10% of Area II will be required to be landscaping.

Area III: South of Area II, proposed to develop as Multi-Family - Approximately 33.5 acres

- Area III is proposed with a base zoning of Apartment / Multi-Family (R-4), and will allow uses permitted in Apartment / Multi-Family (R-4) per the UDC
- Within Area III, the maximum height of any proposed buildings will be 35 feet with a maximum impervious coverage of 80%. Additionally, 20% of Area III will be required to be landscaping.
- Since Area III is proposed as Multi-Family, the PDD Design Standards stipulate a maximum density of 12 units per acre. Additionally, there will be a required parking ratio of 1.75 parking spaces per unit (minimum).

Area IV: Immediately adjacent to the intersection of Cibolo Valley Drive and Old Wiederstein, proposed to develop as Commercial / Retail - Approximately 3.29 acres

- Area IV is proposed with a base zoning of General Business (GB), and will allow all uses permitted in General Business per the UDC
- Within Area IV, the maximum height of any proposed buildings will be 35 feet with a maximum impervious coverage of 85%. Additionally, 15% of Area IV will be required to be landscaping.

In addition to the four proposed areas, the Schertz Station PDD also indicates that the extension of Ripps Kruesler through the project will be completed as a "Collector".

Throughout the entirety of the proposed PDD a minimum fifteen foot (15') wide landscape buffer to include one (1) tree per twenty linear feet (20') will be provided adjacent to all public right of ways. Additionally, the proposed PDD design standards stipulate that all parking spaces will be no less than nine (9) feet by eighteen (18) feet (9' x 18') and wheel stops will not be provided.

The Comprehensive Land Use Plan (CLUP) and Schertz Sector Plan Update, and more specifically as

depicted on the Future Land Use Plan Map identifies the subject property as three different land use designations: Highway Commercial, Commercial Campus, and Single Family Residential.

Specifically the Highway Commercial designation is located at the corner of Cibolo Valley Drive and IH 35. Highway Commercial is intended for regional scale retail and commercial uses that can take advantage of the highway frontage. The Commercial Campus designation is located along the IH 35 frontage and into the center of the subject property. Commercial Campus is intended to encourage the development of lower intensity commercial and office uses in addition to allowing for multi-family. The Single Family Residential designation is located towards the southern portion of the subject property. Single Family Residential is intended for a mix of residential uses (such as multi-family) along with limited commercial development to support the daily activities of the development.

- **Comprehensive Plan Goals and Objectives:** The subject property as a whole has three Future Land Use Designations, Highway Commercial, Commercial Campus, and Single Family Residential. These land use designations are intended to allow for commercial, retail, and multi-family which is what is being proposed by the Schertz Station PDD. Based on the Schertz Station PDD providing for a mixture of multi-family, commercial and retail the proposed development is in conformance with the goals and objectives of the Comprehensive Plan.
- **Impact of Infrastructure:** The proposed Schertz Station PDD should have minimal impact on the existing and planned water and wastewater systems in the area. If approved, the project would be required to go through the standard development process which would include any public infrastructure improvements for water, wastewater and roadways.
- **Impact of Public Facilities/Services:** The proposed rezoning request should have minimal impact on public services, such as schools, fire, police, parks and sanitation services.
- **Compatibility with Existing and Potential Adjacent Land Uses:** The subject property is adjacent to Cibolo Valley Drive, IH 35, and Old Wiederstein Road. Additionally, in the area is the Cibolo Crossing Development located across Cibolo Valley Drive from the subject property which is proposed to develop with commercial, retail, and multi-family. The proposed Schertz Station zone change would be compatible with the Cibolo Crossing Development in the City of Cibolo. Additionally, the subject property is adjacent to the EVO Entertainment, movie theater. The proposed commercial and retail is directly compatible with this existing business.

FISCAL IMPACT

None.

RECOMMENDATION

The Schertz Station Planned Development District is proposing to develop as commercial, retail, and multi-family which has been described as desired at the intersection of Cibolo Valley Drive and IH 35. The proposed PDD will maintain the commercial and retail components along the IH 35 frontage as well as providing a commercial option at the hard corner of Old Wiederstein and Cibolo Valley Drive. Additionally, the proposed Schertz Station will incorporate multi-family as a buffer from the proposed commercial / retail to the adjacent SCUCISD owned property and the residential across Old Wiederstein.

Based on the subject property's Comprehensive Land Use Designations and the conformance and compatibility with the proposed Schertz Stations Planned Development District, along with the unique nature of the proposed commercial, retail, and multi-family staff recommends approval of the Planned Development District zone change request.

The Planning and Zoning Commission conducted a public hearing on October 26, 2022 where the Planning and Zoning Commission made a unanimous recommendation of approval of the zone change as presented with a note in relation to the proposed project needing to meet Unified Development Code

Section 21.14.3.F in relation to sight distance requirements.

Attachments

Ordinance No 22-S-44

Exhibit A- Zoning Exhibit

Exhibit B- Schertz Station PDD Design Standards

Conceptual Plan

Aerial Map

Public Hearing Notice Map

Public Hearing Notice Responses

ORDINANCE NO. 22-S-44

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 75 ACRES OF LAND TO PLANNED DEVELOPMENT DISTRICT (PDD), GENERALLY LOCATED SOUTHEAST OF THE INTERESECTION OF IH 35 AND CIBOLO VALLEY DRIVE, ALSO KNOWN AS GUADALUPE COUNTY PROPERTY IDENTIFICATION NUMBERS 68313, 68314, AND 148510, CITY OF SHCERTZ, GUDALUPE COUNTY, TEXAS

WHEREAS, an application to rezone approximately 75 acres of land located southeast of the intersection of IH 35 and Cibolo Valley Drive, also known as Guadalupe County Property Identification Numbers 68313, 68314, and 148510, and more specifically described in the Exhibit A attached herein (herein, the “Property”) has been filed with the City; and

WHEREAS, the City’s Unified Development Code Section 21.5.4.D. provides for certain criteria to be considered by the Planning and Zoning Commission in making recommendations to City Council and by City Council in considering final action on a requested zone change (the “Criteria”); and

WHEREAS, on October 26, 2022, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council to approve the requested rezoning according to the development standards set forth in Exhibit B attached herein (the “Development Standards”); and

WHEREAS, on December 6, 2022, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested zoning be approved as provided for herein.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS:
THAT:**

Section 1. The Property as shown and more particularly described in the attached Exhibit A, is hereby zoned Planned Development District (PDD).

Section 2. The Official Zoning Map of the City of Schertz, described and referred to in Article 2 of the Unified Development Code, shall be revised to reflect the above amendment.

Section 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 4. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 8. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

Section 9. This Ordinance shall be cumulative of all other ordinances of the City of Schertz, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Schertz except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Approved on first reading the 6th day of December, 2022.

PASSED, APPROVED AND ADOPTED on final reading the 13th day of December, 2022.

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, Interim City Secretary
(SEAL OF THE CITY)

Schertz Station

Planned Development District
Schertz, Texas

**Schertz Station
Planned Development District**

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I. Planned Development District (“PDD”)

The City of Schertz (“City”) has adopted zoning and site design requirements for specific zoning classifications and uses, as set forth in the Schertz Unified Development Code (“UDC”). Recognizing that not all development may be able to adhere to the strict regulations and design standards set forth in a particular zoning classification, the City created the Planned Development District (“PDD”) as an alternative approach to conventional land development.

PDD zoning encourages and promotes creative and innovative project design that would otherwise not be possible under the regulations of typical Schertz zoning districts. In exchange for allowing flexibility under the PDD, the City is granted more control and certainty over what is actually constructed on a site. Through the PDD, permitted uses and design standards can be better defined.

The PDD Plan (attached) and this written document define the use and project design for the Schertz Station PDD. This document outlines the specific UDC articles and sections that are to be amended or modified pursuant to the City ordinance specific to this PDD. Development within the Property is subject to general development plan review and approval by the City, as required by the UDC.

II. The Project

a. The Property

The PDD project area includes approximately 74.58 acres (the “Property”) at the intersection of IH-35 and Cibolo Valley within the City of Schertz municipal boundaries. The Property is further described in the attached Exhibit “A”.

b. The Project

Master planned projects allow for cohesive, thoughtful development that is an active and a desirable place for Schertz residents to live, work, and visit. The Schertz Station project will include a mixture of residential and commercial uses, as well as public improvements and infrastructure. Master Planning a project allows for integrated and cohesive uses, improvements, and aesthetics.

For purposes of the PDD, the Project is divided into four (4) different areas. The intent of the division is to adopt specific standards applicable to each area, and to provide the City with assurance of where each use will be located. These areas are not intended to be phases; development of different areas of the Project may occur simultaneously or in a different order than numbered.

The four (4) areas are as follows and further shown on the PDD Plan:

- **AREA I – Commercial/Retail**

Area I includes frontage along IH-35 and Cibolo Valley (near the IH-35 intersection). This Area will be developed with commercial uses, including retail, service, and/or office uses.

- **AREA II – Commercial/Retail**

Area II is located at the center of the Property between the commercial highway frontage of Area I and the residential within Area III. This Area will be developed with commercial uses, including retail, service, and/or office uses.

- **AREA III – Multi-Family**

Area III is south of Areas I and II, and planned for multi-family development.

- **AREA IV – Commercial/Retail**

Area IV is located at the corner of Cibolo Valley and Old Weiderstein Road. This Area is intended for additional commercial development.

In addition to commercial and residential development, the Project is also anticipated to include the extension of Ripps Kruesler public right-of-way. The standards for this roadway are further described in this PDD.

Each Area of the Project and the public improvements will be developed in accordance with the standards set forth in this PDD and on the attached PPD Plan. If this document and the PDD Plan are silent, then UDC standards shall control. This document and the PDD Plan shall control in the event of a conflict with the UDC.

III. Area I

Area I of the Project will comply with UDC standards unless stated otherwise below. The following UDC Sections are amended as set forth herein:

A. Zoning Districts (UDC Article 5)

UDC Section 21.5.7 -- Dimensional and Developmental Standards

Unless excepted from herein, Area I shall comply with the City’s “GB” General Business District standards. The following Table I.A shall replace UDC Table 21.5.7.B as it applies to the Project:

Table I.A – Dimensional Requirements									
		Minimum Lot Size			Minimum, Yard Setback (ft)			Misc. Lot Requirements	
Code	Classification	Area sf.	Width ft.	Depth ft.	Front ft.	Side ft.	Rear ft.	Max. Ht.	Max. Cover
GB	General Business	10,000	100	100	20*	0	0	120	85%

*The front setback shall increase to 50’ if fronting on the IH-35 frontage road in accordance with UDC 21.14.3

Development within the GB area shall comply with the following:

- a. UDC Parking standards unless otherwise noted for Area I in this PDD.
- b. Use standards outlined for Area I in this PDD.
- c. No variances may be permitted to exceed the maximum impervious cover limitations.
- d. Design requirements of UDC Article 14, Section 21.14.3 unless noted otherwise within this PDD.

UDC Section 21.5.8 – Permitted Use Table

Structures, land, or premises within Area I shall be used only in accordance with the GB uses permitted in UDC Section 21.5.8. Additionally, “Auto Repairs & Service, Medium” and “Retail Cabinet Sales” shall be permitted (and required to comply with Table II.A as a GB use).

“Auto Repairs & Service, Medium” shall be defined as:

An establishment that provides services, including engine tune-ups, oil changes and lubrication, wheel alignment or balancing, sales and installation of batteries or tires, transmission, drive train, radiator, fuel, electrical or muffler repairs, servicing of brakes, air conditioning or exhaust systems, incidental upholstery or similar

servicing or repairs not part of collision repair and normally not requiring any significant disassembly or overnight on-site storage of vehicles. No outdoor storage of materials such as tires, auto parts, etc. is allowed.

Uses not explicitly permitted herein and requiring a Specific Use Permit shall only be permitted with City Council approval through the Specific Use Permit process included in UDC Section 21.5.11.

B. Design Standards (UDC Article 9)

UDC Section 21.9.3 – Lots

Lot sizes and dimensions will conform to the minimum requirements recognized in “Table I.A – Dimensional Requirements” of this PDD.

UDC Section 21.9.5 – Exterior Construction and Design Standards.

D. Commercial Buildings.

3. *Glazing.* All buildings must comply with the 2018 International Building Code and the International Energy Conservation Code for glass and glazing.

4. *Articulation and architectural features.*

- a. Horizontal articulations or offsets are required on buildings that are equal to or less than 15,000 square feet on any wall greater in length than 30 linear feet, which is adjacent to or facing a public street. Horizontal articulations or offsets are required for buildings that are greater than 15,000 square feet on any wall greater in length than 100 linear feet, which is adjacent to or facing a public street.

- (1) The depth of the articulation or offset shall be a minimum of two feet (2'). Articulations or offsets can be of varying depth as long as the minimum two feet (2') is met.

- b. Vertical articulations or elevation changes are required on all walls facing a public street and should be designed to screen rooftop equipment.

- (1) The height of the articulation or elevation change shall be a minimum of two feet (2'). Articulations or elevation changes can be of varying height as long as the minimum two feet (2') is met.

- (2) The length of the new plane created by the articulation or elevation change shall be a minimum of 10% of the total length of the entire wall.

5. *Roof Treatments.* Façade articulations shall provide for vertical and horizontal screening of air conditioning units and all mechanical equipment located on rooftops.

UDC Section 21.9.7 – Landscaping

E. Landscape Installation Required.

2. A minimum of fifteen percent (15%) of Area I shall be landscaped, which includes trees, shrubs, sod or other ground cover. Floodplain and earthen detention/drainage areas may qualify as landscaped areas if they satisfy the conditions above.

H. Parking Area Landscaping.

2. **Perimeter Landscaping.** Screening of parking lots and vehicular use areas from abutting properties and rights-of-way shall not be required.

C. Parking (UDC Article 10)

Size of Parking Spaces (Section 21.10.3)

A. Each standard off-street surface parking space shall measure not less than nine (9) feet by eighteen (18) feet (9'x18'), exclusive of access drives and aisles, and shall be of usable shape and condition.

B. *Wheel stops.* Wheel stops shall not be required.

Schedule of Off-Street Parking Requirements (Section 21.10.4)

C. *Mixed uses.* Multiple users are intended to occupy PDD Areas I and II. The total requirements for off street parking shall be the sum of the requirements for the several uses computed separately unless it can be shown that the peak parking demands are offset, for example with retail and residential, or theater and office uses. In such case(s) the City Manager or his/her designee may reduce the parking required for uses within PDD Areas I and II by up to twenty-five percent (25%).

D. Transportation (UDC Article 14)

Additional Design Requirements (UDC Section 21.14.3)

C. *Landscape Buffer.* A minimum fifteen foot (15') wide landscape buffer shall be provided adjacent to any public right-of-way. Trees shall be planted at an average density of one (1) tree per twenty linear feet (20') of street frontage. The landscape buffer shall require an irrigation system and shall be maintained by the property owner.

D. *Off-Street Parking.* Off street parking is permitted adjacent to the landscape buffer along the right-of-way. A waiver may be granted by the Planning and Zoning Commission which would allow a reduction in the minimum required landscape buffer when off-street parking is located entirely along the side or rear of the building or lot.

E. *Building Setback Line.* A minimum fifty foot (50') front building setback shall be required for lots fronting on the IH-35 frontage road. All other setbacks shall be in accordance with Table I.A.

G. *Screening.* No screening walls or fencing shall be required adjacent to public right-of-way.

IV. Area II

Area II of the Project will comply with UDC standards unless stated otherwise below. The following UDC Sections are amended as set forth herein:

A. Zoning Districts (UDC Article 5)

UDC Section 21.5.7 -- Dimensional and Developmental Standards

Unless excepted from herein, Area II shall comply with the City’s “GB” General Business District standards. The following Table II.A shall replace UDC Table 21.5.7.B as it applies to the Project:

Table II.A – Dimensional Requirements									
		Minimum Lot Size			Minimum, Yard Setback (ft)			Misc. Lot Requirements	
Code	Classification	Area sf.	Width ft.	Depth ft.	Front ft.	Side ft.	Rear ft.	Max. Ht.	Max. Cover
GB	General Business	10,000	100	100	20	0*	0*	120 ft.	90%

* 20’ setback where adjacent to a residential use and not separated by a minimum 20’ wide street or drive.

Commercial (GB) development shall comply with the following:

- a. Parking standards outlined for Area II in this PDD.
- b. Use standards outlined for Area II in this PDD.
- c. No variances may be permitted to exceed the maximum impervious cover limitations.
- d. Design requirements of UDC Article 14, Section 21.14.3 unless noted otherwise within this PDD.

UDC Section 21.5.8 – Permitted Use Table

Structures, land, or premises within Area II shall be used only in accordance with the GB uses permitted in UDC Section 21.5.8. Additionally, “commercial amusement, outdoor” uses shall be permitted (and required to comply with Table II.A as a GB use). Uses

requiring a Specific Use Permit shall only be permitted with City Council approval through the Specific Use Permit process included in UDC Section 21.5.11.

B. Design Standards (UDC Article 9)

Lots (Section 21.9.3)

Lots sizes and dimensions will conform to the minimum requirements recognized in “Table II.A – Dimensional Requirements” of this PDD.

UDC Section 21.9.5 – Exterior Construction and Design Standards.

E. Commercial Buildings.

3. *Glazing.* All buildings must comply with the 2018 International Building Code and the International Energy Conservation Code for glass and glazing.

4. *Articulation and architectural features.*

a. Horizontal articulations or offsets are required on buildings that are equal to or less than 15,000 square feet on any wall greater in length than 30 linear feet, which is adjacent to or facing a public. Horizontal articulations or offsets are required for buildings that are greater than 15,000 square feet on any wall greater in length than 100 linear feet, which is adjacent to or facing a public street.

(1) The depth of the articulation or offset shall be a minimum of two feet (2'). Articulations or offsets can be of varying depth as long as the minimum two feet (2') is met.

b. Vertical articulations or elevation changes are required on all walls facing a public street and should be designed to screen rooftop equipment.

(1) The height of the articulation or elevation change shall be a minimum of two feet (2'). Articulations or elevation changes can be of varying height as long as the minimum two feet (2') is met.

(2) The length of the new plane created by the articulation or elevation change shall be a minimum of 10% of the total length of the entire wall.

5. *Roof Treatments.* Façade articulations shall provide for vertical and horizontal screening of air conditioning units and all mechanical equipment located on rooftops.

Landscaping (Section 21.9.7)

E. Landscape Installation Required.

2. A minimum of ten percent (10%) shall be landscaped, which includes and shall be comprised of trees, shrubs, sod or other ground cover.

H. Parking Area Landscaping.

2. **Perimeter Landscaping.** Screening of parking lots and vehicular use areas from abutting properties and rights-of-way shall not be required.

C. Parking (UDC Article 10)

Size of Parking Spaces (Section 21.10.3)

C. Each standard off-street surface parking space shall measure not less than nine (9) feet by eighteen (18) feet (9'x18'), exclusive of access drives and aisles, and shall be of usable shape and condition.

D. *Wheel stops.* Wheel stops shall not be required.

Schedule of Off-Street Parking Requirements (Section 21.10.4)

A. Off-street parking shall be provided in sufficient quantities to provide the following ratio of vehicle spaces for the uses specified in the districts designated:

Table II.B – Schedule of Off-Street Parking Requirements	
<i>Use Type</i>	<i>Parking Requirement</i>
Commercial Uses	As required per use in the UDC, unless reduced per the Mixed Use allowance in Section C below.

C. *Mixed uses.* Multiple users are intended to occupy PDD Areas I and II. The total requirements for off street parking shall be the sum of the requirements for the several uses computed separately unless it can be shown that the peak parking demands are offset, for example with retail and residential, or theater and office uses. In such case the City Manager or his/her designee may reduce the parking required for uses within PDD Area I and Area II, but not more than twenty-five percent (25%).

D. Transportation (UDC Article 14)

Additional Design Requirements (UDC Section 21.14.3)

C. *Landscape Buffer.* A minimum fifteen foot (15') wide landscape buffer shall be provided adjacent to any public right-of-way. Trees shall be planted at an average density of one (1) tree per twenty linear feet (20') of street frontage. The landscape buffer shall require an irrigation system and shall be maintained by the property owner.

D. *Off-Street Parking.* Off street parking is permitted adjacent to the landscape buffer along the right-of-way. A waiver may be granted by the Planning and Zoning Commission which would allow a reduction in the minimum required landscape buffer when off-street parking is located entirely along the side or rear of the building or lot.

G. *Screening.* No screening walls or fencing shall be required adjacent to public right-of-way.

V. Area III

Area III of the Project will comply with UDC standards unless stated otherwise below. The following UDC Sections are amended as set forth herein:

A. Zoning Districts (UDC Article 5)

UDC Section 21.5.7 -- Dimensional and Developmental Standards

Unless excepted from herein, Area III shall comply with the City’s “R-4” Multi-Family District standards. The following Table III.A shall replace UDC Table 21.5.7.A as it applies to the Project:

Table III.A – Dimensional Requirements									
		Minimum Lot Size			Minimum, Yard Setback (ft)			Misc. Lot Requirements	
Code	Classification	Area sf.	Width ft.	Depth ft.	Front ft.	Side ft.	Rear ft.	Max. Ht.	Max. Cover
R-4	Apartment/Multi-Family	10,000	100	100	20	10	10	35	80%
<p>Multi-Family (R-4) development shall comply with the following:</p> <ul style="list-style-type: none"> a. Maximum density shall not exceed 12 units per acre. b. Parking standards outlined for Area III in this PDD. c. Swimming pools count toward the maximum impervious cover limitations, unless the swimming pool is 									

equipped with a water overflow device appropriate for such pool, and only if it drains into any pervious surface, in which case the water surface shall be excluded.

- d. No variances may be permitted to exceed the maximum impervious cover limitations.
- e. Design requirements of UDC Article 14, Section 21.14.3 unless noted otherwise within this PDD.

UDC Section 21.5.8 – Permitted Use Table

Structures, land, or premises within Area III shall be used only in accordance with the R-4 uses included in UDC Section 21.5.8.

B. Design Standards (UDC Article 9)

Lots (Section 21.9.3)

Lots sizes and dimensions will conform to the minimum requirements recognized in “Table III.A – Dimensional Requirements” of this PDD.

Landscaping (Section 21.9.7)

E. Landscape Installation Required.

2. A minimum of twenty percent (20%) of the combined Project area shall be landscaped, which includes and shall be comprised of trees, shrubs, sod or other ground cover.

H. Parking Area Landscaping.

2. **Perimeter Landscaping.** Screening of parking lots and vehicular use areas from abutting properties and rights-of-way shall not be required.

C. Parking (UDC Article 10)

Size of Parking Spaces (Section 21.10.3)

E. Each standard off-street surface parking space shall measure not less than nine (9) feet by eighteen (18) feet (9’x18’), exclusive of access drives and aisles, and shall be of usable shape and condition.

F. *Wheel stops.* Wheel stops shall not be required.

D. Schedule of Off-Street Parking Requirements (Section 21.10.4)

B. Off-street parking shall be provided in sufficient quantities to provide the following

ratio of vehicle spaces for multi-family use:

Table III.B – Schedule of Off-Street Parking Requirements	
<i>Use Type</i>	<i>Parking Requirement</i>
Multi-Family	1.75 parking spaces per unit (minimum)

E. Landscaping

Additional Design Requirements (UDC Section 21.14.3)

C. *Landscape Buffer.* A minimum fifteen foot (15') wide landscape buffer shall be provided adjacent to Cibolo Valley. Trees shall be planted at an average density of one (1) tree per twenty linear feet (20') of street frontage. The landscape buffer shall require an irrigation system and shall be maintained by the property owner.

D. *Off-Street Parking.* Off street parking is permitted adjacent to the landscape buffer along the right-of-way.

E. *Building Setback Line.* Only the portion of the lot adjacent to Cibolo Valley Drive shall be treated as a front yard setback; others will be side or rear.

G. *Screening.* A six foot (6') tall fence shall be provided where the rear or side yard of any residential lot abuts a Principal or Secondary Arterial. The fence shall be constructed of metal or wrought iron and may include masonry columns.

VI. AREA IV

Area IV of the Project will comply with UDC standards unless stated otherwise below. The following UDC Sections are amended as set forth herein:

A. Zoning Districts (UDC Article 5)

UDC Section 21.5.7 -- Dimensional and Developmental Standards

Unless excepted from herein, Area IV shall comply with the City's "GB" General Business District standards. The following Table IV shall replace UDC Table 21.5.7.B as it applies to the Project:

Table IV.A – Dimensional Requirements

Code	Classification	Minimum Lot Size			Minimum, Yard Setback (ft)			Misc. Lot Requirements	
		Area sf.	Width ft.	Depth ft.	Front ft.	Side ft.	Rear ft.	Max. Ht.	Max. Cover
GB	General Business	10,000	100	100	20	0	0	35	85%

Development within the GB area shall comply with the following:

- a. UDC off street Parking space minimum requirements
- b. Use standards outlined for Area IV in this PDD.
- c. No variances may be permitted to exceed the maximum impervious cover limitations.
- d. Design requirements of UDC Article 14, Section 21.14.3 unless noted otherwise within this PDD.

UDC Section 21.5.8 – Permitted Use Table

Structures, land, or premises within Area IV shall be used only in accordance with the GB uses permitted in UDC Section 21.5.8. Uses requiring a Specific Use Permit shall only be permitted with City Council approval through the Specific Use Permit process included in UDC Section 21.5.11.

B. Design Standards (UDC Article 9)

Lots (Section 21.9.3)

Lots sizes and dimensions will conform to the minimum requirements recognized in “Table IV.A – Dimensional Requirements” of this PDD.

Landscaping (Section 21.9.7)

E. Landscape Installation Required.

- 2. A minimum of fifteen percent (15%) of the combined Project area shall be landscaped, which includes and shall be comprised of trees, shrubs, sod or other ground cover.

H. Parking Area Landscaping.

- 2. **Perimeter Landscaping.** Screening of parking lots and vehicular use areas from abutting properties and rights-of-way shall not be required.

C. Parking (UDC Article 10)

Size of Parking Spaces (Section 21.10.3)

- G. Each standard off-street surface parking space shall measure not less than nine feet (9') by eighteen (18) feet (9'x18'), exclusive of access drives and aisles, and shall be of usable shape and condition.
- H. *Wheel stops.* Wheel stops shall not be required.

D. Transportation (UDC Article 14)

Additional Design Requirements (UDC Section 21.14.3)

- C. *Landscape Buffer.* A minimum fifteen foot (15') wide landscape buffer shall be provided adjacent to any public right-of-way. Trees shall be planted at an average density of one (1) tree per twenty linear feet (20') of street frontage except for public schools. The landscape buffer shall require an irrigation system and shall be maintained by the property owner.
- D. *Off-Street Parking.* Off street parking is permitted adjacent to the landscape buffer along the right-of-way.
- G. *Screening.* No screening walls or fencing shall be required adjacent to public right-of-way.

VII. Public Street

The extension of Ripps Kruesler through the Project is anticipated to be located in the general area shown on the PDD Plan. This location is not definite and may shift pending further study of the Property and the proposed development.

Construction of Ripps Kruesler will meet the following standards and be classified as a collector. These standards will replace any requirements of UDC Table 21.14.1:

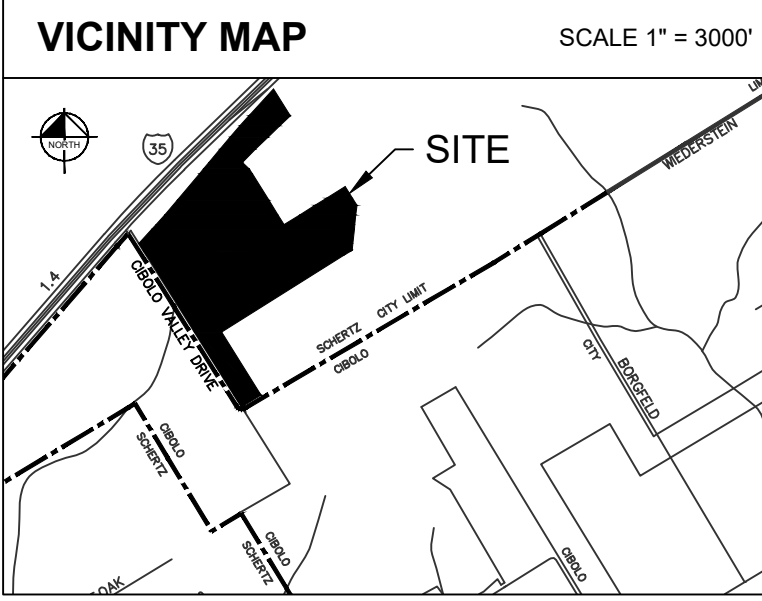
Ripps Kruesler				
Classification	ROW	Pavement	Drainage Width	Sidewalk Width Hike/Bike Trail
Collector	70 feet	38 feet	Curb or Curb and Gutter	5 feet both sides (minimum) or 8 foot hike/bike trail on one side

VIII. PDD Adjustments

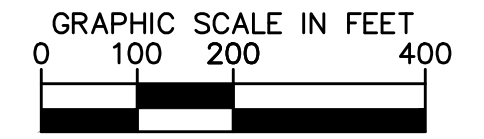
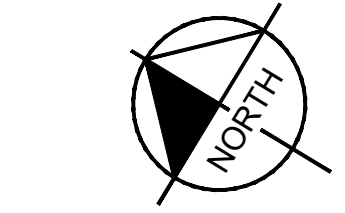
Adjustments to Planned Development District (PDD) Plan (UDC Section 21.5.10)

Per UDC Section 21.5.10, the City Manager or his/her designee may permit an applicant to make minor amendments to the PDD Plan without the necessity of amending the ordinance that established the PDD. As the Project design and engineering is refined, it may be necessary to alter the boundaries between the Areas or the location of public improvements. The list of minor amendments included in Section 21.5.10 is further defined to allow Area boundaries to shift in location up to fifty feet (75') from what is shown on the PDD Plan.

Prepared by: [Name], [Title], [Date] (November 29, 2022) 05:03:16 PM. This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Please do not rely on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc.



NAME	ACREAGE (AC.)	FUTURE USE
AREA 1	18.6	COMMERCIAL/ RETAIL
AREA 2	19.2	COMMERCIAL/ RETAIL
AREA 3	33.5	MULTI-FAMILY
AREA 4	3.3	COMMERCIAL/ RETAIL



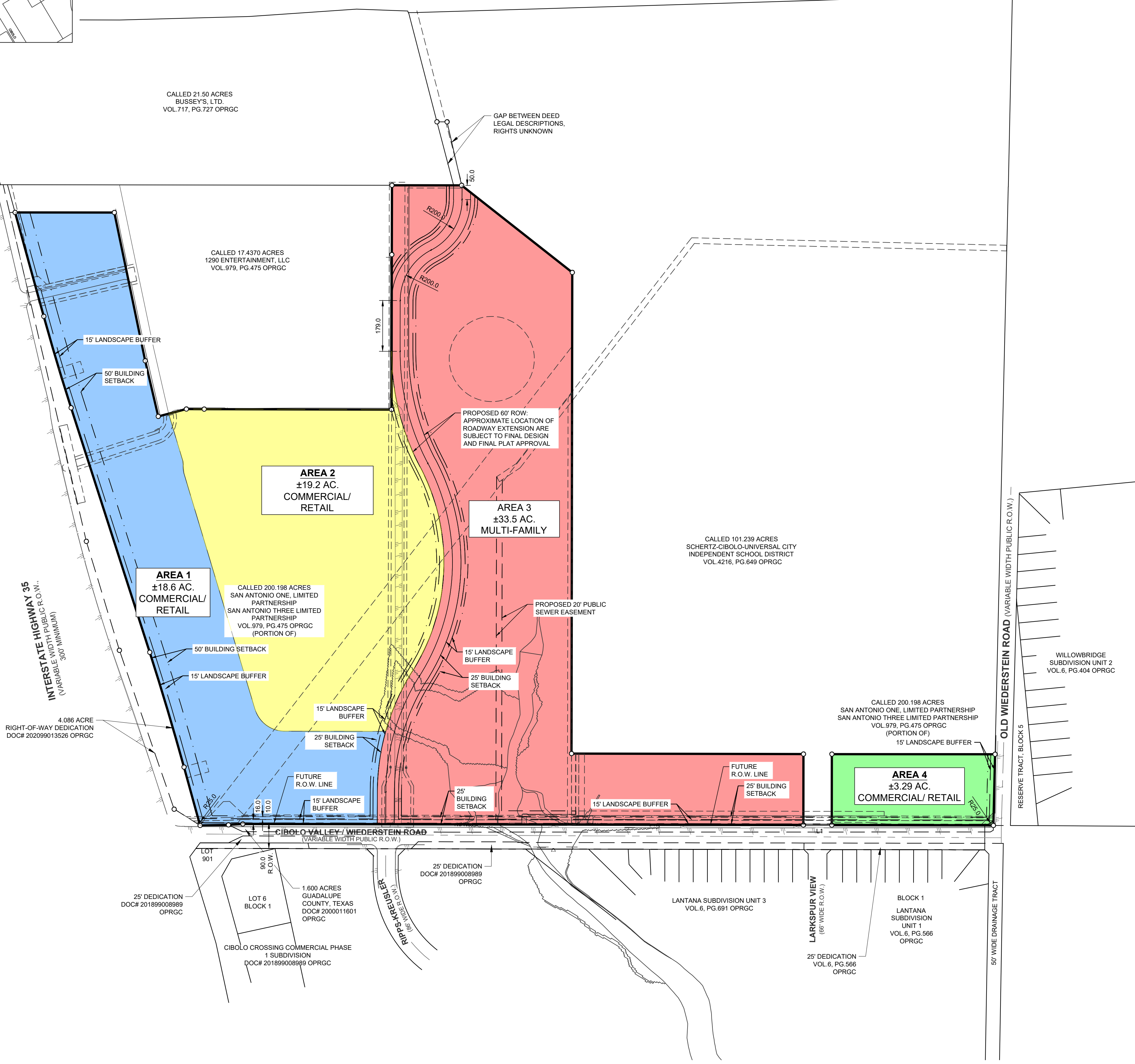
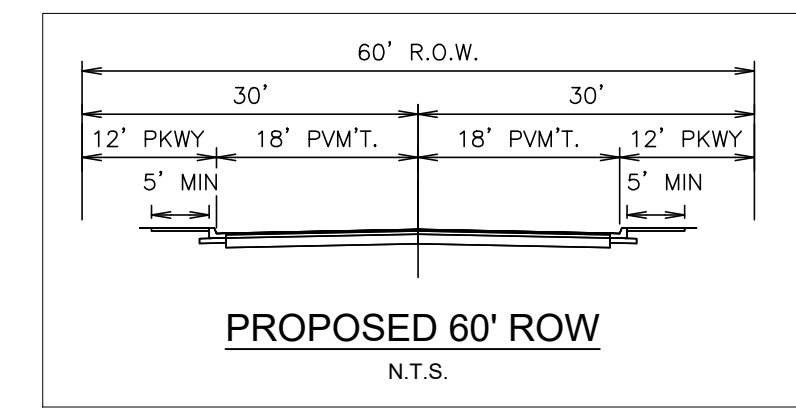
LEGEND	
	PROPERTY BOUNDARY
	EXISTING EDGE OF ASPHALT
	EXISTING OVERHEAD ELECTRIC
	EXISTING SANITARY LINE
	EXISTING WATER LINE
	EXISTING GAS LINE
	BENCHMARK

- NOTES**
- ACCORDING TO FLOOD INSURANCE RATE MAP PANEL 48187C0210F, DATED 11/2/2007, A PORTION OF THE SITE IS LOCATED IN ZONE A AND IS LOCATED IN THE 100-YR FLOODPLAIN. THE REMAINING SITE IS LOCATED IN ZONE X AND IS NOT WITHIN THE 100-YR FLOODPLAIN.
 - THE THROUGHFARE ALIGNMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DO NOT SET THE ALIGNMENT. ALIGNMENT IS DETERMINED AT THE TIME OF THE FINAL PLAT.

SITE DATA TABLE	
GENERAL SITE DATA	
LEGAL DESCRIPTION	74.579 ACRES, J.F. WALKER SURVEY NO. 113, ABSTRACT NO. 244, CITY OF SCHERTZ, GUADALUPE COUNTY, TEXAS
CURRENT ZONING	GENERAL BUSINESS (GB) & MANUFACTURING (LIGHT) (M-1)
REQUESTED ZONING	PLANNED DEVELOPMENT DISTRICT (74.579 AC.)
PROPOSED LAND USE	COMMERCIAL/RETAIL AND MULTI-FAMILY
SITE ACREAGE	74.5790
ADDRESS	NEC OF IH-35 & CIBOLO VALLEY DR., CITY OF SCHERTZ, TX

PROJECT CONTACT LIST:

<p>SURVEYOR OF RECORD KIMLEY-HORN 10101 REUNION PLACE, STE 400 SAN ANTONIO, TEXAS 78216 PHONE: 210-541-9166 CONTACT: JOHN GREGORY MOSIER, R.P.L.S.</p>	<p>CIVIL ENGINEER KIMLEY-HORN 10101 REUNION PLACE, STE 400 SAN ANTONIO, TEXAS 78216 PHONE: 210-541-9166 CONTACT: AARON PARENICA, P.E.</p>
<p>PROPERTY OWNER SAN ANTONIO ONE, LTD PARTNERSHIP 277 N LOOP 1604 E, STE 150 SAN ANTONIO, TEXAS 78232 PHONE: 313-961-6451 CONTACT: CHARLES FORBES</p>	<p>DEVELOPER EMBREY 1020 NE LOOP 410, STE 700 SAN ANTONIO, TEXAS 78209 PHONE: 210-824-6044 CONTACT: OMAR RIVERA</p>



KIMLEY-HORN PROJECT
 064-362018
 DATE: 11/29/2022
 SCALE: AS SHOWN
 DESIGNED BY: AEN
 DRAWN BY: AEN
 CHECKED BY: AKP

REVISIONS
 No. _____
 DATE _____

Kimley-Horn

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 601 NW LOOP 410, SUITE 500, SAN ANTONIO, TX 78216
 WWW.KIMLEY-HORN.COM | TBE FIRN NO. 928

FOR REVIEW ONLY

CONCEPTUAL & DEVELOPMENT PLAN

SCHERTZ STATION
 PREPARED FOR
 EMBREY

TEXAS

SHEET NUMBER
 ...

EMBREY: NEC IH-35 & CIBOLO VALLEY DR.



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

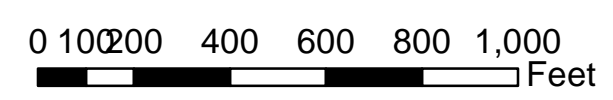


ALTA/NSPS LAND TITLE SURVEY
 J.F. WALKER SURVEY NO. 113
 ABSTRACT NO. 244 - 74.579 AC

- <all other values>
- Freeway
- Planned Secondary Arterial
- Commercial Collector B
- Schertz Gravity
- Highways
- Principal Arterial
- Secondary Rural Arterial
- Planned Commercial Collector B
- Schertz Pressure
- Major Roads
- Planned Principal Arterial
- Planned Secondary Rural Arterial
- Commercial Collector A
- Neighboring Gravity
- Minor Roads
- Secondary Arterial
- Residential Collector
- Planned Commercial Collector A
- Private Pressure
- Other Cities
- Planned Residential Collector
- 1"
- 2"
- 3"
- 4"
- 6"
- 8"
- 10"
- 12"
- 16"
- 18"
- 20"
- 24"
- 30"
- 36"

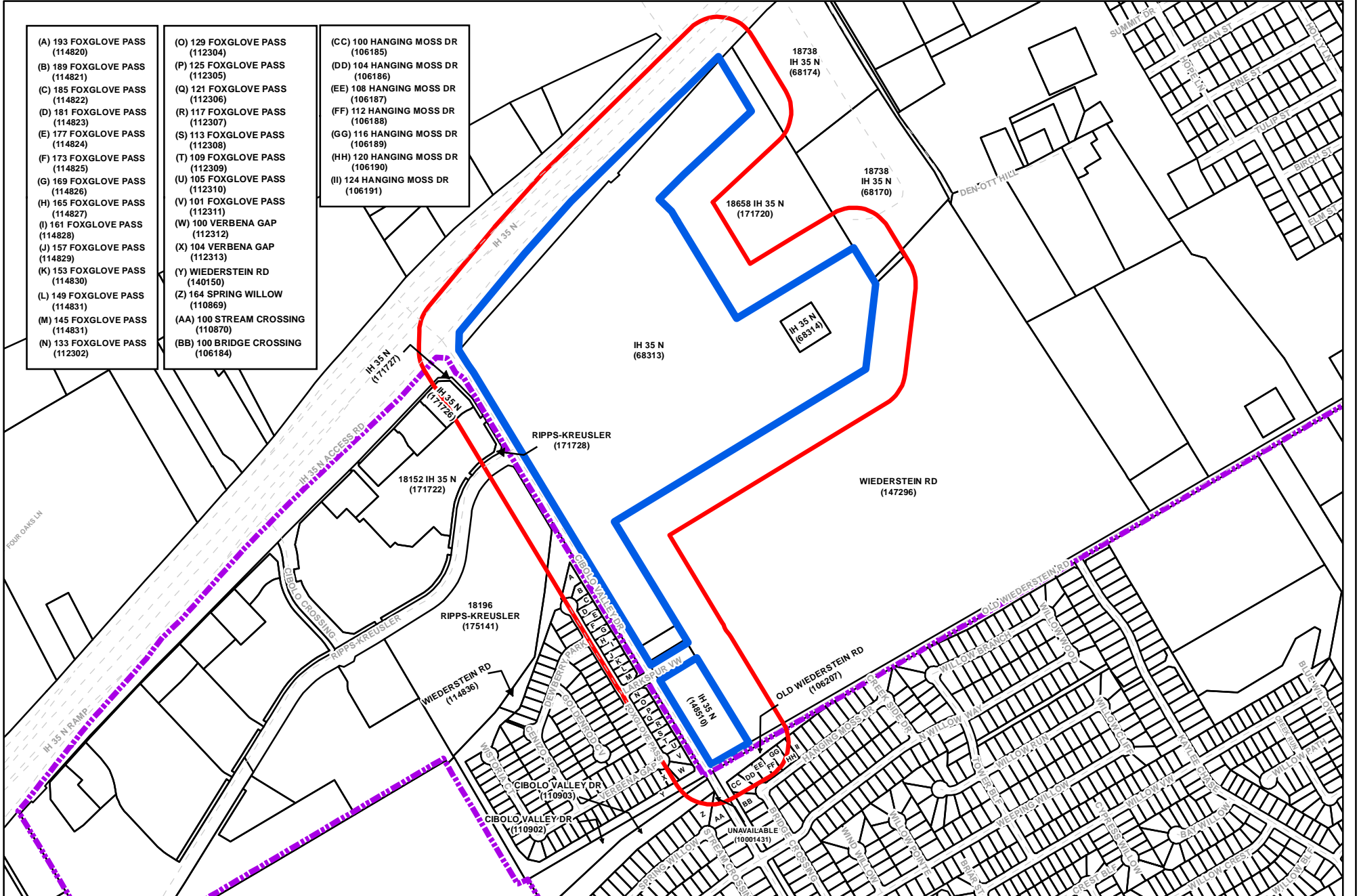
- Hydrant
- 200' Buffer
- Manholes
- Schertz Municipal Boundary
- County Boundaries

1 Inch = 400 Feet



- (A) 193 FOXGLOVE PASS (114820)
- (B) 189 FOXGLOVE PASS (114821)
- (C) 185 FOXGLOVE PASS (114822)
- (D) 181 FOXGLOVE PASS (114823)
- (E) 177 FOXGLOVE PASS (114824)
- (F) 173 FOXGLOVE PASS (114825)
- (G) 169 FOXGLOVE PASS (114826)
- (H) 165 FOXGLOVE PASS (114827)
- (I) 161 FOXGLOVE PASS (114828)
- (J) 157 FOXGLOVE PASS (114829)
- (K) 153 FOXGLOVE PASS (114830)
- (L) 149 FOXGLOVE PASS (114831)
- (M) 145 FOXGLOVE PASS (114831)
- (N) 133 FOXGLOVE PASS (112302)
- (O) 129 FOXGLOVE PASS (112304)
- (P) 125 FOXGLOVE PASS (112305)
- (Q) 121 FOXGLOVE PASS (112306)
- (R) 117 FOXGLOVE PASS (112307)
- (S) 113 FOXGLOVE PASS (112308)
- (T) 109 FOXGLOVE PASS (112309)
- (U) 105 FOXGLOVE PASS (112310)
- (V) 101 FOXGLOVE PASS (112311)
- (W) 100 VERBENA GAP (112312)
- (X) 104 VERBENA GAP (112313)
- (Y) WIEDERSTEIN RD (140150)
- (Z) 164 SPRING WILLOW (110869)
- (AA) 100 STREAM CROSSING (110870)
- (BB) 100 BRIDGE CROSSING (106184)

- (CC) 100 HANGING MOSS DR (106185)
- (DD) 104 HANGING MOSS DR (106186)
- (EE) 108 HANGING MOSS DR (106187)
- (FF) 112 HANGING MOSS DR (106188)
- (GG) 116 HANGING MOSS DR (106189)
- (HH) 120 HANGING MOSS DR (106190)
- (II) 124 HANGING MOSS DR (106191)



City of Schertz

Schertz Station

(PLPDD20220020)

-  Project Area
-  City Limit Boundary
-  200' Buffer



Last Update: October 14, 2022
 City of Schertz, GIS Specialist: Bill Gardner, gis@schertz.com (210) 619-1185
 *The City of Schertz provides this Geographic Information System product "as is" without any express or implied warranty of any kind including but not limited to the implied warranties of merchantability and fitness for a particular purpose. In no event shall the City of Schertz be liable for any special, indirect or consequential damages or any damages whatsoever arising out of or in connection with the use of or performance of these materials. Information published in this product could include technical inaccuracies or typographical errors. Periodical changes may be made and information may be added to the information herein. The City of Schertz may make improvements and/or changes in the product(s) described herein at any time.



NOTICE OF PUBLIC HEARING

October 14, 2022

Dear Property Owner,

The Schertz Planning and Zoning Commission will conduct a public hearing on Wednesday, October 26, 2022 at 6:00 p.m. located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and make recommendation on the following item:

PLPDD20220020- A request to rezone approximately 75 acres of land from General Business District (GB) and Manufacturing District- Light (M-1) to Planned Development District (PDD), generally located southeast of the intersection of IH 35 and Cibolo Valley Drive, also known as Guadalupe County Property Identification Numbers 68313, 68314, and 148510, City of Schertz, Guadalupe County, Texas.

The Planning and Zoning Commission would like to hear how you feel about this request and invites you to attend the public hearing. This form is used to calculate the percentage of landowners that support and oppose the request. You may return the reply form below prior to the first public hearing date by mail or personal delivery to Emily Delgado, Planning Manager, 1400 Schertz Parkway, Schertz, Texas 78154, or by e-mail planning@schertz.com. If you have any questions, please feel free to call the Planning Division at (210) 619-1780.

Sincerely,

Emily Delgado

Emily Delgado
Planning Manager

Reply Form

I am: in favor of [] opposed to [X] neutral to [] the request for PLPDD20220020

COMMENTS: too much traffic / not enough roads / too much noise / too much lights

NAME: Eric Talamantez SIGNATURE: [Signature]
(PLEASE PRINT)

STREET ADDRESS: 112 Hanging Moss

DATE: 10-26-2022

Reply Form

I am: in favor of opposed to neutral to the request for **PLPDD20220020**

COMMENTS: _____

NAME: Aaron Madrigal
(PLEASE PRINT)

SIGNATURE



STREET ADDRESS: 108 HANGING MOSS Dr CIBOLO, TX 78108

DATE: 10/25/2012



NOTICE OF PUBLIC HEARING

October 14, 2022

Dear Property Owner,

The Schertz Planning and Zoning Commission will conduct a public hearing on **Wednesday, October 26, 2022** at **6:00 p.m.** located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and make recommendation on the following item:

PLPDD20220020— A request to rezone approximately 75 acres of land from General Business District (GB) and Manufacturing District- Light (M-1) to Planned Development District (PDD), generally located southeast of the intersection of IH 35 and Cibolo Valley Drive, also known as Guadalupe County Property Identification Numbers 68313, 68314, and 148510, City of Schertz, Guadalupe County, Texas.

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Sincerely,

Emily Delgado

Emily Delgado
Planning Manager

Reply Form

I am: in favor of opposed to neutral to the request for **PLPDD20220020**

COMMENTS: _____

NAME: JODI FLANAGAN SIGNATURE Jodi Flanagan
(PLEASE PRINT) PRESIDENT of Third Eye Properties LLC.

STREET ADDRESS: 117 FOXGLOVE PASS, CIBOLO, TX 78108

DATE: 10/24/2022

NOTICE OF PUBLIC HEARING

October 14, 2022

Dear Property Owner,

The Schertz Planning and Zoning Commission will conduct a public hearing on Wednesday, October 26, 2022 at 6:00 p.m., located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and make recommendation on the following item:

PLPDD20220020– A request to rezone approximately 75 acres of land from General Business District (GB) and Manufacturing District- Light (M-1) to Planned Development District (PDD), generally located southeast of the intersection of IH 35 and Cibola Valley Drive, also known as Guadalupe County Property Identification Numbers 68313, 68314, and 148510, City of Schertz, Guadalupe County, Texas.

The Planning and Zoning Commission would like to hear how you feel about this request and invites you to attend the public hearing. *This form is used to calculate the percentage of landowners that support and oppose the request.* You may return the reply form below prior to the first public hearing date by mail or personal delivery to Emily Delgado, Planning Manager, 1400 Schertz Parkway, Schertz, Texas 78154, or by e-mail planning@schertz.com. If you have any questions, please feel free to call the Planning Division at (210) 619-1780.

Sincerely,

Emily Delgado

Emily Delgado
Planning Manager

Reply Form

I am: in favor of opposed to neutral to the request for **PLPDD20220020**

COMMENTS: _____

NAME: Joshua Gangsei SIGNATURE *Joshua Gangsei*
(PLEASE PRINT)

STREET ADDRESS: 116 Hunzinger Moss Dr Cibola, Tx, 78108

DATE: 10-25-22

CITY COUNCIL MEMORANDUM

City Council Meeting: December 13, 2022
Department: Executive Team
Subject: Resolution No. 22-R-132 - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas creating the Schertz Senior Citizen Emergency Expense Support Program. (S. Williams/B. James)

BACKGROUND

Staff is proposing the creation of the Schertz Senior Citizen Emergency Expense Support Program to assist residents of the City who senior citizens and through no fault of their own find themselves in need of assistance. Staff often directs these residents to non-profits, community organizations or other government entities for assistance. At times there is no other group that is able to provide assistance.

Currently, the City supports some assistance programs through financial support - the Guadalupe County Medical Prescription Assistance Program. The City also provides staff support - Love Where You Live. Finally, the City provides some direct services - the Senior Center Meal Program. The Weatherization Assistance Program provided by the Alamo Area Council of Governments was helpful to review for staff in developing this proposal.

Staff is proposing to pilot this program using \$10,000 from the Contingency fund. Staff commits to briefing Council on the program at the Summer budget retreat in order to extend the program beyond this fiscal year. To be eligible the applicant has to be a resident of Schertz, the funding would have to be for a property they own that is their primary residence. The Priority is given to residents needing assistance due to some interaction with the City where the resident was not at fault and the City was not necessarily liable.

GOAL

Establish a program to support senior citizens who find themselves in need due to an unexpected unusual situation that could be relatively easily remedied by a small intervention from the City. This program is intended to supplement the efforts of local nonprofit and civic organizations who provide services and assistance and support.

COMMUNITY BENEFIT

Allows a resolution to a problem that would otherwise create suffering and hardship for elderly residents and would also often consume a significant amount of city staff time, energy and resources to deal with the issue but not resolve it.

SUMMARY OF RECOMMENDED ACTION

Approval of Resolution 22-R-132 creating the Schertz Senior Citizen Emergency Expense Support Program.

FISCAL IMPACT

As noted above staff is going to operate this as a test program and will discuss with Council in the future if the program is proposed to extend beyond this fiscal year and use more than \$10,000 for the initial test phase that will be funded from Contingency.

RECOMMENDATION

Approval of Resolution 22-R-132.

Attachments

REs 22 R 132

RESOLUTION NO. 22-R-132

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS CREATING THE SCHERTZ SENIOR CITIZEN EMERGENCY SUPPORT PROGRAM, AND RELATED MATTERS IN CONNECTION THEREWITH

WHEREAS, the aging of the U.S. population has been a key concern for city planners and policymakers for decades with the aging of the Baby Boom generation (those born between 1946 and 1964) changing the age profile for the entire country; and

WHEREAS, the City of Schertz created the Schertz Area Senior Center in 2010 and contracts for its operation; and

WHEREAS, the City of Schertz, through the Schertz Area Senior Center provides meals to area Senior Citizens, the meals being funded by the City of Schertz and a Grant from the Alamo Area Council of Governments, and

WHEREAS, Neighborhood Services staff with the City of Schertz frequently receives calls from residents in need of assistance for minor home repairs including winterization, brush clean-up, tree trimming, electrical and plumbing repairs; and

WHEREAS, Neighborhood Services staff tries to find non-profits, community services organizations and other government entities to provide financial assistance or do work on the property or structure, but are not always successful; and

WHEREAS, The City of Schertz desires to increase the public health, safety, and welfare of the persons in the municipality; and

WHEREAS, The City of Schertz City Council finds that keeping a home in good working order or bringing one back from a state of disrepair promotes both sustainability; and

WHEREAS, The City of Schertz City Council seeks to help Schertz seniors maintain the highest quality of life possible by providing assistance and other resources that support and promote financial and social well-being; and

WHEREAS, The City of Schertz City Council finds that the goal Schertz Senior Citizen Emergency Support Program is to ease life, health, and/or safety hazards resulting from conditions on a residential property owned and occupied by residents over the age of 65; and

WHEREAS, The City of Schertz City Council finds that establishment of the Schertz Senior Citizen Emergency Support Program would promote the creation retention of quality of life of residents in Schertz; and

WHEREAS, The program promotes the public purpose of health, safety and welfare.

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

Section 1. The City Council hereby establishes the Schertz Senior Citizen Emergency Support Program.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 13th day of December, 2022.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, Interim City Secretary

(CITY SEAL)

CITY COUNCIL MEMORANDUM

City Council Meeting: December 13, 2022
Department: Parks, Recreation & Community Service
Subject: Resolution 22-R-137 - Consideration and/or action by the City Council of the City of Schertz, Texas authorizing the land acquisition of a 10.5-acre property on Dry Comal Creek generally at FM 482 and Bunker Street, and specifying funding sources, and other matters in connection therewith. (B. James/L. Shrum)

BACKGROUND

City staff has actively been working toward trail development in the city based on citizen input in the 2016 and 2018 Citizen Satisfaction Surveys and the 2014 Parks Master Plan listing hike and bike trails as a priority. City staff has been communicating the trail plans for the different trail systems over the last two years and those systems are: the Great Northern Trail, the Cibolo Creek Trail, the Dry Comal Creek Trail, the Woman Hollering Creek Trail, and the Dietz Creek Trail (east and west.) City staff has also engaged with a non-profit organization - the Great Springs Project - whose mission is to create a trail network from the Alamo to the Capital (San Antonio to Austin) and conserving land along the Edwards Aquifer Recharge zone along the way.

The Great Springs Project approached the city about a 10.5-acre property along the Dry Comal Creek Trail in the historic Comal Settlement area, that they are under contract to acquire and hold (like a land trust) until an operator can be determined. The city's Trails Master Plan (in the Master Thoroughfare Plan) overlaps the Great Springs Trail Plan and so our interests are overlapping in this area. City staff is recommending acquisition of this property for the purchase price of \$375,000. City Council previously passed Resolution 22-R-78 indicating the intent to acquire the property once some due diligence was completed. The appraisal of the property shows the value to be \$390,000 but the Great Springs Project has agreed to sell the property to the city at the same price they are purchasing it at.

The Environmental Site Assessment of the property has also been completed, and no adverse conditions were found on the site. City staff has also asked the Great Springs Project to hold the property through June 1, 2023, so that city staff can apply for a Recreational Trails Grant and use the funds designated for property acquisition as a match for the grant program to fund future trail construction.

GOAL

Approve Resolution 22-R-137 indicating the intent of the City to purchase of a 10.5-acre tract on Dry Comal Creek generally at FM 482 and Bunker Street. The property is a strategic trailhead location for the City of Schertz' Dry Comal Creek Trail and the regional Great Springs Trail. The Great Springs Project is under contract to purchase the property and will hold the property through June 1, 2023 so that city staff can apply for a Recreational Trails Grant from Texas Parks & Wildlife, but can use the funds expended for the property acquisition as a grant match for the development of the park. Pre-award costs are not reimbursed as part of this grant, so the city is waiting to hold title to the property to leverage our available funds to the greatest extent possible. Funds will be earmarked for this purchase, but closing on the property will not take place until 2023. City staff will continue to work with the Great Springs Project to develop the Park Master Plan and a Maintenance & Operations Plan.

COMMUNITY BENEFIT

The property will be a future trailhead to the City of Schertz' Dry Comal Creek Trail and the regional Great Springs Trail. There is the possibility of a future trail connection to the Great Northern Trail along Schwab Road, either on-street, or off-street through an adjacent drainage corridor. The property is unique as well because of its location in the historic Comal Settlement area and its location on the El Camino Real de los Tejas National Historic Trail. Immediately adjacent to the property is a state designated historic cemetery and across the street is the historic St. Joseph's Chapel, both of which are also designated as a Schertz Historic Site by the Schertz Historical Preservation Committee. Also, across the street is the historic Comal Blacksmith & Mechanical Shop and the additional historic General Store building. The park property will not only serve as a trailhead for a regional trail system, but will include interpretive signage regarding the history of the area, and potentially serve as a catalyst for development of the area into a cultural heritage and nature tourism destination. The loop trail within the 10.5-acre park property will also provide a natural experience similar to what we have in southern Schertz at Crescent Bend Nature Park.

SUMMARY OF RECOMMENDED ACTION

Approve Resolution 22-R-137 to acquire a 10.5-acre property on Dry Comal Creek generally at FM 482 and Bunker Street for a public park and trailhead.

FISCAL IMPACT

\$375,000 is the purchase price of the property. The appraisal showed the land valued at \$390,000 but The Great Springs Project has agreed to sell the property at the price they are under contract at, which is \$375,000. Additional costs included the Phase I Environmental Site Assessment at \$5,000 and the appraisal costs of \$1,624 for a total of \$381,624.00. The purchase would be funded through the Park Fund and one-time CIP Park & Trail Funds from FY21-22. Originally, a loan from the General Fund Reserves was discussed, (which would be paid back over time from revenues from the Park Fund,) because some of the funds in the Park Fund were earmarked as a cash match for a future grant application. It was decided that we would use the Park Fund monies first since this acquisition would occur before the grant and ask for a loan against projected future Park Fund revenues for the grant match instead. A budget amendment will be needed to utilize the Park Fund monies and staff will bring the amendment back to council when we are ready to close on the property in the spring.

Funding Sources Breakdown:

\$150,000.00 - CIP Funds (One-time investment Parks & Trails Infrastructure FY21-22)

\$231,624.00 - Park Fund

\$381,624.00 - TOTAL

RECOMMENDATION

Approve Resolution 22-R-137 to acquire a 10.5-acre property on Dry Comal Creek generally at FM 482 and Bunker Street for a public park and trailhead.

Attachments

Approved Resolution 22-R-78

Dry Comal Creek Conceptual Plan

Survey

Appraisal

Phase I ESA

RESOLUTION NO. 22-R-78

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS INDICATING THE INTENT TO ACQUIRE A 10.5-ACRE PROPERTY ON DRY COMAL CREEK GENERALLY AT FM 482 AND BUNKER STREET IF THE OUTLINED CONDITIONS ARE MET AND A SUBSEQUENT RESOLUTION IS APPROVED SPECIFICALLY AUTHORIZING THE PURCHASE, AND OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City of Schertz and the Great Springs Project have overlapping interests in the Dry Comal Creek area for future trail system development; and

WHEREAS, the Great Springs Project is purchasing a 10.5-acre property on Dry Comal Creek generally at FM 482 and Bunker Street with intent to sell it to the City of Schertz; and

WHEREAS, city staff has determined the property to have great historic, cultural, ecological, and recreational value that would be a tremendous asset to the city park and trail system; and

WHEREAS, city staff has identified funding for the property acquisition in an amount not to exceed \$375,000.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. The City Council hereby indicates the intent to acquire a 10.5-acre property on Dry Comal Creek generally at FM 482 and Bunker Street (in attached Exhibit A.) subject to the following conditions: the maximum sale price shall be no more than \$375,000 and not more than the appraised value of the property, funds must be approved specifically for this purchase, a Phase I environmental review finds no issues, and the deed restrictions are modified to allow for development of the site with a hike and bike trail, signage, and trail head parking, and a separate resolution is approved specifically authorizing the purchase.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.


Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 23rd day of August, 2022.

CITY OF SCHERTZ, TEXAS



Ralph Gutierrez, Mayor

ATTEST:



Brenda Dennis, City Secretary



Ramirez Tract - Conceptual Plan

Utilizing 10.5 acres of floodplain land along Dry Comal Creek to build a 1-mile natural surface and boardwalk trail loop and serve a growing and historic community in Northern Schertz.

The Ramirez Tract lies along Dry Comal Creek - a 35-mile creekway that feeds directly into the Comal River - and features a 2/3 acre ephemeral pond in the center of the parcel. It is also at the center of the historic remnants of the Comal Township, a designated Comal County Historical Site with structures dating to the late 1800's.



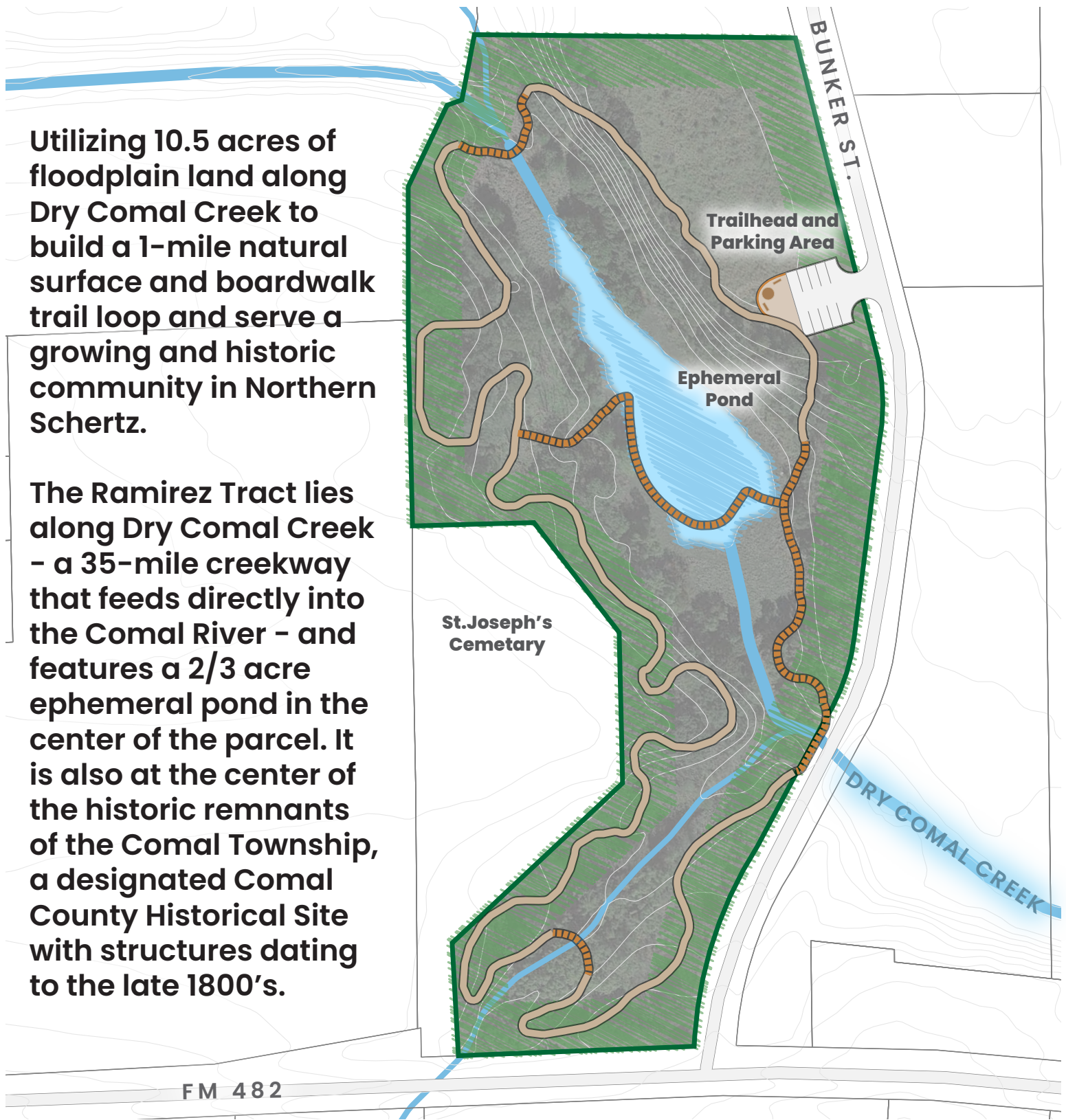
- Key:**
- Ramirez Tract
 - Standing Water Level
 - Creekway
 - Roadway
 - Natural Surface Trail
 - Boardwalk Trail
- N
250 FEET

Exhibit A









Ramirez Tract - Conceptual Plan

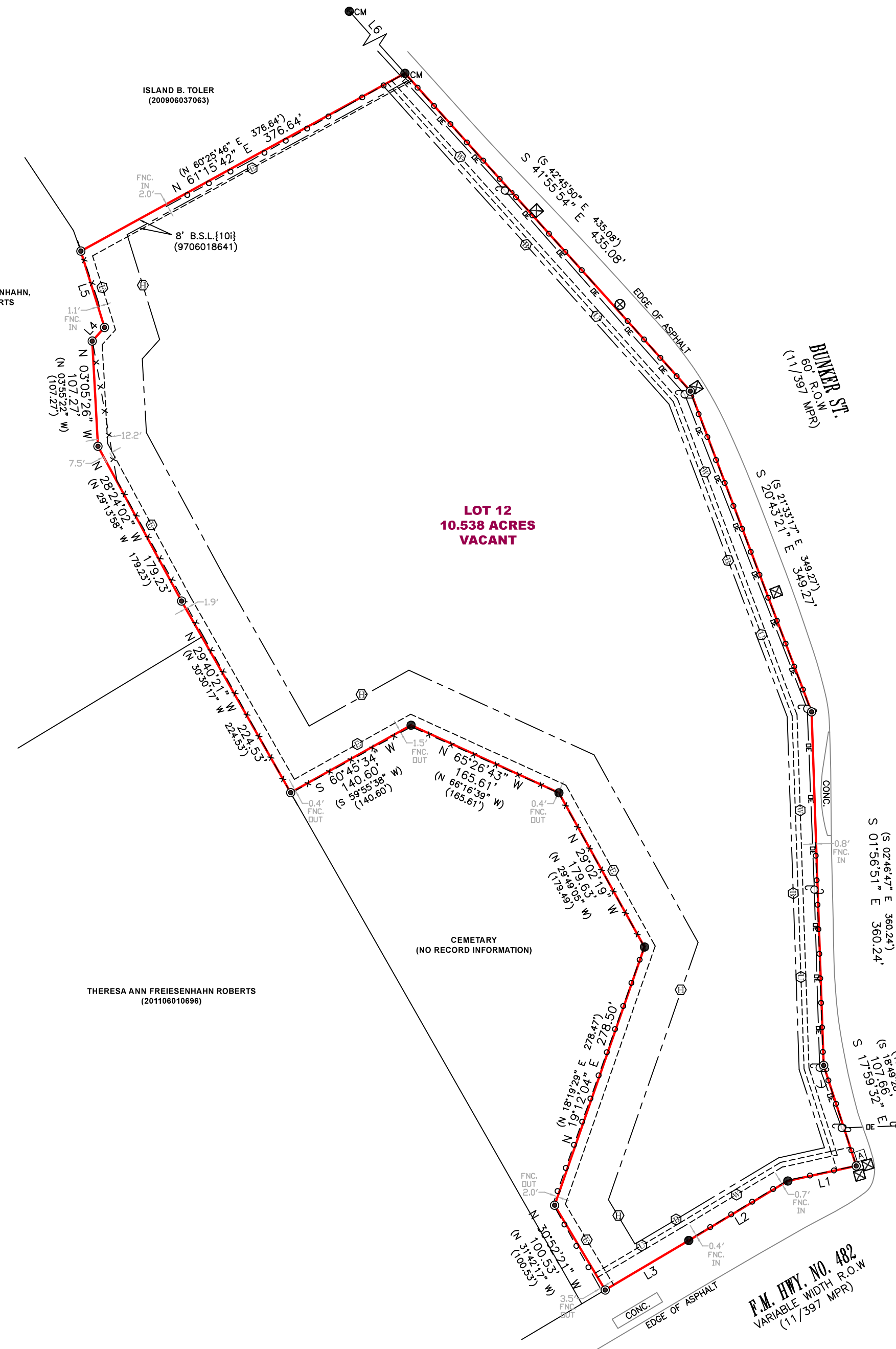
Utilizing 10.5 acres of floodplain land along Dry Comal Creek to build a 1-mile natural surface and boardwalk trail loop and serve a growing and historic community in Northern Schertz.

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Key:

-  Ramirez Tract
 -  Standing Water Level
 -  Creekway
 -  Roadway
 -  Natural Surface Trail
 -  Boardwalk Trail
-   250 FEET



RECORD DATA

LINE	BEARING	DISTANCE
L1	S 76°48'03" W	71.43'
L2	S 57°58'00" W	117.90'
L3	S 58°46'30" W	98.73'
L4	N 41°02'47" E	18.72'
L5	N 18°03'56" W	81.37'
L6	N 43°09'00" W	127.95'

FIELD DATA

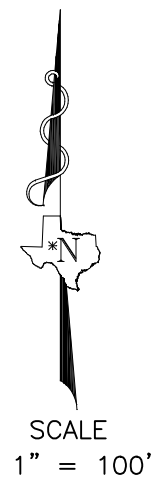
LINE	BEARING	DISTANCE
L1	S 77°37'59" W	71.43'
L2	S 58°59'49" W	117.70'
L3	S 59°22'27" W	98.91'
L4	N 41°52'43" E	18.72'
L5	N 17°14'00" W	81.37'
L6	N 41°55'54" W	127.95'

LEGEND

- BOUNDARY
- - - SETBACK LINE
- - - EASEMENTS
- o o o METAL FENCE
- x x x WIRE FENCE
- OVERHEAD ELECTRIC
- FOUND 1/2" IRON ROD (UNLESS NOTED)
- ⊙ SET 1/2" IRON ROD W/CAP "RPLS 6500"
- () RECORD INFORMATION
- { } SCHEDULE B REFERENCE
- CONC. CONCRETE
- CM CONTROL MONUMENT
- MPR MAP & PLAT RECORDS
- ⊠ AT&T BOX
- ⊞ CABLE PEDESTAL
- ⊟ TELEPHONE PEDESTAL
- ⊞ POWER POLE
- ⊞ GUY WIRE ANCHOR
- ⊞ 25' BUILDING SETBACK LINE[10d]
- ⊞ 10' UTILITY ESM'T.[10i]
- ⊞ 20'x20' TELEPHONE ESM.T.
- ⊞ 20' UTILITY ESM.T.[10h]
- ⊞ 15' WATER LINE ESM.T.[10g]
- ⊞ 50' B.S.L.[10j]

NOTES

- BEARINGS AND DISTANCES SHOWN FOR THIS SURVEY WERE DETERMINED BY GPS "RTK" OBSERVATIONS, NORTH AMERICAN DATUM OF 1983, TEXAS STATE PLANE COORDINATE SYSTEM, FIPS ZONE 4204, TEXAS SOUTH CENTRAL ZONE, GRID.
- PER SCHEDULE B OF THE TITLE COMMITMENT REFERENCED ABOVE, THE FOLLOWING ITEMS MAY AFFECT THIS TRACT:
 - {1} RESTRICTIONS RECORDED IN VOLUME 11, PAGE 397, MAP OR PLAT RECORDS; VOLUME 249, PAGE 455, DEED RECORDS AND COUNTY CLERK'S FILE NO. 9706018641 AND COUNTY CLERK'S FILE NO. 200506008231, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS.
 - {10c} EASEMENT AS SHOWN IN INSTRUMENT FROM NORMAN SCHUETZ TO CITY PUBLIC SERVICE BOARD OF SAN ANTONIO, DATED AUGUST 11, 1978 AND FILED IN VOLUME 276, PAGE 30, OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS. (DOES NOT AFFECT SUBJECT TRACT)
 - {10e} TERMS, CONDITIONS, AND STIPULATIONS IN THE AGREEMENT BY AND BETWEEN: RECORDED: VOLUME 554, PAGE 656, DEED RECORDS, COMAL COUNTY, TEXAS. PARTIES: NORMAN SCHUETZ AND VALERO TRANSMISSION COMPANY TYPE: EASEMENT AGREEMENT (DOES NOT AFFECT SUBJECT TRACT)



ACCORDING TO FEMA MAP NO. 48091C0440F WITH AN EFFECTIVE DATE OF SEPTEMBER 2, 2009, AND A REVISION DATE OF MAY 5, 2014, THIS PROPERTY LIES WITHIN ZONE AE AND IS WITHIN A SPECIAL FLOOD HAZARD AREA. THIS INFORMATION IS SUBJECT TO CHANGE AS A RESULT OF FUTURE MAP REVISIONS BY FEMA.



I, Cory Blake Silva, Registered Professional Land Surveyor number 6500, do hereby certify that a survey was made on the ground, under my supervision, on date as shown, of the property hereon described, and I do declare there are no conflicts known to me except as shown.

CORY BLAKE SILVA
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6500

JOB NO. 220512280	CREW: J.L. DATE: 05/17/2022	DRAWN: A.R.	REVIEW: R.B.A. / C.B.S.	REVISION DATE: -/-/-	DATE: 05/24/2022
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APPRAISAL & VALUATION ANALYSIS

10.538 acres
Located at 1109 Bunker St
Southwest of New Braunfels in
Comal County, Texas 78132

REPORT DATE:
August 22, 2022

EFFECTIVE DATE OF VALUE:
August 11, 2022

PREPARED FOR:
Garry Merritt
Great Springs Project
PO Box 12331
Austin, TX 78711



BLAIR T. STOUFFER, MAI, SRA
Managing Partner

BLAKE T. STOUFFER, MAI, LREB
Vice President - Farm & Ranch,
Residential

CHRIS T. JONES, MAI, LREB
Vice President - Commercial

KRISTIN S. PAYNE, CPA
Vice President - Finance

ROBERT V. HICKS, MAI
Managing Director - Boerne

P.J. DOOLING, MAI
Managing Director – Austin

ARTURO M. SALINAS, MAI
Managing Director – Houston

IAN M. GRIGAR, MAI
Managing Director – Dallas/Ft. Worth

Charles W. Fehlis, MAI
Gary R. Miller, MAI
Abel T. Rodriguez, MAI
Hank Hornsby
Andrew Watson
Robert M. West, III
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San Antonio, TX 78209
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210-828-3743

**BOERNE
AUSTIN
HOUSTON
DALLAS/FT. WORTH**

August 22, 2022

Garry Merritt
Great Springs Project
PO Box 12331
Austin, TX 78711

Re: Appraisal of 10.538 acres of land located at 1109 Bunker St southwest of New Braunfels in Comal County, Texas 78132
(File B-22-0253; 1109Bunker-Comal 22)

Mr. Merritt:

As per your request, we have completed the market research and analyses necessary to furnish you with our opinion as to the current “as is” fee simple market value of the subject property as of August 11, 2022. The market value concluded herein is subject to the various Assumptions and Limiting Conditions described in the accompanying report. John Andrew Watson performed a visual observation of the subject property.

The definition of market value as defined herein is based on the Office of Comptroller of Currency’s Manual for National Banks, Subpart C, Section 3442, as revised by Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), effective August 24, 1990. This report is an Appraisal Report which was prepared in accordance with the Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice (USPAP), with OCC Regulations 12 CFR Part 34, FDIC Regulation Part 323 and Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

The client this report is Great Springs Project. The intended users are Great Springs Project and the City of Schertz. The intended use of this appraisal is for internal purposes related to the pending purchase of the subject property.

The subject property is a 10.538 acre tract of land located at the northwest corner of FM 482 and Bunker St southwest of New Braunfels in Comal County, Texas. There are no improvements located on the subject property.

Mr. Merritt
(Page 2)

As a result of the inspection of the subject property and based upon the market data information and analyses concluded herein, the following table summarizes the market value conclusion.

MARKET VALUE CONCLUSION	
Valuation Scenario	Current "As Is"
Interest	Fee Simple
Date	August 11, 2022
FINAL VALUE CONCLUSION	\$390,000

This market value opinion does not include equipment, personal property, rolling stock, business value, etc. and only reflects real estate to include land and significant permanent structures.

The marketing period is estimated to be one year or less from the effective date. The exposure time prior to the effective date is also estimated to be one year.

If you should have any questions after reviewing this appraisal, please feel free to contact either of the undersigned directly.

Respectfully submitted,
STOUFFER & ASSOCIATES, LLP

John Andrew Watson
Senior Associate Appraiser
State Certified, TX 1380429-G

Robert V. Hicks, MAI
Managing Director – Boerne
State Certified, TX 1320363-G

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CERTIFICATION

The undersigned does hereby certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- We have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- We have performed no services, as an appraiser or in any other capacity, regarding the subject property that is the subject of this report within the three-year period immediately preceding the agreement to perform this assignment.
- Neither our engagement to make this appraisal (or any future appraisals for this client), nor any compensation therefore, are contingent upon reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event
- Our compensation for completing this assignment is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of the appraisal.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- John Andrew Watson conducted a physical inspection of the subject property and wrote the appraisal report. Robert V. Hicks, MAI assisted with the analysis of the subject property.
- No one provided significant real property appraisal assistance to the person signing this certification.
- As of the date of this report, Robert V. Hicks, MAI has completed the requirements of the continuing education of the Appraisal Institute.



John Andrew Watson
Senior Associate Appraiser
State Certified, TX 1380429-G

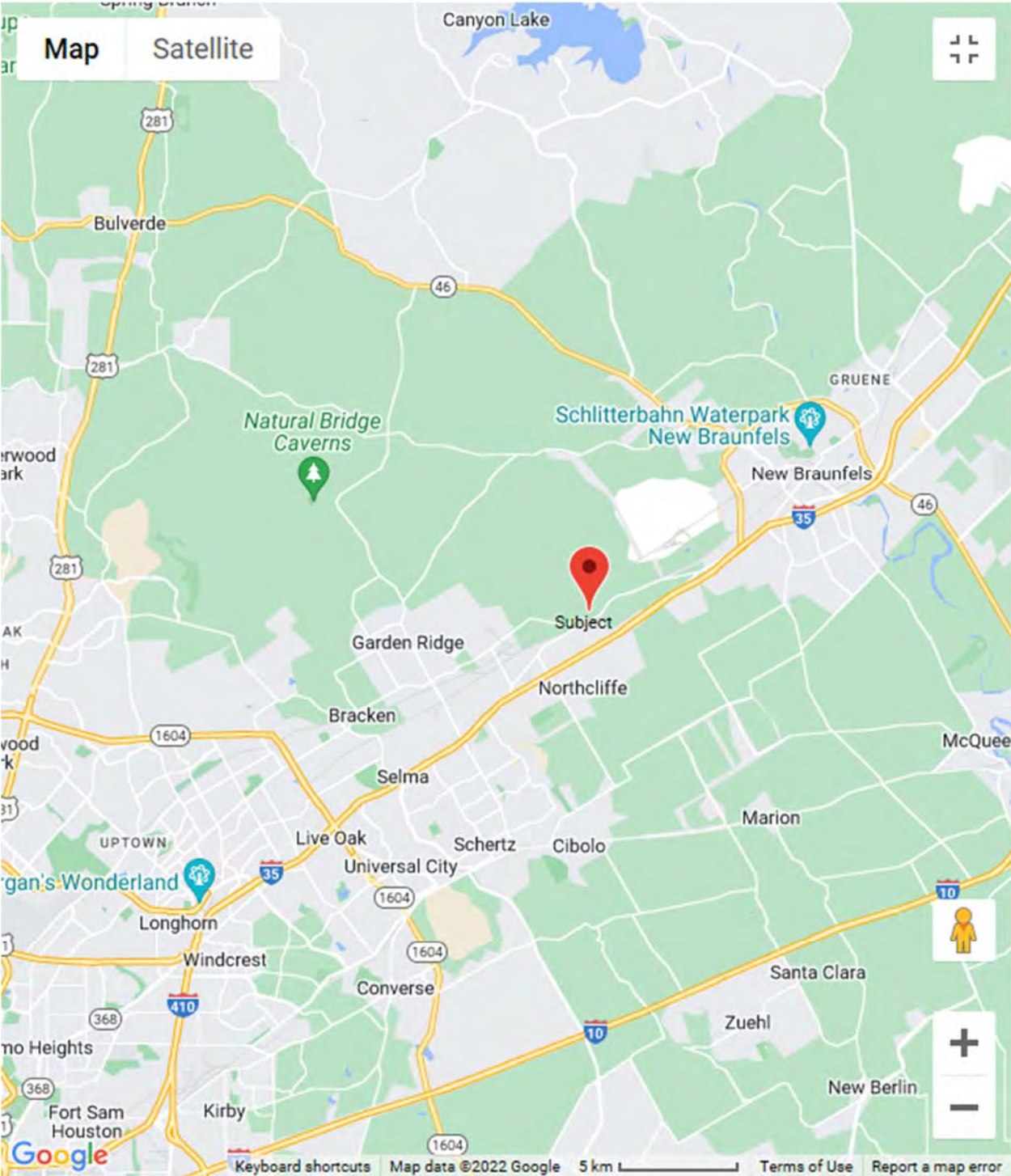


Robert V. Hicks, MAI
Managing Director – Boerne
State Certified, TX 1320363-G

EXECUTIVE SUMMARY

Property Type:	Vacant land
Location/Address:	1109 Bunker St, New Braunfels, Comal County, TX 78013
Effective Date of Value Opinion:	August 11, 2022
Date of Report:	August 22, 2022
Property Rights Appraised:	Fee Simple
Appraisal Premise:	“As Is”
Site Size:	10.538 acres per survey
Client/Intended User:	Great Springs Project/Great Springs Project and the City of Schertz
Intended Use:	Internal purposes related to the pending purchase of the subject property
Environmental Factors:	There are no known waste hazards or environmental concerns affecting the subject site as of the date of this appraisal.
Extraordinary Assumptions:	None made herein
Hypothetical Conditions:	None made herein
Market Value Opinion:	\$390,000
Exposure/Marketing Period:	1 year / 1 year

LOCATION MAP



IDENTIFICATION OF TYPE OF REPORT

This report is an Appraisal Report which was prepared in accordance with the Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice (USPAP), with OCC Regulations 12 CFR Part 34, FDIC Regulation Part 323 and Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. As per the specific scope of this assignment as agreed upon between the client and the subject appraiser's, this Appraisal Report has utilized a summary reporting format. This appraisal assignment is contingent upon the various assumptions and limiting conditions described within this report.

GENERAL ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal is based upon and is subject to the following assumptions and limiting conditions:

- The legal description based on the county records is assumed to be correct for purposes of this analysis.
- The appraisers have not made a survey of the property and no responsibility is assumed in connection with such matters. **Maps utilized in this report are not exact and are included only to assist the reader in visualizing the property.**
- The land area of the subject property has been based upon the subject County Appraisal District information and/or from a survey shown at the time of the property inspection.
- No responsibility is assumed for matters of a legal nature affecting title of the property, nor is an opinion of title rendered. The title is assumed to be good and marketable.
- Information furnished by others is assumed to be true, correct, and reliable. A reasonable effort has been made to verify such information; however, no responsibility for its accuracy is assumed by the appraisers.
- All mortgages, liens, encumbrances, leases and servitude have been disregarded unless so specified within this report. The property is appraised as though under responsible ownership and competent management.
- This appraisal further assumes that there are no hidden or unapparent conditions of the property or subsoil that would render them more or less valuable. No responsibility is assumed for such conditions or for engineering that may be required to discover such factors. Additionally, the appraisers were not provided with environmental studies relating to the subject property.
- Full compliance with all applicable federal, state, and local environmental regulations and laws is assumed unless noncompliance is stated, defined and considered in the appraisal report.

- Full compliance with all applicable zoning and use regulations and restrictions is assumed unless nonconformity has been stated, defined and considered in the appraisal report.
- This appraisal assumes that all required licenses, consents or other legislative or administrative authority from any local, state or national governmental, or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
- The valuation opinion applies only to the property specifically identified and described in this report.
- The use of the term “inspection” within the attached report only refers to the act of visiting and/or viewing the property or properties being appraised or a property or properties used as comparables. We are not licensed real estate inspectors in the State of Texas and are not qualified to render opinions required of those who are licensed real estate inspectors.
- It is assumed that all information known to the client and relative to the valuation has been accurately furnished and that there are no undisclosed leases, agreements, liens, or other encumbrances affecting title or use of the property.
- By reason of the purpose of this valuation and function of the report herein set forth, the value reported is only applicable to the property rights appraised and the appraisal report should not be used for any other purpose.
- No environmental site assessments have been provided to the appraisers. The appraisers recommend that a qualified environmental engineer assess the sites for potential hazardous waste materials. The appraisers assume no liability for any hazardous waste material found on the sites. Should any be found, substantial impact on the appraised value may be noted. The appraisers reserve the right to evaluate the impact of any environmental studies made on the properties.
- The appraisers have not performed soil or drainage tests. Nor have the appraisers been provided with soil or drainage test results. Therefore, this appraisal assumes that there are no subsoil or drainage conditions that would adversely affect the subject properties or their final valuations.
- This appraisal report is based on the condition of local and national economies, the purchasing power of money, and finance rates prevailing at the effective date of value.

- Possession of this report, or a copy thereof, does not carry with it the right of publication, nor may it be used for any other purposes by anyone but the applicant without the previous written consent of the appraisers.
- The appraisers, by reason of this report, are not required to give testimony or attendance in court, or any other hearing with reference to the property in question, unless arrangements therefore have been previously made.
- The appraiser(s) is not a professional building or environmental inspector and the appraisal should not be relied upon to disclose conditions of the property. The appraisal inspection is for market valuation purposes only. The appraisal does not guarantee or imply that the property is free of defects or environmental problems. The appraiser(s) looks at visible and accessible areas only. Defects, including mold, may be present in areas the appraiser cannot see. A professional building inspection by a licensed inspector is recommended to determine the condition of all improvements to include, structures and their components, water wells, septic systems, and all other improvements above and below the ground. The appraiser(s) is not professionally qualified to perform these types of inspections and do not have the appropriate license. All improvements are assumed to be in average and normal working condition and meet industry and governing codes with appropriate permits unless informed otherwise.
- If the subject property has any flood plain issues, the appraiser(s) recommend a detailed survey be performed to determine the exact flood plain boundaries and depths in relationship to any improvements.
- The client of this appraisal is the individual(s) that the appraisal report is addressed to and no one other than the client and intended user is allowed to use this appraisal and/or appraisal report for any uses.
- The appraiser(s) are not licensed to provide insurable replacement cost/value estimates for insurance purposes and any estimates (if provided within this report at the request of the client) represent the appraiser's estimate only and have been based on reputable cost handbooks and other sources. We recommend that the client, intended user(s), and any other reader or user of this report at any time relative to the effective date of value noted herein obtain additional information and support from a licensed insurance agent or related professional of the property insurance industry regarding the insurable replacement cost/value of any structures located on the subject site.

EXTRAORDINARY ASSUMPTION(S)

An assignment-specific assumption as of the effective date regarding uncertain information used in an analysis which, if found to be false, could alter the appraiser's opinions or conclusions.¹

None made herein

The use of this extraordinary assumption, if found to be false, could alter the appraiser's opinions or conclusions.

HYPOTHETICAL CONDITION(S)

A condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis.²

None made herein

CLIENT, INTENDED USER & INTENDED USE OF APPRAISAL

The client of this appraisal report is solely and exclusively Great Springs Project. The intended users are solely and exclusively Great Springs Project and the City of Schertz, and there are no other intended users and no one else can use or rely on this appraisal and/or appraisal report for any uses. The intended use of this appraisal is solely and exclusively for the client and intended users for internal purposes related to the pending purchase of the subject property.

DATE OF VALUE & PROPERTY INSPECTION

The effective date of the market value contained herein is August 11, 2022, which is the date of the property inspection. Pictures were taken on this date as well.

PROPERTY RIGHTS APPRAISED

The property rights appraised in this report are those constituting the unencumbered fee simple title interest in the subject property. **This appraisal reflects a "surface estate" only valuation and does not include any analysis or valuation of any of the following interests/rights in the subject property unless mentioned otherwise; mineral, wind, water, solar, or timber.** It is beyond the scope of this assignment to determine, if applicable, the market value of any of the aforementioned interests. Liens and encumbrances, if any, have been disregarded, and the property is assumed to be under competent management. This is an appraisal of the real estate only; no livestock, equipment or any other personal property is considered. No information has

¹ 2018-2019 Uniform Standards of Professional Appraisal Practice (USPAP)

² 2018-2019 Uniform Standards of Professional Appraisal Practice (USPAP)

been provided regarding any long-term surface or subsurface leases impacting the subject property.

DEFINITIONS

Market Value

For this report, Market Value, as described in the Office of the Comptroller of the Currency Manual for National Banks, Subpart C, Section 34.42, as revised by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), is defined as follows:

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. buyer and seller are typically motivated;
2. both parties are well informed or well advised, and each acting in what they consider their own best interest;
3. a reasonable time is allowed for exposure in the open market;
4. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

Fee Simple Interest

Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power and escheat.³

As-Is Value

The estimate of the value of real property in its current physical condition, use, and zoning as of the appraisal date.⁴

The following opinions were developed for this analysis.

VALUATION SCENARIO	COMPLETED
Current "As Is"	Yes
"As if Completed"	No
"Retrospective"	No
"Insurable Value"	No

³ The Dictionary of Real Estate Appraisal, Sixth Edition, Appraisal Institute, Chicago, Illinois, 2015

⁴ The Dictionary of Real Estate Appraisal, Sixth Edition, Appraisal Institute, Chicago, Illinois, 2015

SCOPE OF WORK

The scope of work utilized in preparing this appraisal is included throughout this report in the various descriptions and analysis. The general outline includes the following.

Identification of the Problem to be Solved

The problem to be solved for this assignment includes determining the current “as is” fee simple market value of the subject property as of August 11, 2022.

Information Requested but Not Provided

- None

Extent of the Property Inspection

John Andrew Watson conducted a physical inspection of the subject property and wrote the appraisal report. Robert V. Hicks, MAI assisted with the analysis of the subject property.

Extent of Data Research

The appraisers have completed numerous appraisals within the general market area as well as the immediate subject market area. The appraisers have extensive knowledge of the subject area. Numerous brokers, owners, and other market participants have been interviewed to gain addition perspective into the subject market and to confirm sales data, activity trends, etc.

We have many other sales in the competing market area contained in our files that are not being utilized in this appraisal report, but that help derive adjustments and value for the subject.

Extent of Analysis Applied

In this case, the following approaches to value have been utilized:

APPROACH	COMPLETED
Sales Comparison Approach	Yes
Cost Approach	No
Income Approach	No

Sales Comparison Approach (Land Component)

The utilization of the Sales Comparison Approach in the valuation of a land property similar to the subject property is considered appropriate for the intended use of this appraisal.

Cost Approach (Structural Improvement Component)

There are no improvements located on the subject property and the Cost Approach was not utilized.

Income Approach

The Income Approach was not utilized due to the income derived for acreage properties not being a factor for purchase. Capitalization rates are generally in a range from 1% or less which proves that the properties are not purchased for income. The omission of this approach has not resulted in a misleading market value conclusion.

IDENTIFICATION OF THE SUBJECT PROPERTY

The subject is a 10.538 acre tract of land located at 1109 Bunker St southwest of New Braunfels in Comal County, Texas.

LEGAL DESCRIPTION

The subject property is legally described as Schuetz 2, Lot 12 in Comal County, Texas as shown on the survey contained herein and the tax sheets located in the addenda section of this appraisal.

OWNERSHIP AND SALES HISTORY OF THE SUBJECT PROPERTY

The following outline summarizes the subject's sale history. The appraisers have made an effort to verify all information and have relied upon reliable parties to the transaction for certain information.

General Information

Current Owner:	Randy Paul Ramirez
Current Use:	Vacant land
Ownership Change in last 3 years:	No
Contract Price/Lease Information:	See comments below

Comments:

The subject property has been under the current ownership for more than three years. The subject is currently under contract to GSP Land, LLC and/or assigns for \$375,000. Our "as is" appraised value for the subject of \$390,000 is 4.0% higher than the contract price and the subject property is being purchased for approximately its market value.

AREA/NEIGHBORHOOD ANALYSIS

The subject property is located in Comal County, Texas. Comal County and New Braunfels are conveniently located along the IH-35 corridor between San Antonio and Austin. New Braunfels has long been known for its recreation and tourism as it was founded in 1845 by German settlers. Attractions include Wurstfest in October and November each year which is a German celebration that attracts many people, Guadalupe River rafting, Schlitterbahn Water Park, the historical community of Gruene, Landa Park along the Comal River, and other antique and craft shops that show the German heritage for this area. Comal County had a 2010 population of 108,472 up 39% from 2000. In summary, Comal County is located between two of the fastest growing areas in Texas and the nation. Growth should continue in the future with Comal County and New Braunfels benefitting from the growth and its location. Comal County serves as a bedroom community for San Antonio with many residents commuting into San Antonio to work. The county should do well in the future with its proximity to San Antonio as people are moving outward from San Antonio into the Texas Hill Country and rolling south Texas plains to enjoy a less dense living atmosphere. The agricultural basis was once the major driving force for the county but growth and escalating land prices driven by recreational users has changed the county into an outward suburban area of San Antonio and an investment opportunity for absentee owners.

SITE DESCRIPTION

General Information

Property Type:	Vacant land
Address:	1109 Bunker St, New Braunfels, TX 78132
Location:	Located at the northwest corner of FM 482 and Bunker St southwest of New Braunfels in Comal County, Texas

Physical Characteristics

Site Area:	10.538 acres per survey
Shape/Configuration:	Irregular
Access/Frontage:	Bunker St, FM 482
Topography/Elevations:	Basically level
Utilities/Water Wells:	Electricity and telephone only; water would be provided by private water well and sewer by private septic
Water Features:	Traversed by Dry Comal Creek

Flood Information

FEMA Map Panel #:	48091C0440F
Map Date:	September 2, 2009
Flood Zone:	According to the included flood hazards map, approximately one-fourth of the subject tract appears to be located within the 100-year flood plain and the remaining three-fourths of the subject are located within the floodway. Although this is offset to some degree by the Dry Comal Creek frontage, the flood hazard area does have a detrimental impact on the subject property and limits the utility of the site. A detailed flood study is recommended in order to make an exact determination.

Site Conditions

Soil Conditions:	We did not receive or review a soil report. However, we assume that the soils load bearing capacity is sufficient to support any contemplated structures. We observed no evidence to the contrary during the physical
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inspection of the property. Drainage appears to be adequate.

Land Use Restrictions:

We were not given a title report or other information that would indicate any land use restrictions impacting the subject property. The appraiser(s) assume there are no restrictions in place and recommend that the current or future user of this report obtain additional information regarding the same.

Toxic Waste:

No waste hazards affecting the subject site are known. Identification of hazardous material is not within the scope of this appraisal assignment and we have assumed that no such materials are present. We have not made a thorough inspection nor are we qualified to determine whether such hazardous materials exist on the subject sites.

Easements/Encumbrances:

To the knowledge of the appraisers, there are no known easements or encumbrances that would adversely affect the subject site.

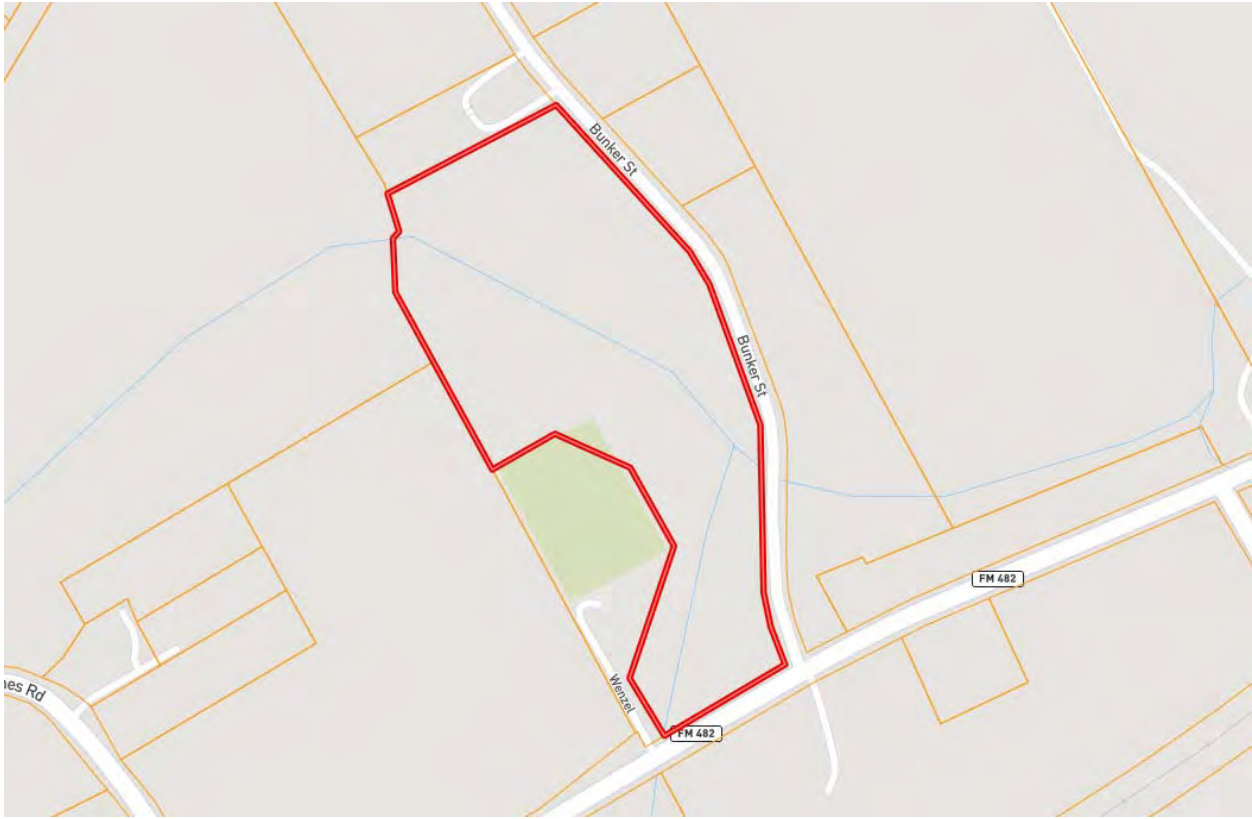
Site Ratings

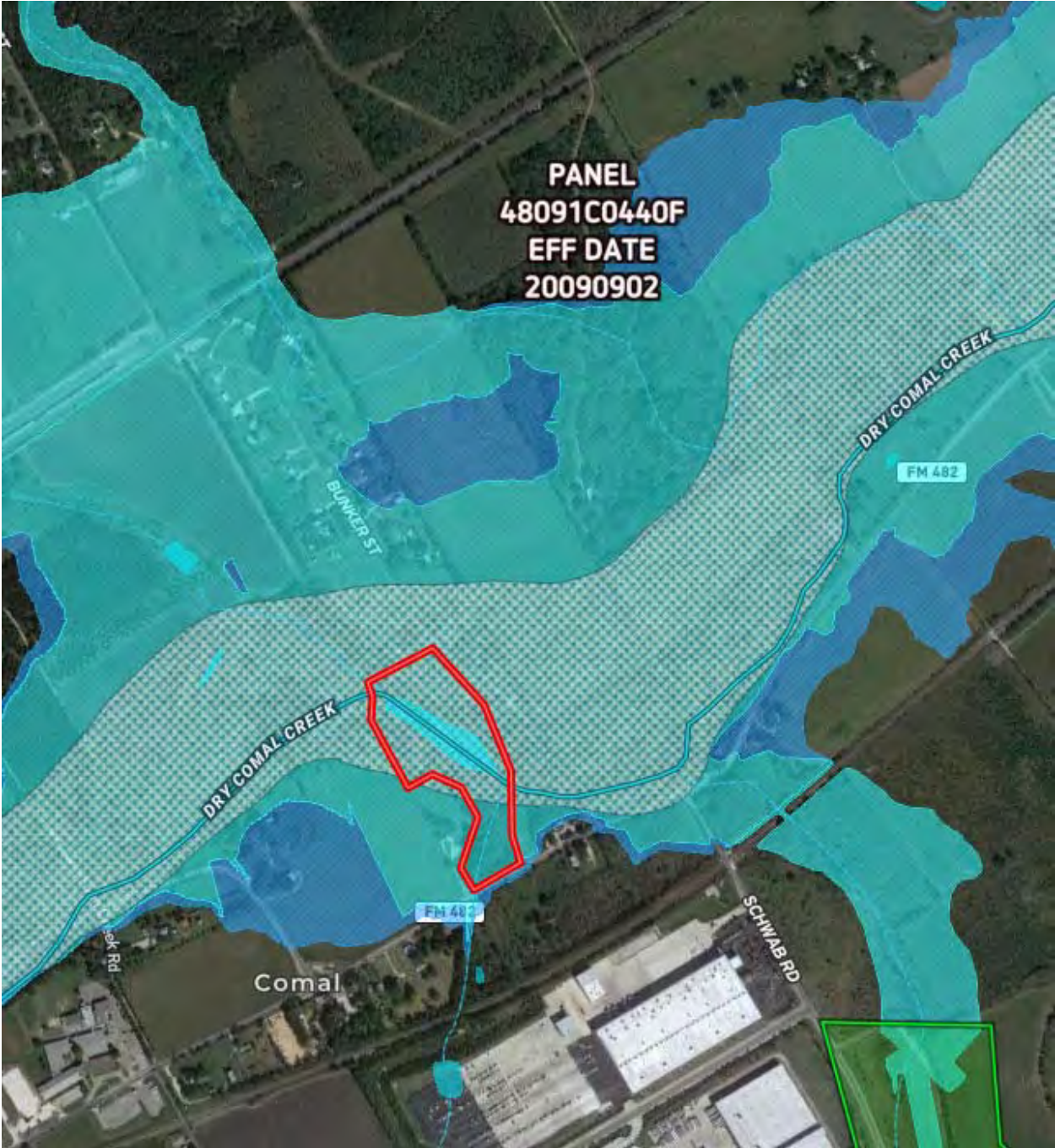
Location:	Good
Access:	Good
Visibility:	Good
Site Improvements:	Average
Topography:	Good
Overall Market Appeal:	Good

Analysis/Comments

The subject property is located along Bunker St southwest of New Braunfels. This area contains a mixture of rural residential and larger acreage properties, with scattered commercial development along the various larger roadways in the immediate area between New Braunfels and the outskirts of San Antonio and its suburbs. The subject is located across FM 482 from the Schertz city limits.

Please refer to the following pages for several exhibits illustrating the subject property.





ZONING ANALYSIS

The subject is located in an unincorporated area of Comal County and is not zoned. Restrictions related to environmental conditions and endangered species could affect the utility of the property in the future, but there are no known environmental or endangered species issues associated with the subject property at this time. There area also no known deed restrictions associated with the property that have a negative impact. Any development of the subject property would have to comply with applicable Comal County development regulations.

TAX STRUCTURE

Please see below for a summary of the subject’s tax information.

TAXING ENTITY	TAX RATE
Comal County	0.3140000
Comal County Lateral Roads	0.0395150
Comal Co ESD No. 6	0.0954920
Comal ISD	1.2920000
TOTAL	1.7410070

TAX SUMMARY (2022)					
TAX ID	LAND	IMPROV.	EXEMPTIONS	TOTAL	TAXES
56613	\$210,490	\$0	\$0	\$210,490	\$3,664.65
TOTAL	\$210,490	\$0	\$0	\$210,490	\$3,665

Source: Comal County Appraisal District

IMPROVEMENT DESCRIPTION/ANALYSIS

There are no improvements located on the subject property.

Please refer to the following page for photographs of the subject property.



FM 482 frontage



Bunker St frontage



Interior of subject



Interior of subject



Interior of subject



Interior of subject

HIGHEST AND BEST USE ANALYSIS

According to the Dictionary of Real Estate Appraisal, a publication of the Appraisal Institute, highest and best use may be defined as “The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity.”

Highest and Best Use “As if Vacant”

Legally Permissible Uses

Legally permissible uses of the subject site are limited to those uses which are legally permissible. The subject is located in an unincorporated area of Comal County and is not zoned. Therefore, virtually any use is allowable.

Physically Possible Uses

The highest and best use of the subject site, as if vacant, is limited to those uses that are physically possible. The subject site has a total land area of 10.538 acres based on the provided survey. The subject site has an irregular configuration, has good public road access, has electricity and telephone only available, and has a level topography. Lastly, based on the maps utilized herein, the subject appears to be located completely within the 100-year flood plain. However, many uses are considered to be physically possible.

Financially Feasible Uses

After considering the legally permissible and physically possible uses of the subject site, the most feasible use of the subject property is considered to be that type of usage that would complement the surrounding uses within the subject’s competitive market area. The subject is located in an area of Comal County with a mixture of rural residential and larger acreage properties, with some commercial development along the larger road frontage in the area. The subject site is considered to be desirable for limited commercial development along the FM 482 frontage, which is located within the 100-year flood plain but out of the floodway area. This is considered to be financially feasible and is a use that would complement the surround land uses.

Maximally Productive Uses

Maximally productive uses for the subject site are those uses which yield the highest return to the site. The most productive use for the subject site is likely for limited commercial development along the FM 482 frontage as demand warrants.

Highest and Best Use “As if Vacant” – Conclusion

The highest and best use of the subject property “as if vacant” is for limited commercial development as demand warrants. This use is considered to be legally permissible, physically possible, financially feasible, and maximally productive. The most probable buyer for the subject property would be an owner user.

Highest and Best Use “As Improved” – Conclusion

In determining the highest and best use “as is,” the focus is on three possibilities for the property;

- 1) Continuation of the existing use
- 2) Modification of the existing use
- 3) Demolition and redevelopment of the land

The subject property does not contain any improvements and a separate “as improved” highest and best use conclusion was not developed.

STRENGTHS & WEAKNESSES

As a supplement to the highest and best use analysis, the strengths and weaknesses analysis summarizes the overall positive and negative features of the subject property based on standards recognized in the subject’s market area. Please see the summary list of strengths and weaknesses.

Strengths:

- Desirable land size for many uses
- Good visibility and access along Bunker St and FM 482
- Good location
- Creek frontage

Weaknesses:

- Significant flood hazard area

Summary

Overall, the subject property is considered to be a desirable commercial development tract which has many strengths that outweigh the noted weaknesses.

THE APPRAISAL PROCESS

In order to arrive at an opinion of Market Value for a given property, special attention must be given the typical purchaser who would be interested in that particular type of property. Market Value is the most probable sales price which a property will bring. This price depends upon the typical purchaser's reaction to the various supply and demand factors which affect the property being appraised. Of particular importance are the surrounding properties which are in competition with the subject. All of this information must be derived from the market.

Considering the above framework, the appraisal process is basically an economic analysis. It consists of an orderly program by which the problem is defined, and data is acquired, classified, analyzed, and interpreted into an estimate of value. The three generally accepted approaches utilized are the Cost Approach, the Sales Comparison Approach and the Income Approach. Regardless of the approach being utilized, the data under consideration is obtained from the market place in one form or another. Whether or not all three approaches are used in the valuation of a particular property depends upon the individual situation. In the event that more than one approach is utilized, the value opinions arrived at from the different approaches are correlated into a single value opinion considered to be the most appropriate for the subject property.

The appraisal technique followed in arriving at an opinion of Market Value varies according to the type of property under consideration. As a norm, the Cost Approach, the Sales Comparison Approach, and the Income Approach are sufficient to indicate or to assist in the rationalization of an estimate. Depending on the type of property, the Cost Approach normally takes into consideration the estimated cost to replace improvements with like design and utility. These estimates are then reduced by what the appraiser feels has accrued as a loss because of wear and tear. Normally, this loss of value (depreciation) is estimated on the basis of an observed Effective Age, which, when computed with the Total Economic Life, results in a ratio or percentage figure. This methodology is commonly referred to as The Economic Age-Life Method. To this, the opinion of value of the land is added for a final conclusion to value by this approach. The opinion of the value of land is accomplished by comparison. Tracts with similar or like characteristics and which have been bought or sold in the recent past are studied. An analysis of the terms of the transaction and pertinent items is made. The resulting figure, after adjustments, is in most cases, indicative of Market Value.

The Sales Comparison Approach has as its premise the valuation of real property by the utilization of the comparison technique as followed in the valuation of vacant land. This approach relies heavily upon the principle of substitution. Comparisons are made followed by adjustments, if pertinent, for an indication of value. As a rule, this approach is the most accurate indicator of value, as it portrays the tendencies of prudent entrepreneurs and investors in the market place.

The Income Approach takes into consideration a projected or estimated rental income on the property under valuation. This income stream is then grossed so as to produce a net income after expenses, which is then capitalized for an indication of value. This approach in general, is

considered to be an accurate indicator of value since income producing properties are bought and sold on the basis of their income producing abilities. Although all of the appraisal principles are involved in this approach, the principle of anticipation is particularly applicable because in it has as its basis the anticipated annual net income of the property.

The following approaches to value have been utilized in this appraisal:

APPROACH	COMPLETED
Sales Comparison Approach	Yes
Cost Approach	No
Income Approach	No

Please refer to the following pages for further analysis.

SALES COMPARISON APPROACH

Methodology

In the Sales Comparison Approach, the value of a property is estimated by comparing it with similar, recently sold properties in the surrounding or competing area. Inherent in this approach is the principle of substitution, which holds that when a property is replaceable in the market, its value tends to be set by the cost of acquiring an equally desirable substitute property, assuming that no costly delay is encountered in making the substitution.

Through the analysis of sales of verified arm's-length transactions, Market Value and price trends are identified. The sales utilized are comparable to the subject in physical, functional, and economic characteristics. The basic procedure is as follows:

1. The most recent relevant sales are identified;
2. Comparable sales are selected and analyzed with consideration given to the date of sale; any changes in economic conditions between the date of sale and the date of value; and other physical, functional, or location factors;
3. Calculate the cash equivalent price for any sales that included any favorable financing;
4. Reduce the sales price to a unit of comparison such as the sales price per acre, sales price per square foot, and the gross income multiplier;
5. Make appropriate adjustments to the prices of the comparable properties; and
6. Interpret the data and draw a logical value conclusion.

Market-oriented units of comparison for properties such as the subject are the analysis of the sales price per acre or sales price per square foot. Local market participants typically discuss acreage tracts, such as the subject, on a price per acre basis which we have utilized herein.

In order to estimate the value of the subject property, a search of the area for similar land sales was conducted. The appraisers have conducted an extensive search for land sales in the subject property area that are identified as being competing properties in the market. In this case, the following sales utilized are considered to be comparable to the subject property and they share a similar highest and best use. The comparable sales in this instance represent good quality sales for the purpose of comparison to the subject property and would compete with the subject property in the market if the subject was available for sale.

Please refer to the **following pages** for sales summaries of each sale and a land sales map.

Land Sale 1

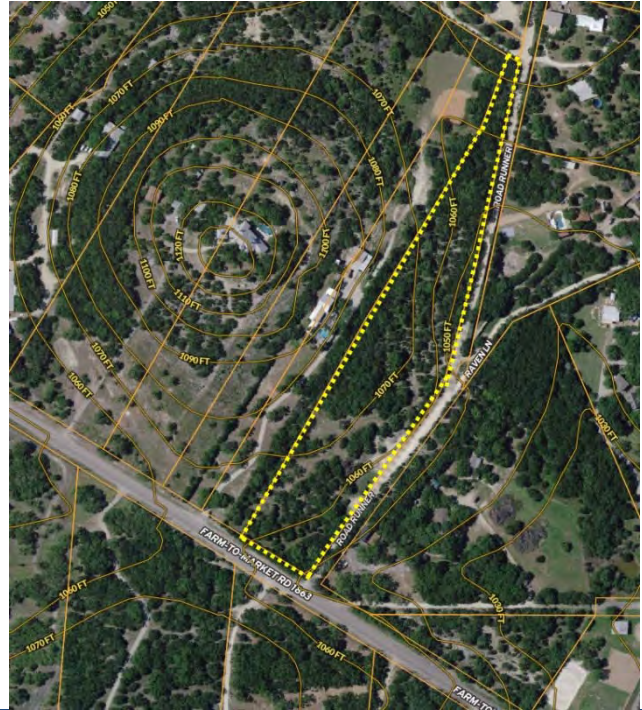
Property Identification

Sale ID #	18585
Street	FM 1863
City, State, Zip Code	New Braunfels, TX 78163
Property Tax ID	51850
MSA/Submarket	San Antonio/Comal County
County	Comal
Legal Description	Robert Rohmer(A-177, Survey 414 G. College), Tract 5
Location	NWC of FM 1863 and Roadrunner Way

Sale Data

Grantor	Robert Morgan and Patricia Gail
Grantee	Lester Azucena Et. Al

Sale Date	March 31, 2020
Transaction Status	Closed Sale
Recording Number	202006012353
Conditions of Sale	Arm's Length
Financing	Conv.
Confirmation Source	MLS#1408103
Sale Price	\$255,000
Adjusted Sale Price	



Indicators

Sale Price/Gross SF	\$0.71
Sale Price/Gross Acres	\$30,872

Adj. Price/Gross SF	
Adj. Price/Gross Acres	

Land Data

Land Size	8.260 Ac. or 359,806 SF
Frontage	FM 1863,
Zoning Abbreviation	OCL
Topography	1070' MSL-1050' MSL
Shape	Irregular (Narrow)
Utilities	Elect., Tele
Flood Info	

Remarks

Property features irregular configuration with 222 feet along FM 1863 tapering to 30' at the northern boundary.

Land Sale 2

Property Identification

Sale ID #	18482
Street	1903 N. Austin Street
City, State, Zip Code	Seguin, TX 78155
Property Tax ID	22487
MSA/Submarket	San Antonio/Guadalupe County
County	Guadalupe
Legal Description	Part of Lot 4, Block 15, Farm Addition, Seguin, Guadalupe Co., TX
Location	E/S of Austin Street, South of Baxter



Sale Data

Grantor	Pajarito Ranch LLC
Grantee	ACF Austin Concrete Fence LLC
Sale Date	November 09, 2020
Transaction Status	Closed Sale
Recording Number	202099032498
Conditions of Sale	Arm's Length
Financing	Conv.
Confirmation Source	MLS#1348435
Sale Price	\$348,000
Adjusted Sale Price	

Indicators

Sale Price/Gross SF	\$1.22
Sale Price/Gross Acres	\$53,130
Adj. Price/Gross SF	
Adj. Price/Gross Acres	

Land Data

Land Size	6.550 Ac. or 285,318 SF
Frontage	N. Austin Street,
Zoning Abbreviation	
Topography	Level
Shape	Slightly Irregular
Utilities	All Available
Flood Info	

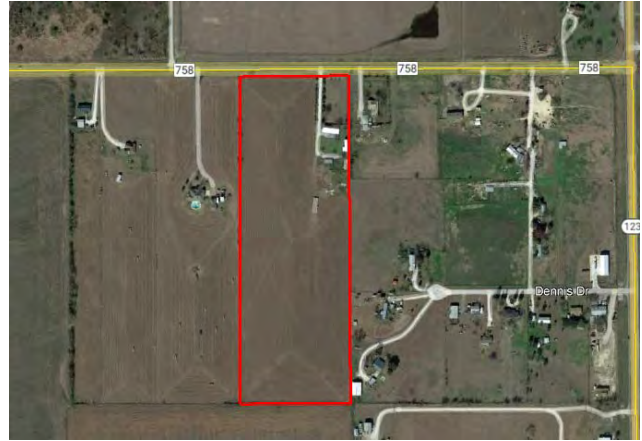
Remarks

Level, cleared, light industrial tract within Seguin.

Land Sale 3

Property Identification

Sale ID #	18701
Street	S/S FM 758
City, State, Zip Code	, TX
Property Tax ID	55547 and 55548
MSA/Submarket	San Antonio/Guadalupe County
County	Guadalupe
Legal Description	19.993 ac. out of the AM Esnaurizar Survey, A-20, Guadalupe County
Location	0.25 miles W. of Highway 123



Sale Data

Grantor	ACEM Investments LLC
Grantee	NB Dean 32 LLC
Sale Date	February 11, 2021
Transaction Status	Closed Sale
Recording Number	202199005188
Conditions of Sale	Arms Length
Financing	Cash to Seller
Confirmation Source	S-202268: PM
Sale Price	\$575,000
Adjusted Sale Price	

Indicators

Sale Price/Gross SF	\$0.66
Sale Price/Gross Acres	\$28,760
Adj. Price/Gross SF	
Adj. Price/Gross Acres	

Land Data

Land Size	19.993 Ac. or 870,895 SF
Frontage	FM 758,
Zoning Abbreviation	
Topography	Mostly level
Shape	Rectangular
Utilities	Elec & tel
Flood Info	None noted

Remarks

Cleared, mostly level farm land tract located just west of Highway 123 and along the south side of FM 758.. The property is a short distance NNE of Geronimo and approximately 6.9 miles north of Seguin. Includes two mobile homes which had little or no contributory value. Purchased for investment. purposes.

Land Sale 4

Property Identification

Sale ID #	18532
Street	185 Highwater Lane
City, State, Zip Code	, TX 78130
Property Tax ID	71527
MSA/Submarket	San Antonio MSA/Comal County
County	Comal
Legal Description	10.005 Acres, AM Esnaurizar Survey No. 1, Abstract No. 1
Location	N/S of Watson Lane East



Sale Data

Grantor	William H. Brasuell
Grantee	TWSOM.CO LP
Sale Date	April 15, 2021
Transaction Status	Closed Sale
Recording Number	202106020709
Conditions of Sale	Arm's Length
Financing	Conv.
Confirmation Source	
Sale Price	\$525,000
Adjusted Sale Price	

Indicators

Sale Price/Gross SF	\$1.20
Sale Price/Gross Acres	\$52,474
Adj. Price/Gross SF	
Adj. Price/Gross Acres	

Land Data

Land Size	10.005 Ac. or 435,818 SF
Frontage	,
Zoning Abbreviation	OCL
Topography	Slopes to South 20'
Shape	Rectangular
Utilities	All but Sewer
Flood Info	Approximately 5 Acres Along Watson Lane

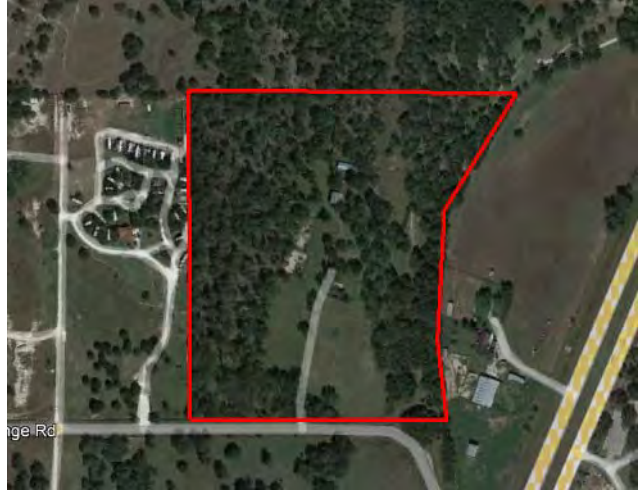
Remarks

10.005 Acres located just north of Texas Ski Ranch. Property features septic on site, water, electricity, and telephone. Front approximately 5 acres is located within the 100-year flood plain.

Land Sale 5

Property Identification

Sale ID #	18418
Street	300 Heimer Lange Rd
City, State, Zip Code	Spring Branch, TX 78070
Property Tax ID	74805
MSA/Submarket	San Antonio/Comal County
County	Comal
Legal Description	A-153 SUR- 75 S FREECHILD, ACRES 25.0
Location	Off W/S Hwy 281; 2 miles N of Hwy 46



Sale Data

Grantor	Randall Roessler
Grantee	Todd Huckabee
Sale Date	May 24, 2021
Transaction Status	Closed Sale
Recording Number	202106028274
Conditions of Sale	Arm's Length
Financing	Cash to Seller
Confirmation Source	MLS
Sale Price	\$875,000
Adjusted Sale Price	\$875,000

Indicators

Sale Price/Gross SF	\$0.80
Sale Price/Gross Acres	\$35,000
Adj. Price/Gross SF	\$0.80
Adj. Price/Gross Acres	\$35,000

Land Data

Land Size	25.000 Ac. or 1,089,000 SF
Frontage	Heimer Lange Rd,
Zoning Abbreviation	None
Topography	Level to gently rolling
Shape	Mostly rectangular
Utilities	All but sewer
Flood Info	Approx. 7 acres located within flood zone

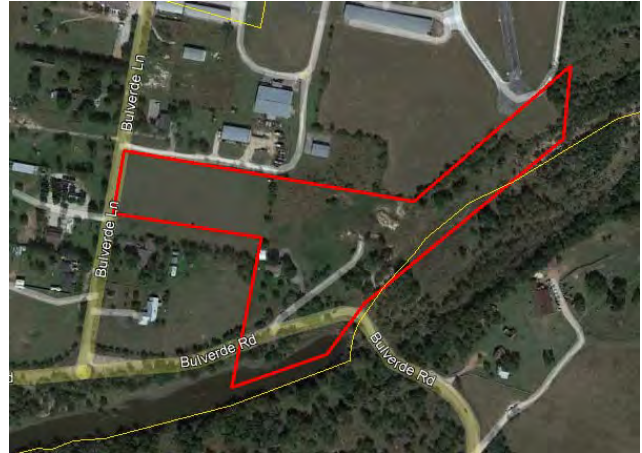
Remarks

Rural residential property just west of Highway 281 and approximately 2 miles north of the Highway 281/Highway 46 interchange. Good mix of open pasture and live oak motts. Property was the headquarters tract of a ranch that was subdivided in recent years. There is an old foundation and several wood barns but no improvements with contributory value. A seasonal creek defines the east perimeter and also puts approximately 7 acres in the 100 floodplain.

Land Sale 6

Property Identification

Sale ID #	19318
Street	29440 Bulverde Road
City, State, Zip Code	Bulverde, TX 78163
Property Tax ID	448233, 448234, 448230
MSA/Submarket	San Antonio/Comal County
County	Comal
Legal Description	13.06 Ac. G. Herrera Svy. 192-G, Abst. 206, Comal County
Location	Both sides of road along Cibolo Creek



Sale Data

Grantor	Elsie Lee Biesenbach
Grantee	Jesus Perez and Brenda Montiel
Sale Date	July 29, 2021
Transaction Status	Closed Sale
Recording Number	202106040713
Conditions of Sale	Arm's length
Financing	Cash to seller
Confirmation Source	MLS
Sale Price	\$500,000
Adjusted Sale Price	\$460,000

Indicators

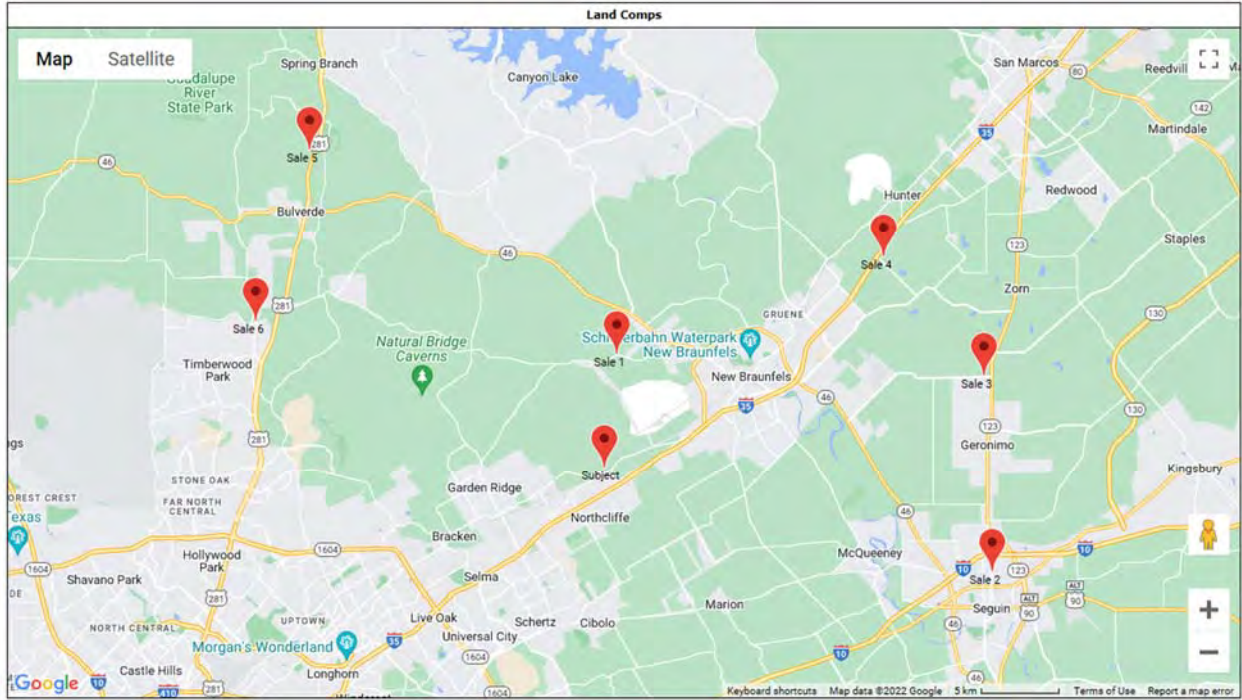
Sale Price/Gross SF	\$0.88
Sale Price/Gross Acres	\$38,285
Adj. Price/Gross SF	\$0.81
Adj. Price/Gross Acres	\$35,222

Land Data

Land Size	13.060 Ac. or 568,894 SF
Frontage	Bulverde Road,
Zoning Abbreviation	
Topography	Level
Shape	Irregular
Utilities	Electricity and telephone
Flood Info	100% in 100 year FP

Remarks

Unique Cibolo Creek frontage property located just south of the Bulverde Air Park in Comal County. Tract is located entirely within the 100 year flood plain and cannot be developed. Nevertheless, there is a singlewide mobile home rental which has an ECV of \$40,000 as well as a septic system and water well. Property is partially within the Bulverde city limits. The land is \$460,000 or \$35,222 per acre.



COMPARABLE SALES SUMMARY TABLE							
Sale #	Location	Sale Date	Sale Price	Size (AC)	Price/AC	Less Imp. Price/AC	Adj. Sale Price/AC (Land Only)
1	FM 1863	3/31/2020	\$255,000	8.26	\$30,872	\$0	\$30,872
2	N. Austin St.	11/9/2020	\$348,000	6.55	\$53,130	\$0	\$53,130
3	FM 758	2/11/2021	\$575,000	19.99	\$28,760	\$0	\$28,760
4	Highwater Lane	4/15/2021	\$525,000	10.01	\$52,474	\$0	\$52,474
5	Heimer Lange Rd	5/24/2021	\$875,000	25.00	\$35,000	\$0	\$35,000
6	Bulverde Rd	7/29/2021	\$460,000	13.06	\$35,222	\$0	\$35,222

Comparable Land Sales Analysis

The comparable sales utilized in this report were taken from the subject’s competitive market area and are all recent sales. These sales represent the best available indicators of value in this instance. Please refer to the explanation of adjustments to follow which will be followed by the Sales Comparison Grid.

Improvement Value

It should be noted that in order to compare land prices only going forward, any measurable contributory value from structural improvements, personal property, or FF&E has been subtracted in order to compare land prices only. The estimates for these items have been based on reliable third parties, cost information, or extraction from the sales within the subject’s market area.

Transactional Adjustments

Transactional adjustments account for the following categories: Property Rights, Financing, Conditions of Sale, Expenditures Made after Purchase, and Market Conditions.

Property Rights

No adjustments were necessary in this category.

Financing

The transaction price of one property may differ from that of an identical property due to different financing arrangements. For example, the purchaser of a property may have assumed an existing mortgage at a favorable interest rate. In another case, a developer or seller may have arranged a buy down, paying cash to the lender so that a mortgage with a below-market interest rate could be offered. In both cases the buyers probably paid higher prices for the properties to obtain below-market financing. Other non-market financing arrangements include installment sale contracts and wraparound loans. All of the comparable sales utilized in this analysis transacted based on cash or cash equivalent financing and no adjustments were warranted.

Conditions of Sale

Conditions of sale adjustments are required if the motivations of the buyer and/or seller were subject to any undue influences making the transaction considered to be something other than an arm's length transaction causing the sale price to be lower or higher than market value. Undue influences may include bankruptcy, assemblage, relationship between buyer and seller, etc. No adjustments were needed in this category.

Expenditures Made Immediately After Purchase (Buyer's Expenditures)

A knowledgeable buyer considers expenditures that will have to be made following the purchase of a property because these costs affect the price the buyer agrees to pay. Such expenditures may include: cost to cure deferred maintenance, cost to demolish and remove any portion of the improvements, etc. No buyer's expenditures were reported for any of the sales in this instance thus warranting no adjustments.

Market Conditions (Time)

Comparable sales that occurred under market conditions different from those applicable to the subject on the effective date of value require adjustment for any differences that affect their value. An adjustment for market conditions is made if general property values have appreciated or depreciated since the transaction dates due to inflation or deflation or a change in investor's perceptions of the market over time.

The comparables in this instance conveyed between March 2020 and July 2021. Based on the data available and explained within the Area/Market Analysis section of this report, a 5% adjustment per year has been applied to the sales between the date of sale and the effective date of value. This adjustment is deemed reasonable and supportable.

Property Adjustments

Size

Size adjustments are typically warranted to reflect the fact that smaller tracts generally command a higher unit of value on a per acre basis as compared to larger tracts due to a greater capital

outlay for larger tracts. This factor restricts the number of possible buyers as compared to the relatively larger market for smaller tracts. The subject property contains 10.538 acres of land while the comparables range from a low of 6.55 acres to a high of 25.00 acres. The noted adjustments are deemed reasonable and supportable.

Location

Typically, properties with closer proximity to major demand centers command a premium over properties which have a more remote location. Sales #2, #4, and #6 have superior locations and were given downward adjustments. Sale #5 has an inferior location and was given an upward adjustment.

Configuration

Sale #1 has an inferior configuration and was given an upward adjustment.

Land Features

Sale #3 is inferior in this category and was given an upward adjustment.

Water Features

The subject and Sale #6 have good surface water features. Sales #1, #2, #3, #4, and #5 are inferior and were given upward adjustments.

Utilities

Sales #2, #4, and #5 have superior utilities availability and were given downward adjustments.

Miscellaneous

The subject and Sale #6 are located entirely within flood hazard areas. Sales #1, #2, #3, #4, and #5 are superior in this category and were given downward adjustments.

Conclusion

The comparable sales utilized are considered to be the best available indicators of value for the subject property. The comparables are all located within the subject's competitive market area, are the most recent sales available, bracket the subject in size, etc. After adjustments, the comparables indicate a range of adjusted sale prices from \$35,192 per acre to \$41,957 per acre with a mean and median indication of \$37,271 per acre and \$36,686 per acre, respectively. All of the comparables have been equally considered with primary emphasis placed on a blending of the mean and median indications which support one another. Based on these indications, a value conclusion of \$37,000 per acre is supported. When applied to the subject size of 10.538 acre, a value is indicated for the subject land only at **\$390,000** after rounding.

Please see the following page for the *Land Sales Comparison Table*.

LAND SALES COMPARISON TABLE									
SUBJECT	SALE #1	SALE #2	SALE #3	SALE #4	SALE #5	SALE #6			
Location	FM 1863	N. Austin St.	FM 758	Highwater Lane	Heimer Lange Rd	Bulverde Rd			
Land Size (AC)	8.26	6.55	19.99	10.01	25.00	13.06			
Sale Date	3/31/2020	11/9/2020	2/11/2021	4/15/2021	5/24/2021	7/29/2021			
Sale Price	\$255,000	\$348,000	\$575,000	\$525,000	\$875,000	\$460,000			
Sale Price/AC	\$30,872	\$53,130	\$28,760	\$52,474	\$35,000	\$35,222			
Improvement Value Total	\$0	\$0	\$0	\$0	\$0	\$0			
Less Improvement Value/AC	\$0	\$0	\$0	\$0	\$0	\$0			
Sale Price/AC - Land Only	\$30,872	\$53,130	\$28,760	\$52,474	\$35,000	\$35,222			
TRANSACTIONAL ADJUSTMENTS									
Transaction Price \$/AC	\$30,872	\$53,130	\$28,760	\$52,474	\$35,000	\$35,222			
Property Rights	Fee Simple	Fee Simple	Fee Simple	Fee Simple	Fee Simple	Fee Simple	0%	0%	0%
Financing	Cash to Seller	Cash to Seller	Cash to Seller	Cash to Seller	Cash to Seller	Cash to Seller	0%	0%	0%
Sale Conditions	Arm's Length	Arm's Length	Arm's Length	Arm's Length	Arm's Length	Arm's Length	0%	0%	0%
Expenditures After Sale	None	None	None	None	None	None	0%	0%	0%
Market Conditions	11.81%	8.76%	7.47%	6.61%	6.08%	5.17%			
Adjusted \$/AC	\$34,519	\$57,785	\$30,910	\$55,943	\$37,127	\$37,045			
PHYSICAL ADJUSTMENTS									
Size (AC)	8.26	6.55	19.99	10.01	25.00	13.06			
Location	Similar	Superior	Similar	Superior	Inferior	Superior	0%	10%	0%
Access/Frontage/Configuration	Inferior	Similar	Similar	Similar	Similar	Similar	(30%)	10%	(5%)
Land Features	Similar	Similar	Inferior	Similar	Similar	Similar	0%	0%	0%
Water Features	Inferior	Inferior	Inferior	Inferior	Inferior	Similar	0%	0%	0%
Utilities/Fencing/Roads	Similar	Superior	Similar	Superior	Superior	Superior	20%	20%	0%
Special Conditions/Amenities/Misc.	Superior	Superior	Superior	Superior	Superior	Superior	(25%)	(10%)	(5%)
Gross Adjustments	55%	75%	65%	65%	60%	5%			
Net Adjustments	5%	(35%)	15%	(25%)	0%	(5%)			
Adjusted \$/AC	\$36,245	\$37,560	\$35,546	\$41,957	\$37,127	\$35,192			

VALUE CONCLUSIONS	
Minimum	\$35,192
Maximum	\$41,957
Mean	\$37,271
Median	\$36,686
Value Conclusion/AC	\$37,000
Subject Size (AC)	10.54
LAND VALUE (RD)	\$390,000

RECONCILIATION

The reconciliation of values is the final step in the appraisal process and involves the weighing of the individual valuation techniques utilized and analyzes the relative appropriateness, accuracy, and quantity of evidence as it relates to the appraisal problem noted herein. Please refer to the summary table of the approaches utilized in this instance followed by a more detailed explanation of each.

MARKET VALUE INDICATIONS	
Cost Approach	N/A
Sales Comparison Approach	\$390,000
Income Approach	N/A

Sales Comparison Approach

The utilization of the Sales Comparison Approach in the valuation of a property similar to the subject property is considered appropriate for the intended use of this appraisal. The comparable sales utilized in this instance are strong indicators of value based on their similarities to the subject for being recent sales indicative of current market conditions. The gross and net adjustment percentages for the comparables are not overly excessive and are well founded and market supported in this instance. Therefore, the Sales Comparison Approach is considered to be the best indicator of value for the subject land.

Cost Approach

N/A

Income Approach

N/A

MARKET VALUE CONCLUSION	
Valuation Scenario	Current "As Is"
Interest	Fee Simple
Date	August 11, 2022
FINAL VALUE CONCLUSION	\$390,000

This market value opinion does not include equipment, personal property, rolling stock, business value, etc. and only reflects real estate to include land and significant permanent structures.

ESTIMATE OF EXPOSURE TIME

The exposure period is that time frame leading up to the hypothetical sale of the subject property which is the "as of" date of the appraisal of the subject property. The exposure period is the time in which the property maintained its value leading up to the appraisal date. The comparable sales indicate that the exposure time would have been approximately one year. The estimated marketing time (i.e. the amount of time it would probably take to sell the subject property if exposed in the market beginning on the date of this valuation) is also estimated to be one year.

ADDENDA

BLAIR T. STOUFFER, MAI, SRA
Managing Partner

BLAKE T. STOUFFER, MAI, LREB
Vice President - Farm & Ranch,
Residential

CHRIS T. JONES, MAI, LREB
Vice President - Commercial

KRISTIN S. PAYNE, CPA
Vice President - Finance

ROBERT V. HICKS, MAI
Managing Director - Boerne

P.J. DOOLING, MAI
Managing Director - Austin

ARTURO M. SALINAS, MAI
Managing Director - Houston

IAN M. GRIGAR, MAI
Managing Director - Dallas/Ft.
Worth

Charles W. Fehlis, MAI

Gary R. Miller, MAI

Abel T. Rodriguez, MAI

Hank Hornsby

Andrew Watson

Robert M. West, III

John C. Fedrick

Patrick Mowrey

Patrick Harvey

Cameron J. Carr

Dean Moebius

Tyler Givens

Laura S. Hobbs

SAN ANTONIO
525 Busby Drive
San Antonio, TX 78209
info@stoufferappraisals.com
210-828-3743

BOERNE
AUSTIN
HOUSTON
DALLAS/FT. WORTH

August 9, 2022

CLIENT

Garry Merritt
Great Springs Project
PO Box 12331
Austin, TX 78711

INTENDED USER(S)

Great Springs Project and the City of Schertz

PROPERTY TO BE APPRAISED

Appraisal of the 10.538 acre tract located at 1109 Bunker Street, New Braunfels,
Comal County, Texas 78132 (Comal CAD 56613)

INTEREST VALUED

Market Value - Fee Simple

VALUATION PREMISE(S)

"As is" value of the land and any improvements

DATE OF VALUE

Market value as of date of site visit

FORMAT

Appraisal Report

DELIVERY DATE

By August 18, 2022 for preliminary evaluation; Final delivery within 3 days after

FEE

\$2,500

APPRAISER:



John Andrew Watson
State Certified, TX 1380429-G
(830) 816-2400
andrew@stoufferappraisals.com

CLIENT:



Garry Merritt
Great Springs Project
(210) 260-9839
garry@greatspringsproject.org

Comal CAD

Property Search Results > 56613 RAMIREZ RANDY PAUL for Year 2022

Tax Year:

Property

Account

Property ID:	56613	Legal Description:	SCHUETZ 2, LOT 12
Geographic ID:	500501001200	Zoning:	
Type:	Real	Agent Code:	170284
Property Use Code:			
Property Use Description:			

Location

Address:	0 TBD	Mapsc0:	
Neighborhood:	DEER PARK	Map ID:	7H
Neighborhood CD:	488B301		

Owner

Name:	RAMIREZ RANDY PAUL	Owner ID:	953293
Mailing Address:	205 HINGE LOOP CIBOLO, TX 78108-3352	% Ownership:	100.0000000000%
		Exemptions:	

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$210,490	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0

(=) Market Value:	=	\$210,490	
(-) Ag or Timber Use Value Reduction:	-	\$0	

(=) Appraised Value:	=	\$210,490	
(-) HS Cap:	-	\$0	

(=) Assessed Value:	=	\$210,490	

Taxing Jurisdiction

Owner: RAMIREZ RANDY PAUL
 % Ownership: 100.0000000000%
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax	
046	COMAL COUNTY	N/A	N/A	N/A	N/A	
046LR	COMAL COUNTY LATERAL ROAD	N/A	N/A	N/A	N/A	
CAD	CAD	N/A	N/A	N/A	N/A	
EDW	Edwards Water	N/A	N/A	N/A	N/A	
ES6	(ESD6) COMAL COUNTY EMERGENCY SERVICES DISTRICT NO. 6	N/A	N/A	N/A	N/A	
SCIS	COMAL ISD	N/A	N/A	N/A	N/A	
ZZZ	Credit	N/A	N/A	N/A	N/A	
Total Tax Rate:		N/A				
					Taxes w/Current Exemptions:	N/A
					Taxes w/o Exemptions:	N/A

Improvement / Building

No improvements exist for this property.

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	RES-FLOOD	lot with some flood	10.5410	459165.96	0.00	0.00	\$210,490	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2023	N/A	N/A	N/A	N/A	N/A	N/A
2022	\$0	\$210,490	0	210,490	\$0	\$210,490
2021	\$0	\$75,000	0	75,000	\$0	\$75,000
2020	\$0	\$85,380	0	85,380	\$0	\$85,380
2019	\$0	\$59,770	0	59,770	\$0	\$59,770
2018	\$0	\$59,770	0	59,770	\$0	\$59,770
2017	\$0	\$59,770	0	59,770	\$0	\$59,770
2016	\$0	\$59,770	0	59,770	\$0	\$59,770
2015	\$0	\$59,770	0	59,770	\$0	\$59,770
2014	\$0	\$59,770	0	59,770	\$0	\$59,770
2013	\$0	\$59,770	0	59,770	\$0	\$59,770
2012	\$0	\$59,770	0	59,770	\$0	\$59,770
2011	\$0	\$59,770	0	59,770	\$0	\$59,770
2010	\$0	\$70,870	0	70,870	\$0	\$70,870
2009	\$0	\$70,870	0	70,870	\$0	\$70,870

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	12/12/2014	SWD	SPECIAL WARRANTY DEED	RAMIREZ SANDRA M & RANDY P	RAMIREZ RANDY PAUL	201506025103		
2	9/30/2009	WDVL	WD W/VENDORS LIEN	MINUS JOSEPH L & ALLISON G	RAMIREZ SANDRA M & RANDY P	200906035281		
3	10/26/2007	WD	WARRANTY DEED	TURKEY CREEK RANCHES LTD	MINUS JOSEPH L & ALLISON G	200706043894		

QUALIFICATIONS OF JOHN ANDREW WATSON

EDUCATIONAL BACKGROUND

Plano East Senior High – 1999

Texas A&M University, BBA in Marketing – 2003

LICENSES/DESIGNATIONS

State Certified General Real Estate Appraiser, Certificate No. TX-1380429-G

Licensed Real Estate Sales Agent, License No. 676674

APPRAISAL EDUCATION

Basic Appraisal Principles

Basic Appraisal Procedures

15-Hour National USPAP

General Appraiser Market Analysis and Highest and Best Use

General Appraiser Site Evaluation and Cost Approach

General Appraiser Sales Comparison Approach

General Appraiser Income Approach

General Appraiser Report Writing and Case Studies

Real Estate Finance, Statistics, and Valuation Modeling

Business Practices and Ethics

Analyzing Distressed Real Estate

Apartment Appraisal

Appraisal Subject Matter Electives

7-Hour National USPAP Updates

Appraisal of Assisted Living Facilities

Appraisal of Owner-Occupied Commercial Properties

Managing Appraiser Liability

The Basics of Expert Witness for Commercial Appraisers

Complex Properties: The Odd Side of Appraisals

Basic Hotel Appraising – Limited Service Hotels

Appraisal of Self-Storage Facilities

Uniform Appraisal Standards for Federal Land Acquisitions (Yellow Book)

CAREER EXPERIENCE

Andrew attended Texas A&M University and graduated with a BBA in Marketing from the College of Business in 2003. While at Texas A&M, Andrew was actively involved in the campus chapter of Habitat for Humanity and was also a member of the Texas A&M Sailing Team, and served a semester as team president. Andrew moved to Boerne, Texas in 2004 and worked for two local banks from 2004 through 2006. During this time, he was involved in the opening of a new branch location in the area. Andrew joined the Stouffer & Associates Boerne office as an appraiser trainee in May of 2006 and became a state certified general real estate appraiser in March of 2015. In addition to appraisal work with Stouffer & Associates, Andrew was involved with the

creation of the non-profit Cara Ann Hobbs Foundation, which raises money to support families that are fighting cancer and other life-threatening illnesses, and has served as director since the organization began in 2010. Andrew and his wife are also high school Sunday School teachers at First Baptist Church of Boerne.

GENERAL REAL ESTATE EXPERIENCE

The Stouffer & Associates Boerne office primarily appraises properties located in the rural areas and small towns throughout South Texas and the Texas Hill Country surrounding San Antonio. Having been with Stouffer & Associates since 2006, Andrew has appraised and assisted with appraisals of a very wide range of property types.

PROPERTY TYPES APPRAISED

Andrew typically performs between 70 and 100 appraisals per year for various clients including banks, municipalities, individuals, partnerships, corporations, real estate developers, non-profit organizations, and attorneys. These appraisals are utilized for variety of uses to include loan underwriting, foreclosures, estate valuations, partitioning, donation purposes, and marketing direction.

A list of the various property types appraised include the following:

- Vacant Commercial Land
- Residential Subdivisions
- Medical Office Properties
- Conservation Easements (70+)
- Mixed-Use Commercial Properties
- Special Event Centers
- Churches
- Restaurants
- Office and Residential Condominiums
- Motels
- Banks
- Office Warehouse Properties (including storage/distribution & manufacturing)
- Ranch Properties (with both agricultural and wildlife concentration)
- Multi-family Residential Properties
- General Office Properties
- Irrigated Farms
- Retail Properties
- Mini-Storage Facilities
- Camp/Retreat Properties
- Bed and Breakfast Properties
- Automotive Dealerships
- Convenience Stores
- Golf Courses

ADDITIONAL INFORMATION

As part of the Stouffer & Associates Boerne office, Andrew appraises a variety of rural land properties throughout South Texas and the Texas Hill Country. These properties range from smaller acreage rural residential properties to large acreage agricultural and recreational properties, and include ranches, hunting properties, and irrigated farms, as well as many conservation easement appraisals for both sales and donations. Andrew also appraises a wide range of commercial properties, both existing and proposed, located in the small towns throughout the region and is familiar with the unique aspects of commercial properties located in small markets.



Certified General Real Estate Appraiser

Appraiser: John Andrew Watson

License #: TX 1380429 G

License Expires: 03/31/2023

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Occupations Code, Chapter 1103, authorization is granted to use this title:
Certified General Real Estate Appraiser

For additional information or to file a complaint please contact TALCB at www.talcb.texas.gov.

**Chelsea Buchholtz
Commissioner**

QUALIFICATIONS OF ROBERT V. HICKS, MAI

Off: (830) 816-2400 Fax: (830) 249-2440

www.stoufferappraisals.com stouffer@gvtc.com

BIOGRAPHICAL BACKGROUND

Robert V. Hicks, MAI is a real estate appraiser in Boerne, Texas. Mr. Hicks began appraising real estate in the San Antonio metro area in March, 1991 after being a fee appraiser in Houston, Texas for over four years. He began as the managing director of the Boerne Branch of Stouffer & Associates in Boerne, Texas in January of 2004 and has resided in Boerne since February of 1994.

Robert V. Hicks, MAI obtained his MAI designation as a member of the Appraisal Institute on September 27, 1991.

Robert V. Hicks, MAI was born in Austin, Texas, in 1957. He attended public schools in Austin, prior to attending Blinn Jr. College in Brenham Texas, where he received a full football scholarship. Subsequent to this, Mr. Hicks attended Texas A&M University where he earned a Bachelor of Science in Agriculture Education. Upon graduation, Mr. Hicks taught Vocational Agriculture at Ozona High School in Ozona, Texas, for over 3 years before returning to Texas A&M University and earning a Master of Agriculture in Land Economics and Real Estate. Mr. Hicks is also involved in the family ranch in Bandera County, Texas.

EDUCATION

Bachelor of Science (Agriculture Education):

Texas A&M University (1980)

Master of Agriculture (Land Economics and Real Estate):

Texas A&M University (1986)

DESIGNATIONS AND CERTIFICATIONS

Member of the Appraisal Institute (MAI), Membership No. 9064 **(Received MAI Designation in 1991)**
State Certified General Real Estate Appraiser, Certificate No. TX-1320363-G **(State Certified Since 1991)**

PROFESSIONAL ORGANIZATIONS

Member	1986-09	Society of Texas A&M Real Estate Professionals
Member	1993-09	Panel member to review experience credits for Appraisal Institute candidates in the San Antonio Chapter
Member	1994-98	Regional Ethics & Counseling Panel of the Appraisal Institute
Chairperson	1994-98	Professional Standards & Ethics Education Committee in the San Antonio Chapter of the Appraisal Institute
Director	1996-98	Director for the San Antonio Chapter of the Appraisal Institute

CIVIC AND COMMUNITY ORGANIZATIONS

Robert V. Hicks, MAI has been involved in numerous civic/ community and non-profit organizations in the various areas he has lived. He was an elder for St. Mark Presbyterian Church in Boerne, Texas in 1997-2000 and is an avid outdoorsman who enjoys to hunt, fish, and ranching related work and activities with cattle and horses on his family ranch in Bandera County.

PROPERTY TYPES APPRAISED

Robert V. Hicks, MAI has appraised and reviewed thousands of non-residential narrative commercial appraisals for **over 35 years** on various properties in major cities of Houston, Dallas, Fort Worth, San Antonio, Austin, El Paso, Midland, Brownsville, McAllen, Laredo, Corpus Christi, Oklahoma City, and many other locations throughout the state of Texas. This includes a total of 100+ different Texas counties, generally 25 to 40 separate counties each year.

Robert V. Hicks, MAI has taken many appraisal courses and seminars in various areas through the years to include appraising properties that are commercial, farm & ranch, condemnation, conservation easement, undivided and partial interest, easements, and many others areas. Consultation services in the Real Estate industry performed by Robert V. Hicks, MAI have included litigation support, expert witness testimony at special commissioners hearing and jury trial, feasibility studies, tax assessment review, cost estimates for insurable value, square footage analysis and appraisal reviews. A list of the property types appraised by Robert V. Hicks, MAI include the following:

Vacant land (various types)	Motel/Hotel
Subdivision (various types)	Bed & Breakfast
Retail Building	Restaurant
Shopping Center	Aircraft Hangar
Industrial Building	Aviation Facility
Manufacturing Facility	Entertainment Theme Park
Office Building	Day Care Center
Medical/Dental Office Building	Service Station
Apartment/Multi-family	Convenience Store
Condominium	Bank Building
Residential	Trucking/Freight Terminal
Farm & Ranch (1,600+ total)	Mini Storage Facility
Guest & Dude Ranch	Mobile Home Park
Car Wash Facility	Church
Car Dealership	Funeral Home
Automotive Facility	Ground Leases
Private School	Aerial Rights
Lumber Yard	Subsurface Rights
RV Park	Easements (various types)
Rock Quarry	Assisted Living/Care Facility
Oil Storage Tanks	Veterinary Clinic / Horse Arena Facility
Private Water Plant/System	Fuel Station
Cave/Mitigation Site	Grain Elevator & Bin
Special Events Facility	Feed Store/Feed Mill
Undivided Interest	Conservation Easement (200+ total)
Golf Course	Condemnation
Cattle Auction/Sale Barn Facility	Right-of-Way (many types)



Certified General Real Estate Appraiser

Appraiser: **Robert Vance Hicks**

License #: **TX 1320363 G**

License Expires: **03/31/2023**

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Occupations Code, Chapter 1103, authorization is granted to use this title:
Certified General Real Estate Appraiser

For additional information or to file a complaint please contact TALCB at www.talcb.texas.gov.

A handwritten signature in black ink, appearing to read 'Chelsea Buchholtz', is positioned above the printed name of the Commissioner.

Chelsea Buchholtz
Commissioner

CLIENT REFERENCES – BOERNE BRANCH

Page 4

Texas Farm Credit

545 South Highway 77
Robstown, Texas 78380

Attn: Lane Pepper, CFA
Chief Risk Officer
361-387-8563

Texas Farm Credit

802 West Oaklawn
Pleasanton, Texas 78064

Attn: Sarah Franklin
Vice President / Branch Mgr
830-569-874

Texas Farm Credit

16011 Via Shavano
San Antonio, Texas 78249

Attn: Wade Sharp
Vice President / Branch Mgr
210-798-6280

Texas Farm Credit

3272 Highway 16 South
Bandera, Texas 78003

Attn: David Derry
Vice President / Branch Mgr
830-796-9201

Texas Farm Credit

244 N. Getty
Uvalde, Texas 78801

Attn: Jess Yeaman
Vice President / Branch Mgr
830-278-3212

Haginas & Shillings AMC

7111 Glen Chase Court
Houston, Texas 77095

Attn: Jeff Shillings, MAI /other appraisers
President / Owner
281-550-9200

Frost Bank

100 W. Houston St., Suite T-20
San Antonio, Texas 78205

Attn: Deloris L. Kraft-Longoria, MAI
Chief Appraiser / Appraisal Services
210-220-5051

Texas Heritage Bank

1208 S. Main
Boerne, Texas 78006

Attn: Steve Mack
President & CEO
830-249-3955

Apex Realty Advisors

P. O. Box 101806
Fort Worth, Texas 76185

Attn: Ronnie Singleton, MAI
President
817-736-2979

Happy State Bank (A Division of Centennial Bank)

701 S. Taylor, LB 120
Amarillo, Texas 79101

Attn: Anita Ray
Appraisal Review Manager
806-881-0016 x3116

Guadalupe Bank

1309 Bandera Highway
Kerrville, Texas 78028

Attn: Mr. Tony Roberts
President & CEO
830-792-1950

Client References, Page 5

Guadalupe Bank
804 S. Adams Street
Fredericksburg, Texas 78624

Attn: David Geistweidt
Senior Vice President
830-997-2500

Security State Bank & Trust
607 North Main
Boerne, Texas 78006

Attn: Bryan D'Spain
Sr. Vice President / Branch Mgr
830-249-9292

Security State Bank & Trust
201 West Main Street
Fredericksburg, Texas 78624

Attn: Dale Geistweidt
Sr. Vice President / Loan Officer
830-997-7575

Security State Bank & Trust
1130 Junction Highway
Kerrville, Texas 78028

Attn: Mark Cowden
Sr. Vice President / Branch Mgr
830-895-2000

Security State Bank & Trust
1130 Junction Highway
Kerrville, Texas 78028

Attn: Kyle Priour
Sr. Vice President / Loan Officer
830-895-2000

Security State Bank & Trust
1000 Hwy 281 South
Blanco, Texas 78606

Attn: Ronnie Sultemeier
Sr. Vice President / Branch Mgr
830-833-1377

Texas Hill Country Bank
719 Hill Country Drive
Kerrville, Texas 78028

Attn: Roy Thompson
President & CEO
830-257-4771

Texas Hill Country Bank
800 Main Street
Bandera, Texas 78003

Attn: Dee Peterson
Vice President
830-796-3100

Texas Hill Country Bank
800 Main Street
Bandera, Texas 78266

Attn: James Wilson
Senior Vice President
830-796-3100

Prosperity Bank
5501 Bissonnet
Houston, Texas 77081

Attn: Sherman Joe, MAI, AI-GRS
VP – Senior Review Appraiser
713-255-1500 x37437

Crockett National Bank
8018 Broadway, Suite 200
San Antonio, Texas 78209

Attn: Roger Parker
Vice President - Private Banking
210-209-8474

Client References, Page 6

Wells Fargo Bank RETECHS

7970 Fredericksburg Rd., Suite 101-93
San Antonio, Texas 78251

Attn: Brian Frilot
Vice President / Review Appraiser
210-257-5812

First United Bank

1400 W. Main Street
Durant, Oklahoma 74701

Attn: Aleasha Allen
Appraisal Coordinator
580-634-6171

Capital Farm Credit, ACA

624 FM 1791
Huntsville, Texas 77340

Attn: Wayne Young, ARA
Chief Collateral Risk Officer
936-661-0913

Jefferson Bank

371 N. Main Street
Boerne, Texas 78006

Attn: Justin Boerner
Vice President
830-816-6301

Sage Capital Bank

18966 Forty Six Pkwy
Spring Branch, Texas 78070

Attn: John Sconiers
President, Spring Branch Center
830-980-6950

Sonora Bank

1570 River Road
Boerne, Texas 78006

Attn: Kyle Barton
Chief Financial Officer
830-331-8330

Security State Bank - Headquarters

1000 North Oak Street
Pearsall, Texas 78061

Attn: Mike Wilson
President
830-334-3606

Security State Bank

360 S IH-35
Pearsall, Texas 78016

Attn: Clayton Neal
Vice President / Branch Mgr
830-334-3606

First State Bank of Uvalde

200 E. Nopal
Uvalde, Texas 78802

Attn: Roy Kothmann
Executive Vice President
830-278-6231

TXN Bank

355 State Hwy 16 South
Bandera, Texas 78003

Attn: Stormy Pruitt
Regional President
830-796-3333

Arrowhead Bank

502 S. Adams
Fredericksburg, Texas 78624

Attn: Tony Klein
Senior Executive VP / Manager
830-990-9300

Client References, Page 7

TXN Bank
1502 Avenue M
Hondo, Texas 78861

Attn: Ronnie Miller
President / CEO
830-426-3066

Total Appraisal Management & Review
106 E. Sixth Street, Suite 900
Austin, Texas 78701

Attn: Sara Jones Oates
Chief Appraiser
512-402-0029

South Star Bank
1101 Junction Highway
Kerrville, Texas 78028

Attn: Justin Foster
Vice President
830-315-2362

Commerce Bank Texas
1501 Bexar Crossing
San Antonio, Texas 78232

Attn: John G. Turcotte
President
210-679-3101

PlainsCapital Bank
70 North East Loop 410
San Antonio, Texas 78216

Attn: DeVan Watts
Executive Vice President
210-321-3315

City of San Antonio
Office of EastPoint & Real Estate
114 W. Commerce, 2nd Floor
San Antonio, Texas 78205

Attn: Grant Ellis
Special Projects Manager
Edwards Aquifer Protection Program
210-207-2815

The Nature Conservancy – Texas Chapter
318 Congress Avenue
Austin, Texas 78701

Attn: Jeff Francell
Director of Land Protection
512-623-7250

The Nature Conservancy – Texas Chapter
318 Congress Avenue
Austin, Texas 78701

Attn: David Bezanson
Protection and Easements Manager
512-217-0025

We have many more references from banks in San Antonio and Austin that our San Antonio office and Austin office does work for routinely and that the Boerne office occasionally does work for as well as individuals, attorneys, etc.

Phase I Environmental Site Assessment for the Ramirez 10.538 acres, Comal County, Texas



Prepared for
**Great Springs Project
and
The City of Schertz**

Prepared by



RAINCROW

WILDLIFE CONSULTING
1509 Newning Avenue
Austin, Texas 78704

November 28, 2022

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- D HISTORICAL AERIAL PHOTOS
- E HISTORICAL TOPOGRAPHIC MAPS
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1.0 SUMMARY

This Phase I Environmental Site Assessment was prepared by RainCrow Wildlife Consulting (RainCrow) for the Ramirez tract of 10.538 acres in southern Comal County, Texas (Figure 1; all figures are in Appendix A).

RainCrow performed this assessment at the request of Great Springs Project, which is acting on behalf of the City of Schertz to identify, to the extent feasible, recognized environmental conditions associated with the subject property. This assessment included (1) interviews and questionnaires with the property owner and other individuals with knowledge of the property; (2) research into available records, including current agency files, databases, and historical documents; and (3) a site visit.

The interviews/questionnaires, background research, and site visit to the subject property on November 15, 2022 identified no evidence of recognized environmental conditions, including petroleum products or other hazardous environmental contaminants, associated with the subject property.

A government agency database search revealed no records of past releases that would warrant further investigation for the purposes of this Phase I ESA.

2.0 INTRODUCTION

2.1 Purpose

The purpose of this Phase I Environmental Site Assessment is to identify, to the extent feasible pursuant to the processes prescribed herein, “recognized environmental conditions” in connection with the subject property. The term “recognized environmental condition,” as by the American Society for Testing and Materials (ASTM) Standard E 1527-21 for Phase I Environmental Site Assessments, means:

(1) the presence of hazardous substances or petroleum products in, on, or at the subject property due to a release to the environment; (2) the likely presence of hazardous substances or petroleum products in, on, or at the subject property due to a release or likely release to the environment; or (3) the presence of hazardous substances or petroleum products in, on, or at the subject property under conditions that pose a material threat of a future release to the environment. A *de minimis* condition is not a *recognized environmental condition*.

The assessment is intended to permit the Users to satisfy one of the requirements to qualify for the innocent landowner, contiguous property owner, or *bona fide* prospective purchaser limitations on Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”) liability (i.e., the assessment constitutes *all appropriate inquiry* into the previous ownership and uses of the property consistent with good commercial or customary practice).

2.2 Detailed Scope of Services

The methodology used for this assessment followed ASTM Standard E 1527-21, entitled Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM 2021).

2.3 Limiting Conditions, Deviations, and Exceptions

This assessment is intended to be as detailed as reasonably possible given the time and cost associated with it, and is intended to reduce, but not eliminate, uncertainty regarding the potential for recognized environmental conditions in connection with the subject property. No environmental site assessment can wholly eliminate uncertainty regarding the potential for recognized environmental conditions. The findings of this assessment are limited to land on the subject property as described in Section 4.0 below.

2.4 Significant Assumptions

The purpose of this Phase I Environmental Site Assessment is to qualify the Users for the innocent landowner defense to CERCLA liability in connection with the transfer of ownership of the subject property.

2.5 Special Terms and Conditions

No special terms or conditions were placed on this investigation.

3.0 USER PROVIDED INFORMATION

According to the ASTM protocol E1527-21, the Users of an ESA have certain primary responsibilities for gaining information that may be helpful in determining the potential presence of *recognized environmental conditions* on the subject property. The Users of this ESA report are Great Springs Project, the City of Schertz, and Mr. Randy Ramirez (the current owner). The Users were all asked for information about the property, which is summarized below and is discussed further in Section 7.

Question	User's Response
Is the User aware of any environmental cleanup liens against the property that are filed or recorded under federal, tribal, state or local law?	None of the Users is aware of any environmental cleanup liens against the Subject property.
Is the User aware of any activity use limitations (AULs), such as engineering controls, land use restrictions or institutional controls that are in place at the site and/or have been filed or recorded in a registry under federal, tribal, state or local law?	None of the Users is aware of any AULs that are in place in association with the subject property (except that the parcel is under a deed restriction permitting only single-family home use).
Does the User have any specialized knowledge or experience related to the property or nearby properties (e.g., use of hazardous substances or petroleum products and associated processes)?	None of the Users has any specialized knowledge or experience related to the subject property or nearby properties.

Does the purchase price being paid for this property reasonable reflect the fair market value of the property if it were not contaminated?	Yes
Is the User aware of commonly known or reasonable ascertainable information about the property that would help the environmental professional to identify conditions indicative of releases or threatened releases?	None of the Users is aware of any commonly known or reasonably ascertainable information that would help identify conditions indicative of releases or threatened releases.
Based on the User’s knowledge and experience related to the property, are there any obvious indicators that point to the presence or likely presence of contamination at the property?	None of the Users is aware of any obvious indicators that point to the presence or likely presence of contamination at the subject property.
Does the User have any helpful documents available for review in association with the subject property (e.g., historic Phase I ESA reports, permits, registrations, hydrogeologic conditions, etc.)?	None of the Users provided any additional documentation.

4.0 SITE DESCRIPTION

4.1 Location and Legal Description

The subject property is about 6.6 miles by straight line north-northeast of downtown Schertz, Texas and approximately 0.7 mile north-northwest of the intersection of Interstate Highway 35 and Schwab Road (Figure 1).

A survey of the property completed on May 24, 2002 (Appendix B) identifies the property as “Lot 12, Schuetz Subdivision No. 2, according to the map or plat thereof, recorded in Volume 11, Page 397, Map and Plat Records, Comal County, Texas.”

4.2 Site and Vicinity General Characteristics

Most of the adjacent properties are agricultural and/or low-density residential (Figure 2). Saint Joseph’s Cemetery, also known as Wenzel Cemetery, borders the subject property on the western side (Figure 1). The general area is rapidly urbanizing and mostly includes agricultural land, residences, warehouses, and sand and gravel mining operations.

4.3 Current Use of Property

The property is currently vacant and unused. It is appraised by the Comal County Appraisal District for agricultural use (Comal CAD 2002).

4.4 Descriptions of Structures, Roads, and Other Improvements on the Site

No structures, roads, or other improvements were present on the subject property during a site visit on November 15, 2022.

4.5 Current Uses of Adjoining Properties

Most of the adjacent properties are agricultural and/or low-density residential (Figure 2). Saint Joseph's Cemetery, also known as Wenzel Cemetery, borders the subject property on the western side.

4.6 Environmental Liens or Activity and Use Limitations

None of the Users was aware of any environmental liens against the subject property.

4.7 Specialized Knowledge

None of the Users offered any specialized knowledge of hazardous materials used on the subject property.

4.8 Commonly Known or Reasonably Ascertainable Information

No commonly known or reasonably ascertainable information regarding releases or threatened releases of hazardous substances or petroleum products within the local community was documented by any of the Users.

4.9 Valuation Reduction for Environmental Issues

The Users are not aware of any reduction in value of the subject property due to environmental contamination.

4.10 Owner, Property Manager, and Occupant Information

The current owner is Mr. Randy Paul Ramirez, who is also identified as one of the Users of this Phase I ESA.

4.11 Reason for Performing Phase I

The reason for performing this Phase I ESA to satisfy one of the requirements to qualify for the *innocent landowner defense* under (ASTM) Standard E 1527-21; namely: “(42 U.S.C. §§9601(35) & 9607(b)(3))— a person may qualify as one of three types of innocent landowners: (i) a person who “did not know and had no reason to know” that contamination existed on the *property* at the time the purchaser acquired the *property*;...”

5.0 RECORDS REVIEW

5.1 Environmental Agency Databases

RainCrow contacted Banks Environmental Data for a review of relevant agency databases. The databases were reviewed to identify any recognized environmental conditions that might affect the subject property.

The database records were searched to the appropriate distances as established by ASTM Standard E 1527-21. Databases included in the Banks Environmental Data report are listed below (described in Appendix C, pages 46-48).

- **Federal - ASTM 1527-21/AAI Required**
 - National Priority List (NPL)
 - Delisted National Priority List (DNPL)
 - SEMS (CER SEMS)
 - SEMS NFRAP (CER SEMS NFRAP)
 - RCRA CORRACTS (RCRA COR)
 - RCRA non-CORRACTS TSD (RCRA TSD)
 - RCRA Generators (RCRA GEN)
 - Federal Brownfields (FED BWN)
 - Federal Institutional Control (FED IC)
 - Federal Engineering Control (FED EC)
 - ERNS List (ERNS)
- **State - ASTM 1527-21/AAI Required**
 - State/Tribal Equivalent NPL (ST NPL)
 - State/Tribal Equivalent CERCLIS (ST CER)
 - State/Tribal Disposal or Landfill (SWLF)
 - State/Tribal Leaking Storage Tank (LPST)
 - State/Tribal Storage Tank (PST)
 - State/Tribal Institutional Control (ST IC)
 - State/Tribal Engineering Control (ST EC)
 - State/Tribal Voluntary Cleanup (VCP)
 - State/Tribal Brownfield (ST BWN)
 - State/Tribal Hazardous Waste (HW)
- **Non-ASTM/AAI Required Databases**
 - RCRA (RCRA)
 - Dry Cleaners (DRYC)
 - State/Tribal Municipal Settings Designation (MS)

The environmental database report (included as Appendix C) identified four mapped records within the searched distance listed below, all of which are either currently active or are associated with currently operating businesses.

Database	Distance from Subject Property	Map ID (App. C)	Facility Site Name	Facility Site Address
RCRA GEN	0.23 miles SE	2	Amazoncom Services Dsx9	1150 1150 Schwab Rd, New Braunfels, Tx 78132-4987
PST	0.16 miles SW	1	Orica New Braunfels	21541 Old Nacogdoches Rd, New Braunfels, Tx 78131
PST	0.23 miles SE	2	Lacks Distribution Center	1150 Schwab Rd, Schertz, Tx 78154
HW	0.23 miles SE	2	Amazoncom Services Dsx9	1150 Schwab Rd , New Braunfels, Tx 78132

5.2 Physical Setting Sources

The following sources were reviewed to provide information on the physical setting (topography, soils, and geology) of the subject property.

5.2.1 Topographic Maps

The subject property lies on the New Braunfels West, Texas USGS 7.5-minute quad map (USGS 2022) (Appendix A).

5.2.2 Soil Maps

The four soil types occurring on the subject property are listed below. The following soil descriptions are from the Natural Resources Conservation Service (NRCS 2022).

Map ID	Soil Unit Name	Soil Description
BrB	Bolar clay loam, 1 to 3 percent slopes	<u>Bolar and similar soils (90%):</u> Depth to restrictive feature: 20 to 40 inches to lithic bedrock; Runoff class: Low; Hydrologic Soil Group: C; Ecological site: R081CY357TX – Clay Loam 29-35 PZ. <u>Minor components (10%).</u>
HeB	Heiden clay, 1 to 3 percent slopes	<u>Heiden and similar soils (85%):</u> Depth to restrictive feature: 40 to 65 inches to densic material; Runoff class: Very high; Hydrologic Soil Group: D; Ecological site: R086AY011TX – Southern Blackland. <u>Minor components (15%).</u>
Or	Orif soils, moist, 0 to 3 percent slopes, frequently flooded	<u>Orif and similar soil (85%):</u> Depth to restrictive feature: More than 80 inches; Drainage class: Well drained; Runoff class: Negligible; Ecological site: R081CY561TX – Loamy Bottomland. Runoff class: Medium; Hydrologic Soil Group: C. <u>Minor components: Oakalla (8%), Riverwash (4%), Frio (2%), Unnamed, hydric (1%).</u>
SuB	Sunev clay, 1 to 3 percent slopes	<u>Sunev and similar soils (85%):</u> More than 80 inches; Runoff class: Low; Hydrologic Soil Group: B; Ecological site: R081CY357TX – Clay Loam 29-35 PZ. <u>Minor components (15%).</u>

5.2.3 Geologic Maps

According to the USGS (2022), the outcropping geologic formation is the Leona Formation, which is described as “Fluvatile terrace deposits of gravel, sand, silt, and clay on first wide terrace of Nueces and Leona Rivers below the level of Uvalde Formation” (Bureau of Economic Geology 1974).

5.3 Historical Use Information on the Property and Adjoining Properties

5.3.1 Historical Aerial Photographs

Aerial images were obtained from Banks Environmental Data to explore changes in the use of the subject property and adjoining properties. Aerial images were obtained for the years 1938, 1952, 1958, 1969, 1973,

1983, 1995, 2004, 2010, 2016, and 2020 (Appendix D). Based on examination of these aerial photographs, it appears that very little land use changes have occurred on or adjacent to the subject property over the past 84 years. The cemetery to the west of the subject property is visible on the 1938 aerial photo. Bunker Street, which borders the eastern side of the subject property was built between the time of the 1973 photo and the 1983 photo, and the first houses built along the east side of Bunker Street appear in the 1983 aerial photo. No permanent structures or roads are clearly visible on the subject property itself in any of the aerials examined. The aerials show possible grazing use up until 1973, particularly in the northeast corner of the property. The wetland in the center of the property is most developed in the later aerial images, starting in the 1983 aerial photo and very evident in the 1995 photo.

5.3.2 Historical Topographic Maps

Banks Environmental Data was also requested to provide historical topographic maps. The maps obtained are included in Appendix E, and cover the years 1927, 1958, 1973, 1988, 2010, 2013, 2016, 2019, and 2022. The 1927 map shows a road bisecting the property; however, this may be due to an inaccuracy or registration problem with the map. None of the other maps show any substantive changes on the subject property.

6.0 SITE RECONNAISSANCE

6.1 Methodology and Limiting Conditions

Prior to the November 15, 2022 field visit, the subject property was carefully examined on Google Earth for all possible structure locations or other areas that might merit examination in the field, and the historical resources in appendices C, D, and E were also evaluated. Approximately 5 hours were spent on the site. During the visit, the property was inspected on foot, specifically searching for evidence of possible recognized environmental conditions. Photographs taken during the site visit are included in Appendix F.

6.2 Exterior Observations

No evidence of recognized environmental conditions was noted during the site visit. No buildings, structures, wells, landfills, or other types of man-made features were observed on the subject property. No unusual changes in vegetation or soils were detected that could have been caused by release of hazardous chemicals.

Vegetation communities on the subject property are a mix of grassland, shrubland, riparian woodland, and herbaceous wetland that is typical for the region. The herbaceous wetland in the center of the subject property is approximately 1.5 to 2.0 acres. The wetland appears to have been at least partially created by alterations to the hydrology of Dry Comal Creek caused by the construction of Bunker Street, and this conclusion is supported by the 1973 and 1983 aerial photos (Appendix D).

Saint Joseph's Cemetery, also known as Wenzel Cemetery, is adjacent to the subject property on the western side. It is likely that some of the remains buried in the cemetery were embalmed with formaldehyde and possibly arsenic. This is considered a *de minimus* condition.

6.3 Interior Observations

There are no buildings on the subject property, so no interior observations were necessary.

7.0 INTERVIEWS AND QUESTIONNAIRES

7.1 Interviews with Current Owner

The current owner, Mr. Randy Ramirez, was asked to complete a questionnaire regarding his knowledge of the property. The completed questionnaire is included in Appendix G. Mr. Ramirez did not have any information regarding past uses of the property that could indicate a recognized environmental condition.

7.2 Interviews with Site Managers

There is no site manager for the subject property.

7.3 Interviews with Occupants

There is no occupant of the subject property.

7.4 Interview with Local Government Official

The Schertz Fire Department was contacted by telephone on November 10, 2022. Ms. Felicia Canales stated that their office provides such information if a public request is submitted, which was subsequently filed. A reply was received on November 21, 2022 stating that the Schertz Fire Rescue response records are recorded by specific street address only and that they have no records. A copy of the initial request, the public records request, and the reply are included in Appendix G.

Mr. Jason Cline (Comal County Fire Marshall) was contacted by telephone on November 22, 2022. He stated that the Fire Marshall does not keep records of past chemical contamination, accidents, or fires on the subject property and that the question should be directed to the local fire department (Appendix G).

7.5 User Questionnaires

Representatives of the Great Springs Project, the City of Schertz, and Mr. Randy Ramirez (the current owner) were all asked to complete user questionnaires, which are provided in Appendix G.

8.0 FINDINGS

No “recognized environmental conditions” were noted or inferred on the subject property. The only *de minimus* condition on the subject property was the presence of several discarded tires in the oak grove on the eastern side of the subject property.

9.0 OPINION

Based on the information obtained from the site visits, interviews, historical sources, and agency records, RainCrow believes that no recognized or suspect environmental conditions have impacted or are currently impacting the subject property, and that no further studies or assessments are warranted.

10.0 CONCLUSIONS

RainCrow has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527-21 of the Ramirez 10.538 acres in Comal County, Texas. Any exceptions to, or deletions from, this practice are identified in Section 11.0 of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the subject property.

11.0 DEVIATIONS

No deviations, additions, or deletions from ASTM Standard E 1527-21 have been undertaken as part of this report.

12.0 ADDITIONAL SERVICES

No additional services were requested for this property.

13.0 REFERENCES

American Society of Testing and Materials (ASTM). 2021. Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process.

Bureau of Economic Geology (BEG). 1974. San Antonio Sheet, Geologic Atlas of Texas, University of Texas, Bureau of Economic Geology, scale 1:250,000.

Comal County Appraisal District (Comal CAD). 2022. Appraisal data for account number 56613. Available at https://propaccess.trueautomation.com/clientdb/Property.aspx?cid=56&prop_id=56613&year=2022. Last accessed November 2022.]

Natural Resources Conservation Service (NRCS). 2022. Web soil survey. Available at <https://websoilsurvey.nrcs.usda.gov/app/>. Last accessed November 2022.

U.S. Geological Survey (USGS). 2022. National Map website at <https://apps.nationalmap.gov/viewer/>. Last accessed November 2022.

14.0 WARRANTY AND SIGNATURES

The field observations and research reported in this Phase I Environmental Site Assessment are sufficient in detail and scope to form a reasonable basis for a general environmental site assessment of the subject property. RainCrow warrants that the findings and conclusions contained herein have been promulgated in accordance with generally accepted environmental methods and relate only to the property described in the

report. The environmental methods used are intended to provide the User with information regarding the apparent indication of existing or potential environmental conditions relating to the subject site and are necessarily limited to the conditions observed at the time of the site visit. The report is also limited to the information that was available at the time the report was prepared. In the event additional information is provided to RainCrow following the completion of the report, it will be forwarded to the User in the form received for evaluation by the User. There is a possibility that conditions may exist which could not be identified within the scope of the assessment, or which were not apparent during the site visit. RainCrow believes that the information obtained from others during the record review of public information and interviews concerning the site are reliable; however, RainCrow cannot warrant or guarantee that the information provided by others is complete or accurate.

This report was prepared for the exclusive use of Great Springs Project, the City of Schertz, and Mr. Randy Ramirez. Reproductions of the report shall not be made available without the expressed approval of the same. The general terms and conditions under which this assessment has been prepared apply solely to the client for whom it was prepared. No other warranties are implied or expressed.

15.0 SIGNATURE

I have performed a Phase I Environmental Site Assessment in conformance with the limitations described herein for the Ramirez 10.538 acres subject property. The findings of this assessment are completely and accurately documented in this report.

I declare that, to the best of my professional knowledge and belief, I meet the definition of “environmental professional” as defined in Section 312.10 of 40 CFR 312. I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. I have developed and performed all the appropriate inquiries in conformance with the standards and practices set forth in 40 CFR 312.


Prepared by _____

November 28, 2022
Date _____

16.0 QUALIFICATIONS OF ENVIRONMENTAL PROFESSIONAL

Clifton Ladd, C.W.B. has 35+ years experience working on ecological projects in the southern United States, including over 30 years in environmental consulting and two years as manager of the Travis County Natural Resources Program. He has over 20 years’ experience in preparing Phase I Environmental Site Assessments. He holds a B.A. in biology from the University of Texas at Austin (1980) and an M.S. in wildlife biology from Texas State University (1985). He is registered as a Certified Wildlife Biologist (C.W.B.) by the Wildlife Society (1989). His principal fields of training and experience are terrestrial and wetland ecology, wildlife management, endangered species, ornithology, and environmental assessment. His experience has been primarily with terrestrial habitats and species in the southeastern and southwestern United States.

Appendix A

Figures

Figure 1. Project location

Figure 2. Aerial photo

Figure 3. Soils

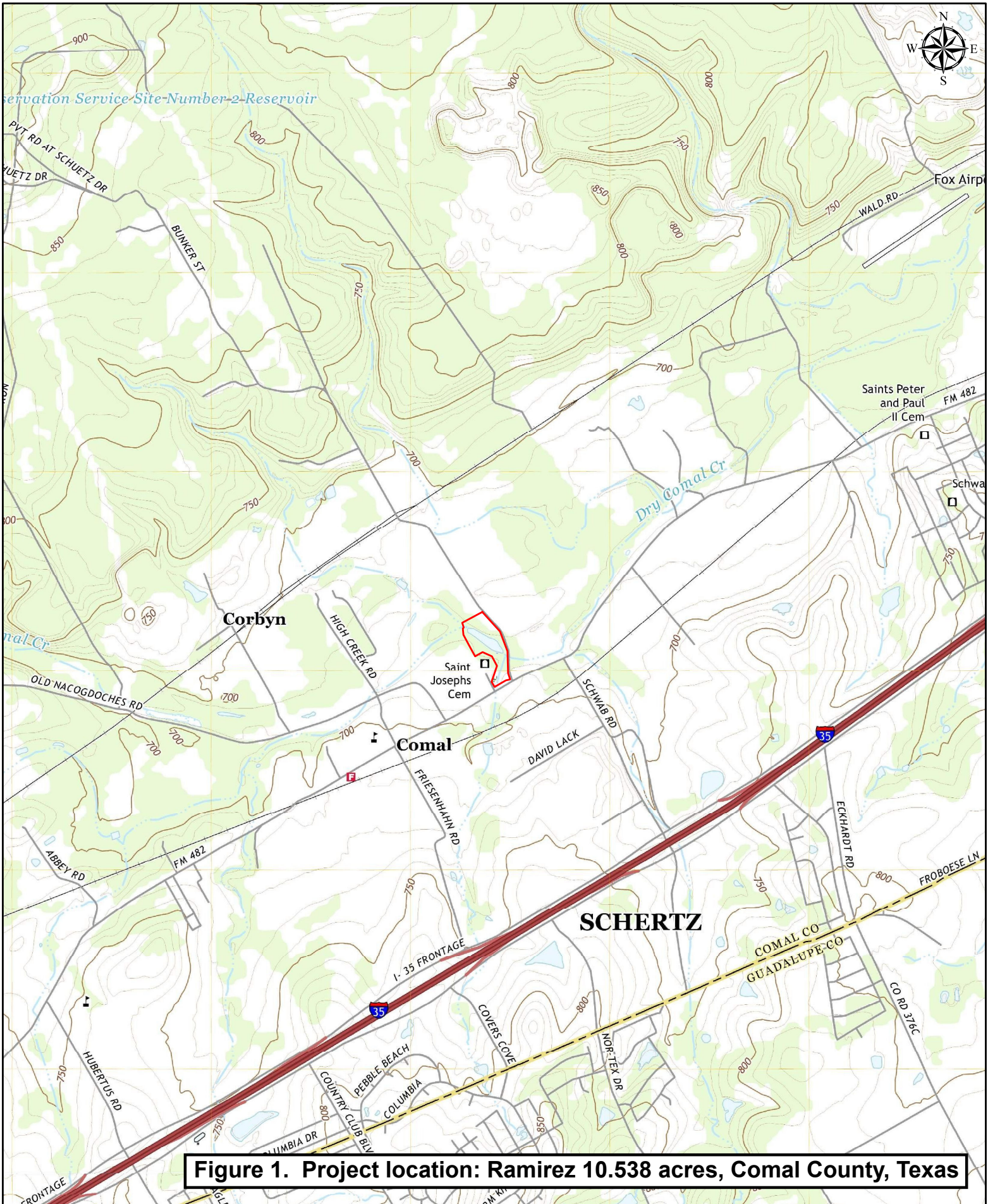


Figure 1. Project location: Ramirez 10.538 acres, Comal County, Texas

Date: 2022

Quad: New Braunfels West, TX

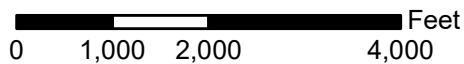
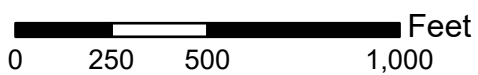




Figure 2. Aerial photo: Ramirez 10.538 acres, Comal County, Texas

Date: 2020
Source: USDA



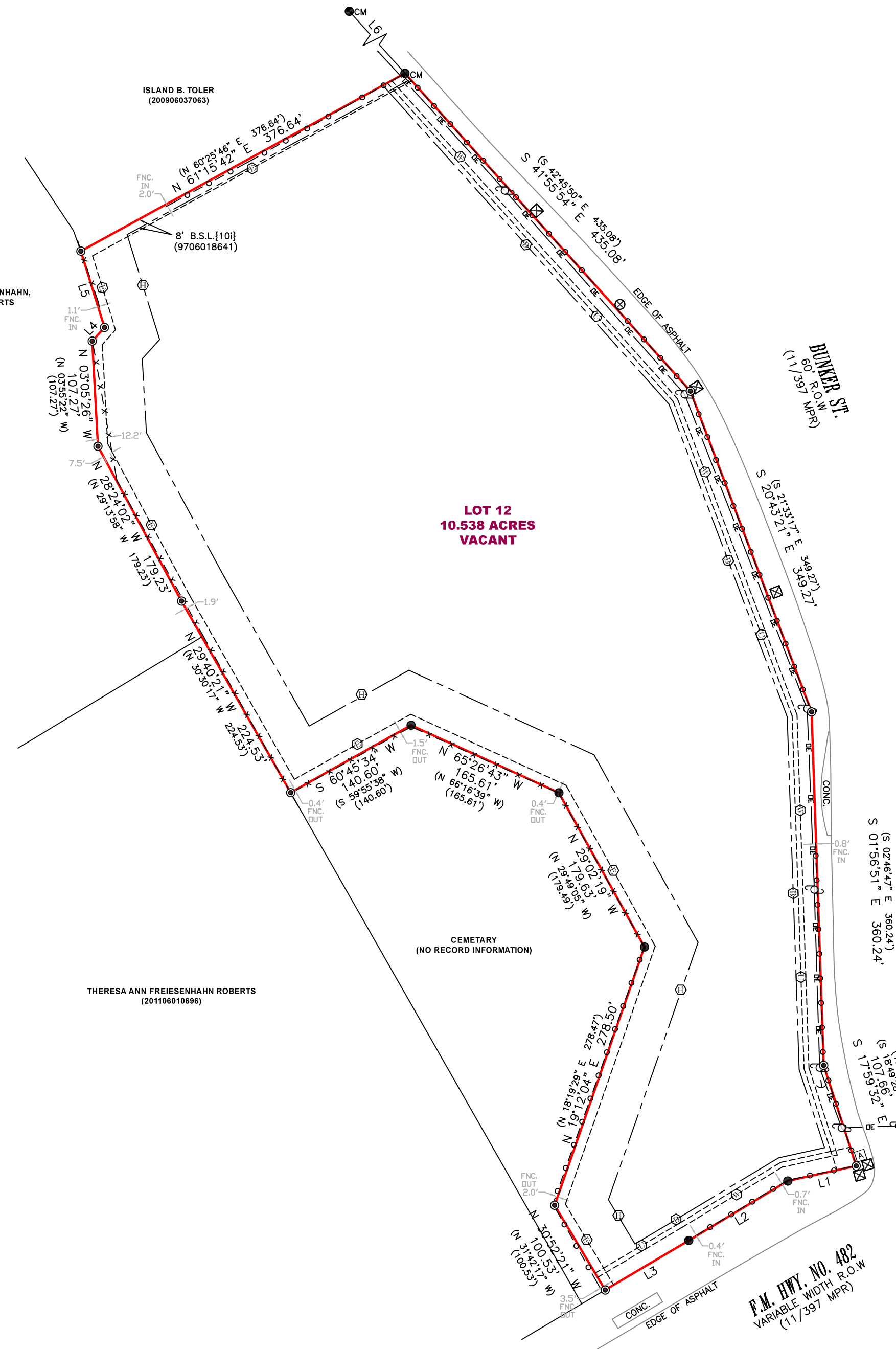


Comal and Hays Counties, Texas (TX604)			
Comal and Hays Counties, Texas (TX604)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
BrB	Bolar clay loam, 1 to 3 percent slopes	0.0	0.3%
HeB	Heiden clay, 1 to 3 percent slopes	2.0	19.6%
Or	Orif soils, moist, 0 to 3 percent slopes, frequently flooded	6.3	60.6%
SuB	Sunev clay loam, 1 to 3 percent slopes	2.0	19.5%
Totals for Area of Interest		10.4	100.0%

Figure 3. Soils map: Ramirez 10.538 acres, Comal County, Texas
 Source: NRCS 2022.

Appendix B

Boundary Survey



RECORD DATA

LINE	BEARING	DISTANCE
L1	S 76°48'03" W	71.43'
L2	S 57°58'00" W	117.90'
L3	S 58°46'30" W	98.73'
L4	N 41°02'47" E	18.72'
L5	N 18°03'56" W	81.37'
L6	N 43°09'00" W	127.95'

FIELD DATA

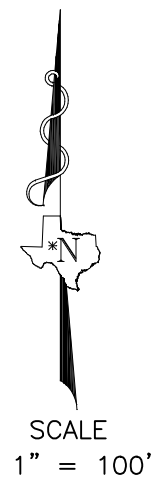
LINE	BEARING	DISTANCE
L1	S 77°37'59" W	71.43'
L2	S 58°59'49" W	117.70'
L3	S 59°22'27" W	98.91'
L4	N 41°52'43" E	18.72'
L5	N 17°14'00" W	81.37'
L6	N 41°55'54" W	127.95'

LEGEND

- BOUNDARY
- - - SETBACK LINE
- - - EASEMENTS
- ○ ○ METAL FENCE
- x - x WIRE FENCE
- - - OVERHEAD ELECTRIC
- FOUND 1/2" IRON ROD (UNLESS NOTED)
- ⊙ SET 1/2" IRON ROD W/CAP "RPLS 6500"
- () RECORD INFORMATION
- { } SCHEDULE B REFERENCE
- CONC. CONCRETE
- CM CONTROL MONUMENT
- MPR MAP & PLAT RECORDS
- ⊠ AT&T BOX
- ⊞ CABLE PEDESTAL
- ⊟ TELEPHONE PEDESTAL
- ⊞ POWER POLE
- ⊞ GUY WIRE ANCHOR
- ⊞ 25' BUILDING SETBACK LINE[10d]
- ⊞ 10' UTILITY ESM'T.[10i]
- ⊞ 20'x20' TELEPHONE ESM.T.
- ⊞ 20' UTILITY ESM'T.[10h]
- ⊞ 15' WATER LINE ESM'T.[10g]
- ⊞ 50' B.S.L.[10j]

NOTES

- BEARINGS AND DISTANCES SHOWN FOR THIS SURVEY WERE DETERMINED BY GPS "RTK" OBSERVATIONS, NORTH AMERICAN DATUM OF 1983, TEXAS STATE PLANE COORDINATE SYSTEM, FIPS ZONE 4204, TEXAS SOUTH CENTRAL ZONE, GRID.
- PER SCHEDULE B OF THE TITLE COMMITMENT REFERENCED ABOVE, THE FOLLOWING ITEMS MAY AFFECT THIS TRACT:
 - {1} RESTRICTIONS RECORDED IN VOLUME 11, PAGE 397, MAP OR PLAT RECORDS; VOLUME 249, PAGE 455, DEED RECORDS AND COUNTY CLERK'S FILE NO. 9706018641 AND COUNTY CLERK'S FILE NO. 200506008231, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS.
 - {10c} EASEMENT AS SHOWN IN INSTRUMENT FROM NORMAN SCHUETZ TO CITY PUBLIC SERVICE BOARD OF SAN ANTONIO, DATED AUGUST 11, 1978 AND FILED IN VOLUME 276, PAGE 30, OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS. (DOES NOT AFFECT SUBJECT TRACT)
 - {10e} TERMS, CONDITIONS, AND STIPULATIONS IN THE AGREEMENT BY AND BETWEEN: RECORDED: VOLUME 554, PAGE 656, DEED RECORDS, COMAL COUNTY, TEXAS. PARTIES: NORMAN SCHUETZ AND VALERO TRANSMISSION COMPANY TYPE: EASEMENT AGREEMENT (DOES NOT AFFECT SUBJECT TRACT)



ACCORDING TO FEMA MAP NO. 48091C0440F WITH AN EFFECTIVE DATE OF SEPTEMBER 2, 2009, AND A REVISION DATE OF MAY 5, 2014, THIS PROPERTY LIES WITHIN ZONE AE AND IS WITHIN A SPECIAL FLOOD HAZARD AREA. THIS INFORMATION IS SUBJECT TO CHANGE AS A RESULT OF FUTURE MAP REVISIONS BY FEMA.



I, Cory Blake Silva, Registered Professional Land Surveyor number 6500, do hereby certify that a survey was made on the ground, under my supervision, on date as shown, of the property herein described, and I do declare there are no conflicts known to me except as shown.

CORY BLAKE SILVA
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6500

JOB NO. 220512280	CREW: J.L. DATE: 05/17/2022	DRAWN: A.R.	REVIEW: R.B.A. / C.B.S.	REVISION DATE: -/-/-	DATE: 05/24/2022
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Appendix C

Environmental Database Report

Prepared for:

RAINCROW WILDLIFE CONSULTING - Austin
1509 Newning Avenue
Austin, TX 78704-2534



Regulatory Database Report

ASTM E1527-21/AAI Compliant

Ramirez 10.538 acres

TX

PO #: 221101

ES-141053

Tuesday, November 8, 2022

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Geographic Summary

Location

TX

Target location is 0.017 square miles and has a 0.64 mile perimeter

Coordinates

Longitude & Latitude in Degrees Minutes Seconds NA

Longitude & Latitude in Decimal Degrees NA

X and Y in UTM NA

Elevation

NA

Zip Codes Searched

Search Distance	Zip Codes (historical zip codes included)
Target Property	78132
0.25 miles	78132
0.5 miles	78132
1 mile	78108, 78150, 78132

Topos Searched

Search Distance	Topo Name
Target Property	New Braunfels West (1975)
0.25 miles	New Braunfels West (1975)
0.5 miles	New Braunfels West (1975)
1 mile	New Braunfels West (1975)

Database Summary

Databases Searched	Distance Searched	# Mapped	# Not Mapped	Total
Federal - ASTM 1527-21/AAI Required				
National Priority List (NPL)	1	0	0	0
Delisted National Priority List (DNPL)	0.5	0	0	0
SEMS (CER SEMS)	0.5	0	0	0
SEMS NFRAP (CER SEMS NFRAP)	0.5	0	0	0
RCRA CORRACTS (RCRA COR)	1	0	0	0
RCRA non-CORRACTS TSD (RCRA TSD)	0.5	0	0	0
RCRA Generators (RCRA GEN)	0.25	1	0	1
Federal Brownfields (FED BWN)	0.5	0	0	0
Federal Institutional Control (FED IC)	0.5	0	0	0
Federal Engineering Control (FED EC)	0.5	0	0	0
ERNS List (ERNS)	0.25	0	18	18
State - ASTM 1527-21/AAI Required				
State/Tribal Equivalent NPL (ST NPL)	1	0	0	0
State/Tribal Equivalent CERCLIS (ST CER)	0.5	0	0	0
State/Tribal Disposal or Landfill (SWLF)	0.5	0	0	0
State/Tribal Leaking Storage Tank (LPST)	0.5	0	0	0
State/Tribal Storage Tank (PST)	0.25	2	0	2
State/Tribal Institutional Control (ST IC)	0.25	0	0	0
State/Tribal Engineering Control (ST EC)	0.5	0	0	0
State/Tribal Voluntary Cleanup (VCP)	0.5	0	0	0
State/Tribal Brownfield (ST BWN)	0.5	0	0	0
State/Tribal Hazardous Waste (HW)	0.25	1	0	1
Non-ASTM/AAI Required Databases				
RCRA (RCRA)	0.25	0	0	0
Dry Cleaners (DRYC)	0.25	0	0	0
State/Tribal Municipal Settings Designation (MS)	0.25	0	0	0
Total Sites Found		4	18	22

Summary Map - 0.25 Mile Buffer



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Ramirez 10.538 acres

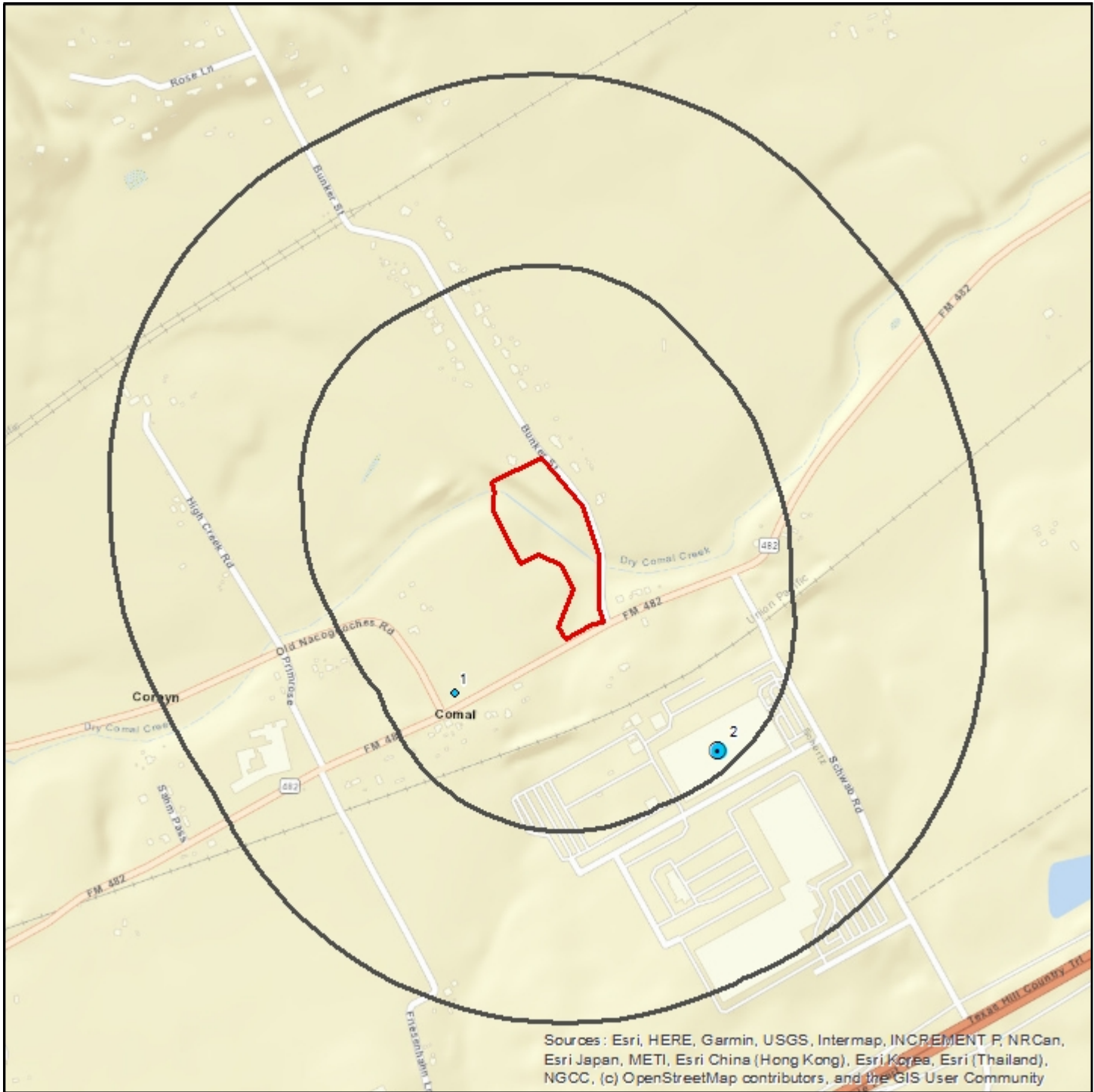
- | | | | | |
|--|---|--|--|--|
| ● Single Site | ● Cluster Site | ■ Large Tract | ■ Cluster Site with Large Tract | Target Property |
| ● Single Site | ● Cluster Site | ■ Large Tract | ■ Cluster Site with Large Tract | Search Buffer |
| ● Single Site | ● Cluster Site | ■ Large Tract | ■ Cluster Site with Large Tract | |
- RCRA COR, RCRA TSD, CER, LPST, NPL, ST NPL, SWLF*
- RCRA GEN, ST & FED BWN, ST & FED EC, ST & FED IC, DNPL, CER NFRAP, PST, VCP, ST CER*
- ERNS, HW, RCRA, DRYC*

1 : 7,500
 1 inch = 0.118 miles
 1 inch = 625 feet
 1 centimeter = 0.075 kilometers
 1 centimeter = 75 meters



Lambert Conformal Conic Projection
 1983 North American Datum
 First Standard Parallel: 33° 00' 00" North
 Second Standard Parallel: 45° 00' 00" North
 Central Meridian: 96° 00' 00" West
 Latitude of Origin: 39° 00' 00" North

Summary Map - 0.5 Mile Buffer



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Ramirez 10.538 acres

- | | | | |
|--|---|--|--|
| ● Single Site | ● Cluster Site | ■ Large Tract | ● Cluster Site with Large Tract |
| ● Single Site | ● Cluster Site | ■ Large Tract | ● Cluster Site with Large Tract |
| ● Single Site | ● Cluster Site | ■ Large Tract | ● Cluster Site with Large Tract |
- RCRA COR, RCRA TSD, CER, LPST, NPL, ST NPL, SWLF*
RCRA GEN, ST & FED BWN, ST & FED EC, ST & FED IC, DNPL, CER NFRAP, PST, VCP, ST CER
ERNS, HW, RCRA, DRYC

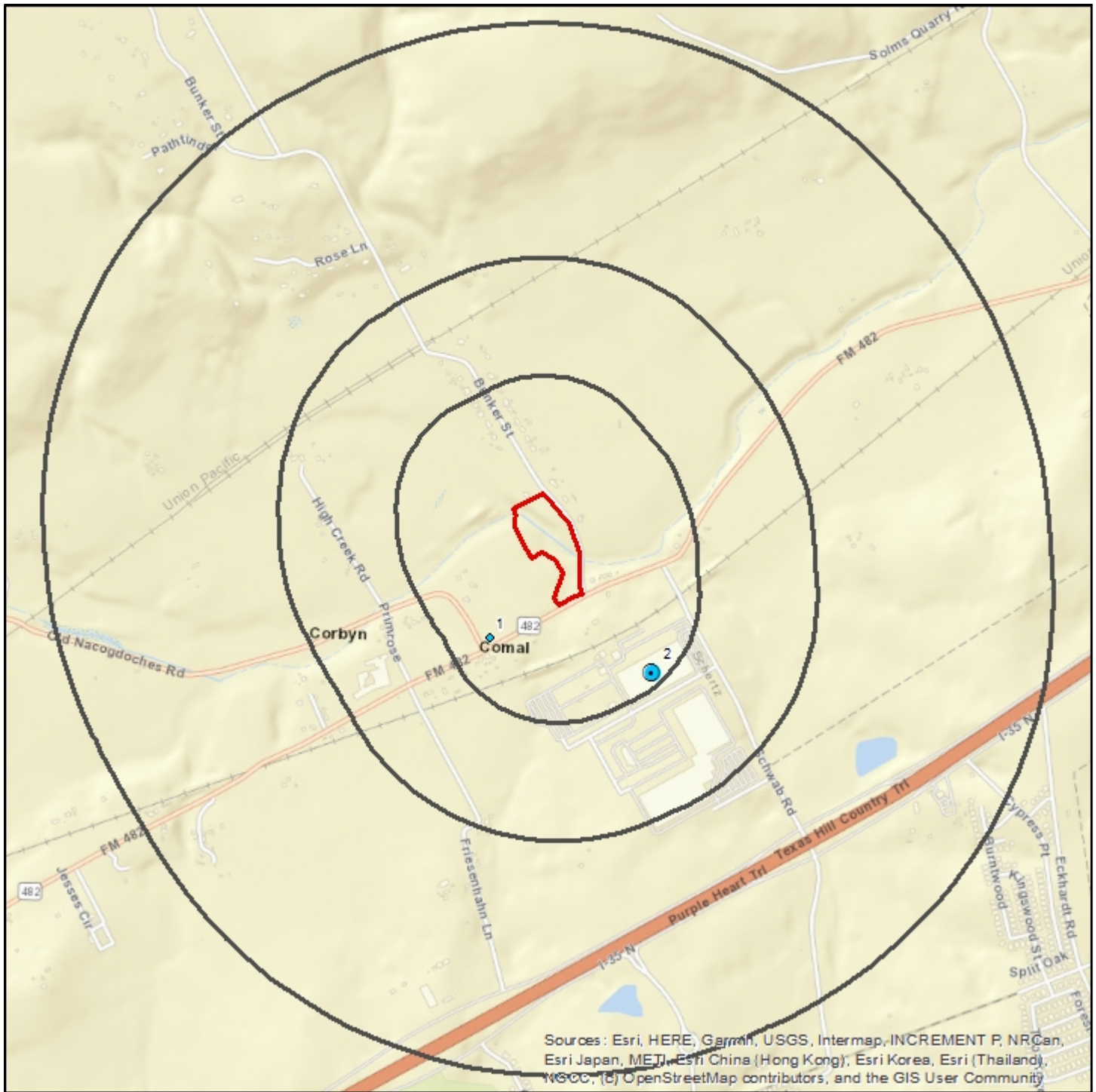
- Target Property
- Search Buffer

1 : 12,000
 1 inch = 0.189 miles
 1 inch = 1000 feet
 1 centimeter = 0.120 kilometers
 1 centimeter = 120 meters



Lambert Conformal Conic Projection
 1983 North American Datum
 First Standard Parallel: 33° 00' North
 Second Standard Parallel: 45° 00' North
 Central Meridian: 96° 00' West
 Latitude of Origin: 39° 00' North

Summary Map - 1 Mile Buffer



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), WGC, (c) OpenStreetMap contributors, and the GIS User Community

Ramirez 10.538 acres

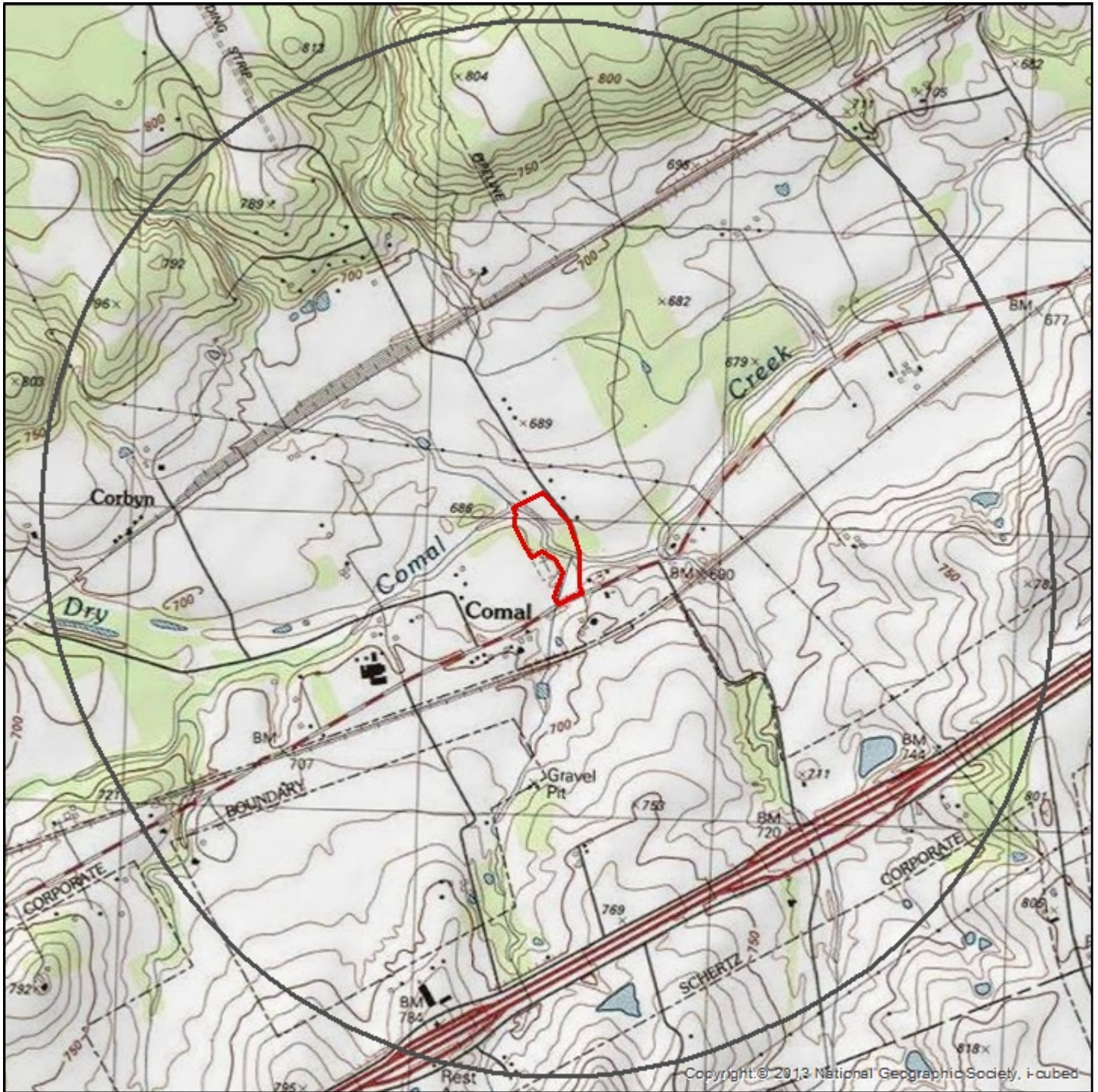
- | | | | | |
|--|---|--|--|--|
| ● Single Site | ● Cluster Site | ■ Large Tract | ■ Cluster Site with Large Tract | Target Property |
| ● Single Site | ● Cluster Site | ■ Large Tract | ■ Cluster Site with Large Tract | Search Buffer |
| ● Single Site | ● Cluster Site | ■ Large Tract | ■ Cluster Site with Large Tract | |
- RCRA COR, RCRA TSD, CER, LPST, NPL, ST NPL, SWLF*
- RCRA GEN, ST & FED BWN, ST & FED EC, ST & FED IC, DNPL, CER NFRAP, PST, VCP, ST CER*
- ERNS, HW, RCRA, DRYC*

1 : 19,500
 1 inch = 0.308 miles
 1 inch = 1625 feet
 1 centimeter = 0.195 kilometers
 1 centimeter = 195 meters

Lambert Conformal Conic Projection
 1983 North American Datum
 First Standard Parallel: 33° 00' 00" North
 Second Standard Parallel: 45° 00' 00" North
 Central Meridian: 96° 00' 00" West
 Latitude of Origin: 39° 00' 00" North



Topographic Overlay Map - 1 Mile Buffer



Ramirez 10.538 acres

- Target Property
- Search Buffer

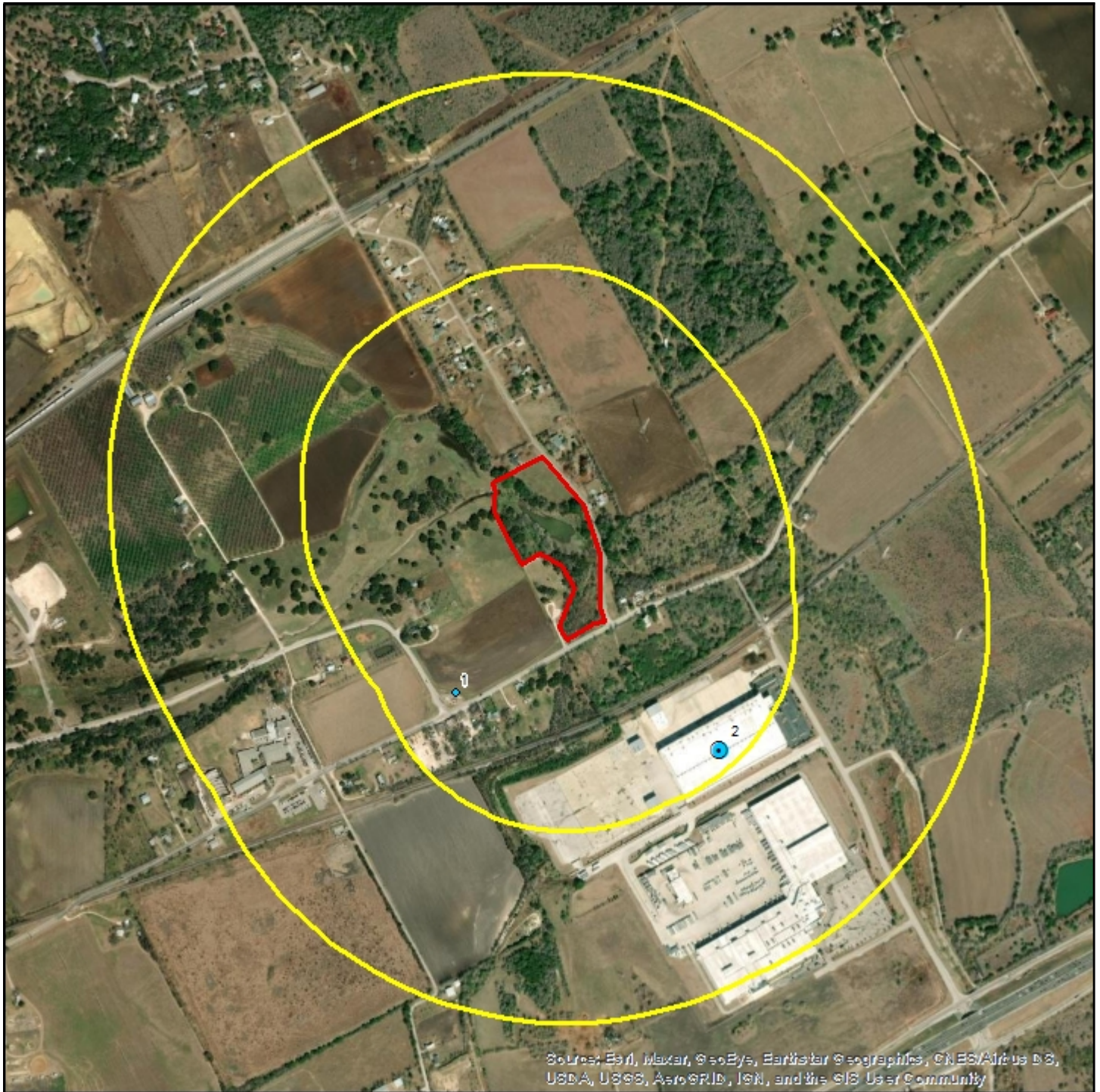
Target Property Quad Name(s)
New Braunfels West (1975)

1 : 19,500
1 inch = 0.308 miles
1 inch = 1625 feet

Lambert Conformal Conic Projection
1983 North American Datum
First Standard Parallel: 33° 00' North
Second Standard Parallel: 45° 00' North
Central Meridian: 96° 00' West
Latitude of Origin: 39° 00' North



Current Imagery Overlay Map - 0.5 Mile Buffer



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Ramirez 10.538 acres

- | | | | | |
|--|---|--|--|---|
| ● Single Site | ● Cluster Site | ■ Large Tract | ■ Cluster Site with Large Tract | Target Property |
| ● Single Site | ● Cluster Site | ■ Large Tract | ■ Cluster Site with Large Tract | Search Buffer |
| ● Single Site | ● Cluster Site | ■ Large Tract | ■ Cluster Site with Large Tract | |
- RCRA COR, RCRA TSD, CER, LPST, NPL, ST NPL, SWLF*
RCRA GEN, ST & FED BWN, ST & FED EC, ST & FED IC, DNPL, CER NFRAP, PST, VCP, ST CER
ERNS, HW, RCRA, DRYC

1 : 12,000
 1 inch = 0.189 miles
 1 inch = 1000 feet
 1 centimeter = 0.120 kilometers
 1 centimeter = 120 meters



Lambert Conformal Conic Projection
 1983 North American Datum
 First Standard Parallel: 33° 00' 00" North
 Second Standard Parallel: 45° 00' 00" North
 Central Meridian: 96° 00' 00" West
 Latitude of Origin: 39° 00' 00" North

Soil Survey Map - 0.25 Mile Buffer



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community.

Ramirez 10.538 acres

- | | | | | |
|--|---|---|--|---|
| ● Single Site | ● Cluster Site | ■ Large Tract | ● Cluster Site with Large Tract | Target Property |
| ● Single Site | ● Cluster Site | ■ Large Tract | ● Cluster Site with Large Tract | Search Buffer |
| ● Single Site | ● Cluster Site | ■ Large Tract | ● Cluster Site with Large Tract | Soils Boundary |

1 : 7,500
 1 inch = 0.118 miles
 1 inch = 625 feet
 1 centimeter = 0.075 kilometers
 1 centimeter = 75 meters

Lambert Conformal Conic Projection
 1983 North American Datum
 First Standard Parallel: 33° 00' North
 Second Standard Parallel: 45° 00' North
 Central Meridian: 96° 00' West
 Latitude of Origin: 39° 00' North



Soils

Soils Types Found

Target Property	SuB, Or, BrB, HeB
Within 0.25 miles of Target Property	ByB, SuB, HeC3, AnB, BrB, ByB, HeB, BrB, SuB, Or, LeB, ByB, AgC3, AuB, ByB

Soil Type Descriptions

AgC3 - Altoga silty clay, 2 to 5 percent slopes, eroded

Percent Hydric 0

Minimum Depth to Bedrock

Altoga, eroded (92 percent)

Hydrologic Group	Moderately low runoff potential
Soil Drainage Class	Well drained
Corrosion Potential - Uncoated Steel	High
Depth to Restrictive Feature	

Horizon	Soil Texture	Upper Boundary	Lower Boundary	AASHTO	Unified
Ap	Silty clay	0 cm	18 cm	A-7-6	CH
Bck	Silty clay	91 cm	152 cm	A-6, A-7-6	CH, CL
Bk	Silty clay	18 cm	91 cm	A-6, A-7-6	CH, CL

Heiden, eroded (8 percent)

Hydrologic Group	High runoff potential
Soil Drainage Class	Well drained
Corrosion Potential - Uncoated Steel	High
Depth to Restrictive Feature	

AnB - Anhalt clay, 1 to 3 percent slopes

Percent Hydric 0

Minimum Depth to Bedrock 74 cm

Anhalt (92 percent)

Hydrologic Group	High runoff potential
Soil Drainage Class	Well drained
Corrosion Potential - Uncoated Steel	High
Depth to Restrictive Feature	51 to 102 cm to Paralithic bedrock

Horizon	Soil Texture	Upper Boundary	Lower Boundary	AASHTO	Unified
Ap	Clay	0 cm	15 cm	A-7-6	CH
Bss1	Clay	15 cm	38 cm	A-7-6	CH
Bss2	Clay	38 cm	74 cm	A-7-6	CH
Cr	Bedrock	74 cm	152 cm		

Tarpley (6 percent)

Hydrologic Group	
Soil Drainage Class	Well drained
Corrosion Potential - Uncoated Steel	
Depth to Restrictive Feature	33 to 50 cm to Lithic bedrock

Krum (2 percent)

Hydrologic Group	
Soil Drainage Class	Well drained
Corrosion Potential - Uncoated Steel	
Depth to Restrictive Feature	

AuB - Austin-Castephen complex, 1 to 3 percent slopes

Percent Hydric 0

Minimum Depth to Bedrock 46 cm

Soils

Austin (60 percent)

Hydrologic Group	Moderately high runoff potential
Soil Drainage Class	Well drained
Corrosion Potential - Uncoated Steel	High
Depth to Restrictive Feature	51 to 102 cm to Paralithic bedrock

Horizon	Soil Texture	Upper Boundary	Lower Boundary	AASHTO	Unified
H1	Silty clay	0 cm	28 cm	A-7-6	CH, CL
H2	Silty clay	28 cm	61 cm	A-6, A-7-6	CH, CL
H3	Bedrock	61 cm	86 cm		

Castephen (30 percent)

Hydrologic Group	High runoff potential
Soil Drainage Class	Well drained
Corrosion Potential - Uncoated Steel	Moderate
Depth to Restrictive Feature	20 to 51 cm to Paralithic bedrock

Horizon	Soil Texture	Upper Boundary	Lower Boundary	AASHTO	Unified
H1	Silty clay loam	0 cm	46 cm	A-6, A-7-6	CH, CL
H2	Bedrock	46 cm	51 cm		

Unnamed (10 percent)

BrB - Bolar clay loam, 1 to 3 percent slopes

Percent Hydric	0
Minimum Depth to Bedrock	71 cm

Bolar (90 percent)

Hydrologic Group	Moderately high runoff potential
Soil Drainage Class	Well drained
Corrosion Potential - Uncoated Steel	Moderate
Depth to Restrictive Feature	51 to 102 cm to Lithic bedrock

Horizon	Soil Texture	Upper Boundary	Lower Boundary	AASHTO	Unified
A	Clay loam	0 cm	36 cm	A-6, A-7-6	CH, CL, GC
Bk	Clay loam	36 cm	71 cm	A-6, A-7-6	CL, GC
R	Bedrock	71 cm	203 cm		

Denton (3 percent)

Hydrologic Group	
Soil Drainage Class	Well drained
Corrosion Potential - Uncoated Steel	
Depth to Restrictive Feature	102 to 152 cm to Lithic bedrock

Krum (3 percent)

Hydrologic Group	
Soil Drainage Class	Well drained
Corrosion Potential - Uncoated Steel	
Depth to Restrictive Feature	

Doss (2 percent)

Hydrologic Group	
Soil Drainage Class	Well drained
Corrosion Potential - Uncoated Steel	
Depth to Restrictive Feature	28 to 51 cm to Paralithic bedrock

Sunev (2 percent)

Hydrologic Group	
Soil Drainage Class	Well drained
Corrosion Potential - Uncoated Steel	
Depth to Restrictive Feature	

Soils

ByB - Branyon clay, 1 to 3 percent slopes

Percent Hydric 0

Minimum Depth to Bedrock

Branyon (85 percent)

Hydrologic Group	High runoff potential
Soil Drainage Class	Moderately well drained
Corrosion Potential - Uncoated Steel	High
Depth to Restrictive Feature	

Horizon	Soil Texture	Upper Boundary	Lower Boundary	AASHTO	Unified
Ap	Clay	0 cm	31 cm	A-7-6	CH
BKss	Clay	183 cm	203 cm	A-6, A-7-6	CH, CL
Bkss	Clay	31 cm	183 cm	A-7-6	CH

Burleson (5 percent)

Hydrologic Group	High runoff potential
Soil Drainage Class	Moderately well drained
Corrosion Potential - Uncoated Steel	High
Depth to Restrictive Feature	

Houston Black (5 percent)

Hydrologic Group	High runoff potential
Soil Drainage Class	Moderately well drained
Corrosion Potential - Uncoated Steel	High
Depth to Restrictive Feature	

Lewisville (5 percent)

Hydrologic Group	Moderately low runoff potential
Soil Drainage Class	Well drained
Corrosion Potential - Uncoated Steel	High
Depth to Restrictive Feature	

HeB - Heiden clay, 1 to 3 percent slopes

Percent Hydric 0

Minimum Depth to Bedrock

Heiden (85 percent)

Hydrologic Group	High runoff potential
Soil Drainage Class	Well drained
Corrosion Potential - Uncoated Steel	High
Depth to Restrictive Feature	102 to 165 cm to Densic material

Horizon	Soil Texture	Upper Boundary	Lower Boundary	AASHTO	Unified
A	Clay	15 cm	46 cm	A-7-6	CH
Ap	Clay	0 cm	15 cm	A-7-6	CH
Bkss	Clay	46 cm	147 cm	A-7-6	CH
CBdk	Clay	147 cm	178 cm	A-7-6	CH

Houston Black (10 percent)

Hydrologic Group	High runoff potential
Soil Drainage Class	Moderately well drained
Corrosion Potential - Uncoated Steel	High
Depth to Restrictive Feature	

Ferris (5 percent)

Hydrologic Group	High runoff potential
Soil Drainage Class	Well drained
Corrosion Potential - Uncoated Steel	High
Depth to Restrictive Feature	100 to 152 cm to Densic bedrock

Soils

HeC3 - Heiden clay, 3 to 5 percent slopes, eroded

Percent Hydric 0

Minimum Depth to Bedrock

Heiden, moderately eroded (85 percent)

Hydrologic Group	High runoff potential
Soil Drainage Class	Well drained
Corrosion Potential - Uncoated Steel	High
Depth to Restrictive Feature	102 to 165 cm to Densic material

Horizon	Soil Texture	Upper Boundary	Lower Boundary	AASHTO	Unified
A	Clay	0 cm	33 cm	A-7-6	CH
Bkss	Clay	56 cm	147 cm	A-7-6	CH
Bss	Clay	33 cm	56 cm	A-7-6	CH
CBdk	Clay	147 cm	203 cm	A-7-6	CH

Houston Black (10 percent)

Hydrologic Group	High runoff potential
Soil Drainage Class	Moderately well drained
Corrosion Potential - Uncoated Steel	High
Depth to Restrictive Feature	

Ferris, severely eroded (5 percent)

Hydrologic Group	High runoff potential
Soil Drainage Class	Well drained
Corrosion Potential - Uncoated Steel	High
Depth to Restrictive Feature	100 to 152 cm to Densic bedrock

LeB - Lewisville silty clay, 1 to 3 percent slopes

Percent Hydric 0

Minimum Depth to Bedrock

Lewisville (85 percent)

Hydrologic Group	Moderately low runoff potential
Soil Drainage Class	Well drained
Corrosion Potential - Uncoated Steel	High
Depth to Restrictive Feature	

Horizon	Soil Texture	Upper Boundary	Lower Boundary	AASHTO	Unified
Ap	Silty clay	0 cm	39 cm	A-7-6	CH
Bk1	Silty clay	39 cm	97 cm	A-6, A-7-6	CH, CL
Bk2	Silty clay	97 cm	175 cm	A-6, A-7-6	CH, CL

Altoga (10 percent)

Hydrologic Group	Moderately low runoff potential
Soil Drainage Class	Well drained
Corrosion Potential - Uncoated Steel	High
Depth to Restrictive Feature	

Branyon (5 percent)

Hydrologic Group	High runoff potential
Soil Drainage Class	Moderately well drained
Corrosion Potential - Uncoated Steel	High
Depth to Restrictive Feature	

Or - Orif soils, moist, 0 to 3 percent slopes, frequently flooded

Percent Hydric 1

Minimum Depth to Bedrock

Soils

Orif, moist (85 percent)

Hydrologic Group	Low runoff potential
Soil Drainage Class	Well drained
Corrosion Potential - Uncoated Steel	Low
Depth to Restrictive Feature	

Horizon	Soil Texture	Upper Boundary	Lower Boundary	AASHTO	Unified
2C1	Extremely gravelly loamy sand	51 cm	152 cm	A-1-a, A-1-b	GC-GM, GP-GM, GW
3C2	Coarse sand	152 cm	203 cm	A-1-a, A-1-b, A-2-4	GP, GP-GC, GW, SC-SM, SP-SM, SW-SM
A	Gravelly loamy sand	0 cm	51 cm	A-1-a, A-1-b, A-2-4	GM, GP-GM, SC-SM, SM

Oakalla (8 percent)

Hydrologic Group	
Soil Drainage Class	Well drained
Corrosion Potential - Uncoated Steel	
Depth to Restrictive Feature	

Riverwash (4 percent)

Hydrologic Group	Low runoff potential
Soil Drainage Class	Well drained
Corrosion Potential - Uncoated Steel	
Depth to Restrictive Feature	

Frio (2 percent)

Hydrologic Group	
Soil Drainage Class	Well drained
Corrosion Potential - Uncoated Steel	
Depth to Restrictive Feature	

Unnamed, hydric (1 percent)

Hydrologic Group	
Soil Drainage Class	Somewhat poorly drained
Corrosion Potential - Uncoated Steel	
Depth to Restrictive Feature	

SuB - Sunev clay loam, 1 to 3 percent slopes

Percent Hydric	0
Minimum Depth to Bedrock	

Sunev (85 percent)

Hydrologic Group	Moderately low runoff potential
Soil Drainage Class	Well drained
Corrosion Potential - Uncoated Steel	Moderate
Depth to Restrictive Feature	

Horizon	Soil Texture	Upper Boundary	Lower Boundary	AASHTO	Unified
H1	Clay loam	0 cm	28 cm	A-6, A-7-6	CH, CL
H2	Clay loam	28 cm	89 cm	A-4, A-6	CL
H3	Clay loam	89 cm	114 cm	A-4, A-6, A-7-6	CL

Unnamed (15 percent)

Soils Descriptions

AASHTO Classification Definitions

A-1, A-1-a, A-1-b	Granular materials (35% or less passing No. 200 sieve), some fragments, gravel and sand
A-2, A-2-4, A-2-5, A-2-6, A-2-7	Granular materials (35% or less passing No. 200 sieve), silty or clayey gravel and sand
A-3	Granular materials (35% or less passing No. 200 sieve), fine sand
A-4	Silt-Clay materials (more than 35% passing No. 200 sieve), silty soils
A-5	Silt-Clay materials (more than 35% passing No. 200 sieve), silty soils
A-6	Silt-Clay materials (more than 35% passing No. 200 sieve), clayey soils
A-7, A-7-5, A-7-6	Silt-Clay materials (more than 35% passing No. 200 sieve), clayey soils
A-8	Silt-Clay materials (more than 35% passing No. 200 sieve), clayey soils

Unified Classification Definitions

CH	Fine-grained soils, silts and clays (liquid limit is 50% or more), Fat Clay
CL, CL-A (proposed), CL-K (proposed), CL-ML, CL-O (proposed), CL-T (proposed)	Fine-grained soils, silts and clays (liquid limit is less than 50%), Lean Clay
GC, GC-GM	Coarse-grained soils, Gravels, gravel with fines, Clayey Gravel
GM	Coarse-grained soils, Gravels, gravel with fines, Silty Gravel
GP, GP-GC, GP-GM	Coarse-grained soils, Gravels, clean gravels, Poorly Graded Gravel
GW, GW-GC, GW-GM	Coarse-grained soils, Gravels, clean gravels, Well-Graded Gravel
MH, MH-A, MH-K, MH-O, MH-T	Fine-grained soils, silts and clays (liquid limit is 50% or more), Elastic Silt
ML, ML-A (proposed), ML-K (proposed), ML-O (proposed), ML-T (proposed)	Fine-grained soils, silts and clays (liquid limit is less than 50%), Silt
OH, OH-T (proposed)	Fine-grained soils, silts and clays (liquid limit is 50% or more), Organic Clay or Organic Silt
OL	Fine-grained soils, silts and clays (liquid limit is less than 50%), Organic Clay or Organic Silt
PT	Highly organic soils, Peat
SC, SC-SM	Coarse-grained soils, Sands, sands with fines, Clayey Sand
SM	Coarse-grained soils, Sands, sands with fines, Silty Sand
SP, SP-SC, SP-SM	Coarse-grained soils, Sands, clean sands, Poorly Graded Sand
SW, SW-SC, SW-SM	Coarse-grained soils, Sands, clean sands, Well-Graded Sand

Source

Natural Resources Conservation Service, Soil Survey Geographic (SSURGO) Database.

Disclaimer

This Soils Survey from Banks Environmental Data, Inc. has searched Natural Resources Conservation Service (NRCS) and the Soil Survey Geographic Database (SSURGO). All soil data presented on the map and in the details section are based on information obtained from NRCS. Although Banks performs quality assurance and quality control on all data, inaccuracies of the data and mapped locations could possibly be traced to the source. Banks Environmental Data, Inc. cannot fully guarantee the accuracy of the SSURGO database maintained by NRCS.

Water & Oil/Gas Wells Map - 0.25 Mile Buffer



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Ramirez 10.538 acres

- Single Water Well
- Water Well Cluster
- Single Oil/Gas/Other Well
- Oil/Gas/Other Well Cluster
- Water/Oil/Gas/Other Well Cluster
- Target Property
- Search Buffer
- Texas Land Survey

1 : 7,500
 1 inch = 0.118 miles
 1 inch = 625 feet
 1 centimeter = 0.075 kilometers
 1 centimeter = 75 meters



Lambert Conformal Conic Projection
 1983 North American Datum
 First Standard Parallel: 33° 00' North
 Second Standard Parallel: 45° 00' North
 Central Meridian: 96° 00' West
 Latitude of Origin: 39° 00' North

Water & Oil/Gas Wells

Map ID	Well ID	Owner	Well Type	Elevation
1	USGS293855098125901	USGS	Water: Not Reported	684 ft
2	6823701	Robert Schaeffer	Water: Domestic	684 ft

Source

U.S. Geological Survey, Texas Water Development Board (GW and Submitted Driller's Report), Texas Commission of Environmental Quality (PWS), Railroad Commission of Texas (Production Data)

Disclaimer

This well scan from Banks Environmental Data, Inc. has included a digital search of state and federal wells currently digitized in our geospatial database. Since this scan includes only well data that is currently mapped in our geospatial database, more wells could exist within the search area. For a complete well search or to locate more details, please contact Banks to obtain a full Water Well Report or Oil & Gas Well/Pipeline Search Report. More detailed individual well records can also be obtained from Banks for an additional cost, please reference a Well ID # from this well scan.

All well locations are based on information obtained from state and federal sources. Although Banks performs quality assurance and quality control on all data, inaccuracies of the records and mapped locations could possibly be traced to the specific regulatory authority or individual well driller. Banks Environmental Data, Inc. cannot fully guarantee the accuracy of the data or well location(s) of the maps and records maintained by the state and federal agencies.

Mapped Sites Summary

Database	Distance from Target Property	Map ID	Facility Site Name	Facility Site Address	Site Details Page #
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*Sites are sorted by database tier, database, and distance from the target site.

RCRA GEN	0.23 miles SE	2	AMAZONCOM SERVICES DSX9	1150 1150 SCHWAB RD, NEW BRAUNFELS, TX 78132-4987	22
PST	0.16 miles SW	1	ORICA NEW BRAUNFELS	21541 OLD NACOGDOCHES RD, NEW BRAUNFELS, TX 78131	24
PST	0.23 miles SE	2	LACKS DISTRIBUTION CENTER	1150 SCHWAB RD, SCHERTZ, TX 78154	25
HW	0.23 miles SE	2	AMAZONCOM SERVICES DSX9	1150 SCHWAB RD , NEW BRAUNFELS, TX 78132	26

End of Mapped Sites Summary Section



Unmapped Sites Summary

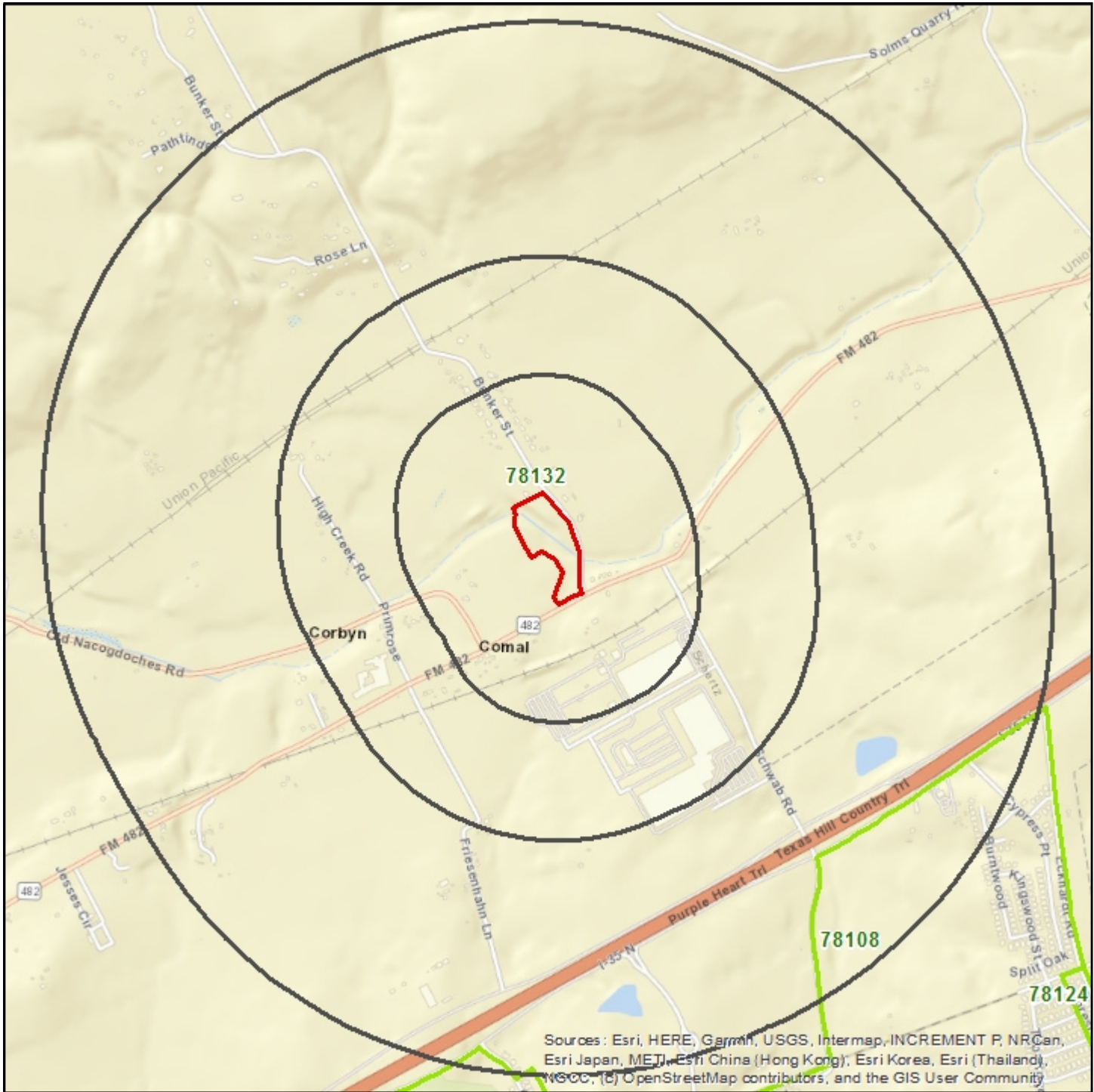
Database	Facility Site Name	Facility Site Address	Site Details Page #
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*Sites are sorted by database tier and database.

ERNS		AUSTIN SUBDIVISION, MP, NEW BRAUNFELS, TX	28
ERNS		NEW BRAUNFELS, TX	29
ERNS		NEW BRAUNFELS, TX	30
ERNS		NEW BRAUNFELS, TX	31
ERNS		NEW BRAUNFELS, TX	32
ERNS		NEW BRAUNFELS, TX	33
ERNS		NEW BRAUNFELS, TX	34
ERNS		NEW BRAUNFELS, TX	35
ERNS		NEW BRAUNFELS, TX	36
ERNS		NEW BRAUNFELS, TX	37
ERNS		SCHWAB ROAD, NEW BRAUNFELS, TX	38
ERNS		NEW BRAUNFELS, TX	39
ERNS		MP: 231.5 SUB: AUSTIN MAIN TRACK 1, NEW BRAUNFELS, TX	40
ERNS		MP: 530 SD: AUSTIN, NEW BRAUNFELS, TX	41
ERNS		MP 218.6 AUSTIN SUB, NEW BRAUNFELS, TX	42
ERNS		MP: 226.93 SUBDIVISION: AUSTIN, NEW BRAUNFELS, TX	43
ERNS		NEW BRAUNFELS, TX	44
ERNS		SUB AUSTIN, NEW BRAUNFELS, TX	45

End of Unmapped Sites Summary Section

Zip Code Map - 1 Mile Buffer



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), WGC, (c) OpenStreetMap contributors, and the GIS User Community

Ramirez 10.538 acres

- Target Property
- Search Buffer
- Zip Code Boundary

1 : 19,500
 1 inch = 0.308 miles
 1 inch = 1625 feet
 1 centimeter = 0.195 kilometers
 1 centimeter = 195 meters

Lambert Conformal Conic Projection
 1983 North American Datum
 First Standard Parallel: 33° 00' North
 Second Standard Parallel: 45° 00' North
 Central Meridian: 96° 00' West
 Latitude of Origin: 39° 00' North



MapID 2: RCRA GEN - 1150 1150 SCHWAB RD

RCRA GEN - RCRA Generators

Map ID #2	RCRA GEN - RCRA Generators	Source: EPA
EPA Handler ID: TXR000083993	Handler Sequence Number: 11	Banks ID: TXR000083993
AMAZONCOM SERVICES DSX9		Rel. Loc.: 0.23 miles SE
1150 1150 SCHWAB RD, NEW BRAUNFELS, TX 78132-4987		Elevation: 715.44 feet (+715.44)
Status:	Active Site - Handler Activities;	
Owner Name:	AMAZONCOM SERVICES LLC	
Operator Name:	AMAZONCOM SERVICES LLC	
Mailing Address Street #:		
Mailing Address Street:	PO BOX 80842	
Mailing Address Street:		
Mailing Address City:	SEATTLE	
Mailing Address State:	WA	
Mailing Address Zip:	98108-0842	
Contact Name:	PATRICIA SULLIVAN	
Contact Address Street #:		
Contact Address Street:	PO BOX 80842	
Contact Address Street:		
Contact Address City:	SEATTLE	
Contact Address State:	WA	
Contact Address Zip:	98108-0842	
Contact Phone:	602-885-4235	
Contact Email Address:		
Government Performance and Results Act (GPRA) Permit:	The facility does not exist on the Operating/Post-Closure Permit Baseline.	
Government Performance and Results Act (GPRA) Corrective Action:	No	
Permit Workload:	-----	
Closure Workload:	-----	
Post-Closure Workload:	-----	
Subject to Corrective Action:	No	
Subject to Corrective Action 3004:	No	
Subject to Corrective Action Non-TSDF:	No	
Corrective Action Workload:	No	
Generator Status:	Small Quantity Generator	
Nuclear Mixed Waste Handler:	No	
Onsite Burner Exemption:	No	
Furnace Exemption:	No	
Underground Injection Activity:	No	
NAIC Description 1:	GENERAL WAREHOUSING AND STORAGE	
Federal Generator Class:	Small Quantity Generator	
State Generator Class:		
Environmental Controls in Place:	No	
Institutional Controls in Place:	No	
Groundwater Controls in Place:	No	
Significant Non-Compliance:	No	
Unaddressed Significant Non-Complier:	No	
Addressed Significant Non-Complier:	No	
Significant Non-Complier with Compliance Schedule:	No	
Short Term Generator:	No	
Mixed Waste Generator:	No	
Transfer Facility:	No	
Importer Activity:	No	
Transporter Activity:	No	
Recycler Activity:	No	
Receives waste from Offsite:	No	
Universal Waste:	No	
Hazardous Waste Description		

MapID 2: RCRA GEN - 1150 1150 SCHWAB RD

Continued from Previous Page

1,4-DICHLOROBENZENE
2,4-D (2,4-DICHLOROPHENOXYACETIC ACID)
2,7-NAPHTHALENEDISULFONIC ACID,3,3'-[(3,3'-DIMETHYL[1,1'-BIPHENYL]-4,4'-DIYL)BIS(AZO)BIS[5-AMINO-4-HYDROXY]-, TETRASODIUM SALT (OR) TRYPAN BLUE
2-BUTANONE, PEROXIDE (R,T) (OR) METHYL ETHYL KETONE PEROXIDE (R,T)
2H-1-BENZOPYRAN-2-ONE, 4-HYDROXY-3-(3-OXO-1-PHENYL-BUTYL)-, & SALTS, WHEN PRESENT AT CONCENTRATIONS OF 0.3% OR LESS (OR) WARFARIN, & SALTS, WHEN PRESENT AT CONCENTRATIONS OF 0.3% OR LESS
BARIUM
BENZENE
BERYLLIUM
CADMIUM
CHROMIUM
CORROSIVE WASTE
DIETHYLSTILBESTEROL (OR) PHENOL, 4,4'-(1,2-DIETHYL-1,2-ETHENEDIYL)BIS, (E)-
IGNITABLE WASTE
LEAD
M-CRESOL
MERCURY
METHANE, DICHLORO- (OR) METHYLENE CHLORIDE
METHYL ETHYL KETONE
NICOTINE, & SALTS (OR) PYRIDINE, 3-(1-METHYL-2-PYRROLIDINYL)-,(S)-, & SALTS
PHENOL
REACTIVE WASTE
SELENIUM
SELENIUM SULFIDE (OR) SELENIUM SULFIDE SES ₂ (R,T)
SILVER
TETRACHLOROETHYLENE

End of RCRA GEN Sites Section

MapID 1: PST - 21541 OLD NACOGDOCHES RD**PST - State/Tribal Storage Tank**

Map ID #1	PST - State/Tribal Storage Tank		Source: TCEQ
Facility #: 66720	TCEQ Customer ID: 100330		Banks ID: 66720
ORICA NEW BRAUNFELS			Rel. Loc.: 0.16 miles SW
21541 OLD NACOGDOCHES RD, NEW BRAUNFELS, TX 78131			Elevation: 691.15 feet (+691.15)
Facility Contact Name:	JACK WICKHAM		
Facility Contact Phone:	8306251111		
Facility Status:	ACTIVE		
Facility Type:	INDUST/MFG/CHEM PLANT		
Number of ASTs:	2		
Number of USTs:	0		
Tank #:	#1	#2	
Status:			
Status Date:	6/1/1995	6/1/1995	
Capacity:	4000	4000	
Install Date:	6/1/1995	6/1/1995	
Above or Below Ground Tank:	above	above	
Unit ID:	174470	174471	
Construction Material:	Steel	Steel	
Piping Type:			
Piping Material:			
Tank Contents:	DIESEL	DIESEL	
Corrosion Protection:			
Piping Corrosion Protection:			

MapID 2: PST - 1150 SCHWAB RD

Map ID #2	PST - State/Tribal Storage Tank	Source: TCEQ
Facility #: 79293	TCEQ Customer ID: 122770	Banks ID: 79293
LACKS DISTRIBUTION CENTER 1150 SCHWAB RD, SCHERTZ, TX 78154		Rel. Loc.: 0.23 miles SE Elevation: 715.44 feet (+715.44)
Facility Contact Name:	DANNY AGUILAR	
Facility Contact Phone:	8306264691	
Facility Status:	INACTIVE	
Facility Type:	FLEET REFUELING	
Number of ASTs:	0	
Number of USTs:	0	
Tank #:	#1A	
Status:		
Status Date:	1/1/2010	
Capacity:	12000	
Install Date:	3/21/2008	
Above or Below Ground Tank:	above	
Unit ID:	209974	
Construction Material:	Steel	
Piping Type:		
Piping Material:		
Tank Contents:	DIESEL	
Corrosion Protection:		
Piping Corrosion Protection:		

End of PST Sites Section

MapID 2: HW - 1150 SCHWAB RD**HW - State/Tribal Hazardous Waste**

Map ID #2	HW - State/Tribal Hazardous Waste	Source: TCEQ
Register #: 95913	EPA ID: TXR000083993	Banks ID: 95913
AMAZONCOM SERVICES DSX9		Rel. Loc.: 0.23 miles SE
1150 SCHWAB RD , NEW BRAUNFELS, TX 78132		Elevation: 715.44 feet (+715.44)
Status:	ACTIVE	
Location Description:		
Additional State ID:	131258	
Permit Number:		
Facility Type:	Generator	
Facility Contact Name:	PATRICIA SULLIVAN	
Facility Contact Phone:	602-8854235	
Company Name:	AMAZONCOM SERVICES LLC	
Waste ID	Waste Code	Waste Description
425502	3190319H	Inorganic Solids - Other Waste Inorganic Solids; BROKEN TUBES; MATCHES; BIO-BLUE
425503	4070407H	Organic Solids - Other Halogenated Organic Solids; LT BROMINATING TABS; FLUIDMAS
425504	4090409H	Organic Solids - Other Non-Halogenated Organic Solids; TOXIC LOOSEPACK SOLIDS; E
425505	7010701H	Inorganic Gases - Inorganic Gases; NITROUS OXIDE CYLINDER
425506	8010801H	"Organic Gases - Organic Gases; FLAMMABLE/CORROSIVE AEROSOLS;FLAMMABLE AEROSOLS;
370109	0001206I	USED OIL
371115	0002003I	This is an annual clean-up.
371116	0003003H	Annual clean-up of waste. This is a one time waste.
371434	0004319I	Spent NON PCB Ballast
371715	0005489I	This is from a oil based spill using clay based absorbent.
371716	0006489I	This is from a spill or normal operation when rags or absorbent pads or booms ar
372288	0007319I	Removing old desiccant from the site.
372858	0008319I	This is empty plastic containers. Oil containers, moly lube.
372984	0009319H	This is broken fluorescent bulbs.
373454	0010319I	This is from a battery spill cleanup.Acid was neutralized using a purchased kit.
376757	0011205I	Waste Water from floor sweeper, water and coolant from saws and rain water clean
378566	0012209H	This is the residual fluid from punctured aerosol cans
378568	0013219I	This is a product diluted with water to etch stainless pipes.
378569	0014206H	Used Oil with a degreaser. This is a one time instance.; One time shipment.
383369	0015389I	This spent blast media (Almandine & Pyrope Garnet)in pepping material for painti
386222	0016119H	12k gal of water & 600 gal of 15% HCL mixture for heat exchanger clean-out. This
387936	0017296I	Glycol is being removed from new motors and pumps for further manufacturing.
388560	0018319H	This is laser engraving tape. This is a one time shipment. A new tape has been o
388735	0019101I	This small drum was found during a clean up effort. Analytical was taken and a c
390004	0020205I	Fuel Mixture resulted due to a spill clean up activity. It is a one time waste t
390303	0021119I	Silicone and water mixture resulted from the gauge repairs
393289	0022110H	Used to clean rust from metal.; Initial waste code determination used in incorre
394281	0023110I	Used for rust removal
394345	0024219H	Liquid mixture generated from punctured Aerosol cans
403933	0025219H	Preservative
407182	0026105H	UNUSED PRODUCT "CITRISURF" SURFACTANT AND VPC1-425 (PHOSPHORIC ACID) FOR DISPOSA
407183	0027319I	USED INK CARTRIDGES
407184	0028801I	PART A / B CATALYST CYLINDERS
424731	0029105H	ITEMS CONTAINING ACIDIC/CORROSIVE LIQUIDS THAT ARE DAMAGED, RECALLED OR OTHERWIS
425493	1050105H	"Inorganic Liquids - Acidic Aqueous Waste;RID O RUST STAIN REMOVER;ZING FORMULA
425494	1100110H	"Inorganic Liquids - Caustic Aqueous Waste; IRON- X SNOW SOAP; SODIUM HYDROXIDE
425495	1110111H	Inorganic Liquids - Aqueous Waste With Reactive Sulfides; AMMONIUM SULFIDE SOL'N
425496	2020202H	Organic Liquids - Halogenated (e.g., Chlorinated) Solvent; DICHLOROMETHANE
425497	2120212H	Organic Liquids - Reactive or Polymerizable Organic Liquids; PYROPHORIC WX LIQUI
425498	2190219H	"Organic Liquids - Other Organic Liquids; FLAMMABLE LIQUID BULK; BULK FUEL (GAS
425499	3090309H	Inorganic Solids - Batteries or Battery Parts, Casings, Cores; LEAKING ALKALINE;
425500	3150315H	Inorganic Solids - Other reactive salts/chemicals; fireworks; brake power loads;
425501	3160316H	Inorganic Solids - Other metal salts/chemicals; TOY SMOKE DEVICE; STUMP REMOVER;

MapID 2: HW - 1150 SCHWAB RD



Continued from Previous Page

End of HW Sites Section

Unmapped Sites Details: ERNS (414295)

ERNS - ERNS List

ERNS - ERNS List		Source: EPA/National Response Center
NRC Report #: 414295	Secondary ID: NA	Banks ID: 414295
AUSTIN SUBDIVISION, MP, NEW BRAUNFELS, TX		
Responsible Party:		
Incident Location:		
Incident Date/Time:	12/3/1997 11:20 PM	
Cause of Incident:	UNKNOWN	
Description of Incident:	13 CAR DERAILMENT DUE TO UNKNOWN CAUSE / TRAIN DIRECTION/SPEED: UNKTRACK SPEED: UNKNOWN / TRAIN HAD 3 ENGINES, 127 CARS	
Incident Type:	RAILROAD	
Additional Information:	DERAILED CAR NUMBERS ARE UNAVAILABLE AT THIS TIME, BUT ALL CARS WERECARRYING COAL.	
Any Fatalities:	Unknown	
Number of Fatalities:		
Remedial Action Taken:	NONE	
Medium Affected:	RAIL REPORT (N/A)	
Medium Description:		
Railroad Involved:	UNION PACIFIC RAILROAD	
Pipeline Type Involved:	UNKNOWN	
Source:	UNAVAILABLE	
Materials Spilled		

Unmapped Sites Details: ERNS (576979)

ERNS - ERNS List

Source: EPA/National Response Center

NRC Report #: 576979

Secondary ID: NA

Banks ID: 576979

NEW BRAUNFELS, TX

Responsible Party:	UNION PACIFIC RAILROAD
Incident Location:	SUBDIVISION AUSTIN MILEPOST 231.75
Incident Date/Time:	8/18/2001 8:07 PM
Cause of Incident:	UNKNOWN
Description of Incident:	THE CALLER IS REPORTING AN 8 CAR DERAILMENT AND SPILL OF MATERIAL FROM THE CARS.
Incident Type:	RAILROAD
Additional Information:	THE CALLER DID NOT HAVE ANY CAR INFORMATION.
Any Fatalities:	No
Number of Fatalities:	
Remedial Action Taken:	HULCHER SERVICES IS ENROUTE TO RERAIL CARS
Medium Affected:	BALLAST
Medium Description:	
Railroad Involved:	UNION PACIFIC
Pipeline Type Involved:	
Source:	TELEPHONE
Materials Spilled	LIMESTONE

Unmapped Sites Details: ERNS (742925)

ERNS - ERNS List

Source: EPA/National Response Center

NRC Report #: 742925

Secondary ID: NA

Banks ID: 742925

NEW BRAUNFELS, TX

Responsible Party:**Incident Location:** MILE POST 234**Incident Date/Time:** 12/1/2004 12:29 PM**Cause of Incident:** UNKNOWN**Description of Incident:** THE CALLER STATED THAT A LOCOMOTIVE IS LEAKING MATERIAL FROM IT.**Incident Type:** RAILROAD**Additional Information:** THE CALLER HAD NO ADDITIONAL INFORMATION**Any Fatalities:** No**Number of Fatalities:****Remedial Action Taken:** CONTRACTOR EN ROUTE FOR CLEAN UP**Medium Affected:** LAND**Medium Description:** GROUND**Railroad Involved:** UNION PACIFIC RAILROAD**Pipeline Type Involved:****Source:** TELEPHONE**Materials Spilled** OIL, MISC: LUBRICATING

Unmapped Sites Details: ERNS (766703)

ERNS - ERNS List

Source: EPA/National Response Center

NRC Report #: 766703

Secondary ID: NA

Banks ID: 766703

NEW BRAUNFELS, TX

Responsible Party:**Incident Location:** MILE POST 229.7**Incident Date/Time:** 7/25/2005 9:06 AM**Cause of Incident:** UNKNOWN**Description of Incident:** THE CALLER STATED THAT AT A GRADE CROSSING, A PASSENGER TRAIN STRUCK A DELIVERY TRUCK.**Incident Type:** RAILROAD NON-RELEASE**Additional Information:** THE CALLER HAD NO ADDITIONAL INFORMATION**Any Fatalities:** No**Number of Fatalities:****Remedial Action Taken:** N/A**Medium Affected:** RAIL REPORT (N/A)**Medium Description:****Railroad Involved:** AMTRAK NATIONAL OPERATIONS**Pipeline Type Involved:****Source:** TELEPHONE**Materials Spilled**

Unmapped Sites Details: ERNS (851633)

ERNS - ERNS List

Source: EPA/National Response Center

NRC Report #: 851633

Secondary ID: NA

Banks ID: 851633

NEW BRAUNFELS, TX

Responsible Party:**Incident Location:** ON THE RIGHT AWAY**Incident Date/Time:** 10/15/2007 11:00 AM**Cause of Incident:** UNKNOWN**Description of Incident:** CALLER REPORTED THAT A DECEASED BODY WAS FOUND ALONG THE TRACKS DUE TO UNKNOWN CAUSES. CALLER STATED THAT BODY DID NOT APPEAR TO HAVE BEEN HIT BY A TRAIN.**Incident Type:** RAILROAD NON-RELEASE**Additional Information:** CALLER HAD NO FURTHER INFORMATION.**Any Fatalities:** Yes**Number of Fatalities:** 1**Remedial Action Taken:** UNDER INVESTIGATION**Medium Affected:** RAIL REPORT (N/A)**Medium Description:****Railroad Involved:****Pipeline Type Involved:****Source:** TELEPHONE**Materials Spilled**

Unmapped Sites Details: ERNS (808787)

ERNS - ERNS List

Source: EPA/National Response Center

NRC Report #: 808787

Secondary ID: NA

Banks ID: 808787

NEW BRAUNFELS, TX

Responsible Party:**Incident Location:** UNION PACIFIC RAILROAD**Incident Date/Time:** 8/23/2006 1:58 AM**Cause of Incident:** DERAILMENT**Description of Incident:** ONE NON HAZMAT RAIL CAR DERAILED ON IT'S SIDE ON THE MAIN LINE. THERE WAS NO HAZARDOUS MATERIALS INVOLVED.**Incident Type:** RAILROAD NON-RELEASE**Additional Information:** NONE**Any Fatalities:** No**Number of Fatalities:****Remedial Action Taken:** A RERAILING TEAM IS EN ROUTE**Medium Affected:** RAIL REPORT (N/A)**Medium Description:****Railroad Involved:** UNION PACIFIC RAILROAD**Pipeline Type Involved:****Source:** TELEPHONE**Materials Spilled**

Unmapped Sites Details: ERNS (877921)

ERNS - ERNS List

Source: EPA/National Response Center

NRC Report #: 877921

Secondary ID: NA

Banks ID: 877921

NEW BRAUNFELS, TX

Responsible Party:**Incident Location:** SUB: AUSTIN / MP: 222.13**Incident Date/Time:** 7/20/2008 5:33 PM**Cause of Incident:** UNKNOWN**Description of Incident:** THE CALLER IS REPORTING A PASSENGER TRAIN DERAILMENT INVOLVING APPROXIMATELY 6 CARS (FINAL COUNT NOT DETERMINED AT TIME OF CALL). THE TRAIN WAS ON A SIDING AND THE DERAILMENT WAS NOTICED BY THE CREW OF ANOTHER TRAIN.**Incident Type:** RAILROAD**Additional Information:** THE CALLER DID NOT HAVE ANY DETAILS ON THE TRAIN OR THE DERAILED CARS.**Any Fatalities:** Unknown**Number of Fatalities:****Remedial Action Taken:** UNKNOWN**Medium Affected:** BALLAST**Medium Description:** DERAILMENT**Railroad Involved:** UNKNOWN**Pipeline Type Involved:****Source:** TELEPHONE**Materials Spilled**

Unmapped Sites Details: ERNS (935981)

ERNS - ERNS List

Source: EPA/National Response Center

NRC Report #: 935981

Secondary ID: NA

Banks ID: 935981

NEW BRAUNFELS, TX

Responsible Party:	ENTERPRISE PRODUCTS LLC
Incident Location:	BETWEEN BUNKER ST AND FM 2953
Incident Date/Time:	4/2/2010 6:00 PM
Cause of Incident:	UNKNOWN
Description of Incident:	CALLER IS REPORTING A RELEASE OF NATURAL GAS FROM A LOW PRESSURE GAS LINE. THE RELEASE IS SUSPECTED TO BE A PINHOLE LEAK, THE LINE OPERATES AT 80PSI 14 INCH LINE.
Incident Type:	PIPELINE
Additional Information:	NO ADDITIONAL INFORMATION TO REPORT.
Any Fatalities:	No
Number of Fatalities:	
Remedial Action Taken:	LINE IS CURRENTLY BEING MONITORED, LINE WILL BE EXCAVATED TOMORROW
Medium Affected:	AIR
Medium Description:	ATMOSPHERE
Railroad Involved:	
Pipeline Type Involved:	TRANSMISSION
Source:	TELEPHONE
Materials Spilled	NATURAL GAS



Unmapped Sites Details: ERNS (992672)

ERNS - ERNS List

Source: EPA/National Response Center

NRC Report #: 992672

Secondary ID: NA

Banks ID: 992672

NEW BRAUNFELS, TX

Responsible Party:	
Incident Location:	MP: 226.75
Incident Date/Time:	10/16/2011 2:00 AM
Cause of Incident:	TRESPASSER
Description of Incident:	CALLER IS REPORTING THAT A FREIGHT TRAIN STRUCK A MALE TRESPASSER THAT WAS LAYING ON THE TRACKS RESULTING IN FATALITY.
Incident Type:	RAILROAD NON-RELEASE
Additional Information:	CALLER HAD NO ADDITIONAL INFORMATION.
Any Fatalities:	Yes
Number of Fatalities:	1
Remedial Action Taken:	NONE
Medium Affected:	RAIL REPORT (N/A)
Medium Description:	
Railroad Involved:	UNION PACIFIC RAILROAD
Pipeline Type Involved:	
Source:	TELEPHONE
Materials Spilled	

Unmapped Sites Details: ERNS (1017721)

ERNS - ERNS List

Source: EPA/National Response Center

NRC Report #: 1017721

Secondary ID: NA

Banks ID: 1017721

NEW BRAUNFELS, TX

Responsible Party:**Incident Location:** MILEPOST: 223 AUSTIN SUBDIVISION**Incident Date/Time:** 7/13/2012 11:10 AM**Cause of Incident:** EQUIPMENT FAILURE**Description of Incident:** CALLER STATES THAT A BURLINGTON NORTHERN SANTA FE TRAIN CAME ONTO UNION PACIFIC TRACKS IN TEMPLE TX AND WAS DISCOVERED TO BE LEAKING DIESEL OIL ALONG THE TRACK TO NEW BRAUNFELS. IT IS BELIEVED TO BE LEAKING FROM THE LOCOMOTIVE FUEL PUMP.**Incident Type:** RAILROAD**Additional Information:****Any Fatalities:** No**Number of Fatalities:****Remedial Action Taken:****Medium Affected:** BALLAST**Medium Description:****Railroad Involved:** BURLINGTON NORTHERN SANTA FE**Pipeline Type Involved:****Source:** TELEPHONE**Materials Spilled** OIL: DIESEL

Unmapped Sites Details: ERNS (1032543)

ERNS - ERNS List

Source: EPA/National Response Center

NRC Report #: 1032543

Secondary ID: NA

Banks ID: 1032543

SCHWAB ROAD, NEW BRAUNFELS, TX

Responsible Party:**Incident Location:** MILEPOST 233.44 ON THE AUSTIN SUBDIVISION**Incident Date/Time:** 12/6/2012 4:11 PM**Cause of Incident:** UNKNOWN**Description of Incident:** A FREIGHT TRAIN COLLIDED WITH ON-RAIL CONSTRUCTION EQUIPMENT. NO DISCHARGES OR RELEASES ARE REPORTED AT THIS TIME.**Incident Type:** RAILROAD**Additional Information:****Any Fatalities:** No**Number of Fatalities:****Remedial Action Taken:** IN PROCESS OF CLEARING THE SITE**Medium Affected:** NON-RELEASE (N/A)**Medium Description:** RAILROAD COLLISION**Railroad Involved:** UNION PACIFIC RAILROAD**Pipeline Type Involved:****Source:** TELEPHONE**Materials Spilled** UNKNOWN MATERIAL, UNKNOWN OIL

Unmapped Sites Details: ERNS (1049623)

ERNS - ERNS List

Source: EPA/National Response Center

NRC Report #: 1049623

Secondary ID: NA

Banks ID: 1049623

NEW BRAUNFELS, TX

Responsible Party:**Incident Location:** MP 230.54 OF THE AUSTIN SUBDIVISION**Incident Date/Time:** 6/7/2013 11:02 AM**Cause of Incident:** OTHER**Description of Incident:** CALLER IS REPORTING THAT THE TRAIN STRUCK A GRAVEL TRUCK AT A COMMERCIAL CROSSING. THE DRIVER OF THE GRAVEL TRUCK WAS TRANSPORTED TO THE HOSPITAL. SPILL RESPONSE INFORMATION IS UNKNOWN.**Incident Type:** RAILROAD**Additional Information:****Any Fatalities:** No**Number of Fatalities:****Remedial Action Taken:** UNKNOWN**Medium Affected:** BALLAST**Medium Description:** BALLAST**Railroad Involved:** UNION PACIFIC RAILROAD**Pipeline Type Involved:****Source:** TELEPHONE**Materials Spilled** OIL: DIESEL

Unmapped Sites Details: ERNS (1144665)

ERNS - ERNS List

Source: EPA/National Response Center

NRC Report #: 1144665

Secondary ID: NA

Banks ID: 1144665

MP: 231.5 SUB: AUSTIN MAIN TRACK 1, NEW BRAUNFELS, TX

Responsible Party:**Incident Location:****Incident Date/Time:** 4/7/2016 6:14 AM**Cause of Incident:** OTHER**Description of Incident:** CALLER IS REPORTING THAT ONE TRAIN WAS TRAVELING SOUTH BOUND ON THE MAIN LINE. A SECOND TRAIN WAS SHOVING BACK INTO AN INDUSTRIAL FACILITY AND THERE WAS A SIDE SWIPE COLLISION. NO INJURIES REPORTED. NO HAZMAT INVOLVED. NO RELEASE. NO DERAILMENT.**Incident Type:** RAILROAD NON-RELEASE**Additional Information:****Any Fatalities:** No**Number of Fatalities:****Remedial Action Taken:****Medium Affected:** RAIL REPORT (N/A)**Medium Description:** COLLISION**Railroad Involved:** UNION PACIFIC RAILROAD**Pipeline Type Involved:****Source:** TELEPHONE**Materials Spilled**

Unmapped Sites Details: ERNS (1149642)

ERNS - ERNS List

Source: EPA/National Response Center

NRC Report #: 1149642

Secondary ID: NA

Banks ID: 1149642

MP: 530 SD: AUSTIN, NEW BRAUNFELS, TX

Responsible Party:	UNION PACIFIC RAILROAD
Incident Location:	
Incident Date/Time:	6/3/2016 5:20 PM
Cause of Incident:	DERAILMENT
Description of Incident:	CALLER IS REPORTING A DERAILMENT OF 13 CARS DUE TO UNKNOWN CAUSES AT MILE POST 530 IN THE AUSTIN SUBDIVISION. RAILCARS CONTAIN NO HAZMAT AND WERE TRANSPORTING ROCK.
Incident Type:	RAILROAD NON-RELEASE
Additional Information:	
Any Fatalities:	No
Number of Fatalities:	
Remedial Action Taken:	INCIDENT IS UNDER INVESTIGATION
Medium Affected:	NON-RELEASE (N/A)
Medium Description:	NON-HAZMAT RELEASE RAILCAR WAS CARRYING ROCK
Railroad Involved:	UNION PACIFIC RAILROAD
Pipeline Type Involved:	
Source:	TELEPHONE
Materials Spilled	

Unmapped Sites Details: ERNS (1260737)

ERNS - ERNS List

Source: EPA/National Response Center

NRC Report #: 1260737

Secondary ID: NA

Banks ID: 1260737

MP 218.6 AUSTIN SUB, NEW BRAUNFELS, TX

Responsible Party:**Incident Location:** GRADE CROSSING INCIDENT**Incident Date/Time:** 10/10/2019 5:58 AM**Cause of Incident:** DERAILMENT**Description of Incident:** CALLER STATED THAT A FREIGHT TRAIN COLLIDED WITH A VEHICLE (SEMI-TRUCK) AT A CROSSING RESULTING IN A DERAILMENT. (LOCOMOTIVE DERAILED NUMBER IS UNKNOWN AT THIS TIME). CALLER ALSO STATED THAT THERE WERE TRACK DAMAGES SUSTAINED BUT THE AMOUNT IS UNKNOWN AT THIS TIME. (BUT WOULD MOST LIKELY EXCEED 10,700)**Incident Type:** RAILROAD NON-RELEASE**Additional Information:** UNION PACIFIC REPORT NUMBER 2019-10-10-023 CDS**Any Fatalities:** No**Number of Fatalities:****Remedial Action Taken:****Medium Affected:** RAIL REPORT (N/A)**Medium Description:** DERAILMENT**Railroad Involved:** UNION PACIFIC RAILROAD**Pipeline Type Involved:****Source:** TELEPHONE**Materials Spilled**

Unmapped Sites Details: ERNS (1247208)

ERNS - ERNS List

Source: EPA/National Response Center

NRC Report #: 1247208

Secondary ID: NA

Banks ID: 1247208

MP: 226.93 SUBDIVISION: AUSTIN, NEW BRAUNFELS, TX

Responsible Party:**Incident Location:****Incident Date/Time:** 5/29/2019 9:03 PM**Cause of Incident:** TRESPASSER**Description of Incident:** CALLER IS REPORTING THAT A TRAIN STRUCK A TRESPASSER RESULTING IN A FATALITY.**Incident Type:** RAILROAD NON-RELEASE**Additional Information:** UP REPORT#: 2019-05-29-291KLV**Any Fatalities:** Yes**Number of Fatalities:** 1**Remedial Action Taken:** LOCAL AUTHORITIES RESPONDED.**Medium Affected:** RAIL REPORT (N/A)**Medium Description:****Railroad Involved:** AMTRAK**Pipeline Type Involved:****Source:** TELEPHONE**Materials Spilled**

Unmapped Sites Details: ERNS (1284500)

ERNS - ERNS List

Source: EPA/National Response Center

NRC Report #: 1284500

Secondary ID: NA

Banks ID: 1284500

NEW BRAUNFELS, TX

Responsible Party:**Incident Location:** MP 230**Incident Date/Time:** 8/13/2020 3:25 PM**Cause of Incident:** DERAILMENT**Description of Incident:** // POTENTIAL RELEASE // CALLER IS REPORTING THE DERAILMENT OF 24 RAIL CARS WITH A POTENTIAL RELEASE OF AN UNKNOWN AMOUNT OF GRAIN. CALLER STATES THAT 22 OF THE RAIL CARS ARE ON THEIR SIDE. // POTENTIAL RELEASE //**Incident Type:** RAILROAD**Additional Information:****Any Fatalities:****Number of Fatalities:****Remedial Action Taken:****Medium Affected:****Medium Description:****Railroad Involved:** UNION PACIFIC RAILROAD**Pipeline Type Involved:****Source:** TELEPHONE**Materials Spilled**

Unmapped Sites Details: ERNS (1307014)

ERNS - ERNS List

Source: EPA/National Response Center

NRC Report #: 1307014

Secondary ID: NA

Banks ID: 1307014

SUB AUSTIN, NEW BRAUNFELS, TX

Responsible Party:

Incident Location: MP 216.7

Incident Date/Time: 6/6/2021 11:50 AM

Cause of Incident: DERAILMENT

Description of Incident: CALLER REPORTS THE DERAILMENT OF 28 RAILCARS ON FREIGHT TRAIN DUE TO UNKNOWN CAUSES AT THIS TIME. AS A RESULT THERE WAS A RELEASE OF CORN ONTO THE TRACKS AT THE INCIDENT LOCATION. CALLER DID NOT HAVE INFO ON THE DERAILED CARS.

Incident Type: RAILROAD

Additional Information: UPR #2021-06-06-088RMR

Any Fatalities: No

Number of Fatalities:

Remedial Action Taken: CLEAN UP UNDERWAY

Medium Affected: OTHER

Medium Description: RAILTRACKS

Railroad Involved: UNION PACIFIC RAILROAD

Pipeline Type Involved:

Source: TELEPHONE

Materials Spilled CORN

End of ERNS Sites Section

Dataset Descriptions and Sources

Dataset	Source	Dataset Description	Update Schedule	Data Requested	Data Obtained	Data Updated	Source Updated
NPL -- National Priority List	EPA	NPL is the list of high priority hazardous waste sites in the United States eligible for long-term remedial action financed under the federal Superfund program or SEMS database (formerly known as the CERCLIS database). The EPA will only add sites to the NPL list based upon completion of the Hazard Ranking System (HRS) screening, public solicitation of comments about the proposed site, and after all comments have been addressed.	Quarterly	10/12/2022	10/12/2022	10/17/2022	09/28/2022
DNPL -- Delisted National Priority List	EPA	DNPL is a list of all sites that have been deleted from the EPA NPL list (SEMS database). These sites are taken off the NPL list usually due to no further response or remedial action being required on them. Notices to delete NPL sites are published in the Federal Register and become effective unless the EPA receives significant adverse or critical comments during the 30-day public comment period.	Quarterly	10/12/2022	10/12/2022	10/17/2022	09/28/2022
CER SEMS -- SEMS	EPA	The EPA maintains the SEMS database to track sites under the Comprehensive Environmental Response, Compensation, and Liability Act, a federal law designed to clean up abandoned hazardous waste sites. These sites are either proposed, listed or under review currently to be a part of the National Priority List.	Quarterly	10/12/2022	10/12/2022	10/17/2022	09/28/2022
CER SEMS NFRAP -- SEMS NFRAP	EPA	From the Superfund Enterprise Management System (SEMS) database No Further Remedial Action Planned or NFRAP have been removed from the listing. NFRAP sites may be sites where, following an initial investigation, no contamination was found, contamination was removed quickly without the site being placed on the NPL, or the contamination was not serious enough to require Federal Superfund action or NPL consideration.	Quarterly	10/12/2022	10/12/2022	10/17/2022	09/28/2022
RCRA COR -- RCRA CORRACTS	EPA	These sites are registered hazardous waste generators or handlers that fall under the Resource Conservation and Recovery Act (RCRA) and subject to corrective action activity.	Quarterly	10/24/2022	10/24/2022	10/25/2022	10/24/2022
RCRA TSD -- RCRA non-CORRACTS TSD	EPA	This database lists all treatment, storage and disposal of hazardous material sites that fall under the Resource Conservation and Recovery Act (RCRA). All hazardous waste TSD facilities are required to notify EPA of their existence.	Quarterly	10/24/2022	10/24/2022	10/25/2022	10/24/2022
RCRA GEN -- RCRA Generators	EPA	The EPA regulates all Hazardous Waste Generators subject to the Resource Conservation and Recovery Act (RCRA). They are classified by the quantity of hazardous waste generated. A Small Quantity Generator (SQG) generates between 100kg and 1,000 kg of waste per month. A Large Quantity Generator (LQG) generates over 1,000 kg of waste per month. A Conditionally Exempt SQG (CEG) generates less than 100 kg of waste per month.	Quarterly	10/24/2022	10/24/2022	10/25/2022	10/24/2022
FED BWN -- Federal Brownfields	EPA	A listing of sites that assist the EPA in collecting, tracking, and updating information of sites in relation to the Small Business Liability Relief and Brownfields Revitalization Act. These sites are real property that is either abandoned or underutilized where redevelopment or expansion is complicated by real or perceived environmental contamination.	Quarterly	09/14/2022	09/14/2022	09/20/2022	09/14/2022
FED IC -- Federal Institutional Control	EPA	This is a listing of Brownfield Management System (BMS) sites that have had Institutional Controls (ICs) placed on them. ICs are administrative restrictions, such as legal controls, that help minimize the potential for human exposure to known contamination by ensuring appropriate land or resource use. ICs are meant to supplement Engineering Controls and will rarely be the sole remedy at a site. ICs are a type of Activity and Use Limitation (AUL).	Quarterly	09/14/2022	09/14/2022	09/20/2022	09/14/2022
FED EC -- Federal Engineering Control	EPA	This is a listing of Brownfield Management System (BMS) sites that have had Engineering Controls (ECs) placed on them. ECs are physical methods or modifications put into place on a site to reduce or eliminate the possibility of human exposure to known contamination. ECs are a type of Activity and Use Limitation (AUL).	Quarterly	09/14/2022	09/14/2022	09/20/2022	09/14/2022

Dataset Descriptions and Sources

Dataset	Source	Dataset Description	Update Schedule	Data Requested	Data Obtained	Data Updated	Source Updated
ERNS -- ERNS List	EPA/National Response Center	ERNS is a national database used to store information on unauthorized releases of oil and hazardous substances that have been reported to the National Response Center since 2001. The NRC is the sole federal point of contact for reporting oil and chemical spills. Prior to 2001 this information was maintained by the EPA.	Annually	08/02/2022	08/02/2022	08/02/2022	08/02/2022
ST NPL -- State/Tribal Equivalent NPL (TX)	TCEQ	This database contains sites determined by the TCEQ that may constitute an imminent and substantial endangerment to public health and safety or to the environment due to a release or threatened release of hazardous substances into the environment.	Quarterly	08/11/2022	08/11/2022	08/23/2022	08/11/2022
ST CER -- State/Tribal Equivalent CERCLIS (TX)	N/A	This database is not currently available from this state. If this state does make this database available in the future, Banks Environmental Data will obtain it for reporting purposes.	N/A	N/A	N/A	N/A	N/A
SWLF -- State/Tribal Disposal or Landfill (TX)	TCEQ	The SWLF database contains records of municipal solid waste facilities that may accept various types of municipal solid waste for processing or disposal, depending on the type of facility. A Municipal Solid Waste facility may also accept certain special wastes and non-hazardous industrial solid wastes if approved by the TCEQ executive director.	Quarterly	08/15/2022	08/15/2022	08/17/2022	08/12/2022
SWLF -- State/Tribal Disposal or Landfill (TX)	TCEQ	This database is a listing of closed and abandoned municipal solid waste landfills. The sites included are either unauthorized (UNUM_) or permitted (PERMAPP_).	N/A	N/A	N/A	N/A	N/A
LPST -- State/Tribal Leaking Storage Tank (TX)	TCEQ	This database contains information on leaking storage tanks, equipment failures, compliance, and releases in the state.	Quarterly	07/14/2022	07/14/2022	09/22/2022	07/01/2022
LPST -- State/Tribal Leaking Storage Tank (TX)	EPA	The Tribal LUST database (maintained by EPA Region 6) provides information on leaking underground storage tank on tribal lands in Louisiana, Arkansas, Oklahoma, New Mexico and Tribal Nations.	Quarterly	10/03/2022	10/03/2022	10/03/2022	04/28/2022
PST -- State/Tribal Storage Tank (TX)	TCEQ	This database contains information on above and underground storage tanks, compliance, and releases in the state.	Quarterly	08/15/2022	08/15/2022	10/11/2022	08/04/2022
PST -- State/Tribal Storage Tank (TX)	EPA	The Tribal UST database (maintained by EPA Region 6) provides underground storage tank information on tribal lands in Louisiana, Arkansas, Oklahoma, New Mexico and Tribal Nations.	Quarterly	10/03/2022	10/03/2022	10/03/2022	04/28/2022
ST IC -- State/Tribal Institutional Control (TX)	TCEQ	This database includes Voluntary Cleanup Program (VCP) or Innocent Operator Program (IOP) sites that have been remediated and have had Institutional Controls (ICs) placed on them. ICs are administrative restrictions, such as legal controls, that help minimize the potential for human exposure to known contamination by ensuring appropriate land or resource use.	Quarterly	10/25/2022	07/29/2022	11/01/2022	07/29/2022
ST IC -- State/Tribal Institutional Control (TX)	RRC	The Railroad Commission of Texas Voluntary Cleanup Program provides an incentive to remediate Oil & Gas related pollution by participants as long as they did not cause or contribute to the contamination.	Quarterly	10/25/2022	05/30/2022	08/17/2022	05/30/2022
ST EC -- State/Tribal Engineering Control (TX)	TCEQ	This database includes Voluntary Cleanup Program (VCP) or Innocent Operator Program (IOP) sites that have been remediated and have had Engineering Controls (ECs) placed on them. ECs are physical methods or modifications put into place on a site to reduce or eliminate the possibility of human exposure to known contamination.	Quarterly	10/25/2022	07/29/2022	11/01/2022	07/29/2022
VCP -- State/Tribal Voluntary Cleanup (TX)	TCEQ	This database contains sites from the Innocent Operator Program (IOP). The IOP records are sites that have received certificates from the State acknowledging that their property is contaminated as a result of a release or migration of contaminants from a source or sources not located on the property, and they did not cause or contribute to the source or sources of contamination.	Quarterly	10/25/2022	07/29/2022	11/01/2022	07/29/2022

Dataset Descriptions and Sources

Dataset	Source	Dataset Description	Update Schedule	Data Requested	Data Obtained	Data Updated	Source Updated
VCP -- State/Tribal Voluntary Cleanup (TX)	TCEQ	This database contains sites from the Voluntary Cleanup Program (VCP). The VCP records contain information on contaminated sites that private parties have cleaned up through assistance from the State in the form of administrative, technical, and legal incentives.	Quarterly	10/25/2022	11/01/2022	11/01/2022	11/01/2022
VCP -- State/Tribal Voluntary Cleanup (TX)	RRC	The Railroad Commission of Texas Voluntary Cleanup Program provides an incentive to remediate Oil & Gas related pollution by participants as long as they did not cause or contribute to the contamination.	Quarterly	10/25/2022	08/15/2022	08/17/2022	08/15/2022
ST BWN -- State/Tribal Brownfield (TX)	TCEQ	Brownfield sites are former industrial properties that lie dormant or underutilized due to liability associated with real or perceived contamination. In Texas, the TCEQ, in close partnership with the EPA and other federal, state, and local redevelopment agencies, and stakeholders, is facilitating cleanup, transferability, and revitalization of Brownfield's through the development of regulatory, tax, and technical assistance tools.	Quarterly	08/26/2022	08/26/2022	08/26/2022	08/26/2022
ST BWN -- State/Tribal Brownfield (TX)	RRC	The Railroad Commission of Texas' Voluntary Cleanup Program (RRC-VCP) provides an incentive to remediate Oil & Gas related pollution by participants as long as they did not cause or contribute to the contamination. Applicants to the program receive a release of liability to the state in exchange for a successful cleanup.	Quarterly	10/25/2022	05/30/2022	08/17/2022	05/30/2022
HW -- State/Tribal Hazardous Waste (TX)	TCEQ	The mission of the TCEQ's industrial and hazardous waste (IHW) corrective action program is to oversee the cleanup of sites contaminated from industrial and municipal hazardous and industrial nonhazardous wastes.	Quarterly	10/10/2022	10/18/2022	10/19/2022	10/11/2022
HW -- State/Tribal Hazardous Waste (TX)	TCEQ	This database contains information on facilities which store, process, or dispose of hazardous waste as maintained by the Industrial and Hazardous Waste Permits section of the TCEQ.	Quarterly	08/15/2022	08/15/2022	08/17/2022	08/04/2022
RCRA -- RCRA	EPA	This database lists all sites that fall under the Resource Conservation and Recovery Act (RCRA) and are not classifiable as treatment, storage, disposers of hazardous material, hazardous waste generator or subject to corrective action activity.	Quarterly	10/24/2022	10/24/2022	10/25/2022	10/24/2022
DRYC -- Dry Cleaners (TX)	TCEQ	Dry Cleaner data houses both the DCRP Program information and PERC information released by the TCEQ. The DCRP database contains records funded for state-lead clean up of dry cleaner related contaminated sites. The DCRP administers the Dry Cleaning Facility Release Fund to assist with remediation of contamination caused by dry cleaning solvents. There are two listings from this program: LIST#1 - A historic listing of any facility that registered with the DCRP indicating whether or not the facility has used Perchloroethylene (PERC) in the past. LIST#2 - A Prioritization list of dry cleaner sites Facilities on this list will be investigated in order to determine the existence and or extent of possible contamination. Facilities which are not current on their DCRP payments get dropped from the program. Banks Environmental Data DOES NOT REMOVE these listings from our database so that we may present a more complete historical listing of facilities that may or may not have used PERC in the past.	Quarterly	09/08/2022	09/19/2022	09/20/2022	09/01/2022
MS -- State/Tribal Municipal Settings Designation (TX)	TCEQ	TCEQ defines a Municipal Settings Designation (MSD) as an official state designation given to a property within a municipality or its extraterritorial jurisdiction that certifies that designated groundwater at the property is not used as potable water, and is prohibited from future use as potable water because that groundwater is contaminated in excess of the applicable potable-water protective concentration level. The prohibition must be in the form of a city ordinance, or a restrictive covenant that is enforceable by the city and filed in the property records.	Quarterly	09/19/2022	09/23/2022	09/28/2022	09/20/2022

Disclaimer

The Banks Environmental Data Regulatory Database Report was prepared based upon data obtained from State, Tribal, and Federal sources known to Banks Environmental Data at the time the data was obtained. Great care has been taken by Banks in obtaining the best available data from the best available sources. However, there is a possibility that there are sources of data applicable or pertaining to this report's target property, and/or surrounding properties, to which Banks does not have access or has not accessed. Furthermore, although Banks Environmental Data performs quality assurance and quality control on all data, including data it obtains, Banks recognizes that inaccuracies in data from these sources may, and do, exist; accordingly, inaccurate data may have been used or relied upon in the preparation of this report. Even though Banks Environmental Data performs a thorough and diligent search to locate and fix any inaccuracies in the data relied upon in the preparation of this report, Banks cannot guarantee or warrant the accuracy of the locations, information, data, or report. The purchaser of this report accepts this report "as is" and assumes all risk related to any potential inaccuracy contained in the report or not reported in it, whether due to a reliance by Banks Environmental Data on inaccurate data, or for any other reason [including but not limited to the negligence or express negligence of Banks Environmental Data]. If this report is being used for the Records Review section of a Phase I Site Assessment according to the ASTM 1527-21, for EPA's All Appropriate Inquiry, or for any other purpose (public or private), all liability and responsibility is assumed by the Environmental Professional or other individual or entity acquiring the report.

Appendix D

Historical Aerial Photos

Prepared for:

RAINCROW WILDLIFE CONSULTING - Austin
1509 Newning Avenue
Austin, TX 78704-2534



Historical
Aerial
Photographs

Ramirez 10.538 acres

TX

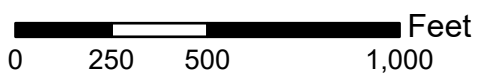
PO #: 221101

ES-141053

Monday, November 14, 2022

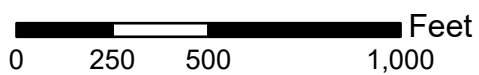


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Source: USDA



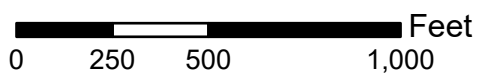


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Source: USDA



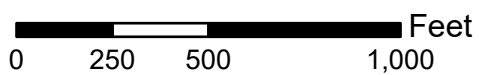


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Source: USDA



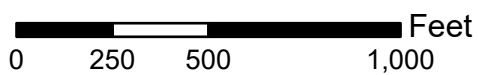


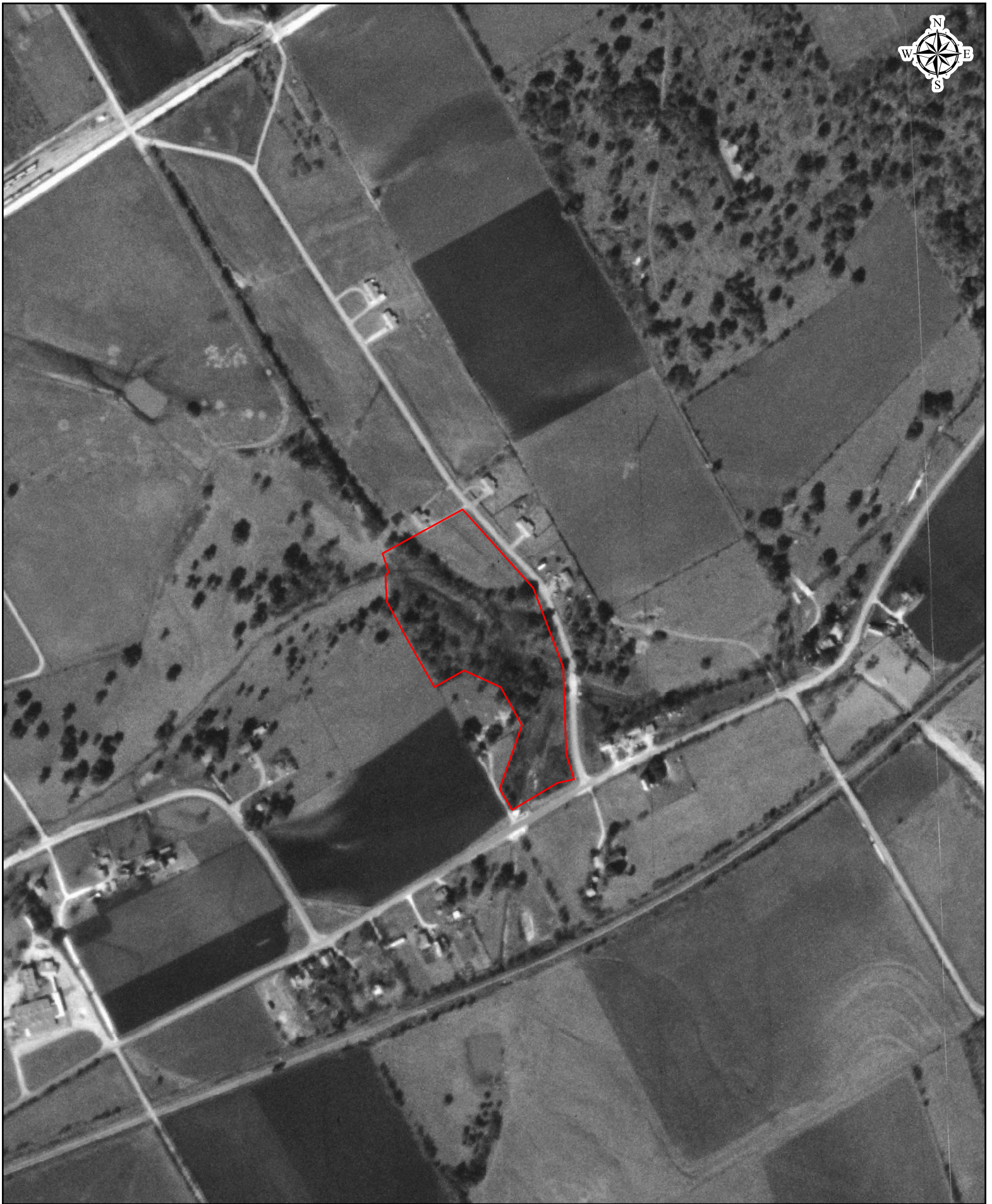
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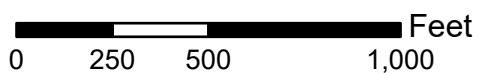


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Source: USGS





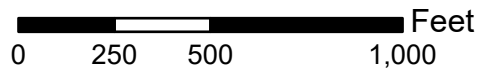
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Source: USGS



3-65

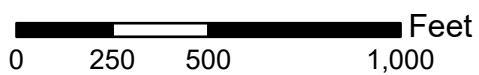


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Source: USGS



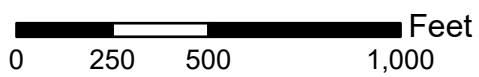


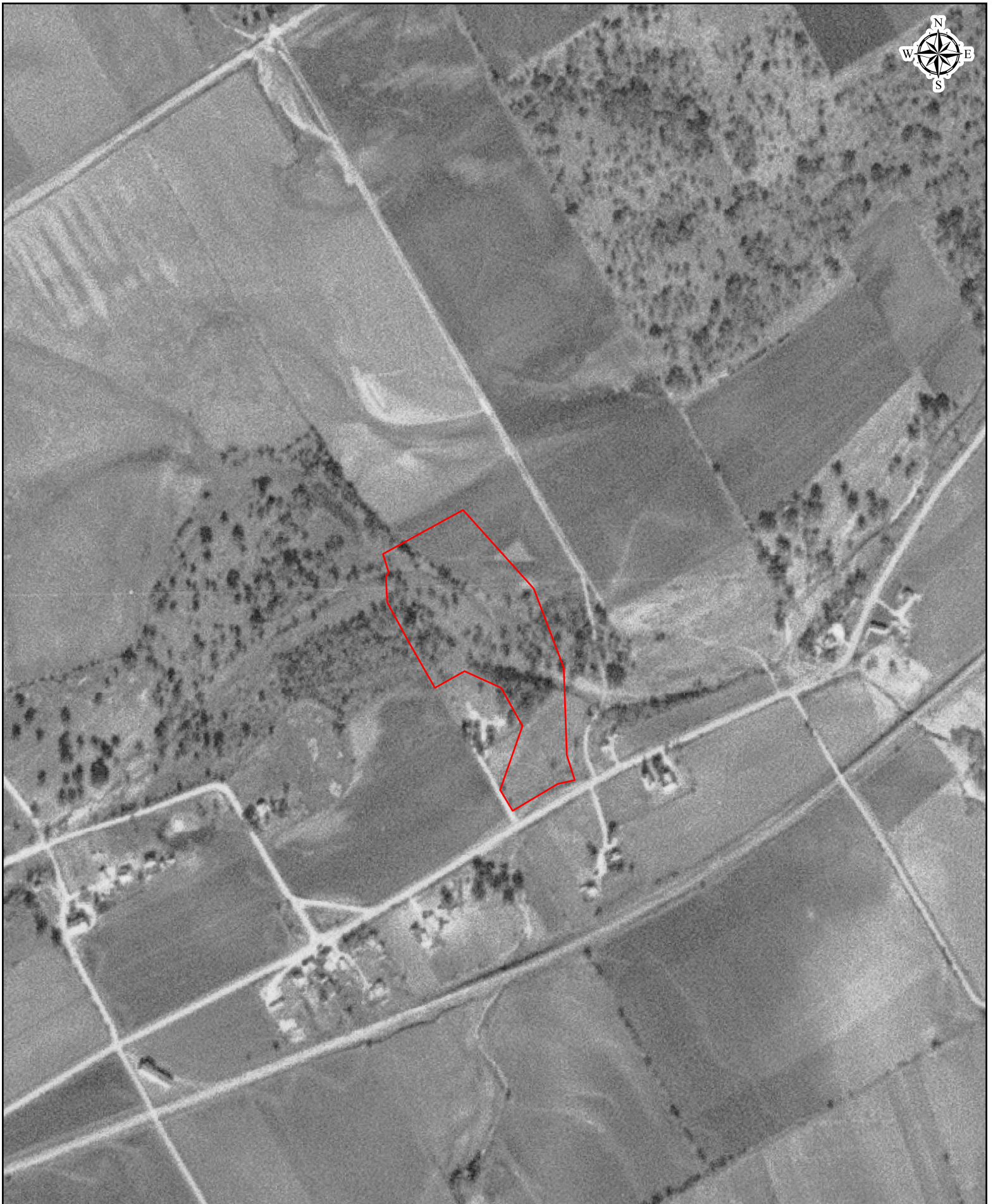
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Source: ASCS



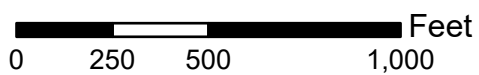


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Source: AMS



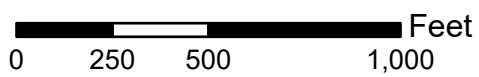


Date: 1952
Source: AMS





Date: 1938
Source: ASCS



HISTORICAL AERIAL PHOTOGRAPHS	
ES-141053	November 14, 2022



AERIAL SOURCE DEFINITIONS

Acronym	Agency
NASA	National Aeronautics & Space Administration
AMS	Army Mapping Service
ASCS	Agricultural Stabilization & Conservation Service
SCS	Soil Conservation Service
USBR	United States Bureau of Reclamation
Fairchild	Fairchild Aerial Surveys
TXDOT	Texas Department of Transportation
BLM	Bureau of Land Management
USAF	United States Air Force
USCOE	United States Corps of Engineers
USDA	United States Department of Agriculture
USGS	United States Geological Survey
WALLACE	Wallace-Zingery Aerial Surveys
TNRIS	Texas Natural Resources Information System

HISTORICAL AERIAL PHOTOGRAPHS	
ES-141053	November 14, 2022



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Appendix E

Historical Topographic Maps

Prepared for:

RAINCROW WILDLIFE CONSULTING - Austin
1509 Newning Avenue
Austin, TX 78704-2534



Historical Topographic Maps

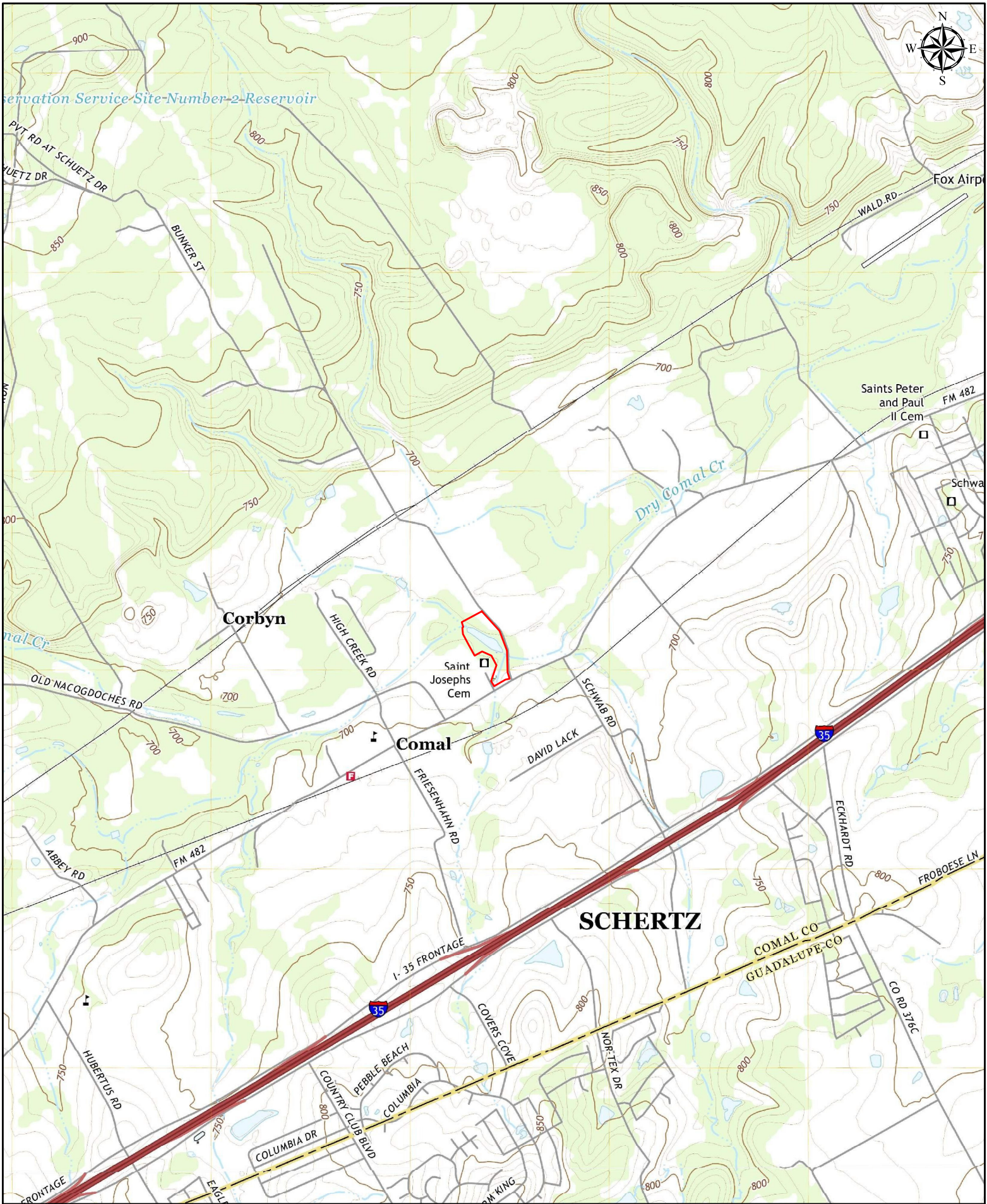
Ramirez 10.538 acres

TX

PO #: 221101

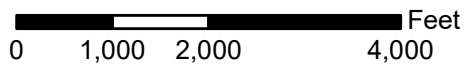
ES-141053

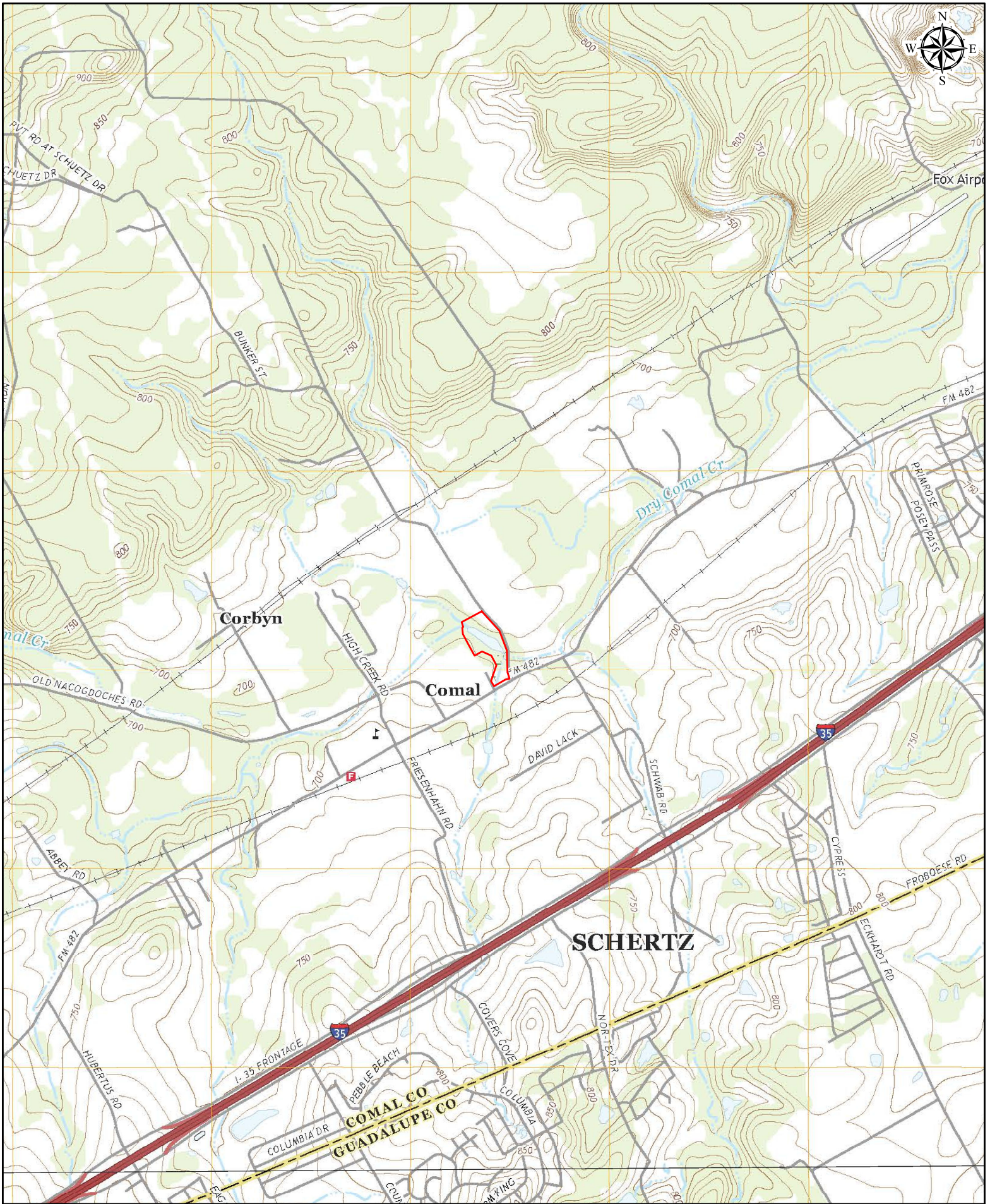
Tuesday, November 8, 2022



Date: 2022

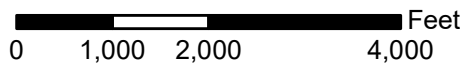
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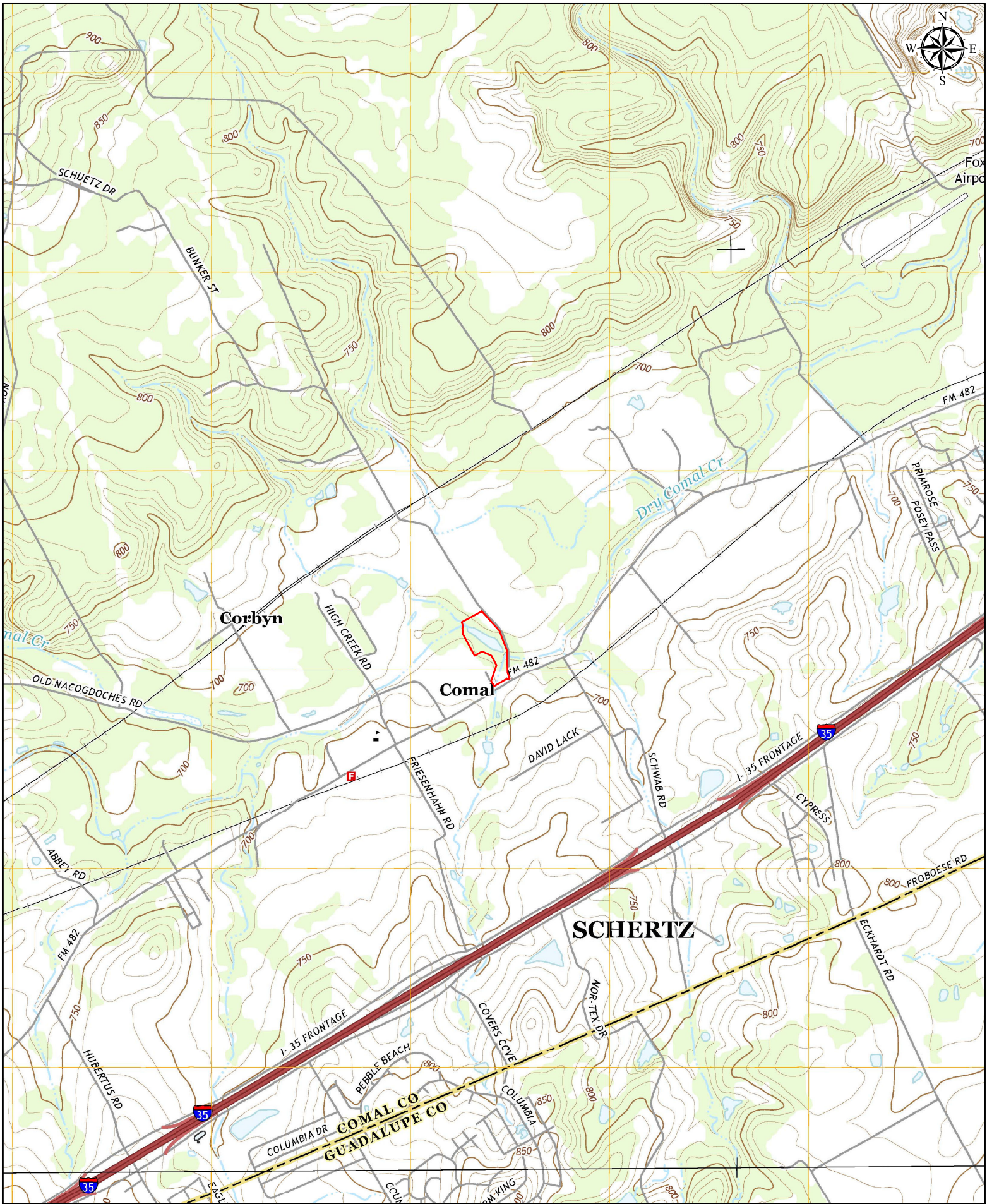




Date: 2019

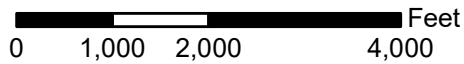
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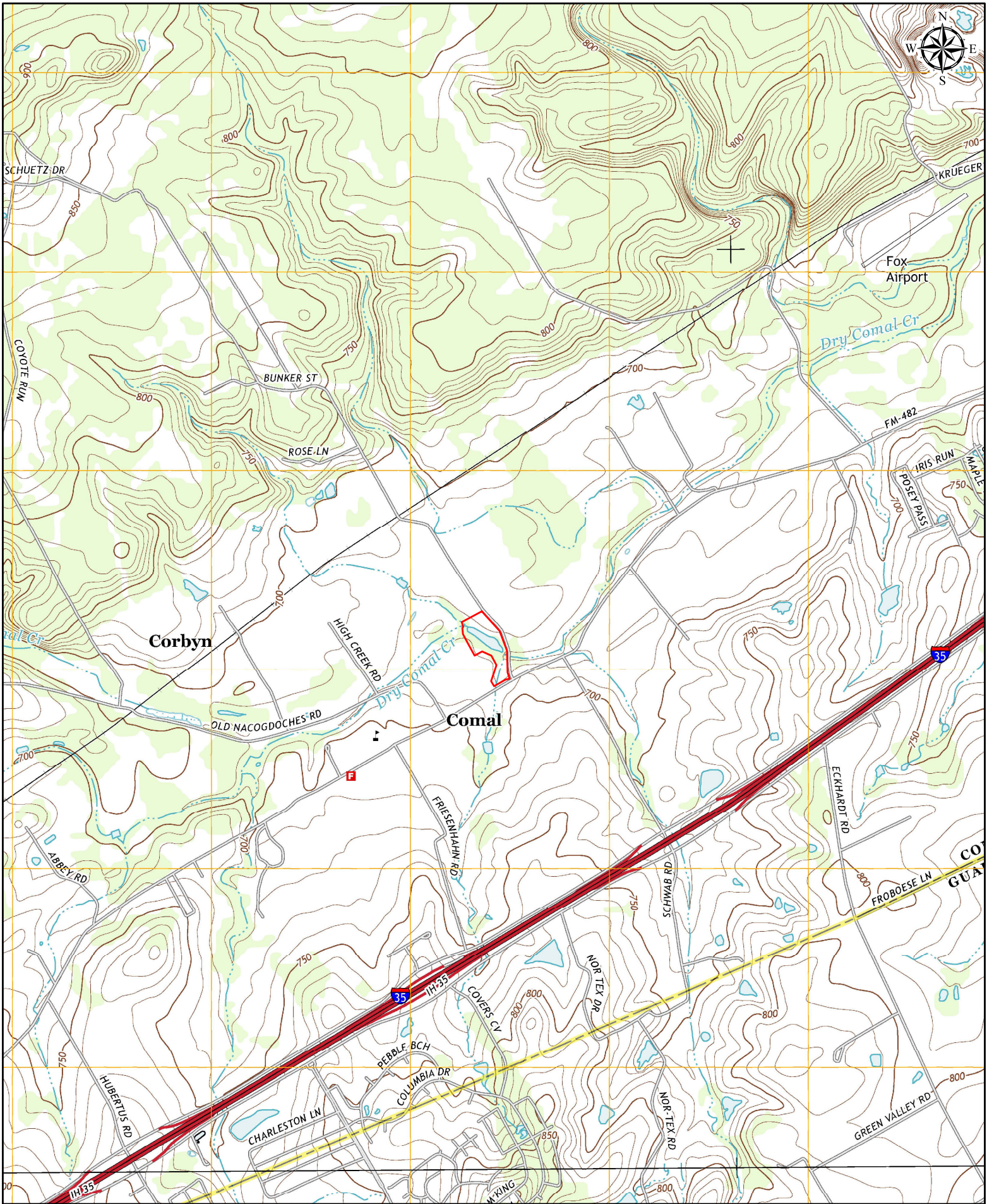




Date: 2016

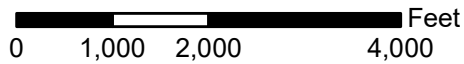
Quad: New Braunfels West, TX

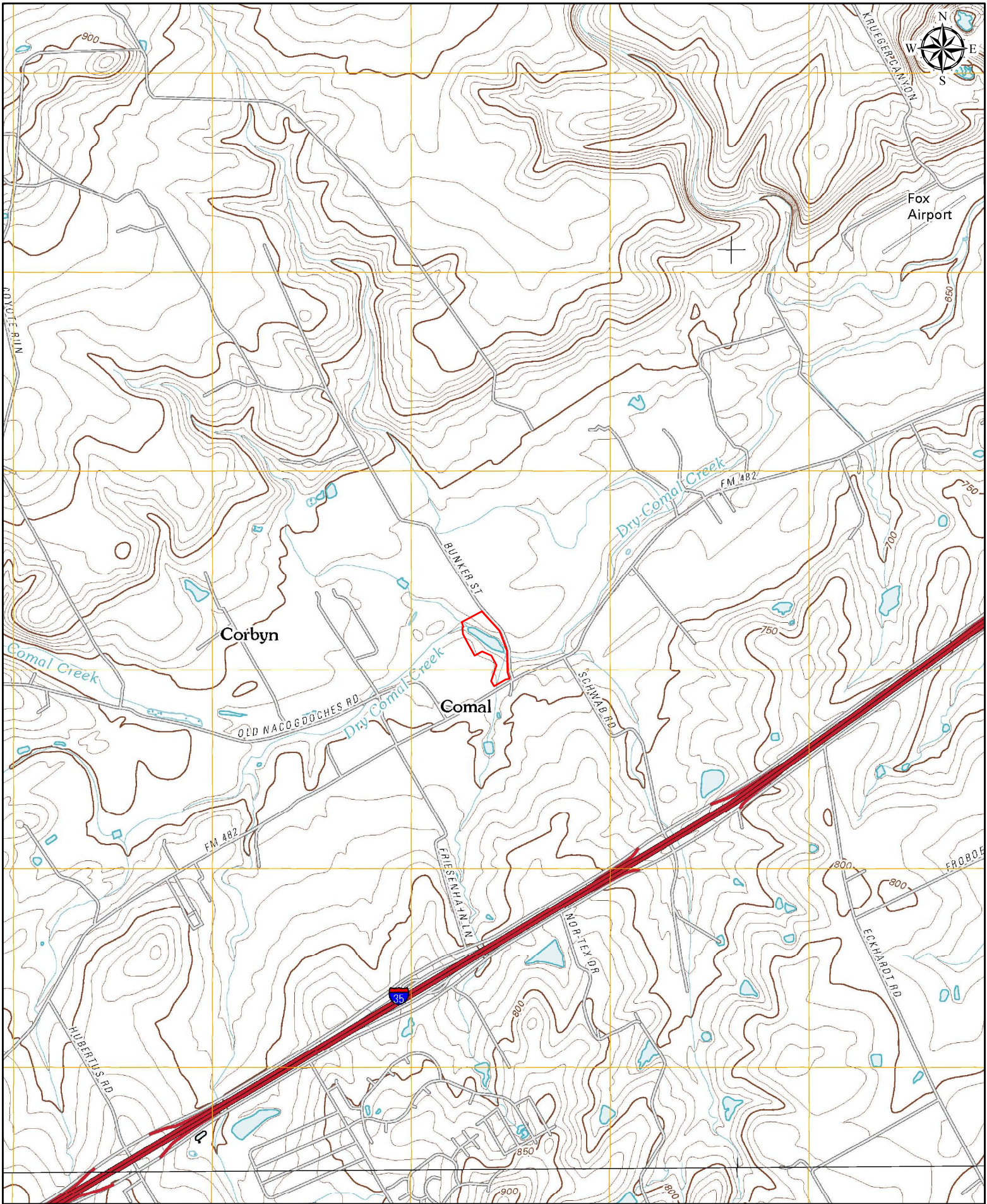




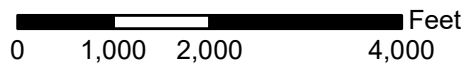
Date: 2013

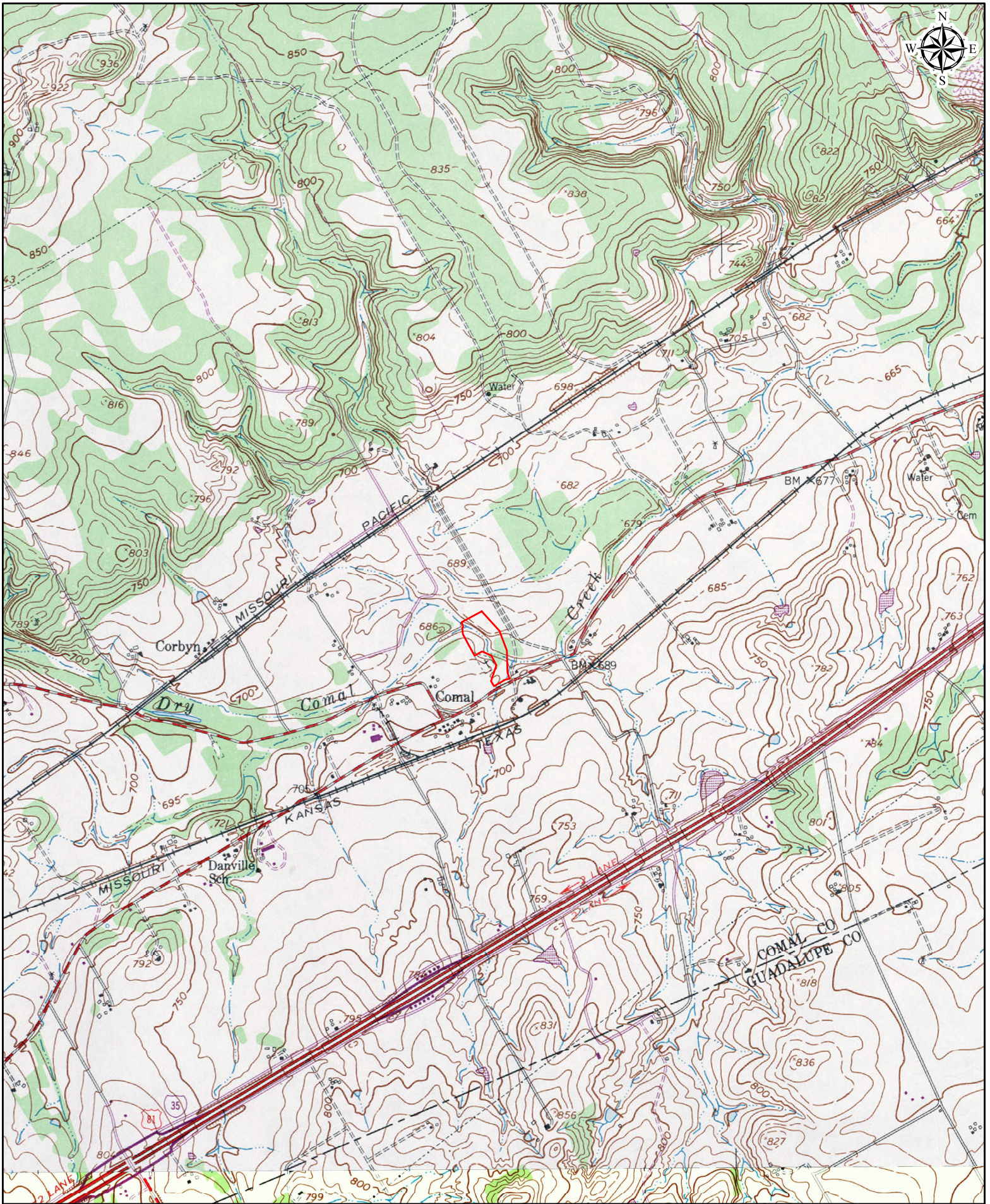
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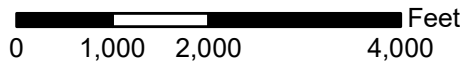
Date: 2010
Quad: New Braunfels West, TX

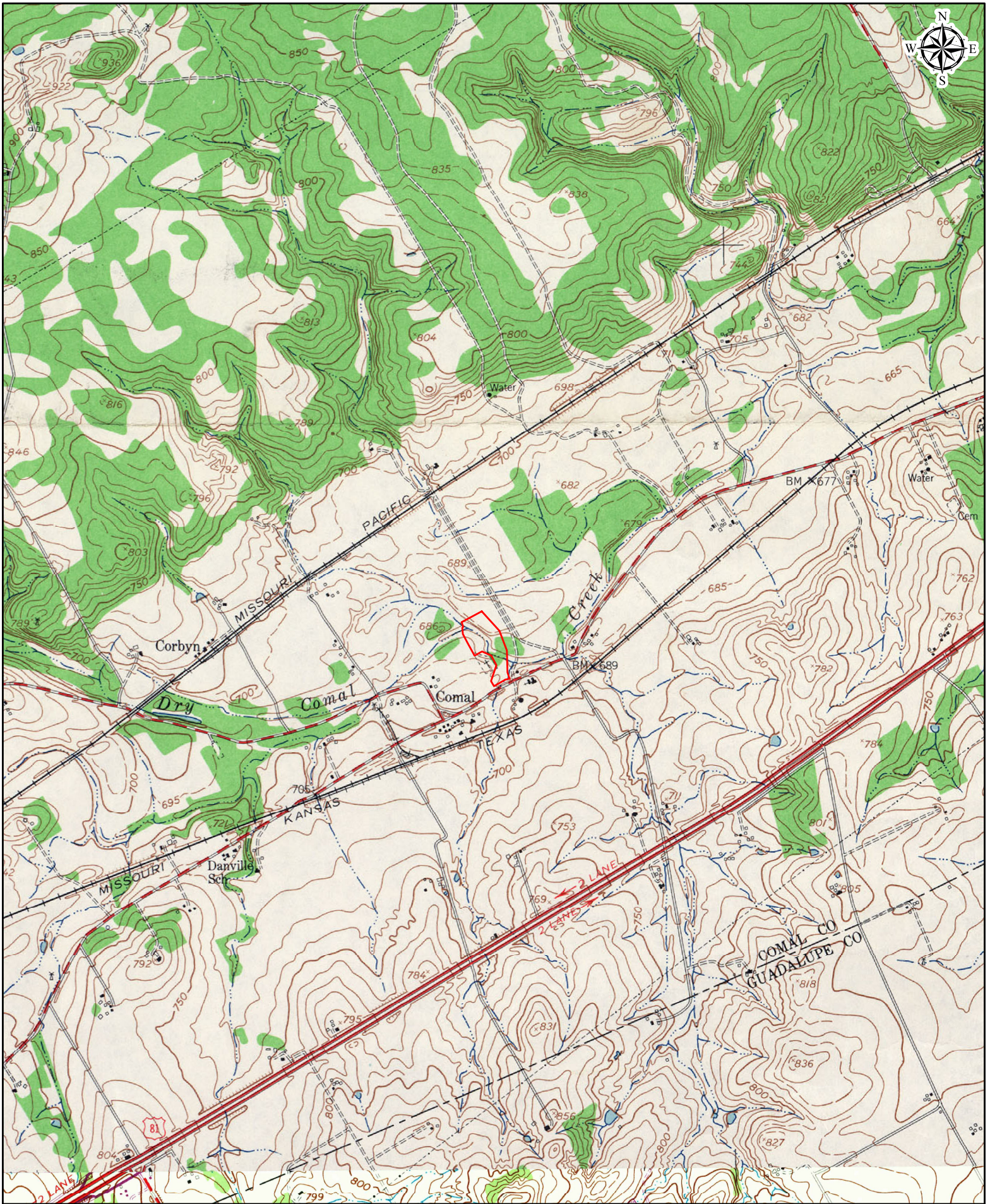




Date: 1973

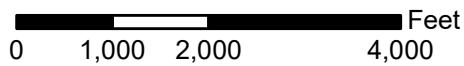
Quad: New Braunfels West, TX

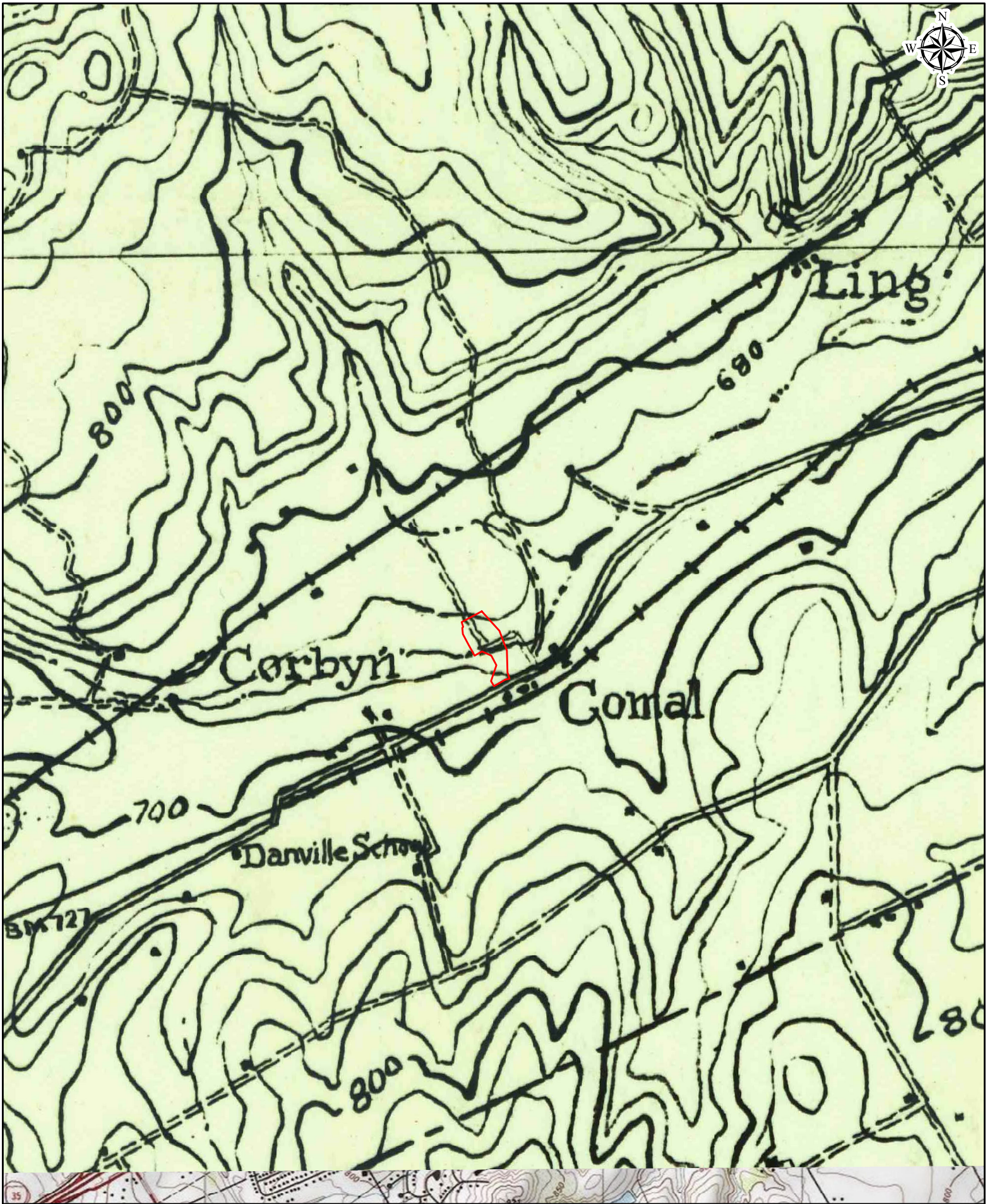




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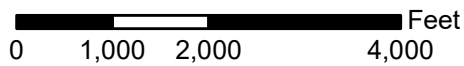
Quad: New Braunfels West, TX





Date: 1927

Quad: New Braunfels West, TX



HISTORICAL TOPOGRAPHIC MAPS	
ES- 141053	November 8, 2022



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Appendix F

Site Photos

Appendix F: Site Photos

Information printed in the upper-left corner of the photos is as follows:

- **Date & Time:** Day of week, date, and 24-hour time when the image was captured. All times for this project were recorded in Central Standard Time (CST).
- **Position:** Latitude and longitude, in decimal degrees.
- **Altitude:** Position of the camera in feet above mean sea level, determined by camera GPS.
- **Datum:** WGS-84, or World Geodetic System 1984 standard coordinate system.
- **Azimuth/Bearing:** Azimuth is given in whole degrees as the bearing with respect to horizontal true north. Bearing is given in standard compass directions with respect to true north.
- **Elevation angle:** The angle between the line of sight and the horizontal plane.
- **Horizon angle:** The angle between the line of sight and the horizon.
- **Zoom:** Magnification of the image captured (1.0 X, 2.0 X, or 4.0 X).
- **Notes** as indicated.



Photo 1. Gate off Wenzel Lane cemetery road, with access to southwest corner of subject property. No evidence of recent use of gate.



Photo 2. Tributary of Dry Comal Creek in south end of subject property.



Photo 3. Tributary of Dry Comal Creek in south end of subject property.



Photo 4. Waterline sign in south end of subject property, just north of south fenceline.



Photo 5. Underground utilities at southeast corner of subject property (Bunker Street on right).



Photo 6. Bunker Street crossing of Dry Comal Creek (subject property on left).



Photo 7. Highway 482 crossing of tributary of Dry Comal Creek (subject property on right).



Photo 8. Highway 482 crossing of tributary of Dry Comal Creek (subject property on left).



Photo 9. Wenzel Lane (road to cemetery).

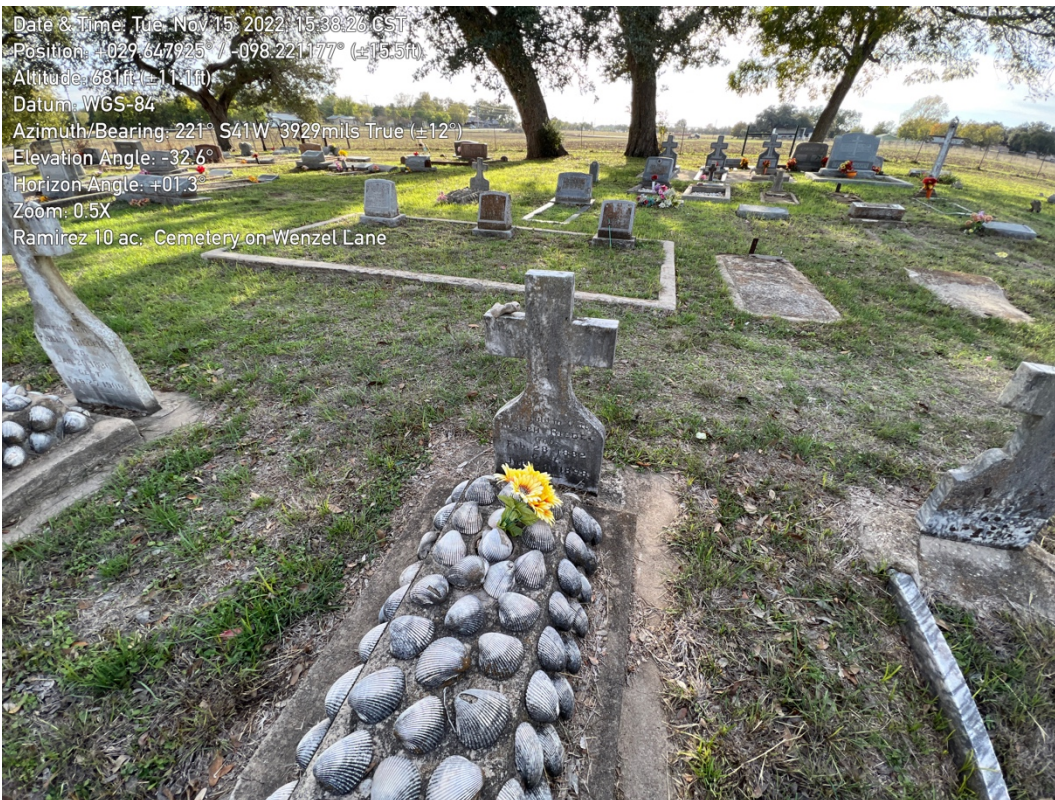


Photo 10. Cemetery with grave from 1898.



Photo 11. Oldfield habitat in north end of subject property.



Photo 12. Riparian habitat in north end of subject property.



Photo 13. Wetland area along Dry Comal Creek, as seen from north end of subject property, view downgradient.



Photo 14. Wetland area along Dry Comal Creek, as seen from north end of subject property, view upgradient.



Photo 15. Dry Comal Creek at northwest boundary (subject property on right).



Photo 16. View from northeast corner, facing south.



Photo 17. Oak grove on east side of subject property.



Photo 18. Discarded tires in oak grove on east side of subject property.



Photo 19. Wetland area on Dry Comal Creek, as seen from center of subject property, view downgradient.



Photo 20. Wetland area on Dry Comal Creek, as seen from center of subject property, view upgradient.

Appendix G

Interview Forms and Questionnaires

Interviewee: Randy Paul Ramirez Phone:
Interviewer: Clifton Ladd

Project: Ramirez 10.538 acres
Date: November 8, 2022

Completed by email relayed by Kevin Williams (kwilliams@rohderealty.com) Rohde Ottmers Siegel Realty

Phase 1 Environmental Site Assessment Process – Interview Questions for Owners & Occupants

Objective: to obtain information indicating recognized environmental conditions in connection with the property. Ask all the following questions.

Owner should identify a key **site manager**, “a person with good knowledge of the uses and physical characteristics of the property” (e.g., physical plant supervisor or head maintenance person). Interview both owner and site manager. Confirm if there are any current occupants of the property.

How long have you owned (or occupied) the property? I have owned the property since 2009 and have only cut grass and trimmed trees on the property. No other work has been done on the property.

Who were the previous owners (or occupants)? Joe Minus

What have you used the property for? The property is vacant and unused.

Has it ever been used for industrial or manufacturing activities? No

Have you ever dumped trash or other waste onto any part of this property? Describe (what, when, where, is it still there?) No

Have pesticides or herbicides ever been applied to this property? No
Describe (type, location, frequency)

Have you ever stored or used petroleum products or hazardous materials on the property? No


Are you aware of any environmental problems with this property? No Describe N/a

Are you aware of any environmental liens on the property? No Describe N/a

Are there any water wells (petroleum wells?) on the property? No Where, type?

What type of water/wastewater system is used on the property? Where, still in use? , condition, problems None

Are there any electric/gas lines? No Where, condition. N/a

From: Kevin Williams kwilliams@rohderealty.com 
Subject: RE: Phase I ESA for Ramirez property
Date: November 10, 2022 at 7:10 AM
To: CLIFTON LADD cliftonladd@icloud.com
Cc: Scott Parker scott@greatspringsproject.org

KW

Clifton,

That word doc looks good.

Kevin P Williams
Farm and Ranch



Mantenga su visión clara.

Texas law requires all real estate licensees to provide an Information About Brokerage Services disclosure notice to all prospective buyers, tenants, sellers and landlords. To view click the following: [Information About Brokerage Services](#)

International Investments Group

Rohde Ottmers Siegel Realty

[11503 NW Military Hwy, Suite 330, San Antonio, TX 78231](#)
Office [210.366.1400](#) | Cell [210-394-7484](#) | Fax [210.366.1400](#)
kwilliams@rohderealty.com
www.rohderealty.com

From: CLIFTON LADD <cliftonladd@icloud.com>
Sent: Wednesday, November 9, 2022 11:44 AM
To: Kevin Williams <kwilliams@rohderealty.com>
Cc: Scott Parker <scott@greatspringsproject.org>
Subject: Re: Phase I ESA for Ramirez property

Kevin -

Attached is a Word file for the Owner questionnaire. I filled in the form, but need to confirm that these are the answers of Mr. Ramirez.

Also, I take it that the reason you didn't send back the Key Site Manager's form is that there isn't a Key Site Manger, but please confirm.

Thank you,

Clifton Ladd, C.W.B.

Interviewee: Felicia
Interviewer Canales Phone: 210-619-1274 Project: Ramirez 10,538 acres
Clifton Ladd L → 210-619-1301 direct Date: 11-10-22

Phase 1 Environmental Site Assessment Process – Interview Questions for
Local Government Officials

Objective: to obtain information indicating recognized environmental conditions in connection with the property. Ramirez 10,538 acres at NW corner of Bunker St. and FM 482

Local Government Officials

Contact the local fire department, health agency, or agency with jurisdiction over hazardous waste disposal or other environmental matters (dealing with hazardous materials spills/complaints).

Do you keep records pertaining to pollution complaints/hazardous spill reports?

Do you have any information about environmental conditions on property?

Do you have any records pertaining to this property? (a records request form may need to be filled out)

Public records request online, she gets these requests about once a week.

Open Records Request Form

Last Name*

Ladd

First Name*

Clifton

Address*

1509 Newning Avenue

City*

Austin

State*

TX

Zip Code*

78704

Email Address*

raincrow.wildlife@icloud.com

Phone Number*

512-497-0010

Date of Submission*

11/10/2022



Information Request*

Hello, I called today and spoke with Felicia Canales. I am writing a Phase 1 Environmental Site Assessment for the City of Schertz. The subject property is the Ramirez 10.538 acres at the north west corner of Bunker Street and FM-482. Does the City of Schertz (Comal CAD geographic ID 500501001200).

1. Does the City of Schertz keep records pertaining to pollution complaints or hazardous chemicals spill reports?
2. Does the City have any such records on the subject property?

Thank you for your assistance.
Clifton Ladd

Be as specific as possible. Failure to provide specific information will result in the delay of fulfilling your request. Please provide all information you have concerning your request. Public information refers to information collected, assembled, produced or maintained in the course of transacting public business. Your request should be for documents or other information that is already in existence. Governmental bodies are NOT required to answer questions, perform legal research, or comply with a continuing request to supply information on a periodic basis as such information is prepared in the future.

Electronic Signature Agreement*

By checking the "I agree" box below, you agree and acknowledge that 1) your application will not be signed in the sense of a traditional paper document, 2) by signing in this alternate manner, you authorize your electronic signature to be valid and binding upon you to the same force and effect as a handwritten signature, and 3) you may still be required to provide a traditional signature at a later date.

I agree.

Electronic Signature*

Clifton Ladd

From: Sheila Edmondson sedmondson@schertz.com
Subject: OPEN RECORD REQUEST; CITY OF SCHERTZ
Date: November 21, 2022 at 10:29 AM
To: raincrow.wildlife@icloud.com
Cc: Sheila Edmondson sedmondson@schertz.com



Good morning,

Per Schertz Fire and Resce: *The subject property is listed as “the Ramirez 10.538 acres at the northwest corner of Bunker Street and FM-482”
Schertz Fire Rescue response records are recorded by specific street address only.*

Inspections Dept: *Has no records.*

Sheila Edmondson
Interim City Secretary

City of Schertz
1400 Schertz Parkway, Building 2
Schertz, TX 78154
210-619-1031
Sedmondson @schertz.com

Interviewee: Jason Cline Phone:

Interviewer: Deputy Fire Marshal
Clifton Ladd

830-643-3748

Project: Ramirez Ph. I ESA

Date: 11-22-22

Phase 1 Environmental Site Assessment Process – Interview Questions for
Local Government Officials

Objective: to obtain information indicating recognized environmental conditions in connection with the property.

Local Government Officials

Contact the local fire department, health agency, or agency with jurisdiction over hazardous waste disposal or other environmental matters (dealing with hazardous materials spills/complaints).

Do you keep records pertaining to pollution complaints/hazardous spill reports?

Do you have any information about environmental conditions on property?

Do you have any records pertaining to this property? (a records request form may need to be filled out)

Conrad County Fire Marshall does not keep records of hazardous materials incidents.

He said maybe New Braunfels Fire Dept. - it's in their ETS or Schertz (who I already contacted).

USER QUESTIONNAIRE for PHASE I ESA

In conformance with ASTM Standard E1527-21

Prepared by: SCOTT PARKER
Organization: GREAT SPRINGS PROJECT
Email: scott@greatspringsproject.org
Phone: 415 269 4231 Date: 11/9/22
Site Name: RAMIREZ TRACT
Location: CITY OF SCHERTZ, COMAL COUNTY, TEXAS

The person who will use the Phase I should provide the following information. Please fill in this form to the best of your ability, explaining any "Yes" answers on a separate sheet of paper. Without these answers, our report would have to note that the Phase I is incomplete, and your Landowner Liability Protections could be at risk.

1. **Environmental Cleanup Liens.** ASTM E1527-21 requires the User to check recorded land title records for environmental liens that may be filed or recorded against the subject property under federal, tribal, state or local law back to 1980.

Have you decided not to check the property for environmental cleanup liens? Yes No
Are you aware of any such liens against the subject property? Yes No

2. **Activity and Use Limitations (AULs).** These include engineering controls (e.g., slurry walls, caps) and land use restrictions or institutional controls (e.g., deed restrictions, covenants) that may be in place at the site or filed under federal, tribal, state or local law.

Are you aware of any possible AULs involving the subject site? Yes No

3. **Specialized Knowledge.** This involves personal knowledge or experience related to the subject property or nearby properties. For example, if you are involved in the same line of business as the current or former occupants of the property or an adjoining property, you would probably know of any chemicals, oil, degreasers, gasoline, or other hazardous substances commonly used in that type of business.

Do you have any specialized knowledge that might indicate the past or present use of such substances on the subject or nearby properties? Yes No

4. **Fair Market Value (FMV).** A purchase price significantly below FMV may indicate an environmental problem. Please note that this question does not require an appraisal of the property. If the price is significantly below FMV, the User should consider whether it might be because contamination may be present at the property.

Does the purchase price reasonably reflect FMV? (Provide details if answer is "No".) Yes No
If the price is significantly below the FMV, do you believe this is due to contamination? Yes No

5. **Common Knowledge.** Please use a separate sheet if necessary.

A. Describe the past uses of the property: TO THE BEST OF MY KNOWLEDGE, VACANT LAND
B. Describe any specific chemicals that may have been present at the property: UNKNOWN
C. Describe any spills or other chemical releases on the property: UNKNOWN
D. Describe any environmental cleanups that may have occurred on the property: UNKNOWN

6. **Obvious Indicators.** This involves past or present spills, stains, releases, cleanups, etc. on or near the site.

Do you know of any obvious indicators of possible contamination on or near the site? Yes No

Scott Parker
Signature of User

11/9/22
Date

of separate sheets attached: 1

Explain Yes answers on a separate sheet.

Ramirez Tract User Questionnaire Addendum
Great Springs Project
11/9/22

Question 2: At present the parcel is under a deed restriction permitting only single family home use.

Question 4: Per appraisal, the appraised value is a reasonable reflection of the proposed purchase price of the property.

USER QUESTIONNAIRE for PHASE I ESA

In conformance with ASTM Standard E1527-21

Prepared by: Lauren Shrum
Organization: City of Schertz
Email: lshrum@schertz.com
Phone: 210.619.1853 Date: 11/8/22
Site Name: Ramirez Tract
Location: Intersection of FM 482 and Bunker Street, Schertz, TX

The person who will use the Phase I should provide the following information. Please fill in this form to the best of your ability, explaining any "Yes" answers on a separate sheet of paper. Without these answers, our report would have to note that the Phase I is incomplete, and your Landowner Liability Protections could be at risk.

1. **Environmental Cleanup Liens.** ASTM E1527-21 requires the User to check recorded land title records for environmental liens that may be filed or recorded against the subject property under federal, tribal, state or local law back to 1980.

Have you decided not to check the property for environmental cleanup liens? Yes No
Are you aware of any such liens against the subject property? Yes No

2. **Activity and Use Limitations (AULs).** These include engineering controls (e.g., slurry walls, caps) and land use restrictions or institutional controls (e.g., deed restrictions, covenants) that may be in place at the site or filed under federal, tribal, state or local law.

Are you aware of any possible AULs involving the subject site? Yes No

3. **Specialized Knowledge.** This involves personal knowledge or experience related to the subject property or nearby properties. For example, if you are involved in the same line of business as the current or former occupants of the property or an adjoining property, you would probably know of any chemicals, oil, degreasers, gasoline, or other hazardous substances commonly used in that type of business.

Do you have any specialized knowledge that might indicate the past or present use of such substances on the subject or nearby properties? Yes No

4. **Fair Market Value (FMV).** A purchase price significantly below FMV may indicate an environmental problem. Please note that this question does not require an appraisal of the property. If the price is significantly below FMV, the User should consider whether it might be because contamination may be present at the property.

Does the purchase price reasonably reflect FMV? (Provide details if answer is "No".) Yes No
If the price is significantly below the FMV, do you believe this is due to contamination? Yes No

5. **Common Knowledge.** Please use a separate sheet if necessary.

A. Describe the past uses of the property: agricultural use
B. Describe any specific chemicals that may have been present at the property: not aware of any
C. Describe any spills or other chemical releases on the property: not aware of any
D. Describe any environmental cleanups that may have occurred on the property: not aware of any

6. **Obvious Indicators.** This involves past or present spills, stains, releases, cleanups, etc. on or near the site.
Do you know of any obvious indicators of possible contamination on or near the site? Yes No

Lauren Shrum
Signature of User

11/8/22
Date

of separate sheets attached: _____

Explain Yes answers on a separate sheet.

From: Lauren M. Shrum LShrum@schertz.com
Subject: Re: Ramirez tract: Phase I Environmental Site Assessment Intended User Form
Date: November 10, 2022 at 9:21 PM
To: CLIFTON LADD raincrow.wildlife@icloud.com
Cc: Scott Parker scott@greatspringsproject.org

LS

Yes "the parcel is under a deed restriction permitting only single-family home use" is the reason I checked the box.
Thanks,
Lauren Shrum

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: CLIFTON LADD <raincrow.wildlife@icloud.com>
Sent: Thursday, November 10, 2022 3:42:25 PM
To: Lauren M. Shrum <LShrum@schertz.com>
Cc: Scott Parker <scott@greatspringsproject.org>
Subject: Re: Ramirez tract: Phase I Environmental Site Assessment Intended User Form

It's OK to leave it, I only need to make sure of the reason for checking "yes." Scott Parker had indicated on his form that "the parcel is under a deed restriction permitting only single-family home use." If you can confirm that is your reason for checking the "yes" box, then that's good enough. Please just let me know either way. Thank you.

On Nov 10, 2022, at 3:32 PM, Lauren M. Shrum <LShrum@schertz.com> wrote:

No zoning as it's in the ETJ. I was referring to known deed restrictions. If that was the wrong box to check, I can remove it.
Thanks,
Lauren Shrum

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: CLIFTON LADD <raincrow.wildlife@icloud.com>
Sent: Thursday, November 10, 2022 2:27:12 PM
To: Scott Parker <scott@greatspringsproject.org>; Lauren M. Shrum <LShrum@schertz.com>
Subject: Re: Ramirez tract: Phase I Environmental Site Assessment Intended User Form

Thank you, Scott. It looks good, but I only have one question for Ms. Shrum, who I have copied here. Does the indication of an Activity and Use Limitation under question 2 pertain only to local zoning? Is there any other AUL?

Clifton Ladd, C.W.B.
RainCrow Wildlife Consulting
512-497-0010
raincrow.wildlife@icloud.com

On Nov 10, 2022, at 1:31 PM, Scott Parker <scott@greatspringsproject.org> wrote:

Hi, Clif - not sure I had forwarded the City of Schertz's User Form, but here it is . . .

- Scott

From: Lauren M. Shrum <LShrum@schertz.com>
Sent: Tuesday, November 08, 2022 4:08 PM
To: Scott Parker <scott@greatspringsproject.org>
Subject: Re: Ramirez tract: Phase I Environmental Site Assessment Intended User Form

This notice was automatically generated due to the following: Contains an PDF Document

Hi Scott,

Attached is the form. I don't think we'll need anything else for the meeting. I am working

on the resolutions and should have them done by next week. I will be in touch.

Thanks,

Lauren Shrum

Director

Parks, Recreation, and Community Services

City of Schertz

10 Commercial Place

Schertz, TX 78154

o 210-619-1853

c 210-428-8264

www.schertz.com

From: Scott Parker <scott@greatspringsproject.org>

Sent: Tuesday, November 8, 2022 9:49 AM

To: Lauren M. Shrum <LShrum@schertz.com>

Subject: Ramirez tract: Phase I Environmental Site Assessment Intended User Form

Hi, Lauren,

Great Springs Project has retained a consultant to perform a Phase I Environmental Site Assessment of the Ramirez tract, so that we can eliminate that potential contingency should the City elect to move forward with the acquisition on December 6. GSP is the Client, but I am including the City of Schertz and the owner (Randy Paul Ramirez) as Intended Users. The report should be available on or before the 12/6 closed session.

Would you please complete the attached form and return it to me at your earliest convenience?

And, while I'm at it, this means GSP will have a survey, appraisal, and Phase I ESA ready for delivery to the City. Will there be any other required forms, reports, or documents the City would need before the 12/6 meeting? Let me know and I'll get you what you need.

Best,

Scott J. Parker

Land Transactions Director

USER QUESTIONNAIRE for PHASE I ESA

In conformance with ASTM Standard E1527-21

Prepared by: Randy Ramirez
Organization: _____
Email: Ramirez_randy@hotmail.com
Phone: (210) 391-5986 Date: 11/14/2022
Site Name: _____
Location: 1109 Bunker St, New Braunfels, TX 78132

The person who will use the Phase I should provide the following information. Please fill in this form to the best of your ability, explaining any "Yes" answers on a separate sheet of paper. Without these answers, our report would have to note that the Phase I is incomplete, and your Landowner Liability Protections could be at risk.

1. **Environmental Cleanup Liens.** ASTM E1527-21 requires the User to check recorded land title records for environmental liens that may be filed or recorded against the subject property under federal, tribal, state or local law back to 1980.

Have you decided not to check the property for environmental cleanup liens? Yes No
Are you aware of any such liens against the subject property? Yes No

2. **Activity and Use Limitations (AULs).** These include engineering controls (e.g., slurry walls, caps) and land use restrictions or institutional controls (e.g., deed restrictions, covenants) that may be in place at the site or filed under federal, tribal, state or local law.

Are you aware of any possible AULs involving the subject site? Yes No

3. **Specialized Knowledge.** This involves personal knowledge or experience related to the subject property or nearby properties. For example, if you are involved in the same line of business as the current or former occupants of the property or an adjoining property, you would probably know of any chemicals, oil, degreasers, gasoline, or other hazardous substances commonly used in that type of business.

Do you have any specialized knowledge that might indicate the past or present use of such substances on the subject or nearby properties? Yes No

4. **Fair Market Value (FMV).** A purchase price significantly below FMV may indicate an environmental problem. Please note that this question does not require an appraisal of the property. If the price is significantly below FMV, the User should consider whether it might be because contamination may be present at the property.

Does the purchase price reasonably reflect FMV? (Provide details if answer is "No.") Yes No
If the price is significantly below the FMV, do you believe this is due to contamination? Yes No

5. **Common Knowledge.** Please use a separate sheet if necessary.

A. Describe the past uses of the property: Property has sat unused.

B. Describe any specific chemicals that may have been present at the property: No chemicals are present at the property.

C. Describe any spills or other chemical releases on the property: There have been no spills or chemical releases on the property.

D. Describe any environmental cleanups that may have occurred on the property: There have been no environmental cleanups on the property.

6. **Obvious Indicators.** This involves past or present spills, stains, releases, cleanups, etc. on or near the site.

Do you know of any obvious indicators of possible contamination on or near the site? Yes No

Randy Ramirez 11/14/2022 # of separate sheets attached: 0
Signature of User Date Explain Yes answers on a separate sheet.

RESOLUTION NO. 22-R-137

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE LAND ACQUISITION OF A 10.5-ACRE PROPERTY ON DRY COMAL CREEK GENERALLY AT FM 482 AND BUNKER STREET, AND SPECIFYING FUNDING SOURCES, AND OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City of Schertz and the Great Springs Project have overlapping interests in the Dry Comal Creek area for future trail system development; and

WHEREAS, the Great Springs Project is purchasing a 10.5-acre property on Dry Comal Creek generally at FM 482 and Bunker Street with intent to sell it to the City of Schertz; and

WHEREAS, city staff has determined the property to have great historic, cultural, ecological, and recreational value that would be a tremendous asset to the city park and trail system; and

WHEREAS, the City Council has previously passed Resolution 22-R-78 indicating the intent to acquire the property; and

WHEREAS, city staff has designated funding for the property acquisition in an amount not to exceed \$381,624.00.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. The City Council hereby authorizes the land acquisition of a 10.5-acre property on Dry Comal Creek generally at FM 482 and Bunker Street (in attached Exhibit A) for the purchase price not to exceed \$381,624.00.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City

Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 13th day of December, 2022.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmonson, Interim City Secretary