CITY OF HUNTSVILLE, TEXAS

Russell Humphrey, Mayor

Vicki McKenzie, Mayor Pro Tem
Position 3 At-Large
Bert Lyle, Position 1 At-Large
Karen Denman, Position 2 At-Large
Pat Graham, Position 4 At-Large

Tore Fossum, Ward 1
Casey Cox, Ward 2
Anissa Antwine, Ward 3
Jon Strong, Ward 4

HUNTSVILLE CITY COUNCIL AGENDA
TUESDAY, APRIL 15, 2025

WORKSHOP 5:00 P.M. - Main Conference Room
REGULAR SESSION 6:00 P.M. - Main Conference Room

City of Huntsville Service Center Complex, 448 Highway 75 N, Huntsville, Texas, 77320

Persons with disabilities who plan to attend this meeting and may need auxiliary aids or services are requested to contact the City Secretary's office (936.291.5413) two working days prior to the meeting for appropriate arrangements.

WORKSHOP (5:00 p.m.)

DISCUSSION

a. Receive a presentation from SHSU Chief Strategy Officer on Regional Outlook
Bert Lyle, Councilmember At-Large Position 1
Casey Cox, Councilmember Ward 2
Anissa Antwine, Councilmember Ward 3

MAIN SESSION (6:00 p.m.)

CALL TO ORDER

INVOCATION AND PLEDGES - ***U.S. Flag and Texas Flag:*** *Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.*

PROCLAMATION

a. Proclamation No. 2025-04 National Public Safety Telecommunications Week
Russell Humphrey, Mayor

b. Proclamation No. 2025-05 National Day of Prayer
Russell Humphrey, Mayor

PRESENTATIONS

PUBLIC HEARING

1. CONSENT AGENDA

The presiding officer will call for public comments before action is taken on these items. *(Approval of Consent Agenda authorizes the City Manager to implement each item in accordance with staff recommendations. An item may be removed from the Consent Agenda and added to the Statutory Agenda for full discussion by request of a member of Council.)*

a. Consider approving the Minutes from the April 1, 2025 City Council Meeting.
Kristy Doll, City Secretary

b. Consider approving the expenditure of funds authorized in the 2024-2025 FY budget to purchase police handguns outfitted with red dot sighting systems.
Wade Roberts, Lieutenant

2. STATUTORY AGENDA

a. Consider authorizing the City Manager to enter into a Development Agreement with Gibbs Brothers & Company LP. for the Legacy Pines development on an approximately +/-708.866-acre tract for a mixed-use master-planned community.
Layne Yeager, City Planner/Airport Manager

b. Consider adopting Resolution No. 2025-13 Authorizing Proceeding with Issuance of Combination Tax and Revenue Certificates of Obligation and Publication of Notice of Intention to Issue Such Certificates of Obligation for, Series 2025 for Stormwater Capital Improvement Projects.
Lance Hall, Assistant Finance Director

3. CITY COUNCIL/MAYOR/CITY MANAGER

4. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA

5. ITEMS OF COMMUNITY INTEREST

6. EXECUTIVE SESSION

a. City Council will convene in closed session as authorized by Texas Government Code, Chapter 551, Section 551.087 for deliberation regarding economic development negotiations - Project Blondie.
Tammy Gann, Director of Economic Development

7. RECONVENE

Take action on item discussed in executive session, if needed.

ADJOURNMENT

*If during the course of the meeting and discussion of any items covered by this notice, City Council determines that a Closed or Executive session of the Council is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Section 551.071 – consultation with counsel on legal matters; 551.072 – deliberation regarding purchase, exchange, lease or value of real property; 551.073 – deliberation regarding a prospective gift; 551.074 – personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; 551.076 – implementation of security personnel or devices; 551.087 – deliberation regarding economic development negotiation; Sec. 551.089 - deliberation regarding security devices or security audits; and/or other matters as authorized under the Texas Government Code. If a Closed or Executive session is held in accordance with the Texas Government Code as set out above, the City Council will reconvene in Open Session to take action, if necessary, on the items addressed during Executive Session.

CERTIFICATE

I, Kristy Doll, City Secretary, do hereby certify that the above notice was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.HuntsvilleTX.gov, in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING: April 11, 2025

Kristy Doll

TIME OF POSTING: 10:20 p.m.

Kristy Doll, City Secretary

TAKEN DOWN:

CITY COUNCIL AGENDA
4/15/2025

Agenda Item Number: a.

Agenda Item: Receive a presentation from SHSU Chief Strategy Officer on Regional Outlook

Initiating Department/Presenter: City Council

Presenter:
Bert Lyle, Councilmember At-Large Position 1
Casey Cox, Councilmember Ward 2
Anissa Antwine, Councilmember Ward 3

Recommended Motion: Not applicable

Strategic Initiative: Strategic Priority #2, Economic Development - Create an economic climate for the City of Huntsville that drives development of diverse industries and sectors, providing sustainable economic growth and improved living standards.

Discussion:

Previous Council Action:

Financial Implications:

Approvals:
Sam Masiel
Scott Swigert
Kristy Doll

Associated Information:

CITY COUNCIL AGENDA
4/15/2025

Agenda Item Number: a.

Agenda Item: Proclamation No. 2025-04 National Public Safety Telecommunications Week

Initiating Department/Presenter: City Council

Presenter:
Russell Humphrey, Mayor

Recommended Motion: N/A

Strategic Initiative: N/AStrategic Priority #1, Public Safety - Create a community where all individuals feel safe and protected, where citizens trust the effectiveness of our agencies through community engagement, technologies, and best practices. We strive to promote a culture of service, prevention and partnership.

Discussion: N/A

Previous Council Action: N/A

Financial Implications: N/A

Approvals:
Kristy Doll

Associated Information:

CITY COUNCIL AGENDA
4/15/2025

Agenda Item Number: b.

Agenda Item: Proclamation No. 2025-05 National Day of Prayer

Initiating Department/Presenter: City Council

Presenter:
Russell Humphrey, Mayor

Recommended Motion: N/A

Strategic Initiative: Strategic Priority #5, Engagement - Build strong relationships within our organization and community with a focus on our culture of core values as expressed in Service, Trust, Accountability and Respect. Provide a welcoming and collaborative environment that fosters mutual partnership between city government, community organizations and our residents.

Discussion: N/A

Previous Council Action: N/A

Financial Implications: N/A

Approvals:
Kristy Doll

Associated Information:

CITY COUNCIL AGENDA
4/15/2025

Agenda Item Number: 1.a.

Agenda Item: Consider approving the Minutes from the April 1, 2025 City Council Meeting.

Initiating Department/Presenter: City Secretary

Presenter:
Kristy Doll, City Secretary

Recommended Motion: Motion to approve the Minutes from the April 1, 2025 City Council Meeting.

Strategic Initiative:

Discussion:

Previous Council Action:

Financial Implications:

Approvals:
Kristy Doll

Associated Information:
1. City Council Meeting Minutes 4-1-2025

MINUTES FROM THE HUNTSVILLE CITY COUNCIL REGULAR MEETING HELD ON THE 1ST DAY OF APRIL 2025 AT 6:00 P.M. AT THE CITY OF HUNTSVILLE SERVICE CENTER COMPLEX, LOCATED AT 448 HIGHWAY 75, IN THE CITY OF HUNTSVILLE, WALKER COUNTY, TEXAS.

The City Council met in a regular session with the following:
COUNCILMEMBERS PRESENT: Mayor Humphrey, Mayor Pro Tem McKenzie, Councilmember At-Large Position 1 Lyle, Councilmember Ward 1 Fossum, Councilmember At-Large Position 2 Denman, Councilmember Ward 2 Cox, Councilmember Ward 3 Antwine, Councilmember At-Large Position 4 Graham, Councilmember Ward 4 Strong

COUNCILMEMBERS ABSENT:

OFFICERS PRESENT: Scott Swigert, City Manager; Sharon Schultz, Deputy City Secretary; Leonard Schneider, City Attorney

OFFICERS ABSENT: Kristy Doll, City Secretary

MAIN SESSION CALL TO ORDER

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

INVOCATION AND PLEDGES - ***U.S. Flag and Texas Flag:*** *Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.*

Mayor Humphrey gave the invocation and led the pledges.

PROCLAMATIONS

a. **Proclamation No. 2025-02 Sexual Assault Awareness and Prevention Month.**
   Russell Humphrey, Mayor

b. **Proclamation No. 2025-03 Fair Housing Month.**
   Russell Humphrey, Mayor

1. **CONSENT AGENDA**
   The presiding officer will call for public comments before action is taken on these items. ***(Approval of Consent Agenda authorizes the City Manager to implement each item in accordance with staff recommendations. An item may be removed from the Consent Agenda and added to the Statutory Agenda for full discussion by request of a member of Council.)***

   a. **Consider approving Minutes from the March 18, 2025, Regular City Council Meeting.**
      Kristy Doll, City Secretary

   b. **Consider adoption of Ordinance 2025-12 to amend the budget for FY 24-25 and/or CIP Project Budgets.**
      Lance Hall, Assistant Finance Director

   c. **Consider Resolution 2025-12 updating and reaffirming the City's Fair Housing Policy as required for continued program eligibility and compliance to administer various state and federal grants.**
      Ashley Brown, Grants Manager

Councilmember Tore Fossum made a motion to approve Consent Agenda Items a. through c. The motion was seconded by Councilmember Jon Strong. The motion passed 9 - 0. Yes: Russell Humphrey, Karen Denman,

Vicki McKenzie, Jon Strong, Pat Graham, Bert Lyle, Anissa Antwine, Tore Fossum, Casey Cox; No: None.

2. STATUTORY AGENDA

a. Receive a presentation and consider accepting funds from the Friends of the Library for the Huntsville Public Library Makerspace Project.
Lisa Lance, City Librarian

Councilmember Vicki McKenzie made a motion to have the City Manager accept funds from the Friends of the Library for the Huntsville Public Library Makerspace Project. The motion was seconded by Councilmember Jon Strong. The motion passed 9 - 0. Yes: Russell Humphrey, Karen Denman, Vicki McKenzie, Jon Strong, Pat Graham, Bert Lyle, Anissa Antwine, Tore Fossum, Casey Cox; No: None.

b. Discussion and possible consideration for the issuance of debt for $15 million for drainage projects.
Lance Hall, Assistant Finance Director

Councilmember Vicki McKenzie made a motion to authorize the City Manager, Finance Director, City staff, and the City's Financial Advisor and Bond Counsel to proceed with all necessary processes and documents in connection with the issuing of Bonds in the amount of $15 million, for constructing, acquiring, improving, expanding, and equipping the City's drainage system. The motion was seconded by Councilmember Tore Fossum. The motion passed 9 - 0. Yes: Russell Humphrey, Karen Denman, Vicki McKenzie, Jon Strong, Pat Graham, Bert Lyle, Anissa Antwine, Tore Fossum, Casey Cox; No: None.

3. CITY COUNCIL/MAYOR/CITY MANAGER

a. Discussion and possible consideration for fire truck graphics.
Casey Cox, Councilmember Ward 2
Vicki McKenzie, Councilmember At-Large Position 3
Bert Lyle, Councilmember At-Large Position 1

Councilmember Vicki McKenzie made a motion to authorize the City Manager to enter into an agreement with Sam Houston State University and Siddons Martin Emergency Group, LLC to finalize and submit paint and graphics for the new fire truck at no additional cost to the City. The motion was seconded by Councilmember Casey Cox. The motion passed 8 - 1.
roll call vote:
Yes: Russell Humphrey, Casey Cox, Vicki McKenzie, Jon Strong, Pat Graham, Bert Lyle, Anissa Antwine, Tore Fossum
No: Karen Denman

4. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA

None

5. ITEMS OF COMMUNITY INTEREST

Councilmembers announced Items of Community Interest.

6. EXECUTIVE SESSION

a. City Council will convene in closed session as authorized by Texas Government Code, Chapter 551, Section 551.071, to receive legal advice on the 380 Agreement with Zinc Point and Rock MFG, LLC.
Leonard Schneider, City Attorney

City Council convened into Executive Session at 6:59 p.m.

7. RECONVENE

City Council reconvened from Executive Session at 7:18 p.m.

ADJOURNMENT

Mayor Humphrey adjourned the meeting without objection at 7:19 p.m.

ATTEST:

CITY OF HUNTSVILLE

Kristy Doll, City Secretary

Russell Humphrey, Mayor

CITY COUNCIL AGENDA
4/15/2025

Agenda Item Number: 1.b.

Agenda Item: Consider approving the expenditure of funds authorized in the 2024-2025 FY budget to purchase police handguns outfitted with red dot sighting systems.

Initiating Department/Presenter: Police Department

Presenter:
Wade Roberts, Lieutenant

Recommended Motion: Move to authorize the usage of allocated funds for the purchase of police handguns for $58,600.00.

Strategic Initiative: Strategic Priority #1, Public Safety - Create a community where all individuals feel safe and protected, where citizens trust the effectiveness of our agencies through community engagement, technologies, and best practices. We strive to promote a culture of service, prevention and partnership.

Discussion: This motion allows previously budgeted funds to be used to purchase new police handguns outfitted with red dot sighting systems. Eighty Glock model 45. 9mm handguns equipped with Aimpoint COA red dot sighting systems will be purchased from Primary Arms in Houston, Texas. The red dot sighting system allows for quicker target acquisition and accuracy, two things paramount in combat shooting situations. Currently issued handguns do not accept a red dot sighting system.

Funds allocated for the purchase of police equipment were approved in the 2024-2025 FY budget.

Previous Council Action: No previous council action

Financial Implications: The funds for this purchase were budgeted and approved in the 2024-2025 FY budget. Funds were received from a federal equitable sharing program through which the police department receives asset forfeiture funds. Funds received through the program may only be used for purchases relating to police equipment or operations. Eighty Glock model 45 9mm handguns outfitted with Aimpoint COA red dot sighting systems - $58,560.00. Buyboard Contract Number 698-23.

Quote #ES-15691 from Primary Arms is attached.

Approvals:
Darryle Slaven
Lance Hall
Sam Masiel
Scott Swigert
Kristy Doll

Associated Information:

1. Gun Quote

Proforma Estimate

#ES-15691

3/26/2025

Primary Arms, LLC
3219 S Sam Houston Pkwy E, Ste 100,
Houston, TX, 77047
United States

Estimate Expiration Date: 5/25/2025

Bill To

Huntsville Police Department
560 FM 2821 W
Huntsville TX 77320
United States

Ship To

Huntsville Police Department
560 FM 2821 W
Huntsville TX 77320
United States

SUBTOTAL

$58,560.00

Expires: 5/25/2025

Expires	Exp. Close	Sales Rep	Shipping Method
5/25/2025	3/26/2025	862 Andrew Bredsguard-Brown	In-store Pickup (HoustonTX)

Quantity	Item	Options	Rate	Amount
80	**PA455SB02MOS8A3** GLOCK Blue Label G45 Gen 5 MOS8 9mm Pistol with Aimpoint COA - 17+1		$732.00	$58,560.00
1	**Misc** BUYBOARD CONTRACT NO. 698-23		$0.00	$0.00

Subtotal	$58,560.00
Shipping Cost	$0.00
Total	$58,560.00

Proforma Estimate Disclaimer

This proforma estimate reflects the subtotal of the order excluding any applicable taxes. The final invoice may include sales tax, VAT, or other applicable taxes based on the shipping destination and tax regulations. If tax exemption status applies to this order, it is the customer's responsibility to provide valid exemption documentation before placing the order. Failure to verify tax exemption before the order is finalized will result in the order being processed with all applicable taxes included, and adjustments may not be possible after the fact. This proforma estimate is for informational purposes only and does not constitute a binding invoice. Pricing and availability are subject to change.

ES-15691

CITY COUNCIL AGENDA
4/15/2025

Agenda Item Number: 2.a.

Agenda Item: Consider authorizing the City Manager to enter into a Development Agreement with Gibbs Brothers & Company LP. for the Legacy Pines development on an approximately +/-708.866-acre tract for a mixed-use master-planned community.

Initiating Department/Presenter: Development Services

Presenter:
Layne Yeager, City Planner/Airport Manager

Recommended Motion: Move to authorize the City Manager to enter into a Development Agreement with Gibbs Brothers & Company LP. for the Legacy Pines development on an approximately +/-708.866-acre tract for a mixed-use master-planned community.

Strategic Initiative: Strategic Priority #3, Quality of Life – Establish an environment where citizens can thrive and enjoy the city in which they live. Provide services that enhance the quality of life for all, with focus on the full life cycle (children, students, families, and retirees) - by creating amenities that support physical, mental and social well-being. Support access to quality health services, education, housing, transportation, recreation and natural environment.

Discussion: The City has been working with Gibbs Brothers & Company LP., the developer of an approximately +/-708.866-acre tract adjacent to Veterans Memorial Parkway and Smither Drive, to create a mixed-use master-planned community named Legacy Pines.

The Legacy Pines Development is proposed to consist of multiple land uses, including residential, village cluster/ multi-family, community retail, historic town center, activity centers, elementary and middle schools, medical centers, a resort, a golf course, parks, greenspaces, trail systems, and floodplain preservation.

City staff has negotiated a development agreement with the developer and has reached a mutual agreement concerning its content. The purpose of this agenda item is to authorize the City Manager to enter into the Development Agreement.

Previous Council Action:

- December 17, 2024 – City Council held a public hearing for the PD Zone Change request and approved the PD Concept Plan.
- January 21, 2025 – City Council held a public hearing for and approved the PD Development Plan.
- February 18, 2025 – City Council held the first reading for Ordinance 2025-6 and the update to the Zoning District classification.
- March 4, 2025 – City Council approved Ordinance 2025-6 to amend the Zoning District

classification for the property from Mixed-Use to Planned Development and approve the Planned Development Design Standards.

Financial Implications: The development, when complete, will add to the ad valorem tax base of the City.

Approvals:
Kevin Byal
Leonard Schneider
Sam Masiel
Scott Swigert
Kristy Doll

Associated Information:
1. Development Agreement with City of Huntsville (Final, Clean)

DEVELOPMENT AGREEMENT BY AND AMONG
THE CITY OF HUNTSVILLE, TEXAS, AND
GIBBS BROTHERS & COMPANY LP

This Development Agreement (the "Agreement") is entered into effective _____ (the "Effective Date") by the CITY OF HUNTSVILLE, TEXAS, a municipality in Walker County, Texas, (the "City"); GIBBS BROTHERS & COMPANY L.P., a Texas limited partnership, or its successor or assigns ("Gibbs Brothers"); and ROBINSON-GIBBS I, LLC, a Texas limited liability company, or its successor or assigns ("Robinson-Gibbs"). Gibbs Brothers and Robinson-Gibbs are individually referred to herein as a "Developer" and collectively referred to herein as the "Developers." Gibbs Brothers, Robinson-Gibbs, and the City may each referred to herein as a "Party" or together may be referred to herein as the "Parties."

RECITALS

Unless otherwise defined herein, capitalized terms used in these recitals are defined in Article I, below.

Developers own approximately 1,104.911 acres of land, a portion of which is currently within the extraterritorial jurisdiction of the City, and the remainder of which is currently within the corporate limits of the City, and all of such acreage is more particularly described and shown in **Exhibit A** (the "Tract"). The City and Developers wish to provide for the orderly, safe, and healthful development of the Tract.

It is intended that Huntsville Municipal Utility District No. 3 (the "District") will be created to encompass the Tract. The Developers intend to develop the Tract for single-family residential and commercial use (collectively, the "Project"). The development will occur in phases, and the Developers anticipate that each phase will be platted separately.

The City has the authority to adopt tax increment financing pursuant to the Act (defined herein), for areas within its jurisdiction designated by the City as reinvestment zones, and to implement incentive programs to encourage economic development pursuant to Article III, Section 52-A of the Texas Constitution; Texas Local Government Code Chapter 380; and other economic development statutes.

In order to develop the Tract, it is necessary for the City to create a tax increment reinvestment zone over the entire boundaries of the Tract. The land within the Reinvestment Zone is currently undeveloped or underdeveloped, and therefore, the Reinvestment Zone is intended and needed to provide the financing and management tools to facilitate the development of the Project; therefore, it is understood that absent such tools, the Project would not occur solely through private investment in the foreseeable future, and would not consist of a master-planned community as contemplated by the Parties, thereby denying the benefits to the City and the Project as

provided herein.

The City and the Developers agree that the development of the Tract can best proceed pursuant to this Agreement and pursuant to the Utility Functions Agreement (defined hereinafter).

It is the intent of this Agreement to establish certain restrictions and commitments imposed and made in connection with the development of the Tract (the "Project"). The City and the Developers are proceeding in reliance on the enforceability of this Agreement.

AGREEMENT

NOW THEREFORE, for and in consideration of the mutual agreements, covenants, and conditions contained herein, and other good and valuable consideration, the City and the Developers agree as follows:

ARTICLE I.
DEFINITIONS

Section 1.01. Terms. Unless the context requires otherwise, and in addition to the terms defined above, the following terms and phrases used in this Agreement shall have the meanings set out below:

Act means the Tax Increment Financing Act, TEX. TAX CODE, Chapter 311.

Board means the Board of Directors for the Reinvestment Zone.

City means the City of Huntsville, Texas.

City Development Ordinances means each and every ordinance adopted by the City regulating the development of land, zoning and/or building codes of any nature within the City's limits in effect as of the Effective Date, as may be amended from time to time.

Commission means the Texas Commission on Environmental Quality and its successors.

Consent Ordinance means the City's resolution, the form of which is attached hereto as **Exhibit C**, evidencing the City's consent to the inclusion of land within Huntsville Municipal Utility District No. 3 in accordance with Texas Local Government Code Section 42.042 and Texas Water Code Section 54.016, each as amended.

County means Walker County, Texas.

District means Huntsville Municipal Utility District No. 3, a municipal utility

district intended to be duly created by special act of the Texas Commission on Environmental Quality to encompass the Tract and whose purposes are limited to public water supply and distribution services, sanitary collection and sewer services, stormwater drainage and detention services, fire protection, roads, and/or parks and recreational services to the areas within its boundaries, and any land that is annexed to the District with the consent of the City.

ETJ means extraterritorial jurisdiction of the City.

Financing Plan means the financing plan that will be approved by the Board of Directors of the Reinvestment Zone and by the City Council by Ordinance.

HOA means the homeowners and/or Tract association(s) created to serve the Tract within the District.

Party or Parties means all or any of the City, Gibbs Brothers, and/or Robinson-Gibbs, as applicable.

PDD means the rules and regulations governing the Planned Development District duly created by the City of Huntsville over the Tract pursuant to the City Development Ordinances, a copy of which is attached to this Agreement as **Exhibit B**, as it may be revised from time to time in accordance with the City Development Ordinances and this Agreement.

Person means any individual, partnership, association, firm, trust, estate, public or private corporation, or any other legal entity whatsoever.

Planning Commission means the Planning and Zoning Commission of the City.

Plans means the Project Plan and the Financing Plan, which may be combined in one document.

Project means the real estate development planned for the Tract, as more fully described in the recitals hereto.

Project Plan means the project plan to be approved by the Board of Directors of the Reinvestment Zone and by the City Council pursuant to the ordinance creating the Reinvestment Zone.

Reinvestment Zone means the Tax Increment Financing Reinvestment Zone Number _____, City of Huntsville, Texas.

Tract means all the land described in the attached **Exhibit A.**

Utility Functions Agreement means the Utility Agreement between the City of Huntsville, Texas, Gibbs Brothers & Company LP, and Robinson-Gibbs I, LLC, on behalf of Huntsville Municipal Utility District No. 3, as described more particularly in Section 4.03 of this Agreement.

Ultimate Consumer means the purchaser of a tract or lot within the Tract who does not intend to resell, subdivide, or develop the tract or lot in the ordinary course of business.

Section 1.02. Exhibits. The following exhibits are attached to this Agreement as though fully incorporated herein:

Exhibit A	The Tract
Exhibit B	Planned Development District
Exhibit C	Consent Ordinance
Exhibit D	Annexation Petition

Section 1.03. Recitals Incorporated. The representations, covenants and recitations set forth in the recitals to this Agreement are material to this Agreement and are hereby found and agreed to be true and correct and are incorporated into and made a part hereof as though they were fully set forth in this article.

ARTICLE II.
DEVELOPMENT PLAN, PLATTING, PETITIONS AND COSTS

Section 2.01. Introduction. The Tract is to be developed as a predominantly single-family community with some commercial uses. The land uses within the Tract shall be typical of a single-family development with single-family residential, multi-family residential, educational, commercial, institutional, and/or recreational facilities.

Section 2.02. Plans and Approvals. In accordance with the Consent Ordinance, the Developers agree to submit all plans and specifications for infrastructure within the Tract to the City for review and approval in accordance with the City's applicable codes, regulations and ordinances prior to commencing construction of any such improvements.

Section 2.03. Planned Development District and Amendments Thereto.

(a) Because the Tract is a large tract comprising approximately 1,104.911 acres intended to be subdivided as additional units in the same subdivision, the Developers have applied to create a PDD over the portions of the Tract currently located within the corporate limits of the City, that provides for permissible uses and development standards to govern the portions of the Tract located within the corporate limits of the City. The City confirms that the PDD has received all required approvals from the Planning Commission to create the PDD in accordance with the City Development

Ordinances, and the PDD was previously and approved by the City Council, with a copy of the ordinance creating such PDD attached hereto as **Exhibit B**. It is the intent of the Parties to expand the boundaries of the PDD over time to include the entirety of the Tract, with such expansion(s) to coincide with development of the Tract and annexation(s) of the Tract into the corporate limits of the City. Within sixty (60) days of annexing an Annexation Tract (as defined herein) into the corporate limits of the City, the City shall have caused the PDD to be expanded to include such Annexation Tract within the limits of the PDD and shall take all required steps under the City Development Ordinances, as necessary, to effectuate such expansion.

(b) The Developers shall develop the Tract in accordance with the PDD. Due to its size and complexity, the Parties acknowledge that the Tract will be developed in phases. The Parties agree that the conceptual layout of the proposed development may be revised from time to time by the Developers, in their sole discretion; provided, however, that any changes, additions, or alterations to the Tract will be done only as may be consistent and in compliance with the PDD. The Parties recognize that the PDD has categories of land use and acreage and/or number of lots assigned to each category.

Section 2.04. Platting. The Developers are required to plat any subdivision of the Tract in accordance with the terms of this Agreement, the PDD, the terms of any other agreement between the City and the Developers, and the requirements of all applicable City ordinances and procedures as they relate to development within the City's corporate limits. So long as the plat meets the requirements of this Section 2.04, the City shall approve the plat.

ARTICLE III.
DESIGN AND CONSTRUCTION STANDARDS AND APPLICABLE ORDINANCES

Section 3.01. Regulatory Standards and Development Quality. Developers agree that, except as may be specifically provided to the contrary in the terms of this Agreement, development of the Tract shall comply with the PDD and the City Development Ordinances (to the extent the City Development Ordinances are applicable and not otherwise modified by the PDD). The Developers shall provide streets, drainage, utilities, parks, recreational facilities and roads in accordance with the City-approved PDD at Developers' sole cost; provided, however, the Developers may receive reimbursement of certain eligible costs from the District and the Reinvestment Zone. As each phase of the Project is developed, the Developers will submit plans for such phase to the City Engineer for approval, and such approval will not be unreasonably withheld, conditioned, or delayed. Plans for all public improvements shall be submitted to the City for review and approval before the Developers award a construction contract for such improvements, and the Developers shall not proceed without City approval thereof, and such approvals will not be unreasonably withheld, delayed or conditioned.

Section 3.02. Water/Wastewater/and Drainage Systems

(a) Developers agree that all water, sewer and drainage facilities to serve the Tract will be constructed in accordance with the applicable City regulations and ordinances. The Developers shall be responsible for the design and construction of the water facilities, wastewater facilities, and drainage facilities to serve the Tract in accordance with this Agreement; provided, however, that the terms and conditions for such design and construction, and the scope of facilities to be constructed by Developers shall be provided for in the Utility Functions Agreement. The City will provide retail water and sewer service to customers within the Tract (as well as garbage services), with the terms of such service to be described in the Utility Functions Agreement. Following acceptance by the City of the water, sewer, and drainage facilities (excluding storm water detention facilities), such water and sewer infrastructure will be owned, operated, and maintained by the City per normal practice, with the terms of such ownership, operation, and maintenance for the above-referenced facilities to be further described in the Utility Functions Agreement. After the District has substantially completed construction, as deemed by the District engineer, any of its water, sewer and drainage facilities (other than storm water detention facilities) existing then and in the future to serve the Tract and any additional land annexed into the District's boundaries (with such annexation having been consented to in writing by the City), the City shall, upon written notice to the District, require that the District convey such facility to the City, free and clear of all liens and encumbrances (but subject to: (i) the rights of reimbursement for funds advanced to the District with respect thereto or; (ii) encumbrances on any leased water plant or sewer plant facilities), for ownership, operation and maintenance by the City, with such facilities to be used by the City to provide retail water and sewer service to customers within the Tract. Any lease payments incurred in connection with the financing of the water facilities and/or wastewater facilities constructed to serve the District shall be paid by the District. The District shall have reserved to itself all capacity funded by the District in any conveyed facilities, provided that any excess capacity not required to serve the District following full build-out within the District shall be available to the City to serve other areas. No conveyance shall be effective until accepted by the City in writing; provided, however, such acceptance by the City shall not be unreasonably conditioned, withheld, or delayed. The City shall incorporate conveyed facilities into its utility system and shall bill and collect for services provided by such facilities from its customers, including customers within the District, with such billing and service for such facilities to be further described in the Utility Functions Agreement. All revenues from conveyed facilities shall be the property of the City, subject to any further terms and conditions that may be described in the Utility Functions Agreement. To the extent of any conflict between this Section 3.02 and the Utility Functions Agreement, the Utility Functions Agreement shall control.

(b) Each Developer may enter into a reimbursement agreement with the District to seek reimbursement for the costs of eligible facilities to the extent allowed by law.

Section 3.03. Open Space and Recreational Facilities. The City acknowledges and agrees that the Developers may make provisions for open spaces and recreational facilities to serve the Tract to be financed, developed and maintained by the District or by the HOA, to the extent authorized by state law and consistent with this Agreement, the Utility Functions Agreement, the PDD, and the City Development Ordinances (to the extent the City Development Ordinances are applicable and not otherwise modified by the PDD). The Developers agree that any such amenities may be dedicated to the HOA and/or to the District for ownership and operation and shall not be the responsibility of the City, unless and until the District is dissolved, at which time the City may elect to accept ownership of any such amenities having been owned by the District; provided that any amenities that the City does not elect to accept ownership of shall be conveyed by the District to the HOA prior to dissolution and as provided for below. Plans for any recreational facilities that may be owned by the City, either immediately or after dissolution of the District, must be reviewed and approved by the City prior to construction. If recreational facilities are within stormwater detention areas, the District may require and allow the HOA to maintain the recreational facilities within said stormwater detention areas. Notwithstanding the foregoing, prior to the first connection to the water system being made within the Tract, the Developers shall enter into a contract with the HOA within the District. Said contract shall provide that the land within the District shall have open spaces, recreational facilities and reserved stormwater detention capacity within the system and shall further provide that if the District will be dissolved pursuant to any applicable law, the HOA, prior to the effective date of dissolution, will accept conveyance of the open spaces, recreational facilities and sites for stormwater detention systems in fee from the District, it being understood and agreed that under no conditions will the City own, operate, or maintain any stormwater detention facilities. The Developers shall provide the City with a copy of such fully executed agreement. On an appropriately phased basis, as provided for in more detail on the PDD attached hereto as **Exhibit B**, the District shall construct, or cause to be constructed, any recreational facilities as contemplated by the PDD.

Section 3.04. Road Facilities. All public roads shall be designed and constructed in compliance with the PDD, the City Development Ordinances (to the extent the City Development Ordinances are applicable and not otherwise modified by the PDD), and the Utility Functions Agreement; provided that this requirement shall not be interpreted to require the construction of roads to a standard which the City will not accept for ownership and maintenance. Plans for construction of roads by the Developers shall be submitted to the City for review and approval, and such approval shall not be unreasonably withheld, delayed, or conditioned, and the City shall have the right to inspect the roads during construction.

Section 3.05. Annual Reports. The Developers will provide annual reports to the City regarding construction of improvements by the Developers and the District, the total number of new residences and connections in the District and such other information regarding the development as the City may reasonably require. For purposes of this Section 3.05, the District's annual report shall satisfy these reporting requirements.

Section 3.06. Liability of Ultimate Consumer. Ultimate Consumers shall have no liability for the failure of the Developers to comply with the terms of this Agreement and shall only be liable for their own failure to comply with the recorded declaration of restrictive covenants and land use restrictions applicable to the use of their property or lot.

Section 3.07. Density and Minimum Lot Requirements. The Developers agree that the density requirements and minimum lot requirements associated with the development of the Tract shall be in accordance with the PDD.

Section 3.08. Application of City Ordinance(s). Any reference herein to the application of any ordinance of the City shall mean that the ordinance described shall apply to the Tract.

ARTICLE IV.
MUNICIPAL UTILITY DISTRICT

Section 4.01. Municipal Utility District. Upon the execution of this Agreement, the City hereby approves the form of the Consent Ordinance consenting to creation of the District attached hereto as **Exhibit C**. The City agrees that the Consent Ordinance will be deemed to constitute the City's consent to creation of the District upon its adoption, and the City agrees to promptly adopt the Consent Ordinance upon written notice to City by Developers requesting same. Upon adoption of the Consent Ordinance by the City, no further action will be required on the part of the City to evidence its consent; however, the City agrees to provide any additional confirmation of its consent that may be required by the Developers or the District if requested to do so.

Section 4.02. Annexation of the Tract. It is the intent of the Parties that: (i) development of the Tract shall occur in phases; and (ii) annexation of the Tract into the corporate limits of the City shall occur in phases. Accordingly, Developers agree to not develop any portion(s) of the Tract currently located within the ETJ unless and until such portion(s) of the Tract have been annexed into the corporate limits of the City in accordance with this Section 4.02. Prior to the development of any portion of the Tract currently located in the ETJ, Developers shall submit to the City a petition, in substantially the form attached hereto as **Exhibit D** and incorporated herein in full, signed by all entities with a right to purchase, or with ownership of, the portion(s) of the Tract that Developers then seek to annex into the City's corporate limits (each portion of the Tract to be annexed into the corporate limits of the City, an "Annexation Tract"),

requesting that all land included in such Annexation Tract be annexed into the City's corporate limits by the City. Developers shall submit a current title report showing the record owner(s) and all encumbrances on the Annexation Tract. Developers agree to obtain such additional title reports and petitions for annexation, such as petitions from lienholders on the Annexation Tract, as the City deems necessary or advisable after review of the title report or at any other time. Such additional petitions shall be substantially in the form attached hereto and shall be submitted to the City within thirty days of receipt of a request from the City. If the petition, title report, and/or additional petitions, if any, are not submitted timely pursuant to this Section 4.02, the City may refuse to issue any further building permits or plat approvals for the relevant portion(s) of the Annexation Tract that are not in compliance with this Section 4.02. The City shall promptly act to approve the petitions and complete the annexation of the Annexation Tract. The intent of this Agreement is to obligate the Developers to deliver all annexation petitions necessary for the City to annex the Tract.

Section 4.03. Utility Functions Agreement. It is the intent of the Parties that the terms and conditions for the design, construction, ownership, and operation of the water, wastewater, sanitary sewer, stormwater, drainage, road, and park and recreational facilities to serve the Tract will be described in further detail in the Utility Functions Agreement. The Parties agree to negotiate in good faith to develop commercially reasonable terms for the Utility Functions Agreement and to execute such Utility Functions Agreement within one-hundred and fifty (150) days of the Effective Date. After approval of the creation of the District by the TCEQ and within one-hundred and twenty (120) days after the election confirming creation of the District, Developers shall use commercially reasonable efforts to cause the assignment, execution and adoption by the Board of Directors of the District of the Utility Functions Agreement. Should the District fail to accept the assignment of the Utility Functions Agreement within one-hundred and twenty (120) days of the District's confirmation election following its creation, this failure will constitute an event of default pursuant to Article VI below.

ARTICLE V.
REINVESTMENT ZONE CREATION AND ORGANIZATION

Section 5.01. Creation of Reinvestment Zone. Within thirty (30) days of the completion of the election confirming the creation of the District, the Developers shall provide written notice to the City of such completed election. No later than ninety (90) days after receiving written notice of the completion of the election confirming the creation of the District, the City will cause the creation of the Reinvestment Zone in conformance with the Act over the entirety of the Tract then-contained within the corporate limits of the City. The City will authorize the preparation of a Project Plan and a Financing Plan for the Reinvestment Zone, or, if appropriate, approve such Plans related to the Reinvestment Zone.

Section 5.02. Project and Financing Plan. Simultaneous with the approval of this Agreement, the City will authorize the preparation of a Project Plan and a Financing Plan for the Reinvestment Zone, or, if appropriate, approve such Plans related to the Reinvestment Zone. The Plans may include property in the Reinvestment Zone other than the Tract. Within ninety (90) days of annexing an Annexation Tract into the corporate limits of the City, the City shall cause the Reinvestment Zone to be expanded to include such Annexation Tract within the limits of the Reinvestment Zone, and shall amend the Plans, as necessary, to effectuate such expansion.

Section 5.03. Reinvestment Zone Board of Directors. The Board of Directors of the Reinvestment Zone will be appointed and organized in accordance with the Act and the ordinance creating the Reinvestment Zone; and such Board, in conjunction with its consultants and the Developers, will prepare the Plans, which Plans will be submitted to the City. The City, in accordance with the Act and after making all findings required by the Act, will adopt an ordinance approving the Plans within sixty (60) days of submittal by the Developer. The City, at its discretion, will delegate to the Board powers relating to the implementation of the Plans, including without limitation the power to (i) select and retain consultants, including without limitation, attorneys, engineers, and administrators; (ii) contract with the District and City to assist in the implementation of the Plans (as provided for pursuant to the terms of this Agreement and the Utility Functions Agreement); and (iii) approve plans and specifications, award contracts, and approve change orders and payments in accordance with this Agreement and the Utility Functions Agreement; provided that nothing in this section or this Agreement shall be construed to delegate to the Board the power to levy taxes.

ARTICLE VI.
MATERIAL BREACH, NOTICE AND REMEDIES

Section 6.01. Material Breach of Agreement. It is the intention of the Parties to this Agreement that the Tract be developed in accordance with the terms of this Agreement and that Developers follow the development plans as set out in the PDD.

(a) The Parties acknowledge and agree that any material deviation from PDD and the concepts of development contained therein and any material deviation by Developers from the material terms of this Agreement would frustrate the intent of this Agreement, and therefore, would be a material breach of this Agreement. A material breach of this Agreement by a Developer shall be deemed to have occurred in any of the following instances:

a. A Developer's failure to develop the Tract in compliance with this Agreement and the approved PDD, as from time to time amended; or a Developer's failure to secure the City's approval of any material or significant modification or amendment to the PDD;

b. The District's failure to accept the assignment of the Utility Functions Agreement within one-hundred and twenty (120) days of the District's confirmation following its creation;

c. Any annexation of territory into the District without first obtaining consent from the City; or

d. Failure of a Developer to substantially comply with a provision of this Agreement or a City ordinance applicable to the Tract.

(b) The Parties agree that nothing in this Agreement can compel Developers to proceed or continue to develop the Tract within any time period.

(c) The Parties acknowledge and agree that any substantial deviation by the City from the material terms of this Agreement would frustrate the intent of this Agreement and, therefore, would be a material breach of this Agreement. A material breach of this Agreement by the City shall be deemed to have occurred in any of the following instances:

a. Enforcement by the City of any City ordinance within the Tract that violates the terms and conditions of this Agreement;

b. City's refusal to approve plats, development plans, or permits where the same comply with the PDD and this Agreement; and

c. The City's unreasonable conditioning, withholding, or delaying approval of a plat of land, a permit, or acceptance of facilities within the Tract that complies with the requirements of this Agreement, as specifically described in Section 2.04.

In the event that a Party to this Agreement believes that another Party has, by act or omission, committed a material breach of this Agreement, the provisions of this Article VI shall provide the remedies for such default.

Section 6.02. Notice of Developer's Default.

(a) The City shall notify the allegedly defaulting Developer in writing of an alleged failure by Developer to comply with a provision of this Agreement, which notice shall specify the alleged failure with reasonable particularity. The alleged defaulting Party shall, within thirty (30) days after receipt of such notice or such longer period of time as the City may specify in such notice, either cure such alleged failure or, in a written response to the City, either present facts and arguments in refutation or excuse of such alleged failure or state that such alleged failure will be cured and set forth the method and time schedule proposed by such allegedly defaulting Developer for accomplishing such cure.

(b) The City shall determine (i) whether a failure to comply with a provision has occurred; (ii) whether such failure is excusable; and (iii) whether such failure has been cured or will be cured by the alleged defaulting Developer by a method and within a time reasonably satisfactory to the City. The alleged defaulting Party shall make available to the City, if requested, any records, documents or other information necessary to make the determination.

(c) In the event that the City determines that such failure has not occurred or that such failure either has been or will be cured in a manner and in accordance with a schedule reasonably satisfactory to the City, or that such failure is excusable, such determination shall conclude the investigation.

(d) If the City determines that a failure to comply with a provision has occurred and that such failure is not excusable and has not been or will not be cured by the alleged defaulting Party in a manner and in accordance with a schedule reasonably satisfactory to the City, then the City Council may proceed to mediation under Section 6.04 and subsequently exercise the applicable remedy under Section 6.05.

Section 6.03. Notice of City's Default.

(a) Developer shall notify the City in writing of an alleged failure by the City to comply with a provision of this Agreement, which notice shall specify the alleged failure with reasonable particularity. The City shall, within thirty (30) days after receipt of such notice or such longer period of time as Developer may specify in such notice, either cure such alleged failure or, in a written response to the Developer, either present facts and arguments in refutation or excuse of such alleged failure or state that such alleged failure will be cured and set forth the method and time schedule proposed by the City for accomplishing such cure.

(b) Developer shall determine (i) whether a failure to comply with a provision has occurred; (ii) whether such failure is excusable; and (iii) whether such failure has been cured or will be cured by the City by a method and within a time reasonably satisfactory to the Developer. The City shall make available to the Developer, if requested, any records, documents or other information necessary to make the determination.

(c) In the event that Developer determines that such failure has not occurred or that such failure either has been or will be cured in a manner and in accordance with a schedule reasonably satisfactory to the Developer, or that such failure is excusable, such determination shall conclude the investigation.

(d) If Developer determines that a failure to comply with a provision has occurred and that such failure is not excusable and has not been or will not be cured by the City in a manner and in accordance with a schedule reasonably satisfactory to the Developer, then Developer may proceed to mediation under Section 6.04 and subsequently exercise the applicable remedy under Section 6.05.

Section 6.04. Mediation. In the event the Parties to this Agreement cannot, within a reasonable time, resolve their dispute pursuant to the procedures described in Sections 6.02 or 6.03, the Parties agree to submit the disputed issue to non-binding mediation. The Parties shall participate in good faith, but in no event shall they be obligated to pursue mediation that does not resolve the issue within ten (10) business days after the mediation is initiated. The Parties participating in the mediation shall share the costs of the mediation equally.

Section 6.05. Remedies.

(a) In the event of a determination by the City that a Developer has committed a material breach of this Agreement that is not resolved in mediation pursuant to Section 6.04, the City may file suit in a court of competent jurisdiction in Walker County, Texas, and seek any relief available at law or in equity, including, but not limited to, an action under the Uniform Declaratory Judgment Act and or termination of this Agreement as to the breaching Party. In addition to all other remedies, the City may refuse to grant any additional building permits for construction within the Tract subject to this Agreement until the default is remedied to the reasonable satisfaction of the City.

(b) In the event of a determination by a Developer that the City has committed a material breach of this Agreement that is not resolved in mediation pursuant to Section 6.04, the Developer may, without expanding City's liability beyond the statutory limits of the Texas Tort Claims Act or under other law; and, without the City waiving or demising its immunity beyond the scope of that allowed by the Texas Tort Claims Act or other law, and without the City ever being liable for Developer's consequential, special, indirect or incidental losses or damages, file suit in a court of competent jurisdiction in Walker County, for the limited remedy of seeking City's specific performance of its obligations under this Agreement.

ARTICLE VII.
BINDING AGREEMENT, TERM, AMENDMENT, AND ASSIGNMENT

Section 7.01. Beneficiaries. This Agreement shall bind and inure to the benefit of the City and the Developers, and their successors or assigns. Nothing herein shall be interpreted to establish any third party beneficiaries.

Section 7.02. Term. This Agreement shall bind the Parties and continue for forty (40) years from the Effective Date, unless terminated on an earlier date pursuant to other provisions or by express written agreement executed by the City and the Developers. Upon the expiration of forty (40) years from the date of this Agreement, this Agreement shall automatically renew thereafter in successive annual terms, unless either Party terminates this Agreement upon sixty (60) days' written notice to the other Party.

Section 7.03. Assignment. Any Agreement by a Developer to sell all or substantially all of the portion of the Tract that it owns as of the date of this Agreement

to a person intending to develop the tract or such portion thereof (a "Successor Developer," whether one or more) and any instrument of conveyance for the entirety or any portion of the Tract that such Developer owns to such Successor Developer shall recite and incorporate this Agreement and provide that this Agreement be binding on such Successor Developer. For purposes of this Section 7.03, Developer's sale of all or substantially all of the portion of the Tract that it owns to an affiliate or partner of such Developer, or a special purpose entity created by such Developer to develop the Tract, or an entity unaffiliated with the Developer that does not intend to develop the Tract, shall not be considered a Successor Developer, and written notice to the City of such assignment shall be required. This Agreement is not intended to be, and shall not be, binding on the ultimate purchasers of residential lots or residential parcels out of the Tract. This Agreement is assignable to a Successor Developer upon written notice to and approval of the City.

ARTICLE VIII.
MISCELLANEOUS PROVISIONS

Section 8.01. Notice. The Parties contemplate that they will engage in informal communications with respect to the subject matter of this Agreement. However, any formal notices or other communications ("Notice") required to be given by one Party to another by this Agreement shall be given in writing addressed to the Party to be notified at the address set forth below for such Party, (a) by delivering the same in person, (b) by depositing the same in the United States Mail, certified or registered, return receipt requested, postage prepaid, addressed to the Party to be notified; (c) by depositing the same with Federal Express or another nationally recognized courier service guaranteeing "next day delivery," addressed to the Party to be notified, or (d) by sending the same by email with confirming copy sent by mail. Notice deposited in the United States mail in the manner herein above described shall be deemed effective from and after three (3) days after the date of such deposit. Notice given in any other manner shall be effective only if and when received by the Party to be notified. For the purposes of notice, the addresses of the Parties, until changed as provided below, shall be as follows:

City:	City of Huntsville, Texas 1220 11th Street Huntsville, Texas 77340 Attn: City Manager
Gibbs Brothers:	Gibbs Brothers & Company, L.P. 1118 ½ 11th Street Huntsville, Texas 77340 Attn: _____
Robinson-Gibbs:	Robinson-Gibbs I, LLC 1118 ½ 11th Street

Huntsville, Texas 77340
Attn: _____

District: Huntsville Municipal Utility District No. 3
c/o Allen Boone Humphries Robinson LLP
3200 Southwest Freeway, Suite 2600
Houston, Texas 77027
Attn: Mr. David M. Oliver
doliver@abhr.com

The Parties shall have the right from time to time to change their respective addresses, and each shall have the right to specify as its address any other address within the United States of America by giving at least five (5) days written notice to the other Parties. If any date or any period provided in this Agreement ends on a Saturday, Sunday, or legal holiday, the applicable period for calculating the notice shall be extended to the first business day following such Saturday, Sunday or legal holiday.

Section 8.02. Time. Time is of the essence in all things pertaining to the performance of this Agreement.

Section 8.03. Disclosures by City. The City of Huntsville, Texas makes the disclosures in this section.

(a) The Developers are not required to enter into this agreement.

(b) The City is authorized to annex the land in this document under Subchapter 43, C-3 of the Texas Local Government Code, subject to a request of the Developers, or pursuant to a strategic partnership under Section 43.0751 of the Texas Local Government Code.

(c) This paragraph is a plain-language description of the annexation procedures applicable to the land in this document, unless the land is annexed pursuant to a strategic partnership agreement under Section 43.0751 of the Texas Local Government Code. If the land is taxed agriculturally or as wildlife habitat, then the City must offer a non-annexation agreement, and the annexation may not be completed unless the Developers reject that offer. The Developers must request the annexation in writing. The City must hold a public hearing on the annexation, after giving notice of the hearing by publication in a newspaper and posting on the City's internet website. The City must also give notice of intent to annex to the school district with jurisdiction of the area to be annexed and to various public entities providing various services to the area to be annexed. The area may be annexed by a city ordinance at or after the conclusion of the public hearing.

(d) This paragraph is a plain-language description of the annexation procedures applicable to the land in this document, if the land is annexed pursuant to a strategic partnership agreement under Section 43.0751 and Subchapter 43, C-1 of the Texas Local Government Code. The procedures are similar to those described above, except that the consent of the Developers are not required, and the City must make a municipal services plan instead of an agreement, and the annexation requires two public hearings instead of one.

(e) The procedures for this annexation require either the Developer's consent or a strategic partnership agreement under Section 43.0751 of the Texas Local Government Code.

Section 8.04. Statutory Verifications.

(a) Foreign Terrorist Organizations. For purposes of Section 2252.152, Texas Government Code, as amended, each Developer hereby verifies that it and any parent company, wholly owned subsidiary, majority-owned subsidiary, and affiliate, unless affirmatively declared by the United States government to be excluded from its federal sanction regime relating to Sudan, its federal sanctions regime relating to Iran, or any federal sanctions regime relating to a foreign terrorist organization, are not identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201 of the Texas Government Code.

(b) For purposes of Sections 2271.002, 2274.002, and 2276.002, Texas Government Code, as amended, each Developer hereby verifies that EITHER:

a. It does not employ 10 or more full-time employees and, therefore, is not required to make verifications pursuant to Sections 2271.002, 2274.002, and 2276.002, Texas Government Code; OR

b. It and any parent company, wholly owned subsidiary, majority owned subsidiary, and affiliate:

   i. No Boycott of Israel. Do not boycott Israel and will not boycott Israel during the term of this Agreement. "Boycott Israel" has the meaning provided in Section 808.001 of the Texas Government Code.

   ii. No Boycott of Energy Companies. Do not boycott energy companies and will not boycott energy companies during the term of this Agreement. "Boycott energy company" has the meaning provided in Section 809.001 of the Texas Government Code.

iii. No Discrimination Against Firearm Entities. Do not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate against a firearm entity or firearm trade association during the term of this Agreement. "Discriminate against a firearm entity or firearm trade association" has the meaning provided in Section 2274.001(3) of the Texas Government Code. "Firearm entity" and "firearm trade association" have the meanings provided in Section 2274.001(6) and (7) of the Texas Government Code.

(c) At the request of the City, the Developers agree to execute further written verifications or certifications as may be necessary or convenient for the City to establish compliance with Texas law.

(d) All statutory representations and covenants will survive termination of the contract until the applicable statute of limitations runs for breach of contract.

Section 8.05. Vested Rights. Upon the mutual execution of this Agreement, the City and Developers agree that the rights of all Parties as set forth in this Agreement shall be deemed to have vested, as provided by Texas Local Government Code, Chapters 43 and 245 and Section 212.172(g).

Section 8.06. Severability. If any provision of this Agreement is illegal, invalid, or unenforceable under present or future laws, then, and in that event, it is the intention of the Parties hereto that the remainder of this Agreement shall not be affected.

Section 8.07. Waiver. Any failure by a Party hereto to insist upon strict performance by the other Party of any material provision of this Agreement shall not be deemed a waiver thereof or of any other provision hereof, and such Party shall have the right at any time thereafter to insist upon strict performance of any and all of the provisions of this Agreement.

Section 8.08. Applicable Law and Venue. The construction and validity of this Agreement shall be governed by the laws of the State of Texas without regard to conflicts of law principles. Venue shall be in Walker County, Texas.

Section 8.09. Reservation of Rights. To the extent not inconsistent with this Agreement, each Party reserves all rights, privileges, and immunities under applicable laws.

Section 8.10. Further Documents. The Parties agree that at any time after execution of this Agreement, they will, upon request of another Party, execute and deliver

such further documents and do such further acts and things as the other Party may reasonably request in order to effectuate the terms of this Agreement. The Parties agree to take such actions, including the execution and delivery of such documents, instruments, petitions and certifications (and, in the City's case, the adoption of such ordinances and resolutions), as may be necessary or appropriate, from time to time, to carry out the terms, provisions and intent of this Agreement and to aid and assist each other in carrying out said terms, provisions and intent. Further, the City agrees (absent any uncured breach of the terms of this Agreement by the Developers resulting in a default pursuant to Section 6.02 hereof) that it will not revoke or amend ordinances that are or will be adopted by the City relating to the Reinvestment Zone, the District, the PDD, and this Agreement except as is consistent and in compliance with the Plans.

Section 8.11. Incorporation of Exhibits and Other Documents by Reference. All Exhibits and other documents attached to or referred to in this Agreement are incorporated herein by reference for the purposes set forth in this Agreement.

Section 8.12. Effect of State and Federal Laws. Notwithstanding any other provision of this Agreement, Developers shall comply with all applicable statutes or regulations of the United States and the State of Texas, as well as any applicable City ordinances not in conflict with this Agreement, and any rules implementing such statutes or regulations.

Section 8.13. Authority for Execution. The City hereby certifies, represents, and warrants that the execution of this Agreement is duly authorized and adopted in conformity with the City Charter and City ordinances. Each Developer hereby certifies, represents, and warrants that the execution of this Agreement is duly authorized and adopted in conformity with the articles of incorporation and bylaws or partnership agreements of such entities.

Section 8.14. Builder Participation. Developers shall use commercially reasonable efforts to ensure that any and all contractors and subcontractors, under the Developer's supervision or control, working on the Project shall utilize, or cause to be utilized, separated building materials and labor contracts for all taxable building materials contracts related to the Project in the amount of $1,000.00 or more, for the purpose of siting payment of the sales tax on such building materials for the Project to the Tract.

Section 8.15. City Authority to Indemnify. The Parties expressly acknowledge that the City's authority to indemnify and hold harmless any third party is governed by Article XI, Section 7 of the Texas Constitution, and any provision that purports to require indemnification by the City is invalid. Nothing in this Agreement requires that either the City incur debt, assess, or collect funds, or create a sinking fund.

Section 8.16. Effect of State and Federal Laws. Notwithstanding any other

provisions of this Agreement, each Developer, its successors or assigns, shall comply with all applicable statutes or regulations of the United States and the State of Texas, as well as any City ordinances not in conflict with this Agreement, and any rules implementing such statutes or regulations.

Section 8.17. Waiver of Actions Under Private Real Property Rights Preservation Act. The Developers hereby waive their right, if any, to assert any causes of action against the City accruing under the Private Real Property Rights Preservation Act, Chapter 2007, Texas Government Code (the "Act"), that the City's execution or performance of this Agreement or any authorized amendment or supplements thereto may constitute, either now or in the future, a "Taking" of Developers', Developers' grantee's, or a grantee's successor's "Private Real Property," as such terms are defined in the Act, provided, however, that this waiver does not apply to, and the Developers and Developers' grantees and successors do not waive their rights under the Act to assert a claim under the Act for any action taken by the City beyond the scope of this Agreement which otherwise may give rise to a cause of action under the Act.

[EXECUTION PAGES FOLLOW]

IN WITNESS WHEREOF, the undersigned Parties have executed this Agreement as of the Effective Date.

CITY OF HUNTSVILLE, TEXAS

_____

ATTEST:

APPROVED: _____

_____

CITY SECRETARY

GIBBS BROTHERS & COMPANY, L.P.
a Texas limited partnership

By: Gibbs Brothers Management Company, L.L.C.
a Texas limited liability company
its general partner

By: _____
Name: _____
Title: _____

THE STATE OF TEXAS §
§
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____ _____, 2025, by _____, _____ of Gibbs Brothers Management Company, L.L.C., a Texas limited liability company, general partner of Gibbs Brothers & Company, L.P., a Texas limited partnership, on behalf of said limited partnership.

_____
Notary Public, State of Texas
(NOTARY SEAL)

ROBINSON-GIBBS I, LLC
a Texas limited liability company

By: _____
Name: _____
Title: _____

THE STATE OF TEXAS §
§
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____ _____, 2025, by _____, _____ of Robinson-Gibbs I, LLC, a Texas limited liability company, on behalf of said limited liability company.

_____
Notary Public, State of Texas
(NOTARY SEAL)

Exhibit A

The Tract

TEXAS PROFESSIONAL SURVEYING, LLC.

3032 N. FRAZIER STREET, CONROE, TEXAS 77303
(936)756-7447 FAX (936)756-7448
FIRM REGISTRATION No. 100834-00

FIELD NOTE DESCRIPTION
12.603 ACRES
IN THE JOHN HUME SURVEY, ABSTRACT NUMBER 264
WALKER COUNTY, TEXAS

BEING a 12.603 acre tract of land situated in the John Hume Survey, Abstract Number 264, Walker County, Texas, being the remainder of that certain called 263-6/10 acre tract described in instrument to Gibbs Brothers & Company, recorded in Volume 40, Page 39, of the Official Records of Walker County, Texas (O.R.W.C.T.), said 12.603 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a ½ inch iron rod with cap stamped "TPS 100834-00" set in the apparent common line between said Hume Survey and the Lewis Cox League, Abstract Number 13, in an easterly line of the remainder of that certain called 860.347 acre tract described in instrument to Robinson-Gibbs 1, LLC, recorded under Instrument Number 51872, O.R.W.C.T., at the westerly end of the southerly right-of-way of Pine Hill Road (variable width), for the common westerly corner of said remainder of 263-6/10 acre tract and that certain called 2.58 acre tract described as "Parcel A" in instrument to The City of Huntsville, recorded in Volume 766, Page 718, O.R.W.C.T.,, being the northerly northwest corner of the herein described 12.603 acre tract, from which a 3 inch round concrete monument with 2 inch disk found for the apparent common westerly corner of said Hume Survey and the James Cox One Labor, Abstract Number 113, the common westerly corner of said 2.58 acre tract and that certain called 0.777 acre tract described as "Parcel B" in instrument to The City of Huntsville, recorded in Volume 774, Page 855, O.R.W.C.T. bears North 23°19'31" East, 48.14 feet, said **POINT OF BEGINNING** having a Texas State Plane Coordinate value of **N: 10,244,565.10, E: 3,793,243.19**, Central Zone, grid measurements;

THENCE South 68°15'13" East, 890.07 feet, with the southerly right-of-way of said Pine Hill Road, the common line between said remainder of 263-6/10 acre tract and said 2.58 acre tract, to a ½ inch iron rod with cap stamped "TPS 100834-00" set in the westerly line of that certain called 2.009 acre tract described in instrument to Paul John Pittman and Tammy Elisa Pittman, recorded under Instrument Number 81944, O.R.W.C.T., for the common easterly corner of said remainder of 263-6/10 acre tract and said 2.58 acre tract, being the northeasterly corner of the herein described 12.603 acre tract, from which a 5/8 inch iron rod with disk found for the northwesterly corner of said 2.009 acre tract bears North 22°02'12" East, 11.41 feet;

THENCE South 22°02'12" West, 614.77 feet, with the common line between said remainder of 263-6/10 acre tract and said 2.009 acre tract, to a 1 inch iron bolt found in the northerly line of the remainder of that certain called 11.18 acre tract described in instrument to East Texas Land & Cattle, LLC., recorded under Instrument Number 78856, O.R.W.C.T., for the common southerly corner of said remainder of 263-6/10 acre tract and said 2.009 acre tract, being the easterly southeast corner of the herein described 12.603 acre tract;

THENCE North 68°21'59" West, 230.84 feet, with the common line between said remainder of 263-6/10 acre tract and said 11.18 acre tract, to a 5/8 inch iron rod found for the common corner of said remainder of 263-6/10 acre tract, said 11.18 acre tract, Lot 16, Block 3, of Majestic Forest Addition, as shown on the map or plat thereof, recorded in Volume 1, Page 48, of the Plat Records of Walker County, Texas (P.R.W.C.T.) and Lot 15, of said Block 3, being an angle point in a southerly line of the herein described 12.603 acre tract;

THENCE North 68°24'41" West, with the common line between said remainder of 263-6/10 acre tract and said Block 3, at a distance of 204.77 feet, pass a ½ inch iron rod found for the common northerly corner of said Lot 15 and Lot 14, of said Block 3, at a distance of 434.48 feet, pass a ½ inch iron rod found for the common northerly

corner of said Lot 14 and Lot 13, of said Block 3, in all, a total distance of 543.76 feet, to a ½ inch iron rod found for the common northerly corner of said remainder of 263-6/10 acre tract and said Lot 13, being an interior corner of the herein described 12.603 acre tract;

THENCE South 02°34'52" East, with the common line between said remainder of 263-6/10 acre tract and said block 3, at a distance of 120.75 feet, pass a calculated point for the common westerly corner of said Lot 13 and Lot 12 of said Block 3, from which a ½ inch iron rod found bears North 87°25’08” East, 1.33 feet, in all, a total distance of 227.16 feet, to a ½ inch iron rod with cap stamped “TPS 100834-00” set for a common corner of said remainder of 263-6/10 acre tract and said Lot 12, being an angle point in an easterly line of the herein described 12.603 acre tract;

THENCE South 00°10'50" East, with the common line between said remainder of 263-6/10 acre tract and said Block 3, at a distance of 84.43 feet, pass a 5/8 inch bent iron rod found for the common westerly corner of said Lot 12 and Lot 11 of said Block 3, at a distance of 348.02 feet, pass a ½ inch iron rod found for the common westerly corner of Lot 10 of said Block 3 and Lot 9 of said Block 3, in all, a total distance of 438.32 feet, to a 5/8 inch iron rod found in the apparent common line between said Hume Survey and the William McDonald League, Abstract Number 30, for the common corner of said remainder of 263-6/10 acre tract, said Lot 9, Lot 1 of the Wendell H. Baker, Sr. 34.014 acre residue tract, as shown on the map or plat thereof, recorded in Volume 5, Page 114, P.R.W.C.T., and that certain called 15.572 acre tract described in instrument to Wendell H. Baker, Jr., recorded in Volume 387, Page 237, O.R.W.C.T., being the southerly southeast corner of the herein described 12.603 acre tract;

THENCE North 02°40'53" West, 919.95 feet, with the apparent common line between said Hume Survey and said McDonald League, the common line between said remainder of 263-6/10 acre tract and said 15.572 acre tract, to a 3 inch round concrete monument with 2 inch disk found for the apparent common corner of said Hume Survey, said McDonald League, and said Cox League, the common corner of said remainder of 263-6/10 acre tract, said 15.572 acre tract, and said remainder of 860.347 acre tract, being an angle point in the westerly line of the herein described 12.603 acre tract, from which an axle found in the apparent common line between said Cox League and said McDonald League, for the common westerly corner of said 15.572 acre tract and said remainder of 860.347 acre tract bears South 87°15’00” West, 553.04 feet;

THENCE North 23°19'31" East, 392.87 feet, with the apparent common line between said Hume Survey and said Cox League, the common line between said remainder of 263-6/10 acre tract and said remainder of 860.347 acre tract, to the **POINT OF BEGINNING** and containing a computed area of 12.603 acres of land within this Field Note Description.

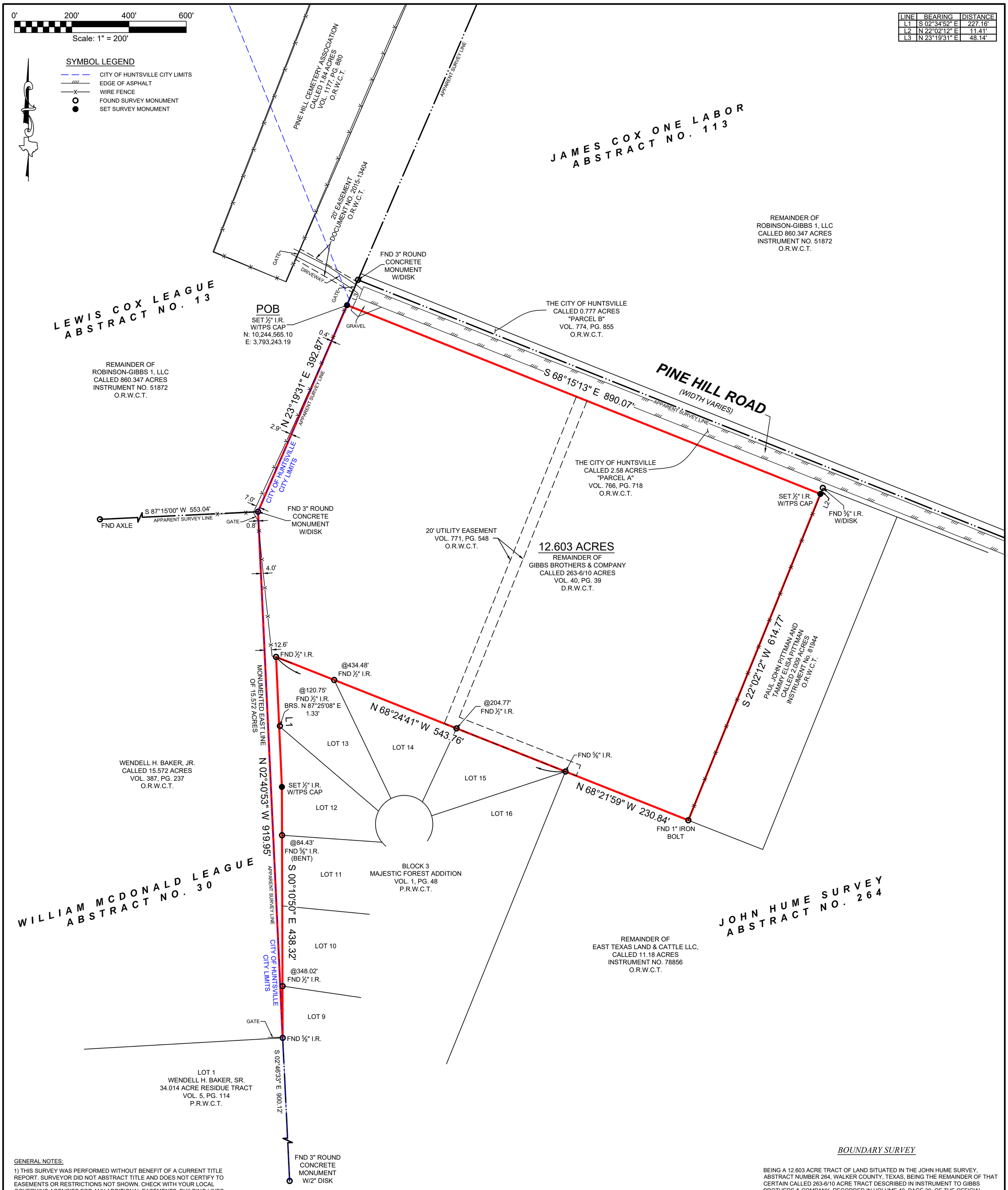
This Field Note Description was prepared from a survey performed on the ground on April 1, 2025, by Texas Professional Surveying, LLC., and referenced to Survey Drawing Project 39279.

All coordinates, bearings, distances, and areas shown hereon are grid measurements based on GPS observations and referenced to the North American Datum of 1983 (NAD83), Texas State Plane Coordinate System, Central Zone, U.S. Survey Feet.

April 7, 2025
Date

STATE OF TEXAS
REGISTERED
THOMAS A. McINTYRE
6921
PROFESSIONAL
LAND SURVEYOR

Thomas A. McIntyre
R.P.L.S. No. 6921



LINE	BEARING	DISTANCE
L1	S 02°34'52" E	227.16'
L2	N 22°02'12" E	11.41'
L3	N 23°19'31" E	48.14'

GENERAL NOTES:

1) THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT. SURVEYOR DID NOT ABSTRACT TITLE AND DOES NOT CERTIFY TO EASEMENTS OR RESTRICTIONS NOT SHOWN. CHECK WITH YOUR LOCAL GOVERNING AGENCIES FOR ANY ADDITIONAL EASEMENTS, BUILDING LINES OR OTHER RESTRICTIONS NOT REFLECTED ON SURVEY.

PROJECT	39279_12.603AC
FIELD DATE	04-01-2025
DRAWN BY	ADV
CHECKED BY	CPP
FIELD CREW	SMP
REV 1	__-__-____
REV 2	__-__-____
REV 3	__-__-____
REV 4	__-__-____

TEXAS PROFESSIONAL SURVEYING
3032 N. Frazier, Conroe, Texas 77303
Ph: 936.756.7447 Fax: 936.756.7448
www.surveyingtexas.com
Firm No. 10083400

NO PORTION OF THIS PROPERTY APPEARS TO LIE WITHIN THE 100 YEAR FLOODPLAIN, PER GRAPHIC SCALING OF FEMA FIRM PANEL NO. 48471C0365D, HAVING AN EFFECTIVE DATE OF 08-16-2011.

ALL COORDINATES, BEARINGS, DISTANCES, AND AREAS SHOWN HEREON ARE GRID MEASUREMENTS BASED ON GPS OBSERVATIONS AND REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83), TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, U.S. SURVEY FEET.

CLIENT ····· GIBBS BROTHERS & COMPANY, L.P.
ADDRESS ····· PINE HILL ROAD, HUNTSVILLE, TX, 77340
SURVEY ····· JOHN HUME, A - 264
SUBJECT ····· 12.603 ACRES
COUNTY ····· WALKER

BOUNDARY SURVEY

BEING A 12.603 ACRE TRACT OF LAND SITUATED IN THE JOHN HUME SURVEY, ABSTRACT NUMBER 264, WALKER COUNTY, TEXAS, BEING THE REMAINDER OF THAT CERTAIN CALLED 263-6/10 ACRE TRACT DESCRIBED IN INSTRUMENT TO GIBBS BROTHERS & COMPANY, RECORDED IN VOLUME 40, PAGE 39, OF THE OFFICIAL RECORDS OF WALKER COUNTY, TEXAS (O.R.W.C.T.), SAID 12.603 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY ATTACHED METES AND BOUNDS DESCRIPTION.

THIS SURVEY WAS CREATED FROM NOTES AND OBSERVATIONS TAKEN ON THE GROUND UNDER MY DIRECT SUPERVISION, AND IS TRUE AND CORRECT AT TIME OF SURVEY.

STATE OF TEXAS
REGISTERED
THOMAS A. McINTYRE
6921
PROFESSIONAL
LAND SURVEYOR

Thomas A. McIntyre
Registered Professional Land Surveyor No. 6921

TEXAS PROFESSIONAL SURVEYING, LLC.

3032 N. FRAZIER STREET, CONROE, TEXAS 77303
(936)756-7447 FAX (936)756-7448
FIRM REGISTRATION No. 100834-00

FIELD NOTE DESCRIPTION
27.361 ACRES
IN THE PETER TOMLINSON SURVEY, ABSTRACT NUMBER 539
AND IN THE JESSE YOUNG SURVEY, ABSTRACT NUMBER 618
WALKER COUNTY, TEXAS

BEING a 27.361 acre tract of land situated in the Peter Tomlinson Survey, Abstract Number 539, and in the Jesse Young Survey, Abstract Number 618, Walker County, Texas, being a portion of that certain called 860.347 acre tract described in instrument to Robinson-Gibbs 1, LLC, recorded under Clerk's File Number 51872, of the Official Records of Walker County, Texas (O.R.W.C.T.), said 27.361 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found in the southeasterly right-of-way of Robinson Creek Parkway (variable width right-of-way), in the southwesterly line of Lot 1, Block 1, of the Replat of Robinson Creek Subdivision, as shown on the map or plat thereof, recorded in Volume 2, Page 64, of the Plat Records of Walker County, Texas (P.R.W.C.T.), for the common easterly corner of said 860.347 acre tract and that certain called 2.333 acre tract described as "Parcel 40" in instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., being the westerly north corner of the herein described 27.361 acre tract, said **POINT OF BEGINNING** having a Texas State Plane Coordinate value of **N: 10,249,375.32, E: 3,796,996.98**, Central Zone, grid measurements;

THENCE South 43°52'20" East, 166.14 feet, with the common line between said 860.347 acre tract and said Lot 1, of Robinson Creek Subdivision, to a 5/8 inch iron rod found for the common corner of said 860.347 acre tract, said Lot 1 of Robinson Creek Subdivision, and Reserve A, Block 1, of said Robinson Creek Subdivision, being an angle point in a northeasterly line of the herein described 27.361 acre tract;

THENCE with the common line between said 860.347 acre tract and said Reserve A of Robinson Creek Subdivision, the following three (3) courses and distances:

1. South 43°43'13" East, 348.84 feet, to a 5/8 inch iron rod found for the beginning of a non-tangent curve to the left;
2. Southeasterly, 239.23 feet, with the arc of said non-tangent curve to the left, having a radius of 60.00 feet, a central angle of 228°26'51", and a chord that bears South 79°59'45" East, 109.43 feet, to a 5/8 inch iron rod found for the end of said curve to the left;
3. North 61°07'26" East, 400.00 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set in the southwesterly right-of-way of Interstate Highway 45 (IH 45, variable width right-of-way), for the common easterly corner of said 860.347 acre tract and said Reserve A, being the easterly north corner of the herein described 27.361 acre tract;

THENCE South 28°43'59" East, 198.67 feet, with southwesterly right-of-way of said IH 45, a northeasterly line of said 860.347 acre tract, to a 5/8 inch iron rod with cap found for the common northerly corner of said 860.347 acre tract and that certain called 0.597 acre tract described as "Tract 1" in instrument to Ashaar, LLC, recorded in Volume 1300, Page 82, O.R.W.C.T., being the most northerly east corner of the herein described 27.361 acre tract, from which a 4 inch by 4 inch concrete monument found for reference bears South 29°10'42" East, 25.89 feet;

THENCE with the common line between said 860.347 acre tract and said 0.597 acre tract, the following two (2) courses and distances:

1. South 25°49'14" West, 152.76 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
2. South 35°47'46" East, 137.58 feet, to a 5/8 inch iron rod with cap found for the common corner of said 860.347 acre tract, said 0.597 acre tract, and that certain called 0.03 acre tract described in instrument to Copano Pipelines/Upper Gulf Coast, L.P., recorded in Volume 312, Page 607, O.R.W.C.T., being an easterly corner of the herein described 27.361 acre tract;

THENCE with the common line between said 860.347 acre tract and said 0.03 acre tract, the following two (2) courses and distances:

1. South 54°12'03" West, 20.00 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
2. South 35°47'55" East, 70.56 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set in the northwesterly right-of-way of Farm to Market Road 1374 (FM 1374, variable width right-of-way), for the common southerly corner of said 860.347 acre tract and said 0.03 acre tract, being the most southerly east corner of the herein described 27.361 acre tract from which a 5/8 inch iron rod with cap found for the common southerly corner of said 0.03 acre tract and said 0.597 acre tract bears North 25°50’46” East, 22.72 feet;

THENCE with the northwesterly right-of-way of said FM 1374, a southeasterly line of said 860.347 acre tract, the following three (3) courses and distances:

1. South 25°50'46" West, 101.46 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the beginning of a curve to the left;
2. Southwesterly, 229.37 feet, with the arc of said curve to the left, having a radius of 2899.79 feet, a central angle of 04°31'55", and a chord that bears South 23°34'10" West, 229.31 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the end of said curve to the left;
3. South 20°30'09" West, 594.22 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the common easterly corner of said 860.347 acre tract and Lot 1, of the Minor Plat of Education Service Center, Region VI 10.66 acre tract (Education plat), as shown on the map or plat thereof, recorded in Volume 487, Page 815, O.R.W.C.T., being the southerly corner of the herein described 27.361 acre tract;

THENCE North 70°33'33" West, 775.29 feet, with the common line between said 860.347 acre tract and said Education Plat, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the common southerly corner of said 860.347 acre tract and Robinwood Professional Park, as shown on the map or plat thereof, recorded in Volume 4, Page 104, P.R.W.C.T., being the most southerly southwest corner of the herein described 27.361 acre tract;

THENCE with the common line between said 860.347 acre tract and said Robinwood Professional Park, the following two (2) courses and distances:

1. North 19°26'50" East, 333.71 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
2. North 52°43'15" West, 56.40 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set in the easterly right-of-way of said Robinson Creek Parkway, in a southerly line of said 2.333 acre tract, for the common northerly corner of said 860.347 acre tract and said Robinwood Professional Parkway, being a westerly corner of the herein described 27.361 acre tract;

THENCE with the easterly right-of-way of said Robinson Creek Parkway, the common line between said 860.347 acre tract and said 2.333 acre tract, the following five (5) courses and distances:

1. North 56°00'29" West, 239.05 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
2. South 86°53'43" East, 5.49 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
3. North 03°06'17" East, 212.62 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
4. North 74°54'22" West, 72.92 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the beginning of a non-tangent curve to the right;
5. Northeasterly, 390.89 feet, with the arc of said curve to the right, having a radius of 567.93 feet, a central angle of 39°26'06", and a chord that bears North 20°05'22" East, 383.22 feet, to a 5/8 inch iron rod found for the end of said curve to the right;
6. North 39°44'38" East, 282.95 feet, to the **POINT OF BEGINNING** and containing a computed area of 27.361 acres of land within this Field Note Description.

This Field Note Description was prepared from a survey performed on the ground on March 11, 2025, by Texas Professional Surveying, LLC., and referenced to Survey Drawing Project 39279.

All coordinates, bearings, distances, and areas shown hereon are grid measurements based on GPS observations and referenced to the North American Datum of 1983 (NAD83), Texas State Plane Coordinate System, Central Zone, U.S. Survey Feet.

March 24, 2025
Date

Thomas A. McIntyre
R.P.L.S. No. 6921

0' 100' 200' 300'

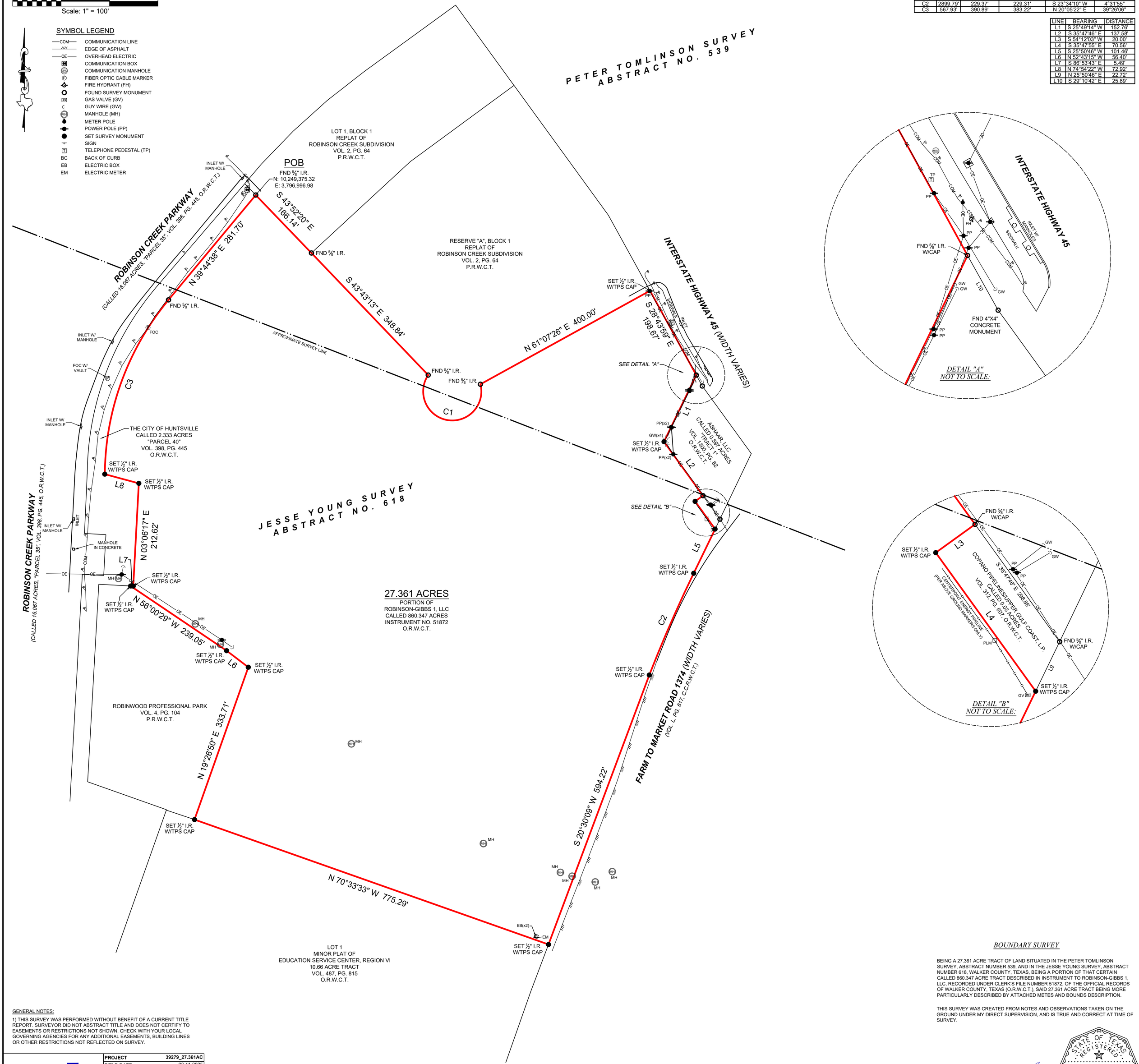
Scale: 1" = 100'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	60.00'	239.23'	109.43'	S 79°59'45" E	228°26'51"
C2	2899.79'	229.37'	229.31'	S 23°34'10" W	4°31'55"
C3	567.93'	390.89'	383.22'	N 20°05'22" E	39°26'06"

LINE	BEARING	DISTANCE
L1	S 25°49'14" W	152.76'
L2	S 35°47'46" E	137.58'
L3	S 54°12'03" W	20.00'
L4	S 35°47'55" E	70.56'
L5	S 25°50'46" W	101.46'
L6	N 52°43'15" W	56.40'
L7	S 86°53'43" E	5.49'
L8	N 74°54'22" W	72.92'
L9	N 25°50'46" E	22.72'
L10	S 29°10'42" E	25.89'

SYMBOL LEGEND

- COM — COMMUNICATION LINE
- EDGE OF ASPHALT
- OE — OVERHEAD ELECTRIC
- COMMUNICATION BOX
- COMMUNICATION MANHOLE
- FIBER OPTIC CABLE MARKER
- FIRE HYDRANT (FH)
- FOUND SURVEY MONUMENT
- GAS VALVE (GV)
- GUY WIRE (GW)
- MANHOLE (MH)
- METER POLE
- POWER POLE (PP)
- SET SURVEY MONUMENT
- SIGN
- TELEPHONE PEDESTAL (TP)
- BC — BACK OF CURB
- EB — ELECTRIC BOX
- EM — ELECTRIC METER



GENERAL NOTES:

1) THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT. SURVEYOR DID NOT ABSTRACT TITLE AND DOES NOT CERTIFY TO EASEMENTS OR RESTRICTIONS NOT SHOWN. CHECK WITH YOUR LOCAL GOVERNING AGENCIES FOR ANY ADDITIONAL EASEMENTS, BUILDING LINES OR OTHER RESTRICTIONS NOT REFLECTED ON SURVEY.

TEXAS PROFESSIONAL SURVEYING
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Ph: 936.756.7447 Fax: 936.756.1448
www.surveyingtexas.com
Firm No. 10083400

PROJECT	39279_27.361AC
FIELD DATE	03-11-2025
DRAWN BY	ADV
CHECKED BY	CPP
FIELD CREW	JW
REV 1	__-__-____
REV 2	__-__-____
REV 3	__-__-____
REV 4	__-__-____

ADDRESS ..... FM 1374, HUNTSVILLE, TX, 77340
SURVEY ..... PETER TOMLINSON, A - 539
SURVEY ..... JESSE YOUNG, A - 618
SUBJECT ..... 27.361 ACRES
COUNTY ..... WALKER

NO PORTION OF THIS PROPERTY APPEARS TO LIE WITHIN THE 100 YEAR FLOODPLAIN, PER GRAPHIC SCALING OF FEMA FIRM PANEL NO. 48471C0360D, HAVING AN EFFECTIVE DATE OF 08-16-2011.

ALL COORDINATES, BEARINGS, DISTANCES, AND AREAS SHOWN HEREON ARE GRID MEASUREMENTS BASED ON GPS OBSERVATIONS AND REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83), TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, U.S. SURVEY FEET.

BOUNDARY SURVEY

BEING A 27.361 ACRE TRACT OF LAND SITUATED IN THE PETER TOMLINSON SURVEY, ABSTRACT NUMBER 539, AND IN THE JESSE YOUNG SURVEY, ABSTRACT NUMBER 618, WALKER COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN CALLED 860.347 ACRE TRACT DESCRIBED IN INSTRUMENT TO ROBINSON-GIBBS 1, LLC, RECORDED UNDER CLERK'S FILE NUMBER 51872, OF THE OFFICIAL RECORDS OF WALKER COUNTY, TEXAS (O.R.W.C.T.), SAID 27.361 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY ATTACHED METES AND BOUNDS DESCRIPTION.

THIS SURVEY WAS CREATED FROM NOTES AND OBSERVATIONS TAKEN ON THE GROUND UNDER MY DIRECT SUPERVISION, AND IS TRUE AND CORRECT AT TIME OF SURVEY.

STATE OF TEXAS REGISTERED THOMAS A. McINTYRE 6921 PROFESSIONAL LAND SURVEYOR

Thomas A. McIntyre
Registered Professional Land Surveyor No. 6921

TEXAS PROFESSIONAL SURVEYING, LLC.

3032 N. FRAZIER STREET, CONROE, TEXAS 77303
(936)756-7447 FAX (936)756-7448
FIRM REGISTRATION No. 100834-00

FIELD NOTE DESCRIPTION
38.787 ACRES
IN THE LEWIS COX LEAGUE, ABSTRACT NUMBER 13
AND IN THE JESSE YOUNG SURVEY, ABSTRACT NUMBER 618
WALKER COUNTY, TEXAS

BEING a 38.787 acre tract of land situated in the Lewis Cox League, Abstract Number 13, and in the Jesse Young Survey, Abstract Number 618, Walker County, Texas, being a portion of that certain called 860.347 acre tract described in instrument to Robinson-Gibbs 1, LLC, recorded under Clerk's File Number 51872, of the Official Records of Walker County, Texas (O.R.W.C.T.), said 38.787 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for the common corner of said 860.347 acre tract, that certain called 105.13 acre tract described in instrument to Sam Houston State University, recorded in Volume 50, Page 145, of the Deed Records of Walker County, Texas (D.R.W.C.T.), and Lot 1A, of the Replat of Medical Office Park – Huntsville, LP., as shown on the map or plat thereof, recorded in Volume 5, Page 85, of the Plat Records of Walker County, Texas (P.R.W.C.T.), being an angle point in a northerly line of the herein described 38.787 acre tract, from which a 1/2 inch iron rod found for the common corner of said 105.13 acre tract, said Lot 1A, and the remainder of that certain called 80 acre tract described in instrument to The State of Texas, recorded in Volume 55, Page 547, D.R.W.C.T. bears, North 04°50'26" West, 188.90 feet, said **POINT OF BEGINNING** having a Texas State Plane Coordinate value of **N: 10,248,844.39, E: 3,795,474.89**, Central Zone, grid measurements;

THENCE with the common line between said 860.347 acre tract and said Lot 1A, the following three (3) courses and distances:

1. North 86°10'50" East, 341.68 feet, to a 5/8 inch iron rod with cap found for corner;
2. North 17°57'20" East, 343.84 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for corner;
3. South 72°02'40" East, 650.55 feet, to a 5/8 inch iron rod with cap found in the westerly right-of-way of Robinson Creek Parkway (variable width right-of-way), for the common corner of said 860.347 acre tract, said Lot 1A, and that certain called 16.067 acre tract described as "Parcel 35", in instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., being an angle point in a northerly line of the herein described 38.787 acre tract;

THENCE South 60°09'01" East, 39.65 feet, with the westerly right-of-way of said Robinson Creek Parkway, the common line between said 860.347 acre tract and said 16.067 acre tract, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for a common corner of said 860.347 acre tract, said 16.067 acre tract, and that certain called 0.260 acre tract described as "Parcel 38", in said instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., being the most easterly corner of the herein described 38.787 acre tract;

THENCE continuing, with the westerly right-of-way of said Robinson Creek Parkway, the common line between said 860.347 acre tract and said 0.260 acre tract, the following two (2) courses and distances:

1. South 17°54'16" West, 217.97 feet, to a 5/8 inch iron rod found for corner;
2. South 03°02'36" West, 47.50 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set in a northerly line of said 16.067 acre tract, for the common southerly corner of said 860.347 acre tract and said 0.260 acre tract, being an angle point in an easterly line of the herein described 38.787 acre tract;

THENCE continuing, with the westerly right-of-way of said Robinson Creek Parkway, the common line between said 860.347 acre tract and said 16.067 acre tract, the following three (3) courses and distances:

1. North 86°57'01" West, 4.53 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
2. South 03°24'06" West, 83.92 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
3. South 86°57'01" East, 5.00 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set in a southerly line of said 16.067 acre tract, for the common northerly corner of said 860.347 acre tract and that certain called 0.636 acre tract described as “Parcel 37”, in said instrument to The City of Huntsville, recorded in Volume 398, Page 447, O.R.W.C.T., being an angle point in an easterly line of the herein described 38.787 acre tract;

THENCE South 03°02'36" West, 198.95 feet, continuing, with the westerly right-of-way of said Robinson Creek Parkway, the common line between said 860.347 acre tract and said 0.636 acre tract, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set at the intersection of the westerly right-of-way of said Robinson Creek Parkway with the northerly Right-of-way of Woodward Drive (variable width right-of-way), in the arc of a non-tangent curve to the left, for a common corner of said 860.347 acre tract and said 0.636 acre tract, being the southeasterly corner of the herein described 38.787 acre tract;

THENCE Southwesterly, 390.19 feet, with the northerly right-of-way of said Woodward Drive, continuing, with the common line between said 860.347 acre tract and said 0.636 acre tract, with the arc of said non-tangent curve to the left, having a radius of 1065.00 feet, a central angle of 20°59'31", and a chord that bears South 81°08'52" West, 388.02 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set in an easterly line of said 16.067 acre tract, for the end of said curve to the left, the common westerly corner of said 860.347 acre tract and said 0.636 acre tract, being an angle point in a southerly line of the herein described 38.787 acre tract;

THENCE continuing, with the northerly line of said Woodward Drive, the common line between said 860.347 acre tract, the following three (3) courses and distances:

1. North 22°43'49" West, 15.07 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
2. South 68°27'28" West, 79.84 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
3. South 22°43'49" East, 14.64 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the common easterly corner of said 860.347 acre tract and that certain called 2.372 acre tract described as “Parcel 36” in said instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., being an angle point in a southerly line of the herein described 38.787 acre tract;

THENCE South 67°15'58" West, 1467.86 feet, continuing, with the northerly right-of-way of said Woodward Drive, the common line between said 860.347 acre tract and said 2.372 acre tract, to a 5/8 inch iron rod with cap found at the intersection of the northerly right-of-way of said Woodward Drive with the easterly right-of-way of Veterans Memorial Parkway (variable width right-of-way), for the most southerly common corner of said 860.347 acre tract and said 2.372 acre tract, being the southwesterly corner of the herein described 38.787 acre tract;

THENCE with the easterly right-of-way of said Veterans Memorial Parkway, continuing, with the common line between said 860.347 acre tract and said 2.372 acre tract, the following four (4) courses and distances:

1. North 19°01'53" West, 233.65 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
2. North 32°22'12" West, 309.39 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
3. North 36°51'05" West, 208.69 feet, to a 5/8 inch iron rod with cap found for corner;
4. North 40°35'34" West, 414.37 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set in the southerly line of said 105.13 acre tract, for the common northerly corner of said 860.347 acre tract and said 2.372 acre tract, being the northwesterly corner of the herein described 38.787 acre tract, from which a 5/8 inch iron rod found for the southerly southwest corner of said 105.13 acre tract bears South 86°00’56” West, 1806.87 feet;

THENCE North 86°00'56" East, 1436.16 feet, with the common line between said 860.347 acre tract and said 105.13 acre tract, to the **POINT OF BEGINNING** and containing a computed area of 38.787 acres of land within this Field Note Description.

This Field Note Description was prepared from a survey performed on the ground on March 11, 2025, by Texas Professional Surveying, LLC., and referenced to Survey Drawing Project 39279.

All coordinates, bearings, distances, and areas shown hereon are grid measurements based on GPS observations and referenced to the North American Datum of 1983 (NAD83), Texas State Plane Coordinate System, Central Zone, U.S. Survey Feet.

March 24, 2025
Date

STATE OF TEXAS
REGISTERED
THOMAS A. McINTYRE
6921
PROFESSIONAL
LAND SURVEYOR

Thomas A. McIntyre
R.P.L.S. No. 6921

0' 100' 200' 300'

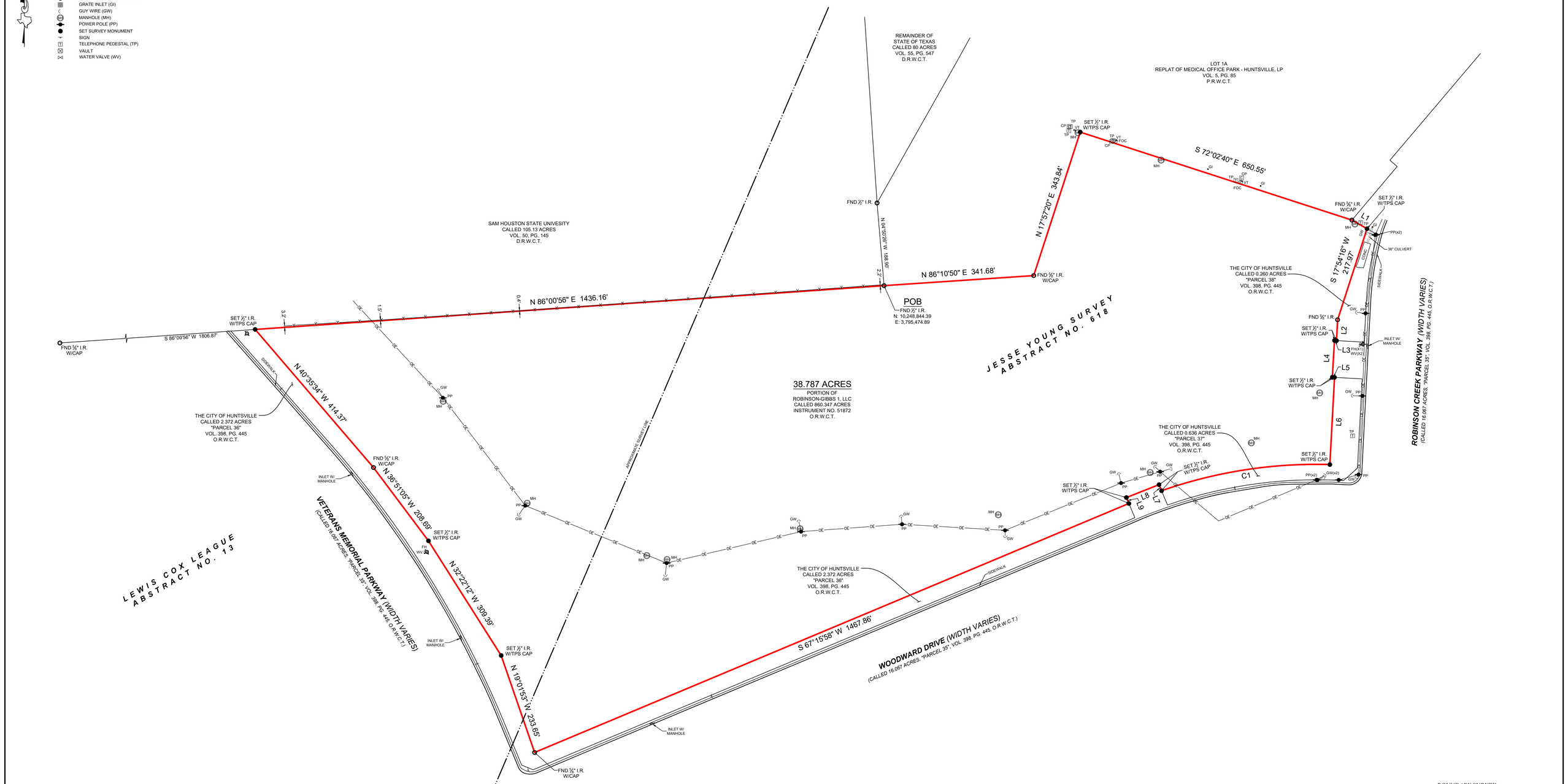
Scale: 1" = 100'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1065.00'	390.19'	388.02'	S 81°08'52" W	20°59'31"

LINE	BEARING	DISTANCE
L1	S 60°09'01" E	39.65'
L2	S 03°02'36" W	47.50'
L3	N 86°57'01" W	4.53'
L4	S 03°24'06" W	83.92'
L5	S 86°57'01" E	5.00'
L6	S 03°02'36" W	198.95'
L7	N 22°43'49" W	15.07'
L8	S 68°27'28" W	79.84'
L9	S 22°43'49" E	14.64'

SYMBOL LEGEND

- OE — OVERHEAD ELECTRIC
- X — WIRE FENCE
- CABLE PEDESTAL (CP)
- FIBER OPTIC CABLE MARKER (FOC)
- FIRE HYDRANT
- FOUND SURVEY MONUMENT
- GRATE INLET (GI)
- GUY WIRE (GW)
- MANHOLE (MH)
- POWER POLE (PP)
- SET SURVEY MONUMENT
- SIGN
- TELEPHONE PEDESTAL (TP)
- VAULT
- WATER VALVE (WV)



GENERAL NOTES:

1) THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT. SURVEYOR DID NOT ABSTRACT TITLE AND DOES NOT CERTIFY TO EASEMENTS OR RESTRICTIONS NOT SHOWN. CHECK WITH YOUR LOCAL GOVERNING AGENCIES FOR ANY ADDITIONAL EASEMENTS, BUILDING LINES OR OTHER RESTRICTIONS NOT REFLECTED ON SURVEY.

TEXAS PROFESSIONAL SURVEYING

3032 N. Frazier, Conroe, Texas 77303
Ph: 936.756.7447 Fax: 936.756.7448
www.surveyingtexas.com
Firm No. 10083400

PROJECT	39279_38.787AC
FIELD DATE	03-11-2025
DRAWN BY	ADV
CHECKED BY	CPP
FIELD CREW	JW
REV 1	__-__-__
REV 2	__-__-__
REV 3	__-__-__
REV 4	__-__-__

ADDRESS.....ROBINSON CREEK PARKWAY, HUNTSVILLE, TX. 77340
SURVEY.....LEWIS COX LEAGUE, A - 13
SURVEY.....JESSE YOUNG SURVEY, A - 618
SUBJECT.....38.787 ACRES
COUNTY.....WALKER

NO PORTION OF THIS PROPERTY APPEARS TO LIE WITHIN THE 100 YEAR FLOODPLAIN, PER GRAPHIC SCALING OF FEMA FIRM PANEL NO(S). 48471C0355D AND 48471C0360D, BOTH HAVING AN EFFECTIVE DATE OF 08-16-2011.

ALL COORDINATES, BEARINGS, DISTANCES, AND AREAS SHOWN HEREON ARE GRID MEASUREMENTS BASED ON GPS OBSERVATIONS AND REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83), TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, U.S. SURVEY FEET.

BOUNDARY SURVEY

BEING A 38.787 ACRE TRACT OF LAND SITUATED IN THE LEWIS COX LEAGUE, ABSTRACT NUMBER 13, AND IN THE JESSE YOUNG SURVEY, ABSTRACT NUMBER 618, WALKER COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN CALLED 860.347 ACRE TRACT DESCRIBED IN INSTRUMENT TO ROBINSON-GIBBS 1, LLC, RECORDED UNDER CLERK'S FILE NUMBER 51872, OF THE OFFICIAL RECORDS OF WALKER COUNTY, TEXAS (O.R.W.C.T.), SAID 38.787 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY ATTACHED METES AND BOUNDS DESCRIPTION.

THIS SURVEY WAS CREATED FROM NOTES AND OBSERVATIONS TAKEN ON THE GROUND UNDER MY DIRECT SUPERVISION, AND IS TRUE AND CORRECT AT TIME OF SURVEY.

STATE OF TEXAS REGISTERED THOMAS A. McINTYRE 6921 PROFESSIONAL LAND SURVEYOR

Thomas A. McIntyre
Registered Professional Land Surveyor No. 6921

TEXAS PROFESSIONAL SURVEYING, LLC.

3032 N. FRAZIER STREET, CONROE, TEXAS 77303
(936)756-7447 FAX (936)756-7448
FIRM REGISTRATION No. 100834-00

FIELD NOTE DESCRIPTION
89.218 ACRES
IN THE JESSE YOUNG LABOR, ABSTRACT NUMBER 618
AND IN THE JAMES COX SURVEY, ABSTACT NUMBER 113
WALKER COUNTY, TEXAS

BEING a 89.218 acre tract of land situated in the Jesse Young Labor, Abstract Number 618 and in the James Cox Survey, Abstract Number 113, Walker County, Texas, being comprised of a portion of that certain called 860.347 acre tract described in instrument to Robinson-Gibbs 1, LLC., recorded under Instrument Number 51872, of the Official Records of Walker County, Texas (O.R.W.C.T.), and all of Restricted Reserve "D", of R-G Park 1, Section 1, as shown on the map or plat thereof, recorded in Volume 7, Page 37, of the Plat Records of Walker County, Texas (P.R.W.C.T.), said 89.218 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found at the intersection of the westerly right-of-way of Farm To Market Road 1374 (FM 1374, variable width right-of-way), recorded in Volume L, Page 617, of the Commissioners Court Records of Walker County, Texas (C.C.R.W.C.T.) with the southwesterly right-of-way of Robinson Creek Parkway (variable width right-of-way), for the common easterly corner of said 860.347 acre tract and that certain called 1.073 acre tract, described as "Parcel 41", in instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., being a most easterly corner of the herein described 89.218 acre tract, said **POINT OF BEGINNING** having a Texas State Plane Coordinate value of **N: 10,247,241.86, E: 3,797,368.81** Central Zone, grid measurements;

THENCE with the northwesterly right-of-way of said FM 1374, the southeasterly line of said 860.347 acre tract, the following three (3) courses and distance:

1. South 20°11'51" West, 337.80 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for the beginning of a curve to the right;
2. Southwesterly, 339.61 feet, with the arc of said curve to the right, having a radius of 5694.58 feet, a central angle of 03°25'01", and a chord that bears South 22°11'33" West, 339.56 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for the end of said curve to the right;
3. South 23°54'08" West, 515.73 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set in the apparent common line between said Young Labor and said Cox Survey, for the common easterly corner of said 860.347 acre tract and Lot 1, of Williams Subdivision Lots 1 & 2, as shown on the map or plat thereof, recorded in Volume 6, Page 47, P.R.W.C.T., being a southerly corner of the herein described 89.218 acre tract;

THENCE North 67°50'56" West, with the apparent common line between said Young Labor and said Cox Survey, the common line between said 860.347 acre tract and said Lot 1 of Williams Subdivision Lot 1 & Lot 2, at a distance of 415.68 feet, pass a 5/8 inch iron rod with cap found for the common northerly corner of said Lot 1 of Williams Subdivision Lot 1 & Lot 2 and Lot 2A, of Williams Subdivision, as shown on the map or plat thereof, recorded in Volume 7, Page 100, P.R.W.C.T., thence, with the common line between said 860.347 acre tract and said Lot 2A, in all, a total distance of 623.18 feet, to a 5/8 inch ion rod with cap found for the most northerly common corner of said 860.347 acre tract and said Lot 2A, being an interior corner of the herein described 89.218 acre tract;

THENCE South 22°27'00" West, 415.65 feet, continuing, with the common line between said 860.347 acre tract, and said Lot 2A, to a 3 inch round concrete monument with disk found for the most westerly common corner of said 860.347 acre tract and said Lot 2A, being an interior corner of the herein described 89.218 acre tract;

THENCE South 66°45'36" East, continuing, with the common line between said 860.347 acre tract and said Lot 2A, at a distance of 420.17 feet, pass a 4 inch by 4 inch concrete monument with disk found for the common southerly corner of said Lot 2A and the apparent remainder of that certain called 6/10 acre tract, now or formerly described in instrument to Walter Hunter, recorded in Volume 96, Page 483, of the Deed Records of Walker County, Texas (D.R.W.C.T.), from which a 1/2 inch iron rod with cap found for the southwesterly corner of that certain called 0.482 acre tract, described in instrument to Huntsville Masjid Al-Ummah, HIC., recorded in Volume 1338, Page 590, O.R.W.C.T. bears North 62°49'40" East, 8.61 feet, thence, with the common line between said 860.347 acre tract and said apparent remainder of 6/10 acre tract, in all, a total distance of 619.28 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set in the northwesterly right-of-way of said FM 1374, for the common easterly corner of said 860.347 acre tract and said apparent remainder of 6/10 acre tract, being an easterly corner of the herein described 89.218 acre tract, from which a 1/2 inch iron rod found for the common easterly corner of said apparent remainder of 6/10 acre tract and said 0.482 acre tract bears North 22°11'57" East, 3.32 feet;

THENCE South 22°11'57" West, 428.15 feet, with the northwesterly right-of-way of said FM 1374, a southeasterly line of said 860.347 acre tract, to a 5/8 inch iron rod found at the intersection of the northwesterly right-of-way of said FM 1374 with the northeasterly right-of-way of Veterans Memorial Parkway (Variable width tight-of-way), for the common easterly corner of said 860.347 acre tract and that certain called 0.558 acre tract described as "Parcel 45", in said instrument to The City of Huntsville, recorded under Volume 398, Page 445, O.R.W.C.T., being a southeasterly corner of the herein described 89.218 acre tract;

THENCE with the northeasterly right-of-way of said Veterans Memorial Parkway, the common line between said 860.347 acre tract and said 0.558 acre tract, the following four (4) courses and distances:

1. South 69°12'06" West, 59.82 feet, to a 5/8 inch iron rod found for corner;
2. North 72°20'52" West, 379.57 feet, to a 5/8 inch iron rod found for corner;
3. North 58°03'01" West, 324.43 feet, to a 5/8 inch iron rod found for corner
4. North 42°16'10" West, 79.19 feet, to a 5/8 inch iron rod found for the most northerly common corner of said 860.347 acre tract, said 0.558 acre tract, and that certain called 16.067 acre tract described as "Parcel 35", in said instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., being an angle point in a southwesterly line of the herein described 89.218 acre tract;

THENCE North 51°30'25" West, 21.13 feet, continuing, with the northeasterly right-of-way of said Veterans Memorial Parkway, the common line between said 860.347 acre tract and said 16.067 acre tract, to a 5/8 inch iron rod (bent) found for the most southerly common corner of said 860.347 acre tract, said 16.067 acre tract, and that certain called 0.592 acre tract, described as "Parcel 44" in said instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., being an angle point in a southwesterly line of the herein described 89.218 acre tract;

THENCE continuing, with the northeasterly right-of-way of said Veterans Memorial Parkway, the common line between said 860.347 acre tract and said 0.592 acre tract, the following three (3) courses and distances:

1. North 60°55'49" West, 77.41 feet, to a ½ inch iron rod with cap stamped "TPS 100834-00" found for the beginning of a non-tangent curve to the right;
2. Northwesterly, 607.65 feet, with the arc of said non-tangent curve to the right, having a radius of 2184.35 feet, a central angle of 15°56'19", and a chord that bears North 41°09'45" West, 605.69 feet, to a 5/8 inch iron rod (bent) found for the end of said curve to the right;
3. North 19°20'15" West, 312.01 feet, to a 5/8 inch iron rod found for the most northerly common corner of said 860.347 acre tract, said 0.592 acre tract, and said 16.067 acre tract, being an angle point in a southwesterly line of the herein described 89.218 acre tract;

THENCE North 19°15'43" West, continuing, with the northeasterly right-of-way of said Veterans Memorial Parkway, the common line between said 860.347 acre tract and said 16.067 acre tract, at a distance of 79.12 feet, pass a 5/8 inch iron rod found for the most southerly common corner of said 16.067 acre tract and that certain called 1.024 acre tract, described as “Parcel 43” in instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., thence, with the common line between said 860.347 acre tract and said 1.024 acre tract, in all, a total distance of 452.92 feet, to a 5/8 inch iron rod found for a common corner of said 860.347 acre tract and said 1.024 acre tract, being an angle point in a southwesterly line of the herein described 89.218 acre tract;

THENCE North 41°38'05" West, 175.65 feet, continuing, with the northeasterly right-of-way of said Veterans Memorial Parkway, the common line between said 860.347 acre tract and said 1.024 acre tract, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” found for a common corner of the same, being an angle point in a southwesterly line of the herein described 89.218 acre tract;

THENCE North 22°25'03" West, 674.07 feet, continuing, with the northeasterly right-of-way of said Veterans Memorial Parkway, the easterly line of said 1.024 acre tract, said 16.067 acre tract, and that certain called 1.831 acre tract, described as “Parcel 42” in said instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., common to a westerly line of said 860.347 acre tract, to a 5/8 inch iron rod with cap found at the intersection of the northeasterly right-of-way of said Veterans Memorial Parkway with the southerly right-of-way of Woodward Drive (variable width right-of-way), for the most westerly common corner of said 860.347 acre tract and said 1.831 acre tract, being the most westerly corner of the herein described 89.218 acre tract;

THENCE North 67°15'10" East, 688.58 feet, with the southerly right-of-way of said Woodward Drive, the common line between said 860.347 acre tract and said 1.831 acre tract, to a 5/8 inch iron rod with cap found for the common northerly corner of said 860.347 acre tract and Lot 1, of Two 1.00 acre tracts out of William R, Woodward, et al and H.Y. Robinson Co. Property (Lot 1 of Woodward And Robinson Subdivision), as shown on the map or plat thereof, recorded in Volume 5, Page 179, P.R.W.C.T., being a northerly corner of the herein described 89.218 acre tract;

THENCE South 22°43'52" East, 290.48 feet, with the common line between said 860.347 acre tract and said Lot 1 of Woodward and Robinson Subdivision, to a 5/8 inch iron rod with cap found for the most southerly common corner of said 860.347 acre tract and said Lot 1 of Woodward and Robinson Subdivision, being an interior corner of the herein described 89.218 acre tract;

THENCE North 67°16'29" East, with the southerly line of said Lot 1 of Woodward and Robinson Subdivision, Lot A, of Roshan 2.00 acre tract, as shown on the map or plat thereof, recorded in Volume 6, Page 93, P.R.W.C.T., Lot B of said Roshan 2.00 acre tract, and Lot 2 of said Woodward and Robinson Subdivision, common to a northerly line of said 860.347 acre tract, at a distance of 149.92 feet, pass a 5/8 inch iron rod found for the common southerly corner of said Lot 1 of Woodward and Robinson Subdivision and said Lot A, at a distance of 300.01 feet, pass a calculated point for the common southerly corner of said Lot A and said Lot B, from which a 5/8 inch iron rod found for reference bears North 22°43’31” West, 1.66 feet, at a distance of 450.01 feet, pass a 5/8 inch iron rod with cap found for the common southerly corner of said Lot B and said Lot 2 of Woodward and Robinson Subdivision, in all a total distance of 600.00 feet, to a 5/8 inch iron rod with cap found in the westerly line of said Restricted Reserve “D” for the common easterly corner of said 860.347 acre tract and said Lot 2 of Woodward and Robinson Subdivision, being an interior corner of the herein described 89.218 acre tract;

THENCE North 22°43'36" West, 290.71 feet, with the common line between said Restricted Reserve “D” and said Lot 2 of Woodward and Robinson Subdivision, to a 5/8 inch iron rod found in the southerly right-of-way of said Woodward Drive, the southerly line of said 1.831 acre tract, for the common northerly corner of said Restricted Reserve “D” and said Lot 2 of Woodward and Robinson Subdivision, being a northwesterly corner of the herein described 89.218 acre tract;

THENCE North 67°18'24" East, 382.74 feet, with the southerly right-of-way of said Woodward Drive, the southerly line of said 1.831 acre tract, said 16.067 acre tract, and said 1.073 acre tract, common to the most northerly line of said Restricted Reserve “D”, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the common northerly corner of said Restricted Reserve “D” and Lot 1, of William Woodward, et al 827.26 acre tract (Woodward Subdivision), as shown on the map or plat thereof, recorded in Volume 5, Page 94, P.R.W.C.T., being the most northerly corner of the herein described 89.218 acre tract, from which a 5/8 inch iron rod with cap found for reference, bears North 67°18’24” East, 42.96 feet;

THENCE South 03°04'09" West, 219.60 feet, with the common line between said Restricted Reserve “D” and said Lot 1 of Woodward Subdivision, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the common corner of said Restricted Reserve “D”, said Lot 1 of Woodward Subdivision, and Lot 1, of R-G Park 1, Section 1, as shown on the map or plat thereof, recorded in Volume 7, Page 37, P.R.W.C.T., being an angle point in an easterly line of the herein described 89.218 acre tract, from which a 5/8 inch iron rod with cap found for the common easterly corner of said Lot 1 of Woodward Subdivision and said Lot 1 of R-G Park 1 bears North 88°06’05” East, 256.10 feet;

THENCE with the common line between said Restricted Reserve “D” and Lot 1, of said R-G Park 1, the following three (3) course and distances:

1. South 05°16'26" East, 161.09 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
2. South 10°36'37" East, 201.73 feet, to a 1/2 inch iron rod with cap found for corner;
3. North 79°22'23" East, 253.33 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” found in the southwesterly right-of-way of said Robinson Creek Parkway, a westerly line of said 1.073 acre tract, for the common easterly corner of said Restricted Reserve “D” and said Lot 1 of R-G Park 1, being a northeasterly corner of the herein described 89.218 acre tract corner;

THENCE with the southwesterly right-of-way of said Robinson Creek Parkway, the common line between said Restricted Reserve “D” and said 1.073 acre tract, the following two (2) courses and distances:

1. South 10°37'34" East, 22.12 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” found for the beginning of a non-tangent curve to the left;
2. Southeasterly, 223.52 feet, with the arc of said non-tangent curve to the left, having a radius of 870.32 feet, a central angle of 14°42'53", and a chord that bears South 30°19'18" East, 222.90 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” found for the end of said curve to the left, a common corner of said Restricted Reserve “D” and said 1.073 acre tract, being an angle point in a northeasterly line of the herein described 89.218 acre tract;

THENCE South 50°38'46" East, 259.04 feet, continuing, with the southwesterly right-of-way of said Robinson Creek Parkway, a northeasterly line of said Restricted Reserve “D” and said 860.347 acre tract, common to a southwesterly line of said 1.073 acre tract, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” found for a common corner of said 860.347 acre tract and said 1.073 acre tract, being an angle point in a northeasterly line of the herein described 89.218 acre tract;

(INTENTIONALLY LEFT BLANK)

THENCE continuing, with the southwesterly right-of-way of said Robinson Creek Parkway, the common line between said 860.347 acre tract and said 1.073 acre tract, the following three (3) courses and distances:

1. South 62°07'23" East, 265.39 feet, to a 1/2 inch iron with cap found for corner;
2. South 74°21'34" East, 106.16 feet, to a 5/8 inch iron rod found for corner
3. North 89°13'54" East, 153.62 feet, to the **POINT OF BEGINNING** and containing a computed area of 89.218 acres of land within this Field Note Description.

This Field Note Description was prepared from a survey performed on the ground on March 11, 2025, by Texas Professional Surveying, LLC., referenced to Survey Drawing Project 39279.

All coordinates, bearings, distances, and areas shown hereon are grid measurements based on GPS observations and referenced to the North American Datum 1983 (NAD83), Texas State Plane Coordinate System, Central Zone, U.S. Survey Feet.

April 9, 2025
Date

STATE OF TEXAS
REGISTERED
THOMAS A. McINTYRE
6921
PROFESSIONAL
LAND SURVEYOR

Thomas A. McIntyre
R.P.L.S. No. 6921

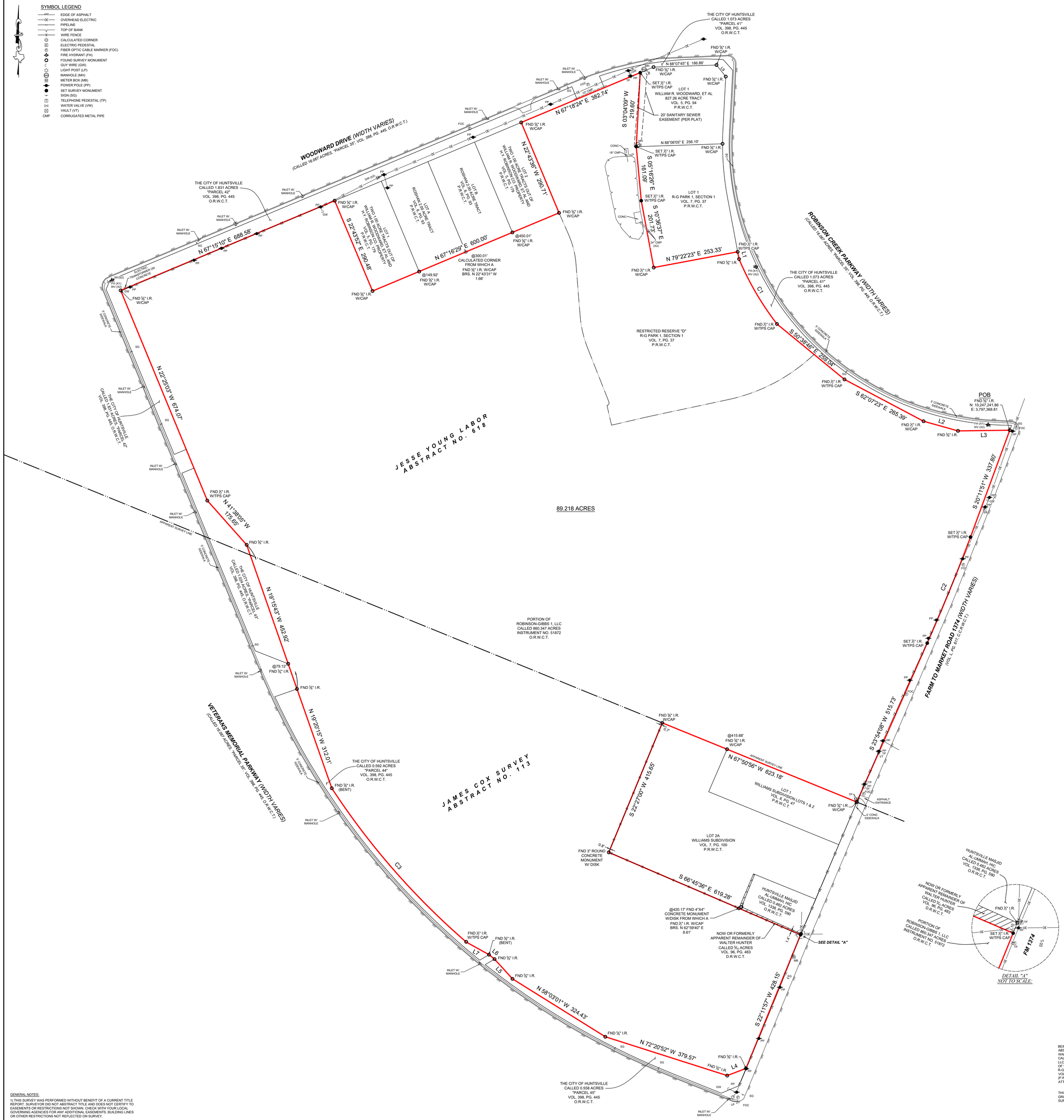
0' 100' 200' 300'
Scale: 1" = 100'

SYMBOL LEGEND

- EDGE OF ASPHALT
- OVERHEAD ELECTRIC
- PIPELINE
- TOP OF BANK
- WIRE FENCE
- CALCULATED CORNER
- ELECTRIC PEDESTAL
- FIBER OPTIC CABLE MARKER (FOC)
- FIRE HYDRANT (FH)
- FOUND SURVEY MONUMENT
- GUY WIRE (GW)
- LIGHT POST (LP)
- MANHOLE (MH)
- METER BOX (MB)
- POWER POLE (PP)
- SET SURVEY MONUMENT
- SIGN (SG)
- TELEPHONE PEDESTAL (TP)
- WATER VALVE (WV)
- VAULT (VT)
- CMP CORRUGATED METAL PIPE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	870.32'	223.52'	222.90'	S 30°19'18" E	14°42'53"
C2	5694.58'	339.61'	339.56'	S 22°11'33" W	3°25'01"
C3	2184.35'	607.65'	605.69'	N 41°09'45" W	15°56'19"

LINE	BEARING	DISTANCE
L1	S 10°37'34" E	22.12'
L2	S 74°21'34" E	106.16'
L3	N 89°13'54" E	153.62'
L4	S 69°12'06" W	59.82'
L5	N 42°16'10" W	79.19'
L6	N 51°30'25" W	21.13'
L7	N 60°55'49" W	77.41'
L8	N 67°18'24" E	42.96'
L9	S 38°40'08" E	43.91'
L10	N 22°11'57" E	3.32'



GENERAL NOTES:

1) THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT. SURVEYOR DID NOT ABSTRACT TITLE AND DOES NOT CERTIFY TO EASEMENTS OR RESTRICTIONS NOT SHOWN. CHECK WITH YOUR LOCAL GOVERNING AGENCIES FOR ANY ADDITIONAL EASEMENTS, BUILDING LINES OR OTHER RESTRICTIONS NOT REFLECTED ON SURVEY.

TEXAS PROFESSIONAL SURVEYING TPS
3032 N. Frazier, Conroe, Texas 77303
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Firm No. 10083400

PROJECT	39279_89.218AC
FIELD DATE	03-11-2025
DRAWN BY	SI
CHECKED BY	CPP
FIELD CREW	JW
REV 1	__-__-__
REV 2	__-__-__
REV 3	__-__-__
REV 4	__-__-__

ADDRESS: FM 1374, HUNTSVILLE, TX, 77340
SURVEY: JAMES COX, A - 113
SURVEY: JESSE YOUNG LABOR, A - 618
SUBJECT: 89.218 ACRES
COUNTY: WALKER

BOUNDARY SURVEY

BEING A 89.218 ACRE TRACT OF LAND SITUATED IN THE JESSE YOUNG LABOR, ABSTRACT NUMBER 618 AND IN THE JAMES COX SURVEY, ABSTRACT NUMBER 113, WALKER COUNTY, TEXAS, BEING COMPRISED OF A PORTION OF THAT CERTAIN CALLED 860.347 ACRE TRACT DESCRIBED IN INSTRUMENT TO ROBINSON-GIBBS 1, LLC., RECORDED UNDER INSTRUMENT NUMBER 51872, OF THE OFFICIAL RECORDS OF WALKER COUNTY, TEXAS (O.R.W.C.T.), AND ALL OF RESTRICTED RESERVE "D", OF R-G PARK 1, SECTION 1, AS SHOWN ON THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 7, PAGE 37, OF THE PLAT RECORDS OF WALKER COUNTY, TEXAS (P.R.W.C.T.), SAID 89.218 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY ATTACHED METES AND BOUNDS DESCRIPTION.

THIS SURVEY WAS CREATED FROM NOTES AND OBSERVATIONS TAKEN ON THE GROUND UNDER MY DIRECT SUPERVISION, AND IS TRUE AND CORRECT AT TIME OF SURVEY.

NO PORTION OF THIS PROPERTY APPEARS TO LIE WITHIN THE 100 YEAR FLOODPLAIN, PER GRAPHIC SCALING OF FEMA FIRM PANEL NO(S). 48471C0355D, 48471C0365D, 48471C0370D, ALL HAVING AN EFFECTIVE DATE OF 08-16-2011.

ALL COORDINATES, BEARINGS, DISTANCES, AND AREAS SHOWN HEREON ARE GRID MEASUREMENTS BASED ON GPS OBSERVATIONS AND REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83), TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, U.S. SURVEY FEET.

STATE OF TEXAS REGISTERED THOMAS A. McINTYRE 6921 PROFESSIONAL LAND SURVEYOR

Thomas A. McIntyre
Registered Professional Land Surveyor No. 6921

TEXAS PROFESSIONAL SURVEYING, LLC.

3032 N. FRAZIER STREET, CONROE, TEXAS 77303
(936)756-7447 FAX (936)756-7448
FIRM REGISTRATION No. 100834-00

FIELD NOTE DESCRIPTION
98.845 ACRES
IN THE LEWIS COX LEAGUE, ABSTRACT NUMBER 13
WALKER COUNTY, TEXAS

BEING a 98.845 acre tract of land situated in the Lewis Cox League, Abstract Number 13, Walker County, Texas, being a portion of that certain called 860.347 acre tract described in instrument to Robinson-Gibbs 1, LLC., recorded under Instrument Number 51872, of the Official Records of Walker County, Texas (O.R.W.C.T.), said 98.845 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a concrete monument found at the intersection of the southwesterly right-of-way of Interstate Highway 45 (IH 45, variable width right-of-way) with the southerly right-of-way of Smither Drive (variable width right-of-way), for the common easterly corner of said 860.347 acre tract and that certain called 0.317 acre tract described as "Parcel 31", in instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., being the northeasterly corner of the herein described 98.845 acre tract, said **POINT OF BEGINNING** having a Texas State Plane Coordinate value of **N: 10,252,162.80, E: 3,795,695.33,** Central Zone, grid measurements;

THENCE South 32°28'49" East, with the southwesterly right-of-way of said IH 45, a northeasterly line of said 860.347 acre tract, at a distance of 252.42 feet, pass a concrete monument wish disk stamped "TXDOT" found for reference, in all, a total distance 259.65 feet, to a 1/2 inch iron rod found for the common northerly corner of said 860.347 acre tract and the remainder of that certain called 80 acre tract described in instrument to The State of Texas, recorded in Volume 55, Page 547, D.R.W.C.T., being the most easterly corner of the herein described 98.845 acre tract;

THENCE South 33°07'46" West, 431.94 feet, with the common line between said 860.347 acre tract and said remainder of 80 acre tract, to a 1/2 inch iron rod with cap found for the common easterly corner of said 860.347 acre tract and that certain called 16.579 acre tract described as "Tract 1" in instrument to Sam Houston State University, recorded under Instrument Number 2024-103240, O.R.W.C.T., being a southerly corner of the herein described 98.845 acre tract;

THENCE with the common line between said 860.347 acre tract and said 16.579 acre tract, the following three (3) courses and distances:

1. North 48°41'42" West, 241.58 feet, to a 1/2 inch iron rod with cap found for corner;
2. North 89°41'11" West, 135.25 feet, to a 1/2 inch iron rod with cap found for corner;
3. South 00°16'39" West, 95.45 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" found for corner;
4. South 31°06'49" West, 691.90 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" found for corner;
5. South 44°09'34" West, 1482.51 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" found in the northerly line of that certain called 105.13 acre tract described in instrument to Sam Houston State University, recorded in Volume 50, Page 145, D.R.W.C.T., for the common southerly corner of said 860.347 acre tract and said 16.759 acre tract, being the most southerly southeast corner of the herein described 98.845 acre tract;

THENCE South 85°50'20" West, 902.42 feet, with the common line between said 860.347 acre tract and said 105.13 acre tract, to a 5/8 inch iron rod found in the northeasterly right-of-way of Veterans Memorial Parkway (variable width right-of-way), for the common corner of said 860.347 acre tract, that certain called 0.131 acre tract described as “Parcel 20” in said instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., and said 105.13 acre tract, being the southwesterly corner of the herein described 98.845 acre tract;

THENCE North 42°18'16" West, with the northeasterly right-of-way of said Veterans Memorial Parkway, the northeasterly line of said 0.131 acre tract, that certain called 1.262 acre tract described as “Parcel 18” and that certain called 0.221 acre tract described as “Parcel 19”, both in said instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., common to a southwesterly line of said 860.347 acre tract, at a distance of 267.69 feet, pass a 5/8 inch iron rod found for the common northerly corner of said 1.262 acre tract and said 0.221 acre tract, in all, a total distance of 602.34 feet, to a 5/8 inch iron rod with cap found for the common westerly corner of said 860.347 acre tract and that certain called 34.02 acre tract described as “Tract 1” in instrument to Gibbs Brothers and Company, LP., recorded under Instrument Number 2024-97334, O.R.W.C.T., being the most westerly northwest corner of the herein described 98.845 acre tract;

THENCE with the common line between said 860.347 acre tract and said 34.02 acre tract, the following two (2) courses and distances:

1. North 42°52'52" East, 764.38 feet, to a 1/2 inch iron rod found for corner;
2. North 25°38'09" West, 1167.67 feet, to a 1/2 inch iron rod with cap found for the common corner of said 860.347 acre tract, said 34.02 acre tract, that certain called 0.488 acre tract described as “Parcel 27” in instrument to The City of Huntsville, recorded in Volume 408, Page 867, O.R.W.C.T., and that certain called 0.099 acre tract described as “Parcel 29”, in said instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., being a westerly corner of the herein described 98.845 acre tract, from which a 1/2 inch iron rod with cap found for the most southerly common corner of said 34.02 acre tract and said 0.488 acre tract bears South 18°56’37” West, 83.73 feet;

THENCE North 19°03'40" East, 109.68 feet, with the common line between said 860.347 acre tract and said 0.099 acre tract, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set in the apparent common line between said Cox League and the Pleasant Gray League, Abstract Number 24, the southerly right-of-way of said Smithers Drive, the southerly line of that certain called 1.674 acre tract described as “Parcel 32” in instrument to The City of Huntsville, recorded in Volume 402, Page 485, O.R.W.C.T., for the common northerly corner of said 860.347 acre tract and said 0.099 acre tract, being the most northerly northwest corner of the herein described 98.845 acre tract;

THENCE North 87°37'08" East, 347.40 feet, with the apparent common line between said Cox League and said Gray League, the southerly right-of-way of said Smithers Drive, the common line between said 860.347 acre tract and said 1.674 acre tract, to a 5/8 inch iron rod found for the common westerly corner of said 860.347 acre tract and that certain called 4.067 acre tract described as “Parcel 28” in said instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., being an angle point in the northerly line of the herein described 98.845 acre tract;

THENCE South 85°46'39" East, 290.63 feet, continuing, with the southerly right-of-way of said Smithers Drive, the common line between said 860.347 acre tract and said 4.067 acre tract, to a 1/2 inch iron rod with cap found for the common corner of said 860.347 acre tract and that certain called 0.374 acre tract described as “Parcel 30” in said instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., being an angle point in the northerly line of the herein described 98.845 acre tract;

THENCE continuing, with the southerly right-of-way of said Smithers Drive, the common line between said 860.347 acre tract and said 0.374 acre tract, the following four (4) courses and distances:

1. South 85°45'58" East, 364.20 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the beginning of a curve to the left;
2. Southeasterly, 790.87 feet, with the arc of said curve to the left, having a radius of 6040.00 feet, a central angle of 07°30'08", and a chord that bears South 89°31'11" East, 790.30 feet, to a 1/2 inch iron rod with cap found for the end of said curve to the left;
3. North 86°44'00" East, 475.12 feet, to a 5/8 inch iron rod found for corner;
4. North 03°16'18" West, 10.00 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set in the southerly line of said 4.067 acre tract, for the most easterly common north corner of said 860.347 acre tract and said 0.374 acre tract, being an angle point in the northerly line of the herein described 98.845 acre tract;

THENCE North 86°43'37" East, 373.68 feet, continuing, with the southerly right-of-way of said Smithers Drive, the common line between said 860.347 acre tract and said 4.067 acre tract, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the common corner of said 860.347 acre tract, said 4.067 acre tract, and said 0.317 acre tract, being an angle point in the northerly line of the herein described 98.845 acre tract, from which a concrete monument found for reference bears North 83°36’37” West, 13.26 feet;

THENCE with the southerly right-of-way of said Smithers Drive, the common line between said 860.347 acre tract and said 0.317 acre tract, the following two (2) courses and distances:

1. South 81°27'10" East, 188.50 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
2. North 70°01'03" East, 250.24 feet, to the **POINT OF BEGINNING** and containing a computed area of 98.845 acres of land within this Field Note Description.

This Field Note Description was prepared from a survey performed on the ground on March 11, 2025, by Texas Professional Surveying, LLC., referenced to Survey Drawing Project 39279.

All coordinates, bearings, distances, and areas shown hereon are grid measurements based on GPS observations and referenced to the North American Datum 1983 (NAD83), Texas State Plane Coordinate System, Central Zone, U.S. Survey Feet.

March 24, 2025
Date

Thomas A. McIntyre
R.P.L.S. No. 6921

0' 200' 400' 600'

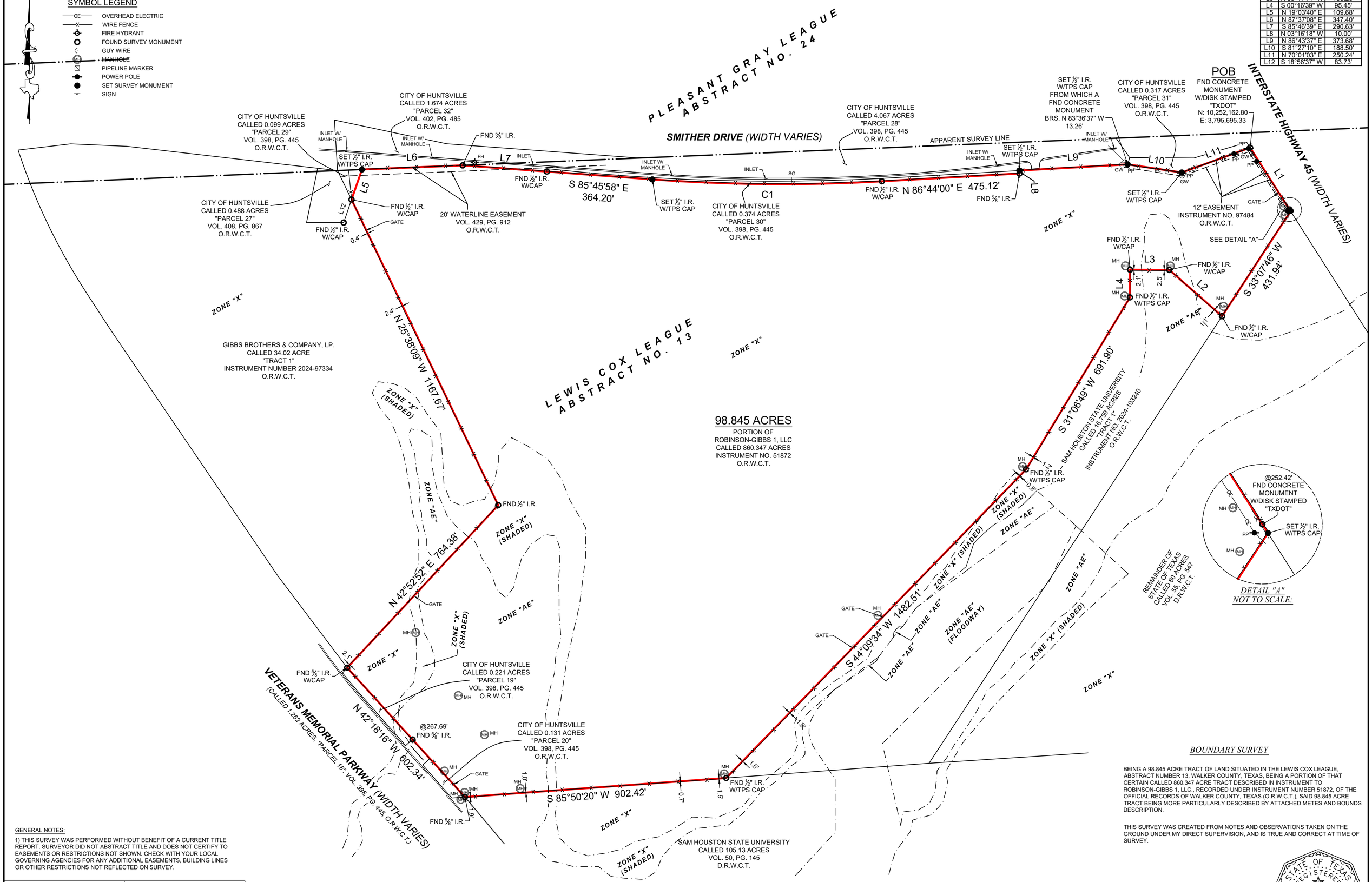
SCALE: 1" = 200'

SYMBOL LEGEND

- OVERHEAD ELECTRIC
- WIRE FENCE
- FIRE HYDRANT
- FOUND SURVEY MONUMENT
- GUY WIRE
- MANHOLE
- PIPELINE MARKER
- POWER POLE
- SET SURVEY MONUMENT
- SIGN

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	6040.00'	790.87'	790.30'	S 89°31'11" E	7°30'08"

LINE	BEARING	DISTANCE
L1	S 32°28'49" E	259.65'
L2	N 48°41'42" W	241.58'
L3	N 89°41'11" W	135.25'
L4	S 00°16'39" W	95.45'
L5	N 19°03'40" E	109.68'
L6	N 87°37'08" E	347.40'
L7	S 85°46'39" E	290.63'
L8	N 03°16'18" W	10.00'
L9	N 86°43'37" E	373.68'
L10	S 81°27'10" E	188.50'
L11	N 70°01'03" E	250.24'
L12	S 18°56'37" W	83.73'



GENERAL NOTES:

1) THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT. SURVEYOR DID NOT ABSTRACT TITLE AND DOES NOT CERTIFY TO EASEMENTS OR RESTRICTIONS NOT SHOWN. CHECK WITH YOUR LOCAL GOVERNING AGENCIES FOR ANY ADDITIONAL EASEMENTS, BUILDING LINES OR OTHER RESTRICTIONS NOT REFLECTED ON SURVEY.

TEXAS PROFESSIONAL SURVEYING

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www.surveyingtexas.com
Firm No. 10083400

JOB#	39279_98.845AC
FIELD DATE	03-11-2025
DRAWN BY	MJS
CHECKED BY	CPP
FIELD CREW	JW
REV 1	__-__-__
REV 2	__-__-__
REV 3	__-__-__
REV 4	__-__-__

ADDRESS ..... HUNTSVILLE, TX, 77340
SURVEY ..... LEWIS COX LEAGUE, A - 13
SURVEY ..... PLEASANT GRAY LEAGUE, A - 24
SUBJECT ..... 98.845 ACRES
COUNTY ..... WALKER

A PORTION OF THIS PROPERTY APPEARS TO LIE WITHIN THE 100 YEAR FLOODPLAIN AND THE REGULATORY FLOODWAY, PER GRAPHIC SCALING OF FEMA FIRM PANEL NO(S). 48471C0355D AND 48471C0360D, BOTH HAVING AN EFFECTIVE DATE OF 08-16-2011.

ALL COORDINATES, BEARINGS, DISTANCES, AND AREAS SHOWN HEREON ARE GRID MEASUREMENTS BASED ON GPS OBSERVATIONS AND REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83), TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, U.S. SURVEY FEET.

BOUNDARY SURVEY

BEING A 98.845 ACRE TRACT OF LAND SITUATED IN THE LEWIS COX LEAGUE, ABSTRACT NUMBER 13, WALKER COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN CALLED 860.347 ACRE TRACT DESCRIBED IN INSTRUMENT TO ROBINSON-GIBBS 1, LLC., RECORDED UNDER INSTRUMENT NUMBER 51872, OF THE OFFICIAL RECORDS OF WALKER COUNTY, TEXAS (O.R.W.C.T.), SAID 98.845 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY ATTACHED METES AND BOUNDS DESCRIPTION.

THIS SURVEY WAS CREATED FROM NOTES AND OBSERVATIONS TAKEN ON THE GROUND UNDER MY DIRECT SUPERVISION, AND IS TRUE AND CORRECT AT TIME OF SURVEY.

STATE OF TEXAS REGISTERED THOMAS A. McINTYRE 6921 PROFESSIONAL LAND SURVEYOR

Thomas A. McIntyre
Registered Professional Land Surveyor No. 6921

TEXAS PROFESSIONAL SURVEYING, LLC.

3032 N. FRAZIER STREET, CONROE, TEXAS 77303
(936)756-7447 FAX (936)756-7448
FIRM REGISTRATION No. 100834-00

FIELD NOTE DESCRIPTION
695.508 ACRES
IN THE JESSE YOUNG ONE LABOR, ABSTRACT NUMBER 618
IN THE JAMES COX ONE LABOR, ABSTACT NUMBER 113
IN THE LEWIS COX LEAGUE, ABSTRACT NUMBER 13
AND IN THE WILLIAM MCDONALD LEAGUE, ABSTRACT NUMBER 30
WALKER COUNTY, TEXAS

BEING a 695.508 acre tract of land situated in the Jesse Young One Labor, Abstract Number 618, the James Cox One Labor, Abstract Number 113, the Lexis Cox League, Abstract Number 13, and in the William McDonald League, Abstract Number 30, Walker County, Texas, being comprised of a portion of that certain called 860.347 acre tract described in instrument to Robinson-Gibbs 1, LLC., recorded under Instrument Number 51872, of the Official Records of Walker County, Texas (O.R.W.C.T.), and all of that certain called 101.983 acre tract described in instrument to Robinson-Gibbs III, LLC, recorded under Instrument Number 51874, O.R.W.C.T., said 695.508 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found in the southwesterly right-of-way of Veterans Memorial Parkway (variable width right-of-way), in the northerly line of that certain called 0.501 acre tract described in instrument to Fox – 4, Inc. and Steve C. Fox, recorded in Volume 999, Page 874, O.R.W.C.T., for the common southerly corner of said 860.347 acre tract and that certain called 0.367 acre tract described as "Parcel 46" in instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., being the most easterly corner of the herein described 695.508 acre tract, from which a 3/4 inch iron pipe found at the intersection of the southwesterly right-of-way of said Veterans Memorial Parkway with the northwesterly right-of-way of Farm to Market Road 1374 (FM 1374, variable width right-of-way), described in Volume L, Page 617, of the Commissioners Court Records of Walker Conty, Texas (C.C.R.W.C.T.), for the common easterly corner of said 0.501 acre tract and said 0.367 acre tract, said **POINT OF BEGINNING** having a Texas State Plane Coordinate value of **N: 10,245,151.83, E: 3,796,479.22,** Central Zone, grid measurements;

THENCE North 68°38'57" West, 593.57 feet, with the northerly line of said 0.501 acre tract and Lot 1, Block 1, of NNB Enterprises, Inc., Smiley's #3 (Smiley's tract), as shown on the map or plat thereof, recorded in Volume 6, Page 48, of the Plat Records of Walker County, Texas (P.R.W.C.T.), common to a southerly line of said 860.347 acre tract, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for the common northerly corner of said 860.347 acre tract and said Smiley's tract, being an interior corner of the herein described 695.508 acre tract;

THENCE South 22°59'07" West, with the common line between said 860.347 acre tract and said Smiley's tract, at a distance of 290.78 feet, pass a concrete monument found for reference, in all, a total distance of 325.79 feet, to a 1/2 inch iron rod found for the common corner of said 860.347 acre tract, said Smiley's tract, and that certain called 1.450 acre tract described in instrument to Donnie L. Thomas, Sr., recorded in Volume 319, Page 324, O.R.W.C.T., being an angle point in a southeasterly line of the herein described 695.508 acre tract;

THENCE South 24°27'01" West, 136.02 feet, with the common line between said 860.347 acre tract and said 1.450 acre tract, to a 1/2 inch bent iron rod found for the common corner of said 860.347 acre tract, said 1.450 acre tract, and the remainder of that certain called 5 acre tract described as "Fifth Tract" in instrument to Andrew L. Timmons, Sr., recorded in Volume 1054, Page 412, O.R.W.C.T., being an angle point in a southeasterly line of the herein described 695.508 acre tract;

THENCE South 23°43'04" West, 860.19 feet, with the northerly line of said remainder of 5 acre tract, that certain called 2.87 acre tract described as “Second Tract”, and that certain called 7 acre tract described as “First Tract”, both in said instrument to Andrew L. Timmons, Sr., recorded in Volume 1054, Page 412, O.R.W.C.T., common to a southerly line of said 860.347 acre tract, to a 3 inch round concrete monument with disk found for the common westerly corner of said 860.347 acre tract and said 7 acre tract, being an interior corner of the herein described 695.508 acre tract;

THENCE South 69°04'52" East, 646.84 feet, with the common line between said 860.347 acre tract and said 7 acre tract, to a 5/8 inch iron rod with cap found in the northwesterly right-of-way of said Fm 1374, in the arc of a non-tangent curve to the right, for the common easterly corner of said 860.347 acre tract and said 7 acre tract, being a northeasterly corner of the herein described 695.508 acre tract;

THENCE Southwesterly, 373.76 feet, with the arc of said non-tangent curve to the right, having a radius of 2829.79 feet, a central angle of 07°34'03", and a chord that bears South 27°08'34" West, 373.48 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set at the intersection of the northwesterly right-of-way of said FM 1374 with the northeasterly right-of-way of Pine Hill Road (40 feet wide), in the apparent common line between said Cox Labor and the John Hume Survey, Abstract Number 264, for a southeasterly corner of said 860.347 acre tract and the herein described 695.508 acre tract;

THENCE North 68°25'06" West, 2762.08 feet, with the northeasterly right-of-way of said Pine Hill Road, common to a southwesterly line of said 860.347 acre tract, to a 3 inch round concrete monument with disk found at the westerly end of said Pine Hill Road, in the apparent southeasterly line of said Cox League, for the apparent common westerly corner of said Cox Labor and said Hume Survey, being an interior corner of said 860.347 acre tract and the herein described 695.508 acre tract, from which a 4 inch by 4 inch broken concrete monument found for the southerly corner of that certain called 1.84 acre tract described in instrument to Pine Hill Cemetery Association, recorded in Volume 1177, Page 880, O.R.W.C.T. bears South 88°24’06” West, 125.51 feet;

THENCE South 23°19'31" West, 441.02 feet, with the apparent common line between said Cox League and said Hume Survey, the northwesterly end of said Pine Hill Road, the northwesterly line of that certain tract shown to be owned by Gibbs Brothers & Co. (Gibbs Brothers & Co. tract), per Walker County Appraisal District identification Number (W.C.A.D. ID. No.) 17467, common to a southeasterly line of said 860.347 acre tract, to a 3 inch round concrete monument with disk found for the apparent common corner of said Cox League, said Hume Survey, and said McDonald League, the common corner of said 860.347 acre tract, said Gibbs Brothers & Co. tract and that certain called 15.572 acre tract described in instrument to Baker H. Wendell, Jr., recorded in Volume 387, Page 237, O.R.W.C.T., being a southeasterly corner of the herein described 695.508 acre tract, from which a 3 inch round concrete monument found for reference in the common line between said McDonald League and the Wilson Rackley Survey, Abstract Number 473, for the most easterly northeast corner of that certain called 809.670 acre tract described in instrument to Marshall Willey, Sr. and Kim Willey, recorded in Volume 860, Page 650, O.R.W.C.T. bears, South 02°45’39” East, 2911.60 feet;

THENCE South 87°15'00" West, 553.04 feet, with the apparent common line between said Cox league and said McDonald League, the common line between said 860.347 acre tract and said 15.572 acre tract, to an axle found for the common corner of said 860.347 acre tract, said 15.572 acre tract, and that certain called 146.860 acre tract, now or formerly described in instrument to Wiliam D. White, recorded in Volume 210, Page 467, of the Deed Records of Walker County, Texas (D.R.W.C.T.), being an angle point in a southerly line of the herein described 695.508 acre tract;

THENCE South 88°10'52" West, 291.07 feet, continuing, with the apparent common line between said Cox League and said McDonald League, the common line between said 860.347 acre tract and said 146.860 acre tract, to a 5/8 inch iron rod with cap found for a common corner of said 860.347 acre tract and said 146.860 acre tract, being a southwesterly corner of the herein described 695.508 acre tract;

THENCE with the common line between said 860.347 acre tract and said 146.860 acre tract, the following four (4) courses and distances:

1. North 34°35'21" West, 390.11 feet, to a 3 inch round concrete monument found for corner;
2. North 44°27'53" East, 554.47 feet, to a 5/8 inch iron rod with cap found for corner;
3. North 15°24'59" West, 1003.63 feet, to a 3 inch round concrete monument found for corner;
4. South 86°49'29" West, 1184.77 feet, to a 1/2 inch bent iron rod found for the common corner of said 860.347 acre tract, said 146.860 acre tract, and the remainder of that certain called 103.046 acre tract, now or formerly described in instrument to Bobby H. Nelson and Carol K. Nelson, recorded in Volume 959, Page 339, O.R.W.C.T., being an angle point in a southerly line of the herein described 695.508 acre tract;

THENCE with the common line between said 860.347 acre tract and said 103.046 acre tract, the following five (5) courses and distances:

1. South 86°43'37" West, 1179.35 feet, to a 3 inch round concrete monument found for corner;
2. South 01°40'40" East, 555.33 feet, to a 36 inch oak tree fence corner post found for corner;
3. South 86°41'55" West, 547.22 feet, to a fence corner post found for corner;
4. South 02°07'18" East, 678.36 feet, to a fence corner post found for corner;
5. South 42°40'51" West, 1112.62 feet, to a 3 inch round concrete monument found in a northerly line of said 101.983 acre tract, for the common southerly corner of said 860.347 acre tract and said 103.046 acre tract, being an interior corner of the herein described 695.508 acre tract;

THENCE South 81°48'00" East, 1101.54 feet, with the common line between said 101.983 acre tract and said 103.046 acre tract, to a 6 inch axle found for the common corner of said 101.983 acre tract, said 103.046 acre tract, and that certain called 18.29 acre tract described in instrument to Jesse Baker Adams and Leola Baker Adams (Adams tract), recorded in Volume 66, Page 129, O.R.W.C.T., being an easterly corner of the herein described 695.508 acre tract;

THENCE South 57°33'13" West, 394.34 feet, with the common line between said 101.983 acre tract and said Adams tract, to a 6 inch axle found for a common corner of said 101.983 acre tract and said Adams tract, being an angle point in an easterly line of the herein described 695.508 acre tract;

THENCE South 45°02'57" West, 1666.14 feet, with the westerly line of said Adams tract, that certain called 18.29 acre tract described in instrument to Alystene G. Baker (Alystene Baker tract), recorded in Volume 396, Page 459, O.R.W.C.T., that certain called 20.41 acre tract described in instrument to Kenneth W. Clark and Angelique L. Clark, recorded in Volume 246, Page 211, O.R.W.C.T., and that certain called 18.29 acre tract described in instrument to Wendell Harold Baker, Jr., et al (Wendell Baker tract), recorded in Volume 1154, Page 389, O.R.W.C.T., common to an easterly line of said 101.983 acre tract, to a 6 inch axle found for the common corner of said 101.983 acre tract, said Wendel Baker tract, and the Wendell Baker Jr. 48.878 acre tract, as shown on the affidavit of minor plat, recorded in Volume 668, Page 77, O.R.W.C.T., being an angle point in a southeasterly line of the herein described 695.508 acre tract;

THENCE with the common line between said 101.983 acre tract and said Wendell Baker Jr. 48.878 acre tract, the following two (2) courses and distances:

1. South 19°13'16" West, 304.92 feet, to a 4 inch diameter bent axle found in a creek for corner;
2. South 06°52'25" West, 92.99 feet, to a 1/2 inch iron rod found for the common corner of said 101.983 acre tract, said Wendell Baker Jr. 48.878 acre tract, and that certain called 16.439 acre tract described in instrument to Desmond Charles Curry, Sr., recorded under Instrument Number 44666, O.R.W.C.T., being an angle point in an easterly line of the herein described 695.508 acre tract;

THENCE South 07°03'47" West, 212.47 feet, with the common line between said 101.983 acre tract and said 16.439 acre tract, to a 1/2 inch iron rod found for the common corner of said 101.983 acre tract, said 16.439 acre tract, and that certain called 18.29 acre tract described as “Tract One” in instrument to Pamlynn J. Wilson (Pamlynn Wilson tract), recorded in Volume 974, Page 414, O.R.W.CT., being an angle point in an easterly line of the herein described 695.508 acre tract;

THENCE South 07°03'55" West, 415.84 feet, with the westerly line of said Pamlynn Wilson tract and the remainder of that certain called 18.29 acre tract, now or formerly described in instrument to Jessiebee Baker Wilson (Jessiebee Wilson tract), recorded in Volume 232, Page 381, D.R.W.C.T., common to an easterly line of said 101.983 acre tract, to a 1/2 inch iron rod with cap found in a northerly line of said 809.670 acre tract, described in instrument to Marshall Willey, Sr. and Kim Willey, recorded in Volume 860, Page 650, O.R.W.C.T., for the common southerly corner of said 101.983 acre tract and said Jessiebee Wilson tract, being the most southerly southeast corner of the herein described 695.508 acre tract;

THENCE with the common line between said 101.983 acre tract and said 809.670 acre tract, the following two (2) courses and distances:

1. South 87°22'23" West, 1120.97 feet, to a 1/2 inch iron rod with cap found for corner;
2. North 01°40'20" East, 2789.52 feet, to a 5/8 inch iron rod with cap found in a southerly line of said 860.347 acre tract, for the common northerly corner of said 101.983 acre tract and said 809.670 acre tract, being an interior corner of the herein described 695.508 acres;

THENCE North 83°33'47" West, 683.54 feet, with the common line between said 860.347 acre tract and said 809.670 acre tract, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set replacing a dead 24 inch post oak tree found laid over in the apparent common line between said McDonald League and said Cox League, for the common corner of said 860.347 acre tract, said 809.670 acre tract, and that certain called 212.56 acre tract described in instrument to The Spencer Family Partnership, recorded in Volume 169, Page 324, O.R.W.C.T., being the most westerly southwest corner of the herein described 695.508 acre tract, from which a 3 inch round concrete monument with disk found in said apparent common line between said McDonald League and said Cox League, for the common westerly corner of said 809.670 acre tract and said 212.56 acre tract bears South 87°31’08” West, 2870.30 feet;

THENCE North 02°11'53" West, 1625.40 feet, with the common line between said 860.347 acre tract and said 212.56 acre tract, to a 1/2 inch bent iron rod found for the common westerly corner of said 860.347 acre tract and said 212.56 acre tract, being the most westerly northwest corner of the herein described 695.508 acre tract;

THENCE North 87°01'09" East, with the southerly line of said 212.56 acre tract and that certain called 454.47 acre tract described as “First Tract” in instrument to Nane Manor, LP., recorded in Volume 853, Page 600, O.R.W.C.T., common to a northerly line of said 860.347 acre tract, at a distance of 1346.27 feet, pass a calculated point, from which a 5/8 inch iron rod found for reference bears South 02°58’51” East, 0.49 feet, in all, a total distance of 3101.36 feet, to a calculated point found for a common corner of said 860.347 acre tract and said 454.47 acre tract, being an interior corner of the herein described 695.508 acre tract;

THENCE North 22°51'48" East, 4219.43 feet, continuing, with the common line between said 860.347 acre tract and said 454.47 acre tract, to a 5/8 inch iron rod found for the common westerly corner of said 860.347 acre tract and that certain called 107.00 acre tract described as “Tract 2” in instrument to Gibbs Brothers & Company, LP., recorded under Instrument Number 97334, O.R.W.C.T., being the northerly northwest corner of the herein described 695.508 acre tract, from which a 1/2 inch iron rod found for reference bears South 26°57’23” West, 6.29 feet;

THENCE South 48°22'06" East, 717.04 feet, with the common line between said 860.347 acre tract and said 107.00 acre tract, to a 5/8 inch bent iron rod with cap found for the common corner of said 860.347 acre tract, said 107.00 acre tract, that certain called 105.13 acre tract described in instrument to Sam Houston State University, recorded in Volume 50, Page 145, D.R.W.C.T., and that certain called 6.569 acre tract described as “Tract 2” in instrument to Sam Houston State University, recorded under Instrument Number 103240, O.R.W.C.T., being the most northerly northeast corner of the herein described 695.508 acre tract;

THENCE with the common line between said 860.347 acre tract and said 6.569 acre tract, the following two (2) courses and distances:

1. South 22°45'08" West, 600.33 feet, to a 1/2 inch iron rod with cap found for corner;
2. North 86°01'24" East, 1067.49 feet, to a 5/8 inch bent iron rod with cap found for the most southerly common corner of said 860.347 acre tract, said 6.569 acre trac, and said 105.13 acre tract, being an angle point in a northerly line of the herein described 695.508 acre tract;

THENCE North 85°59'33" East, 1230.79 feet, with the common line between said 860.347 acre tract and said 105.13 acre tract, to a 5/8 inch iron rod with cap found for the common northerly corner of said 860.347 acre tract and Lot 1, of the Minor Plat of W.T. Robinson Co. and H.Y. Robinson Co. Property (Robinson Plat), as shown on the map or plat thereof, recorded in Volume 5, Page 85, P.R.W.C.T., being a northeasterly corner of the herein described 695.508 acre tract;

THENCE with the common line between said 860.347 acre tract and said Robinson Plat, the following four (4) courses and distances:

1. South 12°20'49" West, 167.08 feet, to a 5/8 inch iron rod with cap found for corner;
2. North 85°59'49" East, 183.48 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
3. North 12°23'18" East, 141.20 feet, to a 5/8 inch iron rod with cap found for corner;
4. North 85°59'49" East, 200.00 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set in the southwesterly right-of-way of said Veterans Memorial parkway, the westerly line of that certain called 2.435 acre tract described as “Parcel 49” in said Instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., for the common easterly corner of said 860.347 acre tract and said Robinson Plat, being the most easterly northeast corner of the herein described 695.508 acre tract;

THENCE with the southwesterly right-of-way of said Veterans Memorial Parkway, with the common line between said 860.347 acre tract and said 2.435 acre tract, the following four (4) courses and distances:

1. South 41°23'46" East, 242.79 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
2. South 32°58'16" East, 339.41 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
3. South 38°39'49" East, 411.78 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
4. South 22°24'36" East, 1389.22 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set in a northerly line of that certain called 16.067 acre tract described as “Parcel 35”, in said instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., for the common southerly corner of said 860.347 acre tract and said 2.435 acre tract, being an easterly corner of the herein described 695.508 acre tract;

THENCE continuing, with the southwesterly right-of-way of said Veterans Memorial Parkway, with the common line between said 860.347 acre tract and said 16.067 acre tract, the following three (3) courses and distances:

1. South 68°18'53" West, 42.54 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
2. South 22°25'00" East, 77.31 feet, to a 5/8 inch iron rod found for corner;
3. South 70°32'17" East, 25.14 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set in a southerly line of said 16.067 acre tract, for the most northerly common corner of said 860.347 acre tract and that certain called 0.517 acre tract described as “Parcel 47”, in said instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., being a northeasterly corner of the herein described 695.508 acre tract;

THENCE continuing, with the southwesterly right-of-way of said Veterans Memorial Parkway, with the common line between said 860.347 acre tract and said 0.517 acre tract, the following two (2) courses and distances:

1. South 37°15'46" East, 219.25 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the beginning of a non-tangent curve to the left;
2. Southeasterly, 953.90 feet, with the arc of said non-tangent curve to the left, having a radius of 2296.69 feet, a central angle of 23°47'50", and a chord that bears South 38°05'12" East, 947.06 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set in a northwesterly line of said 16.067 acre tract, for the common southerly corner of said 860.347 acre tract and said 0.517 acre tract, being an easterly corner of the herein described 695.508 acre tract;

THENCE continuing, with the southwesterly right-of-way of said Veterans Memorial Parkway, with the common line between said 860.347 acre tract and said 16.067 acre tract, the following three (3) courses and distances:

1. South 59°24'13" West, 59.70 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
2. South 22°13'02" West, 34.18 feet, to a 5/8 inch iron rod found for corner;
3. North 59°24'13" East, 94.31 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the common northerly corner of said 860.347 acre tract and said 0.367 acre tract, the beginning of a non-tangent curve to the left, being a northerly corner of the herein described 695.508 acre tract;

THENCE continuing, with the southwesterly right-of-way of said Veterans Memorial Parkway, with the common line between said 860.347 acre tract and said 0.367 acre tract, the following three (3) courses and distances:

1. Southeasterly, 765.33 feet, with the arc of said curve to the left, having a radius of 2296.69 feet, a central angle of 19°05'34", and a chord that bears South 59°58'45" East, 761.79 feet, 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the end of said curve to the left;
2. South 61°03'43" East, 93.22 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
3. South 27°48'46" East, 29.68 feet, to the **POINT OF BEGINNING** and containing a computed area of 695.508 acres of land.

Save and except the following 1.835 acre tract:

FIELD NOTE DESCRIPTION
1.835 ACRES
IN THE LEWIS COX LEAGUE, ABSTRACT NUMBER 13
WALKER COUNTY, TEXAS

BEING a 1.835 acre tract of land situated in the Lexis Cox League, Abstract Number 13, Walker County, Texas, being all of that same called 1.84 acre tract described in instrument to Pine Hill Cemetery Association, recorded in Volume 1177, Page 880, O.R.W.C.T. said 1.835 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 4 inch by 4 inch concrete monument found for the southerly common corner of said 1.84 acre tract and that certain called 860.347 acre tract described in instrument to Robinson-Gibbs 1, LLC, recorded under Instrument Number 51872, O.R.W.C.T., being the southerly corner of the herein described 1.835 acre tract, from which a 3 inch round concrete monument with disk found at the westerly end of Pine Hill Road, in the apparent easterly line of said Cox League, for the apparent common westerly corner of the James Cox One labor, Abstract Number 113 and the John Hume Survey, Abstract Number 264 bears North 88°24’ 06” East, 125.51 feet, said **POINT OF BEGINNING** having a Texas State Plane Coordinate value of **N: 10,244,605.81, E: 3,793,136.79**, Central Zone, grid measurements;

THENCE North 67°46'18" West, 138.30 feet, with the southerly common line between said 1.84 acre tract and said 860.347 acre tract, to a 5/8 inch iron rod with cap found for the westerly common corner of said 1.84 acre tract and said 860.347 acre tract, being the most westerly corner of the herein described 1.835 acre tract;

THENCE North 21°19'02" East, 526.05 feet, with the westerly common line between said 1.84 acre tract and said 860.347 acre tract, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the northerly common corner of said 1.84 acre tract and said 860.347 acre tract, being the most northerly corner of the herein described 1.835 acre tract;

THENCE South 77°04'30" East, 160.55 feet, with the northerly common line between said 1.84 acre tract and said 860.347 acre tract, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the easterly common corner of said 1.84 acre tract and said 860.347 acre tract, being the most easterly corner of the herein described 1.835 acre tract;

THENCE South 23°27'01" West, 552.07 feet, with the easterly common line between said 1.84 acre tract and said 860.347 acre tract, to the **POINT OF BEGINNING**, and containing a computed area of 1.835 acres of land.

LEAVING a computed area of 693.673 (Net) acres of land within this field note description.

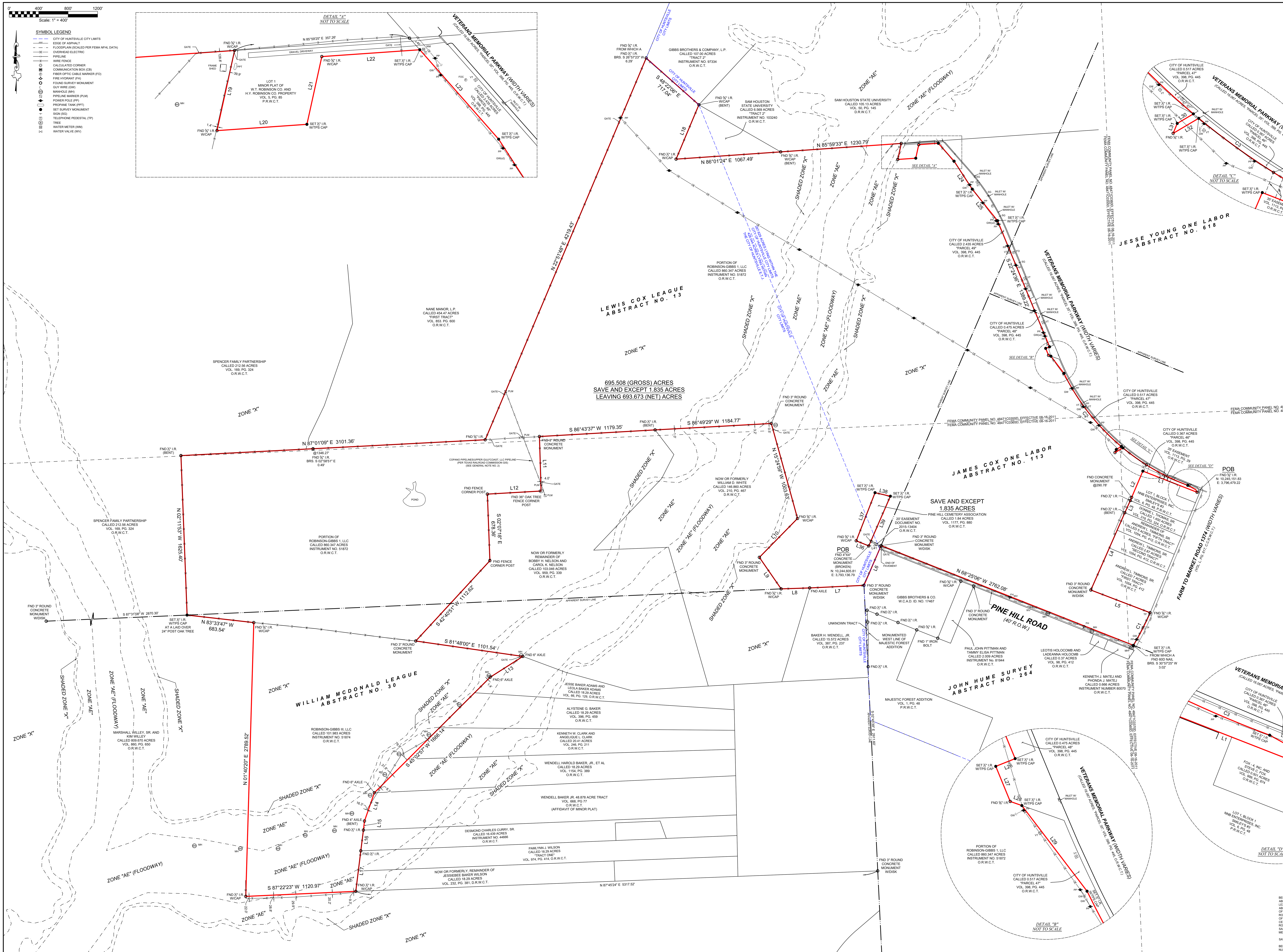
This Field Note Description was prepared from a survey performed on the ground on March 11, 2025, by Texas Professional Surveying, LLC., referenced to Survey Drawing Project 39279.

All coordinates, bearings, distances, and areas shown hereon are grid measurements based on GPS observations and referenced to the North American Datum 1983 (NAD83), Texas State Plane Coordinate System, Central Zone, U.S. Survey Feet.

March 26, 2025
Date

STATE OF TEXAS
REGISTERED
THOMAS A. McINTYRE
6921
PROFESSIONAL
LAND SURVEYOR

Thomas A. McIntyre
R.P.L.S. No. 6921



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2829.79'	373.76'	373.48'	S 27°08'34" W	7°34'03"
C2	2296.69'	953.90'	947.06'	S 38°05'12" E	23°47'50"
C3	2296.69'	765.33'	761.79'	S 59°58'45" E	19°05'34"

LINE	BEARING	DISTANCE
L1	N 68°38'57" W	593.57'
L2	S 22°59'07" W	325.79'
L3	S 24°27'01" W	136.02'
L4	S 23°43'04" W	860.19'
L5	S 69°04'52" E	646.84'
L6	S 23°19'31" W	441.02'
L7	S 87°15'00" W	553.04'
L8	S 88°10'52" W	291.07'
L9	N 34°35'21" W	390.11'
L10	N 44°27'53" E	554.47'
L11	S 01°40'40" E	555.33'
L12	S 86°41'55" W	547.22'
L13	S 57°33'13" W	394.34'
L14	S 19°13'16" W	304.92'
L15	S 06°52'25" W	92.99'
L16	S 07°03'47" W	212.47'
L17	S 07°03'55" W	415.84'
L18	S 22°45'08" W	600.33'
L19	S 12°20'49" W	167.08'
L20	N 85°59'49" E	183.48'
L21	N 12°23'18" E	141.20'
L22	N 85°59'49" E	200.00'
L23	S 41°23'46" E	242.79'
L24	S 32°58'16" E	339.41'
L25	S 38°39'49" E	411.78'
L26	S 68°18'53" W	42.54'
L27	S 22°25'00" E	77.31'
L28	S 70°32'17" E	25.14'
L29	S 37°15'46" E	219.25'
L30	S 59°24'13" W	59.70'
L31	S 22°13'02" W	34.18'
L32	N 59°24'13" E	94.31'
L33	S 61°03'43" E	93.22'
L34	S 27°48'46" E	29.68'
L35	S 68°38'57" E	123.79'
L36	N 67°46'18" W	138.30'
L37	N 21°19'02" E	526.05'
L38	S 77°04'30" E	160.55'
L39	S 23°27'01" W	552.07'
L40	N 41°23'46" W	31.34'
L41	N 88°24'06" E	125.51'

GENERAL NOTES:

1) THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT. SURVEYOR DID NOT ABSTRACT TITLE AND DOES NOT CERTIFY TO EASEMENTS OR RESTRICTIONS NOT SHOWN. CHECK WITH YOUR LOCAL GOVERNING AGENCIES FOR ANY ADDITIONAL EASEMENTS, BUILDING LINES OR OTHER RESTRICTIONS NOT REFLECTED ON SURVEY.

2) PIPELINES SHOWN HEREON ARE BASED ON ABOVE GROUND MARKERS ONLY, SURVEYOR DOES NOT CERTIFY TO ACCURACY.

3) CITY OF HUNTSVILLE CITY LIMITS SHOWN HEREON IS BASED ON CITY OF HUNTSVILLE GIS.

TEXAS PROFESSIONAL SURVEYING
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Firm No. 10083400

PROJECT	39279_693.673AC
FIELD DATE	03-11-2025
DRAWN BY	ADV
CHECKED BY	CPP
FIELD CREW	JW
REV 1	__-__-__
REV 2	__-__-__
REV 3	__-__-__
REV 4	__-__-__

ADDRESS ········ VETERANS MEMORIAL PARKWAY, HUNTSVILLE, TX, 77340
SURVEY ········ LEWIS COX LEAGUE, A - 13
SURVEY ········ WILLIAM MCDONALD LEAGUE, A - 30
SURVEY ········ JAMES COX ONE LABOR, A - 113
SURVEY ········ JESSE YOUNG ONE LABOR, A - 618
SUBJECT ········ 693.673 (NET) ACRES
COUNTY ········ WALKER

A PORTION OF THIS PROPERTY APPEARS TO LIE WITHIN THE 100 YEAR FLOODPLAIN AND THE REGULATORY FLOODWAY, PER GRAPHIC SCALING OF FEMA FIRM PANEL NO(S). 48471C0355D, 48471C0360D, 48471C0365D, AND 48471C0370D, ALL HAVING AN EFFECTIVE DATE OF 08-16-2011.

ALL COORDINATES, BEARINGS, DISTANCES, AND AREAS SHOWN HEREON ARE GRID MEASUREMENTS BASED ON GPS OBSERVATIONS AND REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83), TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, U.S. SURVEY FEET.

BOUNDARY & IMPROVEMENT SURVEY

BEING A 695.508 ACRE TRACT OF LAND SITUATED IN THE JESSE YOUNG ONE LABOR, ABSTRACT NUMBER 618, THE JAMES COX ONE LABOR, ABSTRACT NUMBER 113, THE LEXIS COX LEAGUE, ABSTRACT NUMBER 13, AND IN THE WILLIAM MCDONALD LEAGUE, ABSTRACT NUMBER 30, WALKER COUNTY, TEXAS, BEING COMPRISED OF A PORTION OF THAT CERTAIN CALLED 860.347 ACRE TRACT DESCRIBED IN INSTRUMENT TO ROBINSON-GIBBS 1, LLC., RECORDED UNDER INSTRUMENT NUMBER 51872, OF THE OFFICIAL RECORDS OF WALKER COUNTY, TEXAS (O.R.W.C.T.), AND ALL OF THAT CERTAIN CALLED 101.983 ACRE TRACT DESCRIBED IN INSTRUMENT TO ROBINSON-GIBBS III, LLC, RECORDED UNDER INSTRUMENT NUMBER 51874, O.R.W.C.T., SAID 695.508 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY ATTACHED METES AND BOUNDS DESCRIPTION.

SAVE AND EXCEPT THE FOLLOWING 1.835 ACRE TRACT:

BEING A 1.835 ACRE TRACT OF LAND SITUATED IN THE LEXIS COX LEAGUE, ABSTRACT NUMBER 13, WALKER COUNTY, TEXAS, BEING ALL OF THAT SAME CALLED 1.84 ACRE TRACT DESCRIBED IN INSTRUMENT TO PINE HILL CEMETERY ASSOCIATION, RECORDED IN VOLUME 1177, PAGE 880, O.R.W.C.T. SAID 1.835 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY ATTACHED METES AND BOUNDS DESCRIPTION.

LEAVING A COMPUTED AREA OF 693.673 (NET) ACRES OF LAND WITHIN THIS FIELD NOTE DESCRIPTION.

THIS SURVEY WAS CREATED FROM NOTES AND OBSERVATIONS TAKEN ON THE GROUND UNDER MY DIRECT SUPERVISION, AND IS TRUE AND CORRECT AT TIME OF SURVEY.

STATE OF TEXAS REGISTERED THOMAS A. McINTYRE 6921 PROFESSIONAL LAND SURVEYOR

Thomas A. McIntyre
Registered Professional Land Surveyor No. 6921

KERR SURVEYING

FIELD NOTES DESCRIPTION

OF A

107.00 ACRE TRACT

LEWIS COX LEAGUE SURVEY, ABSTRACT 13

HUNTSVILLE, WALKER COUNTY, TEXAS

A FIELD NOTES DESCRIPTION OF 107.00 ACRES IN THE LEWIS COX LEAGUE SURVEY, ABSTRACT 13, IN HUNTSVILLE, WALKER COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF A CALLED 248.20 ACRE TRACT OF LAND DESCRIBED IN A DEED TO SAM C. DOMINEY, RECORDED IN VOLUME 90, PAGE 488 OF THE DEED RECORDS OF WALKER COUNTY, TEXAS (DRWCT); SAID 107.00 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod found on the east line of the remainder of a called 331.62 acre tract of land described in a deed to Spencer Family Partnership, recorded in Volume 725, Page 577 of the Official Records of Walker County, Texas (ORWCT) for the southwest corner of Unrestricted Reserve "C", recorded in the plat of West Hill Subdivision, Section One, in Volume 1, Page 185 of the Plat Records of Walker County, Texas (PRWCT) and being the northwest corner of said remainder of 248.20 acres and the northwest corner hereof, from which a 1/2 inch iron rod found bears N 02° 27' 03" W, a distance of 189.24 feet;

THENCE, with the common line of said Unrestricted Reserve "C" and said remainder of 248.20 acres, **N 86° 30' 57" E,** for a distance of **512.84 feet** to a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found on the west line of Veterans Memorial Parkway (variable width right-of-way,403/867 (DRWCT) and being the northeast corner hereof;

THENCE, with the west line of Veterans Memorial Parkway for the following twenty-two (22) courses and distances:

1) with a curve to the left, having a radius of **440.00 feet**, an arc length of **13.30 feet**, a delta angle of **01° 43' 55"**, and a chord which bears **S 03° 04' 24" E**, a distance of **13.30 feet**, to a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found;
2) **S 02° 12' 27" E**, for a distance of **268.68 feet** to a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found;
3) **S 42° 10' 49" W**, for a distance of **47.45 feet** to a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found;
4) **S 02° 08' 13" E**, for a distance of **116.06 feet** to a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found;
5) **S 14° 23' 45" E**, for a distance of **157.90 feet** to a 5/8 inch iron rod found;

6) **S 02° 12' 27" E**, for a distance of **950.77 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
7) **S 10° 39' 45" E**, for a distance of **356.74 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
8) **S 79° 05' 40" W**, for a distance of **14.09 feet** to a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found;
9) **S 10° 54' 11" E**, for a distance of **20.00 feet** to a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found;
10) **N 79° 05' 40" E**, for a distance of **14.01 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
11) **S 10° 39' 45" E**, for a distance of **253.20 feet** to point for corner that falls within a 6 inch treated fence post found;
12) **S 18° 18' 46" E**, for a distance of **335.25 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
13) **S 70° 38' 32" W**, for a distance of **20.00 feet** to a point for corner, from which a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found bears S 07° 50' 36" E, a distance of 1.33 feet;
14) **S 18° 18' 46" E**, for a distance of **20.00 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
15) **N 70° 38' 32" E**, for a distance of **20.00 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
16) **S 18° 18' 46" E**, for a distance of **172.51 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
17) **S 67° 55' 32" W**, for a distance of **20.96 feet** to a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found;
18) **S 22° 52' 58" E**, for a distance of **133.68 feet** to a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found;
19) **N 66° 19' 40" E**, for a distance of **22.71 feet** to a point for corner that falls within a 6 inch treated fence post found;
20) **S 23° 04' 26" E**, for a distance of **151.02 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
21) **S 30° 08' 58" E**, for a distance of **426.66 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
22) **S 34° 14' 56" E**, for a distance of **40.90 feet** to a point for corner for the north corner of the Aldersgate Trust Subdivision recorded in Volume 5, Page 97 (PRWCT), from which a 5/8 inch iron rod with a plastic cap stamped "JS MOORER RPLS 1572" found bears S 55° 44' 20" W, a distance of 1.02 feet;

THENCE, with the established line of said Aldersgate Trust Subdivision for the following three (3) courses and distances:

1) **S 55° 44' 20" W,** for a distance of **443.52 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
2) **S 34° 15' 43" E,** for a distance of **886.17 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
3) **N 55° 44' 29" E,** for a distance of **443.32 feet** to a 5/8 inch iron rod with a plastic cap stamped "JS MOORER RPLS 1572" found on the west line of Veterans Memorial Parkway, for the east corner of Aldersgate Trust Subdivision;

THENCE, with the west of Veterans Memorial Parkway for the following two (2) courses and distances:

1) **S 34° 14' 56" E,** for a distance of **354.50 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
2) **S 32° 04' 30" E,** for a distance of **328.42 feet** to a 5/8 inch iron rod with a faded plastic cap found on the southeast line of said remainder of 248.20 acres, for the north corner of Raven Corner Subdivision recorded in Volume 7, Page 76 (PRWCT) and being the west corner hereof;

THENCE, with the common line of said remainder of 248.20 acres, said Raven Corner Subdivision and a called 105.13 acre tract of land described in a deed to Sam Houston State University, recorded in Volume 50, Page 145 (DRWCT), **S 42° 50' 02" W,** for a distance of **1,599.62 feet** to a 5/8 inch iron rod with an aluminum cap found for west corner of said 105.13 acres, a northeasterly corner of a portion of the remainder of a called 1,129.73 acre tract of land described in a deed to Robinson-Gibbs I, LLC. recorded in Document No. 2019-51872 (ORWCT) and being the south corner of said remainder of 248.20 acres and the south corner hereof;

THENCE, with the common line of said remainder of 248.20 acres and said portion of the remainder of 1,129.73 acres, **N 48° 22' 36" W,** for a distance of **717.11 feet** to a 5/8 inch iron rod found on the southeast line of a called 17.4 acre tract of land described in a deed to Gulf States Utilities Company, recorded in Volume 339, Page 521 (DRWCT) for the north corner of said portion of the remainder of 1,129.73 acres and a westerly corner hereof;

THENCE, with the common line of said remainder of 248.20 acres and said 17.4 acres for the following three (3) courses and distances:

1) **N 22° 45' 50" E**, for a distance of **662.88 feet** to a 1/2 inch iron rod found;
2) **S 86° 54' 51" W**, for a distance of **510.07 feet** to a 5/8 inch iron rod found;
3) **N 02° 28' 01" W**, for a distance of **1,989.49 feet** to a 1/2 inch iron rod found for the northeast corner of said 17.4 acres and being the southeast corner of said remainder of a called 331.62 acres,

THENCE, with the common line of said remainder of 331.62 acres and said remainder of 248.20 acres, **N 02° 24' 16" W**, for a distance of **2,719.97 feet** to the **POINT OF BEGINNING** hereof and containing **107.00 acres**, more or less.

Surveyed on the ground June 2023 under my supervision. See plat prepared June 2023 for other information. The bearing basis for this survey is based on the Texas State Plane Coordinate System of 1983 (NAD83), Central Zone, Grid North as established from GPS observation using the Leica Smartnet NAD83 (NA2011) Epoch 2010 Multi-year CORS Solution 2 (MYCS2). Distances described herein are surface distances. To obtain grid distances (not grid areas) divide by a combined scale factor of 1.00012141700982 (calculated using GEOID12B). Reference drawing: 23-431-BOUNDARY3.

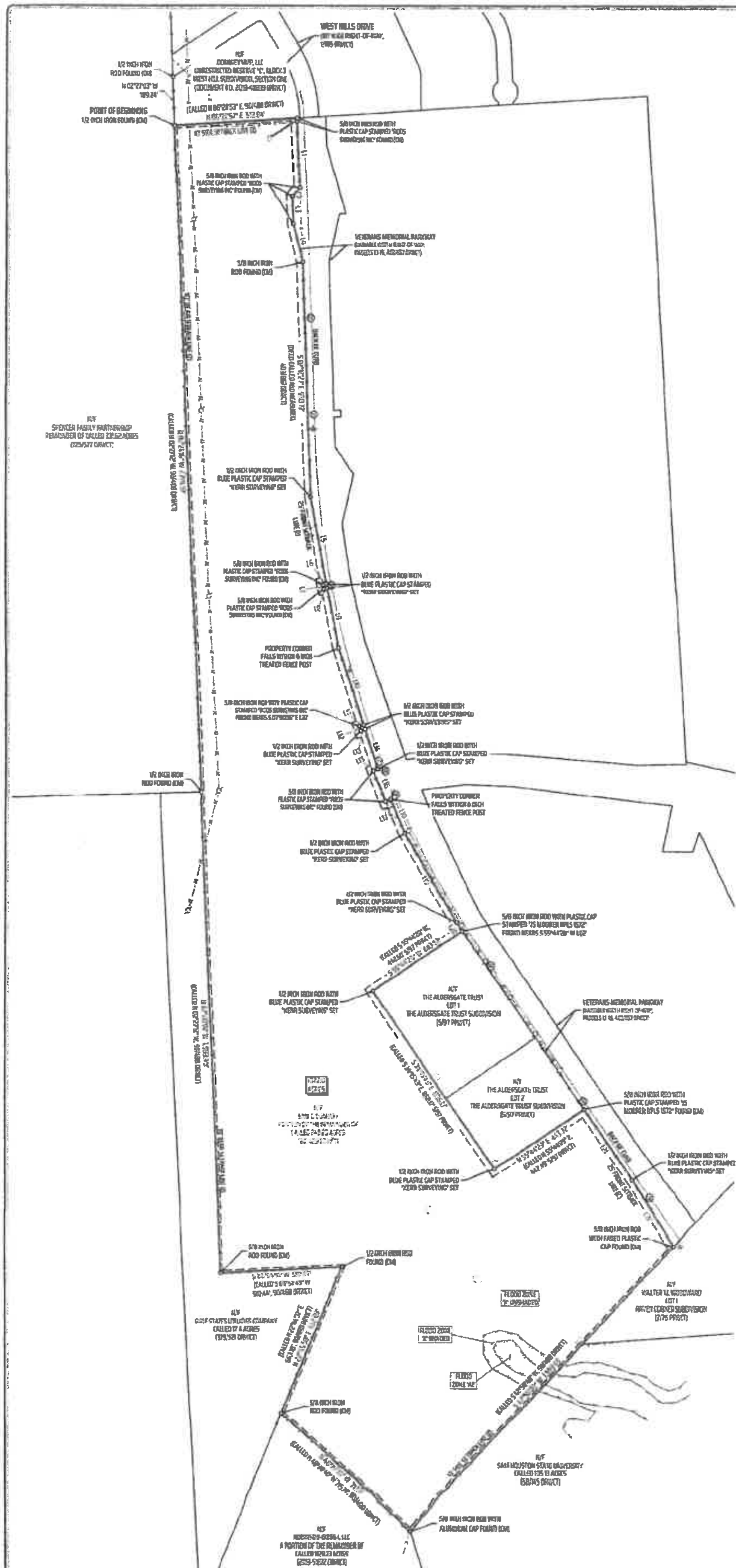
STATE OF TEXAS
REGISTERED
NATHAN PAUL KERR
6834
PROFESSIONAL
LAND SURVEYOR

6/12/23

Nathan Paul Kerr
Registered Professional Land Surveyor No. 6834

KERR
SURVEYING

Kerr Surveying, LLC | 409 N. Texas Ave. Bryan, TX 77803
Office: (979) 268-3195 | Web: www.kerrlandsurveying.com
Surveys@kerrsurveying.net | TBPELS Firm No. 10018500



ALL CALLS ARE DEED CALLED AND MEASURED (4618/667 DRWCT)		
LINE	BEARING	DISTANCE
L1	S 02°12'27" E	250.38'
L2	S 42°07'49" W	47.65'
L3	S 02°30'13" E	116.84'
L4	S 14°23'45" E	157.90'
L5	S 10°38'49" E	386.74'
L6	S 79°05'40" W	16.38'
L7	S 10°54'17" E	20.00'
L8	N 79°05'40" E	14.07'
L9	S 10°38'45" E	253.20'
L10	S 18°10'16" E	335.25'
L11	S 77°18'32" W	20.00'
L12	S 18°18'46" E	20.00'
L13	N 70°38'30" E	[illegible]
L14	S 18°18'40" E	192.37'
L15	S 62°35'32" W	20.96'
L16	S 22°52'58" E	103.69'
L17	N 62°18'40" E	22.71'
L18	S 23°04'28" E	151.02'
L19	S 30°05'59" E	426.56'
L20	S 34°14'58" E	40.90'
L21	S 34°14'56" E	354.50'
L22	S 32°04'30" E	338.42'

SCALE: 1" = 200'

GENERAL NOTES

BEARING SYSTEM SHOWN HEREON IS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (4203), GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION USING THE LEICA SMARTNET NAD83 (NA2011) EPOCH 2010 MULTI-YEAR CORS SOLUTION 2 (MYCS2).

DISTANCES SHOWN HEREON ARE SURFACE DISTANCES UNLESS OTHERWISE NOTED. TO OBTAIN GRID DISTANCES (NOT AREAS) DIVIDE BY A COMBINED SCALE FACTOR OF 1.00012147190182 (CALCULATED USING GEOID18).

(CM) INDICATES CONTROLLING MONUMENT FOUND AND USED TO ESTABLISH PROPERTY BOUNDARIES.

THIS SURVEY PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. EASEMENTS AND OTHER MATTERS MAY APPLY.

THIS PLAT WAS PREPARED IN CONJUNCTION WITH A FIELD NOTES DESCRIPTION (METES AND BOUNDS). THE PLAT AND FIELD NOTES ARE INTENDED TO BE ONE INSTRUMENT TOGETHER.

LEGEND:

DRWCT = DEED RECORDS OF WALKER COUNTY, TEXAS

PRWCT = PLAT RECORDS OF WALKER COUNTY, TEXAS

ORWCT = OFFICIAL RECORDS OF WALKER COUNTY, TEXAS

123/456 = VOLUME AND PAGE FROM PUBLIC COUNTY RECORDS

N/F = NOW OR FORMERLY

( ) = RECORD INFORMATION

FIRE HYDRANT
SANITARY SEWER MANHOLE
STORM SEWER MANHOLE
UTILITY POLE
GUY WIRE
AERIAL ELECTRIC LINES
BARBED WIRE FENCE
APPROXIMATE LOCATION OF FLOOD PLAIN

ZONING SETBACK NOTES

ACCORDING TO THE CITY OF HUNTSVILLE ONLINE ZONING MAP REFERENCED ON 06/08/2023, THIS TRACT IS ZONED MANAGEMENT DISTRICT (M) AND IS SUBJECT TO THE FOLLOWING BUILDING SETBACKS (Z) AS SHOWN HEREON:

FRONT SETBACK - 25 FEET
SIDE SETBACK (INTERIOR) - 10 FEET
REAR SETBACK - 10 FEET

FLOOD PLAIN NOTES:

THIS TRACT LIES WITHIN FLOOD ZONE "X" UNSHADED AND "X" SHADED AND "AE" AND DOES PARTIALLY LIE WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO THE 1% ANNUAL CHANCE FLOOD (100 YEAR FLOOD PLAIN) ACCORDING TO THE WALKER COUNTY FLOOD INSURANCE RATE MAP (FIRM) PANEL NO. 48471C0355D, EFFECTIVE DATE: 08-16-2011.

SURVEYOR'S CERTIFICATE:

I, NATHAN PAUL KERR, R.P.L.S. NO. 6834, DO HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CATEGORY 1B, CONDITION 3, STANDARD LAND SURVEY AS MADE ON THE GROUND UNDER MY SUPERVISION.

6/12/2023

NATHAN PAUL KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6834

ALL CALLS ARE DEED CALLED AND MEASURED (4618/667 DRWCT)					
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	440.00'	13.39'	1°43'55"	S 09°04'24" E	13.39'

TSPS STANDARD LAND SURVEY PLAT OF A 107.00 ACRE TRACT

BEING A PORTION OF THE REMAINDER OF A CALLED 248.20 ACRES

VOLUME 90, PAGE 488 DRWCT

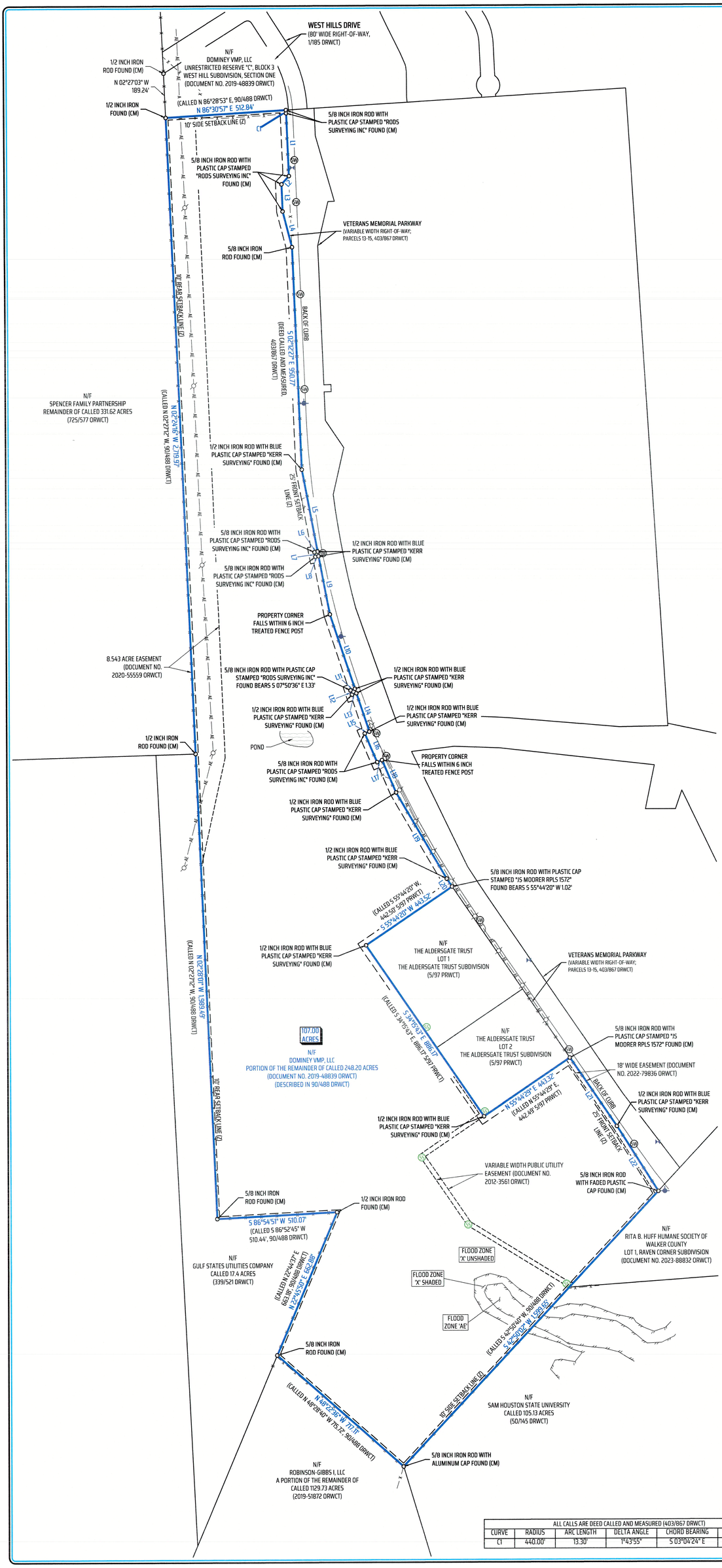
LEWIS COX LEAGUE SURVEY, ABSTRACT 13

HUNTSVILLE, WALKER COUNTY, TEXAS

KERR SURVEYING

"When one person stands to gain over another, the facts must be uncovered"

SCALE: 1 INCH = 200 FEET
SURVEY DATE: 05-31-2023 | PLAT DATE: 06-12-2023
JOB NUMBER: 23-431 | CAD NAME: 23-431-BOUNDARY
POINT FILE: 23-431-ALL (conf: 23-431 (job)
DRAWN BY: MG CHECKED BY: NPK
PREPARED BY: KERR SURVEYING, LLC
TBPELS FIRM#10018500
409 N. TEXAS AVENUE, BRYAN, TEXAS 77803
PHONE: (979) 268-3195
SURVEYS@KERRSURVEYING.NET | KERRLANDSURVEYING.COM



ALL CALLS ARE DEED CALLED AND MEASURED (403/867 DRWCT)		
LINE	BEARING	DISTANCE
L1	S 02°12'27" E	268.68'
L2	S 42°10'49" W	47.45'
L3	S 02°08'13" E	116.06'
L4	S 14°23'45" E	157.90'
L5	S 10°39'45" E	356.74'
L6	S 79°05'40" W	14.09'
L7	S 10°54'11" E	20.00'
L8	N 79°05'40" E	14.01'
L9	S 10°39'45" E	253.20'
L10	S 18°18'46" E	335.25'
L11	S 70°38'32" W	20.00'
L12	S 18°18'46" E	20.00'
L13	N 70°38'32" E	20.00'
L14	S 18°18'46" E	172.51'
L15	S 67°55'32" W	20.96'
L16	S 22°52'58" E	133.68'
L17	N 66°19'40" E	22.71'
L18	S 23°04'26" E	151.02'
L19	S 30°08'58" E	426.66'
L20	S 34°14'56" E	40.90'
L21	S 34°14'56" E	354.50'
L22	S 32°04'30" E	328.42'

N

SCALE: 1" = 200'

0 200 400 600 Feet

GENERAL NOTES

BEARING SYSTEM SHOWN HEREON IS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (4203), GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION USING THE LEICA SMARTNET NAD83 (NA2011) EPOCH 2010 MULTI-YEAR CORS SOLUTION 2 (MYCS2).

DISTANCES SHOWN HEREON ARE SURFACE DISTANCES UNLESS OTHERWISE NOTED. TO OBTAIN GRID DISTANCES (NOT AREAS) DIVIDE BY A COMBINED SCALE FACTOR OF 1.000121417009982 (CALCULATED USING GEOID12B).

(CM) INDICATES CONTROLLING MONUMENT FOUND AND USED TO ESTABLISH PROPERTY BOUNDARIES.

THIS SURVEY PLAT WAS PREPARED TO REFLECT THE TITLE COMMITMENT ISSUED BY WALKER COUNTY TITLE COMPANY, GF NO. 2024020135, EFFECTIVE DATE: 02/19/2024. ITEMS LISTED ON SCHEDULE B ARE ADDRESSED AS FOLLOWS:

- ITEM 10j: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 61, PAGE 616 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10k: AMERICAN TELEPHONE AND TELEGRAPH COMPANY EASEMENT RECORDED IN VOLUME 131, PAGE 474 (DRWCT) MAY OR MAY NOT AFFECT THIS TRACT. DESCRIPTION OF SUBJECT PROPERTY IS VAGUE.
- ITEM 10l: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 209, PAGE 206 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10m: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 54 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10n: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 56 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10o: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 58 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10p: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 60 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10q: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 64 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10r: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 66 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10s: ROADWAY EASEMENT RECORDED IN VOLUME 356, PAGE 297 AND AMENDED IN VOLUME 371, PAGE 667 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10t: CITY OF HUNTSVILLE UTILITIES EASEMENT RECORDED IN VOLUME 425, PAGE 732 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10u: CITY OF HUNTSVILLE WATERLINE EASEMENT RECORDED IN VOLUME 429, PAGE 905 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10v: CITY OF HUNTSVILLE SANITARY SEWER EASEMENT RECORDED IN VOLUME 429, PAGE 916 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10w: CITY OF HUNTSVILLE UTILITY EASEMENT RECORDED IN DOCUMENT NO. 2012-00003561 (ORWCT) DOES CROSS THIS TRACT AS SHOWN.
- ITEM 10x: ENTERGY TEXAS INC. EASEMENT RECORDED IN DOCUMENT NO. 2020-55559 (ORWCT) DOES CROSS THIS TRACT AS SHOWN.
- ITEM 10g: ENTERGY TEXAS INC. EASEMENT RECORDED IN DOCUMENT NO. 2022-79836 (ORWCT) DOES CROSS THIS TRACT AS SHOWN.
- ALL OTHER ITEMS ARE NOT SURVEY ITEMS AND/OR ARE NOT ADDRESSED BY THIS PLAT.

LEGEND:

DRWCT = DEED RECORDS OF WALKER COUNTY, TEXAS

PRWCT = PLAT RECORDS OF WALKER COUNTY, TEXAS

ORWCT = OFFICIAL RECORDS OF WALKER COUNTY, TEXAS

123/456 = VOLUME AND PAGE FROM PUBLIC COUNTY RECORDS

N/F = NOW OR FORMERLY

( ) = RECORD INFORMATION

FIRE HYDRANT
SANITARY SEWER MANHOLE
STORM SEWER MANHOLE
UTILITY POLE
GUY WIRE
AERIAL ELECTRIC LINES — AE —
BARBED WIRE FENCE — X — X —
APPROXIMATE LOCATION OF FLOOD PLAIN

ZONING SETBACK NOTES

ACCORDING TO THE CITY OF HUNTSVILLE ONLINE ZONING MAP REFERENCED ON 03/13/2024, THIS TRACT IS ZONED MANAGEMENT DISTRICT [M] AND IS SUBJECT TO THE FOLLOWING BUILDING SETBACKS (Z) AS SHOWN HEREON:

FRONT SETBACK - 25 FEET
SIDE SETBACK (INTERIOR) - 10 FEET
REAR SETBACK - 10 FEET

FLOOD PLAIN NOTES:

THIS TRACT LIES WITHIN FLOOD ZONE 'X' UNSHADED AND 'X' SHADED AND 'AE' AND DOES PARTIALLY LIE WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO THE 1% ANNUAL CHANCE FLOOD (100 YEAR FLOOD PLAIN) ACCORDING TO THE WALKER COUNTY FLOOD INSURANCE RATE MAP (FIRM) PANEL NO. 48471C03550, EFFECTIVE DATE: 08-16-2011.

ALL CALLS ARE DEED CALLED AND MEASURED (403/867 DRWCT)					
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	440.00'	13.30'	1°43'55"	S 03°04'24" E	13.30'

SURVEYOR'S CERTIFICATE:

I, DAVID POWELL BRISTER, R.P.L.S. NO. 6537, DO HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CATEGORY 1A, CONDITION 3, LAND TITLE SURVEY AS MADE ON THE GROUND UNDER MY SUPERVISION.

3-13-24

DAVID POWELL BRISTER
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6537

STATE OF TEXAS
DAVID POWELL BRISTER
6537
LICENSED
LAND SURVEYOR

LAND TITLE SURVEY PLAT
OF A
107.00 ACRE TRACT
BEING A PORTION OF THE REMAINDER OF A CALLED 248.20 ACRES DESCRIBED IN VOLUME 90, PAGE 488 DRWCT
LEWIS COX LEAGUE SURVEY, ABSTRACT 13
HUNTSVILLE, WALKER COUNTY, TEXAS

KERR SURVEYING

"When one person stands to gain over another, the facts must be uncovered"

SCALE: 1 INCH = 200 FEET
SURVEY DATE: 03-06-2024 | PLAT DATE: 03-13-2024
JOB NUMBER: 24-263 | CAD NAME: 24-263-BOUNDARY3
POINT FILE: 23-431-ALL (cont); 23-431 (job)
DRAWN BY: MS CHECKED BY: DB
PREPARED BY: KERR SURVEYING, LLC
TBPELS FIRM#10018500
409 N. TEXAS AVENUE, BRYAN, TEXAS 77803
PHONE: (979) 268-3195
SURVEYS@KERRSURVEYING.NET | KERRLANDSURVEYING.COM

KERR SURVEYING

FIELD NOTES DESCRIPTION

OF A

3.404 ACRE TRACT

LEWIS COX LEAGUE SURVEY, ABSTRACT 13

HUNTSVILLE, WALKER COUNTY, TEXAS

A FIELD NOTES DESCRIPTION OF 3.404 ACRES IN THE LEWIS COX LEAGUE SURVEY, ABSTRACT 13, IN HUNTSVILLE, WALKER COUNTY, TEXAS, BEING ALL OF UNRESTRICTED RESERVE "C", BLOCK 3 OF THE WEST HILL SUBDIVISION, SECTION ONE, RECORDED IN VOLUME 1, PAGE 185 OF THE PLAT RECORDS OF WALKER COUNTY, TEXAS (PRWCT); SAID 3.404 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set on the east line of the remainder of a called 331.62 acre tract of land described in a deed to Spencer Family Partnership, recorded in Volume 725, Page 577 of the Official Records of Walker County, Texas (ORWCT) for the southwest corner of Commerce Plaza (80' wide right-of-way, 1/185 PRWCT) and being the northwest corner of said Unrestricted Reserve "C" and the northwest corner hereof, from which a 1/2 inch iron rod found bears N 02° 27' 03" W, a distance of 92.36 feet;

THENCE, with the common line of said Unrestricted Reserve "C" and Commerce Plaza for the following two (2) courses and distances:

1) **N 57° 34' 01" E**, for a distance of **412.31 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
2) with a curve to the right, having a radius of **20.00 feet**, an arc length of **31.42 feet**, a delta angle of **90° 00' 00"**, and a chord which bears **S 77° 25' 59" E**, a distance of **28.28 feet**, to a 5/8 inch iron rod with an aluminum cap stamped "CITY OF HUNTSVILLE" found on the west line of West Hills Drive (80' wide right-of-way, 1/185 PRWCT);

THENCE, with the common line of said Unrestricted Reserve "C" and West Hills Drive for the following three (3) courses and distances:

1) **S 32° 25' 59" E**, for a distance of **141.53 feet** to a 5/8 inch iron rod with an aluminum cap stamped "CITY OF HUNTSVILLE" found;
2) with a curve to the right, having a radius of **510.00 feet**, an arc length of **267.04 feet**, a delta angle of **30° 00' 00"**, and a chord which bears **S 17° 25' 59" E**, a distance of **264.00 feet**, to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
3) **S 02° 26' 01" E**, for a distance of **0.89 feet** to a 5/8 inch iron rod with an aluminum cap stamped "CITY OF HUNTSVILLE" found on the north line of Veterans Memorial Parkway (variable width right-of-way, 403/867 of

the Deed Records of Walker County, Texas, DRWCT), for the southeast corner of said Unrestricted Reserve "C" and being the southeast corner hereof;

THENCE, with the common line of Veterans Memorial Parkway and said Unrestricted Reserve "C", **S 86° 30' 57" W**, passing at a distance of 10.67 feet a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found for the northwest corner of Veterans Memorial Parkway and being the northeast corner of a portion of the remainder of a called 248.20 acre tract of land described in a deed to Sam C. Dominey recorded in Volume 90, Page 488 (DRWCT), and continuing with the common line of said Unrestricted Reserve "C" and said portion of the remainder of 248.20 acres for a total distance of **523.51 feet** to a 1/2 inch iron rod found on the east line of said remainder of 331.62 acres, for the northwest corner of said portion of the remainder of 248.20 acres and being the southwest corner of said Unrestricted Reserve "C" and the southwest corner hereof;

THENCE, with the common line of said Unrestricted Reserve "C" and said remainder of 331.62 acres, **N 02° 27' 03" W**, for a distance of **189.24 feet** to the **POINT OF BEGINNING** hereof and containing **3.404 acres**, more or less.

Surveyed on the ground June 2023 under my supervision. See plat prepared June 2023 for other information. The bearing basis for this survey is based on the Texas State Plane Coordinate System of 1983 (NAD83), Central Zone, Grid North as established from GPS observation using the Leica Smartnet NAD83 (NA2011) Epoch 2010 Multi-year CORS Solution 2 (MYCS2). Distances described herein are surface distances. To obtain grid distances (not grid areas) divide by a combined scale factor of 1.00012141700982 (calculated using GEOID12B). Reference drawing: 23-431-BOUNDARY7.

6/14/23

Nathan Paul Kerr
Registered Professional Land Surveyor No. 6834

STATE OF TEXAS
REGISTERED
NATHAN PAUL KERR
6834
PROFESSIONAL
LAND SURVEYOR

KERR SURVEYING

Kerr Surveying, LLC | 409 N. Texas Ave. Bryan, TX 77803

Office: (979) 268-3195 | Web: www.kerrlandsurveying.com

Surveys@kerrsurveying.net | TBPELS Firm No. 10018500

GENERAL NOTES

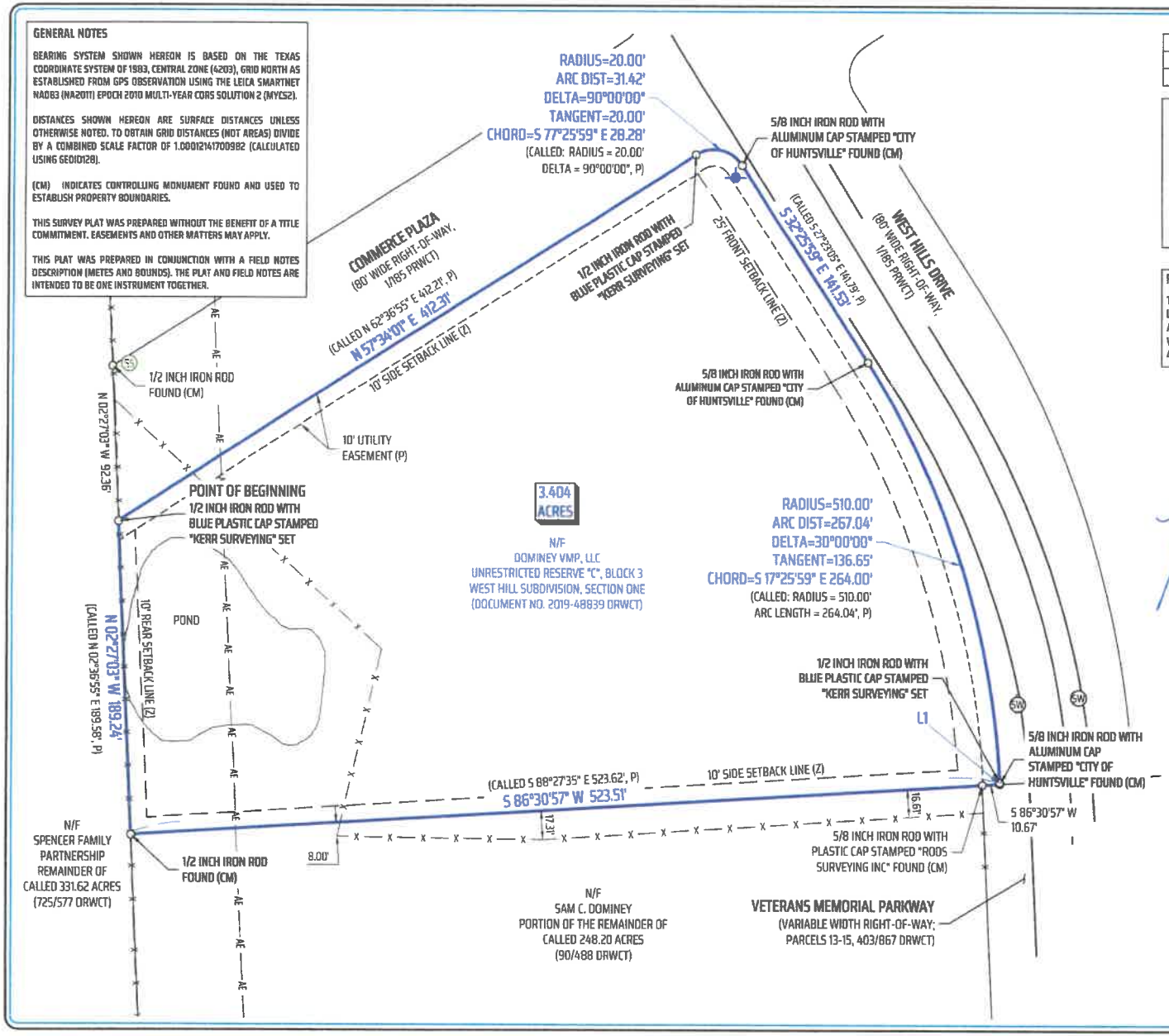
BEARING SYSTEM SHOWN HEREON IS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (4203), GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION USING THE LEICA SMARTNET NAD83 (NA2011) EPOCH 2010 MULTI-YEAR CORS SOLUTION 2 (MYCS2).

DISTANCES SHOWN HEREON ARE SURFACE DISTANCES UNLESS OTHERWISE NOTED. TO OBTAIN GRID DISTANCES (NOT AREAS) DIVIDE BY A COMBINED SCALE FACTOR OF 1.00012141700982 (CALCULATED USING GEOID12B).

(CM) INDICATES CONTROLLING MONUMENT FOUND AND USED TO ESTABLISH PROPERTY BOUNDARIES.

THIS SURVEY PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. EASEMENTS AND OTHER MATTERS MAY APPLY.

THIS PLAT WAS PREPARED IN CONJUNCTION WITH A FIELD NOTES DESCRIPTION (METES AND BOUNDS). THE PLAT AND FIELD NOTES ARE INTENDED TO BE ONE INSTRUMENT TOGETHER.



LINE	BEARING	DISTANCE
L1	S 02°26'01" E	0.89'
L1 (P)	S 02°36'53" W	0.75'

ZONING SETBACK NOTES

ACCORDING TO THE CITY OF HUNTSVILLE ONLINE ZONING MAP REFERENCED ON 06/08/2023, THIS TRACT IS ZONED MANAGEMENT DISTRICT (M) AND IS SUBJECT TO THE FOLLOWING BUILDING SETBACKS (Z) AS SHOWN HEREON:

FRONT SETBACK - 25 FEET
SIDE SETBACK (INTERIOR) - 10 FEET
REAR SETBACK - 10 FEET

FLOOD PLAIN NOTES:

THIS TRACT LIES WITHIN FLOOD ZONE 'X' UNSHADED AND DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO THE 1% ANNUAL CHANCE FLOOD (100 YEAR FLOOD PLAIN) ACCORDING TO THE WALKER COUNTY FLOOD INSURANCE RATE MAP (FIRM) PANEL NO. 48471C0355D, EFFECTIVE DATE: 08-16-2011.

SURVEYOR'S CERTIFICATE:

I, NATHAN PAUL KERR, R.P.L.S. NO. 6834, DO HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CATEGORY 1B, CONDITION 3, STANDARD LAND SURVEY AS MADE ON THE GROUND UNDER MY SUPERVISION.

6/14/2023

NATHAN PAUL KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6834

STATE OF TEXAS
REGISTERED
NATHAN PAUL KERR
6834
PROFESSIONAL
LAND SURVEYOR

SCALE: 1" = 60'

LEGEND:

ORWCT = OFFICIAL RECORDS OF WALKER COUNTY, TEXAS

DRWCT = DEED RECORDS OF WALKER COUNTY, TEXAS

PRWCT = PLAT RECORDS OF WALKER COUNTY, TEXAS

123/456 = VOLUME AND PAGE FROM PUBLIC COUNTY RECORDS

N/F = NOW OR FORMERLY

( ) = RECORD INFORMATION

(P) = PER PLAT, 1/185 DRWCT

SANITARY SEWER MANHOLE
UTILITY POLE
FIRE HYDRANT
STORM SEWER MANHOLE
AERIAL ELECTRIC LINES — AE —
BARBED WIRE FENCE — X —
CURB

REVISED 6/14/2023
ADDED NOTES FOR METES AND BOUNDS DESCRIPTION

TSPS STANDARD LAND SURVEY PLAT OF UNRESTRICTED RESERVE "C", BLOCK 3 WEST HILL SUBDIVISION, SECTION ONE VOLUME 1, PAGE 185 PRWCT LEWIS COX LEAGUE SURVEY, ABSTRACT 13 HUNTSVILLE, WALKER COUNTY, TEXAS

KERR SURVEYING

"When one person stands to gain over another, the facts must be uncovered"

SCALE: 1 INCH = 60 FEET
SURVEY DATE: 05-31-2023 | PLAT DATE: 06-12-2023
JOB NUMBER: 23-431 | CAD NAME: 23-431-BOUNDARY2
POINT FILE: 23-431-ALL (cont); 23-431 (job)
DRAWN BY: MS CHECKED BY: NPK

PREPARED BY: KERR SURVEYING, LLC
TBPELS FIRM#10018500
409 N. TEXAS AVENUE, BRYAN, TEXAS 77803
PHONE: (979) 268-3195
SURVEYS@KERRSURVEYING.NET | KERRLANDSURVEYING.COM

SURVEYOR'S CERTIFICATE:

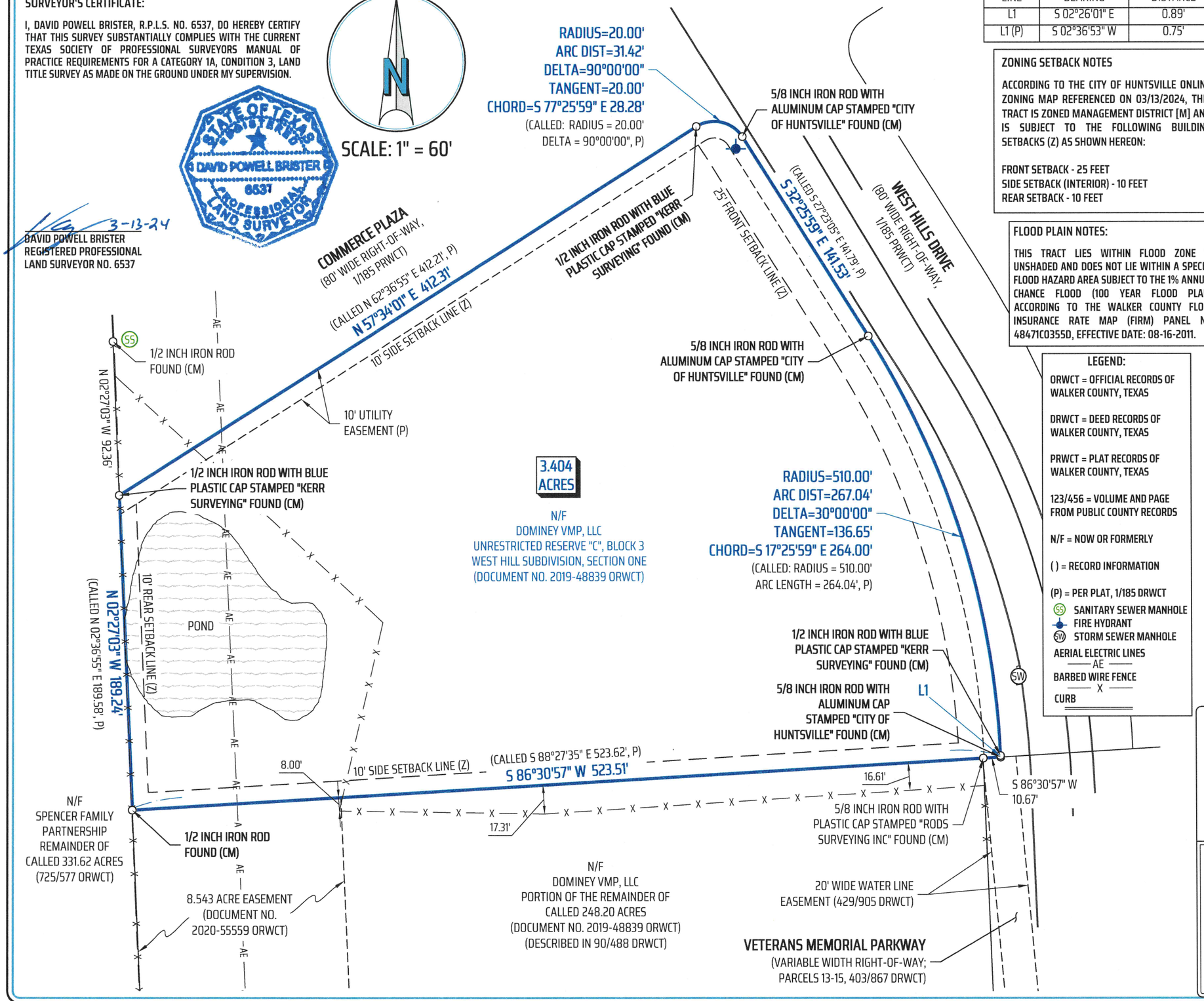
I, DAVID POWELL BRISTER, R.P.L.S. NO. 6537, DO HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CATEGORY 1A, CONDITION 3, LAND TITLE SURVEY AS MADE ON THE GROUND UNDER MY SUPERVISION.

STATE OF TEXAS REGISTERED DAVID POWELL BRISTER 6537 PROFESSIONAL LAND SURVEYOR

3-13-24

DAVID POWELL BRISTER
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6537

SCALE: 1" = 60'



LINE	BEARING	DISTANCE
L1	S 02°26'01" E	0.89'
L1 (P)	S 02°36'53" W	0.75'

ZONING SETBACK NOTES

ACCORDING TO THE CITY OF HUNTSVILLE ONLINE ZONING MAP REFERENCED ON 03/13/2024, THIS TRACT IS ZONED MANAGEMENT DISTRICT [M] AND IS SUBJECT TO THE FOLLOWING BUILDING SETBACKS (Z) AS SHOWN HEREON:

FRONT SETBACK - 25 FEET
SIDE SETBACK (INTERIOR) - 10 FEET
REAR SETBACK - 10 FEET

FLOOD PLAIN NOTES:

THIS TRACT LIES WITHIN FLOOD ZONE 'X' UNSHADED AND DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO THE 1% ANNUAL CHANCE FLOOD (100 YEAR FLOOD PLAIN) ACCORDING TO THE WALKER COUNTY FLOOD INSURANCE RATE MAP (FIRM) PANEL NO. 48471C0355D, EFFECTIVE DATE: 08-16-2011.

LEGEND:

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N/F = NOW OR FORMERLY

( ) = RECORD INFORMATION

(P) = PER PLAT, 1/185 DRWCT

SS SANITARY SEWER MANHOLE
FIRE HYDRANT
SW STORM SEWER MANHOLE
AERIAL ELECTRIC LINES — AE —
BARBED WIRE FENCE — X —
CURB

GENERAL NOTES

BEARING SYSTEM SHOWN HEREON IS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (4203), GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION USING THE LEICA SMARTNET NAD83 (NA2011) EPOCH 2010 MULTI-YEAR CORS SOLUTION 2 (MYCS2).

DISTANCES SHOWN HEREON ARE SURFACE DISTANCES UNLESS OTHERWISE NOTED. TO OBTAIN GRID DISTANCES (NOT AREAS) DIVIDE BY A COMBINED SCALE FACTOR OF 1.00012141700982 (CALCULATED USING GEOID12B).

(CM) INDICATES CONTROLLING MONUMENT FOUND AND USED TO ESTABLISH PROPERTY BOUNDARIES.

THIS SURVEY PLAT WAS PREPARED TO REFLECT THE TITLE COMMITMENT ISSUED BY WALKER COUNTY TITLE COMPANY, GF NO. 2024020135, EFFECTIVE DATE: 02/19/2024. ITEMS LISTED ON SCHEDULE B ARE ADDRESSED AS FOLLOWS:

- ITEM 10j: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 61, PAGE 616 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10k: AMERICAN TELEPHONE AND TELEGRAPH COMPANY EASEMENT RECORDED IN VOLUME 131, PAGE 474 (DRWCT) MAY OR MAY NOT AFFECT THIS TRACT. DESCRIPTION OF SUBJECT PROPERTY IS VAGUE.
- ITEM 10l: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 209, PAGE 206 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10m: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 54 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10n: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 56 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10o: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 58 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10p: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 60 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10q: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 64 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10r: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 66 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10s: ROADWAY EASEMENT RECORDED IN VOLUME 356, PAGE 297 AND AMENDED IN VOLUME 371, PAGE 667 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10t: CITY OF HUNTSVILLE UTILITIES EASEMENT RECORDED IN VOLUME 425, PAGE 732 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10u: CITY OF HUNTSVILLE WATERLINE EASEMENT RECORDED IN VOLUME 429, PAGE 905 (DRWCT) DOES ADJOIN THIS TRACT AS SHOWN.
- ITEM 10v: CITY OF HUNTSVILLE SANITARY SEWER EASEMENT RECORDED IN VOLUME 429, PAGE 916 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10w: CITY OF HUNTSVILLE UTILITY EASEMENT RECORDED IN DOCUMENT NO. 2012-00003561 (ORWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10x: ENTERGY TEXAS INC. EASEMENT RECORDED IN DOCUMENT NO. 2020-55559 (ORWCT) DOES ADJOIN THIS TRACT AS SHOWN.
- ITEM 10y: ENTERGY TEXAS INC. EASEMENT RECORDED IN DOCUMENT NO. 2022-79836 (ORWCT) DOES NOT CROSS THIS TRACT.
- ALL OTHER ITEMS ARE NOT SURVEY ITEMS AND/OR ARE NOT ADDRESSED BY THIS PLAT.

BUYER	GIBBS BROTHERS, LP
TITLE COMPANY	WALKER COUNTY TITLE COMPANY
G.F. No.	2024020135

LAND TITLE SURVEY PLAT OF UNRESTRICTED RESERVE "C", BLOCK 3 WEST HILL SUBDIVISION, SECTION ONE VOLUME 1, PAGE 185 PRWCT LEWIS COX LEAGUE SURVEY, ABSTRACT 13 HUNTSVILLE, WALKER COUNTY, TEXAS

KERR SURVEYING

"When one person stands to gain over another, the facts must be uncovered"

SCALE: 1 INCH = 60 FEET
SURVEY DATE: 03-06-2024 | PLAT DATE: 03-13-2024
JOB NUMBER: 24-263 | CAD NAME: 24-263-BOUNDARY2
POINT FILE: 23-431-ALL (cont); 23-431 (job)
DRAWN BY: MS CHECKED BY: DB

PREPARED BY: KERR SURVEYING, LLC
TBPELS FIRM#10018500
409 N. TEXAS AVENUE, BRYAN, TEXAS 77803
PHONE: (979) 268-3195
SURVEYS@KERRSURVEYING.NET | KERRLANDSURVEYING.COM

FIELD NOTES DESCRIPTION

OF A

34.02 ACRE TRACT

LEWIS COX LEAGUE SURVEY, ABSTRACT 13

PLEASANT GRAY LEAGUE SURVEY, ABSTRACT 24

HUNTSVILLE, WALKER COUNTY, TEXAS

A FIELD NOTES DESCRIPTION OF 34.02 ACRES IN THE LEWIS COX LEAGUE SURVEY, ABSTRACT 13 AND PLEASANT GRAY LEAGUE SURVEY, ABSTRACT 24, IN HUNTSVILLE, WALKER COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF A CALLED 248.20 ACRE TRACT OF LAND DESCRIBED IN A DEED TO SAM C. DOMINEY, RECORDED IN VOLUME 90, PAGE 488 OF THE DEED RECORDS OF WALKER COUNTY, TEXAS (DRWCT); SAID 34.02 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found on the east line of Veterans Memorial Parkway (variable width right-of-way, 403/867 DRWCT) and being on the southeast line of said remainder of 248.20 acres, for the west corner of a portion of the remainder of a called 1,129.73 acre tract of land described in a deed to Robinson-Gibbs I, LLC recorded in Document No. 2019-51872 of the Official Records of Walker County, Texas (ORWCT) and being the south corner hereof;

THENCE, with the east line of Veterans Memorial Parkway for the following four (4) courses and distances:

1) **N 37° 03' 17" W**, for a distance of **398.06 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
2) **N 34° 14' 56" W**, for a distance of **1,020.70 feet** to a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found;
3) with a curve to the right, having a radius of **3,950.21 feet**, an arc length of **152.42 feet**, a delta angle of **02° 12' 39"**, and a chord which bears **N 33° 08' 16" W**, a distance of **152.41 feet**, to a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found;
4) **N 25° 38' 20" W**, for a distance of **547.74 feet** to a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found on the south line of Smither Drive (variable width right-of-way, 403/867 DRWCT) for the northwest corner hereof;

THENCE, with south line of Smither Drive for the following three (3) courses and distances:

1) **N 83° 15' 14" E**, for a distance of **182.02 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
2) **S 87° 53' 25" E**, for a distance of **194.51 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
3) **S 83° 27' 20" E**, for a distance of **661.78 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set for the northwest corner of a called 0.488 acre tract of land described in a deed to The City of Huntsville, recorded in Volume 403, Page 867 (DRWCT) and being a northeasterly corner hereof;

THENCE, with the established line of said 0.488 acres for the following three courses and distances:

1) **S 11° 35' 01" W**, for a distance of **191.24 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
2) **N 90° 00' 00" E**, for a distance of **127.91 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;

3) **N 19° 05' 03" E**, for a distance of **83.70 feet** to a right-of-way monument found on a westerly line of said portion of the remainder of 1,129.73 acres and being on the east line of the remainder of said 248.20 acres and being a northeasterly corner hereof;

THENCE, with the common line of said portion of the remainder of 1,129.73 acres and said remainder of 248.20 acres for the following two (2) courses and distances:

1) **S 25° 37' 22" E**, for a distance of **1,167.56 feet** to a 5/8 inch iron rod found for the west corner of said remainder of 248.20 acres and the west corner hereof;
2) **S 42° 50' 02" W**, for a distance of **764.50 feet** to the **POINT OF BEGINNING** hereof and containing **34.02 acres**, more or less.

Surveyed on the ground June 2023 under my supervision. See plat prepared June 2023 for other information. The bearing basis for this survey is based on the Texas State Plane Coordinate System of 1983 (NAD83), Central Zone, Grid North as established from GPS observation using the Leica Smartnet NAD83 (NA2011) Epoch 2010 Multi-year CORS Solution 2 (MYCS2). Distances described herein are surface distances. To obtain grid distances (not grid areas) divide by a combined scale factor of 1.00012141700982 (calculated using GEOID12B). Reference drawing: 23-431-BOUNDARY5.

STATE OF TEXAS
REGISTERED
NATHAN PAUL KERR
6834
PROFESSIONAL
LAND SURVEYOR

8/12/23

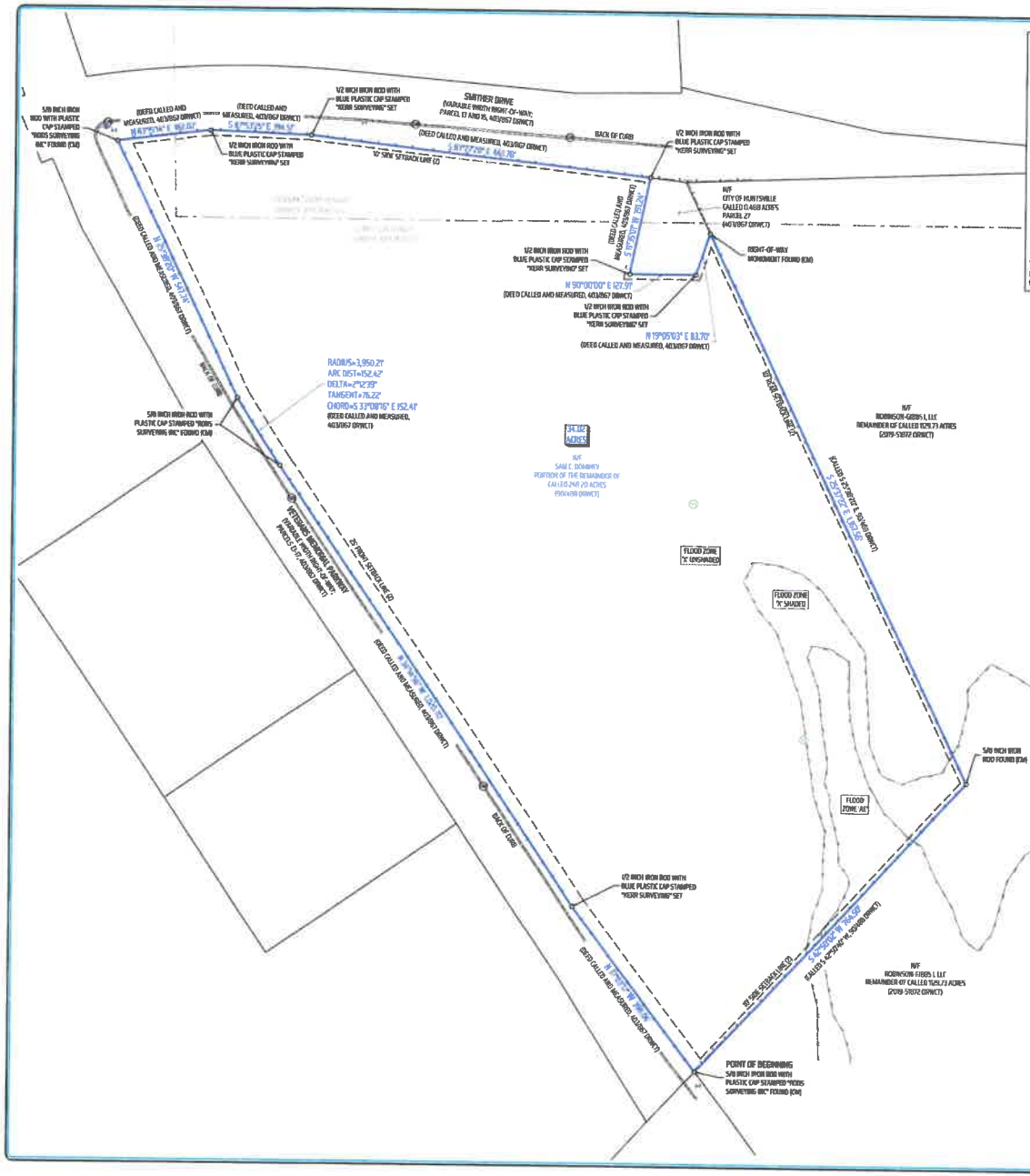
Nathan Paul Kerr
Registered Professional Land Surveyor No. 6834

KERR
SURVEYING

Kerr Surveying, LLC | 409 N. Texas Ave. Bryan, TX 77803

Office: (979) 268-3195 | Web: www.kerrlandsurveying.com

Surveys@kerrsurveying.net | TBPELS Firm No. 10018500



GENERAL NOTES

BEARING SYSTEM SHOWN HEREON IS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (4203), GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION USING THE LEICA SMARTNET NADB3 (NA2011) EPOCH 2010 MULTI-YEAR CORS SOLUTION 2 (NYCS2).

DISTANCES SHOWN HEREON ARE SURFACE DISTANCES UNLESS OTHERWISE NOTED. TO OBTAIN GRID DISTANCES (NOT AREAS) DIVIDE BY A COMBINED SCALE FACTOR OF 1.00012147009862 (CALCULATED USING GEONEBS).

(CM) INDICATES CONTROLLING MONUMENT FOUND AND USED TO ESTABLISH PROPERTY BOUNDARIES.

THIS SURVEY PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. EASEMENTS AND OTHER MATTERS MAY APPLY.

ORIGINAL SURVEY LINES SHOWN HEREON (IF ANY) ARE BASED ON RAILROAD COMMISSION GIS DATA, ARE APPROXIMATED ONLY AND WERE NOT LOCATED ON THE GROUND. THIS SURVEYOR DID NOT DETERMINE THE EXISTENCE OF ANY VACANCY, EXCESS, OR SHORTAGE OF AREA IN ANY OF THE ORIGINAL GRANTS SHOWN HEREON.

THIS PLAT WAS PREPARED IN CONJUNCTION WITH A FIELD NOTES DESCRIPTION (NOTES AND BOUNDS). THE PLAT AND FIELD NOTES ARE INTENDED TO BE ONE INSTRUMENT TOGETHER.

ZONING SETBACK NOTES

ACCORDING TO THE CITY OF HUNTSVILLE ONLINE ZONING MAP REFERENCED ON 06/08/2023, THIS TRACT IS ZONED MANAGEMENT DISTRICT (M) AND IS SUBJECT TO THE FOLLOWING BUILDING SETBACKS (2) AS SHOWN HEREON:

FRONT SETBACK - 25 FEET
SIDE SETBACK (INTERIOR) - 10 FEET
REAR SETBACK - 10 FEET

FLOOD PLAIN NOTES:

THIS TRACT LIES WITHIN FLOOD ZONE "X" UNSHADED AND "X" SHADED AND "AE" AND DOES PARTIALLY LIE WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO THE 1% ANNUAL CHANCE FLOOD (100 YEAR FLOOD PLAIN) ACCORDING TO THE WALKER COUNTY FLOOD INSURANCE RATE MAP (FIRM) PANEL NO. 48471C0355D, EFFECTIVE DATE: 08-16-2011.

SCALE: 1" = 100'

0 100 200 300 Feet

LEGEND:

DRWCT = DEED RECORDS OF WALKER COUNTY, TEXAS
PRWCT = PLAT RECORDS OF WALKER COUNTY, TEXAS
ORWCT = OFFICIAL RECORDS OF WALKER COUNTY, TEXAS
123/456 = VOLUME AND PAGE FROM PUBLIC COUNTY RECORDS
N/F = NOW OR FORMERLY
( ) = RECORD INFORMATION
FIRE HYDRANT
SANITARY SEWER MANHOLE
STORM SEWER MANHOLE
WATER VALVE
BARBED WIRE FENCE
APPROXIMATE LOCATION OF ORIGINAL SURVEY LINE
APPROXIMATE LOCATION OF FLOOD PLAIN
CONCRETE

SURVEYOR'S CERTIFICATE:

I, NATHAN PAUL KERR, R.P.L.S. NO. 6634, DO HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CATEGORY 1B, CONDITION 3, STANDARD LAND SURVEY AS DONE ON THE GROUND UNDER MY SUPERVISION.

6/8/2023

NATHAN PAUL KERR
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6634

NATHAN PAUL KERR 6634 REGISTERED PROFESSIONAL LAND SURVEYOR

TSPS STANDARD LAND SURVEY PLAT OF A 34.02 ACRE TRACT

BEING A PORTION OF THE REMAINDER OF A CALLED 248.20 ACRES
VOLUME 90, PAGE 488 DRWCT
LEWIS COX LEAGUE SURVEY, ABSTRACT 13
PLEASANT GRAY LEAGUE SURVEY, ABSTRACT 24
HUNTSVILLE, WALKER COUNTY, TEXAS

KERR SURVEYING

"When one person stands to gain over another, the facts must be uncovered"

SCALE: 1 INCH = 100 FEET
SURVEY DATE: 05-31-2023 | PLAT DATE: 06-12-2023
JOB NUMBER: 23-431 | CAD NAME: 23-431-BOUNDARYS
POINT FILE: 23-431-ALL (cont); 23-431 (job)
DRAWN BY: DLS CHECKED BY: NPK
PREPARED BY: KERR SURVEYING, LLC
TBPELS FIRM#10003500
409 N. TEXAS AVENUE, BRYAN, TEXAS 77803
PHONE: (979) 268-3195
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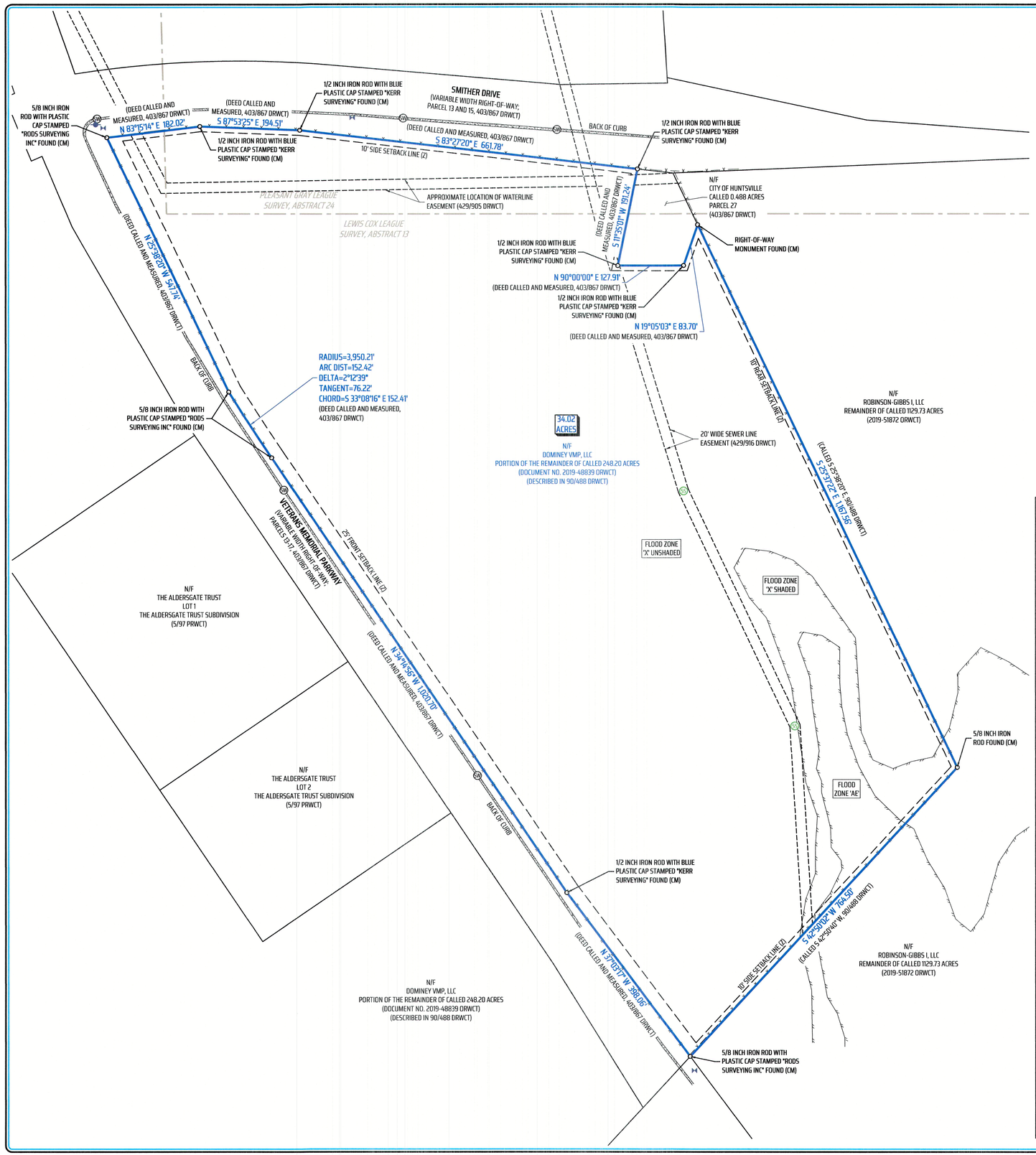

ZONING SETBACK NOTES

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N

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0 100 200 300 Feet

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FIRE HYDRANT
SANITARY SEWER MANHOLE
STORM SEWER MANHOLE
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APPROXIMATE LOCATION OF ORIGINAL SURVEY LINE
APPROXIMATE LOCATION OF FLOOD PLAIN
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GENERAL NOTES

BEARING SYSTEM SHOWN HEREON IS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (4203), GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION USING THE LEICA SMARTNET NAD83 (NA2011) EPOCH 2010 MULTI-YEAR CORS SOLUTION 2 (MYCS2).

DISTANCES SHOWN HEREON ARE SURFACE DISTANCES UNLESS OTHERWISE NOTED. TO OBTAIN GRID DISTANCES (NOT AREAS) DIVIDE BY A COMBINED SCALE FACTOR OF 1.00012141700982 (CALCULATED USING GEOID12B).

(CM) INDICATES CONTROLLING MONUMENT FOUND AND USED TO ESTABLISH PROPERTY BOUNDARIES.

THIS SURVEY PLAT WAS PREPARED TO REFLECT THE TITLE COMMITMENT ISSUED BY WALKER COUNTY TITLE COMPANY, GF NO. 2024020135, EFFECTIVE DATE: 02/19/2024. ITEMS LISTED ON SCHEDULE B ARE ADDRESSED AS FOLLOWS:

- ITEM 10j: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 61, PAGE 616 (DRWCT) DOES NOT CROSS THIS TRACT.
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- ITEM 10s: ROADWAY EASEMENT RECORDED IN VOLUME 356, PAGE 297 AND AMENDED IN VOLUME 371, PAGE 667 (DRWCT) DOES NOT CROSS THIS TRACT.
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- ALL OTHER ITEMS ARE NOT SURVEY ITEMS AND/OR ARE NOT ADDRESSED BY THIS PLAT.

SURVEYOR'S CERTIFICATE:

I, DAVID POWELL BRISTER, R.P.L.S. NO. 6537, DO HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CATEGORY 1A, CONDITION 3, LAND TITLE SURVEY AS MADE ON THE GROUND UNDER MY SUPERVISION.

3-13-24

DAVID POWELL BRISTER
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6537

STATE OF TEXAS
DAVID POWELL BRISTER
6537
PROFESSIONAL LAND SURVEYOR

LAND TITLE SURVEY PLAT
OF A
34.02 ACRE TRACT
BEING A PORTION OF THE REMAINDER OF A CALLED 248.20 ACRES
DESCRIBED IN VOLUME 90, PAGE 488 DRWCT
LEWIS COX LEAGUE SURVEY, ABSTRACT 13
PLEASANT GRAY LEAGUE SURVEY, ABSTRACT 24
HUNTSVILLE, WALKER COUNTY, TEXAS

KERR SURVEYING

"When one person stands to gain over another, the facts must be uncovered"

SCALE: 1 INCH = 100 FEET
SURVEY DATE: 03-06-2024 | PLAT DATE: 03-13-2024
JOB NUMBER: 24-263 | CAD NAME: 24-263-BOUNDARY5
POINT FILE: 23-431-ALL (cont); 23-431 (job)
DRAWN BY: MS CHECKED BY: DB

PREPARED BY: KERR SURVEYING, LLC
TBPELS FIRM#10018500
409 N. TEXAS AVENUE, BRYAN, TEXAS 77803
PHONE: (979) 268-3195
SURVEYS@KERRSURVEYING.NET | KERRLANDSURVEYING.COM

Exhibit B

Planned Development District

ORDINANCE NO. 2025-6

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, AMENDING THE ZONING DISTRICT MAP OF THE CITY OF HUNTSVILLE, TEXAS TO CHANGE THE ZONING DISTRICT CLASSIFICATION FOR PROPERTY ADJACENT TO VETERANS MEMORIAL PARKWAY AND SMITHER DRIVE ON +/- 708.866 ACRE TRACTS LOCATED ON WALKER COUNTY PROPERTY ID 11382, 45683, 11417, 45685, 42930, 45678, 21344, 15912, 20702, 69467, 20703, 38208, 17467, AND 45680., FROM MIXED USE TO PLANNED DEVELOPMENT (HUNTSVILLE PLANNED DEVELOPMENT-3) AND APPROVE THE PLANNED DEVELOPMENT DESIGN STANDARDS.

WHEREAS the City Council of the City of Huntsville, Texas, has adopted an Official Zoning District Map and attendant regulations for the City which, in accordance with the Comprehensive Plan, was designed to control the density of population to the end that congestion may be lessened in public streets and that the public health, safety, convenience and general welfare is promoted in accordance with Chapter 211, Municipal Zoning Authority of the Texas Local Government Code; and

WHEREAS the Development Code of the City of Huntsville provides for the amendment of the Official Zoning Map and approval of a Planned Development Plan; and

WHEREAS after public notice, the Planning Commission held a public hearing on December 5, 2024, to consider comments of the public regarding the adoption of the amendment to the Zoning District Map and approval of the Planned Development Concept Plan to build a Master Planned Development on +/-708.866 acres to include mixed-uses consisting of single-family and multi-family residences, commercial development, and recreational amenities; and

WHEREAS the Planning Commission has studied and evaluated the request and the report prepared by City Staff; and

WHEREAS the Planning Commission has considered the comments of the public presented at the public hearing and has prepared a report for this Council of its conclusions and recommendations;

WHEREAS after public notice, City Council held a public hearing on December 17, 2024, considering comments from the public regarding the adoption of amendments to the Official Zoning District Map and approval of the Planned Development Concept Plan; and

WHEREAS after public notice, City Council held a public hearing on January 21, 2025, considering comments from the public regarding the approval of the Development Plan for the Planned Development; and

WHEREAS the City Council has studied and evaluated the request, the report prepared by City Staff and the recommendations by the Planning Commission; and

WHEREAS the City has updated the map to reflect the amended area to be known as Huntsville Planned Development-3;

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

SECTION 1: The Official Zoning District Map of the City of Huntsville, as provided in Section 2.200 of the City's Development Code, is amended and City Staff is direct to make such change.

SECTION 2: The newly amended Official Zoning District Map is adopted and shall supersede the prior Official Zoning District Map and shall be identified by the signature of the mayor and attested to by the City Secretary.

SECTION 3: The Planned Development Design Standard are included, as depicted in Exhibit A, attached hereto is approved.

SECTION 4: The City Secretary is hereby directed to cause the caption of this Ordinance to be published at least twice within ten days of final passage. This ordinance shall take effect ten (10) days after the date of final passage.

PASSED AND APPROVED THIS 4th **DAY OF** March **2025.**

THE CITY OF HUNTSVILLE

Russell Humphrey, Mayor

ATTEST:

Kristy Doll, City Secretary

APPROVED AS TO FORM:

Leonard Schneider, City Attorney

DEVELOPMENT CODE

Legacy Pines Planned Development

Design Standards

UNIFIED DEVELOPMENT ORDINANCE

Contents:

Article 1 Introductory Provisions
Article 2 Zoning Districts
Article 3 ~~Overlay Districts~~
Article 4 Use Regulations
Article 5 Lot and Setback Regulations
Article 6 Parking and Driveway Access
Article 7 Landscaping and Buffers
Article 8 Signs
Article 9 Flood Protection
Article 10 Infrastructure and Public Improvements
Article 11 Nonconformities
Article 12 Development Review and Approval Procedures
Article 13 Administration
Article 14 Enforcement
Article 15 Terminology and Definitions
Appendix 1: Preliminary Plan Submittal Requirements
Appendix 2: Final Plat Submittal Requirements
Ordinance History Table

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Appendix 3: Planned Development District Property Description

Appendix 4: Tree Preservation and Mitigation

ARTICLE 1 INTRODUCTORY PROVISIONS

Contents:

1.100 Official Name (Title)
1.200 Authority
1.300 Effective Date
1.400 Applicability and Jurisdiction
1.500 Purposes
1.600 Commentaries
1.700 Minimum Requirements
1.800 Interpretation
1.900 Compliance Required
1.1000 Conflicting Provisions
1.1100 Transitional Provisions
1.1200 Severability

1.100 OFFICIAL NAME (TITLE)

The official title of this document is the *Development Code of the City of Huntsville, Texas*. For convenience it is referred to throughout this document simply as the "Development Code."

1.200 AUTHORITY

The Huntsville City Council adopts this Development Code pursuant to the powers granted in the City Charter and the Texas Local Government Code, including Chapters 211 and 212.

1.300 EFFECTIVE DATE

The provisions of this Development Code become effective on ~~September 13, 2024~~, except as otherwise expressly stated.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

January 16, 2025

1.400 APPLICABILITY AND JURISDICTION

~~The provisions of this Development Code apply to all public and private development within the corporate limits of the City of Huntsville, except as provided by state or federal law or as otherwise expressly stated in this Development Code.~~

This Development Code, and the standards, rules, and regulations described herein, apply to all public and private development within the property described in Appendix 3, together with all property that may be added in the future pursuant to written agreement with a developer of property and the City (collectively, the "Planned Development District").

1.500 PURPOSES

This Development Code is adopted for the purposes of:

1.501 Protecting and promoting the public health, safety and general welfare~~; and~~

~~1.502 Implementing the policies and goals contained in the City of Huntsville's Comprehensive Plan and other adopted plans of the City.~~

1.600 COMMENTARIES

Commentaries are sometimes included in this Development Code as a means of clarifying provisions or providing supplemental information for code users. Text marked as "commentary" has no regulatory effect. It is intended solely as a guide for administrative officials and the public.

Commentary: Commentaries will have this appearance.

1.700 MINIMUM REQUIREMENTS

1.701 The provisions of this Development Code are the minimum requirements deemed necessary to carry out the Development Code's stated purpose and intent.

1.702 In addition to the requirements of this Development Code, all uses and development and construction activities must comply with all other applicable ordinances, laws, regulations and standards, including but not limited to:

1.702.A Municipal code Chapter 12 (Buildings and Building Regulations);

1.702.B Construction Specifications for Public Improvements; and

1.702.C Standard Drawings for Public Improvements.

1.703 Compliance with this Development Code is a precondition for the issuance of any permits or approval of plats, public improvements or private improvements within the City or its extraterritorial jurisdiction.

1.704 All references in the Development Code to other governmental regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility for the City to enforce regulations imposed by other government authorities.

So long as the plat meets the requirements of this Development Code, the City shall approve the plat, permit, or improvement.

~~Effective on: 2/22/2023~~

1.800 INTERPRETATION

In the interpretation and application of this Development Code, all provisions must be:

1.801 Liberally construed in favor of the City; and

1.802 Deemed neither to limit nor repeal any other powers granted to the City under state statutes.

1.900 COMPLIANCE REQUIRED

Except as otherwise expressly stated in this Development Code:

1.901 Land may not be used for any purpose other than one that is allowed in the subject zoning district.

1.902 A building or structure may not be erected, moved, reconstructed, extended, or structurally altered for any purpose other than one that is allowed in the subject zoning district.

1.903 Buildings, structures, and land may be used and occupied only in compliance with the requirements specified in this Development Code.

of this Development Code

1.904 All lots created or modified must comply with all applicable regulations of ~~the subject zoning district.~~

~~Effective on: 2/22/2023~~

this Development Code controls.

1.1000 CONFLICTING PROVISIONS

1.1001 Conflict with State or Federal Regulations

If the provisions of this Development Code are inconsistent with those of the state or federal government, the more restrictive provision governs, to the extent allowed by law. The more restrictive provision is the one that imposes more stringent controls.

1.1002 Conflict with Other City Regulations

If the provisions of this Development Code are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the City, ~~the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.~~

1.1003 Conflict with Private Agreements and Covenants

This Development Code is not intended to interfere with, abrogate, or annul any easement, covenant, deed restriction, or other agreement between private parties. If the provisions of this Development Code impose a greater restriction than imposed by an agreement or covenant among private parties, the provisions of this Development Code govern. The City is not responsible for monitoring or enforcing agreements or covenants among private parties.

1.1100 TRANSITIONAL PROVISIONS

The provisions of this section address the transition from the previous Development Code (the one in effect before the effective date specified in Sec. 1.300) to this Development Code.

1.1101 Applications, Permits and Approvals

1.1102.A Any building, development, or structure for which a building permit was issued or a complete permit application had been accepted for processing before the effective date specified in Sec. 1.300 may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such building, development or structure does not comply with provisions of this Development Code.

1.1102.B Applications for development approvals that were submitted in complete form and are pending approval on the effective date specified in Sec. 1.300 must be reviewed wholly under the terms of the Development Code in effect immediately before the effective date specified in Sec. 1.300. Building permits may be issued for construction or development approved under this paragraph (§1.1101.B), even if such building, development or structure does not fully comply with provisions of this Development Code.

1.1102 Violations Continue

1.1102.A Any violation of the previous Development Code will continue to be a violation under this Development Code and be subject to penalties and enforcement under Article 14.

1.1102.B If the use, development, construction or other activity that was a violation under the previous Development Code complies with the express terms of this Development Code, enforcement action will cease, except to the extent of

collecting penalties for violations that occurred before the effective date specified in Sec. 1.300.

1.1102.C The adoption of this Development Code does not affect any pending or future prosecution of, or action to abate, violations of the previous Development Code that occurred before the effective date specified in Sec. 1.300.

~~Effective on: 2/22/2023~~

1.1200 SEVERABILITY

If any portion of this Development Code is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the Development Code and in no way affects or diminishes the validity of the remainder of the Development Code.

~~Effective on: 2/22/2023~~

Developers may utilize the standards applicable to any of the zoning districts included in this Table 2-1 within any part of the Planned Development District; provided, however, that when a Developer utilizes the standards applicable to such zoning district, all the standards applicable to such zoning district must be used, and no others. There is no minimum acreage by which a particular set of standards applicable to the zoning districts may be applied to property within the Planned Development District. Gibbs Brothers & Company, LP, and its successors and/or assigns, will prepare and keep current a map of the Planned Development District that depicts the zoning district standards and regulations applicable to all property within the Planned Development District and will, upon request, furnish such map to the City for review and use in connection with the enforcement of this Development Code.

ARTICLE 2 ZONING DISTRICTS

Contents:

2.100 The Districts

2.200 Zoning District Map

2.300 Lot and Setback Regulations

2.400 Supplemental District Regulations

2.100 THE DISTRICTS

The City's zoning districts are listed in Table 2-1 and Table 2-2.

Table 2-1: Zoning Districts

Zoning District	Future Land Use Category	Purpose	Former Zoning District
Residential			
Medium Density Residential (MR)	General Residential	This designation covers areas with predominantly single-family residential uses at typical in-city densities.	Neighborhood Conservation (NC) and Management (M)
High Density Residential (HR)	Multi-Family Residential	This designation involves areas devoted primarily to structures with multiple residential units, at a greater intensity (i.e., units per building or acre) than found in single-family residential. Higher intensities may be appropriate in certain locations. Site design and open space standards may be applied to offset the relative density of this residential type, to ensure adequate recreational space on the site for residents, and to provide buffering and screening between this and less intensive residential uses. This use category can also provide a transition from primarily residential to mainly non-residential areas.	Management (M)
Simple Living Residential (SLR)	General Residential	This designation is for small lot living in a variety of structure types and arrangements including site-built homes, manufactured homes and manufactured home parks, recreation vehicles, tiny homes, and cottage courts.	Management (M)
Nonresidential and Mixed Use			

Table 2-1: Zoning Districts			
Zoning District	**Future Land Use Category**	**Purpose**	**Former Zoning District**
Industrial (IN)	Industrial	This designation accommodates uses that are intensive in terms of how “light” industrial and especially “heavy” industrial activities can affect other nearby properties. This can include factors such as noise, vibration, light/glare, odor, truck traffic, and hours of operation, as well as the sheer scale and intensity of some heavy industrial uses. Depending on the standards applied through development regulations, an industrial area can allow for a wide range of uses, from office/warehouse to wholesale, product assembly, and manufacturing. Some communities aim for a more aesthetic business or industrial “park” environment, with specific standards for building arrangement and orientation, extensive landscaping, and especially full screening of loading and outdoor activity/storage areas, if such external activity is even permitted. A campus feel may be further reinforced by private or public streetscape and design enhancements, including special signage at industrial area entries and key intersections, unified lighting design, etc.	Management (M)

Table 2-1: Zoning Districts			
Zoning District	**Future Land Use Category**	**Purpose**	**Former Zoning District**
Mixed Use (MU)	Corridor Mixed Use	This designation is for properties in commercial retail, office and service uses along and near high-profile roadway corridors as well as other locations to accommodate neighborhood-focused businesses. Commercial uses include typical "big-box" developments that will draw patrons from a wide area, while neighborhood-focused businesses include smaller footprint sites that cater to serving a smaller area where mixed-use development outcomes are desired and encouraged. The mix of uses may include residential, especially to provide additional housing options and forms within the community. Major public and/or institutional facilities may also serve as development anchors within the area. Where non-residential and mixed-use developments are adjacent to residential neighborhoods, site standards involving building scale and placement should be triggered to ensure compatibility.	Management (M)
Public and Institutional (PI)	Public/Institutional	This designation is for public facility land uses and their vicinities that warrant special consideration. Such consideration is necessary either to: (1) protect a major community asset or other highly-valued use; or (2) buffer and protect nearby properties from potential adverse effects depending on the nature and operational aspects of the public use. This is for all public and institutional facilities.	Management (M)

Table 2-1: Zoning Districts			
Zoning District	**Future Land Use Category**	**Purpose**	**Former Zoning District**
Downtown (D)	Downtown Area Mixed Use	This designation, in many cities, involves the most intensively developed area of the community in terms of the greatest coverage of sites with building footprints and the least amount of private development area devoted to off-street parking and landscaping. Instead, most parking is accommodated on-street and/or within public parking areas. This enables most streets and other public spaces to be framed by buildings with zero or minimal front setbacks, creating "architectural enclosure" versus the progressively more open feel in other character areas (auto-oriented, suburban, etc.). All of these elements, along with a mixed-use orientation, make these areas of a city the most conducive for pedestrian activity and interaction. Public plazas and pocket parks can provide green space amid the urban environment and a place to gather and host community events.	Downtown (D)
Planned Development (PD)	N/A	This designation is intended to allow a diverse mixture of residential and/or nonresidential uses and structures that function as cohesive and unified projects. The districts encourage innovation by allowing flexibility in permitted use, design, and layout requirements in accordance with a Unified Development Ordinance. This should provide benefits by providing opportunities for employment and services closer to residences.	Planned Development (PD)

Table 2-2: ~~Overlay Districts~~ Reserved			
~~**Zoning District**~~	~~**Future Land Use Category**~~	~~**Purpose**~~	~~**Former Zoning District**~~
~~I-45 Overlay (I-45-O)~~	~~N/A~~	~~This designation is established to recognize the corridor as a unique area that promotes a mix of uses that may include commercial, retail, office, and special areas, along the corridor.~~	~~New~~
~~Veterans Memorial Parkway Overlay (VMPO)~~	~~N/A~~	~~This designation is for an area bounded by the right-of-way of Veteran's Memorial Parkway beginning at its most southern end at the intersection of the west feeder road of IH-45 and ending at the most northern end at the intersection of the west feeder road of IH-45~~	~~Veterans Memorial Parkway Overlay (VMPO)~~

Table 2-2: ~~Overlay Districts~~ Reserved			
~~Zoning District~~	~~Future Land Use Category~~	~~Purpose~~	~~Former Zoning District~~
~~Airport Hazard Overlay (AHO)~~	~~N/A~~	~~This designation is intended to protect the municipal airport and the surrounding area from the encroachment of incompatible land uses that may present hazards to users of the airport as well as persons living or working in the airport vicinity.~~	~~Airport Hazard Overlay (AHO)~~
~~Residential Protection Overlay (RP-O)~~	~~N/A~~	~~This designation is intended to protect property values by conserving the overall character and function of previously existing single-family detached house residential areas of the City.~~	~~Neighborhood Conservation (NC)~~

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

2.200 ZONING DISTRICT MAP

2.201 Establishment

The location and boundaries of the zoning districts are shown on a geographic coverage layer that is maintained as part of the City's geographic information system (GIS). This geographic coverage layer constitutes the City's Official Zoning Map. The Official Zoning Map, including all notations, references, data and other information shown on it, is adopted and incorporated into this UDO and has the same legal force and effect as the UDO.

2.202 Available for Inspection

The map that is officially on file at City Hall is available for public inspection. This map shall control in the event of a conflict between the official map and any other reproduction of the map.

2.203 Maintenance, Updates, and Publishing

The City Planner is responsible for directing revisions to the Official Zoning Map to reflect its amendment as soon as possible after the effective date of any zoning map amendment. No unauthorized person may alter or modify the official map.

2.204 Map Interpretations

Where any uncertainty exists about a zoning district boundary, the City Planner is authorized to refer the matter to the Board of Adjustment for a determination or make an administrative interpretation using the following rules of interpretation:

2.204.A A boundary shown on the Official Zoning Map as approximately following lot lines will be construed as following those lot lines.

2.204.B A boundary shown on the Official Zoning Map as approximately following a street, alley, or railroad line will be construed as following the centerline of the street, alley or railroad right-of-way.

2.204.C A boundary shown on the Official Zoning Map as approximately following the shoreline or centerline of a river, stream, lake or other water body will be construed as following the actual shoreline or centerline of that water body.

2.204.D A boundary shown on the Official Zoning Map as approximately parallel to, or as an apparent extension of, a feature described above will be construed as being actually parallel to, or an extension of, the feature.

2.204.E If a boundary shown on the Official Zoning Map is inconsistent with a description included within an amending ordinance, the amending ordinance governs.

~~2.205 Classification of Annexed Land~~

~~Territory annexed to the City will be classified in the MR zoning district, with the Residential Protection Overlay, unless otherwise provided by the annexation plan adopted by City Council.~~

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

2.300 LOT AND SETBACK REGULATIONS

Principal uses and structures in all zoning districts are subject to the lot and setback regulations of Article 5.

~~Effective on: 2/22/2023~~

2.400 SUPPLEMENTAL DISTRICT REGULATIONS

2.401 Simple Living Residential District

2.402.A Purpose

The Simple Living Residential (SLR) District provides for a variety of different types and arrangements of housing that may be constructed or manufactured on or off-site and which may be placed on individual lots or a common lot. This district may accommodate manufactured homes, manufactured home parks, recreational vehicle parks, tiny homes on individual lots, or cottage court formats. Neighborhoods may serve as permanent or temporary residences.

2.402.B Applicability

The SLR District may be applied in a zone change request within a residential land use category on the Future Land Use Map, as deemed appropriate. These residential use types provide options that contribute to the overall availability of housing choice in the City. They may be appropriate on smaller infill properties suitable for this scale of development, when the adjacent uses and natural environment provide for compatibility, and in locations proximate to employment areas.

2.402.C Land Uses

The following land uses, as depicted in Figure 2-1, *SLR District Residential Uses*, are permitted in the SLR District, subject to the standards of this Section:

1. Manufactured home park or subdivision;
2. Recreational vehicle park;

3. Tiny house community; and
4. Residential and nonresidential land uses permitted as of right or by Conditional Use Permit according to Table 4-1, *Use Table*.

Figure 2-1: SLR District Residential Uses

Manufactured Home Park or Subdivision

Recreational Vehicle Park

Tiny House Community

2.402 Lot and Setback Regulations

2.402.A Residential Uses

Dimensional requirements for new residential development in the SLR District shall comply with the standards in Table 2-3, *SLR District Lot Size and Building Setback Standards*, below.

2.402.B Nonresidential Development

Proposed new mixed use and nonresidential development in the SLR District shall comply with the requirements of the MU District in Section 5.300, *Nonresidential and Mixed Use Lot Size and Building Setback Requirements*.

Table 2-3: SLR District Lot Size and Building Setback Standards										
Housing Type	Min. Open Space (Percent of Site)	Min. Site Area (Acres)	Min. Lot or Pad Area (Feet)	Min. Lot or Pad Width (Feet)	Min. Setbacks (Feet)				Min. Building Or Vehicle Separation (Feet)	Max. Height (Feet)
					Street	Street Side	Side	Rear		
Manufactured Home Park/ Detached House Subdivision	10	5	4,000	40	20	15	5	10	10	35
Manufactured Home[2]	10	N/A	3,500	35	20	15	5	10	10	35
Recreational Vehicle Park	5	5	1,200	25	50[1]	50[1]	25	25	10	15
Tiny House Community	15	1	1,200	25	20	15	5	10	10	35

TABLE NOTES:
1. No recreational vehicle parking pad shall be closer than 50 feet from any exterior property line.
2. Manufactured homes placed on a legal nonconforming lot outside a manufactured home park or subdivision.

2.403 SLR District Use Standards

2.403.A Recreational Vehicle Park

Refer to Section 4.200, *Supplemental Use Regulations*.

2.403.B Manufactured Home Park or Subdivision

Refer to Section 4.200, *Supplemental Use Regulations*.

2.403.C Tiny House Community

1. Building Standards. A tiny house that is part of a tiny house community shall be built to the City's residential building code.
2. Maximum Floor Area. A tiny house shall consist of a total maximum floor area of 600 square feet, excluding any loft space.
3. Permanent Foundations. Tiny houses that are part of a tiny house community shall be constructed on a permanent foundation. Tiny houses on wheels or other non-permanent foundations are prohibited from being part of a tiny house community but may be placed on a lot within a RV park or manufactured home park.
4. Tiny Houses. A Prefabricated tiny house shall have proof of inspection by a recognized agency and is required to be skirted.

2.404 Open Space

The following shall apply to required open space in the SLR District:

2.404.A Open Space

Open space shall be provided at the minimum required in Table 2-3, *SLR District Lot Size and Building Setback Standards*, and shall include a central green lawn or garden area, playground, or plaza as a central focal point of all dwellings.

2.404.B Walkways

Common improvements of the common area shall include pedestrian walkways connecting each dwelling unit to a community-wide sidewalk network, shared parking areas or garages.

2.404.C Buffer Requirements

The site shall provide a buffer around the perimeter that preserves existing vegetation and incorporates landscape materials, berms, or a wall or fence to provide a visual buffer from adjacent development. See Section 7.500, *Buffers*.

2.405 Garages

The following garage structure requirements shall apply to a residential use in the SLR District:

2.405.A Access

If provided, detached garages serving more than one dwelling unit shall be accessed via a private drive or alley.

2.405.B Bays

A detached garage building shall not exceed four car bays unless it is screened by a buffer required in Section 7.500, *Buffers*.

2.405.C Design

Detached garage buildings shall be consistent in architecture and design to the principal dwellings.

2.406 PD District

Refer to Section 12.400, *Planned Developments.*

2.406.A Minimum Area

Each PD district established must have a minimum contiguous area of at least 5 acres.

2.407 MU District

2.407.A Generally

In addition to the applicable standards in this UDO, buildings in the Mixed Use (MU) District shall comply with the following standards.

2.407.B Percentage of Residential

1. Horizontal Mixed Use. For a horizontal mixed-use development, a maximum of 60 percent of the land area of the development shall consist of permitted residential uses. A Building Permit for residential construction shall not be approved for the development until Building Permits have been approved for a minimum of 20 percent of the planned nonresidential development on the approved Master Development Plan.
2. Vertical Mixed Use. For a vertical mixed-use building, residential uses are prohibited on the first floor; however, there shall be no minimum or

maximum percentage of mixing of permitted residential or nonresidential uses based on floor area.

2.407.C Enhanced Building Form and Design

1. 360-Degree Architecture. No particular architectural style is mandated. However, the architectural style of the front facade shall be expressed on all four sides of the building.
2. Detailing. All buildings shall contain architectural details that promote good design, which shall include a minimum of three of the following:
   a. Entry portico;
   b. Chimneys or cupolas;
   c. Transom windows;
   d. Dormers;
   e. Window canopies;
   f. Eaves in excess of 18 inches;
   g. Covered porches (extending along 50 percent of the building facade and projecting a minimum of four feet from the face of the building);
   h. A minimum of 80 percent of each facade visible from a public right-of-way, public park or open space, or residential use is composed of masonry, natural stone, or other material approved by the City Planner;
   i. Decorative window shutters; or
   j. Other features approved by the City Planner.
3. Awnings and Canopies. Awnings and canopies, if installed, shall meet the following standards:
   a. Awnings and canopies shall be attached and integral to the principal structure;
   b. Awnings and canopies shall not obstruct any portion of any window except that transom windows may be located under awnings and canopies;
   c. Canopies shall have columns, beams, and/or brackets of adequate size to give both structural and visible means for support; and
   d. A minimum clearance of eight feet from finished grade to the bottom of the awning or canopy is required and it shall not exceed 16 feet in height.
4. Blank Walls. Except where necessary to accommodate the future expansion of a building intended for construction within two years, blank walls are not allowed. No building wall may include an area that is larger than 15 feet tall by 25 feet wide that does not include one or more of the following:
   a. Windows;
   b. Doors;
   c. Building wall offset that complies with the building wall offset requirements in Section 3.400;
   d. Sign(s), in accordance with Article 8;
   e. Architectural details that relieve the appearance of the blank wall;
   f. A canopy or an arcade;

g. Vines or other plantings on wall trellises that cover at least 60 percent of the facade elevation; or

h. Other methods approved by the City Planner.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

ARTICLE 3 ~~OVERLAY DISTRICTS~~ Reserved

~~**Contents:**~~

~~**3.100 General**~~

~~**3.200 Veteran's Memorial Parkway Overlay District**~~

~~**3.300 Airport Hazard Overlay District**~~

~~**3.400 I-45 Overlay**~~

~~**3.500 Residential Protection Overlay District**~~

~~(Ord. No. 2024-20, 09/03/2024)~~

~~3.100 GENERAL~~

~~3.101 Purpose and Application~~

~~Overlay districts are tools for dealing with special situations or accomplishing area-specific planning goals. As the name implies, overlay districts are "over-laid" on zoning district classifications to alter some or all of the regulations that apply in the underlying zoning district.~~

~~3.102 Interpretation~~

~~3.102.A Overlay district regulations apply in combination with underlying (base) zoning district regulations and all other applicable regulations of this Development Code. Overlay districts impose additional regulations or modify regulations of the underlying zoning district.~~

~~3.102.B Unless otherwise expressly stated, all applicable regulations of the underlying zoning district apply to property in an overlay district.~~

~~3.102.C When overlay district regulations conflict with regulations that apply in the underlying zoning district, the regulations of the overlay district govern.~~

~~Effective on: 2/22/2023~~

~~3.200 VETERAN'S MEMORIAL PARKWAY OVERLAY DISTRICT~~

~~3.201 Description~~

~~The Veteran's Memorial Parkway Overlay (VMPO) district applies to properties with frontage along the right-of-way of Veteran's Memorial Parkway beginning at its most southern end at the intersection of the west feeder road of IH-45 and ending at the most northern end at the intersection of the west feeder road of IH-45. This Overlay is illustrated on the Official Zoning Map.~~

~~3.202 Uses~~

~~Generally, the uses listed in Table 4-1, as permitted or conditional uses for each base zoning district upon which the VMPO District is applied, shall be permitted or conditional uses allowed in the overlay.~~

~~3.203 Building Design Standards~~

~~The building design standards of Section 3.4010 shall apply to the VMPO district. Portable buildings, modular buildings, pre-manufactured buildings, buildings manufactured as industrialized housing and buildings are prohibited in the VMPO district, except those used as temporary construction offices.~~

~~3.204 Signage~~

~~Signage in the VMPO district shall comply with Article 8 Signs and Section 8.503.C, *Signs Allowed*.~~

~~3.205 Overlay District Regulations~~

~~The following development standards apply within the VMPO district:~~

~~3.205.A Overhead and Underground Utilities~~

1. ~~All utility, whether service drops or primary, must be placed underground within the Veteran's Memorial Parkway right-of-way, except at state highways.~~
2. ~~When allowed, any overhead utilities must be located within the right-of-way, as far as possible from the travel lanes of the road.~~
3. ~~Any overhead facilities proposed along the section of Veteran's Memorial Parkway at the Raven's Nest Golf Course must be presented to City Council for review and approval, with options and cost estimates for overhead or underground facilities or re-routing around the perimeter of the golf course.~~

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

~~3.300 AIRPORT HAZARD OVERLAY DISTRICT~~

~~3.301 Purpose~~

~~The Airport Hazard Overlay (AHO) district is intended to protect the municipal airport and the surrounding area from the encroachment of incompatible land uses that may present hazards to users of the airport as well as persons living or working in the airport vicinity. The overlay district regulations are further intended to:~~

~~3.301.A Prevent or control influences that are adverse to the airport property and to the safe conduct of aircraft in the vicinity of the municipal airport;~~

~~3.301.B Prevent creation of conditions hazardous to aircraft operation;~~

~~3.301.C Prevent conflict with land development that may result in loss of life and property; and~~

~~3.301.D Encourage development that is compatible with airport use characteristics within the intent and purpose of this Development Code.~~

~~3.302 Zones Established~~

~~The Airport Hazard Overlay district is divided into sub-districts (zones). These zones are shown on the City's official Airport Hazard Zoning Map, which is adopted as part of this Development Code. The zones are as follows:~~

~~3.302.A Non-precision Instrument Runway Approach Zone (AHO/AN)~~

~~The inner edge of non-precision instrument runway approach zone (also referred to simply as the "approach zone") coincides with the width of the primary surface and is 500 feet in width. The non-precision instrument runway approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.~~

~~3.302.B Transitional Zones (AHO/T)~~

~~The transitional zones are the areas beneath the transitional surfaces. These surfaces extend outward and upward at 90-degree angles to the runway centerline, and the runway centerline extends at a slope of 7 feet horizontally for each one foot vertically from the sides of the primary approach surfaces to the point that they intersect the horizontal surface.~~

~~3.302.C Horizontal Zone (AHO/H)~~

~~The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.~~

~~3.302.D Conical Zone (AHO/C)~~

~~The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward from the periphery for a horizontal distance of 4,000 feet.~~

~~3.303 Height Limitations~~

~~Except as otherwise provided, no person may erect, alter, allow to grow or maintain any structure or tree in any zone within the airport hazard overlay created to a height more than the applicable height limit established for such zone. If more than one height limitation covers an area, the more restrictive height limit governs.~~

~~3.303.A Non-precision Instrument Runway Approach Zone (AHO/AN)~~

~~The non-precision instrument runway approach zone slopes upward one foot vertically for each 34 feet of horizontal distance beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.~~

~~3.303.B Transitional Zones (AHO/T)~~

~~The transitional zone slopes upward and outward one foot vertically for each 7 feet of horizontal distance beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of 150 feet above the airport elevation, which is 363 feet above mean sea level. Additionally, there are established height limits sloping upward and outward one foot vertically for each 7 feet of horizontal distance beginning at the side of and at the same elevation as the approach zones, and extending to where they intersect the horizontal or conical surface.~~

~~3.303.C Horizontal Zone (AHO/H)~~

~~The horizontal zone extends 150 feet above the airport elevation or a height of 513 feet above mean sea level.~~

~~3.303.D Conical Zone (AHO/C)~~

~~The conical zone slopes upward and outward 20 feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.~~

~~3.304 Use Restrictions~~

~~Notwithstanding any other provisions of this section, no one may use land or water within any airport hazard zone in a way that creates electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, impair visibility near the airport, or otherwise in any way create a hazard or endanger the landing, takeoff or maneuvering of aircraft intending to use the airport.~~

~~3.305 Nonconforming Uses~~

~~3.305.A Regulations not Retroactive~~

~~The airport hazard overlay regulations do not require the removal, lowering or other changes or alterations of any nonconforming structure or tree in existence on October 15, 1976.~~

~~3.305.B Marking and Lighting~~

~~The owner of any existing nonconforming structure or tree must install, operate and maintain any markers and lights that the City Council deems necessary to indicate to the operators of aircraft near the airport the presence of such airport hazards.~~

~~3.306 AHO Permits~~

~~3.306.A Future Uses~~

~~No person is allowed to make any material change in the use of the land, and no person can erect, alter, plant or otherwise establish a structure or tree in any airport hazard district zone unless the person applies for and receives an AHO permit from the City Planner.~~

1. ~~No AHO permit is required for a tree or structure of less than 75 feet of vertical height above the ground in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway unless such tree or structure, because of the terrain, land contour or topographic feature, would extend above the height limit prescribed for the respective zone.~~
2. ~~An applicant for an AHO permit must indicate the purpose of the permit with sufficient information to determine whether the resulting use, structure or tree would conform to the airport hazard overlay regulations. If such determination is in the affirmative, the permit will be granted. No AHO permit may be granted for activities that are inconsistent with the AHO district regulations unless a variance has been approved by the Board of Adjustment.~~

~~3.307 Existing Uses~~

~~No AHO permit may be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on October 15, 1976.~~

~~3.308 Hazard Marking and Lighting~~

~~Any AHO permit granted must, if such action is deemed advisable in light of the purposes of the airport hazard overlay zone and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain a signal to indicate to pilots the presence of an airport hazard.~~

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

~~3.400 I-45 OVERLAY~~

~~3.401 Purpose~~

~~The I-45 Overlay (I-45-O) is established to recognize the corridor as a unique area that promotes a mix of uses that may include commercial, retail, office, and special areas, along the corridor.~~

~~3.402 Applicability~~

~~The I-45-O District applies to properties with frontage along Interstate 45. This Overlay is illustrated on the Official Zoning Map.~~

~~3.403 Uses, Generally~~

~~The uses listed in Table 4.1, as permitted or conditional uses for each base zoning district upon which the I-45-O District is applied, shall be permitted or conditional uses allowed in the overlay.~~

~~3.404 Permitted Uses~~

~~The following uses shall be permitted by right regardless of the base zoning district:~~

~~3.504.A Apartment/condominium;~~

~~3.504.B Personal improvement service;~~

~~3.504.C Research service;~~

~~3.504.D Assembly and Entertainment;~~

~~3.504.E Financial service;~~

~~3.504.F Lodging;~~

~~3.504.G Office; and~~

~~3.504.H Retail sales.~~

~~3.405 Conditional Uses~~

~~The following uses shall require a conditional use permit regardless of the base zoning district:~~

~~3.505.A Hospital;~~

~~3.505.B Wireless communications;~~

~~3.505.C Animal service;~~

~~3.505.D Commercial service;~~

~~3.505.E Funeral or mortuary service; and~~

~~3.505.F Vehicle Sales and Service.~~

~~3.406 Lot and Setback Regulations~~

~~3.506.A Residential Development. Dimensional requirements for new residential development in the I-45-O District shall comply with the standards for the HR zoning district in Sec. 5.200.~~

~~3.506.B~~ ~~Nonresidential Development. Proposed new mixed use and nonresidential development in the I-45-O District shall comply with the underlying base zoning district standards, as outlined in Section 5.300, except that:~~

~~1. The minimum lot width shall be 125 feet; and~~

~~2. The maximum front setback shall be 115 feet.~~

~~3.407~~ ~~Parking and Driveway Access~~

~~Parking in the I-45-O District shall comply with the requirements of Article 6, except that a maximum of 25 percent of the required parking may be located within the street building setback for interior lots and a maximum of 50 percent of the required parking may be located within the street building setback for corner lots.~~

~~3.408~~ ~~Landscaping and Buffers~~

~~Landscaping and buffers in the I-45-O District shall comply with the requirements of Article 7, Landscaping and Buffers, except that:~~

~~3.408.A~~ ~~Minimum Landscaping. At least 20 percent of the total lot area must be devoted to landscape development.~~

~~3.408.B~~ ~~Plantings Adjacent to Building. Plantings adjacent to the building, as depicted in Figure 3-1, shall be installed according to the following:~~

~~1. Minimum Area. Principal buildings shall have plantings adjacent to the base of the building, according to the following formula:~~

~~Building area (sq. ft.) / Lot area (sq. ft.) x 20% of lot area = Minimum planting area adjacent to building~~

~~2. Width and Access. The planting area adjacent to the building shall be a minimum of six feet wide and may be crossed with walkways to provide access to the building.~~

~~3. Planting and Decorative Materials. A minimum of one ornamental or evergreen tree and five shrubs shall be planted within the planting area at the base of the building per every 50 linear feet, measured parallel to the building. The remaining portions of the planting area shall be planted with groundcover or consist of xeriscape groundcover, rocks, or decorative pavers.~~

~~4. Landscape Area Credit. Plantings adjacent to the building shall count toward the 20 percent minimum landscaping requirement established in Sec 7.200.~~

~~Figure 3-1: Plantings Adjacent to Building~~

~~3.408.C~~ ~~Parking Lot Plantings. Plantings adjacent to the building, as depicted in Figure 3-1, shall be installed according to the following:~~

~~1. The minimum amount of landscape development that must be provided within (interior) and around (perimeter) off-street parking lot is calculated as follows:~~

~~Parking lot area (sq. ft.)~~ ~~Lot area (sq. ft.)~~	~~x~~	~~30% of lot area~~	~~=~~	~~Minimum required landscape development interior to parking area~~

~~3.408.D~~ ~~Tree Preservation Credit. Landscaping credits established in Sec. 7.400, apply, except that the City Planner may reduce the minimum landscaping requirements of this Section from 20 percent to 15 percent, rather than to 7.5 percent, if the applicant fulfills the obligations of Sec. 7.400.~~

~~3.409~~ ~~Signs~~

~~Signs in the I-45-O District shall comply with the requirements of Article 8, *Signs.*~~

~~3.4010~~ ~~Building Design~~

~~3.4010.A~~ ~~Building Design of Multi-Story Buildings.~~

~~Buildings with more than two stories shall be designed with a clearly differentiated base, middle, and cap, as depicted in Figure 3-2.~~

~~1. Building Cap. A recognizable cap shall include one or more of the following features:~~

~~a. Three-dimensional cornice treatments, other than just colored stripes or bands;~~

~~b. Sloping roofs with overhanging eaves and brackets; or~~

~~c. Stepped parapets with varying elevations.~~

2. Building Base. A recognizable base shall include a minimum of one of the following:

a. Taller ground floor height than the upper stories (by at least 2 feet);

b. Thicker walls, ledges, or sills;

c. Raised planters, that are integral to the building façade; or

d. Change in building materials or facade treatments.

Figure 3-2: Building Base, Middle, and Cap

FIGURE NOTES:
A = Base | B = Middle | C = Cap

3.4010.B Building Design of Multi-Story and Single-Story Buildings

The following standards shall apply to single- or multi-story buildings with facades that are visible from Interstate 45.

1. Building Windows/Transparency. Façade shall be occupied by windows or doorways that comprise a minimum of 35 percent but not more than 75 percent of the facade surface.

2. Building Entrances. Facades shall have clearly-defined customer entrances that include a minimum of three of the following features:

a. Canopies, awnings, porticos, arcades, or overhangs;

b. Over the door or peaked roof forms;

c. Arches;

d. Decorative lighting;

e. Outdoor patios or plazas;

f. Display windows;

g. Obviously differentiating architectural details such as moldings that are integrated into the building structure and design; or

h. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

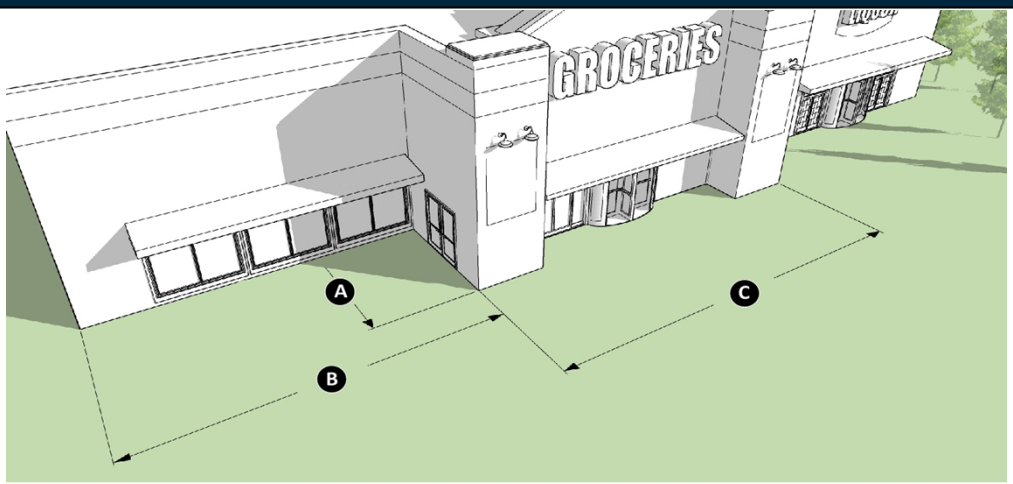
3. Building Articulation. Facades visible from Interstate 45 shall be articulated to provide visual interest and break up a large building as depicted in Figure 3-3 and Figure 3-4. A building shall:

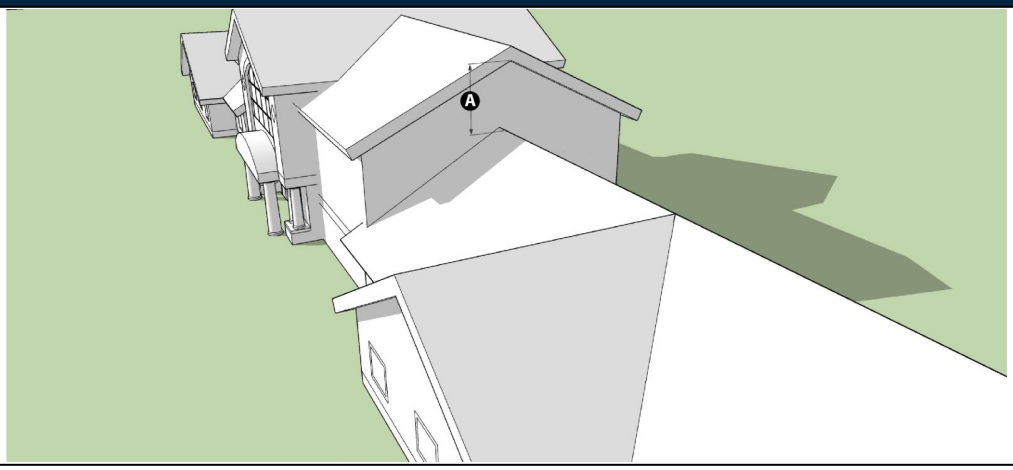
a. Incorporate a wall offset for a minimum of each 80 feet of building facade, where a portion of the facade (no less than 20 feet wide) is pushed back or pulled forward by a minimum of six feet; and

b. Include a change in roof height of not less than 24 inches in height for a minimum of each 80 feet of building facade for a parapet roof or, for a

~~pitched roof, modulation in which the highest ridge line and the lowest ridge line have a height difference of a minimum of six feet.~~

~~3.4010.C Portable buildings, modular buildings, pre-manufactured buildings and buildings manufactured as industrialized housing and buildings are prohibited in the I-45-O district, except those used as temporary construction offices.~~

~~Figure 3-3: Horizontal Building Articulation~~

~~FIGURE NOTES:~~ ~~A = Minimum of 6 feet | B = Minimum of 80 feet | C = Minimum of 20 feet~~

~~Figure 3-4: Vertical Building Articulation~~

~~FIGURE NOTES:~~ ~~A = Minimum of 6 feet~~

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Section Comments~~	
~~By: WebMaster~~ ~~Date: 10/31/2022~~	~~Check table reference~~

~~Effective on: 9/13/2024~~

~~3.500 RESIDENTIAL PROTECTION OVERLAY DISTRICT~~

~~3.501 Purpose~~

~~The Residential Protection Overlay (RP-O) District is intended to help protect property values by conserving the overall character and function of previously existing single-family detached house residential areas of the City. It is intended for application in stable single-family detached house neighborhoods.~~

~~*Commentary: Applicable to the RP-O district, see Article 15, Definition of "Family".*~~

~~3.502 Applicability~~

~~The RP-O District applies to existing development designated with such overlay on the Official Zoning Map.~~

~~3.503 Uses, Generally~~

~~The intended use is residential single-family occupancy only. In the RP-O District, when dwelling units are rented, it shall be for single-family occupancy only, tenancy shall be arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered a form of lodging and are prohibited.~~

~~*Commentary: Air B&B's in single family structures are considered Short-term lodging.*~~

~~3.504 Building Design~~

~~Manufactured homes, mobile homes and steel shipping containers are prohibited in the RP-O District.~~

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

ARTICLE 4 USE REGULATIONS

Contents:

4.100 Allowed Uses

4.200 Supplemental Use Regulations

4.300 New and Unlisted Uses

this Development Code are identified in this Article 4.

4.100 ALLOWED USES

4.101 Use Table

4.101.A Medium Density Residential, High Density Residential, Simple Living Residential, Industrial, Mixed Use, Public and Institutional, and Downtown Districts

Principal uses are allowed in MR, HR, SLR, IN, MU, PI, and D zoning districts in accordance with Table 4-1.

4.101.B Planned Zoning Districts

The uses to be allowed in ~~PD districts must be established at the time of development plan approval and identified in the ordinance establishing the subject PD district.~~ The City Council is authorized to approve any use or combination of uses within a PD district.

4.102 Understanding the Use Table

4.102.A Uses

Uses are listed and defined in the first columns of Table 4-1.

4.102.B Permitted and Conditional Uses

1. Uses identified with a "P" are permitted as-of-right in the subject zoning district.
2. Uses identified with an "L" are permitted as-of-right, subject to limitations in Section 4.200, *Supplemental Use Regulations*, and Section 2.401, *Simple Living Residential District*.
3. Uses identified with a "C" are allowed only if approved in accordance with the conditional use approval procedures of Sec. 12.800.

4.102.C Prohibited Uses

1. Uses identified with an "X" are expressly prohibited. Uses that are not listed in Table 4-1 and that cannot reasonably be interpreted to fall within one of the use categories or subcategories described in the table are also prohibited.
2. The use of a recreational vehicle for habitation for longer than 90 days within or outside of a recreational vehicle park shall be prohibited Citywide.
3. The establishment of a mobile/manufactured dwelling unit outside of a manufactured home park/subdivision on a vacant lot or that formerly had a conventional single-family detached house on it. Except as provided for in 4.203.C.

4.102.D Supplemental Regulations and Specific Limitations

1. The "Standards" (final) column of Table 4-1 identifies additional regulations that apply to listed uses. Compliance with supplemental regulations is required for all limited and certain conditional uses unless otherwise expressly stated.
2. All Accessory Uses and Structures and Home Occupations are subject to the standards in Sec. 4.201 and Sec. 4.202, respectively.
3. The standards in 4.203 shall only apply to replacement mobile or manufactured homes outside of a manufactured home park. New mobile or manufactured homes outside of a manufactured home park are prohibited except in the SLR district.
4. The standards in 4.2010 shall apply to any land use with equipment required to be screened or that has outdoor storage.

Table 4-1: Use Table

P = Permitted by right | L = Permitted by right subject to limitations | C = Conditional use approval required (Sec. 12.800) | X = Prohibited | CV = Conventional Development Type | IF = Infill Development Type

Use Categories	Specific Uses	Residential Districts					Nonresidential and Mixed Use Districts				Standards
		MR		HR		SLR	IN	MU	PI	DT	
		CV	IF	CV	IF						
RESIDENTIAL USES											
Household Living	Detached house	P	P	P	P	X	X	P	X	C	--
	Townhouse (3+ units)	X	P	P	P	X	X	P	X	C	4.2011
	Two-unit house	P	P	P	P	X	X	P	X	C	--
	Multiplex	P	P	P	P	X	X	P	X	L	4.2012
	Apartment/condo	X	X	P	P	X	X	P	X	L	4.2013
	Purpose-Built Shared Housing, Attached	X	X	P/C	P/C	X	X	X	X	X	4.207
	Purpose-Built Shared Housing, Detached	X	X	L	L	X	X	X	X	X	4.207
	Mobile/Manufactured dwelling unit (outside of MH park)	X	X	X	X	P	X	X	X	X	4.203
	Manufactured Home Park / Subdivision	X	X	X	X	C	X	X	X	X	4.204
	Recreational Vehicle Park	X	X	X	X	C	X	X	X	X	4.205
	Tiny House Community	X	X	X	X	L	X	X	X	X	3.500
Group Living	Community Home	P	P	P	P	X	X	P	P	P	--
	Nursing Home	P	P	P	P	X	X	P	P	P	--
	All Other Group Living Uses	X	X	C	C	X	X	X	P	C	--
PUBLIC, CIVIC AND INSTITUTIONAL											
Public, Civic and Institutional	Aircraft Landing Area	X	X	X	X	X	C	C	C	X	--
	College or University	X	X	X	X	X	X	P	P	P	--
	Community Center	P	P	P	P	P	P	P	P	P	--

Table 4-1: Use Table											
P = Permitted by right | **L** = Permitted by right subject to limitations | **C** = Conditional use approval required (Sec. **12.800**) | **X** = Prohibited | **CV** = Conventional Development Type | **IF** = Infill Development Type											
Use Categories	**Specific Uses**	**Residential Districts**					**Nonresidential and Mixed Use Districts**				**Standards**
		MR		**HR**		**SLR**	**IN**	**MU**	**PI**	**DT**	
		CV	**IF**	**CV**	**IF**						
	Correctional Facility (Private)	X	X	X	X	X	C	C	C	X	--
	Governmental Facility	P	P	P	P	P	P	P	P	P	--
	Fraternal Organization	C	C	C	C	C	P	C	P	C	4.2014
	Hospital	X	X	X	X	X	P	P	P	P	--
	Library	C	C	C	C	C	P	P	P	P	--
	Museum or Cultural Facility	X	X	X	X	X	P	P	P	P	--
	Natural Resource Preservation	P	P	P	P	P	P	P	P	P	--
	Parks and Recreation	P	P	P	P	P	P	P	P	P	--
	Religious Assembly	C	C	C	C	C	P	P	P	P	--
	Safety Service	C	C	C	C	C	P	P	P	P	--
	School	C	C	C	C	C	P	P	P	P	--
	Trade School	X	X	X	X	X	P	P	P	X	--
	Utilities and Public Service Facility, Minor	P	P	P	P	P	P	P	P	P	--
	Utilities and Public Service Facility, Major	C	C	C	C	C	P	P	P	C	--
	Wireless Communications, Freestanding tower	X	X	X	X	X	C	C	C	X	--
	Wireless Communications, Building or tower-mounted antenna	C	C	C	C	C	C	C	C	C	4.206
COMMERCIAL											
Animal Service	All Animal Service	X	X	X	X	X	P	P	P	P	4.2015
Assembly and Entertainment	All Assembly and Entertainment	X	X	X	X	L	P	P	X	P	4.2016
Commercial Service	Research Service	X	X	X	X	X	P	P	P	P	--
	All Other Commercial Service Uses	X	X	X	X	X	P	P	X	X	--
Day Care	All Day Care	C	C	C	C	C	X	P	P	P	--
Eating Establishment	All Eating Establishments	X	X	C	C	C	P	P	P	P	--

Table 4-1: Use Table											
P = Permitted by right | **L** = Permitted by right subject to limitations | **C** = Conditional use approval required (Sec. **12.800**) | **X** = Prohibited | **CV** = Conventional Development Type | **IF** = Infill Development Type											
Use Categories	**Specific Uses**	**Residential Districts**					**Nonresidential and Mixed Use Districts**				**Standards**
		MR		**HR**		**SLR**	**IN**	**MU**	**PI**	**DT**	
		CV	**IF**	**CV**	**IF**						
Funeral or Mortuary Service	All Funeral or Mortuary Service	X	X	X	X	X	X	P	X	P	3.405
Lodging	Recreational Vehicle Park	X	X	X	X	C	X	X	X	X	--
	All other Lodging Uses	L	L	L	L	L	X	P	X	P	4.2020
Mobile Food Vendor	All Mobile Food Vendors	X	X	X	X	L	P	P	P	P	4.208 4.209
Office	Financial Service	X	X	X	X	X	P	P	P	P	--
	All other Office	X	X	L	L	X	P	P	P	P	4.2017
Retail Sales, Service and Repair	All Retail Sales	X	X	L	L	X	P	P	P	P	4.2018
	All Personal Improvement Service	P	P	P	P	L	P	P	P	P	4.2018
	All Repair Service	X	X	X	X	L	P	P	X	P	4.2018
	Car Wash	X	X	X	X	P	P	P	X	X	--
Vehicle Sales and Service	Fuel Station	X	X	X	X	P	P	P/C	X	X	4.2019
	Vehicle Maintenance	X	X	X	X	P	P	P	X	X	--
	Vehicle Repair	X	X	X	X	L	P	P/C	X	X	4.2019
	Vehicle Sales, Rental, and Leasing	X	X	X	X	P	P	P	P	X	--
INDUSTRIAL											
Industrial, Heavy	All Heavy Industrial	X	X	X	X	X	C	X	X	X	--
Industrial, Light	All Light Industrial	X	X	X	X	X	P	X	X	X	--
Mining/Extraction	Underground	X	X	X	X	X	C	C	C	X	--
	Surface or Above-Ground	X	X	X	X	X	C	X	X	X	--
Recycling Facility	Recyclable Material Drop-off Facility	X	X	X	X	X	C	X	X	X	--
	Recyclable Material Processing Facility	X	X	X	X	X	C	X	X	X	--
Wholesale, Distribution & Storage	Self-Service Storage Facility	X	X	X	X	X	P/C	P/C	X	X	"C" within 200 feet of Residential district; otherwise "P"
	All Other Wholesale, Distribution and Storage	X	X	X	X	X	P	P	X	X	--
AGRICULTURAL											

Table 4-1: Use Table											
P = Permitted by right | **L** = Permitted by right subject to limitations | **C** = Conditional use approval required (Sec. **12.800**) | **X** = Prohibited | **CV** = Conventional Development Type | **IF** = Infill Development Type											
Use Categories	**Specific Uses**	**Residential Districts**					**Nonresidential and Mixed Use Districts**				**Standards**
		MR		**HR**		**SLR**	**IN**	**MU**	**PI**	**DT**	
		CV	**IF**	**CV**	**IF**						
Agriculture	Farming/General Agricultural	X	X	X	X	X	P	P	P	P	--
	Community Garden	P	P	P	P	P	P	P	P	P	--

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

4.200 SUPPLEMENTAL USE REGULATIONS

4.201 Accessory Uses and Structures

Accessory uses and structures are permitted in connection with lawfully established principal uses in accordance with the regulations of this subsection.

4.201.A Allowed Uses and Structures

1. The following accessory uses and structures are allowed in all zoning districts:
   a. Attached and detached private garages;
   b. Storage sheds;
   c. Children's play equipment and playhouses;
   d. Vegetable or flower gardens;
   e. Private greenhouses;
   f. Private tennis courts;
   g. Private swimming pools;
   h. Gazebos, decks, fountains and other landscape features;
   i. Solar collectors, geothermal heat pumps and electric vehicle charging equipment;
   j. Television (receiving) antennas;
   k. Amateur ("Ham") radio service antennas; and
   l. Guest houses or rooms for non-paying guests within an accessory building, provided that such facilities:
      (1) are used only for the occasional and gratuitous housing of guests of the occupant of the principal building;
      (2) do not contain separate utility meter equipment;
      (3) do not include a stove or oven; and
      (4) are not used for permanent occupancy as a dwelling unit.
2. The City Planner is authorized to permit other accessory uses and structures based on a determination that the proposed use or structure:

a. Is customarily found in conjunction with the subject principal use or principal structure;
b. Is subordinate and clearly incidental to the principal use; and
c. Provides a necessary function for or contributes to the comfort, safety or convenience of occupants of the principal use.

4.201.B Time of Construction and Establishment

Accessory buildings must be established in conjunction with or after the principal building. They may not be established before the principal building is in place.

4.201.C Location

Accessory uses and structures must be located on the same lot as the principal use to which they are accessory, except as otherwise expressly stated in this Development Code.

4.201.D Setbacks

1. Accessory buildings and structures are prohibited in street setbacks except as expressly allowed by the setback encroachment provisions of §5.805.B.
2. Accessory building and structures over 5 feet in height must be set back at least 5 feet from all interior side and rear property lines except as expressly allowed by the setback encroachment provisions of §5.805.B. Such buildings and structures may not be located in utility easements.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

4.202 Home Occupations

4.202.A Intent

The home occupation regulations of this section are intended to allow Huntsville residents to engage in customary home-based work activities while also helping to ensure that such "home occupations" will not adversely affect the character and livability of surrounding residential neighborhoods. The regulations are also intended to ensure that home occupations remain subordinate to the principal residential use of the property, and to ensure the residential viability of the dwelling is maintained. The regulations recognize that many types of work can be done in a home with little or no noticeable effect or adverse impact.

4.202.B Where Allowed

Home occupations are allowed as an accessory use to an allowed residential use, subject to all applicable regulations of this section.

4.202.C Regulations

1. The home occupation must be clearly incidental to the use of the dwelling as a residence.
2. There may be no visible evidence of the conduct of a home occupation when viewed from the street or right-of-way or from an adjacent lot. There may be no change in the exterior appearance of the dwelling unit that houses a home occupation or site upon which it is conducted that will make the dwelling appear less residential in nature or function. Examples of such prohibited alterations include parking lots, or adding commercial-like exterior lighting.
3. No equipment or process may be used in a home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal

senses off the lot. In the case of electrical interference, no equipment or process may be used that creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

4. Only passenger automobiles, passenger vans and passenger trucks may be used in the conduct of a home occupation. No other types of motor vehicles may be parked or stored on the premises.
5. The provisions of paragraph 4 (above) are not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, united parcel service, FedEx, et al.) of the type typically used in residential neighborhoods.
6. No persons other than immediate family members who reside in the dwelling unit may be employed or involved in the home occupation.
7. If there is more than one home occupation within the dwelling, the regulations of this section apply to the sum total of the activity related to such home occupations.

4.202.D Prohibited Home Occupations

Any use that does not comply with the regulations of §4.202.C is prohibited as a home occupation.

~~Effective on: 2/22/2023~~

~~4.203 Mobile Homes and Manufactured Housing Unit~~

~~4.203.A The installation of any mobile home or manufactured housing unit for use as a dwelling unit is prohibited except as expressly stated in this section.~~

~~4.203.B A lawfully existing mobile home may be replaced with a (HUD-code) manufactured housing unit that is less than 20 years old.~~

~~4.203.C A lawfully existing mobile home may not be relocated within the city limits. The owner of a mobile home or manufactured housing unit may remove the home or housing unit from its location and install a replacement manufactured housing unit on the same property if the replacement is a newer model manufactured housing unit no less than 20 years old and it contains at least as much living space (floor area) as the mobile home or manufactured housing unit that was removed.~~

~~4.203.D It is unlawful for a person to place a manufactured housing unit within the City unless the manufactured housing unit is equipped with permanently affixed skirting that effectively hides the underside of the manufactured housing unit or mobile home from view. The owner and occupant will have 30 days from the date of the electrical inspection to install the required skirting. All skirting must be constructed of rock, brick, plastic, metal, treated wood, concrete masonry materials or other materials approved by the Building Official, and must be installed so there is no visible gap between the finished floor of the manufactured housing unit and the ground. Cloth of any type, or shrubbery, is not acceptable material for skirting. Existing manufactured housing units or mobile homes with existing skirting that is in good condition may be allowed until replacement is needed.~~

~~4.203.E The skirting used on a particular manufactured housing unit or mobile home must be consistent in material, orientation and color, must be of such design as to not permit the passage of a sphere 4 inches or greater in diameter and must present a continuous and complete surface.~~

~~4.203.F The skirting requirements of §4.203.D and §4.203.E also apply to all other building types utilizing pier and beam or post and beam construction.~~

~~4.203.G No more than 3 manufactured housing units may be placed on or occupy a single lot except within a mobile home/manufactured housing park. Mobile home/manufactured~~

~~housing parks are allowed only in those zoning districts indicated in Table 4-1 and are subject to the supplemental use regulations of §4.204.~~

~~4.203.H Any new manufactured housing units placed inside the city limits shall be less than 20 years old on the date of application and, if it is replacing a previous manufactured housing unit, then it shall be newer than the unit that it is replacing.~~

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

~~4.204 Mobile Home/Manufactured Housing Parks/Subdivisions~~

~~Mobile home/Manufactured Housing Parks/Subdivisions are subject to all applicable city regulations including subdivision plat standards of §12.700 the infrastructure and public improvement standards of Article 10, and the standards in §2.401, *Simple Living Residential District*.~~

~~Effective on: 2/22/2023~~

4.205 Recreational Vehicle Parks

Recreational vehicle parks are subject to all of the following regulations, in addition to those in Section 2.401, *Simple Living Residential District*.

4.205.A The maximum number of RV or camping spaces may not exceed 25 units per acre.

4.205.B Each RV or camping space must have a minimum area of 1,200 square feet.

4.205.C At least 5% of the overall RV park area must be set aside and improved as a common recreation area for RV park guests.

4.205.D Infrastructure and public improvements must be provided in accordance with Article 10.

4.205.E The maximum rental and occupancy period per unit may not exceed 90 days per RV park in a calendar year.

4.205.F All recreational vehicles must be separated from other RVs and other buildings by a distance of at least 10 feet.

(Ord. No. 2024-20, 09/03/2024)

~~Effective on: 9/13/2024~~

4.206 Wireless Communications Towers

Wireless communications towers are subject to all of the following regulations.

4.206.A Prohibited Locations

Freestanding towers are prohibited in the following areas:

1. Within 7,000 feet of the Sam Houston Statue-Huntsville Visitor Center; and
2. Within the D zoning district.

4.206.B Setbacks

1. Guy wire anchors must be set back at least 10 feet from abutting lots and at least 25 feet from public property or streets.
2. The base of all freestanding towers must be set back from abutting lots and public property and streets by a distance equal to at least 40% of the tower's overall height or the distance between the tower's base and any guy wire anchors, whichever results in the greater setback distance.

4.206.C Landscape Buffers

A landscape buffer must be provided around the perimeter of all sites occupied by freestanding towers in accordance with the buffer regulations of Sec. 7.500.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

4.207 Purpose-Built Shared Housing

4.207.A The City's Purpose-Built Shared Housing Design Criteria is hereby incorporated by reference as if fully set forth in this Development Code. All Purpose-Built Shared Housing, Attached and Detached, constructed of modified, must comply with applicable Purpose-Built Shared Housing Design Criteria.

4.207.B A Purpose-Built Shared Housing development shall require a Conditional Use Permit within 200 feet of an MR district, otherwise the development shall be permitted by right.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

4.208 Mobile Food Vendors

4.208.A Inspections, Permits and Fees

1. A Mobile Food Vendor shall submit a completed application for an annual Mobile Food Vending Permit to the City of Huntsville Department of Development Services and shall complete all required inspections through the City of Huntsville Central Inspections, Health Division and the City of Huntsville Fire Department. An annual Mobile Food Vending Permit shall be required for each individual mobile unit utilized. The required annual Mobile Food Vending Permit fee shall be as established by ordinance from time to time and the required fee shall accompany the application for each annual Mobile Food Vending Permit.
2. A Mobile Food Vendor shall obtain:
   a. An Annual Mobile Food Vending Permit issued by the Department of Development Services;
   b. An annual Health Permit from the City of Huntsville Health Division prior to conducting business in the City.
3. The annual Mobile Food Vending Permit and annual Health Permit are not transferable and shall be valid for one (1) year from the date of permit issuance.
4. A separate Itinerant Vendor Permit, as required by Sec. 32-34 of the City of Huntsville Code of Ordinances, shall be required for each location where business is conducted.
5. Subsequent renewal shall be subject to all requirements listed above.

4.208.B Mobile Food Vendor Requirements

1. A Mobile Food Vendor shall comply with all regulations established by the City of Huntsville Code of Ordinances, the Texas Food Establishment Rules, the City of Huntsville Development Code, and the City of Huntsville Fire Marshal's office and maintain compliance with all requirements of this Article.
2. Residing and/or dwelling within a mobile food unit is strictly prohibited.
3. A mobile food vendor/unit is prohibited from operating on the same lot as a residential dwelling.
4. Failure to comply with these standards may result in revocation of a vendor permit. If vendor permit is revoked, the vendor must wait six (6) months before they can reapply.

5. No Mobile Food Vendor shall conduct business in the public right-of-way and shall not block any fire lane or drive aisle. The Mobile Food Vendor shall not locate a mobile unit in such a manner or location that obstructs the passage or visibility of any sidewalk, street, alley or street intersection by causing people to congregate at or near the mobile unit.
6. A Mobile Food Vendor shall not locate on any private property without the written permission of the property owner. The written permission shall include the authorization to place a mobile food unit on the property and authorize employees of the mobile food unit, as well as patrons, access to restroom facilities within three hundred (300) feet of the mobile food unit. If at any time the property owner instructs the Mobile Food Vendor to leave, they must comply and leave the property immediately. A copy of the owner's written and signed permission to operate in a stationary location shall be kept within the mobile unit for documented verification.
7. All Mobile Food Vendors situated on the property shall be located on an all-weather surface as approved by the City Building Official.
8. Hours of operation. Mobile Food Vendors shall not operate between 12:00 a.m. and 6:00 a.m. During these prohibited hours of operation, the mobile unit shall be properly stored or screened. Vendors wishing to operate outside of these hours may apply for a Conditional Use Permit.
9. Mobility requirement. Mobile Food Vendors must remain capable of being moved and not permanently fixed or placed.
10. All structures (vehicles) shall be kept in good repair. Tires must be left on the mobile food unit and fully inflated at all times.
11. Each mobile unit may have one permanently attached sign on the mobile unit and one (1) sandwich board, each no larger than thirty-six (36) inches tall by twenty-four (24) inches wide. Signage must be removed when mobile unit is not on location.
12. Waste disposal.
    a. **On-site**. Each mobile unit shall be equipped with a portable trash receptacle and the Mobile Food Vendor shall be responsible for proper disposal of solid waste and waste water in compliance with this code.
    b. **Off-site**. All waste must be disposed of at a commissary location unless located with a Mobile Food Vendor court that provides central waste disposal.
13. Electrical Service.
    a. **On-site electrical connections.** Each mobile food establishment shall obtain electricity from, and be within thirty (30) feet of a permanent power source designed and constructed in accordance with the National Electrical Code and, as approved by the City. Portable generators may be used when permanent power is not available. Portable generators are prohibited within 500 feet of an occupied residential unit.

4.208.C Storage When Not In Use

Any mobile unit stored on a lot within the City Limits shall be entirely enclosed within a building, or hidden from view behind the primary structure, or approved opaque screening. All City residential parking requirements apply.

4.208.D Special Events

1. Any mobile unit/food vendor participating in an event sponsored by the City, the Huntsville-Walker County Chamber of Commerce, Sam Houston State University, Huntsville I.S.D., or Texas Department of Criminal of Justice shall be considered exempt from the Mobile Food Vendor Permit and shall comply with all other

regulations established by the City of Huntsville Code of Ordinances and Development Code. A Mobile Food Vendor must be in possession of an annual Health Permit or apply for a Temporary Food Permit from the City of Huntsville. Additionally, Food Handlers License from the State must be submitted to the City of Huntsville Health Division. Event applications are to be submitted to the organizer of the City sponsored event.

2. The mobile food unit fee will be waived, however, all applicable event fees will remain in effect.
3. On-site inspections may be waived by the Building Inspector, Fire Marshal's office and/or Health Inspector at the discretion of each department or division.

4.208.E Separation

A Mobile Food Vendor shall require a Conditional Use Permit within 200 feet of an MR district, otherwise the development shall be permitted by right.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

4.209 Mobile Food Vendor Courts

Though similar to restaurants, Mobile Food Vendor Courts must meet additional requirements to address potential hazards specific to mobile establishments.

4.209.A Though similar to restaurants, Mobile Food Vendor Courts must meet additional requirements to address potential hazards specific to mobile establishments.

1. A Mobile Food Vendor Court must meet all of the applicable requirements of the zoning district in which it is located and as required by the Development Code and Code of Ordinances.
2. Each Mobile Food Vendor in a Court shall have a current Mobile Food Vending Permit and Health Permit issued by the City of Huntsville. A separate Itinerant Vendor Permit as required by Sec. 32-34 of the City of Huntsville Code of Ordinances shall be required for each location where business is conducted.
3. Mobile Food Vendor establishment spaces within a court shall be set back at least twenty-five (25) feet from the front and fifteen (15) feet from the rear lot lines and set back from the side lot lines as specified for the zoning district where located.
4. Mobile food units shall be located a minimum of ten (10) feet from other mobile food units and from any other structures.
5. A Conditional Use Permit is required for Mobile Food Vendor Courts when located within two hundred (200) feet of an MR District.

4.209.B Development Standards

1. The Texas Food Establishment Rules (TFER) Section 229.167(d)(10) states a private home used as a living or sleeping quarters may not be used for conducting food establishment operations.
2. Restroom requirement for a mobile food court may be met through one (1) of the following methods:
   a. Permanent bathrooms as required by the International Plumbing Code and the Texas Architectural Barriers Act and have obtained a City Building Permit. Restrooms must be permanent facilities - manufactured units/trailers are prohibited.

b. Bathroom facilities within a building(s) located not more than three hundred (300) feet from the premises authorized by written consent of the property owner.

3. Each mobile food establishment shall obtain electricity from, and be within thirty (30) feet of a permanent power source designed and constructed in accordance with the National Electrical Code and as approved by the City. Portable generators are prohibited within a mobile food vendor court.
4. Each mobile food establishment shall obtain water from, and be within fifty (50) feet of, a back-flow protected hose bib connected directly to the City water supply.
5. A City Building Inspector shall make the appropriate inspections of the location, equipment, vehicle/units and other reasonable inspections concerned with the mobile food court operation to assure compliance with the applicable adopted codes, ordinances, requirement of all City, State and Federal statutes.
6. Mobile Food Vendor Courts must provide current and complete contact information including but not limited to: address, phone number, and any other information reasonable required by the City Manager or his/her designee for designated on-call personnel to be a principal point of contact for City staff and the individual vendors.
7. Residing and/or dwelling within a Mobile Food Vendor Court overnight is strictly prohibited.
8. Failure to comply with these standards may result in termination or suspension of Certificate of Occupancy/Mobile Food Vendor License/CUP.
9. Hours of operation. Mobile food courts shall be allowed to engage in business only between the hours of 6:00 a.m. and 12:00 a.m. Vendors wishing to operate outside of these hours may apply for a Conditional Use Permit.
10. No Mobile Food Vendor, structure associated with the Mobile Food Court use, nor any seating areas shall be located in a required setback, buffer yard, access easement, drainage easement, floodplain, driveway, utility easement and/or fire lane unless written authorization is provided by the City Manager or his/her designee.
11. Mobile Food Vendors/vehicles shall demonstrate that the vehicle or unit is readily moveable if required by the City. Any alteration, removal, attachment, placement or change in, under or upon the mobile food vehicle or unit that would prevent or otherwise reduce ready mobility is prohibited. Permitted Mobile Food Vendors/vehicles located within a court shall be exempt from having to remove the vehicle from the site during non-operating hours so long as such operation is in compliance with its use permit.
12. All structures (vehicles) shall be kept in good repair. Tires must be fully inflated at all times.
13. Waste Disposal
    a. On-site. All vendors/vehicles selling food or beverages must provide at least one (1) appropriately sized trash receptacle adjacent to or as a part of their stand/operation.
    b. Off-site. Mobile food courts shall have access to a common dumpster and to a common grease disposal container or grease trap, approved by the City. Common trash and grease disposal containers shall be enclosed within an area screened from view in accordance with City Ordinances. Trash enclosure shall not be located in the street setback. Mobile food establishments shall not be connected directly to, or indirectly discharge their wastewater into, the City wastewater system unless a grease trap is installed.
14. Lighting

a. A photometric lighting plan shall be submitted to the City Building Official during the development review process. This plan shall show illumination levels and points of intersection between fixtures, as well as use of energy-efficient exterior lighting.

b. Any lights used in conjunction with a permitted use shall be shielded or directed away from adjacent uses and roads.

c. Use of the lowest wattage and highest energy efficiency available is requires.

4.209.C Parking Requirements

1. Mobile food courts must provide paved parking and access per the requirements of Article 6, *Parking And Driveway Access*. See 6.402.F for additional requirements for shared parking.
2. No Mobile Food Vendors shall be located in any required setback.

4.209.D Application Requirements

The following items must be submitted concurrently to the City of Huntsville Development Services Department:

1. Development Permit Application
2. Site Plan, drawn to a conventional scale showing:
   a. location and surface type of the proposed Mobile Food Vendor locations.
   b. location of customer table-seating and any associated shelter structures.
   c. location of water hose bibs and electrical service connections.
   d. location and surface type of parking spaces and driveways.
   e. location and surface type of pedestrian access.
   f. location and description of outdoor lighting.
   g. location of restroom(s).
   h. location of individual trash receptacles and common trash/grease disposal facilities, and type/height of common trash/grease disposal screening, (see Section 7.600, *Garbage and Recycling Dumpsters.)*
3. Civil Site Plans
   a. Engineered civil site plans must be provided in accordance with the City's Engineering *Standards, Specifications and Design Criteria.*
4. Construction Plans
   a. Construction plans must be submitted showing, in detail, all improvements proposed to be constructed.
5. Off-site Restroom Agreement (if applicable) including:
   a. signature and contact information of property owner for subject restroom.
   b. site plan showing location of restroom.
6. Shared Parking Agreement (if applicable) including:
   a. signature and contact information of property owner for shared parking location.
   b. site plan showing:
      i. location of shared parking.
      ii. total number of parking spaces available at shared parking location.
      iii. land uses occurring on site at proposed shared parking location, including square footages.

~~(Ord. No. 2024-20, 09/03/2024)~~

4.2010 Equipment Screening and Outdoor Storage Requirements

4.2010.A Equipment Screening

All accessory equipment associated with the operation of a commercial facility, including but not limited to air conditioning units, generators, and utility boxes, must be screened from view of public rights-of-way and public access easements to the maximum extent possible. The design of the equipment enclosure must be architecturally compatible with the surrounding environment and structures.

4.2010.B Outdoor storage shall be limited to the following design and operational standards:

1. Storage. Outdoor storage shall be limited to materials, products, or equipment used, produced, or manufactured by a permitted use.
2. Location. Outdoor storage areas shall be located to the rear or side of the main building, away from the street frontage and public ROW.
   a. Outdoor storage areas shall not be located within, or occupy any required parking areas, setback areas, or landscape areas, or be on sidewalks or walkways.
3. Screening. All materials stored outside shall not be stacked to exceed the height of the screening wall or fence. All storage, equipment, and activities related to outdoor storage shall be completely surrounded on all sides by shielding fencing and/or walls.
4. Additional Screening Elements. When adjacent to the MR District, equipment and supplies related to building material storage yards, contractor's storage yards, lumberyards, manufacturing yards, and auto service and repair shall be entirely inside an enclosed building or buildings, unless the premises where such yards are located are entirely enclosed by fences or walls, as described below:
   a. In addition to fencing/wall standards above, all screening fences/walls along a street frontage or adjacent to the MR District shall employ a minimum of one (1) of the following screening techniques to be used to further shield outdoor storage areas:
      i. Planting with sufficient vines or climbing ivy of an acceptable density to ensure complete view-obstructing screening within two (2) years of planting.
      ii. Combination of landscaped berm and solid masonry block wall meeting height requirements. Trees of the evergreen variety or other year-round, leaf-bearing type shall be planted and shall exceed the minimum height.
      iii. Combination of trees and shrubs of the evergreen variety, or other similar year-round, leaf-bearing type, with proper planting spacing to encroach over the fence.

      Such plants shall be of such variety and shall be clustered so as to allow only minimal gaps between foliage of mature trees and shrubs within one (1) year after planting.

      iv. Evergreen shrubs or other similar year-round, leaf-bearing shrub, appropriately planted to form a solid hedge with a minimum of eight (8) feet in height within one (1) year after planting.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

4.2011 Townhouse

4.2011.A Consecutive Attached Units

Townhouses shall be arranged in a maximum span of 200 linear feet.

4.2011.B Zero-Foot Setback

Townhouses shall have a zero-foot setback from interior side lot lines shared by the same contiguous structure of the townhouses.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

4.2012 Multiplex

4.2012.A Unit Entries

There shall be a maximum of two individual unit entries on any facade.

4.2012.B Unit Arrangement

Units may have either private or shared access and may be arranged in a variety of configurations, including back-to-back, side-to-side, or over-under.

4.2012.C Building Design

The building shall be designed in a manner so as to appear as a large single-family dwelling.

~~Effective on: 2/22/2023~~

4.2013 Apartment / Condominium

Units shall be located above the first floor of a vertical mixed-use building.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

4.2014 Fraternal Organization

A
Fraternal Organization
shall require a Conditional Use Permit within 200 feet of an MR district, otherwise the development
shall be permitted by right

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

and otherwise shall be governed pursuant to Table 4-1.

4.2015 Animal Service

An Animal Service establishment shall require a Conditional Use Permit within 400 feet of an MR district~~, otherwise the development shall be permitted by right.~~

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

and otherwise shall be governed pursuant to Table 4-1.

4.2016 Assembly and Entertainment

An Assembly and Entertainment establishment shall require a Conditional Use Permit within 200 feet of an MR district~~, otherwise the development shall be permitted by right.~~

(Ord. No. 2024-20, 09/03/2024)

~~Effective on: 9/13/2024~~

4.2017 Office

An Office shall have a maximum gross floor area of 3,000 square feet.

~~Effective on: 2/22/2023~~

4.2018 Retail Sales and Service

A Retail Sales and Service establishment shall have a maximum gross floor area of 3,000 square feet.

~~Effective on: 2/22/2023~~

4.2019 Fuel Station or Vehicle Repair

A Fuel Station or Vehicle Repair establishment shall require a Conditional Use Permit within 200 feet of an MR district, otherwise the development shall be permitted by right.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

4.2020 Short-Term Lodging

Short-term lodging service where property owners rent out their dwelling units on a month-to-month or less arrangement is permitted. All other lodging is prohibited. ~~All forms of lodging are prohibited in the RP-O District.~~

~~*Commentary: This short-term lodging provision is specifically for Air B&B's in single family structures.*~~

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

4.300 NEW AND UNLISTED USES

4.300.A Use Categories

Each of the use categories and specific uses listed in Table 4-1, *Use Table*, are defined in Section 15.200, *Definitions*. The City Planner may authorize a use that is not listed if the proposed use fits within a defined use category or is functionally the same as a permitted, limited, or conditional use.

4.300.B If Not Authorized Then Prohibited

If the City Planner determines that a proposed use does not fit within a given use category and is not functionally the same as a permitted, limited, or conditional use, then the use is a prohibited use.

listed in Table 4-1

4.300.C Decision Criteria

In making such determinations, the City Planner may consider but not be limited to the following criteria:

to approve a new or unlisted use,

1. The actual or projected characteristics of the activity in relation to those of the use type;
2. The amount of site area or floor space and equipment devoted to the activity;
3. Vehicle parking demand;
4. Average daily and peak hour trip generation (people, personal vehicles, and delivery vehicles);
5. Types of vehicles used and their parking requirements;
6. Building impervious surface coverage;

7. Regulated air or water emissions;
8. Noise, lighting, dust, and odors;
9. Solid waste generation;
10. The number of employees on a typical shift;
11. Use and storage of hazardous materials;
12. Character of associated buildings and structures;
13. How the use is advertised;
14. Nature and impacts of operation; and/or
15. Hours of operation.

~~Effective on: 2/22/2023~~

ARTICLE 5 LOT AND SETBACK REGULATIONS

Contents:

5.100 Lot Design, Arrangement and Layout Generally

5.200 Residential Lot Size and Building Setback Regulations

5.300 Nonresidential and Mixed Use Lot Size and Building Setback Regulations

5.400 Agriculture Tracts

5.500 Residential Lots

5.600 Nonresidential Lots

5.700 Flag Lots

5.800 Measurements

5.900 Access to Lots

5.100 LOT DESIGN, ARRANGEMENT AND LAYOUT GENERALLY

All lots to be created must comply with the following regulations:

5.101 Each lot must have sufficient size and shape to allow the construction of a residential or nonresidential building (as designated by the plat or zoning district map) that complies with all applicable lot and setback regulations and with all applicable development, building, housing, and health codes.

5.102 Each lot must have sufficient size and shape to accommodate easements for all public and private utilities.

5.103 Lots must be designed with side lot lines at right angles or radial to any adjacent street right-of-way line.

5.104 Minimum lot dimensions, building setback lines, and lot areas must conform to applicable zoning district requirements.

5.105 Depth and width of lots reserved or laid out for nonresidential use must be adequate to provide for the off-street service and parking facilities required by the type of use and development proposed.

~~Effective on: 2/22/2023~~

5.200 Residential Lot Size and Building Setback Regulations

5.201 Generally

Table 5-1 establishes the dimensional standards for the residential zoning districts, which are depicted in Figure 5-1. Except as provided in Sec. 5.800, no lot shall be reduced in size so that its area, width, setback requirements, gross density, or other requirements of Table 5-1 are not maintained.

5.202 Setbacks Related to Driveways and Garages

A minimum setback of 20 feet shall apply where a driveway provides access on a residential property from a street, other than an alley. This maintains an adequately sized parking space on the driveway between the structure and the street and helps to avoid encroachment into public sidewalks, despite lower minimum setback standards in Table 5-1 for the remainder of the building.

5.203 Measurements Reference

Refer to Sec. 5.800 for explanations of, and special provisions related to, the measurements and standards in Table 5-1.

Table 5-1: Residential Lot and Building Setback Regulations[5]

	Medium Density Residential (MR)				High Density Residential (HR)
See Fig. 5-1 for Measurement Rules	**Low Density Residential**	**Detached House/ Patio Home**	**Two-Unit**	**Town House**	**Apartment/Condo**
Minimum Lot Size (Sq. Ft.)					
	Conv/Infill	**Conv/Infill**	**Conv/Infill**	**Conv/Infill**	**Conventional/Infill**
Lot Area (A)	7,200	6,000/4,000	6,000/4,000	2,400/2,000	7,500
Lot Area per Unit	7,2000	6,000/4,000	3,000/2,000 [4]	2,400/2,000 [4]	1,200
Lot Width (B)[1]	60	50/40	50/40	30/24	75
Max Height (C)	35	35	45	45	--
Minimum Building Setbacks (feet)					
Street (D)[2]	25	20	20	20	20
Street Side (E)[2]	10	10	10	10	10
Side (F)	5	5	5	5	5
Rear (G)	10	10	10	10	10

[1] The width must be at least 33% of the lot's depth, but not more than 2 times the lot's depth.
[2] The sight triangle requirements of §10.407.D do apply.
[3] ~~Applies only to end units. No setback required between units with attached/abutting walls.~~
[4] ~~1 Unit = three (3) bedrooms or less.~~
[5] Refer to Section 2.401, *Simple Living Residential District.*

Figure 5-1: Residential Measurements

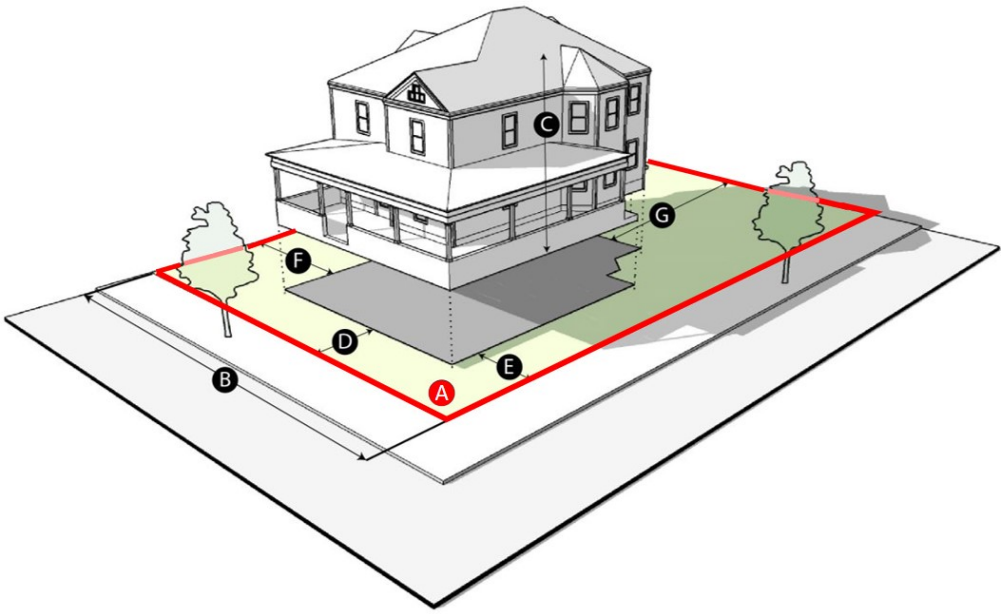


FIGURE NOTES:
A = Minimum Lot Area per Unit | B = Minimum Lot Width | C = Maximum Height | D = Minimum Street Setback | E = Minimum Street Side Setback | F = Minimum Side Setback | G = Minimum Rear Setback

Commentary: For Two-Unit and Apartment/Condo Residential Developments with more than three bedrooms per dwelling unit, required Lot Area per Unit shall increase by 33% for each additional bedroom in each dwelling unit.

5.204 Development Types

5.204.A. Conventional

1. Description. The conventional development type, as depicted in Figure 5-2, is a pattern that allows primarily residential uses and that provides the majority of residential property owners with private open space on their own property. A conventional development type consists of varying housing types depending on the zoning district and minimum lot size is a primary factor in the character-built environment of the development.
2. Standards. All the requirements of this Article shall apply to conventional development types unless otherwise specified.

Figure 5-2: Conventional Development Type

5.204.B. Infill

1. Eligibility for Infill. An infill development type may be located on any parcel:
   a. Vacant or Unoccupied. That is surrounded by existing developed properties and has been vacant or unoccupied for more than one year;
   b. Utility Easements. Where adjacent properties abutting at least 50 percent of the non-street perimeter of the subject property are utility easements that create a substantial break in development or redevelopment potential;
   c. Environmental Constraints. Where adjacent properties abutting at least 50 percent of the non-street perimeter of the subject property are encumbered by environmentally sensitive or constrained areas such as floodplains; or
   d. Existing Development. Where adjacent properties abutting at least 50 percent of the non-street perimeter of the subject property are developed with single-family dwellings of higher density or intensity uses.
2. Site Area. The minimum site area for an infill development is 20,000 square feet.
3. Appearance. Infill development shall be constructed to be generally compatible in appearance with other existing structures on adjacent properties. This provision shall be satisfied by constructing the proposed

building(s) so that at least three of the following features are substantially similar to the majority of other buildings in the context:

a. Roof pitch and overhang;

b. Shape, size, and alignment of windows and doors;

c. Front porches or porticos;

d. Exterior building color; or

e. Location and style of garage or carport.

4. Alternative Standards. In place of the standards in this Section and other standards of this UDO, the applicant may utilize the following alternative standards.

   a. Lot Area and Width. The minimum lot area and width may be that of the smallest and narrowest lot on the block face on which the property is located.

   b. Maximum Building Height. The maximum building height may be that of the tallest building on the block face on which the property is located, plus 15 percent of the height.

   c. Buffering. Where a buffer is required between zoning districts, the buffer width and planting materials may be reduced by 50 percent.

   d. Front Setback. The street setback of the building may be that of the average of the entire block face, if such average results in a smaller street setback than required in Table 5-1.

Figure 5-3: Infill Development Type

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

5.300 NONRESIDENTIAL AND MIXED USE LOT SIZE AND BUILDING SETBACK REGULATIONS

5.301 Generally

Table 5-2 establishes the dimensional standards for the nonresidential and mixed use zoning districts, which are depicted in Figure 5-4 and Figure 5-5.

5.302 Setbacks Related to Driveways and Garages

A minimum setback of 20 feet shall apply where a driveway provides access on a residential property from a street, other than an alley. This maintains an adequately sized parking space on the driveway between the structure and the street and helps to avoid encroachment into public sidewalks, despite lower minimum setback standards in Table 5-2 for the remainder of the building. In the MU zoning district, no garage entry shall extend toward the street beyond the front facade of the habitable space of the structure.

5.303 Measurements Reference

Refer to Section 5.800 for explanations of, and special provisions related to, the measurements and standards in Table 5-2.

Table 5-2: Nonresidential and Mixed Use District Lot and Building Standards

Zoning District	Landscaping Percentage	Minimum Lot Area (SF) (A)	Minimum Lot Width (Feet) (B)	Minimum Setbacks (Feet)				Minimum Frontage Build-Out (%) (G)	Maximum	
				Street (C)	Street Side (D)	Side[1] (E)	Rear[1] (F)		Street Setback (Feet)[2] (H)	Height (Feet) (I)
IN	10%	7,500	75	25	20	10/50	10/20	--	--	--
MU[3]	10%	--	--	5	5	10/10	10/10	~~75~~	--	~~65~~
PI	10%	7,500	75	25	20	10/20	10/20	--	--	65

1. First number applies if adjacent to apartments, nonresidential, or mixed use / second number applies if adjacent to residential (excluding apartments)
2. Applies to street setback and street side setback
3. Refer to Section 2.400, *Supplemental District Regulations*, for additional standards specific to the MU district
-- = No minimum or maximum

Figure 5-4: Nonresidential Measurements (Other Than MU)

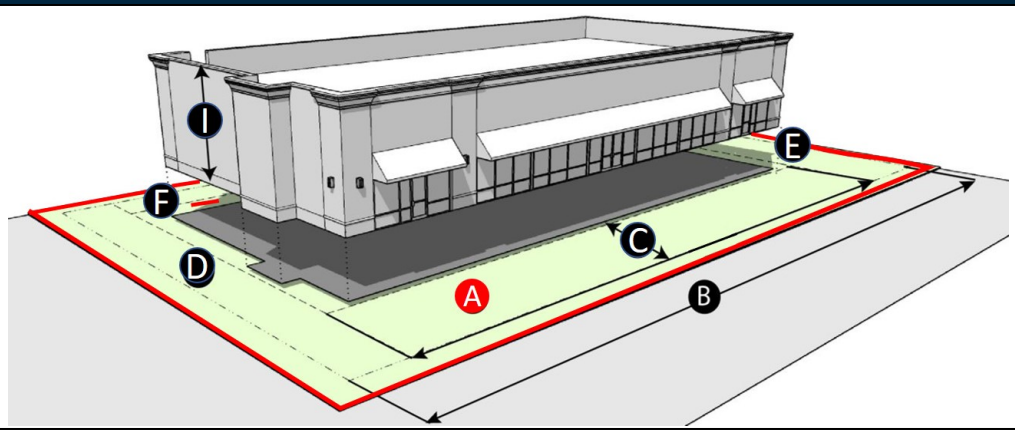


FIGURE NOTES:
A = Minimum Lot Area | B = Minimum Lot Width | C = Minimum Street Setback | D = Minimum Street Side Setback | E = Minimum Side Setback | F = Minimum Rear Setback | I = Maximum Height

Figure 5-5: Nonresidential Measurements (MU)

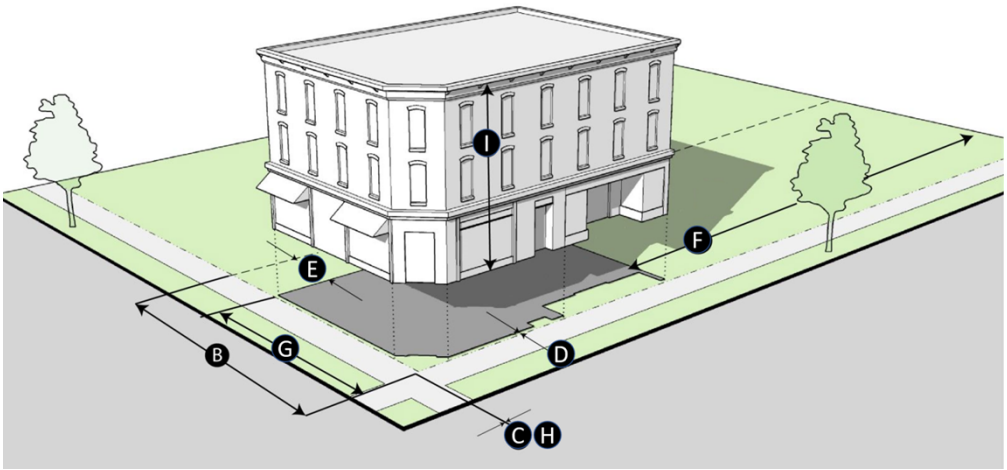


FIGURE NOTES:
B = Minimum Lot Width | C = Minimum Street Setback | D = Minimum Street Side Setback | E = Minimum Side Setback | F = Minimum Rear Setback | G = Minimum Frontage Build-Out | H = Maximum Street Setback

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

5.400 AGRICULTURE TRACTS

Agricultural tracts created by land division within the City or ETJ of the City must be laid out and arranged in a way that allows the opening of future streets and resubdivisions.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

5.500 RESIDENTIAL LOTS

5.501 Apartment / Condo

Apartment or condo lots in the HR district are subject to compliance with the lot and building setback regulations of Table 5-1. Except as otherwise expressly stated in this Development Code, apartment/condo lots that comply with the minimum lot area per unit requirements of Table 5-1 may be occupied by more than one principal residential building.

5.502 Patio Home

5.503.A. A patio home is a detached house that is placed against one of the interior side lot lines rather than centered on the lot, with setbacks on each side. Patio home lots are subject to compliance with the patio home lot and building setback regulations of Table 5-1. In addition, patio home lots are subject to the following regulations:

5.503.B. A patio home development must consist of at least 3 contiguous lots with frontage on the same street.

5.503.C. The interior side setback on one side of the lot containing a patio home may be reduced to as little as zero. The zero- or reduced setback side of a patio home may not abut a street and may not abut a lot that is not part of the patio

home development. On the "non-zero" side, a setback must be provided in accordance with the minimum side setback requirement of Table 5-1.

5.503.D. Eaves on the side of a patio home with a reduced setback may not project over the property line.

5.503.E. When the patio home's exterior wall or eaves are set back less than 2 feet from the abutting property line, a perpetual maintenance easement at least 5 feet in width must be provided on the lot abutting the zero lot line property line, which, with the exception of walls and/or fences, must be kept clear of structures. The easement must be shown on the plat and incorporated into each deed transferring title to the property. This provision is intended to ensure the ability to conduct maintenance on the patio home.

5.503.F. Windows, doors, or other openings that allow for visibility into the side yard of the lot abutting the reduced or zero setback side of the patio home are prohibited. Windows that do not allow visibility into the side yard of the parcel abutting the zero or reduced setback side, such as clerestory windows or translucent windows, are allowed, subject to compliance with the building code.

5.503.G. Individual utility connections must be provided to each patio house dwelling unit.

5.503.H. All utilities must be placed underground.

5.503 Townhouse

Townhouses are subject to compliance with the townhouse lot and building setback regulations of Table 5-1. In addition, townhouse lots are subject to all of the following regulations.

5.503.A. Individual utility connections must be provided to each townhouse dwelling unit.

5.503.B. All utilities must be placed underground.

5.503.C. A single building may not contain more than 12 townhouse units.

5.503.D. Each townhouse building or series of townhouses must be separated by a minimum distance of 20 feet.

5.504 Two-Unit House

Two-unit houses are subject to compliance with the two-unit house lot and building setback regulations of Table 5-1.

5.505 [Reserved]

5.506 Manufactured Homes

Manufactured home lots are to be located within a Manufactured Home Park/Subdivision or as a replacement on a lot that previously contained a manufactured home and are subject to compliance with the manufactured home lot building setback regulations of Table 2-4. Only manufactured homes can be placed on lots developed to manufactured home lot standards. See also the mobile home and manufactured housing regulations of §§ 2.406 and 4.203.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

5.600 NONRESIDENTIAL LOTS

Commercial, office, industrial, public, civic and institutional and other nonresidential uses are subject to compliance with the nonresidential lot and building setback regulations of Table 5-2.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

5.700 FLAG LOTS

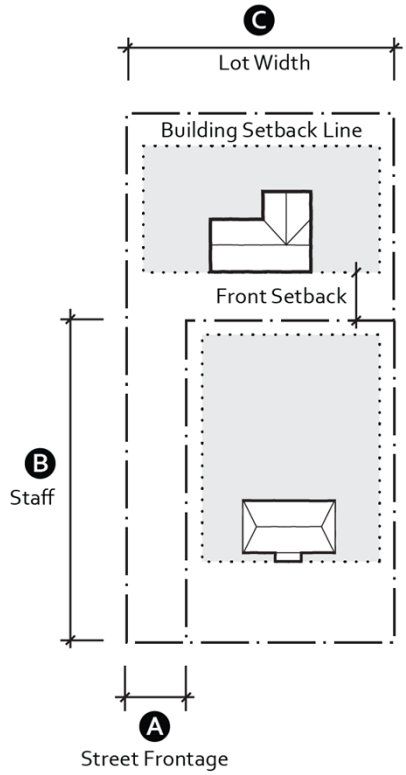
Flag lot configurations are allowed for lots in the MR, HR, IN, and PI districts. Flag lots must comply with the minimum lot area, lot area per unit, lot width, and building setback regulations of Table 5-1, Table 5-2 and the additional flag lot regulations of Table 5-3.

Table 5-3: Flag Lots

	See Figure 5-1	MR, HR District	IN, and PI Districts
A	Minimum Street Frontage (feet)	25	50
B	Maximum Length of Staff (feet)[1]	200	100
C	Minimum Lot Width (feet)	As required by Table 5-1 and Table 5-2	

[1] The staff or "panhandle" portion of a flag lot must be restricted solely for access to the developable portion of the lot (the flag). Such restrictions must be shown on the face of the plat.

Figure 5-6: Flag Lot Measurements



~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

5.800 MEASUREMENTS

5.801 Lot Area

Lot area is measured as the total ground-level surface area contained within the property boundaries of a lot.

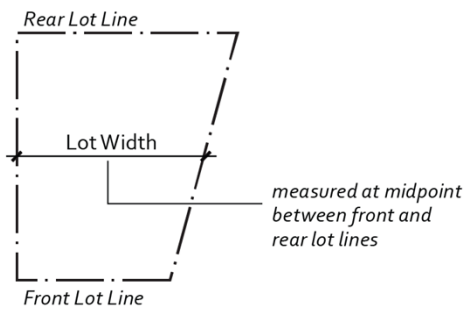
5.802 Lot Area per Dwelling Unit

Lot area per dwelling unit is a measure of residential density. It governs the amount of lot area required for each dwelling unit on the subject lot. To determine the number of dwelling units allowed on a lot, divide the lot area of the subject lot by the minimum lot-area-per-unit requirement of Table 5-1, and round any fractional result down to a whole number. If, for example, a minimum lot-area-per-unit requirement of 1,750 feet is applied to a 10,000 square foot lot, a maximum of 5 units would be allowed on that lot (5.71 rounded down to 5).

5.803 Lot Width

Lot width is measured as the horizontal distance between the side lot lines of a lot measured at the midpoint between the front and rear lot lines.

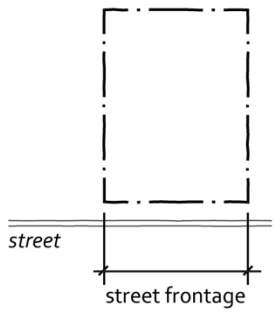
Figure 5-7: Lot Width Measurement



5.804 Street Frontage

Street frontage is measured between side lot lines of a lot along the lot line that abuts the street. See Figure 5-8. On lots that abut the bulb of a cul-de-sac or similarly curved street, frontage may be measured along the actual building setback line.

Figure 5-8: Street Frontage Measurement



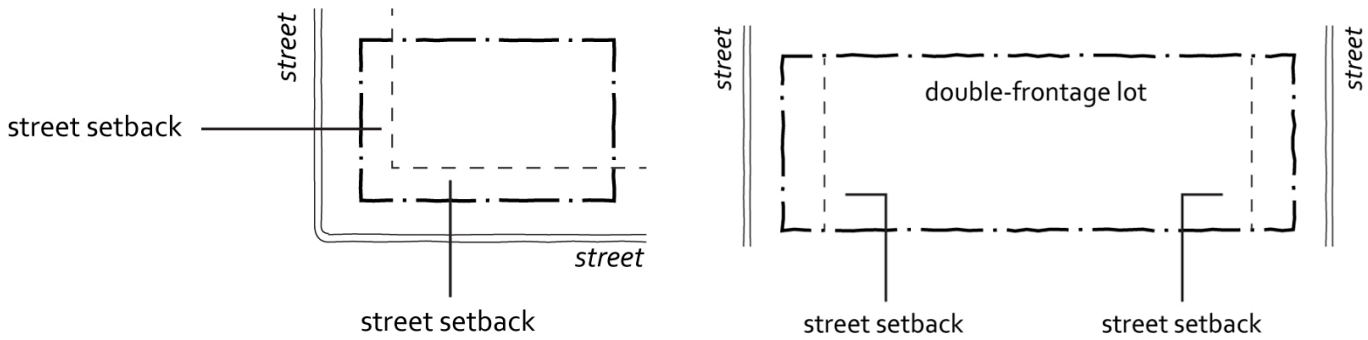
5.805 Setbacks

5.805.A. Measurement

Setbacks are measured from the referenced lot line to the closest point of the building or structure.

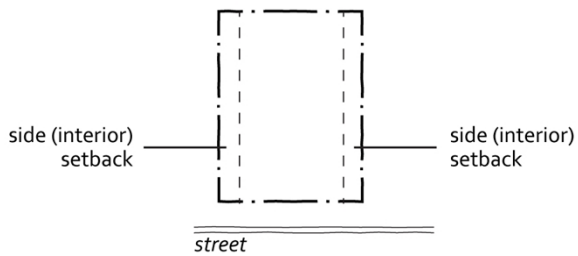
1. Street setbacks are measured from all lot lines that abut a street. See Figure 5-9. Street setbacks shall comply with Table 2-3 for SLR Districts and Table 5-1 for Residential Uses and Table 5-2 for all others.

Figure 5-9: Street Setback Measurement



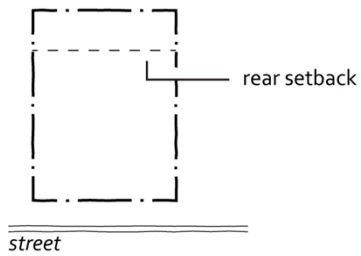
2. Side (interior) setbacks are measured from all side lot lines that do not abut a street. See Figure 5-10. Interior side setbacks do not apply to attached or abutting walls in a townhouse or two-unit project.

Figure 5-10: Side (interior) Setback Measurement



3. Rear setbacks are measured from the rear lot line. See Figure 5-11.

Figure 5-11: Rear Setback Measurement



5.805.B. Allowed Setback Encroachments

Required setbacks must be unobstructed and unoccupied from the ground to the sky except that the following are exempt from setback requirements, as indicated:

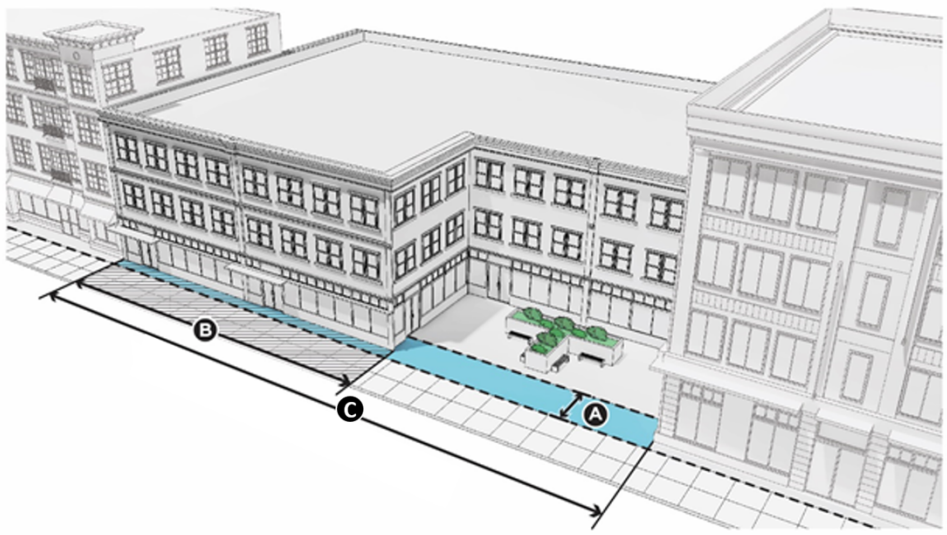
1. Eave and roof extensions may encroach into any required setback for a distance of up to 24 inches.

2. Ordinary projections of windowsills, belt courses, cornices, and other architectural features may encroach into any required setback for a distance not to exceed 12 inches.
3. Driveways, walks, steps for negotiating ground slopes, retaining walls, hedges and natural growth, fences, paved patios and other paved structures used ornamentally, for gardening, or for private recreation purposes may encroach into any required setback. Such features are, however, subject to the intersection sight distance requirements of §10.407.D.
4. Open porches, exterior steps to building entrances, and open fire escapes may encroach into required setbacks, provided that such structures or features are open on at least 3 sides and set back at least 10 feet from street property lines and 5 feet from all interior property lines.

5.806 Reserved

~~In Table 5-2, a minimum frontage build-out applies to the MU districts. The minimum frontage build-out is measured as the percentage of the building wall adjacent to the street that is required to be located between the minimum and maximum street setback. See Figure 5-12, below. For example, in Figure 5-12, the percentage of the building width (B) that lies within the area between the minimum and maximum street setbacks (A) is approximately 50 percent, compared to the overall width of the building (C).~~

~~**Figure 5-12: Minimum Frontage Build-Out**~~

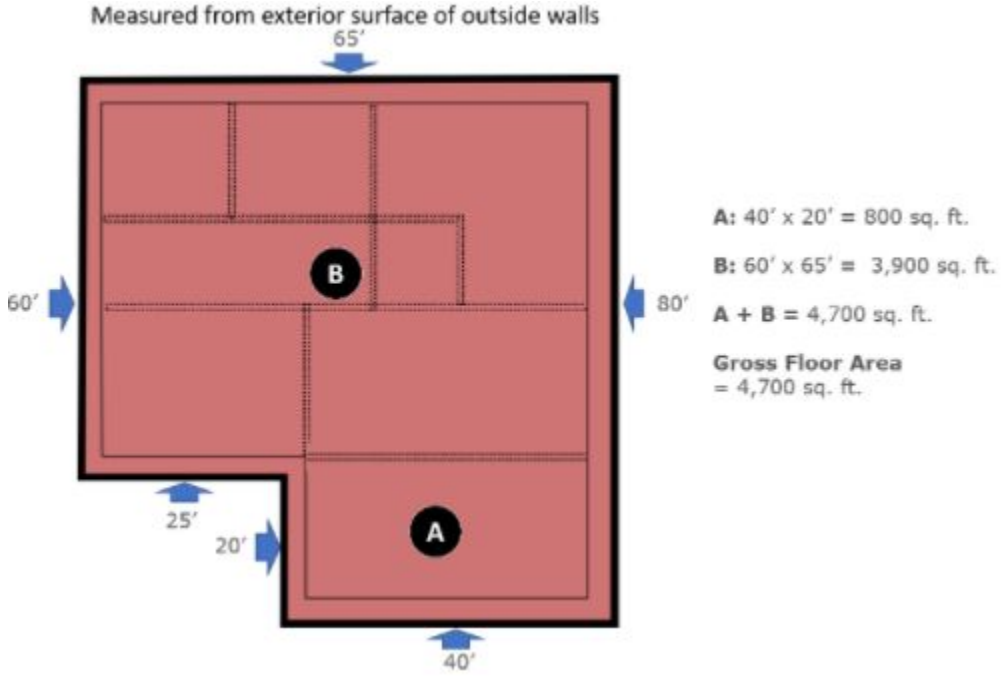


~~**FIGURE NOTES:**~~
~~A = Area between the minimum and maximum street setbacks | B = Width of building wall that lies between the minimum and maximum setbacks | C = Entire width of the building~~

5.807 Gross Floor Area

The total area of all the floors of a building, including intermediately floored tiers, mezzanines, etc., as measured from the exterior surfaces of the outside walls of the building. See Figure 5-13 below.

Figure 5-13: Gross Floor Area



~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

5.900 ACCESS TO LOTS

Perpetual legal access to lots must come from an established public street or by a perpetual access easement or right-of-way adequate to serve the subject lot. Lots designated for uses allowed/defined in Table 4-1 under the Residential Subcategory, Household Living are permitted to have access from an established public street only, with the exception that lots with no more than three (3) household dwelling units may have access from a perpetual access easement. When permitted, each perpetual access easement or right-of-way must allow construction and perpetual maintenance of a driveway across the property and allow vehicular travel on the driveway. Perpetual access easements must be of record and filed in the office of the Walker County clerk.

Commentary: Whenever developments with more than one lot have access from a perpetual access easement, pedestrian access is required to be provided adjacent to the access easement.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

ARTICLE 6 PARKING AND DRIVEWAY ACCESS

Contents:

6.100 General

6.200 Minimum Parking Ratios

6.300 Calculation of Required Parking

6.400 Parking Exemptions and Reductions

6.500 Use of Parking Areas

6.600 Location

6.700 Design

6.800 Pedestrian Circulation

6.900 Accessible Parking for People with Disabilities

6.1000 Drive-through Facilities

6.1100 Driveways

6.1200 Loading

6.100 GENERAL

6.101 Purpose

The regulations of this article are intended to help ensure off-street motor vehicle parking facilities are provided in rough proportion to the generalized demands of different land uses. By requiring parking, it is the intent of this article to help avoid the negative impacts associated with spillover parking into adjacent areas, while at the same time avoiding the negative environmental and visual impacts that can result from unnecessarily large parking and vehicular use areas.

6.102 Applicability

6.102.A General

Unless otherwise expressly stated, the regulations of this article apply in all zoning districts.

6.102.B New Uses and Development

Unless otherwise expressly stated, the parking regulations of this article apply to all new buildings constructed and all new uses established.

6.102.C Enlargements and Expansions

1. Unless otherwise expressly stated, the parking regulations of this article apply whenever an existing building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity, employees, or other units of measurement used for establishing off-street parking requirements.
2. In the case of enlargements or expansions that trigger requirements for additional parking, additional spaces are required only to serve the enlarged or expanded area, not the entire building or use. There is no requirement to address a lawful, existing parking deficit.

6.102.D Change of Use

When the use or occupancy of property changes, additional off-street parking and loading facilities must be provided to serve the new use or occupancy only when the number of parking or loading spaces required for the new use or occupancy exceeds the number of spaces required for the use that most recently occupied the building, based on the standards of this Development Code. Credit is given to the most recent lawful use of the property for the number of parking spaces that would be required under this Development Code, regardless of whether such spaces are actually provided. A new use is not required to address a lawful, existing parking deficit.

6.102.E Existing

Existing off-street parking and loading areas may not be eliminated, reduced or modified below the minimum requirements established in this article.

~~Effective on: 2/22/2023~~

6.200 MINIMUM PARKING RATIOS

Except as otherwise expressly stated, off-street motor vehicle parking spaces must be provided in accordance with Table 6-1.

Table 6-1: Minimum Motor Vehicle Parking Ratios	
USE CATEGORY	**Minimum Motor Vehicle Parking Requirement**
Subcategory Specific Use	
RESIDENTIAL	
Household Living	
Apartment/condo	1.0 spaces per bedroom
Purpose-Built Shared Housing	Refer to Purpose-Built Shared Housing Design Criteria
All other household living	2 spaces per dwelling unit, with 3 bedrooms or less, plus 1 space for each additional bedroom for dwelling units with more than 3 bedrooms.
Group Living	1 space per 2 beds
PUBLIC, CIVIC AND INSTITUTIONAL	
Aircraft Landing Area	Established in accordance with Sec. 6.307
College or University	Established in accordance with Sec. 6.307
Community Center	1 space per 300 square feet
Governmental Facility	Established in accordance with Sec. 6.307
Fraternal Organization	1 space per 200 square feet
Hospital	1 space per 2 beds
Library	1 space per 300 square feet
Museum or Cultural Facility	1 space per 300 square feet
Natural Resource Preservation	Established in accordance with Sec. 6.307
Parks and Recreation	Established in accordance with Sec. 6.307
Religious Assembly	0.25 spaces per seat in main assembly area

Table 6-1: Minimum Motor Vehicle Parking Ratios	
USE CATEGORY	**Minimum Motor Vehicle Parking Requirement**
Subcategory Specific Use	
Safety Service	Established in accordance with Sec. 6.307
School	
Elementary and Junior High	2 spaces per classroom
Senior High	10 spaces per classroom
Utilities and Public Service Facility	
Minor	None
Major	Established in accordance with Sec. 6.307
Wireless Communications	
Freestanding tower	None
Building or tower-mounted antenna	None
COMMERCIAL	
Animal Service	1 space per 250 square feet
Assembly and Entertainment	1 space per 4 seats
Commercial Service	
Personal Service	1 space per 250 square feet
All other commercial service uses	1 space per 300 square feet
Day Care	1 space per employee + 1 drop-off/pick-up space per 1,000 square feet, with no more than 10 spaces required
Eating Establishment	1 space per 150 square feet
Financial Service	1 space per 250 square feet
Funeral or Mortuary Service	1 space per 4 seats
Lodging	
Recreational Vehicle Park	1 space per camping or RV space
All other Lodging Uses	1 space per room
Mobile Food Vendor	3 spaces per vendor plus required parking for all uses occurring on site plus one space per each employee on site
Mobile Food Vendor Court	2.5 spaces per vendor plus required parking for all uses/activities occurring on site (including entertainment) plus one space per each employee on site
Office	
Medical	1 space per 250 square feet
All other office uses	1 space per 300 square feet
Retail Sales	1 space per 250 square feet
Self-service Storage Facility	1 space per 10 storage spaces

Table 6-1: Minimum Motor Vehicle Parking Ratios	
USE CATEGORY	**Minimum Motor Vehicle Parking Requirement**
Subcategory Specific Use	
Trade School	1 space per 300 square feet
Vehicle Sales and Service	2 spaces per fuel pump + 4 spaces per service bay
INDUSTRIAL	
Mining/Extraction	1 space per employee
Recycling Facility	
Recyclable Material Drop-off Facility	3 spaces
Recyclable Material Processing Facility	1 space per 1,000 square feet
Wholesale, Distribution & Storage	
Wholesale, Distribution and Storage (Indoor)	1 space per 1,000 square feet
All Other Wholesale, Distribution and Storage	1 space per 1,000 square feet
All Other Industrial Uses	1 space per 1,000 square feet
AGRICULTURE	
Farming/General Agriculture	None
Community Garden	None

~~Effective on: 2/22/2023~~

6.300 CALCULATION OF REQUIRED PARKING

The following rules apply when calculating the required number of off-street parking spaces:

6.301 Multiple Uses

Unless otherwise expressly allowed in accordance with the shared parking regulations of Sec. 6.402, lots containing more than one principal use must provide parking in an amount equal to the total of the requirements for all principal uses on the lot.

6.302 Fractions

When measurements of the number of required spaces result in a fractional number, any fraction of less than one-half (0.5) is rounded down to the next lower whole number, and any fraction of one-half (0.5) or more is rounded up to the next higher whole number.

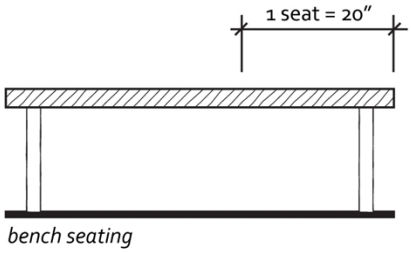
6.303 Area Measurements

Unless otherwise expressly stated, all area-based (square footage) parking standards must be computed based on the sum of the gross horizontal areas of a building devoted to a use requiring off-street parking. The following areas are not counted as floor area for the purpose of calculating off-street parking and loading requirements: floor space devoted primarily to the housing of mechanical or electrical equipment, elevator shafts, stairwells, storage (except as otherwise noted), commercial kitchen areas, ramps, aisles, and maneuvering space devoted to off-street parking or loading facilities, or basement floor space unless the basement area is devoted to merchandising activities, the production or processing of goods, business or professional offices or residential dwelling units.

6.304 Bench Seating

Each 20 inches of seating area in bleachers, pews or similar bench-seating arrangement counts as one seat for the purpose of calculating seating-based parking requirements. See Figure 6-1.

Figure 6-1: Bench Seating Measurement



6.305 Occupancy- or Capacity-based Standards

For the purpose of computing parking requirements based on employees, students, members, residents or occupants, calculations must be based on occupancy standards established by the building code.

6.306 Unlisted Uses

Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the Building Official is authorized to apply the off-street parking ratio specified for the listed use that is deemed most similar to the proposed use or establish a minimum off-street parking requirement for the proposed use in accordance with § 6.307.

6.307 Establishment of Other Parking Ratios

The Building Official is authorized to establish required minimum off-street parking ratios for unlisted uses and in those instances where authority to establish a requirement is expressly granted. Such ratios may be established on the basis of a similar use/parking determination (as described in Sec. 6.306), on parking data provided by the applicant or information otherwise available to the Building Official. Parking data and studies must include estimates of parking demand based on reliable data collected from comparable uses or on external data from credible research organizations (e.g., Institute of Transportation Engineers (ITE) or American Planning Association [APA]). Comparability will be determined by density, scale, bulk, area, type of activity and location. Parking studies must document the source of all data used to develop recommended requirements.

6.400 PARKING EXEMPTIONS AND REDUCTIONS

6.401 Downtown District

Off-street parking is not required for buildings that were in existence in the D zoning district on or before January 1, 1978. After January 1, 1978, new buildings and building expansions in the D district must provide off-street parking as required by Sec. 6.200 unless the minimum number of off-street parking spaces required to serve the new building or building expansion is 10 or fewer spaces, in which case no off-street parking is required.

6.402 Shared Parking

6.402.A Purpose

Sharing parking among different users can result in overall reductions in the amount of motor vehicle parking required. Shared parking is encouraged as a means of conserving scarce land resources, reducing stormwater runoff, reducing the heat island effect caused by large paved areas and improving community appearance.

6.402.B Applicability

Shared parking facilities are allowed for mixed-use projects and for multiple uses with different periods of peak parking demand, subject to approval by the Building Official. Required residential parking and accessible parking spaces (for persons with disabilities) may not be shared and must be located on site.

6.402.C Methodology

The number of parking spaces required under a shared parking arrangement must be determined in accordance with the following:

1. Multiply the minimum parking required for each individual use, as set forth in Table 6-1 by the percentage identified for each of the 6 designated time periods in Table 6-2.
2. Add the resulting sums for each of the 6 columns.
3. The minimum shared parking requirement is the highest sum among the 6 columns resulting from the above calculations.
4. Select the time period with the highest total parking requirement and use that total as the shared parking requirement.

Table 6-2: Shared Parking Calculations

Land Use	Weekday			Weekend		
	Midnight – 7:00 a.m.	7:00 a.m. – 6:00 p.m.	6 p.m. – Midnight	Midnight – 7:00 a.m.	7:00 a.m. – 6:00 p.m.	6 p.m. – Midnight
Office and Industrial	5%	100%	10%	0%	60%	5%
Lodging	100%	60%	90%	100%	65%	80%
Eating and Drinking	50%	70%	100%	45%	70%	100%
Religious Assembly	0%	10%	30%	0%	100&	30%

Table 6-2: Shared Parking Calculations						
Land Use	Weekday			Weekend		
	Midnight – 7:00 a.m.	7:00 a.m. – 6:00 p.m.	6 p.m. – Midnight	Midnight – 7:00 a.m.	7:00 a.m. – 6:00 p.m.	6 p.m. – Midnight
Assembly & Entertain.	10%	50%	100%	5%	80%	100%
Retail & Comm. Service	5%	70%	90%	0%	100%	60%

6.402.D Other uses

If one or more of the land uses proposing to make use of shared parking arrangement do not conform to the land use classifications in Table 6-2, as determined by the Building Official, then the applicant must submit sufficient data to indicate the principal operating hours of the uses. Based upon this information, the Building Official is authorized to determine the appropriate shared parking requirement, if any, for such uses.

6.402.E Alternative Methodology

As an alternative to the shared parking methodology established in §6.402.C, the Building Official is authorized to approve shared parking calculations based on the latest edition of the Urban Land Institute's or the Institute of Transportation Engineer's shared parking model or based on studies prepared by professional transportation Planner or traffic engineer. The shared parking analysis must demonstrate that the peak parking demands of the subject uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses.

6.402.F Location

Shared parking may be located on-site or off-site. Off-site parking is subject to the regulations of Sec. 6.602.

6.402.G Shared Parking Agreement

The owners of uses proposing to make use of shared parking areas to satisfy minimum parking requirements must submit a shared parking agreement, in a form approved by the City Attorney, guaranteeing the long-term availability of the shared parking, commensurate with the use served by the parking. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this article. Shared parking agreements must be recorded in the Walker County's clerk's office.

6.403 Motorcycle Parking

In parking lots containing over 20 motor vehicle parking spaces, motorcycle or scooter parking may be substituted for up to 5 automobile parking spaces or 5% of required motor vehicle parking, whichever is less. For every 4 motorcycle or scooter parking spaces provided, the motor vehicle parking requirement is reduced by one space. Each motorcycle and scooter space must have minimum dimensions of 4 feet by 8 feet.

6.500 USE OF PARKING AREAS

6.501 Required off-street parking facilities may be used only for the temporary parking of licensed passenger motor vehicles by residents, tenants, patrons, employees, or guests of the principal use. Off-street parking spaces required by this Development Code must be maintained for the life of the principal use.

6.502 Off-street parking facilities may not be used for the parking of vehicles for the purpose of displaying the same for sale unless the principal use of the property on which the parking facility is located is the business of selling or leasing used or new vehicles. This provision is not intended to prohibit an owner or occupant of residential dwelling unit from selling a personal vehicle.

6.503 No vehicle repair or service of any kind shall be permitted in conjunction with off-street parking facilities in a residential district, except for minor repairs or service on vehicles owned by an occupant or resident of the premises.

(Ord. No. 2024-20, 09/03/2024)

Effective on: 9/13/2024

6.600 LOCATION

6.601 General

Except as otherwise expressly stated in this Development Code, required off-street parking spaces must be located on the same lot and under the same control as the building or use they are required to serve.

6.602 Off-Site Parking

6.602.A When Allowed

All or a portion of required off-street parking for nonresidential use may be provided off-site, in accordance with the regulations of this section.

1. Required accessible parking spaces and parking required for residential uses may not be located off site.
2. No more than 50% percent of the off-street parking spaces required for theaters, bowling alleys, dance halls, nightclubs, restaurants, or similar uses may be located off site.
3. No more than 80% of the off-street parking spaces required for a church, school auditorium or similar use may be located off-site.

6.602.B Location

Off-site parking areas must be located within a 500-foot radius of the use served by such parking, measured between the main entrance of the use to be served and the outer perimeter of the furthest parking space within the off-site parking lot. Off-site parking lots are allowed only in districts that permit the principal use to be served by the off-site parking spaces.

6.602.C Design

Off-site parking areas must comply with all applicable parking area design and landscape regulations of this Development Code.

6.602.D Control of Off-Site Parking Area

The off-site parking area may be under separate ownership from the use to be served by the parking only if an agreement is provided, in a form approved by the City Attorney, guaranteeing the long-term availability of the parking, commensurate with the use served by the parking. Off-site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this article. Off-site parking agreements must be recorded in the Walker County's clerk's office.

~~Effective on: 2/22/2023~~

6.700 DESIGN

6.701 Surfacing

All required outdoor parking spaces must be properly designed and improved with a compacted stone base and surfaced with asphalt, concrete, or other comparable all-weather, dust-free material approved by the City Planner.

6.702 Wheel Stops

In all parking lots containing 5 or more parking spaces, wheel stops must be installed where necessary to prohibit vehicle overhang onto adjacent pedestrian ways or landscape areas.

6.703 Driveway Access

See Sec. 6.1100.

6.704 Landscaping

See Article 7.

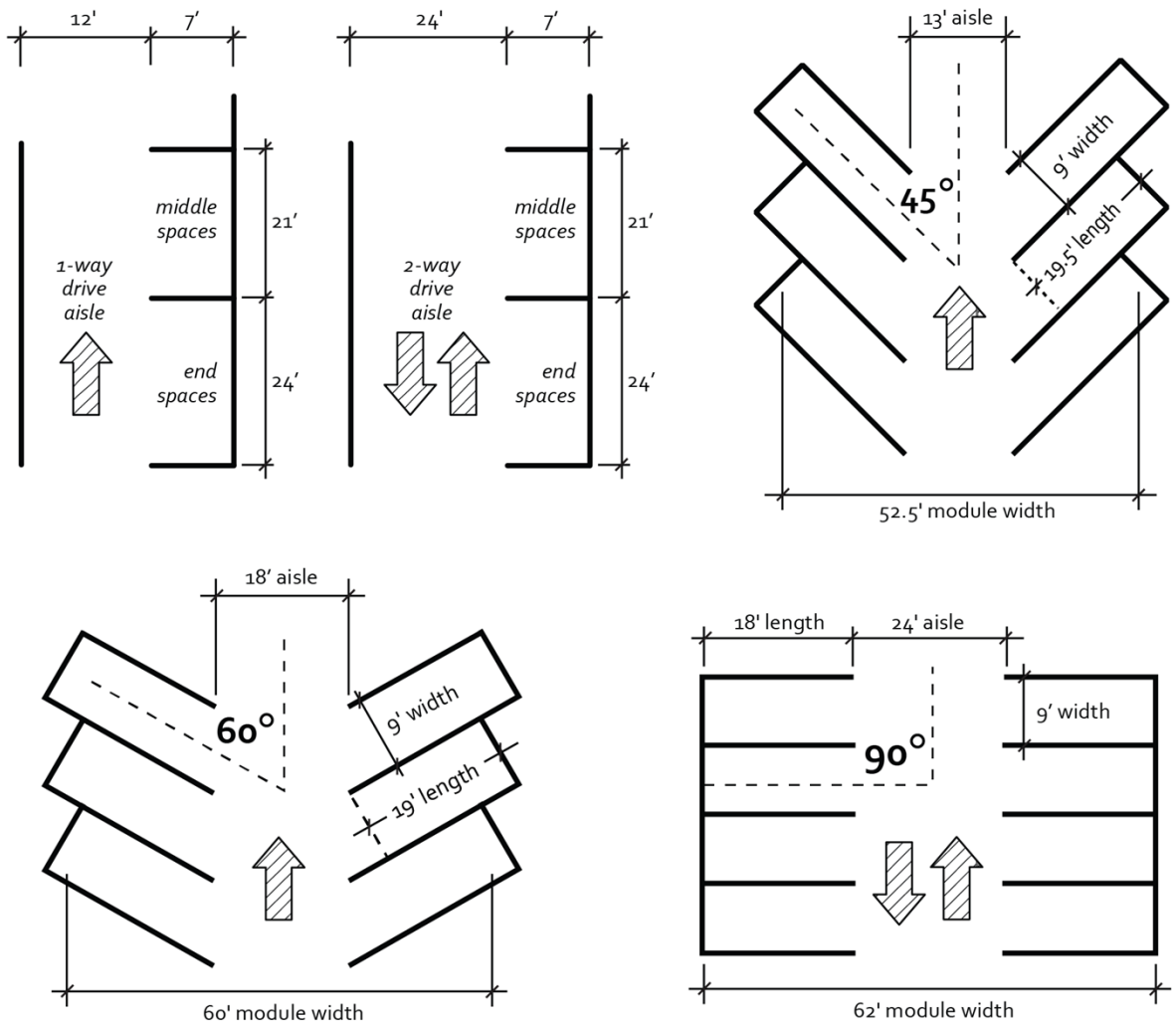
6.705 Stall Sizes and Parking Lot Geometrics

Off-street parking areas must be designed to allow all vehicle maneuvers such as backing, parking and vehicle turning to take place on the lot. The dimensions of parking stalls and drive aisles must comply with the regulations of Table 6-3. Accessible parking spaces (for people with disabilities) are subject to the regulations of Sec. 6.900.

Table 6-3: Parking Area Dimensions

	Angle of Paring			
	0° (Parallel)	45°	60°	90°
Stall Width (feet)	7	9	9	9
Stall Length (feet)	21 (middle), 24 (ends)	19.5	19	18
Aisle Width (feet)**	12 (one-way), 24 (two-way)	13	18	24
Module Width (feet)	NA	52.5	60	62
Note: Dimensions are measured from the centerline of the stripe delineating the space.				

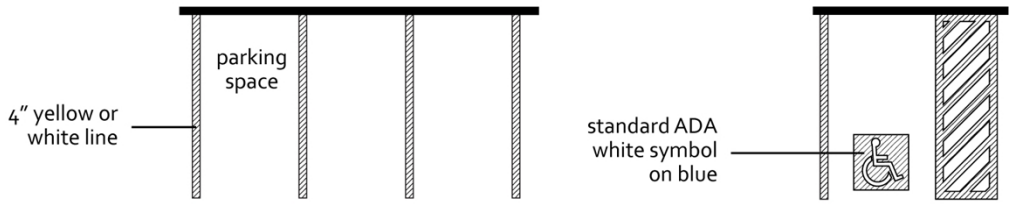
Figure 6-2: Parking Area Layout/Dimensions



6.706 Striping

In all parking lots containing 5 or more parking spaces, striping consisting of parallel lines, 4 inches in width must be provided for each parking space. Striping must be yellow or white. Accessible parking spaces must be painted in accordance with the Texas Accessibility Standards. See Figure 6-3.

Figure 6-3: Parking Lot Markings



6.707 Fire Lane Markings

Fire lanes must be marked in accordance with the fire code.

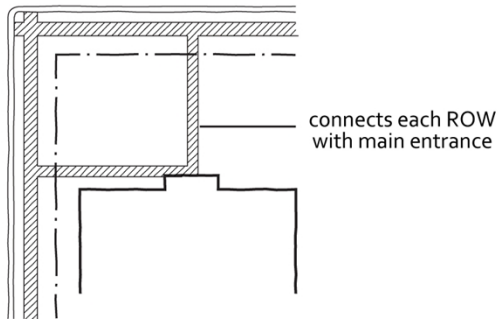
6.800 PEDESTRIAN CIRCULATION

An on-site circulation system for pedestrian and non-motorized travel must be provided in accordance with the requirements of this section. These pedestrian circulation requirements do not apply to lots occupied by detached houses, two-unit houses or attached houses.

6.801 Connection to the Street

The on-site pedestrian circulation system must connect all adjacent public rights-of-way to the main building entrance. The connection must follow a direct route and not involve significant out-of-direction travel for system users. See Figure 6-4.

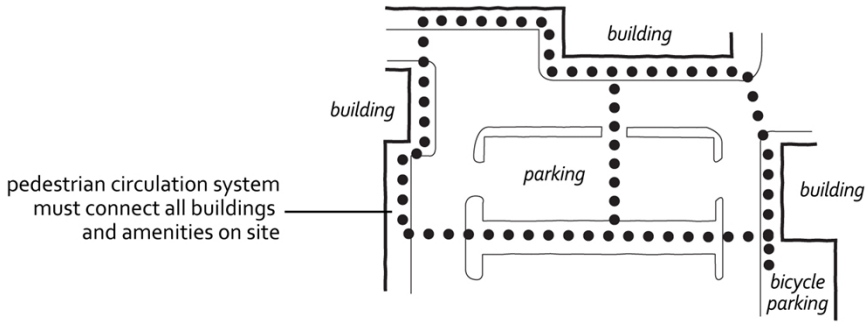
Figure 6-4: Connecting Building Entrances to Street



6.802 Internal Connections

The on-site pedestrian circulation system must connect all buildings on the site and provide connections to other areas of the site likely to be used by pedestrians and non-motorized travel, such as parking areas, bicycle parking, recreation areas, plazas and similar amenity features. See Figure 6-5.

Figure 6-5: Internal Site Connections



6.803 Design

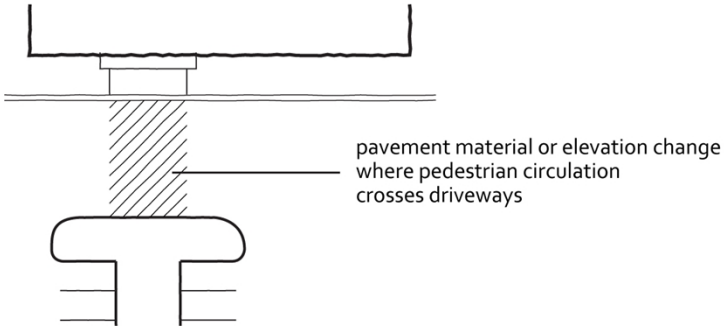
Required on-site pedestrian circulation facilities must be designed and constructed in accordance with the following requirements:

6.803.A The on-site pedestrian circulation system must be hard-surfaced, with a dust-free material and be at least 5 feet in width.

6.803.B When the on-site pedestrian circulation system crosses driveways, parking areas or loading areas, it must be clearly differentiated through the use of

elevation changes, a different paving material or other equally effective methods. Striping does not meet this requirement. See Figure 6-6.

Figure 6-6: Driveway Crossing



6.803.C When the on-site pedestrian circulation system is parallel and adjacent to a motor vehicle travel lane, it must be a raised path at least 6 inches above the vehicle travel lane surface or be separated from the vehicle travel lane by a raised curb, bollards, landscaping or another physical barrier. If a raised path is used, the ends of the raised portions must be equipped with accessible curb ramps.

6.803.D The on-site pedestrian circulation system must be illuminated to ensure that it can be used safely at night by employees, residents, and customers. Lighting must be at a height appropriate for a pedestrian pathway system.

~~Effective on: 2/22/2023~~

6.900 ACCESSIBLE PARKING FOR PEOPLE WITH DISABILITIES

6.901 The number, location and design of accessible parking spaces for people with disabilities must be provided in accordance with this section and the Texas Accessibility Standards.

6.902 Accessible spaces must be provided in accordance with Table 6-4.

Table 6-4: Minimum Accessible Parking Space Ratios

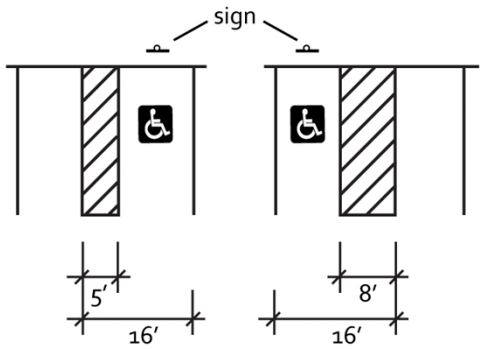
Total Off-Street Parking Spaces Provided	Accessible Parking Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000	20 plus 1 for each 100 over 1,000

6.903 Accessible parking spaces count towards the total number of parking spaces required.

6.904 Each accessible parking space, except on-street spaces, must be at least 16 feet in width, with either an 8-foot or 5-foot wide diagonally striped access aisle. The access aisle may

be located on either side of the vehicle portion of the accessible space. Abutting accessible parking spaces may not share a common access aisle. See Figure 6-7.

Figure 6-7: Accessible Parking Spaces



6.905 Accessible parking spaces and accessible passenger loading zones that serve a particular building must be the spaces or zones located closest to the nearest accessible entrance on an accessible route. In separate parking structures or lots that do not serve a particular building, parking spaces for disabled persons must be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.

6.906 The regulations of this section apply to required spaces and to spaces that are voluntarily designated for accessible parking.

6.1000 DRIVE-THROUGH FACILITIES

6.1001 Purpose

These regulations of this section are intended to help ensure that:

6.1004.A There is adequate on-site maneuvering and circulation area for vehicles and pedestrians;

6.1004.B Vehicles awaiting service do not impede traffic on abutting streets; and

6.1004.C Impacts on surrounding uses are minimized.

6.1002 Applicability

The regulations apply to new developments, the addition of drive-through facilities to existing developments and the relocation of existing drive-through facilities.

6.1003 Stacking Spaces Required

Stacking lanes must be provided in accordance with the minimum requirements of Table 6-5.

Table 6-5: Stacking Space Requirements

Use	Minimum Number of Stacking Spaces Required
Bank/financial institution	4 spaces per drive-through lane
Car wash	2 spaces per approach lane, plus 2 drying spaces at end of bay
Vehicle repair/maintenance	2 per service bay
Gasoline pump	2 spaces per pump per side
Restaurant	6 total spaces, with at least 3 spaces between order and pick-up station
Other	3 spaces per lane, ordering station or machine

6.1004 Stacking Lane Dimensions, Design and Layout

6.1004.A Stacking lanes must be designed so that they do not interfere with parking movements or safe pedestrian circulation. Stacking lanes must have a minimum width of 9 feet.

6.1004.B All stacking lanes must be clearly identified, through such means as striping, landscaping, pavement design, curbing and/or signs.

6.1005 Setbacks

Stacking lanes must be set back at least 50 feet from any abutting RU, LR, and MR districts.

6.1006 Noise

Sound attenuation walls, landscaping or other mitigation measures must be provided to ensure that drive-through facilities will not have adverse noise-related impacts on nearby residential uses.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

6.1100 DRIVEWAYS

6.1101 Applicability

All new, expanded, upgraded and reconstructed driveways are subject to the regulations of this section

6.1102 Street Access

Driveways are allowed to take access only to streets where full street improvements exist and are maintained as public streets by the City, provided that low-volume (residential) driveways may take access to public lanes, alleys or other accepted public access facilities in existence before June 10, 1986.

6.1103 Permits Required

No driveway may be constructed, expanded, upgraded or reconstructed until a driveway permit is obtained from the Building Official.

6.1104 Driveway Location

The location of driveways is based on many factors, including the location of individual property lines and available street frontage, requirements of internal site design, the number of vehicles expected to use the driveways, and traffic safety. Generally, the farther from an intersection that a driveway can be located, the less it will affect traffic safety, through traffic and the less delay it will cause to vehicles using the driveway.

6.1105.A All driveways must be located so as not to interfere with pedestrian crosswalks and to safely accommodate non-motorized traffic.

6.1105.B Low-volume (residential) driveway approaches must be located entirely within the frontage of the lot and set back at least 3 feet from any side property line, except as allowed by §6.1105.B.

6.1105.C High-volume driveway approaches must be located entirely within the frontage of the lot and set back at least 10 feet from any side property line. This location restriction does not apply to joint-access driveways governed by a permanent joint-access agreement among the respective property owners either through platting or a mutual access easement.

6.1105.D The location of other driveways on the opposite side of the street must be taken into consideration when locating a proposed driveway. Whenever possible, driveways on opposite sides of the street must be aligned to reduce adverse effects on through traffic and to optimize efficiencies of the driveway. Driveways directly opposite each other are preferable to staggered driveways. Where it is not possible to place driveways directly opposite each other, a driveway must be placed so that adequate left-turn storage capacity is provided ahead of each driveway to avoid the overlap of left-turn movements.

6.1105.E Driveways must be set back at least 3 feet from any obstruction, such as a street light or utility pole, fire hydrant, traffic signal controller, telephone junction box, etc

6.1105 Number of Driveways per Lot

6.1105.A The maximum number of driveways per lot may not exceed the limits established in Table 6-6, except as stated in §6.1105.B.

Table 6-6: Maximum Number of Driveways per Lot[1]

Street Type	Street Frontage (feet)	Permitted Driveways
Local	< 100	1
	101–200	2
	Over 200	1 per additional 100 feet
Collector	< 100	1
	100–250	2
	Over 250	1 per additional 200 feet
Arterial	< 100	1
	100–300	2
	Over 300	1 per additional 300 feet

[1] Exception: Residential circle drives are considered one driveway.

6.1105.B When the owners of abutting lots agree to permanently combine driveway access points, the total street frontage required will be reduced by 15% for each lot. In addition, if the agreement also includes a shared parking agreement, the required number of parking spaces may be reduced by 15% for each development.

6.1102 Driveway Design and Construction

6.1106.A Width

Driveway entrance widths must be designed and constructed to accommodate all vehicle types that will be entering the lot, including delivery vehicles. Minimum and maximum driveways widths are established in Table 6-7.

Table 6-7: Driveway Widths

	Low-Volume Driveways	High-Volume Driveways		
		1-way Entrance	1-way Exit	2-way entrance/exit
Minimum Width (feet)	12	20	20	25
Maximum Width (feet)	24	24	24	38

Figure 6-8: Low-volume Driveway Width

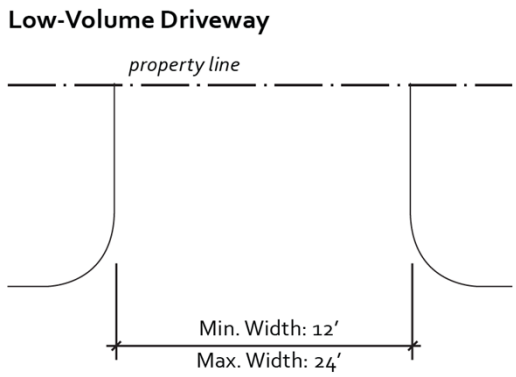
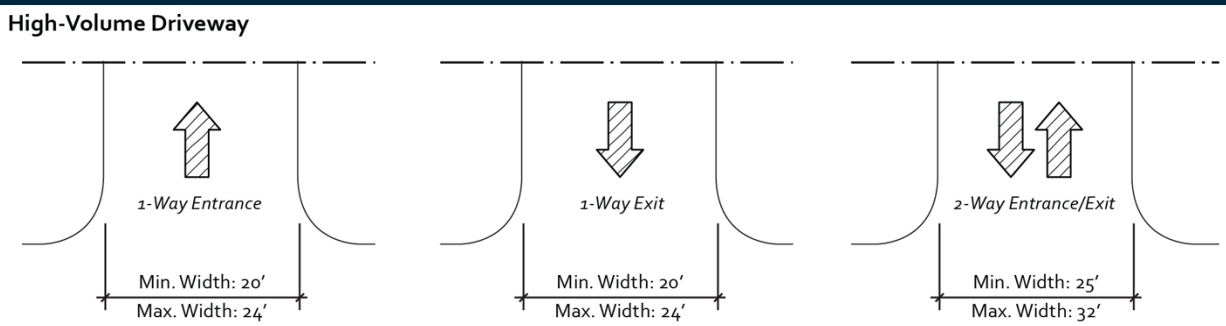


Figure 6-9: High-volume Driveway Width



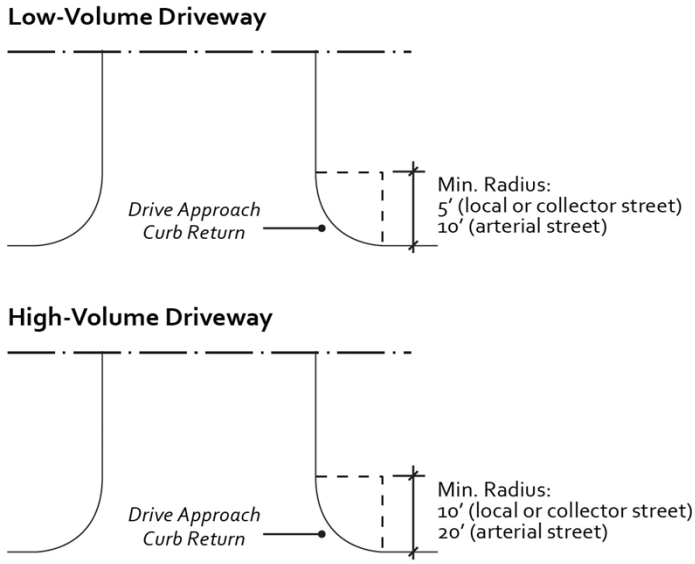
6.1106.B Curb Return Radii

Driveway curb return radii must be designed and constructed according to the type of driveway and the classification of street, as established in Table 6-8.

Table 6-8: Driveway Curb Return Radii

Street Classification	Low-Volume Driveway (feet)	High-Volume Driveway (feet)
Local	5	10
Collector	5	10
Arterial	10	20

Figure 6-10: Driveway Curb Returns



6.1106.C Deceleration Lanes

Tapered or channelized deceleration lanes for vehicles turning right into high-volume or intersection type driveways may be required on arterial streets. Where such lanes are deemed necessary by the City Engineer, additional right-of-way may also be required.

6.1106.D One-Way Driveways Encouraged

The use of one-way driveways, supported by an appropriate internal circulation system, is encouraged so that entrances and exits can be separate driveways. This will promote smoother traffic flow into and out of the driveways and reduce traffic congestion in through lanes on the street.

6.1106.E Special Designs

When deemed necessary for the safe and efficient movement of traffic, the City Engineer is authorized to require that special design techniques be employed to restrict or limit turning movements into or out of a driveway.

Figure 6-11: Right-in, Right-out Driveway Design

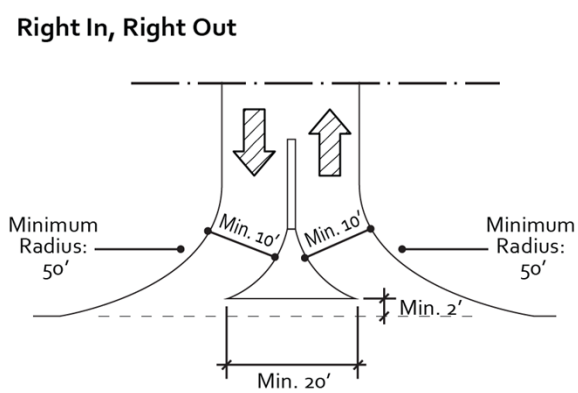


Figure 6-12: Right-in, Right-out, Left-in Driveway Design

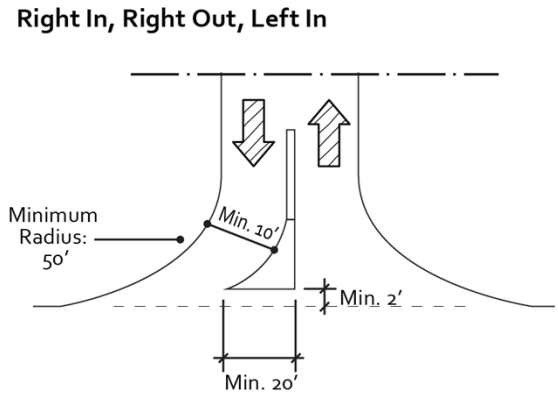
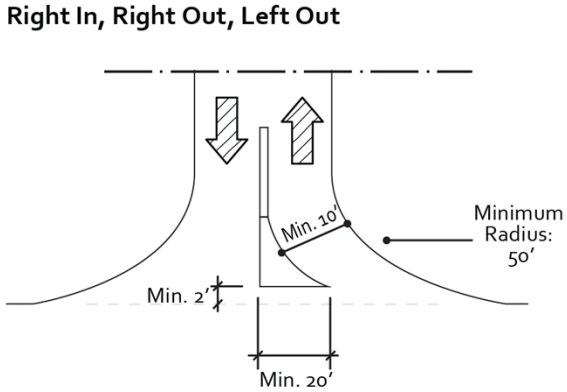


Figure 6-13: Right-in, Right-out, Left-out Driveway Design



6.1106.F Fueling Stations

Sites that include fuel pumps parallel to the street are subject to the following additional regulations:

1. A minimum corner clearance of 35 feet is required, as measured from the point of intersecting right-of-way lines to the point of tangency of the curb return radii leading to the driveway approach. The point of tangency of the curbline corner radius and that of the curb return radius of the driveway approach is not compounded.
2. The spacing between driveway approaches within the same property lines must be at least 25 feet of tangent curb length.
3. A distance between the fuel pump, island and the right-of-way or property line must be at least 25 feet.

6.1107 Spacing of High-Volume Driveways

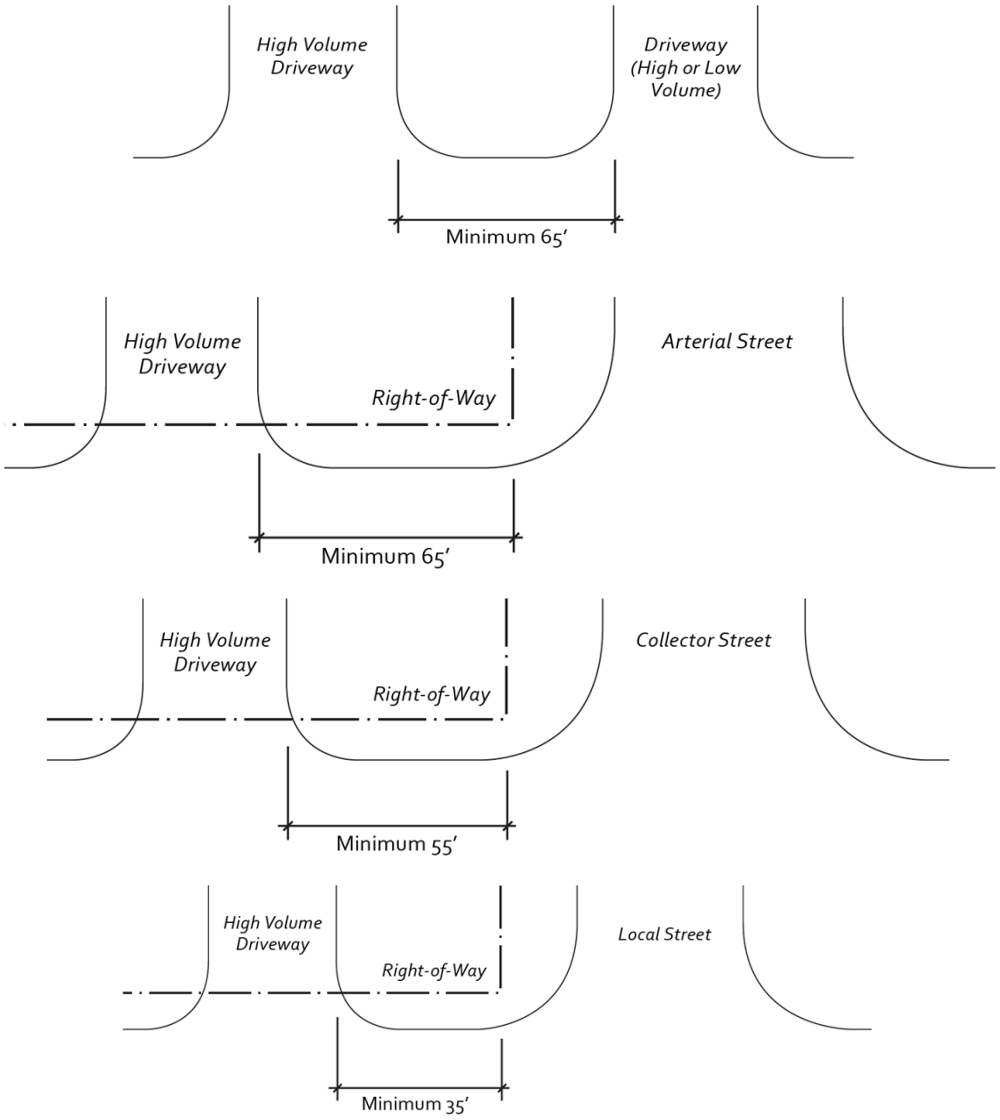
6.1107.A High-volume driveways must be separated from other (high-volume and low-volume) driveways by a minimum distance of 20 feet.

6.1107.B High-volume driveways must be separated from intersecting street rights-of-way in accordance with the following minimum requirements:

1. Driveway spacing from intersecting arterial street ROW: 65 feet
2. Driveway spacing from intersecting collector street ROW: 55feet

3. Driveway spacing from intersecting local street ROW: 35 feet

Figure 6-14: Required Spacing of High-volume Driveways



6.1108 Sight Distance Requirements

Driveways must comply with the intersection sight distance requirements of §10.407.D.

6.1109 Additional Safety-related Access Restrictions

The City Engineer is authorized to restrict or prohibit access to public streets when any of the conditions described below compromise the safety or mobility of motorized or nonmotorized travelers.

6.1110.A Backing Maneuvers

Access may be denied for parking or loading areas that require backing maneuvers in a public street right-of-way except for detached houses or two-unit houses on local streets.

6.1110.B Signalized Intersections

Access drives within the area of intersection of public streets where traffic signals are installed, or are anticipated to be installed in the future are prohibited.

6.1110.C Provision of Access

If a lot has frontage on more than one street, access will be allowed only on those street frontages where driveway regulations can be met. If a lot cannot be served by any access point meeting these regulations, the City Engineer is authorized to designate an allowed access based on traffic safety, operational needs and conformance to as many of the applicable driveway requirements as possible.

6.1110.D State Highway Access

Driveways openings on to state highways require approval of the Texas Department of Transportation.

6.11010 Driveway Construction

The portion of the driveway approach within the street right-of-way must be paved with concrete or asphalt, as follows:

6.1110.A Apartment/Condo, Commercial, or Industrial

All pavement must be concrete.

6.1110.B Residential (other than Apartment/Condo)

All driveway pavement abutting curb and gutter streets must be concrete. Driveway pavement abutting on non-curb and guttered streets may be concrete or asphalt or may be addressed as follows:

6.1110.C Property owners developing apartment/condo, commercial or industrial driveways located on non-curbed and guttered streets are responsible for all culvert installations.

6.1110.D Residential driveways taking access to non-curbed and guttered streets within the City limits will be provided culverts by the City. The City will charge the property owner its actual material and installation costs.

6.11011 Maintenance of Driveway Approaches

For driveway approaches and associated appurtenances used for ingress and/or egress to the property abutting, it is the duty of the subject property owner to maintain the driveway approach and associated appurtenances in accordance with City standards and specifications.

(Ord. No. 2024-20, 09/03/2024)

Effective on: 9/13/2024

6.1200 LOADING

Any use that regularly receives or distributes materials or merchandise by truck must provide off-street loading spaces in accordance with the regulations of this section.

6.1201 Minimum Ratios

Off-street loading spaces must be provided in accordance with Table 6-9.

Table 6-9: Off-street Loading Requirements	
Use Type	**Minimum Loading Spaces Required**
Public, Civic, Institutional, Commercial and Industrial	
Under 25,000 square feet	None
25,000–49,999 square feet	1 space
50,000+	1 space per 50,000 square

6.1202 Design and Location

6.1202.A Off-street loading spaces must be at least 12 feet in width and 35 feet in length unless off-street loading will involve the use of vehicles in excess of 35 feet in length, in which case the minimum size of a loading space is 12 feet by 55 feet. All loading spaces must have a minimum vertical clearance of 14 feet.

6.1202.B All loading spaces must include sufficient maneuvering space to prevent interference with pedestrian or vehicular circulation on the subject site and on public streets and sidewalks, as determined by the City Engineer.

6.1202.C All loading spaces must be located on the subject lot, provided that the City Planner is authorized to approve central off-street loading spaces for a group of contiguous lots as a substitute for loading berths on individual lots if the following conditions are met:

1. Each lot served must have direct access to the central loading area without at-grade crossings streets or alleys; and
2. No lot served may be more than 500 feet from the central loading area.

6.1202.D All loading spaces for semi-tractor trailer combinations must be set back at least 50 feet from all residential districts. Loading spaces may be located within 50 feet of a residential district if completely enclosed by a solid wall at least 6 feet in height.

6.1202.E All off-street loading areas must be properly designed and improved with a compacted stone base and an all-weather, dust-free surface, generally asphalt or concrete.

6.1202.F Plans for the location, design and construction of all loading areas are subject to approval by the City Planner.

6.1202.G Loading spaces may not be used to satisfy off-street parking requirements or for the conduct of vehicle repair or service work of any kind.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

ARTICLE 7 LANDSCAPING AND BUFFERS

Contents:

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7.200 Minimum Landscaping

7.300 Distribution of Required Landscaping

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7.1000 Inspections, Permits, and Fees

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7.1300 Enforcement for Violations

7.100 GENERAL

7.101 Purpose

The landscaping and buffer regulations of this article establish minimum requirements for landscaping and screening. The regulations are intended to advance the general purposes of this Development Code and to help:

7.102.A Maintain and enhance the City's appearance;

7.102.B Mitigate possible adverse impacts of higher intensity land uses that are established near lower intensity land uses;

7.102.C Reduce the impacts of noise and glare.

7.102.D Maintain and improve air quality;

7.102.E Protect water quality and reduce the negative impacts of stormwater runoff by reducing impervious surface area and providing vegetated areas that filter and retain greater amounts of stormwater on site;

7.102.F Moderate heat by providing shade;

7.102.G Ensure wise use of water resources; and

7.102.H Encourage preservation of existing trees and landscaping.

7.102 General Exemption

The following are exempt from the landscaping and screening regulations of this article:

7.102.A Agricultural uses;

7.102.B Public parks and open spaces;

7.102.C Detached houses and duplexes, except that the Residential Planting Requirements of Sec. 7.305 shall be provided for; and

7.102.D Lots within the Downtown (D) zoning district.

~~Effective on: 2/22/2023~~

10%

such zoning district

7.200 MINIMUM LANDSCAPING

7.201 New Buildings and Developments

Minimum landscaping requirements for new buildings and developments are as follows:

7.201.A In the MU zoning district, at least 10% percent of ~~the total lot area~~ must be devoted to landscape development.

7.201.B In the PI zoning districts, at least 10% of ~~the total lot area~~ must be devoted to landscape development.

7.201.C In the IN zoning district, at least ~~5%~~ of ~~the total lot area~~ must be devoted to landscape development.

7.201.D In all other zoning districts, no landscape development must be provided.

~~7.201.E At least 18 diameter inches of canopy trees must be provided per acre of total lot area.~~

Commentary: The size of existing (planted) trees is measured as "diameter at breast height (DBH)". "Caliper" size is used to measure trees to be planted.

7.201.F Non-canopy trees and shrubs must be provided in at least 10% of the required landscape development.

7.202 Additions to Existing Buildings and Developments

7.202.A When an existing building or development is expanded to include additional floor area, landscaping must be provided in proportion to the amount of expansion, as follows:

$$\frac{\text{(gross floor area new)}}{\text{(gross floor area new + existing)}} \times \text{landscaping required for new buildings and developments per Sec. 7.201} = \text{landscaping required for expansion of existing building/development}$$

7.202

7.202.B Nothing in this article is to be construed as requiring an owner that expands an existing building to landscape more than 10% percent of the site.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

7.300 DISTRIBUTION OF REQUIRED LANDSCAPING

Landscaping required under Sec. 7.200 must be distributed in accordance with the requirements of this section.

7.301 Adjacent to Building

7.301.A The minimum amount of landscape development that must be provided adjacent to buildings is calculated as follows:

$$\frac{\text{Building area (sq. ft.)}}{\text{Lot area (sq. ft.)}} \times \text{10\% of lot area} = \text{Minimum landscape development adjacent to building}$$

7.301.B Landscaping required adjacent to buildings must be located between the street-facing building façade and the abutting street right-of-way and within 50 feet of the street-facing building façade.

7.302 Parking Lots (Perimeter and Interior)

The minimum amount of landscape development that must be provided within (interior) and around (perimeter) off-street parking lot is calculated as follows:

Parking lot area (sq. ft.) / Lot area (sq. ft.)	x	20% of lot area	=	Minimum required landscape development interior to parking area

7.303 Other Areas

After satisfying the minimum requirements for areas adjacent to buildings and within and around parking lots, the remaining landscaping requirements must be dispersed in remaining areas of development.

7.304 Waivers for Tree Preservation

In order to preserve existing trees, the City Planner is authorized to waive the landscape development distribution requirements for up to 50% of the canopy trees required by §7.201.B, provided that the planting and tree protection areas comply with Sec. 7.402.

7.305 Residential Planting Requirements

The minimum planting requirement for new single-family dwellings, Duplexes and Townhouses is two (2) Protected Trees per residential unit, one of which must be located in the front setback of the lot.

or may be counted towards tree mitigation credits, in accordance with this Article 7 and Appendix 4.

~~Effective on: 2/22/2023~~

7.400 CREDITS AND INCENTIVES

7.401 Landscape Development within Setbacks

Landscape development provided within street setback areas are given double credit towards meeting the minimum landscaping requirements of Sec. 7.200.

7.402 Preservation of Existing Trees

The City Planner is authorized to reduce the minimum landscaping requirements of Sec. 7.200 to 7.5% in accordance with the following tree preservation and credit provisions:

7.403.A Existing trees are given credit against minimum landscaping requirements, as follows:

1. For preservation of existing trees with a diameter at breast height of 12 inches or more, each diameter inch of preserved tree may be credited as 20 square feet of landscaped development.
2. For preservation of existing trees with a diameter at breast height of more than 3 inches but less than 12 inches, each diameter inch of preserved tree may be credited as 10 square feet of landscaped development.
3. Trees with a diameter at breast height of 3 inches or less may be counted towards satisfying tree planting requirements but are not given additional credit towards satisfying landscaped development requirements.

7.403.B The tree preservation credits of this section are in addition to the planting area in which the tree is contained, provided that:

or may be counted towards tree mitigation credits, in accordance with this Article 7 and Appendix 4.

1. No tree may be given credit unless it is in a planting area whose least dimension is the radius of the crown spread of the tree measured from the trunk center, unless a landscape architect or arborist certifies in writing that the proposed planting area is sufficient to ensure the tree's long-term health.
2. Any tree credits given must be revoked and disallowed if, during development and construction, the owner, contractor or any of their agents or employees, place solvent, materials, construction machinery, or temporary soil deposits within 6 feet, or the radius of the subject tree's crown spread, whichever is greater.

7.403 Landscaping in Lieu of Off-Street Parking

7.403.A The City Planner is authorized to reduce minimum off-street parking requirements by up to 10% or 1 space, whichever is greater, in order to accommodate minimum parking lot landscaping requirements.

7.403.B The City Planner is also authorized to reduce minimum off-street parking requirements by up to 10% or 1 space, whichever is greater, for developments that exceed minimum landscaping requirements, provided that at least one additional 3-inch caliper tree is provided for every parking space eliminated.

7.500 BUFFERS

7.501 Purpose

Buffers are intended to mitigate the possible adverse effects (e.g., noise, lighting, and other site-related and operational impacts) that can occur when higher intensity development occurs abutting low-density, detached house residential areas.

7.502 Applicability

7.504.A Buffers are required when any nonresidential development occurs on parcels that abut RU, LR, and MR zoning districts or lots occupied by detached houses.

7.504.B Buffers are required when any apartment/condo or group living use is developed on lots that abut an RU, LR, and MR district or a lot occupied by detached houses.

7.504.C The buffer requirements of this section are triggered when new development occurs or when existing uses or buildings are expanded by more than 10% of their existing gross floor area.

7.503 Standards

7.504.A Location

Removal of existing vegetative buffers adjacent to lots occupied by detached homes is prohibited. A minimum of ten feet (10') of existing vegetative buffer must be retained.

Buffers must be provided along the entire property line that abuts the RU, LR, and MR district or lot occupied by a detached house. Buffers may not be located on any existing, dedicated, or reserved public or private street or right-of-way.

7.504.B Options

Either of the following options may be used to satisfy the buffer requirements of this section:

1. Landscape Buffer

   Provide a landscape development area at least 8 feet in width with at least 3 evergreen shrubs per 10 linear feet of buffer area, plus at least one tree per 30 linear feet of buffer area. Required shrubs must be at least 18 inches in height upon planting and at least 4 feet in height at maturity. Required trees must be at least 10 feet in height at maturity.

2. Fence or Wall

   Provide a 6-foot solid wall or fence along the property line and at least one tree per 30 linear feet of fence or wall. Required trees and landscaping must be placed inside the fence or wall.

7.504 Use of Buffers

7.504.A Required buffers may be used for nonmotorized trails and passive recreation uses, provided that:

1. No plant material is eliminated.
2. The total width of the buffer is maintained.
3. All other regulations of the Code are met.

7.504.B With written permission of the City, a required buffer may include a stormwater detention area.

7.504.C Buffers may not be used for any of the following: playfields, stables, swimming pools, tennis courts, or similar active recreation uses.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

7.600 GARBAGE AND RECYCLING DUMPSTERS

Garbage and recycling dumpsters must be placed on concrete pads and be screened from view of streets and all abutting parcels with a solid fence or wall at least 6 feet in height. Dumpster locations and designs must comply with all applicable Solid Waste Services Division requirements and be indicated on required site plans.

7.700 LANDSCAPE PLANTING AREAS AND MAINTENANCE REQUIREMENTS

The planting area and maintenance requirements of this section apply to all required buffers and landscape areas.

7.701 Required trees must be located in a planting area sufficient for growth, maintenance and irrigation.

7.702 All trees within or near parking areas and driveways must be protected from damage by vehicles by a curb, wheel stop or other City-approved barrier.

7.703 Required landscaping must be irrigated by an irrigation or sprinkler system or be located within 150 feet of a hose connection.

7.704 The developer must maintain and protect landscaped areas and must replace any diseased, dying or dead landscaping within 45 days after receiving notification from the City. Extensions of this replacement period may be allowed based upon seasonal

considerations. Replacement plantings must equal or exceed the size and quality of plantings being replaced.

7.800 TREES IN PUBLIC RIGHTS-OF-WAY

Appendix 4 is incorporated by reference to this Section 7.901 as if fully set forth herein.

A person commits an offense if he removes or destroys a tree in the street right-of-of way or in any public place ~~without first obtaining a permit from the City Manager~~.

that in removing or destroying such tree violates the restrictions imposed in this Article 7 and Appendix 4.

Effective on: 2/22/2023

7.900 TREE PRESERVATION

Planned Development District

7.901 Purpose

The purpose of this section is to establish rules and regulations governing the protection of trees within the ~~City of Huntsville~~, to encourage the protection of native, healthy and desirable trees and to provide for the replacement and replanting of trees that are removed from developed or undeveloped property, or are necessarily removed during construction, development, or redevelopment. This Tree Preservation Criteria may be used as credit to comply with the Landscaping and Buffer requirements of Article 7.100.

7.902 Applicability

The terms and provisions of this section shall apply to real property as follows:

7.902.A All real property upon which any designated protected tree is located.

7.902.B All vacant and undeveloped property.

7.902.C All property to be redeveloped, including additions and alterations.

7.902.D The yard areas of all developed property, excluding owner-occupied single-family residential property; rental properties are not excluded and are specifically subject to the provisions of this section.

7.902.E All easements and rights-of-way except those included in a plat approved by the City Planning Commission shall meet the terms and provisions of this section. Protected trees located within platted rights-of-way, easements and buildable areas need not be included in calculated replacement plans.

7.902.F City of Huntsville Officials may require the removal of nuisance trees that can have an adverse effect on other trees or structures, either on public or private properties, by requiring their removal.

~~Effective on: 2/22/2023~~

~~7.1000 INSPECTIONS, PERMITS, AND FEES~~

~~7.1001 Tree Removal Permit Required~~

~~A tree removal permit shall be required when protected trees are to be removed from a site. No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any protected tree situated on property described above without first obtaining a tree removal permit from the city.~~

~~7.1002 Protected Tree Removal Permit~~

~~Permits for removal or replacement of protected trees covered herein shall be obtained by making application on a form prescribed by the city and submitted to the Development Services Department. The application shall be accompanied by a Tree Survey/Inventory showing the exact location, caliper size, height, and common name of all protected trees to be removed, excluding those in the buildable area. The application shall also be accompanied by a written document indicating the reasons for removal or replacement of protected trees and two copies of a Tree Survey/Inventory plan drawn to the largest practicable scale indicating the following:~~

1. ~~Location of all existing or proposed structures, improvements such as streets, alleyways, etc. and site uses, properly dimensioned and referenced to property lines, setback and yard requirements and special relationships.~~
2. ~~Date, scale, north point, and vicinity map.~~
3. ~~Location of existing and proposed public utility easements, public access easements and drainage easements on the lot.~~
4. ~~Location and dimensions of visibility triangles on the lot.~~
5. ~~Location of all protected trees on the site to remain that are three-inch caliper or greater when measured at a point 4½ feet above the ground level. Protected trees to remain shall be designated by a circle.~~
6. ~~Location of all protected trees on the site to be removed that are three-inch caliper or greater when measured at point 4½ feet above the ground level. Protected trees to be removed shall be designated by a triangle.~~
7. ~~Tree information required above shall be summarized in legend form on the plan and shall include the reason for the proposed removal.~~
8. ~~Protected tree replacement plan: The plan shall exhibit the location of protected trees proposed to be replaced and include a legend indicating the species, caliper size and height of proposed tree replacement. Replacement trees shall be designated by a square~~

~~7.1003 Tree protection plan~~

~~The plan shall describe how existing healthy protected trees proposed to be retained will be protected from damage during construction.~~

~~7.1004 Application review~~

~~Upon receipt of a complete application, Development Services staff shall review the applications for compliance with this section; said review may include a field inspection of the site, and the application may be referred to such departments as deemed appropriate for review and recommendations. Following the review and inspection, the permit applications will be approved, disapproved, or approved with conditions by Development Services staff as appropriate.~~

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

~~7.1100 REGULATIONS AND RESTRICTIONS~~

~~7.11001 Protected Tree Removal~~

~~No protected tree or trees shall be removed prior to issuance of a tree removal permit unless one of the following conditions exist:~~

1. ~~The protected tree is located in a public utility easement, public access easement or public street right-of-way as recorded on a plat initially approved by the Planning Commission.~~

   ~~In the event that certain protected trees outside the above areas or protected trees located partially outside the easement are requested to be removed to allow the operation of equipment, the applicant shall submit a site plan which indicates the exact operation area needed.~~

2. ~~The protected tree is diseased, injured, in danger of falling, interferes with utility service, creates unsafe vision clearance, or conflicts with other ordinances or regulations, the protected tree may be removed with the approval of the director of development services.~~
3. ~~Except for the above, under no circumstances shall there be clear cutting of protected trees on a property prior to the issuance of a tree removal permit.~~
4. ~~The Director of Development Services may approve the removal of protected trees that interfere with the construction of a building and/or the drainage of a lot.~~
5. ~~The Director of Development Services may approve of the removal of a protected tree or trees located within a drainage easement if the removal is determined to be necessary to ensure the proper construction or maintenance of said drainage easement.~~
6. ~~The following species of trees are exempt from the protection and preservation requirements stated within this ordinance and are considered invasive species. Invasive trees shall not be planted nor counted towards any tree caliper credit.~~

   - ~~Tree of Heaven~~
   - ~~Mimosa, Silk Tree~~
   - ~~Paper Mulberry~~
   - ~~Chinese Parasol Tree~~
   - ~~Large Leaf Privets~~
   - ~~Chinaberry 1~~
   - ~~Chinese Pistache 1~~
   - ~~Chinese Tallow~~

   ~~This list may not be all inclusive and is subject to change and will be periodically reviewed and updated if necessary, by the Planning Commission.~~

7. ~~If under brushing is essential in order to conduct survey work necessary to produce a Survey/Inventory plan, the applicant shall request approval from the Director of Development Services prior to any under brushing activities taking place.~~

~~7.11002 Upon issuance of a tree removal permit: a developer shall be allowed to remove protected trees located on the buildable area of the property as identified on the approved tree survey/inventory.~~

~~7.11003 Protected tree replacement requirements. In the event that it is necessary to remove protected tree(s) outside the buildable area, the developer, as a condition of issuance of a protected tree removal permit, may be required to replace the protected tree(s) being removed with comparable trees somewhere within the development. Trees removed from the Buildable Area are not required to be replaced~~

~~7.11004 Replacement tree specifications: A sufficient number of trees shall be planted to equal, in caliper, the ratio of diameter of the trees removed. Said replacement trees shall be a minimum of two inches caliper and six (6) feet in height when planted and shall be~~

selected from the list of approved replacement trees maintained by the Development Services Department.

7.11005 In order to maximize the preservation of existing trees, surveyed trees in good health that have a caliper of at least six (6) inches measured four feet – six inches (4'-6") from the ground may provide credit towards the replacement requirements. Each existing tree preserved between six inches (6") and twelve inches (12") in diameter measured four feet – six inches (4'-6") from the ground may receive replacement credits for two (2) replacement trees. Each existing tree preserved greater than twelve (12") inches in diameter measured four feet – six inches (4'-6") from the ground may receive credit for three (3) replacement trees.

7.11006 Protected trees that are removed without a permit shall be replaced at an equivalent caliper inch equaling 100 percent of those protected trees removed from the site as estimated by the Director of Development Services.

7.11007 No replacement tree may be planted within a visibility triangle, a watercourse, utility easement or an existing or proposed street or alley.

7.11008 A replacement tree must have a minimum caliper of at least two inches when measured at 4 to 6 inches above ground level.

7.11009 A replacement tree that dies must be replaced by another replacement tree that complies with the tree removal permit.

7.110010 Tree reforestation fund: In situations in which it is not feasible to place the replacement trees on either the subject site or an alternate site, the applicant, upon approval of the Director of Development Services, may make a payment into the tree reforestation fund. The fund amount shall be equivalent to 100 percent of the tree ratio replacement cost. For those protected trees removed without a permit, the fund amount shall be the equivalent of 100 percent of the cost to replace the same caliper of trees removed without a permit. The funds shall be used only for purchasing and planting trees on public property. The amount of payment that is required for each replacement tree should be calculated based on the average cost of a quality tree added to the average cost of planting a tree. No certificates of occupancy shall be issued for the site until the required payment has been made to the tree reforestation fund.

Effective on: 2/22/2023

7.1200 DEVELOPMENT STANDARDS

7.13012 Tree Protection.

- During any construction or land development, the developer shall clearly mark all protected trees to be maintained and may be required to erect and maintain protective barriers around all such trees or groups of trees. The developer shall not allow the movement of equipment or the storage of equipment, materials, and debris or fill to be placed within the drip line of any protected tree.
- During the construction stage of development, the developer shall not allow the cleaning of equipment or material under the canopy of any protected tree or trees to remain. Neither shall the developer allow the disposal of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any protected tree or trees.
- No attachment or wires of any kind, other than those of a protective nature, shall be attached to any protected tree.
- Exceptions.

. In the event that any tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and require immediate removal without delay, authorization may be given by the Director of Development Services and the tree may then be removed without obtaining a written permit as herein required.

. During the period of an emergency such as a tornado, storm, flood, the requirements of this section may be waived as may be deemed necessary by Director of Development Services.

. Utility companies franchised by the City may remove trees which endanger public safety and welfare by interfering with utility service.

. Properties that retain Walker County Appraisal District agricultural, timber or wildlife exemptions are excluded from the provisions of this section.

. The provisions of this section shall not apply to any development that has received a building permit approval prior to the effective date of this ordinance.

Effective on: 2/22/2023

7.1300 ENFORCEMENT FOR VIOLATIONS

7.13013 The City Arborist, Building Official or an authorized representative of the City shall have the authority to place a Stop Work Order on any activity involving the removal of Protected Tree(s) or that may otherwise endanger trees contrary to the provisions of this Subsection. The Director of Development Services may deny all Permits and Certificates of Occupancy for any site which is not in compliance with this Subsection.

7.13014 It shall be a violation of this article for any person to intentionally or knowingly remove or destroy or allow the removal or destruction of a protected or Historic tree(s) located on any property to which this article applies, or for any person to knowingly or intentionally perform any regulated activity in manner that does not conform to the requirements of this article. Any act or omission contrary to the requirements or directives of this article, or any breach of any duty imposed by this article shall constitute a violation hereof.

7.13015 Any person, firm, company or corporation violating any provision of this article shall, upon conviction be subject to a minimum fine of $200.00 per violation. Each and every tree removed in violation of this article will be considered a separate violation. Additionally, each and every day until the illegally removed tree has been replaced or otherwise mitigated may be considered a separate violation.

7.13016 Protected Tree Species

- Live Oak
- Pecan Tree
- Smooth Hackberry
- American Elm
- Water Oak
- Redbud
- Loblolly Pine
- Crepe Myrtle
- Catalpa
- Post Oak
- Bois d'Arc

- ~~Southern Red Oak~~
- ~~Black Hickory~~
- ~~Cherry Laurel~~
- ~~Winged Elm~~
- ~~Sycamore Tree~~
- ~~Box Elder~~
- ~~Southern Magnolia~~
- ~~Cottonwood~~
- ~~Mimosa~~
- ~~Chinaberry~~
  - ~~This list may not be all inclusive and is subject to change and will be periodically reviewed and updated if necessary, by the Planning Commission.~~

~~Effective on: 2/22/2023~~

ARTICLE 8 SIGNS

Contents:

8.100 General

8.200 Prohibited Signs

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8.700 Off-Premise Signs

8.800 Administration and Enforcement

8.900 Nonconforming Signs

8.1000 Sign Maintenance, Abandonment and Removal

8.1100 Measurements

8.100 GENERAL

8.101 Purpose

The sign regulations of this article seek to balance the public interest in promoting a safe, well-maintained, and attractive City with the interests of businesses, organizations, and individuals who rely on signs as a means to identify and advertise products, services, and ideas. The regulations have the following specific objectives:

8.101.A To encourage the effective use of signs as a means of identification and communication for businesses, organizations and individuals in the City;

8.101.B To provide a means of way-finding in the community, thus reducing traffic confusion and congestion;

8.101.C To ensure maintenance of signs;

8.101.D To prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of the City;

8.101.E To protect the safety and welfare of the public by minimizing sign-related hazards to pedestrian and vehicular traffic;

8.101.F To promote the reasonable, orderly and effective display of signs by minimizing visual clutter; and

8.101.G To minimize the possible adverse effects of signs on nearby public and private property, in particular on residential uses and districts.

8.102 Scope and Applicability

All signs are subject to the regulations of this article and all other provisions of this Development Code unless otherwise expressly stated. It is unlawful for any person to construct, maintain, display or alter or cause to be constructed, maintained, displayed or altered, any sign within the City, except in conformance with this Development Code.

8.103 Substitution of Messages

The sign regulations of this article are not intended to favor commercial speech over constitutionally protected political or noncommercial speech. Any sign allowed under this article may contain, in lieu of any other message or copy, any lawful noncommercial message as long as the sign complies with all regulations governing sign size, height and location and with all other applicable requirements of this Development Code.

8.104 Compliance with Other Codes and Regulations

In addition to the sign regulations of this article, all signs must comply with the building code and all other applicable regulations.

~~Effective on: 2/22/2023~~

8.200 PROHIBITED SIGNS

The following signs and sign characteristics are prohibited except as otherwise expressly stated:

8.201 Signs for which no required permit has been issued;

8.202 Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress;

8.203 Signs that interfere with an opening required for ventilation;

8.204 Signs that obstruct, impair, obscure, interfere with the view of, or that may be confused with, any authorized traffic control sign, signal, or device;

8.205 Signs that violate the intersection sight visibility regulations of §10.407.D;

8.206 Signs located in, or that project into, the right-of-way or planned right-of-way of a public street, except as expressly allowed by Sec. 8.400 (this prohibition does not apply to public safety (e.g., "stop," yield," "school zone") signs placed by or by order of an authorized governmental agency);

8.207 Strobe lights; beacons; flashing, moving, blinking, or chasing lights; or other effects that create the appearance of movement or shape changes;

8.208 Signs affixed by any means to a tree, utility pole or traffic control device;

8.209 Sign displays with a brightness of such intensity or brilliance that they impair the vision or endanger the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle;

8.210 Signs attached to or painted on an inoperable or unlicensed vehicle (motorized or non-motorized) visible from the right-of-way;

8.211 Signs attached to or painted on a licensed motor vehicle if the sign: (1) directs attention to a business, service, commodity, or activity offered or sold on the premises and (2) if the vehicle is parked closer to the street than the nearest building wall (does not apply to vehicles parked for the purpose of immediate loading and unloading);

8.212 Roof signs; and

8.213 Portable signs, whether existing or new.

Effective on: 2/22/2023

8.300 EXEMPT SIGNS

The following signs are exempt signs, which means that they are not counted as signs for purposes of determining the number of signs or amount of signage on a lot. These exempt signs do not require a sign permit unless they are illuminated, in which case they do require a sign permit and review for compliance with applicable codes.

8.301 Directional Signs

8.305.A One directional sign may be installed at each vehicle entrance and exit. Such signs may be illuminated, but they may not exceed 4 square feet in area or 5 feet in height. Commercial messages may not comprise more than 50% of the area of a directional sign.

8.305.B Off-street parking areas with a capacity of more than 4 vehicles may display signs that do not exceed 12 square feet in area or 10 feet in height. Such signs are allowed for the purposes of informing patrons and visitors about parking rates and rules, the location of stairways and elevators, pedestrian routes, restrooms, and other on-site facilities. Such signs may not be illuminated and may not contain any commercial message.

8.302 Menu Board Signs

Menu board signs that are accessory to allowed drive-through uses are permitted in addition to other allowed signs, as follows:

8.305.A Number and Dimensions

One primary menu board not to exceed 36 square feet in area or 8 feet in height is allowed per order station up to a maximum of 2 primary menu boards. One secondary menu board not to exceed 15 square feet in area or 6 feet in height is allowed.

8.305.B Residential Separation

Menu board signs must be set back at least 50 feet from RU, LR, and MR districts.

8.305.C Visibility

Menu board signs are intended to convey information to motorists within the boundaries of the development and therefore may not be located or oriented to be visible from off site.

8.303 Newspaper Vending Boxes

Vending boxes offering newspapers, brochures or other printed material (whether for sale or free) are not regulated as signs. Such boxes may be placed on sidewalks, provided they do not impede motorized or nonmotorized traffic.

8.304 Temporary Signs

8.305.A Real Estate Signs

One "For Sale," "For Rent" or similar real estate sign is allowed per street frontage. Such signs are limited to a maximum of 32 square feet in area and 16 feet in height except in RU, LR, and MR districts, where they are limited to 8 square feet in area and 8 feet in height.

8.305.B Construction Signs

Up to 3 construction signs are allowed per street frontage during the time that construction or development activity is occurring on the subject lot. Such signs may not exceed 32 square feet in area or 16 feet in height. Construction signs must be removed within 2 weeks of completion of the construction or development.

8.305.C Campaign Signs

Temporary campaign signs are allowed only on private property and only with the consent of the subject property owner. In RU, LR, and MR districts campaign signs may not exceed 8 square feet in area.

8.305.D Nameplates

Nameplates attached to the wall of a building are exempt signs, provided they do not exceed 4 square feet in area.

8.305.E Window Signs

Window signs are exempt signs, provided they do not cover more than 50% of the area of the window to which they are affixed.

8.305 Other Exempt Signs

The following additional signs are exempt signs:

8.305.A Signs established by, or by order or authorization of, any governmental agency;

8.305.B Flags, emblems or insignia of any nation or political subdivision;

8.305.C Commemorative wall plaques and memorial wall signs;

8.305.D Signs that are not legible from any public right-of-way or from beyond the boundaries of the lot or parcel;

8.305.E Signs within completely enclosed buildings and that are located more than 12 inches from any window;

8.305.F Holiday displays containing no commercial message;

8.305.G Labels and notices on accessory equipment or structures, provided the label or notice does not exceeding 15 square inches in area;

8.305.H Address and street number signs;

8.305.I Signs within a stadium or ball field designed to be viewed solely by spectators within facility;

8.305.J "No trespassing," "no dumping" and similar warning/security signs that do not to exceed 8 square feet in area; and

8.305.K Non-illuminated awnings with no more than 6 square feet of sign (copy) area on the border of the awning.

(Ord. No. 2024-20, 09/03/2024)

Effective on: 9/13/2024

8.400 SIGNS IN THE RIGHT-OF-WAY

8.401 General Prohibition

With the exception of signs lawfully permitted or erected before June 16, 1981 or as otherwise expressly stated in this article, signs are prohibited on a public street, public sidewalk, public right-of-way, public curb or other public property without the express consent of the City Council.

8.402 Nonprofit Temporary Signs in the Public Right-of-Way

The City Planner is authorized to allow nonprofits to places temporary signs in public rights-of-way when all of the conditions of this subsection are met.

8.402.A Permit Required

Any person or entity desiring to place a temporary sign in the public right-of-way must obtain a permit to do so from the City Planner.

8.402.B Size, Type and Number

1. A temporary sign placed in the public right-of-way must be freestanding and may not exceed 6 square feet in area.
2. No more than 2 signs may be permitted per intersection, and no more than one sign is allowed per block.
3. A maximum of 50 signs may be located within the right-of-way within the City limits at any one time.

8.402.C Duration and Location

1. A temporary sign may be placed in the right-of-way for a period of up to 21 days with a limit of 4 permits per year (per individual or organization) with a minimum of 30 days between permit periods. Removal of the temporary signs must be accomplished by the responsible person, as noted on the permit, before the 22nd day from the date the permit was issued.
2. Temporary signs are not allowed on IH-45 or State Highway 19 rights of way.

8.403 Removal of Signs in the Public Right-of-Way

The City Council authorizes the seizure and removal of any unlawful sign found within a public right-of-way. The Building Official, street department employees, and police department employees are authorized to impound any unlawful signs found on a public right-of-way and to store them for up to 30 days, except that any developer, political, real estate, garage sale or other similar stake-type signs constructed of cloth, wood, paper or similar lightweight materials may be disposed of immediately.

(Ord. No. 2024-20, 09/03/2024)

Effective on: 9/13/2024

8.500 ON-PREMISE SIGNS

8.501 Applicability

The regulations of this section govern non-exempt on-premise signs directing attention to a business, commodity service, or entertainment conducted, sold, or offered upon the premises where such sign is located or to which it is affixed.

8.502 Residential Districts and Residential Uses in All Districts

8.503.A Applicability

The regulations of this subsection apply to on-premise signs accessory to residential uses in all zoning districts and to all nonresidential uses in residential districts. These are in addition to any exempt signs allowed pursuant to Sec. 8.300.

8.503.B Development, Neighborhood and Subdivision Identification Signs

1. Residential developments, neighborhoods and subdivisions, including manufactured housing parks, are allowed a single freestanding sign at each street entrance to the development, neighborhood or subdivision.
2. Residential development, neighborhood and subdivision identification signs must be monument signs. They may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

8.503.C Nonresidential Uses

The following regulations apply to all principal nonresidential uses in residential districts.

1. Wall Signs

   Nonresidential uses in residential districts are allowed a maximum of one wall sign per public building entrance. Such signs may not exceed 32 square feet in area.

2. Freestanding Signs

   Nonresidential uses in residential districts are allowed a maximum of one freestanding sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of 20 feet and may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 150 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented.

8.503 Signs in Nonresidential and Mixed Use Districts

8.503.A Applicability

The regulations of this subsection apply to on-premise signs accessory to nonresidential uses in all nonresidential and mixed use districts. These are in addition to any exempt signs allowed pursuant to Sec. 8.300.

8.503.B Historic Preservation Compatibility Review in Downtown District

All signs constructed in the Downtown (D) district shall be administratively reviewed for compatibility with the goals of the Historic Preservation Commission, namely to protect and enhance Huntsville's attractiveness to visitors and the support and stimulus to the economy thereby provided.

8.503.C Signs Allowed

1. Wall Signs

   Wall signs are allowed in all D, nonresidential, mixed use, and PD districts. Wall signs may not exceed an aggregate area of more than 3 square feet per linear foot of building wall to which they are attached. Wall signs are not counted against a lot's allowed sign budget, pursuant to §8.503.D.

2. Projecting Signs

   a. Projecting signs are allowed in all D, nonresidential, mixed use, and PD districts. Projecting signs are counted against a lot's allowed sign budget, pursuant to §8.503.D.

   b. Projecting signs may not exceed 20 feet in height or the height of the principal building on the lot, whichever is less.

3. Freestanding Signs

   a. Freestanding signs are allowed in all D, nonresidential, mixed use, and PD districts. Freestanding signs are counted against a lot's allowed sign budget, pursuant to §8.503.D.

   b. Freestanding signs may not exceed 20 feet in height and the maximum height of a freestanding sign within 100 feet of Highway 19 is 30 feet.

   c. Freestanding signs on lots with frontage on Veterans Memorial Parkway must be monument-style signs that have their sign base

directly on the ground or no more than 12 inches above the ground directly beneath the sign.

(1) Required monument signs must be constructed of brick, wood, stone, or metal and have a base that is at least 80% of the width of the top of the sign structure.

(2) In the Veterans Memorial Parkway Overlay, required monument signs may not exceed 6 feet in overall height above grade, as measured from the base of the sign.

(3) In the I-45 Overlay, required monument signs may not exceed 35 feet in overall height above grade, as measured from the base of the sign.

(4) The ground area surrounding the base of all required monument signs must be landscaped. The landscape area must be at least as large as the sign area and include shrubs, perennial and/or annual flowers, ornamental grasses, and/or vegetative ground cover.

8.503.D Sign Budget

1. Applicability

The sign budget provisions of this subsection govern the maximum aggregate number and combined area of all projecting and freestanding signs allowed on a lot in D, the nonresidential, and PD districts, expect as otherwise expressly stated.

2. Maximum Number

The maximum aggregate number of all projecting and freestanding signs on a lot may not exceed 1 per 100 feet of street frontage or fraction thereof.

3. Maximum Area

a. The maximum aggregate sign area of all projecting and freestanding signs allowed on a lot may not exceed 2 square feet per linear feet of street frontage. A freestanding sign on a lot occupied by a shopping center or office building with 3 or more tenants is allowed a maximum sign area of 3 square feet per linear feet of street frontage if there is only one freestanding sign on the subject lot.

b. In addition to the maximum aggregate sign area limits, no individual projecting or freestanding sign may exceed 300 square feet in area outside of the I-45 Overlay and 200 square feet in the I-45 Overlay.

c. In the Medium Density Residential District, wall signs are prohibited.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

8.600 DYNAMIC DISPLAYS

The regulations of this section apply to dynamic displays on all signs.

8.601 Where Allowed

Dynamic displays are prohibited in D and residential districts. They are allowed in other zoning districts, subject to the dynamic display regulations of this section.

8.602 Maximum Dynamic Display Area

The dynamic display portion of any sign may not exceed 75 square feet or the total allowed area of the subject sign, whichever is less, except that the maximum dynamic display area for signs located within 150' of Interstate 45 is 150 square feet. Only one contiguous dynamic display is allowed on a sign face.

8.603 Orientation

Dynamic displays must be oriented away from residential districts and residential uses.

8.604 General Regulations

The general regulations of this subsection (§ 8.604) apply to all dynamic displays.

8.604.A Dynamic displays must be equipped with a default mechanism that freezes the display in one position or presents a static or blank display if a malfunction occurs.

8.604.B Dynamic displays may not have a brightness of such intensity or brilliance that they impair the vision or endanger the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle.

8.604.C Dynamic displays must be equipped with a light detector/photocell that automatically adjusts the display's brightness according to natural ambient light conditions or that can be adjusted to comply with the requirements of § 8.604.D.

8.604.D The maximum brightness level of a dynamic display shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the dynamic display off, and again with the sign displaying a white image for a full color-capable sign, or a solid message for a single-color sign. All measurements shall be taken perpendicular to the face of the sign at the distance as calculated using the following formula:

Measurement Distance = ***square root*** of the ***Area of Sign Sq. Ft. x 100***

The difference between the off and solid-message measurements using the calculated measuring criteria shall not exceed 0.3 footcandles.

1. If the measurement is more than the maximum allowed, the brightness level is in violation of this Development Code and must be adjusted downward. Failure to make such adjustments may result in other available enforcement actions to be taken by the City.

8.604.E Regulations governing dynamic displays are subject to ongoing monitoring and future modification in the exercise of the City's police powers. No vested right is ever created in an existing dynamic display. If regulations governing operational aspects of dynamic displays (e.g., dwell time, transitions, illumination/brightness, etc.,) are modified by the City, sign owners and operators are required to bring dynamic display advertising signs into compliance with all applicable dynamic display regulations.

8.604.F Light trespass or spillover from any dynamic display may not cause the light level along any residential district property line, as measured at a height of 60 inches above grade in a plane at any angle of inclination, to exceed 0.1 footcandles above ambient light levels at the subject property line.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

8.700 OFF-PREMISE SIGNS

Off-premise signs may not be installed or enlarged after the effective date specified in Sec. 1.300 at any location in the City of Huntsville and Extraterritorial Jurisdiction (ETJ) of the City. Off-premise signs lawfully established before the effective date specified in Sec. 1.300 are deemed nonconforming signs and may continue to exist in their current location in accordance with the regulations of §8.900.

8.800 ADMINISTRATION AND ENFORCEMENT

8.801 Sign Permits

8.801.A All freestanding signs and illuminated signs require review, approval and issuance of a sign permit, unless otherwise expressly stated.

8.801.B Any person proposing to erect any sign requiring a sign permit must submit a sign permit application to the City Planner. Application for such permit must be accompanied by detailed plans, including scaled drawings of the proposed sign, a site plan and other information deemed necessary by the City Planner to determine compliance with applicable regulations.

8.801.C Sign permit fees must be paid prior to the issuance of a sign permit.

8.801.D If the work associated with a sign permit has not been completed within one year of the date of the issuance of the permit, such permit will lapse and become null and void.

8.802 Enforcement

The enforcement provisions of Article 14 apply to signs.

~~Effective on: 2/22/2023~~

8.900 NONCONFORMING SIGNS

8.901 A nonconforming sign is a sign that was lawfully established but no longer complies with the sign regulations of this Development Code. Any nonconforming sign in lawful existence on the effective date specified in Sec. 1.300 or any sign that becomes nonconforming upon adoption of any amendment to this Development Code may be continued in accordance with the regulations of this article unless otherwise expressly stated. Such nonconforming signs must be maintained in good repair and visual appearance.

8.902 A nonconforming sign and any sign structure must be removed or otherwise modified to comply with the sign regulations of this article if it is damaged or destroyed and the extent of damage or destruction is more than 60% of the cost of erecting a new equivalent sign in the same location, as evidenced by a certified cost estimate from a bona fide sign company.

8.1000 SIGN MAINTENANCE, ABANDONMENT AND REMOVAL

8.1001 Sign Maintenance

All signs (including nonconforming signs) must be maintained in safe, presentable, and good structural material condition at all times, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for sound maintenance and appearance of the sign. Any sign that is deemed by the City to be in violation of these maintenance provisions or other applicable regulations of this ordinance may be ordered to be removed by the property/sign owner after notice has been given.

8.1002 Obsolete or Abandoned Signs

In conformance with Section 216.003(e) of the *Texas Local Government Code*, signs and sign structures must be removed within one year of the date the business, person, or activity that the sign or sign structure identifies or advertises ceases to operate on the premises on which the sign or sign structure is located. If the premises containing the sign or sign structure is leased, removal is required within 2 years of the date the most recent tenant ceases to operate on the premises.

8.1003 Responsibility for Removal

When removal of a sign is required, both the owner of the property on which the sign is located and the owner of the sign, if different, are jointly and severally responsible for removal.

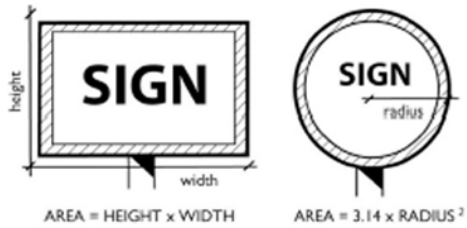
8.1100 MEASUREMENTS

8.1101 Sign Area

8.1101.A Signs Enclosed in Frames or Cabinets

The area of a sign enclosed in a frame or cabinet is determined based on the outer dimensions of the frame or cabinet surrounding the sign face (see Figure 8-1).

Figure 8-1: Sign Area Measurement (Signs in Cabinets or Frames)



8.1101.B Channel (individual) Letter Signs

1. The area of a sign comprised of individual letters or elements attached to a building wall is determined by calculating the area of the smallest geometric figure (e.g. square, rectangle, circle, polygon, etc.) that can be drawn around the letters and/or elements (see Figure 8-2).
2. Signs consisting of individual letters and/or elements will be measured as one sign when the distance between the letters and/or elements is less than the largest dimension of the largest sign letter (see Figure 8-3).

Figure 8-2: Sign Area Measurement (Individual Letter Signs)

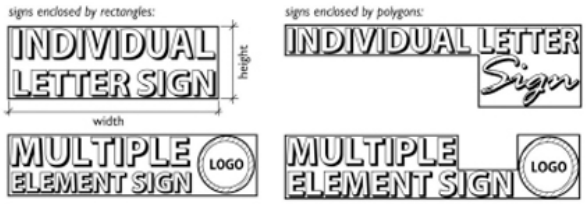
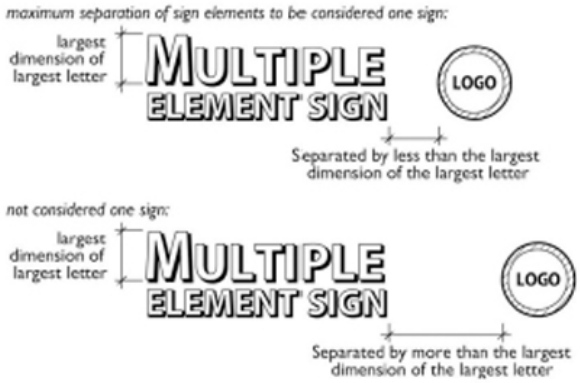


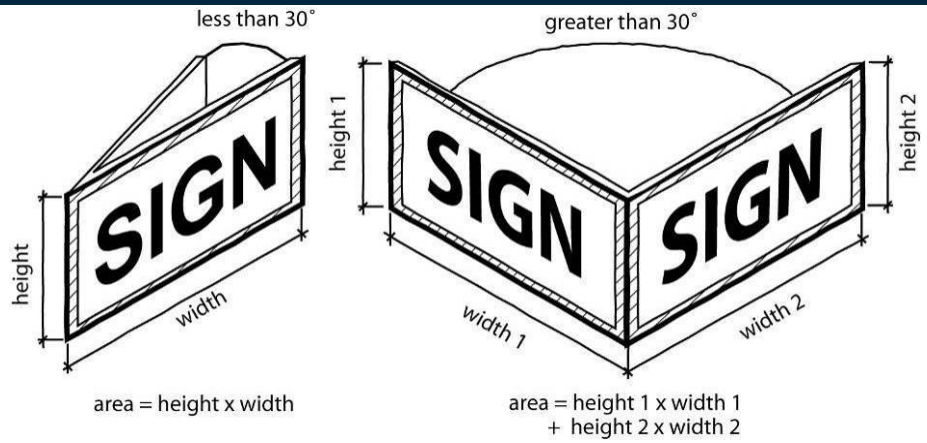
Figure 8-3: Sign Area Measurement (Single vs. Multiple Signs)



8.1101.C Multi-Sided Signs

Unless otherwise expressly stated, when the sign faces of a multi-sided sign are parallel or within 30 degrees of parallel, only one side is counted for those purpose of determining the area and number of signs. If the sign faces are not parallel or within 30 degrees of parallel, all sign faces are counted (see Figure 8-4).

Figure 8-4: Multi-Sided Signs



8.1102 Sign Height

Sign height is measured from the average ground elevation beneath the sign to the highest point of the sign face.

8.1103 Setback, Spacing and Separation Distances

8.1103.A Required setback, spacing and separation distances between signs must be measured in a straight line from the nearest points on the respective sign structures.

8.1103.B Required separation distances between signs and zoning districts, areas or lots must be measured in a straight line from the nearest point on the sign structure to the nearest point of the subject district, area or lot.

~~Effective on: 2/22/2023~~

ARTICLE 9 FLOOD PROTECTION

Contents:

9.100 General

9.200 Special Flood Hazard Areas

9.300 General Standards for Flood Hazard Reduction

9.400 Specific Standards

9.500 Recreational Vehicles

9.600 Subdivision Standards in Flood Hazard Areas

9.700 Areas of Shallow Flooding (AO/AH Zones)

9.800 Floodways

9.900 Appeals

9.1000 Variances

9.100 GENERAL

9.101 Statutory Authority

The Legislature of the State of Texas has, in the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.

9.102 Purpose

The flood protection regulations of this article are adopted to protect the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

9.104.A Protect human life and health;

9.104.B Minimize expenditure of public money for costly flood control projects;

9.104.C Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

9.104.D Minimize prolonged business interruptions;

9.104.E Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

9.104.F Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

9.104.G Ensure that potential buyers are notified that property is in a flood area.

9.103 Warning and Disclaimer of Liability

The degree of flood protection required by the flood protection regulations of this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Development Code does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Development Code does not create liability on the part of the City or any official or employee of the City for any flood damages that result from reliance on these regulations of any administrative decision lawfully made pursuant to these regulations.

9.104 Floodplain Administrator

9.104.A Designation

The City Council appoints the City Engineer as the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) on floodplain management.

9.104.B Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the floodplain administrator include, but are not limited to, the following:

1. Maintaining and holding open for public inspection all records concerning the provisions of this section;
2. Reviewing permit applications to determine whether proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding;
3. Reviewing, approving or denying all applications for development permits required by adoption of this section;
4. Reviewing permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required;
5. Determining the flood hazard boundary line where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears a conflict between a mapped boundary and actual field conditions). In such cases the floodplain administrator will make the necessary interpretation;
6. Notifying, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board (TWDB), before any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA;
7. Assuring that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;
8. Obtaining, reviewing and using any base flood elevation data and floodway data available from a federal, state or other source, to administer the provisions of the section when base flood elevation data has not been provided according to Sec. 9.200 and
9. Prohibiting new construction, substantial improvements, or other development (including fill) within Zones A1-30 and AE on the City's FIRM, when a regulatory floodway has not been designated, unless the

developer shows that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the community.

9.200 SPECIAL FLOOD HAZARD AREAS

Special flood hazard areas are subject to inundation by the base flood (1-percent-annual-chance, previously known as 100-year flood) in the City as identified in a scientific and engineering report entitled, "The Flood Insurance Study for the Walker County and Incorporated Areas" date effective August 16, 2011 and any revisions thereto issued with accompanying Flood Insurance Rate Maps by the Department of Homeland Security's Federal Emergency Management Agency (FEMA).

9.201 The Base Flood Elevation (BFE) is the elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year, also referred to as the "base flood."

9.202 The City Council adopts the Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) dated August 16, 2011 issued for the City by FEMA effective August 16, 2011 and any revisions thereto. The City Engineer is responsible for maintaining copies of the FIS and FIRM.

9.203 A person commits an offense if the person makes any change to improved or unimproved real estate (including but not limited to buildings, structures, dredging, filling, grading, paving or excavation) within the floodplain without a development permit from the City.

9.204 If a developer proposes to develop land located in an area not surveyed for Flood Hazard according to the FIRM, then the developer must employ an engineer to determine the flood hazard for the proposed development.

9.300 GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION

The following provisions apply to all new construction and substantial improvements in special flood hazard areas:

9.301 All new construction or substantial improvements must be designed (or modified) to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

9.302 All new construction and substantial improvements must be constructed using methods and practices that minimize flood damage.

9.303 All new construction and substantial improvements must be constructed with materials and equipment resistant to flood damage.

9.304 Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities must be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

9.305 All new and replacement water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the system.

9.306 New and replacement sanitary sewage systems must be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

9.307 New or replacement on-site waste disposal systems must be located and designed to avoid impairment to them or contamination from them during flooding.

9.400 SPECIFIC STANDARDS

The following provisions apply in all areas of special flood hazard where base flood elevation data has been provided as set forth in Sec. 9.201; §9.104.B9; and Sec. 9.604.

9.401 Residential Construction

A registered professional engineer, architect or land surveyor must submit to the City Engineer a signed certification, using the latest edition of the elevation certificate form published by FEMA, that new construction and substantial improvement of any residential structure will have the lowest floor (including basement) elevated to at least 2 feet above the base flood elevation before the City Engineer or Building Official issues a permit for construction or improvement.

9.402 Nonresidential Construction

9.404.A Minimum Building Elevation

New construction and substantial improvements of any commercial, industrial or other nonresidential structure must either have the lowest floor (including basement) elevated to at least 2 feet above the base flood level or, with attendant utility and sanitary facilities, be designed so that all portions of the structure below a point 2 feet above the base flood elevation are watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

9.404.B Certification Required

1. An architect or registered professional engineer must develop and/or review structural design, specifications, and plans for the construction, and must certify that the design and methods of construction are in accordance with accepted standards of practice, as outlined in these regulations. A record of such certification, which includes the specific elevation (in relation to vertical datum used in the Flood Insurance Rate Maps) to which such structures are floodproofed, must be maintained by the City as part of the permanent development permit file.
2. Submittal of the latest edition of the elevation certificate form published by FEMA is also required. This certificate must be duly certified by a registered professional engineer, architect or registered land surveyor.

9.403 Enclosures

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are subject to flooding, must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by an architect or registered professional engineer or meet or exceed the following minimum criteria:

9.404.A A minimum of 2 openings having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding must be provided;

9.404.B The bottom of all openings must be no higher than one foot above grade; and

9.404.C Openings may be equipped with screens, louvers, valves, or other coverings or devices if they allow the automatic entry and exit of floodwaters.

9.404 Manufactured Homes

9.404.A All manufactured homes to be placed within Zone A on the Flood Hazard Boundary Map (FHBM) or FIRM, must be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. The floor elevation of the manufactured home must be at least 2 feet above the base flood elevation. Submittal of the latest edition of the elevation certificate form published by FEMA is also required. This certificate must be duly certified by a registered professional engineer, architect or registered land surveyor.

9.404.B Methods of anchoring may include use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

9.404.C All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE on the City's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least 2 feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

9.404.D Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the City's FIRM that are not subject to the provisions of Sec. 9.600 must be elevated so that either:

1. The lowest floor of the manufactured home is at least 2 feet above base flood elevation; or
2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

~~Effective on: 2/22/2023~~

9.500 RECREATIONAL VEHICLES

Recreational vehicles placed on sites within Zones A1-30, AH, and AE must either:

9.501.A Be on the site for less than 180 consecutive days and be fully licensed and ready for highway use, as evidenced being on its wheels or jacking system, being attached to the site only by quick disconnect type utilities and security devices, and having no permanently attached additions; or

9.501.B Comply with the elevation and anchoring requirements for manufactured homes as set forth Sec. 9.404 and obtain a permit from the floodplain administrator.

9.600 SUBDIVISION STANDARDS IN FLOOD HAZARD AREAS

9.601 All subdivision proposals including mobile home/manufactured housing parks and subdivisions are subject to the flood protection regulations of this article.

9.602 The developer of subdivisions including manufactured home parks and subdivisions must obtain a floodplain development permit before final platting.

9.603 A developer must generate flood elevation data for subdivision proposals and other proposed development, including the placement of mobile home/manufactured housing parks and subdivisions greater than 50 lots or 5 acres.

9.604 All subdivision proposals including mobile home/manufactured housing parks and subdivisions must have adequate drainage provided to reduce exposure to flood hazards.

9.605 All subdivision proposals including mobile home/manufactured housing parks and subdivisions must have public utilities and facilities (sewer, gas, electrical and water systems) located and constructed to minimize or eliminate flood damage.

9.700 AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard are areas designated as areas of shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may or may not be evident. Such flooding is characterized by ponding or sheet flow. The following regulations apply in such areas.

9.701 All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the City's FIRM (at least 2 feet if no depth number is specified).

9.702 All new construction and substantial improvements of nonresidential structures:

9.702.A Must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the City's FIRM (at least 2 feet if no depth number is specified), or;

9.702.B Together with attendant utility and sanitary facilities be designed so that all portions of such facilities below a point 2 feet above the base flood elevation are watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

9.703 A registered professional engineer or architect must submit to the City Engineer a certification that will become part of the permanent development permit file stating that the standards of this article are satisfied.

9.704 Within Zones AH or AO, the developer must provide adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

9.800 FLOODWAYS

Floodways are located within areas of special flood hazard established in Sec. 9.200. The floodway is an extremely hazardous area due to the velocity of flood waters that carry debris, potential projectiles and high erosion potential. The following regulations apply in such areas:

9.801 Encroachments are prohibited, including fill, new construction, substantial improvements and other development unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachments will not result in any increase in flood levels within the City during the occurrence of the base flood discharge.

9.802 Where Sec. 9.801 is satisfied, all new construction and substantial improvements must comply with all applicable flood hazard reduction provisions of Sec. 9.300 and Sec. 9.400.

9.900 APPEALS

Decisions of the City Engineer may be appealed in accordance with Sec. 12.1000. The City Engineer must maintain a record of all actions involving an appeal and report to FEMA upon request.

9.1000 VARIANCES

9.1001 Authorized

The Board of Adjustment is authorized to grant variances to the flood protection regulations of this article, subject to compliance with all applicable regulations of this section.

9.1002 Applicability

Variances may be issued for:

9.1005.A The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum relief necessary to preserve the historic character and design of the structure;

9.1005.B New construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below a point 2 feet above the base flood level. As the lot size increases beyond one-half acre, the justification required for issuing a variance to the flood protection regulations increases.

9.1003 Prohibited Variances

The Board of Adjustment may not issue a variance within any designated floodway if any increase in flood levels during the base flood discharge would result.

9.1004 Procedures

The variance procedures of Sec. 12.900 must be followed for flood protection variances.

9.1005 Variance Prerequisites

Prerequisites for granting variances are:

9.1005.A The Board of Adjustment may approve a variance only upon a determination that the variance is the minimum relief necessary, considering the flood hazard, to afford relief.

9.1005.B The Board of Adjustment may approve a variance only upon:

1. The applicant showing a good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, creating nuisances, causing fraud on or victimization of the public, or conflict with existing local laws or ordinances.

9.1005.C The Board of Adjustment must give any applicant to whom it grants a variance written notice that the structure will be permitted to be built with the lowest floor elevation below a point at least 2 feet above the base flood elevation, and that the cost of flood insurance will be commensurate with the

increased risk resulting from the reduced lowest floor elevation. This notice must be filed in the deed records affecting the property.

9.1005.D The Board of Adjustment may approve a variance for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use if the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

ARTICLE 10 INFRASTRUCTURE AND PUBLIC IMPROVEMENTS

Contents:

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10.100 GENERAL

10.101 Purpose and Intent

The regulations of this article establish standards governing the development of property within the jurisdiction of the City of Huntsville. These standards are intended to:

10.101.A Provide for the protection of the public health, safety and welfare;

10.101.B Promote the orderly growth and development of the City and its extraterritorial jurisdiction; and

10.101.C Ensure the timely and coordinated provision of required transportation improvements, utilities and other facilities and services to new subdivisions and developments.

10.102 Standards, Specifications and Design Criteria

The City's *Standards, Specifications and Design Criteria* are hereby incorporated by reference as if fully set forth in this Development Code. All infrastructure and improvements constructed or modified must comply with applicable *Standards, Specifications and Design Criteria*.

10.200 INFRASTRUCTURE AND IMPROVEMENTS REQUIRED

10.201 Developers are responsible for the construction and installation of the following infrastructure and public improvements, in accordance with the standards of this Development Code.

10.201.A Survey monuments;

10.201.B Streets within the development and improvements to existing streets that border the development that are required for safe and adequate access to the development;

10.201.C Sidewalks;

10.201.D Water supply and wastewater systems;

10.201.E Surface drainage and storm sewers;

10.201.F Stormwater management facilities;

10.201.G Utilities;

10.201.H Traffic control signs and street signs;

10.201.I Street lights; and

10.201.J Any other on- or off-site infrastructure or public improvements required by this Development Code.

10.202 If a developer files a final plat for only a portion of the subdivision for which a preliminary plan was approved, the improvements required to be constructed, installed, and maintained in accordance with that final plat are those improvements that the Planning Commission deems necessary to serve the lots shown on the proposed final plat.

10.203 All improvements must be designed and installed to provide for a logical inter-connected system of infrastructure and to create continuity of improvements for the development of adjacent properties.

10.204 During the course of installation and construction of required infrastructure and improvements, the City Engineer must make periodic inspections of the work to ensure that all improvements comply with all City requirements.

10.205 Upon completion of installation and construction of all required improvements, the development may seek acceptance of public improvements by the City by submitting the required number of record plans. In addition, the developer must provide a statement signed by a registered professional engineer that all required improvements have been installed and constructed in accordance with the submitted as-built plans.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

10.300 FINANCIAL GUARANTEES

The City is authorized to require financial guarantees to ensure that developers install any improvements allowed to be temporarily deferred and to ensure that improvements are installed in a workmanlike manner, free from defects. Guarantees must be provided in a form approved by the City Attorney. The value of such financial guarantees must be based on an estimate of the actual cost to construct all required infrastructure and public improvements, as determined by the developer's engineer and approved by the City Engineer. Assurances may take the form of performance and payment bonds, cash deposits, certificates of deposit in the name of the City, irrevocable letters of credit or other forms approved by the City Attorney.

10.400 STREETS

10.401 General Principles

Streets within developments must conform to the arrangement, width and location indicated on the transportation plan and the Comprehensive Plan. In addition, the street system must be laid out and designed with due regard for topography and drainage and to:

10.402.A Create an integrated system of lots, streets, and infrastructure that provides for efficient movement by all lawful modes of transportation, both within the development and to and from adjacent development;

10.402.B Provide for the efficient movement of through traffic by providing an interconnected network of streets in order to avoid isolation of development areas and over-reliance on major roads; and

10.402.C Be uncomplicated, so that emergency services, public services, and visitors can find their way to their intended destinations.

10.402.D The developer shall provide a street system within the development with at least one point of access to a public street adjacent to the development; provided, however, that developments that are designed to contain one hundred and fifty (150) dwelling units or more shall provide at least two points of access to adjacent public streets.

10.402 Rights-of-Way & Street Construction

10.402.A Streets must have a right-of-way width that will safely accommodate the transportation (vehicular, pedestrian and bicycle) improvements and street cross-sections needed to provide appropriate, safe and adequate access to the subject development, in accordance with the City's *Standards, Specifications and Design Criteria*.

10.402.B When a proposed development has frontage on an existing constructed public street, right-of-way must be dedicated and improved to meet the requirements of this Development Code. For existing constructed streets on which a proposed development has frontage, the applicant must:

1. Dedicate a minimum of 50% of the required right-of-way width as measured from the centerline of the existing street right-of-way;
2. Install all required sidewalks; and
3. Provide a minimum of 50% of the street cross-section required in Sec. 10.403, full depth to the current construction standards, and install it to the right-of-way centerline.

10.402.C Right-of-way dedication and street required widening of existing constructed streets, to the current construction standards, must extend for the full length of road frontage of the property under development and must conform to the standards of this Development Code.

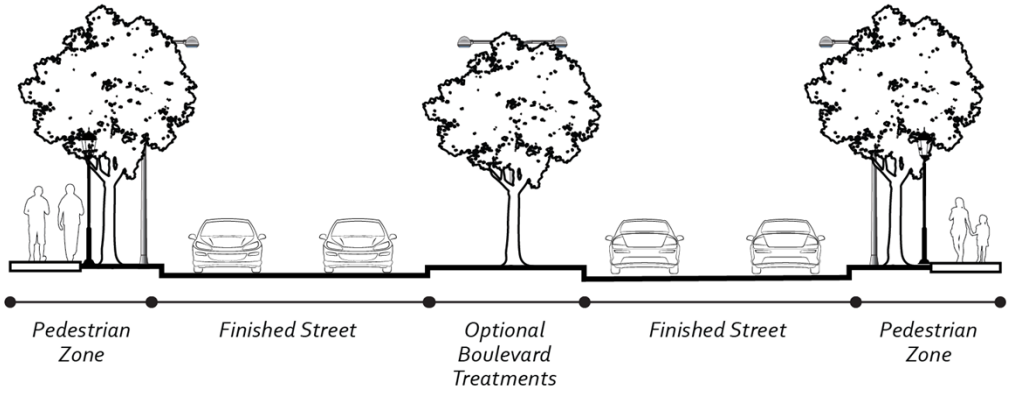
Commentary: City Planner may exempt minor plats and previously platted lots from the requirement of Section 10.402.B(1) and (3).

10.403 Street Cross-sections

10.403.A General

Street cross-sections are comprised of the following 3 major components: (1) finished street; (2) pedestrian zone; and (3) optional boulevard treatment. Varying the design of these components allows for implementation of a context-sensitive street network and enables transportation designs that better relate to differences in environmental conditions and land use/development patterns.

Figure 10-1: Street Cross-Section Example



10.403

1. Finished Street

   The finished street component of a street cross-section is the portion of the right-of-way made up of the paved street from curb to curb, or edge to edge where curb and gutter is not provided. The finished street includes the following elements:**

   a. Vehicle travel lanes;
   b. On-street parking, where applicable;
   c. Turn lanes, where necessary;
   d. On-street bicycle facilities, where applicable; and
   e. Finished street edge (must include curb and gutter. Swale/ditch, shoulder are prohibited unless approved by the Planning Commission or Board of Adjustments.)

2. Pedestrian Zone

   The pedestrian zone component of a street cross-section is the portion of the right-of- way that primarily accommodates pedestrian movement and buffers pedestrians and adjacent land uses from moving vehicles on the finished street. The pedestrian zone includes the following elements:

   a. Pedestrian or multi-use facility (e.g., sidewalk, trail or multi-use path), providing dedicated areas for pedestrian and nonmotorized travel along streets;
   b. Amenity/buffer area (e.g., tree lawn, vegetated natural buffer, expanded sidewalk), providing separation of non-motorized users from moving vehicle lanes and providing a landscape or streetscape amenity; and
   c. Off-street bicycle facilities (optional), providing dedicated or shared off-street bicycle facilities along bike routes in areas where on-street facilities would be inappropriate or impractical.

3. Boulevard Treatment

The boulevard treatment is an optional component of a street cross-section that includes a landscaped median as the focal point of the street, and may include additional design elements such as frontage access lanes, buffer strips and parking.

10.403.C Design and Construction

Streets must be designed and constructed in accordance with the regulations of Table 10-1 and the City's *Standards, Specifications and Design Criteria*.

Table 10-1: Street Cross-Sections

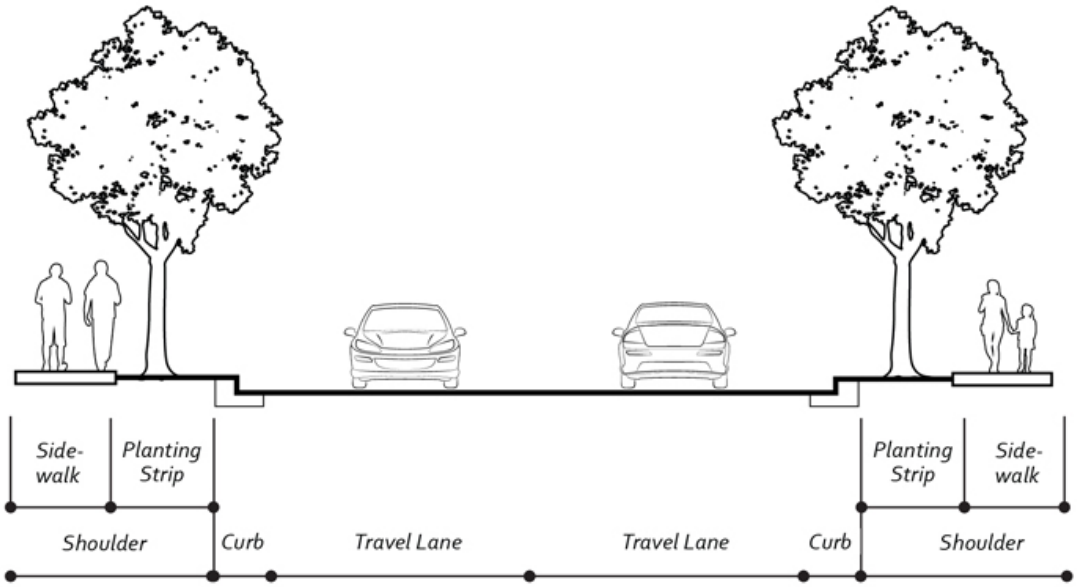
Street Classification	Travel Lanes	Volume per Day	Minimum Right-of-Way Width (feet)	Minimum Pavement Width[1] (feet)
Arterial				
Primary, A-1	5	10,000+	120	90
Secondary, A-2	5	5,000+	90	61
Collector				
Standard, C-1	2	5,000 - 10,000	70	41
Local				
Local, L-1	2	>1,000	50	32
Low-Volume, L2	2	<1,000	50	28
Low-Volume, L3 [2]	2	<1,000	60	28 [3]

[1] Back of curb to back of curb or edge to edge. Reduced pavement widths may be approved by the City. In such cases, increased driveway and intersection radii may be required by the City to accommodate large vehicle turning movements.

[2] Local, Low-Volume, L_3 Street Cross-Section is allowed only in low-density residential subdivisions. (See Table 5-1: Lot and Building Setback Regulations for Low Density Residential lot size.)

[3] Minimum Pavement Width may be reduced to 24', (2-12' travel lanes) for low density subdivisions with lots sizes of 2 acres or greater.

Figure 10-2: Typical Local Street Cross-Section



10.404 Connections to Abutting Property

10.404.A A network of interconnected streets is intended to:

1. Provide safe, convenient, and efficient means of access to lots;
2. Promote orderly development patterns;
3. Facilitate the effective and efficient provision of emergency and public services; and
4. Avoid degradation of traffic carrying capacity on the major street network.

10.404.B Streets in new developments must connect with public streets in adjacent subdivisions and provide for future extension of streets into adjacent areas that are likely to be developed in the future. Waivers to street connection requirements may be approved in accordance with Sec. 12.711 if topography, sensitive natural resources or other physical constraints make such connections undesirable or impractical.

10.404.C Streets proposed for future extension ("stub streets") must be terminated with temporary turnarounds when the stub street extends 150 feet or more from the nearest intersecting street right-of-way or when more than two lots will have access solely from the stub street. Stub streets are subject to the maximum cul-de-sac length standard of Sec. 10.406. The Planning Commission is authorized to waive requirements for temporary turnarounds for nonresidential developments if they determine that adequate alternatives are available for vehicles to turn around.

10.404.D Temporary turnarounds must be constructed in accordance with the City's *Standards, Specifications and Design Criteria*.

10.404.E The developer must post a sign at the terminus of all stub streets indicating that the stub street is intended to be opened to through traffic when the adjacent property is developed. The sign must state "FUTURE THROUGH STREET. TO BE CONNECTED WHEN ABUTTING PROPERTY DEVELOPS." The City will provide specifications for required signs.

10.405 Blocks

10.405.A The length, width and shape of blocks must be suited for the planned use of the land, and need for convenient access, control and safety of street traffic and the limitations and opportunities relating to the terrain and natural environment.

10.405.B Blocks may not exceed 600 feet in length in residential subdivisions with a gross density of 4 or more dwelling units per acre. In nonresidential subdivisions and lower density residential subdivisions, blocks may not exceed 1,200 feet in length. The Planning Commission is authorized to allow longer block lengths if topography, sensitive natural resources or other physical constraints make shorter block lengths undesirable or impractical. In such cases, the Planning Commission is authorized to require the provision of emergency vehicle access routes, pedestrian connections (easements), crosswalks and other pedestrian access features that provide safe and adequate vehicle access and pedestrian connections to schools, playgrounds, shopping areas, transportation and other community facilities in the area.

10.406 Cul-de-Sacs

10.406.A Cul-de-sacs streets may not exceed 600 feet in length unless otherwise expressly approved by the Planning Commission. In no event may a cul-de-sac street be approved that exceeds 1,000 feet in length or that serves more than 15 dwelling units. The length of a cul-de-sac street is measured from the center point of its turnaround, along the centerline of its right-of-way to the nearest edge of the right-of-way of the nearest intersecting street.

10.406.B Turnarounds at the end of cul-de-sac streets must be constructed in accordance with the City's *Standards, Specifications and Design Criteria*.

10.406.C If a cul-de-sac is longer than 600 feet, the Planning Commission is authorized to require the provision of a pedestrian access easement to provide safe and convenient pedestrian access between the terminus of the cul-de-sac and any adjacent areas. Such pedestrian access easements must have a minimum width of 12 feet.

10.407 Intersections

10.407.A General

Streets must intersect each other at right angles unless otherwise dictated by pedestrian and vehicle safety, topography or other factors of environmentally sensitive site design.

10.407.B Radii

Intersection radii must comply with the City's *Standards, Specifications and Design Criteria*, provided that the City Engineer is authorized to require a greater or reduced radius when anticipated traffic or roadway and intersection improvements warrant.

10.407.C Off-sets

Where it is necessary to stagger or offset street intersections, the streets must offset by at least 200 feet (centerline to centerline).

10.407.D Intersection Sight Triangles

1. Sight triangles are required in order to help ensure an adequate area of clear vision for motorists at street intersections. If a sight triangle area as described in this section is required for adequate safety and public protection, it may be obtained by the City. If the sight triangle area cannot

be established when justified, traffic control or warning devices may be installed.

2. The triangular area shall be formed by a point on each street right-of-way line located the minimum required distance from the intersection of the street right-of-way lines and connected to the intersection point of the 25-foot setback lines (see Figure 10-3). The minimum required distance is based on street classification, as shown in Table 10-2.

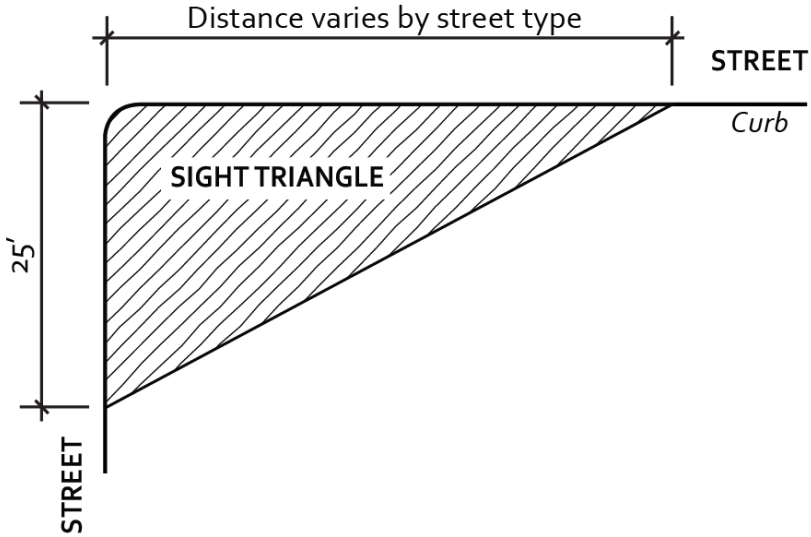
Table 10-2: Required Sight Triangle Distances

Street Type	Minimum Distance from Intersection of Curb Lines (feet)
Local	50
Collector	75
Arterial	100

10.407

3. On any portion of a lot that lies within the required sight triangle area, nothing shall be erected, parked, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 3 feet and 8 feet above grade at the 2 street right-of-way lines.
4. Sight triangle requirements shall not apply to permanent structures, public utility poles, trees trimmed to the trunk at least 8' above the level of the intersection, supporting members of appurtenances to existing structures, or official warning signs or signals, or places where the contour of the ground is such that there can be no cross-visibility at the intersection.

Figure 10-3: Intersection Sight Triangle



10.408 Grades

Street grades must provide safe and convenient traffic conditions while avoiding excessive grading and unnecessary removal of ground cover and tree growth. Street grades must comply with the City's *Standards, Specifications and Design Criteria*.

10.409 Vertical Curvature

All changes in street grade must be connected by vertical curves and be designed for safe stopping sight distances and safe sight distance at the entrance to subdivisions, in accordance with the City's *Standards, Specifications and Design Criteria*. The City Engineer is authorized to require that applicants submit a sight distance analysis at the time of preliminary subdivision plat review.

10.410 Horizontal Curvature

The required centerline radius of horizontal curves must be based on engineering considerations of topography, length of street, number of curves and other factors, as determined by the City Engineer. Horizontal curves on arterial streets must be designed in accordance with the City's *Standards, Specifications and Design Criteria*.

10.411 Alleys

Alleys and service lanes are permitted within new developments. Alleys, whether public or private, must comply with the City's *Standards, Specifications and Design Criteria*. Dead-end alleys are prohibited.

10.412 Reserve Strips

Reserve strips that separate developed or undeveloped land from necessary access to streets are prohibited except when such access is controlled by the City.

10.413 Private Streets

10.413.A When Allowed

Private streets are allowed only when approved by the City in planned developments or recreational vehicle parks.

10.413.B Layout

Private streets must be designed to:

1. Provide adequate vehicular access to all buildings and facilities within the boundaries of the development;
2. Provide safe and adequate traffic circulation and access to all lots and buildings by emergency personnel and equipment; and
3. Provide direct access to the existing public street system outside the subject tract's boundaries.

10.413.C Access

1. Private street systems within a development must have at least one point of access to a public street adjacent to the development, provided that developments containing more than 150 dwelling units must have at least 2 points of access to adjacent public streets.
2. Private streets may provide access only to land within the subject development. Private streets may not be extended into adjacent tracts under a different ownership or a different property owners association.

10.413.D Intersections of Private and Public Streets

1. Private streets may not be direct (straight line) projections of any public street. Private streets must offset a minimum distance of 200 feet center-line to center-line from any public street intersection.
2. Intersections of all private streets with public streets must be at right angles or with acute angle variations not to exceed 15 degrees.
3. Right angle intersections of private streets must have a 20-foot radii for the pavement edge at all corners. Acute angle intersections must have 25-

foot radii for the pavement edge at the acute corner on both public and private streets.

4. Developers are responsible for designing and constructing that portion of a private street within a public street right-of-way in accordance with the driveway standards of Sec. 6.1100.

10.413.E Design and Construction Standards

1. Design and Construction

   Private streets are subject to the same geometric design and construction standards as public streets.

2. Pavement Width

   The minimum unobstructed pavement width of any private street must be at least 28 feet.

3. Easement Width

   Private streets must be located within access easements of sufficient width to accommodate the private streets and related construction and maintenance activities.

10.413.F Maintenance

Maintenance of private streets and private street signs is the sole responsibility of property owners within the development, in accordance with Sec. 10.1600.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

10.500 SIDEWALKS

10.501 When Required

10.504.A Arterial and Collector Streets

Sidewalks are required to be installed by the owner of the subject property whenever development occurs on a lot with frontage on an arterial street or on a collector street. Unless the subject property is within 100' of an existing sidewalk, sidewalks are not required to be constructed along existing non-curbed streets except as adjacent to the following roadways:

- Bearkat Boulevard, from Highway 19 to Bobby K Marks Drive;
- Martin Luther King Jr. Drive, from Essex Boulevard to FM 2821;
- Avenue M, from 8th Street to FM 247;
- University Avenue, from 7th Street to FM 247;
- FM 247, from Avenue M/University Avenue to FM 2821; and
- Montgomery Road, from IH 45 S to Veterans Memorial Parkway.

10.504.B Local Streets

Sidewalks are required to be installed by the owner of the subject property whenever development occurs on a lot with frontage on a local street, provided that sidewalks are not required for construction of a detached house or two-unit house unless one or more of the adjacent properties have an existing sidewalk. Sidewalks are not required to be constructed along existing non-curbed streets except as adjacent to the following roadways:

- Avenue M, from Josey Street to IH 45 S.

10.504.C Other Areas

The Planning Commission is authorized to require installation of sidewalks in other locations recommended by the City's adopted sidewalk master plan

10.504.D Low Density Residential Subdivisions

Alternate trail/sidewalk construction is allowed for subdivisions in the MR district. Developer is required to provide length of trails/sidewalks equivalent to twice the centerline length of rads within the boundary of the subdivision.

Commentary: Sidewalks are not required whenever development occurs on a lot with frontage on the main travel lanes of an Expressway/Freeway. The construction of a sidewalk for a development with frontage along a curbed roadway owned and maintained by TxDOT, (Texas Department of Transportation), is not required if not approved for a permit by TxDOT.

10.502 Location

10.504.A Required sidewalks must extend across the entire frontage of the subject lot, and along all frontages of corner or multi-frontage lots.

10.504.B Required sidewalks must be constructed within the street right-of-way or in an approved easement.

10.504.C Existing sidewalks may not be removed except for purposes of reconstruction or replacement.

10.503 Timing of Construction

Sidewalks must be constructed at the time of building permit and completed before a certificate of occupancy is issued. Developers must construct sidewalks in common areas and throughout the subdivision as part of the required subdivision improvements.

10.504 Design

10.504.A Width

Sidewalks must have a minimum width of 5 feet. The City Engineer is authorized to allow exceptions to this minimum width requirement in cases where inadequate space or other factors prevent installation of a full-width sidewalk. The City Engineer is also authorized to establish the minimum width of shared use paths and trails depending on expected use and traffic volumes.

10.504.B Materials and Construction

Sidewalks and trails must be designed and constructed in compliance with the City's *Standards, Specifications and Design Criteria*, the Americans with Disabilities Act (ADA) and other applicable standards and specifications.

Commentary: Forest Service Trail Accessibility Guidelines (FSTAG) shall serve as the design and construction guideline for new trail construction for low density residential subdivisions. Trails should be maintained privately by a property owners association.

(Ord. No. 2024-20, 09/03/2024)

Effective on: 9/13/2024

10.600 WATER

10.601 City Water Service

10.602.A Except as otherwise expressly allowed under this section, developers are responsible for providing domestic water service from a public water system to properly serve each lot within a development and for ensuring that existing or new water system facilities meet required demand for domestic water use and fire protection at the required pressure.

10.602.B The water distribution system required under this section includes all pumping station facilities, elevated storage tanks, fire hydrants and other appurtenances required to adequately serve the area being developed.

10.602.C The required system improvements include the extension of (off-site) water mains to the development, the installation of water mains (including fire hydrants) to serve all lots within the development and the extension of water mains to the perimeter of the development (to allow for future system extensions into adjacent areas).

~~10.602 Alternative Water Supply~~

~~10.602.A The Planning Commission is authorized to allow the use of individual private wells or community water systems meeting the design requirements of the Texas Commission on Environmental Quality when the Planning Commission determines that connection to the City water system is not feasible.~~

~~10.602.B In approving alternative water supply systems, the Planning Commission is authorized to require the provision of permanent utility easements and temporary construction easements for the future extension City water system improvements.~~

10.603 Design and Construction

All water systems must be designed and constructed in accordance with the City's *Standards, Specifications and Design Criteria* and applicable design criteria of the Texas Commission on Environmental Quality (See Title 30 of the *Texas Administrative Code*).

10.604 Irrigation Wells

Irrigation water supply wells are prohibited in the city limits.

other than irrigation water supply wells approved by the City used in connection with the irrigation of golf courses.

10.700 WASTEWATER

10.701 City Wastewater Service

10.703.A Except as otherwise expressly allowed under this section, developers are responsible for providing City wastewater (sanitary sewer) service to properly serve each lot within a development and for ensuring that existing or new wastewater system facilities meet required demand for wastewater service.

10.703.B The wastewater collection system required under this section includes all lift stations, force mains and appurtenances required to adequately serve the area being developed.

10.703.C The required system improvements include the extension of (off-site) sewer mains to the development, the installation of sewer mains to serve all lots

within the development and the extension of sewer mains to the perimeter of the development (to allow for future system extensions into adjacent areas).

10.702 Individual Service Connections

10.703.A The developer must install individual service connections ("taps") for each principal building in a development at the time of construction of required wastewater improvements. Buildings containing 2 or more dwelling units must have individual service connections for each dwelling unit, provided that buildings containing 3 or more dwelling units may provide a common connection system from the building.

10.703.B Each wastewater service connection may serve only one building; no sharing or common use of service connections is allowed by multiple buildings.

10.703 Alternative Facilities

10.703.A If the City wastewater system is not within a distance of 1,000 feet of the development, temporary alternative sewage treatment systems may be approved. Such systems must meet the design requirements of the Texas Commission on Environmental Quality.

Commentary: Conventional septic systems as well as aerobic septic systems are allowed as alternative sewage treatment systems. All alternative systems must meet the design requirements of the Texas Commission on Environmental Quality.

10.703.B When temporary alternative sewage treatment systems are to be used, permanent utility easements and temporary construction easements for the future extension of City wastewater system improvements must be provided. In addition, as determined to be applicable by the City Engineer, those parts of the future City wastewater system that will lie in streets must be designed and installed (and capped) before the street is paved.

10.704 Design and Construction

All wastewater systems must be designed and constructed in accordance with the City's *Standards, Specifications and Design Criteria* and applicable design criteria of the Texas Commission on Environmental Quality (See Title 30 of the *Texas Administrative Code*).

10.800 DRAINAGE AND STORMWATER MANAGEMENT

Developers are responsible for designing and installing drainage and stormwater management facilities in accordance with the *Standards, Specifications and Design Criteria*.

10.900 PARKS AND OPEN SPACE

, public and/or private golf courses,

10.901 Land Dedication

Planned Development District

The developer of residential lots must dedicate land for neighborhood parks, open spaces or recreation areas ~~at locations designated in the Comprehensive Plan or other City-approved locations~~ at a rate of ~~one acre per 100 dwelling units or~~ 10% of the ~~development's land area (as shown on the preliminary plan), whichever is less.~~ The developer may dedicate the area in stages if the development contains 2 or more phases. The developer shall identify the area marked on the final subdivision plat as "DEDICATED FOR NEIGHBORHOOD PARK, OPEN SPACE OR RECREATION AREA PURPOSES."

~~*Commentary: Park and open space areas identified on the Parks Master Plan are generally appropriate for dedication. Private park, recreation and open space areas should be shown on the plat and maintained privately by a property owners association.*~~

~~10.902 Quality of Park Site~~

~~Any land proposed to be dedicated must be a size, character and location suitable for a neighborhood park, open space or recreation area, as approved by the City.~~

10.903 Open Space

A maximum of 50% of the land dedication required in Sec. 10.901 may be open space. Such open space must conserve land or other natural resources or be used for historic or scenic preservation purposes and be privately owned and maintained by a property owners association. Areas dedicated for open space uses may include, but not be limited to, sites that:

10.904.A Present existing or potential hazards such as earth slippage or subsidence or other geological hazards;

10.904.B Are used for drainage purposes or that may be in danger of flooding from stormwater runoff;

10.904.C Preserve or protect scenic sites;

10.904.D Provide a buffer between incompatible land uses (only land areas provided in excess of the minimum land use buffer requirements of Sec. 7.500 may be credited); or

10.904.E Contain woodlands, wetlands or other natural resources.

10.904 Credit for Private Parks and Recreation Areas

The planning commission may allow private parks, open spaces and recreation areas to satisfy the land dedication requirements of Sec. 10.901, provided that:

10.904.A Setbacks and open spaces required by this Development Code are not credited toward meeting land dedication requirements;

10.904.B Private ownership and maintenance is adequately provided for by a property owners association or by other means approved by the City;

10.904.C The area is of a character and location suitable for safe and convenient use as a playground, playfield or other recreation amenity; and

10.904.D The area has direct access to a street to allow for maintenance by motorized equipment.

~~Effective on: 2/22/2023~~

10.1000 STREET LIGHTS

The City Engineer is authorized to require the installation of street lights at the time of development. The location and type will be determined during the development review process based on City's *Standards, Specifications and Design Criteria and* guidelines established in the *American National Standard Practice for Roadway Lighting* (ANSI/IESNA RP-8-00).

Commentary: *For low-density residential subdivisions street lights are only required at street intersections and at the end of cul-de-sacs or dead-end streets only. Refer to Table 5-1: Lot and Building Setback Regulations in Article 5 Lot and Setback Regulations for Low Density Residential Lot requirements.*

Effective on: 2/22/2023

10.1100 TRAFFIC CONTROL SIGNS AND STREET SIGNS

10.1101 All traffic control and street signs must be provided and installed by the developer.

10.1102 Traffic control signs must comply with the *Texas Manual on Uniform Traffic Control Devices.*

10.1103 Street signs must comply with the City's adopted *Standards, Specifications and Design Criteria*.

10.1200 STREET NAMES

10.1201 Public Streets

Public streets must comply with the following street name regulations:

10.1202.A If a new street is a direct or logical extension of an existing street, the existing street name must be used.

10.1202.B Names of new streets that are not extensions of existing streets may not duplicate any existing street name in the City or county.

10.1202.C Street name suffixes such as place, court, circle and loop must be used on streets that are cul-de-sac or loop streets.

10.1202.D Suffixes such as highway, freeway or expressway may be used only on designated highways or freeways falling under the jurisdiction of the Texas Department of Transportation.

10.1202.E Street name prefixes such as North, South, East and West may be used to clarify the general location of the street, provided that such prefixes must be consistent with the existing and established street naming and address numbering system of the general area in which the street is located.

10.1202.F Alphabetical and numerical street names may not be used for new streets unless the street is a direct extension of an existing street with that name.

10.1202 Private Streets

Private street names are subject to the same regulations that apply to public streets and the following additional regulations:

10.1202.A The developer must provide signs for all private streets; the signs must comply with the size, height and material standards of the City.

10.1202.B Private streets must be designated as "lanes" and the suffix "PRIVATE" must be an integral part of any private street sign (Example: SCENIC LANE (PRIVATE)).

10.1202.C Private street signs must be brown.

10.1202.D No private street name may be changed without approval of the City.

10.1202.E No private street sign may be installed without the approval of the City.

10.1202.F The City is authorized to remove, without notice, any private street sign that does not comply with the provisions of this section or that is installed within the right-of-way of a public street.

10.1300 UTILITIES

All new electric, telephone, gas distribution, cable television and similar utilities must be placed underground in accordance with the policies and specifications of the respective utility providers, except that the requirements for underground utilities do not apply in infill situations when property adjacent to the subject lot is served by above-ground utilities. The underground requirements also do not apply to the following:

10.1301 Temporary overhead utility lines used in connection with construction, but only during periods of construction;

10.1302 Service connections, meters, and similar equipment that are customarily attached to the outside wall of the premises they serve;

10.1303 Poles used exclusively for street lighting; and

10.1304 Electric distribution transformers, switch gear, meter pedestals, and telephone pedestals that are customarily installed above-ground.

Effective on: 2/22/2023

10.1400 EASEMENTS

10.1401 General

10.1403.A Easements must be provided as necessary to accommodate utilities, drainage facilities (surface or subsurface), best management practices, pedestrian access, emergency vehicle access or other required improvements.

10.1403.B No structure, foundation, slab sign or other permanent improvement may be placed within any easement required under this Development Code without written permission from the City Engineer.

10.1402 Utility Easements

10.1403.A Utility easements must be provided in sufficient width and it such locations as required by the City or approved franchised utility provider.

10.1403.B The developer must place or construct all new utilities within required utility easements or street rights-of-way, as approved by the City franchised utility provider.

10.1403.C Utility easements are required adjacent to all streets and must be at least 10 feet in width along both sides of the street. Placement, arrangement and depth of utilities within such easements must be in accordance with the *Standards, Specifications and Design Criteria*.

10.1403.D Utility easements that are not adjacent to streets must be least 20 feet in width for utility construction, service and maintenance.

10.1403.E With the approval of the City Engineer and the applicable public utility, utility easements may vary from these requirements.

10.1403 Drainage Easements

10.1403.A Easements for storm drainage facilities must be provided at locations containing existing or proposed open drainage channels and enclosed drainage systems. The required width of drainage easements must be based on a drainage study and drainage calculations or other criteria submitted by the developer and approved by the City Engineer.

10.1403.B Storm drainage easements with a minimum width of 20 feet must be provided for existing and proposed enclosed drainage systems. The City Engineer is authorized to require additional easement width if such additional width is necessary to accommodate the drainage system and provide ingress and egress for maintenance operations.

10.1403.C Storm drainage easements along existing or proposed open drainage channels must have a width that encompasses the required channel plus at least 20 feet on each side of the channel to provide ingress and egress of maintenance equipment; to provide clearance from fences and space for

utility poles; to allow maintenance of the channel bank; and to provide adequate slopes necessary along the bank.

10.1500 SURVEYING AND MONUMENTATION

10.1501 General

Developers are responsible for having surveys conducted and survey monuments installed in accordance with all requirements and procedures established by the City Engineer and the Professional and Technical Standards of the Texas Board of Professional Land Surveying (Title 22, Part 29, Chapter 663B of the Texas Administrative Code).

10.1502 Metes and Bounds Description

All easements, rights-of-way and lands to be dedicated to the City, by deed or express grant, must be depicted on a survey plat and described by a metes and bounds description. Such descriptions must be tied to physical monuments of record related to the boundary of the affected area and referenced to the coordinate system described in Sec. 10.1503 unless otherwise approved by the City Engineer.

10.1503 Coordinate System

All surveys and plats must be referenced to the City of Huntsville Mapping Control Network. This network is referenced to the Texas Plane Coordinate System of 1983, Central Zone, as defined in V.T.C.A. Natural Resources Code § 21.076 unless otherwise approved by the City Engineer.

10.1504 Required Monuments

10.1504.A All property or boundary corners, angle points and points of curvature or tangency must be monumented or referenced by corner accessory monumentation carried out by a registered professional land surveyor.

10.1504.B All monuments must:

1. Be set at sufficient depth to retain a stable and distinctive location;
2. Be of a size and material, that in the surveyor's judgment, will best ensure that the monuments will withstand the deteriorating forces of nature;
3. Include a cap or marker identifying the responsible registrant, firm or associated employer;
4. Include a notation on the applicable plan or plat that the corner was either found or set and a description of its physical characteristics; and
5. Be left exposed for field inspection by the City.

10.1504.C The City Engineer may not accept new street construction or other public improvements until all required monuments and ties are provided.

10.1504.D Except as allowed by §12.708.E, all required monuments must be in place before filing a final plat.

10.1600 MAINTENANCE OF INFRASTRUCTURE AND IMPROVEMENTS

10.1601 General

The developer is responsible for maintaining all required infrastructure and public improvements until final acceptance of such improvements by the City or until responsibility for maintenance is transferred by legal agreement to a property owner's association.

and conveyance

10.1602 Property Owners Association

10.1602.A Establishment

If a property owners association is assigned responsibility for the maintenance and control of streets, open space, recreational facilities, or any other common areas and facilities within a subdivision, that property owners association must have legal authority to maintain and exercise control over the common areas and facilities, including the power to compel contributions from residents or property owners to cover their proportionate share of the costs associated with the maintenance of the common areas and facilities.

10.1602.B Scope and Documentation

[Based on Development Code section: 505]

1. Instruments establishing a property owners association must be submitted before approval of a final plat.
2. The association instrument must address at least the following:
    a. Provide for the operation and financing of the association.
    b. Create an administrative vehicle to manage those elements shared in common and to enforce standards;
    c. Establish a system of interlocking relationships binding each owner to all other owners for maintaining and preserving what is owned and used in common;
    d. Specific identification of what is owned and by whom;
3. The City must review the proposed instruments to ensure that the property owners association has clear legal authority to maintain and exercise control over the common areas and facilities, including the power to compel contributions from residents and property owners to cover their proportionate share of the costs associated with the maintenance of the common areas and facilities.

ARTICLE 11 NONCONFORMITIES

Contents:

11.100 General

11.200 Nonconforming Lots

11.300 Nonconforming Uses

11.400 Nonconforming Structures

11.500 Nonconforming Signs

11.600 Nonconforming Development Features

11.700 Nonconforming Mobile Food Units and Mobile Food Vendor Parks

11.100 GENERAL

11.101 Description

Nonconformities, which are sometimes referred to as "legal nonconformities," are lots, uses and structures that were lawfully established but—because of the adoption of new or amended regulations—no longer comply with one or more zoning district requirements. This article contains the regulations governing such situations.

11.102 Intent

Occasionally, lots, uses and structures that were lawfully established (i.e., in compliance with any and all regulations in effect at the time of their establishment) have been made nonconforming because of changes in Development Code requirements that apply to the subject property (e.g., through zoning district map amendments, amendments to the text of this Development Code or annexation) or because of other governmental action (e.g., through right-of-way acquisition). The regulations of this article are intended to clarify the effect of such nonconforming status and avoid confusion with "illegal" buildings and uses (those established in violation of applicable zoning district regulations). The regulations of this article are also intended to:

11.105.A Recognize the interests of landowners in continuing to use their property for uses and activities that were lawfully established;

11.105.B Promote maintenance, reuse and rehabilitation of existing buildings; and

11.105.C Place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties.

11.103 Authority to Continue

Any nonconformity that existed on the effective date specified in Sec. 1.300, or any situation that becomes nonconforming upon adoption of any amendment to this Development Code, may be continued in accordance with the regulations of this article unless otherwise expressly stated.

11.104 Determination of Nonconformity Status

11.105.A The burden of proving that a nonconformity exists (as opposed to a violation of this Development Code) rests entirely with the subject owner.

11.105.B The City Planner is authorized to determine whether adequate proof of nonconforming status has been provided by the subject owner.

11.105.C Building permits, lawfully recorded plats, aerial photography and other official government records that indicate lawful establishment of the use, lot or structure constitute conclusive evidence of nonconforming status. If such forms of conclusive evidence are not available, the applicant may submit and the City Planner may consider other forms of evidence to document nonconforming status. Examples of commonly available evidence include:

1. Professional registrations or business licenses;
2. Utility billing records;
3. Rent records;
4. Advertisements in dated publications;
5. Listings in telephone or business directories; and
6. Notarized affidavits affirming the date of lawful establishment of the use, lot or structure.

11.105.D The City Planner's decision on nonconforming status determinations may be appealed in accordance with Sec. 12.1000.

11.105 Repairs and Maintenance

11.105.A Nonconformities must be maintained to be safe and in good repair.

11.105.B Repairs and normal maintenance necessary to keep a nonconformity in sound condition are permitted unless the work increases the extent of the nonconformity or is otherwise expressly prohibited by this Development Code.

11.105.C Nothing in this article is intended to prevent nonconformities from being structurally strengthened or restored to a safe condition in accordance with an order from a duly authorized public official.

11.106 Change of Tenancy or Ownership

Nonconforming status runs with the land and is not affected by changes of tenancy, ownership, or management.

~~Effective on: 2/22/2023~~

11.200 NONCONFORMING LOTS

11.201 Description

A nonconforming lot is a lawfully platted and recorded lot that does not comply with all applicable minimum lot area, lot width, lot frontage or lot depth regulations of the zoning district in which the lot is located.

11.202 Use of Nonconforming Lots

A nonconforming lot may be used as a building site and developed with a use allowed in the subject zoning district.

11.203 Lot and Building Regulations

11.203.A Development on nonconforming lots must comply with the lot and building regulations of the subject zoning district unless otherwise expressly stated.

11.203.B Nonconforming lots may not be adjusted in size or shape to create additional nonconformity or increase the degree of nonconformity for lot area, lot width, setbacks or other applicable lot and building regulations. Lot area, lot width, lot frontage, lot depth or other lot shape adjustments that do not increase the extent of nonconformity are allowed.

11.300 NONCONFORMING USES

11.301 Description

A nonconforming use is a land use that was lawfully established in accordance with any and all zoning district regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the zoning district in which the use is now located.

11.302 Change of Use

A nonconforming use may be changed to any other use that is allowed in the subject zoning district. Once changed to a conforming use, a nonconforming use may not be re-established.

11.303 Expansion of Use

11.306.A Except as otherwise expressly stated, a nonconforming use may be expanded into another part of the same building as that building existed on the date that the use became nonconforming, provided that the City Planner determines that such expansion:

1. Will not result in a violation of off-street parking or loading requirements; and
2. Will not result in the addition of floor area to the building to accommodate the use expansion that does not comply with setbacks.

11.306.B Nonconforming open-air uses may not be expanded beyond the area occupied when the open-air use became nonconforming.

11.304 Remodeling and Improvements

A building in which a nonconforming use is located may be remodeled or otherwise improved as long as the remodeling or improvements do not violate the other regulations of this article.

11.305 Moving

A nonconforming use may not be moved in whole or in part to another location unless allowed under this code at the new location.

11.306 Loss of Nonconforming Status

11.306.A Abandonment

1. Once a nonconforming use is abandoned, its nonconforming status is lost and any new, replacement use must comply with the regulations of the zoning district in which it is located.
2. A nonconforming use is presumed abandoned when the use is discontinued or ceases for a continuous period of 2 years or more.
3. The presumption of abandonment may be rebutted upon showing, to the satisfaction of the City Planner, that during such period the owner of the land or structure has been:
   a. Maintaining the land and structure in accordance with all applicable City requirements and did not intend to discontinue the use;
   b. Actively and continuously marketing the land or structure for sale or lease for that particular nonconforming use; or

c. Engaged in other activities that affirmatively prove there was no intent to abandon.

4. Periods of discontinued use caused by government action, accidental fire or natural disaster are not counted in calculating the length of discontinuance.

11.306.B Change to Conforming Use

If a nonconforming use is changed to a conforming use, no matter how short the period of time, all nonconforming use rights are lost and re-establishment of the nonconforming use is prohibited.

11.306.C Damage or Destruction

1. Accidental Damage or Destruction

When a building containing a nonconforming use is destroyed or damaged by acts of God or accidental fire, the building and the use may be restored or repaired, provided that no new nonconformities are created and that the existing extent of nonconformity is not increased. A building permit to reconstruct the destroyed or damaged structure must be obtained within 18 months of the date of occurrence of such damage.

2. Intentional Destruction

When a building containing a nonconforming use is demolished, damaged or destroyed by causes within the control of the owner and the extent of demolition, damage or destruction is more than 50% of the fair market value of the structure, as determined by the property owner's certified appraiser, the use may not be reestablished except in compliance with all regulations applicable to the zoning district in which it is located.

11.306.D Accessory Uses

No accessory use to a principal nonconforming use may continue after the principal nonconforming use has ceased.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

11.400 NONCONFORMING STRUCTURES

11.401 Description

A nonconforming structure is any building or structure, other than a sign, that was lawfully established but no longer complies with the lot and building standards of the zoning district in which it is located. Signs are governed by the nonconforming sign provisions of Sec. 8.800.

11.403.A Use

A nonconforming structure may be used for any use allowed in the district in which the structure is located.

11.403.B Alterations and Expansions

Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable lot and setback standards and does not increase the extent of the nonconformity. A building with a nonconforming front setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback standards and all other applicable lot and building standards. On the other hand, a multi-unit residential building that is nonconforming with regard to density (i.e., contains more dwelling units than allowed by the underlying zoning district regulations) may not be expanded to add additional dwelling units.

11.402 Moving

A nonconforming structure may not be moved in whole or in part to another location unless the structure meets all the requirements of this Code.

11.403 Loss of Nonconforming Status

11.403.A Damage or Destruction

1. Accidental Damage or Destruction

When a nonconforming structure is destroyed or damaged by acts of God or accidental fire, the building and the use may be restored or repaired, provided that no new nonconformities are created and that the existing extent of nonconformity is not increased. A building permit to reconstruct the destroyed or damaged structure must be obtained within 18 months of the date of occurrence of such damage.

2. Intentional Damage or Destruction

When a nonconforming structure is demolished, damaged or destroyed by causes within the control of the owner and the extent of demolition, damage or destruction is more than 50% of the fair market value of the structure, as determined by the property owner's certified appraiser, the use may not be reestablished except in compliance with all regulations applicable to the zoning district in which it is located.

~~Effective on: 2/22/2023~~

11.500 NONCONFORMING SIGNS

See the nonconforming sign provisions of Sec. 8.900.

11.600 NONCONFORMING DEVELOPMENT FEATURES

11.601 Description

A nonconforming development feature is any aspect of a development—other than a nonconforming lot, nonconforming use or nonconforming structure—that was lawfully established in accordance with zoning district regulations in effect at the time of its establishment but that no longer complies with one or more standards of this Development Code. Common examples are off-street parking or loading areas that contain fewer spaces than required by current standards or otherwise do not comply with applicable regulations and sites that do not comply with current landscaping and screening requirements.

11.602 General

Nonconforming development features may remain except as otherwise expressly stated in this Development Code, but the nature and extent of nonconforming site features may not be increased except as otherwise expressly stated in this Development Code.

~~Effective on: 2/22/2023~~

11.700 NONCONFORMING MOBILE FOOD UNITS AND MOBILE FOOD VENDOR PARKS

Nonconforming Mobile Food Units and Mobile Food Vendor Parks are subject to the provisions of Article 11 as well as the following:

11.701 Abandonment

11.701.A Once a nonconforming Mobile Food Unit or Mobile Food Vendor Park is abandoned, its nonconforming status is lost and any new, replacement use must comply with the regulations of the zoning district in which it is located.

11.701.B A nonconforming Mobile Food Unit or Mobile Food Vendor is presumed abandoned when the use is discontinued or ceases for a continuous period of three (3) months or more.

11.701.C The presumption of abandonment may be rebutted upon showing, to the satisfaction of the City Planner, that during such period the owner of the land or structure has made application for a Mobile Food Vendor Permit and/or Conditional Use Permit as required by this Development Code.

11.701.D Periods of discontinued use caused by government action, accidental fire or natural disaster are not counted in calculating the length of discontinuance.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

ARTICLE 12 DEVELOPMENT REVIEW AND APPROVAL PROCEDURES

Contents:

12.100 Common Provisions

12.200 Development Code Text Amendments

12.300 Zoning District Map Amendments

12.400 Planned Developments

12.500 Historic Preservation Overlay District Map Amendments

12.600 Certificates of Appropriateness

12.700 Subdivision Plats

12.800 Conditional Uses

12.900 Variances

12.1000 Appeals of Administrative Decisions

12.100 COMMON PROVISIONS

12.101 Applicability

The "common provisions" of this section (Sec. 12.100) apply to all procedures in this article unless otherwise expressly stated.

12.102 Review and Decision-making Authority (Summary Table)

The following table summarizes the review and approval procedures of this article. In the event of conflict between this summary table and the detailed procedures contained elsewhere in this article, the detailed procedures govern.

Table 12-1: Review and Decision-making Authority Summary Table

Procedure	City Planner	Historic Preservation Commission	Planning Commission	Board of Adjustment	City Council
Development Code Text Amendment	R	–	<R>	–	<DM>
Zoning District Map Amendment	R	–	<R>	–	<DM>
Planned Developments					
Concept plan	R	–	<R>	–	<DM>
Development plan	R	–	<R>	–	<DM>
PD Site Plan	DM	–	–	–	–
Historic Preservation Overlay Map Amendment	R	R	<R>	–	<DM>
Certificate of Appropriateness	R	DM	–	–	–
Minor plat	DM	–	–	–	–
Major Subdivision					
Preliminary Plan	R	–	DM	–	–
Final Plat	R	–	DM	–	–
Conditional Use	R	–	<R>	–	<DM>

Table 12-1: Review and Decision-making Authority Summary Table					
Variance	R	–	–	<DM>	–
Appeals of Administrative Decisions	R	–	–	<DM>	–
Master Development Plan	R	–	DM	–	–
R = Review/Recommendation DM = Decision-Maker < > = Public Hearing Required					

12.103 Preapplication Meetings

12.104.A Purpose

Preapplication meetings provide an early opportunity for City staff and applicants to discuss the procedures, standards and regulations required for development approval under this Development Code.

12.104.B Applicability

Preapplication meetings are required whenever the provisions of this Development Code expressly state that they are required. They are encouraged in all cases.

12.104.C Scheduling

Preapplication meetings must be scheduled with planning division staff.

12.104.D Guidelines

The City Planner may establish guidelines for preapplication meetings, including information that should be provided and any available alternatives to face-to-face meetings, such as telephone conversations and email correspondence.

12.104 Applications and Fees

12.104.A Form of Application

Applications required under this Development Code must be submitted in a form and in such numbers as required by the City Planner. Applications must include materials and information as may be required by the City Planner to establish that the proposed activity complies with all applicable requirements of this Development Code.

12.104.B Application Filing Fees

All applications must be accompanied by the fee amount that has been established by City Council.

12.104.C Application Completeness, Accuracy and Sufficiency

1. An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and is accompanied by the required filing fee.
2. The City Planner must make a determination of application completeness within 10 business days of application filing.
3. If an application is determined to be incomplete, the City Planner must provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of the application will occur until the deficiencies are corrected. If the deficiencies are not

corrected by the applicant within 60 days, the application will be considered withdrawn.

4. No further processing of incomplete applications will occur, and incomplete applications will be pulled from the processing cycle. When the deficiencies are corrected, the application will be placed in the next available processing cycle.
5. Applications deemed complete will be considered to be in the processing cycle and will be reviewed by staff and other review and decision-making bodies in accordance with applicable review and approval procedures of this Development Code.
6. The City Planner may require that applications or plans be revised before being placed on an agenda for possible action if the City Planner determines that:
   a. The application or plan contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with Development Code requirements or other regulations;
   b. The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with Development Code requirements or other regulations; or
   c. The decision-making body does not have legal authority to approve the application or plan.

12.104.D Application Filing Date

For the purposes of calculating any time frames required, pursuant to this Development Code or state law, for processing applications, the date of application filing is deemed to be the date on which an application is deemed complete by the City Planner. An application will be considered vested on the date it is deemed complete by the City Planner.

12.105 Application Processing Cycles

The City Planner, after consulting with review and decision-making bodies, is authorized to promulgate reasonable cycles and timelines for processing applications, including filing deadlines for receipt of complete applications.

12.106 Public Hearing Notices

The public hearing notice requirements described in this article are in addition to the general requirements of the *Texas Open Meetings Act*.

12.106.A Mailed Notice

Except as otherwise expressly stated, when the procedures of this Development Code require that mailed notice be provided, the notice must be mailed to all owners of land within 300 feet of the lot lines of the land that is the subject of the application. Ownership information must be taken from the most recent City property tax records, except that when land is owned by a condominium association, notice must be given to the condominium association. Notice will be deemed to have been mailed on the date that it is deposited in United States Postal Service mail, properly addressed with postage prepaid. The failure of a property owner to receive notice is not cause for renotification or hearing postponement and does not invalidate any action taken on the application if a good faith attempt was made to comply with the notice requirements of this section.

Commentary: As a matter of practice, the City may provide additional forms of public hearing notice or otherwise exceed the minimum notice requirements prescribed by law.

12.106.B Published Notice

When the procedures of this Development Code require that published notice be provided, the notice must be published in the City's official newspaper, as designated by the City Council.

12.106.C Posted Notice

When the procedures of this Development Code require that posted (sign) notice be provided, at least one official public notice sign must be posted on the subject property for each 500 feet of street frontage or fraction thereof. Required notice signs must be posted in locations that are plainly visible from abutting streets.

12.106.D Content of Required Notices

Public hearing notices required by this Development Code must include at least the following information:

1. The subject property's street address, legal description or other description reasonably calculated to identify the location of the subject property;
2. A description of the proposal or action requested;
3. The time, date and location of the public hearing;
4. The time, date and place where the application may be inspected by the public or where additional information may be obtained; and
5. A statement that interested parties may submit written comments and/or appear at the public hearing and be heard with respect to the application.

12.106.E Public Hearing Notice Summary Table

The following table provides a summary of the notice requirements for public hearings required under the procedures of this article. In the event of conflict between this summary table and the detailed procedures contained elsewhere in this article, the detailed procedures govern.

Table 12-2: Public Hearing Notice Summary Table			
Procedure	Planning Commission Hearing	Board of Adjustment Hearing	City Council Hearing
Development Code Text Amendment	None	NA	Published 16 days before
Zoning District Map Amendment (including Overlay Districts)	Mailed & Posted 11 days before	NA	Published 16 days before
Planned Developments			
Concept plan	Mailed & Posted 11 days before	NA	Published 16 days before
Development plan	Mailed & Posted 11 days before	NA	Published 16 days before
PD Site Plan	None	NA	NA
Major Subdivision			
Preliminary Plan	None	NA	NA
Final Plan	None[1]	NA	NA
Conditional Use	Mailed & Posted 11 days before	NA	Published 16 days before
Variance	NA	Mailed & Posted 11 days before	NA
Appeals of Administrative Decisions	NA	Mailed 11 days before[2]	NA
[1] Some residential replats require hearing and public notice. See § 12.710.C. [2] Mailed notice required only to the subject property owner, individuals who request such notice in writing and other parties in interest.			

12.107 Action by Review Bodies and Decision-Making Bodies

Review and decision-making bodies may take any action that is consistent with:

12.107.A The regulations of this Development Code;

12.107.B Any rules or by-laws that apply to the review or decision-making body; and

12.107.C The notice that was given.

12.108 Conditions of Approval

When a decision-making body approves an application with conditions, the conditions must relate to a situation created or aggravated by the proposed use or development and must be roughly proportional to the impacts of the use or development.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/~~2024

12.200 DEVELOPMENT CODE TEXT AMENDMENTS

12.201 Applicability

The procedures of this section apply to all text amendments to the regulations of this Development Code.

; provided, however, that any amendment to the text of this Development Code shall be subject to the written approval of Gibbs Brothers & Company, LP, its successor and/or assigns.

12.202 Initiation of Text Amendments

An amendment to the text of this Development Code may be initiated by the City Council, the Planning Commission or the City Planner.

12.203 Review and Report—City Planner

The City Planner must prepare a report and recommendation on the proposed Development Code text amendment. The report must be transmitted to the Planning Commission before their public hearing on the proposed amendment.

12.204 Notice of Hearing

Notice of the City Council's required public hearing on a Development Code text amendment must be published in the newspaper in accordance with §12.106.B. The notice must be published at least 16 days before the date of the public hearing.

12.205 Hearing and Recommendation—Planning Commission

The Planning Commission must hold a public hearing on the proposed text amendment. Following the close of the hearing, the Planning Commission must act by simple majority vote to recommend that the proposed text amendment be approved, approved with modifications, or denied and transmit its recommendations to the City Council.

12.206 Final Action—City Council

12.206.A Following receipt of the Planning Commission's recommendation, the City Council must hold a public hearing on the proposed amendment. Following the close of their public hearing, the City Council must act to approve the proposed Development Code text amendment, approve the proposed text amendment with modifications or deny the proposed text amendment. The City Council may also remand the proposed text amendment back to the Planning Commission for further consideration.

12.206.B Development code text amendments may be approved by a simple majority vote.

12.207 Joint Hearings

In lieu of separate hearings, the City Council and Planning Commission are authorized to conduct a single, joint public hearing to consider Development Code text amendments. In such cases, applicable notice requirements for Planning Commission and City Council public hearings must be met.

12.300 ZONING DISTRICT MAP AMENDMENTS

; provided, however, that any amendment to the zoning district map of this Planned Development District shall be subject to the written approval of Gibbs Brothers & Company, LP, its successors and/or assigns.

12.301 Applicability

The procedures of this section apply to all amendments to the zoning district map.

12.302 Initiation of Map Amendments

Amendments to the zoning district map may be initiated only by the City Council, the Planning Commission, or the owner of the property that is the subject of the proposed zoning district map amendment or by the subject property owner's authorized agent.

12.303 Review and Report—City Planner

Upon receipt of a complete zoning district map amendment application, the City Planner must prepare a report and recommendation on the proposed zoning district map amendment. The report must be transmitted to the Planning Commission before their public hearing on the proposed map amendment.

12.304 Notice of Hearings

12.304.A Planning Commission

Notice of the Planning Commission's required public hearing on a zoning district map amendment must be mailed to all affected property owners and posted, in accordance with § 12.106.A and § 12.106.C. Required notices must be mailed and posted at least 11 days before the Planning Commission public hearing.

Commentary: As a matter of practice, the City will also publish newspaper notice of the Planning Commission hearing on proposed zoning district map amendments.

12.304.B City Council

Notice of the City Council's required public hearing on a zoning district map amendment must be mailed to all affected property owners and published in accordance with § 12.106.B. The notice must be published at least 16 days before the City Council public hearing.

12.305 Hearing and Recommendation—Planning Commission

The Planning Commission must hold a public hearing on the proposed map amendment. Following the close of the hearing, the Planning Commission must act by simple majority vote to recommend that the proposed amendment be approved, approved with modifications, or denied and transmit its recommendations to the City Council.

12.306 Final Action—City Council

12.308.A Following receipt of the Planning Commission's recommendation, the City Council must hold a public hearing on the proposed map amendment. Following the close of their public hearing, the City Council must act to approve the proposed zoning district map amendment, approve the proposed amendment with modifications or deny the proposed amendment. The City Council may also remand the proposed amendment back to the Planning Commission for further consideration.

12.308.B Zoning district map amendments may be approved by a simple majority vote, except as stated in Sec. 12.307.

12.307 Protest Petitions

12.308.A If a valid protest petition is filed against any proposed zoning district map amendment, passage of the amendment requires a favorable vote of at least 75% of the City Council members who are qualified to vote on the matter.

12.308.B A protest petition will be deemed valid only if it is signed and acknowledged by at least 20% of the owners of the property that is the subject of the proposed amendment, or by at least 20% of the owners of property located within 200 feet of the subject property.

12.308.C The deadline for submittal of a protest petition is 72 hours prior to action by City Council.

12.308 Review and Approval Criteria

The decision to amend the zoning district map is a matter of legislative discretion that is not controlled by any single standard. In making recommendations and decisions about zoning district map amendments, review and decision-making bodies must consider at least the following factors:

12.308.A Consistency with the Comprehensive Plan;

12.308.B Compatibility with existing zoning district classifications, uses of nearby property and the character of the surrounding neighborhood; and

12.308.C Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for use allowed under the proposed zoning district.

12.309 Joint Hearings

In lieu of separate hearings, the City Council and Planning Commission are authorized to conduct a single, joint public hearing to consider zoning district map amendments. In such cases, applicable notice requirements for Planning Commission and City Council public hearings must be met.

12.3010 Successive Applications

To help ensure the stability of land use and to promote and protect the quality of life for its citizens with respect to the use and enjoyment of their property, neither the City Council nor the Planning Commission may accept a reapplication for a zoning district map amendment for a period of 12 months following the date of the City Council's denial of the previous application. The City Council is authorized to waive this required 12-month waiting period requirement and accept a reapplication if the City Council determines that conditions have substantially and materially changed since the initial submission of the application and upon further evidence that such changes justify a rehearing and new amendment application.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

12.400 PLANNED DEVELOPMENTS

12.401 Overview

Planned development (PD) districts are established through the approval of a zoning district map amendment in accordance with Sec. 12.300. The PD approval process also requires either a two-step or three-step plan approval procedure. The three-step plan approval process entails (1) approval of an initial generalized "concept plan," (2) approval of a more detailed "development plan," and (3) staff approval of PD site plans. At the property owner's option, the PD plan approval process may be consolidated into two steps, involving (1) review and approval of a "development plan" that includes all of the information otherwise required in the concept plan and development plan and (2) staff review and approval of PD site plans. This section sets forth the required review and approval procedures for approval of planned developments.

12.402 Step One: Map Amendment and Concept (or Development) Plan Approval

The first step of the PD approval process is approval of the zoning district map amendment establishing the PD district. A PD concept plan must be processed concurrently with a PD map amendment unless the applicant elects instead to forgo the concept plan stage and process a development plan concurrently with the PD map amendment.

12.404.A Authority to File

PD concept plan (or development plan) applications may be filed only by the subject landowner or the subject landowner's authorized agent.

12.404.B Application Filing

Complete applications for concept plan (or development plan) approval must be filed with the City Planner at the same time that the PD zoning district map amendment application is filed.

12.404.C Review and Recommendation—City Planner

Following receipt of a complete application for concept plan (or development plan) approval, the City Planner must prepare a report and recommendation that evaluates the proposed planned zoning district and concept plan (or development plan) in light of applicable PD district provisions of Article 2 and the criteria of §12.402.G. The report must be transmitted to the Planning Commission before their public hearing on the proposed PD map amendment and concept plan (or development plan).

12.404.D Notice of Hearing

Public hearing notice must be provided in accordance with the zoning district amendment notice procedures (see Sec. 12.304).

12.404.E Hearing and Recommendation—Planning Commission

The Planning Commission must hold a public hearing on the proposed PD map amendment and concept plan (or development plan). Following the close of the hearing, the Planning Commission must act by simple majority vote to recommend that the proposed map amendment and concept plan (or development plan) be approved, approved with modifications, or denied and transmit its recommendations to the City Council.

12.404.F Hearing and Final Action—City Council

1. Following receipt of the Planning Commission's recommendation, the City Council must hold a public hearing on the proposed PD map amendment and concept plan (or development plan). Following the close of their public hearing, the City Council must act to approve the proposed map amendment and concept plan (or development plan), approve the map amendment and concept plan (or development plan) with modifications or deny the proposed map amendment and concept plan (or development plan). The City Council may also remand the proposed map amendment and concept plan (or development plan) to the Planning Commission for further consideration.
2. PD district map amendments are subject to the protest provisions of Sec. 12.307.

12.404.G Approval Criteria

1. In order to approve a PD concept plan and map amendment, the City Council must make all of the following determinations:
   a. The proposed PD district is at least 5 acres in area;
   b. The proposal is consistent with the Comprehensive Plan;
   c. Proposed uses and the development features are compatible with uses of nearby property and the existing and proposed character of the surrounding neighborhood;
   d. The concept plan (or development plan) complies with applicable PD district provisions of Article 2; and
   e. Appropriate terms and conditions have been imposed on the approval to protect the interests of the public and any residents of the planned development.

2. In order to approve a PD development plan and map amendment, the City Council must make all determinations required for concept plans (see §12.402.G) and PD development plans (See §12.403.I).

12.404.H Adopting Ordinance

1. The ordinance establishing a PD district must incorporate the approved concept plan or development plan and include at least the following:
   a. A statement as to the purpose and intent of the district.
   b. The uses authorized for each tract or subarea in the district, by use category, the location of such uses, and the residential densities and/or nonresidential intensities associated with phases of the project, in conformance with the approved concept plan or development plan.
   c. The conditions applicable to development within the district, as established by the City Council.
2. The graphic depiction of features on the incorporated concept plan or development plan must be enforced as regulatory standards applicable within the approved PD district. Change or modification to such features requires processing of a PD district map amendment, including a revised concept plan or development plan.

12.403 Optional Step Two: Development Plan Approval

12.404.A Options

1. Substitution for Concept Plan

   The developer may submit a development plan in lieu of a concept plan in accordance with Sec. 12.402.

2. Following Approval of Concept Plan and PD District

   If a PD district is established based upon a concept plan, review and approval of a development in accordance with this subsection (12.403) is required before any PD site plans are approved and before any development or construction is allowed within the PD district.

12.404.B ~~Timing; Lapse of Approval~~

Reserved

~~If the landowner fails to file an application for development plan approval within 2 years of the date of the PD district amendment and concept plan approval, the plan approval will be deemed to have lapsed and no development plan may be accepted for processing. In the event of lapse of approval, the City Council may institute proceedings to determine whether the land should be classified in another zoning district. In such case, the Planning Commission must deliver its recommendation, with a copy to the owner of the affected land, to the City Council, who must conduct a public hearing on the matter and determine what action is to be taken with respect to the PD district and whether to revoke or reinstate the developer's authorization to submit a development plan.~~

12.404.C Authority to File

PD development plan applications may be filed only by the subject landowner or the subject landowner's authorized agent.

12.404.D Application Filing

Complete applications for development plan approval must be filed with the City Planner.

12.404.E Review and Recommendation—City Planner

Following receipt of a complete application for development plan approval, the City Planner must prepare a report and recommendation that evaluates the PD development plan in light of the approved concept plan and the approval criteria of §12.403.I. The report must be transmitted to the Planning Commission before their public hearing on the proposed PD development plan.

12.404.F Notice of Hearing

1. Planning Commission

   Notice of the Planning Commission's required public hearing on a PD development plan must be mailed and posted, in accordance with § 12.106.A and §12.106.C. Required notices must be mailed and posted at least 11 days before the Planning Commission public hearing.

2. City Council

   Notice of the City Council's required public hearing on a PD development plan must be published in accordance with §12.106.B. The notice must be published at least 16 days before the City Council public hearing.

12.404.G Hearing and Recommendation—Planning Commission

The Planning Commission must hold a public hearing on the proposed PD development plan. Following the close of the hearing, the Planning Commission must act by simple majority vote to recommend that the proposed development plan be approved, approved with conditions, or denied and transmit its recommendations to the City Council.

12.404.H Hearing and Final Action—City Council

1. Following receipt of the Planning Commission's recommendation, the City Council must hold a public hearing on the proposed PD development plan. Following the close of their public hearing, the City Council must act to approve the proposed development plan, approve the development plan with conditions or deny the development plan. The City Council may also remand the development plan to the Planning Commission for further consideration.
2. PD zoning development plans are subject to the protest provisions of Sec. 12.307.

12.404.I Approval Criteria

In order to approve a PD development plan, the City Council must make all of the following determinations:

1. The development plan generally is consistent with the approved concept plan and the standards and conditions set forth in the PD district adopting ordinance;
2. The plan provides for a compatible arrangement of buildings and land uses within the project;
3. The general plan for traffic circulation and pedestrians provides for adequate and safe circulation inside and external to the development, consistent with the adopted thoroughfare plan;
4. The general plan for accommodation of floodwaters and drainage is adequate;

5. The plan does not adversely affect adjoining neighborhoods or properties outside the plan, taking into consideration proposed buffers;
6. The amenities proposed in the development plan application, if any, are sufficient to justify increased densities or intensities on the site; and
7. The sequence of development and timing of the phases are consistent with the overall phasing of capital facilities intended to serve the site and with the City's overall growth.

12.404.J Approving Ordinance

The ordinance approving the development plan, whether approved as part of the PD map amendment or after the PD map amendment and concept is approved, must include at a minimum the following information. The development plan must be incorporated as an exhibit to the ordinance:

1. A table of the specific land uses permitted in the area subject to the development plan, together with a description of the tracts or subareas to which such uses are restricted;
2. The residential densities and nonresidential intensities of each permitted land use;
3. A table showing the dimensions of each permitted land use, including the following information:
   a. Minimum lot area;
   b. Minimum lot width and depth;
   c. Minimum front, side, and rear yard areas;
   d. Maximum height of buildings;
   e. Minimum parking standards for each multi-unit residential and nonresidential land use;
4. A description of the elements of the general circulation plan to serve the development;
5. Provisions governing amenities, if any, to serve the area subject to the development plan; and
6. Such additional conditions as are applicable to development within the area subject to the development plan, as established by the City Council.

12.404 Final Step: PD Site Plans

Approval of PD site plans for development on individual building lots, parcels or tracts within the project is the final step of the PD approval process. Such reviews are intended to help ensure that all construction and development are consistent with the approved development plan and standards for the PD district.

12.404.A Timing; Lapse of Approval

50

A PD site plan must be submitted for approval within 2 years of the ~~date that the development plan was approved~~. If a PD site plan is not submitted within such period, the development plan approval will be deemed to have lapsed and no PD site plan may be accepted for processing. In the event of lapse of approval, the City Council may institute proceedings to determine whether the development plan for the property should be modified or the property subject to the development plan should be reclassified in another zoning district, and whether to revoke or reinstate the developer's authorization to submit a site plan.

Effective Date of this Development Code.

12.404.B Review and Action by City Planner

1. The City Planner is authorized to review and take action on PD site plans. The City Planner must approve a PD site plan if it complies with the approved development plan, all conditions of development plan approval and all of the following criteria:
   a. The plan complies with the approved development plan;
   b. The plan complies with all standards and conditions set forth in the ordinance approving the development plan;
   c. Unless modified by the ordinance approving the development plan, the plan complies with the following additional standards generally applicable to development within the City, as set forth in this Development Code:
      (1) Performance standards; and
      (2) Setback, landscaping and off-street parking and loading standards;
   d. The plan provides for appropriate ingress and egress points for access, parking and loading, including existing and proposed ingress/egress/access easements, queuing and internal circulation;
   e. The plan provides for fire safety and adequate measures for fire control and dealing with fire or explosive hazard; and
   f. The plan provides for adequate utilities, roads, drainage, and other infrastructure, as required by the City's Development Codes.
2. The City Planner may establish conditions and require modifications to ensure that the PD site plan is consistent with the approved development plan and the approval criteria in this section.
3. If the City Planner disapproves a PD site plan or imposes conditions, the applicant may appeal the decision to the City Council by filing a written request with the City Planner within 10 days of the decision.

12.404.C Effect of Approval

Approval of PD site plans must occur before a building permit may be issued for the subject property.

12.404.D Lapse of Approval

1. An approved PD site plan will lapse and have no further effect ~~24~~ months after it is approved, unless:
   a. A building permit has been issued (if required); or 48
   b. A certificate of occupancy has been issued.

12.404.E The Planning Commission is authorized to extend the expiration period for good cause on up to 2 separate occasions, by up to one year each. Requests for extensions must be submitted to the City Planner and forwarded to the Planning Commission for a final decision.

12.404.F A conditional use also lapses upon revocation of a building permit or a certificate of occupancy, for violations of conditions of approval or upon expiration of a building permit to carry out the work authorized by the approved PD site plan.

12.405 PD Project Review

If the City Council finds that conditions imposed on development of the planned development project have not been timely fulfilled, or for any other reasons related to reasonable exercise of the powers conferred by Texas *Local Government Code* Chapter 211, that the zoning district classification of the PD district should be reexamined, the City Council may initiate review of the PD district in order to determine whether the authorized uses, standards and conditions applicable to development within the district should be changed for part or all of the undeveloped land within the district. If the City Council makes such determination, it must refer the matter to the Planning Commission for its recommendation and thereafter take appropriate action to modify the uses, standards or conditions applicable to development within the district in accordance with procedures applicable to zoning district amendments.

~~Effective on: 2/22/2023~~

Reserved

12.500 ~~HISTORIC PRESERVATION OVERLAY DISTRICT MAP AMENDMENTS~~

~~12.501 Intent~~

~~The Historic Preservation (HPO) Overlay district map amendment procedures of this section govern the establishment, amendment or repeal of any HP Overlay district (see Sec. 3.400).~~

~~12.502 Authority to File~~

~~HP Overlay map amendments may be initiated by the City Council, Historic Preservation Commission or the owner of the real property that is the subject of the proposed map amendment or by the subject property owner's authorized agent. Any request initiated by the City Council or Historic Preservation Commission is subject to the approval of the property owner before its consideration.~~

~~12.503 Compliance with Zoning District Map Amendment Procedures~~

~~At a minimum, the zoning district map amendment procedures of Sec. 12.300 apply and must be followed for all HP Overlay map amendments, including all requirements for public notice and hearings and the rights of property owners to protest the amendment.~~

~~12.504 Review and Recommendation—Historic Preservation Commission~~

~~12.506.A After notification of all owners of property within the proposed HP Overlay, the Historic Preservation Commission must hold a public hearing to consider the map amendment.~~

~~12.506.B At the Historic Preservation Commission's public hearing, property owners, interested parties and technical experts must be given an opportunity to present testimony or documentary evidence that will become part of the record regarding the historic, architectural or cultural importance of the proposed historic landmark or district to be included within the HP Overlay.~~

~~12.506.C Following the close of the public hearing, the Historic Preservation Commission must act by simple majority vote to recommend that the proposed overlay district map amendment be approved, approved with modifications, or denied and transmit its recommendations to the Planning Commission. The report and recommendation must include specific findings regarding the proposed map amendment's consistency with the HP Overlay criteria of Sec. 12.506. The report must include a map showing the boundaries of the proposed HP Overlay boundaries.~~

~~12.505 Review by Planning Commission; Final Decision by City Council~~

~~12.506.A Following review and recommendation by the Historic Preservation Commission, the proposed HP Overlay amendment must be forwarded to the Planning Commission for review and recommendation, and then, following review and recommendation by the Planning Commission, the matter must be forwarded to the City Council for final decision.~~

~~12.506.B The Planning Commission must make its recommendation to the City Council within 45 days of the date that the Planning Commission's hearing is closed.~~

~~12.506.C The City Council must conduct its hearing within 45 days of receipt of the Planning Commission recommendation.~~

~~12.506.D Upon designation of an HP Overlay, the designated boundaries must be recorded in the official public records of real property of Walker County, the tax records of the City of Huntsville and the Walker County Appraisal District as well as the official zoning district map of the City of Huntsville.~~

~~12.506 HP Overlay Approval Criteria~~

~~12.506.A An individual (landmark) property may be designated as an HP Overlay if it substantially complies with 2 or more of the following:~~

1. ~~Possesses significance in history, architecture, archeology, or culture;~~
2. ~~Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history;~~
3. ~~Is associated with events that have made a significant impact in the past;~~
4. ~~Represents the work of a master designer, builder, or craftsman;~~
5. ~~Embodies the distinctive characteristics of a type, period, or method of construction; or~~
6. ~~Represents an established and familiar visual feature of the City.~~

~~12.506.B Multiple properties may be designated as an HP Overlay district area if the area substantially complies with both of the following:~~

1. ~~Contains properties and an environmental setting which meet 2 or more of the criteria for designation of an individual landmark property (see §12.506.A); and~~
2. ~~Constitutes a distinct section of the City.~~

~~12.506.C Properties that are listed as a Recorded Texas Historic Landmark (RTHL), State Archeological Landmark (SAL) or listed on the National Register of Historic Places (NR) may be considered for HP Overlay designation as recognized local historic landmarks.~~

~~Effective on: 2/22/2023~~

Reserved

12.600 ~~CERTIFICATES OF APPROPRIATENESS~~

~~12.601 Applicability~~

~~12.606.A Within any HP Overlay district, a Certificate of Appropriateness must be obtained in accordance with this section before performing any construction, reconstruction, alteration, restoration, rehabilitation, or relocation of any historic landmark or any property within a historic district. A Certificate of Appropriateness is also required before making any material change in light fixtures, signs, fences, steps, or other exterior elements that are visible from a public right-of-way and that affect the appearance and cohesiveness of any historic landmark or any property within a historic district.~~

~~12.606.B~~ ~~A Certificate of Appropriateness must be obtained in accordance with the procedures of this section before demolishing any building or structure within an HP Overlay.~~

~~12.606.C~~ ~~Certificates of Appropriateness are not required for ordinary maintenance and repair of any exterior architectural feature that does not involve a change in design, material, or outward appearance. In-kind replacement or repair is included in this definition of ordinary maintenance.~~

~~12.606.D~~ ~~No building or demolition permits may be issued for properties within an HP Overlay until a Certificate of Appropriateness is obtained. The Certificate of Appropriateness required by this section is in addition to and not in lieu of any other building or demolition permit that may be required by any other ordinance of the City of Huntsville.~~

~~12.602~~ ~~Authority to File~~

~~Applications for Certificates of Appropriateness may be filed only by the subject property owner or by the subject property owner's authorized agent.~~

~~12.603~~ ~~Application Filing~~

~~Complete applications must be filed with the Historic Preservation Officer in a form established by the City. The application must include at least the following information:~~

~~12.606.A~~ ~~Name, address, telephone number of applicant;~~

~~12.606.B~~ ~~Name, address, and telephone number of the property owner;~~

~~12.606.C~~ ~~A detailed description of the proposed work;~~

~~12.606.D~~ ~~Location and photographs of the property and adjacent properties;~~

~~12.606.E~~ ~~Elevation drawings of the proposed changes, if available;~~

~~12.606.F~~ ~~Samples of materials to be used;~~

~~12.606.G~~ ~~If the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination (if any), and a plan showing the sign's location on the property; and~~

~~12.606.H~~ ~~Any other information that the Historic Preservation Commission deems necessary in order to visualize the proposed work.~~

~~12.604~~ ~~Meeting and Final Decision—Historic Preservation Commission~~

~~12.606.A~~ ~~The Historic Preservation Commission must review the application at a regularly scheduled meeting within 60 days of the date that a complete application is received, at which time an opportunity must be provided for the applicant to be heard. The Historic Preservation Commission must approve, deny, or approve with modifications the application within 45 days after the review meeting. If the Historic Preservation Commission does not act within 90 days of the receipt of a complete application, a permit may be granted.~~

~~12.606.B~~ ~~All decisions of the Historic Preservation Commission must be in writing and must state its findings pertaining to the approval, denial, or modification of the application. A copy must be sent to the applicant. Additional copies must be filed as part of the City of Huntsville's records on that property and dispersed to appropriate departments.~~

~~12.606.C~~ ~~An applicant for a Certificate of Appropriateness dissatisfied with the action of the Historic Preservation Commission relating to the issuance or denial of a Certificate of Appropriateness has the right to appeal to the City Council~~

~~within 30 days after receipt of notification of such action. The City Council must hold a public hearing and make its decision on the matter within 45 days of receiving the appeal notice.~~

~~12.605 Standards and Review Criteria~~

~~In considering an application for a Certificate of Appropriateness, the Historic Preservation Commission must be guided by any adopted design guidelines, and where applicable, by the Secretary of the Interior's *Standards for Rehabilitation of Historic Buildings*. Any adopted design guidelines and Secretary of the Interior's standards must be made available to the property owners of historic landmarks or property located within historic districts. The following items, as appropriate, must be considered in the application for a Certificate of Appropriateness:~~

~~12.606.A Every reasonable effort must be made to adapt the property in a manner that requires minimal alteration of the building, structure, object, or site and its environment.~~

~~12.606.B The distinguishing original qualities or character of a building, structure, object, or site and its environment may not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.~~

~~12.606.C All buildings, structures, objects, and sites must be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance are discouraged.~~

~~12.606.D Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance must be recognized and respected.~~

~~12.606.E Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, object, or site must be kept where possible.~~

~~12.606.F Deteriorated architectural features must be repaired rather than replaced wherever possible. In the event replacement is necessary, the new material must reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features must be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.~~

~~12.606.G The surface cleaning of structures must be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials may not be undertaken.~~

~~12.606.H Every reasonable effort must be made to protect and preserve archeological resources affected by, or adjacent to, any project.~~

~~12.606.I Contemporary design for alterations and additions to existing properties are not discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.~~

~~12.606.J Whenever possible, new additions or alterations to buildings, structures, objects, or sites must be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object or site would be unimpaired.~~

~~12.606~~ ~~Economic Hardship Process~~

~~12.606.A~~ ~~After receiving written notification from the Historic Preservation Commission of the denial of a Certificate of Appropriateness, an applicant may commence the hardship process of this subsection. No building permit or demolition permit may be issued unless the Historic Preservation Commission makes a finding that an economic hardship exists.~~

~~12.606.B~~ ~~When a claim of economic hardship is made due to the effect of the historic preservation requirements of this Development Code, the applicant or property owner must prove that:~~

1. ~~The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;~~
2. ~~The property cannot be adapted for any other use, whether by the current owner or by a purchaser, that would result in a reasonable return; and~~
3. ~~Efforts to find a purchaser interested in acquiring the property and preserving it have failed.~~

~~12.606.C~~ ~~The applicant must consult in good faith with the Historic Preservation Commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be shown to the Historic Preservation Commission.~~

~~12.606.D~~ ~~The Historic Preservation Commission must hold a public hearing on the application within 60 days of the date that a complete application is received by the Historic Preservation Commission. Following the hearing, the Historic Preservation Commission has 30 days in which to prepare a written decision on the application. If the Historic Preservation Commission does not act within 90 days of the receipt of the application, a permit may be granted.~~

~~12.606.E~~ ~~All decisions of the Historic Preservation Commission must be in writing and must state its reasons for granting or denying the hardship application. A copy must be sent to the applicant and filed with the Historic Preservation Officer for public inspection.~~

~~12.606.F~~ ~~An applicant for economic hardship relief who is dissatisfied with the action of the Historic Preservation Commission relating to the issuance or denial of a Certificate of Appropriateness, has the right to appeal to the City Council within 30 days after receipt of notification of such action. The City Council must hold a public hearing and makes its decision on the matter within 45 days of receiving the appeal notice.~~

12.700 SUBDIVISION PLATS

1 Purposes

The subdivision review and approval procedures of this section are intended to help:

A Facilitate the creation of accurate and permanent public records of the separate interests created and conveyed by the subdivision of land, thereby helping to protect private property rights; and

B Ensure that proposed lots are capable of being built upon in accordance with applicable City regulations.

2 Applicability

Except as otherwise expressly exempted, subdivisions of property within the City limits or the City's extraterritorial jurisdiction are required to be approved in accordance with state law and the applicable plat approval procedures of this article before any of the following occurs:

A The division of land (for any purpose) into 2 or more parcels, to lay out a subdivision of the tract, including an addition to the City, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on to or adjacent to the streets, alleys, squares, parks or other parts;

B Development on a parcel not previously legally subdivided;

C Resubdivision of land that has previously been platted; or

D Amendment of any approved plat.

3 Exemptions

All of the following are expressly exempt from the subdivision plat approval procedures of this section (Sec. 12.700):

A A division of land into parcels greater than 5 acres in area when each parcel has street access and no public improvements are dedicated;

B Division of property that results from a governmental entity's land acquisition for public facilities such as street right-of-way;

C Any lot or lots forming a part of a subdivision created and recorded before July 26, 1983 or before the date on which the City's subdivision regulations applied to the property through extension of the City's extraterritorial jurisdiction;

D A division of land performed by a political subdivision of the state, as defined in Chapter 245 of the Texas *Local Government Code*. Entities who choose to plat voluntarily must comply with all of the applicable requirements;

E A division of land created by order of a court with competent jurisdiction;

F Leases that do not involve the actual division of land, such as:

1. Agricultural leases, fishing leases, grazing leases, and hunting leases;
2. Leases that pertain to existing identified commercial or residential units; and
3. Sign leases;

G Easements that do not involve the division of land;

H The laying out of cemetery plots in a cemetery or addition to a cemetery if no public street is constructed or dedicated.

4 Determination of Applicability

A Upon receipt of a complete application, and in compliance with Section 212.0115 of the *Texas Local Government Code*, the City Planner is authorized to make the following determinations:

1. Whether a plat is required for the subject tract; and
2. If a plat is required, whether it has been prepared and whether it has been reviewed and approved.

B The City Planner may require additional information and documents be provided by the applicant in order to make the requested determination.

C If the City Planner determines that a plat is not required, the City Planner must issue to the requesting party a written certification of that determination. If it is determined that a plat is required and that the plat has been prepared and has been reviewed and approved, the City Planner must issue to the requesting party a written certification of that determination.

D The City Planner must make the determination of applicability within 20 days of the date of receipt of a complete application and must issue the certificate, if applicable, no later than 10 days after the date the determination is made.

E The decision of the City Planner is appealable to the Planning Commission.

5 Subdivision (Plat) Approval Procedure Generally

Except as otherwise expressly stated in this section (Sec. 12.700), the subdivision plat approval process requires preliminary plan approval and final plat approval. Prior to the submission of a preliminary plan application required by this Development Code, applicants are encouraged to schedule and attend an optional preapplication meeting (see Sec. 12.103).

6 Minor Plats

A Applicability

The City Planner is authorized to approve the following in accordance with the minor plat approval procedures of this section:

1. Amending plats, as described in Section 212.016 of the *Texas Local Government Code*;
2. Plats or replats involving 4 or fewer lots fronting on an existing street and not requiring the creation of any new street or extension of municipal facilities, as described in Section 212.0065 of the *Texas Local Government Code*; and
3. A replat, as described in Section 212.0145 of the *Texas Local Government Code*, that does not require the creation of any new street or the extension of municipal facilities.

B Procedure

1. Minor plat approval requires submission of a final plat, as described in Sec 12.708. No preliminary plan is required. The minor (final) plat must be reviewed by the City Planner for compliance with all applicable requirements of this Development Code.
2. Within 30 days of receipt of a complete minor plat application and final plat, the City Planner must approve the plat, approve the plat with conditions or recommend denial of the plat. If the plat is recommended for denial, it must be forwarded to the Planning Commission for final action at their next available meeting. The City Planner may also elect, for any reason, to forward a proposed minor plat to the Planning Commission for final action.

Commentary: The 30-day requirement for plat approval is imposed by state law. The City's typical practice is to act on minor plats within 10 days.

3. If forwarded to the Planning Commission, the Planning Commission must approve, disapprove, or conditionally approve the plat within 30 days of the date that it is forwarded as set forth in Section 212.009(a) of the *Texas*

Local Government Code. Upon applicant request in writing, and upon approval by the Planning Commission, the approval period may be extended for a period not to exceed 30 says as set forth in Section 212.009(b-2) of the *Texas Local Government Code*. Planning Commission conditional approval or disapproval of a plat shall follow the procedures set forth in Section 212.0091, 212.0093, 212.0095, 212.0096, 212.0097, and 212.0099 of the *Texas Local Government Code*.

12.706.C Recordation

After approval by the City Planner or Planning Commission, and when all requirements and conditions have been met, the approved plat must be recorded in the office of the Walker County clerk.

12.707 Preliminary Plans

12.707.A Applicability

Major subdivisions are those that do not meet the minor plat applicability provisions of §12.706.A. Review and approval of a preliminary plan is required for all major subdivisions, except as otherwise expressly stated or unless the Planning Commission approves a consolidated preliminary and final plat.

12.707.B Purpose

The purpose of preliminary plan review and approval is to allow the Planning Commission to evaluate the proposed subdivision for compliance with applicable regulations of this Development Code and to evaluate construction plans for public improvements or to provide adequate security for construction of public improvements.

12.707.C Application Filing

Complete applications for preliminary plan approval must be filed with the City Planner.

12.707.D Review and Recommendation by City Planner

The City Planner must review the preliminary plan and recommend approval, approval with conditions or disapproval based on the plan's compliance with the following:

1. The Comprehensive Plan;
2. The infrastructure and public improvement standards of Article 10; and
3. Other applicable provisions of this Development Code.

12.707.E Review and Final Action by Planning Commission

1. The City Planner must forward the preliminary plan to the Planning Commission for review when it meets all of the technical terms and conditions of this Development Code, or the applicant has filed an application for a waiver or modification of the infrastructure and public improvement standards of Article 10. (See §12.711 for waiver and modification procedures)
2. The Planning Commission must act to approve conditionally approve or disapprove the preliminary plan within 30 days of receipt of a complete application as set forth in Section 212.009(a) of the *Texas Local Government Code*. If action is not taken within the required 30-day period, the plat will be deemed approved. Planning Commission conditional

approval or disapproval of a plan shall follow the procedures set forth in Sections 212.0091, 212.0093, 212.0095, 212.0096, 212.0097, and 212.0099 of the T*exas Local Government Code*.

3. Upon applicant request in writing, and upon approval by the Planning Commission, the approval period may be extended for a period not to exceed 30 days as set forth in Section 212.009(b-2) of the *Texas Local Government Code*.

12.707.F Effect of Preliminary Plan Approval

Approval of a preliminary plan shall mean the following:

1. Once a preliminary plan application is approved by the Planning Commission, the applicant may continue the major subdivision approval process by submitting construction plans and a final plat application.
2. Approval of a preliminary plan does not constitute approval of a final plat. Application for approval of a final plat will be considered only after the requirements for preliminary plan approval have been fulfilled and after all other specified conditions have been met.

12.707.G Lapse of Approval

1. If a final plat is not filed with the City Planner within 24 months of the date of approval of the preliminary plan, the preliminary plan will be deemed to have lapsed and be of no further effect. The Planning Commission may, upon written application of the applicant, extend the preliminary plan approval one time for up to 12 additional months. The extension request must be filed with the City Planner at least 30 days before the preliminary plan's expiration date.
2. Each final plat that is a phase of an approved preliminary plan extends the expiration date of the preliminary plan an additional 24 months from the date the previous final plat was approved by the Planning Commission.

12.707.H Preliminary Plan Amendments

1. Minor Amendments.

   Minor amendments of an approved preliminary plan may be incorporated in an application for approval of a final plat without the necessity of filing a new application for approval of a preliminary plan. Authorized minor amendments include adjustment in street or alley alignments and lengths, adjustment in lot lines that do not result in creation of additional developable lots, or adjustments to utility or access easements. Minor amendments must comply with all applicable regulations of this Development Code and may not increase the extent of any previously approved waiver.

2. Major Amendments

   All proposed amendments to an approved preliminary plan that do not constitute a minor amendment are considered a major amendments and require approval of a new preliminary plan application. Examples of major amendments include any increase in the number of developable lots, additions or rerouting of streets and modification of parkland.

3. Amendment Determination

The applicant must provide a written description of proposed amendments to an approved preliminary plan. The City Planner is authorized to determine whether the proposed amendments are deemed minor or major amendments. At the discretion of the City Planner, a new preliminary plan application that proposes major amendments may be processed simultaneously with a final plat application.

4. Retaining Previous Approval

If the proposed major amendments are not approved or if the applicant is unwilling to accept the terms and conditions required by the Planning Commission, the applicant may withdraw the proposed preliminary plan amendments by written request and retain the previously approved preliminary plan.

12.708 Final Plats

12.708.A Applicability

Final plat review is required for all major subdivisions and is the procedure used for approval of minor plats (See Sec. 12.706).

12.708.B Purpose

The purpose of a final plat is to record the subdivision of property including an accurate description of blocks, rights-of-way, easements, building lines and street names.

12.708.C Application Filing

Complete applications for final plat approval must be filed with the City Planner.

12.708.D Review and Action

1. The City Planner is authorized to approve minor plats (final plats).
2. A final plat for a major subdivision requires review and recommendation by the City Planner and review and approval by the Planning Commission.
3. The Planning Commission must act to approve, conditionally approve or disapprove the final plat within 30 days receipt of a complete application as set forth in Section 212.009(a) of the *Texas Local Government Code.* If action is not taken within the required 30-day period, the plat will be deemed approved. Planning Commission conditional approval or disapproval of a plat shall follow the procedures set forth in Sections 212.0091, 212.0093, 212.0095, 212.0096, 212.0097, and 2112.0099 of the Texas Local Government Code.
4. Upon applicant request in writing, and upon approval by the Planning Commission, the approval period may be extended for a period not to exceed 30 days as set forth in Section 212.009(b-2) of the *Texas Local Government Code*.
5. No final plat may be approved unless the plat is determined to (a) be in substantial conformance with the approved preliminary plan (if applicable) and the Comprehensive Plan and (b) comply with the infrastructure and public improvement standards of Article 10 and all other applicable provisions of this Development Code.

12.708.E Recordation

1. After approval by the City Planner or Planning Commission, as applicable, and when all requirements and conditions have been met, the approved final plat must be recorded in the office of the Walker County clerk.
2. If infrastructure and public improvements are required for the proposed subdivision, the following are required before the approved final plat may be recorded.
   a. Engineering and construction documents must be approved by the City Engineer;
   b. Any required dedications and easements must be reviewed and determined acceptable by the City in recordable form; and
   c. All required infrastructure and public improvements must either (a) be in place and accepted by the City or (b) a financial guarantee must be provided in accordance with Sec. 10.300.
3. If the approved final plat is not recorded within 18 months of the date of approval by the Planning Commission, the previous approval will lapse and be of no further effect.

12.709 Vacating Plat

Vacating plats, as described in Section 212.013 of the *Texas Local Government Code* require review and approval in accordance with the same procedures used for approval of final plats (see Sec. 12.708). Once recorded, a vacating plat has the effect of returning the property to its previous (platted or unplatted) condition.

12.710 Replats

12.710.A When Required

Except as otherwise expressly stated in this article, replats of any portion of an already approved final plat, other than to amend or vacate the plat, require review and approval in accordance with the same procedures used for approval of final plats (see Sec. 12.708).

12.710.B Replatting Without Vacating Preceding Plat

A replat of a final plat or portion of a final plat may be recorded and is controlling over the preceding plat without vacating that plat if the replat:

1. Is signed and acknowledged by only the owners of the property being replatted; and
2. Does not attempt to amend or remove any covenants or restrictions previously incorporated in the final plat.

12.710.C Additional Requirements for Residential Replats

1. Applicability

   Pursuant to Section 212.015 of the *Texas Local Government Act,* the additional residential replat requirements of this subsection apply whenever:

   a. During the preceding 5 years, any of the area to be replatted was limited by an interim or permanent zoning districts classification to residential use for not more than 2 residential units per lot; or
   b. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than 2 residential units per lot.

2. Public Hearing Notice

Residential replats require public notice hearing before the Planning Commission. Notice of the Planning Commission's public hearing must be published in accordance with §12.106.B. The notice must be published at least 16 days before the public hearing.

Notice of the hearing must also be mailed, in accordance with §12.106.A, to the owners of lots that are in the original subdivision and that are within 300 feet of the lots to be replatted. Required notices must be mailed at least 16 days before the Planning Commission's public hearing.

3. Written Protest

a. Residential replats may be approved by a simple majority vote, except that if the proposed residential replat requires a modification or waiver of subdivision standards and a valid protest petition is filed against the replat, approval of the replat requires a favorable vote of at least 75% of the Planning Commission members who are present and qualified to vote on the matter.

b. A written protest of a residential replat will be deemed valid only if it is signed and acknowledged by the owners of at least 20% of the area of the lots to whom mailed notice is required to be given under § 12.710.C2.

12.711 Modifications and Waivers of Subdivision Standards

The Planning Commission is authorized to approve, approve with conditions, or disapprove modifications and waivers of the infrastructure and public improvement standards of Article 10. Such waivers and modifications must be reviewed as approved in conjunction with review and approval of the preliminary subdivision plan. In order to approve a waiver or modification, the Planning Commission must find that:

12.711.A There are special circumstances or conditions affecting the property;

12.711.B The waiver or modification is necessary for reasonable and appropriate development of the property in question and is not a greater modification or waiver than is required to allow reasonable and appropriate development of the subject property; and

12.711.C Granting the waiver or modification will not be detrimental to the public welfare or injurious to other property in the vicinity in which the subject property is situated.

~~Effective on: 2/22/2023~~

12.800 CONDITIONAL USES

12.801 Intent

The conditional use approval procedure of this section is intended to provide a transparent, public review process for land uses that, because of their widely varying design and operational characteristics, require case-by-case review in order to determine whether they will be compatible with surrounding uses and development patterns.

12.802 Applicability

All uses listed as conditional uses in Sec. 4.100 require review and approval in accordance with the procedures of this section.

12.803 Initiation of Application

Conditional use applications may be initiated only by the owner of the subject property or by the subject property owner's authorized agent.

12.804 Review and Report—City Planner

Upon receipt of a complete conditional use application, the City Planner must prepare a report and recommendation on the proposed conditional use. The report must be transmitted to the Planning Commission before their public hearing on the conditional use matter.

12.805 Notice of Hearings

12.805.A Planning Commission

Notice of the Planning Commission's required public hearing on a conditional use application must be mailed and posted, in accordance with §12.106.A and §12.106.C. Required notices must be mailed and posted at least 11 days before the Planning Commission public hearing.

12.805.B City Council

Notice of the City Council's required public hearing on a conditional use application must be published in accordance with §12.106.B. The notice must be published at least 16 days before the City Council public hearing.

12.806 Hearing and Recommendation—Planning Commission

The Planning Commission must hold a public hearing on the proposed conditional use. Following the close of the hearing, the Planning Commission must act by simple majority vote to recommend that the proposed conditional use be approved, approved with conditions, or denied and transmit its recommendations to the City Council.

12.807 Final Action—City Council

12.807.A Following receipt of the Planning Commission's recommendation, the City Council must hold a public hearing on the proposed conditional use. Following the close of their public hearing, the City Council must act to approve the proposed conditional use, approve the proposed amendment with conditions or deny the proposed conditional use. The City Council may also remand the proposed conditional use application to the Planning Commission for further consideration.

12.807.B Conditional use applications may be approved by a simple majority vote.

12.808 Review and Approval Criteria

No conditional use may be recommended for approval or approved unless the respective review or decision-making body determines that evidence has been submitted to support each of the following conclusions:

12.808.A That the proposed use is consistent with the Comprehensive Plan;

12.808.B That adequate utilities, roads, drainage and other necessary infrastructure facilities and public services are or will be available to serve proposed use; and

12.808.C That the proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.

12.808.D The proposed use meets all supplemental regulations for the subject use.

12.809 Lapse of Approval

12.809.A An approved conditional use application will lapse and have no further effect 18 months after it is approved by the City Council, unless:

1. A building permit has been issued (if required);
2. A certificate of occupancy has been issued; or
3. The conditional use has been lawfully established.

12.809.B The City Council is authorized to extend the expiration period for good cause on up to 2 separate occasions, by up to one year each. Requests for extensions must be submitted to the City Planner and forwarded to the City Council for a final decision.

12.809.C A conditional use also lapses upon revocation of a building permit or a certificate of occupancy for violations of conditions of approval or upon expiration of a building permit to carry out the work authorized by the conditional use approval.

12.810 Transferability

Conditional use approval runs with the land and is not affected by changes of tenancy, ownership, or management.

12.811 Amendments

Amendments to approved conditional uses may be approved in accordance with the following requirements. The conditional use amendment procedures may not be used to vary or modify Development Code requirements.

12.811.A Minor Amendments

1. The City Planner is authorized to approve the following minor amendments to approved conditional uses:
   a. Any amendments expressly authorized as minor amendments at the time of conditional use approval;
   b. The addition of customary accessory uses and structures; and
   c. Changes to the development site or to structures necessitated by engineering, architectural or physical limitations of the site that could not have been foreseen at the time the conditional use was approved and that are not otherwise classified as major amendments pursuant to §12.811.B.
2. Applications for minor amendments to approved conditional uses must be filed in a form established by the City Planner. If no action is taken on the minor amendment application within 15 days of filing of a complete application, the minor amendment is deemed denied.

12.811.B Major Amendments

1. All of the following constitute major amendments to approved conditional uses:
   a. An increase in overall building coverage by more than 5%;
   b. An increase in building height by more than 10% or 5 feet, whichever is less;
   c. An overall reduction in the amount of usable open space, common open space or landscaping;
   d. A reduction in off-street parking by more than 10% or one space, whichever results in a greater reduction;

e. A change in the vehicle circulation pattern that would increase points of access, change access to another street or increase projected traffic volumes; and

f. Any combination of 3 or more minor changes that were not expressly authorized by the approved conditional use permit.

2. Major amendments to an approved conditional use must be processed as a new conditional use application, including all requirements for fees, notices and public hearings.

Effective on: 2/22/2023

12.900 VARIANCES

12.901 Intent

A variance is a grant of relief to a property owner from strict compliance with the regulations of this Development Code. The intent of a variance is not to simply remove an inconvenience or financial burden that may result from compliance with applicable Development Code requirements. Variances are intended to help alleviate an undue hardship that would be caused by the literal enforcement of the subject ordinance requirements. They are intended to provide relief when the requirements of this Development Code render construction or placement of improvements impractical or impossible because of some unique or special characteristic of the subject property itself.

12.902 Authorized Variances

The Board of Adjustment is authorized to grant a variance to any regulation in this Development Code in accordance with the variance procedures of this section, except that the variance procedures may not be used to do any of the following:

12.902.A Allow a principal use in a zoning district that is not otherwise allowed in that zoning district (i.e., "use variances" are prohibited);

12.902.B Waive, modify or amend any definition or use classification;

12.902.C Waive, modify or otherwise vary any of the review and approval procedures of this article;

12.902.D Waive, vary, modify or otherwise override a condition of approval or requirement imposed by an authorized decision-making body or the state or federal government; or

12.902.E Waive, vary or modify subdivision-related standards (i.e., those administered and enforced as part of the subdivision review procedures, including, for example, the infrastructure and public improvement standards of Article 10.) Note: waivers and modifications of subdivision-related requirements may be considered concurrently with review of a major subdivision (See Sec. 12.705).

12.903 Authority to File

Variance applications may be filed by the subject property owner or by the property owner's authorized agent.

12.904 Application Filing

12.904.A A Pre-Application Meeting is required before an application may be filed.

12.904.B Complete applications for variances must be filed with the City Planner.

12.905 Notice of Hearing

Notice of the Board of Adjustment's required public hearing on a variance request must be mailed and posted, in accordance with §12.106.A and §12.106.C. Notice must also be mailed to any individuals who have, in writing, requested such notification. Required notices must be mailed and posted at least 11 days before the public hearing.

12.906 Hearing and Final Decision—Board of Adjustment

12.906.A Following receipt of a complete application, the Board of Adjustment must hold a public hearing within 60 days to consider the requested variance.

12.906.B Following the close of the public hearing, the Board of Adjustment must make its findings of fact and act to approve the requested variance, approve the variance with modifications and/or conditions, or deny the variance request based on the standards and review criteria of Sec. 12.907.

12.906.C Approval of a variance requires an affirmative vote of at least 4 members of the Board of Adjustment.

12.907 Standards and Review Criteria

12.907.A No variance may be approved unless the Board of Adjustment finds that the variance to be approved is consistent with the spirit and intent of this Development Code and that strict compliance with the subject provisions would result in an unnecessary hardship for the subject property owner.

12.907.B In its consideration of whether a variance request has met the standard of unnecessary hardship, the Board of Adjustment must make all of the following findings from the evidence presented:

1. The variance is necessary to overcome a condition of the property itself;
2. The condition necessitating the variance is unique to the subject property;
3. The condition necessitating the variance was not created by the subject property owner;
4. Literal enforcement of the subject regulation will deprive the property owner of any economically beneficial use of the subject property;
5. Approval of the variance will not be contrary to the public interest; and
6. Approval of the variance is in keeping with the overall sprit of this Development Code and furthers substantial justice.

12.908 Transferability

Approved variances run with the land and are not affected by changes of tenancy, ownership, or management.

12.909 Amendments

A request for changes in the specific nature of the approved variance or changes to any conditions attached to an approved variance must be processed as a new variance application, including all requirements for fees, notices and public hearings.

12.910 Lapse of Approval

12.910.A An approved variance will lapse and have no further effect one year after it is approved by the Board of Adjustment, unless:

1. A building permit has been issued (if required); or
2. The use or structure has been lawfully established.

12.910.B The Board of Adjustment is authorized to extend the expiration period for good cause on up to 2 separate occasions, by up to 6 months each. Requests for extensions must be submitted to the City Planner before the variance expires. No hearings, notices or fees are required for extensions.

12.910.C A variance also lapses upon revocation of a building permit or a certificate of occupancy for violations of conditions of approval or upon expiration of a building permit to carry out the work authorized by the variance.

12.911 Appeals of Final Decisions of the Board of Adjustment

Any person aggrieved by a variance decision of the Board of Adjustment may appeal the decision to district court. Appeals must be filed with district court of Walker County within 10 days of the date that the Board of Adjustment's decision is filed in the office of the City Planner.

(Ord. No. 2024-20, 09/03/2024)

Effective on: 9/13/2024

12.1000 APPEALS OF ADMINISTRATIVE DECISIONS

12.1001 Authority

The Board of Adjustment is authorized to hear and decide appeals where it is alleged there has been an error in any order, requirement, decision or determination made by the City Planner or any other administrative official in the administration, interpretation or enforcement of this Development Code.

12.1002 Right to Appeal

Appeals of administrative decisions may be filed by any person aggrieved by the City Planner's or other administrative official's decision or action. The Board of Adjustment is authorized to make determinations about whether individuals filing appeals are "aggrieved" by the decision or action.

12.1003 Application Filing

12.1007.A Complete applications for appeals of administrative decisions must be filed with the City Planner.

12.1007.B Appeals of administrative decisions must be filed within 30 days of the date of the decision being appealed.

12.1004 Effect of Filing

The filing of a complete notice of appeal stays all proceedings in furtherance of the action appealed, unless the City Planner certifies to the Board of Adjustment, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property, in which case the proceedings will not be stayed unless by a restraining order, may be granted by the Board of Appeals or by a court of record based on due cause shown.

12.1005 Record of Decision

Upon receipt of a complete application of appeal, the City Planner or other administrative official whose decision is being appealed must transmit to the Board of Adjustment all papers constituting the record upon which the action appealed is taken.

12.1006 Notice of Hearing

Notice of the Board of Adjustment's required public hearing on an appeal of an administrative opinion must be mailed to the applicant, any individuals who have, in writing, requested such notification and any other parties in interest. Required notices must be mailed at least 11 days before the public hearing.

12.1007 Hearing and Final Decision

12.1007.A The Board of Adjustment must hold a public hearing on the appeal.

12.1007.B Following the close of the public hearing, the Board of Adjustment must take action on the appeal. The board's decision must be in writing and be supported by written findings of fact.

12.1007.C In exercising the appeal power, the Board of Adjustment has all the powers of the administrative official from whom the appeal is taken. The Board of Adjustment may affirm or may, upon the concurring vote of at least 4 members, reverse, wholly or in part, or modify the decision being appealed.

12.1007.D In acting on the appeal, the Board of Adjustment must grant to the official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.

12.1008 Review Criteria

An appeal may be sustained only if the Board of Adjustment finds that the City Planner or other administrative official erred.

12.1009 Appeals of Final Decisions of the Board of Adjustment

Any person aggrieved by the decision of the Board of Adjustment may appeal the decision to the District Court. Appeals must be filed with the District Court of Walker County within 10 days of the date that the Board of Adjustment's decision is filed in the office of the City Planner.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

ARTICLE 13 ADMINISTRATION

Contents:

13.100 City Council

13.200 Planning Commission

13.300 Board of Adjustment

13.400 Historic Preservation Commission

13.500 Historic Preservation Officer

13.600 City Planner

subject to the terms and conditions of

13.100 CITY COUNCIL

The City Council is responsible for adopting the regulations and procedures of this Development Code, for confirming appointments to Planning Commission and Board of Adjustment and for carrying out those decision-making responsibilities expressly assigned by this Development Code, including final decision making on:

13.101 Development code text amendments (~~see~~ Sec. 12.200);

13.102 Zoning district map amendments (~~see~~ Sec. 12.300);

13.103 Planned development (PD) district concept plans and/or development plans (~~see~~ Sec. 12.400); and

13.104 Conditional uses (see Sec. 12.800)

subject to the terms and conditions of

~~Effective on: 2/22/2023~~

subject to the terms and conditions of

13.200 PLANNING COMMISSION

13.201 Creation and Membership

13.204.A The Planning Commission must consist of 7 voting members appointed by the Mayor with approval of the City Council. Each member must reside in the City or in the City's extraterritorial jurisdiction.

13.204.B The members of the Planning Commission are identified by place numbers 1 through 7. . Members are appointed for a term of 3 years, and serve until the end of their terms or until a successor is appointed and confirmed. Planning commission members may be reappointed.

13.204.C When a vacancy occurs, the Mayor, with approval of the City Council, must appoint a person to complete the unexpired term.

13.202 Operation

13.204.A The Planning Commission must conduct meetings, take action and operate in accordance with its adopted by-laws, this Development Code and state law.

13.204.B The Planning Commission must hold at least one regular meeting each month unless there is no business to conduct, in which case no meeting is required. The Planning Commission may hold special meetings at the call of the chairperson or by the call of a majority of the Planning Commission.

13.204.C The Planning Commission must elect a chairperson and vice-chairperson annually.

13.204.D The City Planner serves as ex officio (non-voting) secretary of the Planning Commission, with responsibility for keeping minutes, books, files and other records of the Planning Commission and performing other duties as are incidental to the position.

13.204.E A quorum, consisting of at least 4 voting members of the Planning Commission, must be present in order to conduct official business.

13.203 Responsibilities

The Planning Commission is responsible for assisting with preparation of a Comprehensive Plan and other planning studies and advising the City Council on planning and development-related matters. The Planning Commission is also responsible for carrying out those specific review and decision-making duties assigned by this Development Code, including:

13.204.A Reviewing, holding public hearings and making recommendations to the City Council on:

1. Development code text amendments (see Sec. 12.200);
2. Zoning district map amendments (see Sec. 12.300);
3. Planned development (PD) district concept plans and/or development plans (see Sec. 12.400); and
4. Conditional uses (see Sec. 12.800); and

13.204.B Reviewing and making final decisions on (subdivision) preliminary plans and final plats, except for those minor plat matters delegated to the City Planner (see Sec. 12.707 [preliminary plans], Sec. 12.708 [final plats} and Sec. 12.706 [minor plats]); and

13.204.C Reviewing and making final decisions on Master Development Plans;

13.204.D Reviewing and making final decisions on modifications and waivers of subdivision standards (see Sec. 12.711).

13.204 Conflict of Interest

Planning commission members must recuse themselves and not participate in any discussion or vote on any matter concerning a business entity or real property in which they have a substantial interest if:

13.204.A The vote or decision involving the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or

13.204.B It is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the real property that is distinguishable from the effect on the public.

~~Effective on: 2/22/2023~~

13.300 BOARD OF ADJUSTMENT

13.301 Creation and Membership

13.304.A The Board of Adjustment consists of 5 voting members and 2 alternate members who may vote in the absence of regular voting members. Members are appointed by the Mayor with approval of the City Council. Each member must reside in the City.

13.304.B The members of the Board of Adjustment are identified by place numbers 1 through 5. The terms for places 1, 2 and 3 have terms that end in even-numbered years. The terms for places 4 and 5 end in odd-numbered years.

Members are appointed for a term of 2 years. Members serve until the end of their terms or until a successor is appointed and confirmed. Members of the Board of Adjustment may be reappointed.

13.304.C The 2 alternate members of the Board of Adjustment may participate in all discussions, but are eligible to vote only when one or more regular voting members are unable to do so. The alternate members are designated as alternate "A" and alternate "B." Alternate members serve the same terms as place 4 and place 5 regular members and are subject to appointment and removal in the same manner as regular voting members.

13.304.D When a vacancy occurs, the Mayor, with approval of the City Council, must appoint a person to complete the unexpired term.

13.302 Operation

13.304.A The Board of Adjustment must conduct meetings, take action and operate in accordance with its adopted by-laws, this Development Code and state law.

13.304.B The Board of Adjustment must elect a Chairperson and Vice-chairperson annually, at the first regularly scheduled meeting after appointments are made.

13.304.C The City Planner serves as ex officio (non-voting) secretary of the Board of Adjustment, with responsibility for keeping minutes, books, files and other records of the Board of Adjustment and performing other duties as are incidental to the position.

13.304.D A quorum, consisting of at least 4 members of the Board of Adjustment, must be present in order to conduct official business.

13.303 Responsibilities

The Board of Adjustment is responsible for carrying out those specific review and decision-making duties assigned by this Development Code, including conducting public hearings and making final decisions on:

13.304.A Variances (see Sec. 12.900); and

13.304.B Appeals of administrative decisions (see Sec. 12.1000).

13.304 Conflict of Interest

Board of Adjustment members must recuse themselves and not participate in any discussion or vote on any matter concerning a business entity or real property in which they have a substantial interest if:

13.304.A The vote or decision involving the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or

13.304.B It is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the real property that is distinguishable from the effect on the public.

~~(Ord. No. 2024-20, 09/03/2024)~~

~~Effective on: 9/13/2024~~

Reserved

13.400 ~~HISTORIC PRESERVATION COMMISSION~~

~~13.401 Creation and Membership~~

~~13.403.A The Historic Preservation Commission must consist of 7 voting members appointed by the Mayor with approval of the City Council, with consideration given to the following recommended professions:~~

1. ~~An architect, Planner, or representative of a design profession;~~
2. ~~A historian;~~
3. ~~A licensed realtor;~~
4. ~~An owner of a landmark or of a property in a historic district; and,~~
5. ~~A member of Walker County Historical Commission; or~~
6. ~~Any other resident of Huntsville as deemed appropriate by the City Council.~~

~~13.403.B~~ ~~All Historic Preservation Commission members, regardless of background, must have a known and demonstrated interest, competence, or knowledge in historic preservation within the City of Huntsville.~~

~~13.403.C~~ ~~Historic preservation commission members are appointed for a term of 2 years, with the exception that the initial term of 3 of the members will be one year, and the initial term of the other 4 members will be 2 years.~~

~~13.403.D~~ ~~In addition to the 7 regular members of the Historic Preservation Commission, the Historic Preservation Officer and any other person of experience and knowledge designated by the City Council as special advisor may sit on the Historic Preservation Commission as ex officio members. None of the ex officio members have voting power, but they are authorized to assist the Historic Preservation Commission in its various functions.~~

~~13.402~~ ~~Operation~~

~~13.403.A~~ ~~A chair and vice chair must be elected annually, by and from the members of the Historic Preservation Commission.~~

~~13.403.B~~ ~~The Historic Preservation Commission must meet at least monthly, if business is at hand. Special meetings may be called at any time by the chair or upon written request of any 2 Historic Preservation Commission members. All meetings must be conducted in conformance with the *Texas Open Meetings Act*.~~

~~13.403.C~~ ~~A quorum, consisting of no less than a majority of the regular voting membership, must be present in order to conduct official business of the Historic Preservation Commission.~~

~~13.403~~ ~~Responsibilities~~

~~The Historic Preservation Commission is responsible for carrying out those review and decision-making duties expressly assigned by this Development Code, including:~~

~~13.403.A~~ ~~Making recommendations for staff and professional consultants as necessary to carry out the duties of the Historic Preservation Commission;~~

~~13.403.B~~ ~~Preparing rules and procedures as necessary to carry out the business of the Historic Preservation Commission;~~

~~13.403.C~~ ~~Conducting public hearings and providing comments on buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places and/or to the Texas Historic Commission based on the criteria established in the National Historic Preservation Act of 1966, as amended;~~

~~13.403.D~~ ~~Conducting surveys and maintaining an inventory of significant historic, architectural, and cultural landmarks and all properties located in historic districts within the City;~~

~~13.403.E~~ ~~Recommending the designation of resources as landmarks or historic districts;~~

~~13.403.F Maintaining written minutes that record all actions taken by the Historic Preservation Commission and the reasons for taking such actions;~~

~~13.403.G Recommending conferral of recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers;~~

~~13.403.H Increasing public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs;~~

~~13.403.I Making recommendations to the City Council concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and historic districts within the City;~~

~~13.403.J Approving or disapproving applications for Certificates of Appropriateness;~~

~~13.403.K Preparing and submitting reports to the City Council summarizing the work completed, as appropriate;~~

~~13.403.L Preparing specific design guidelines for the review of landmarks and districts;~~

~~13.403.M Recommending the acquisition of a landmark structure by the City where its preservation is essential to the purposes identified in Sec. 3.401 and where private preservation is not feasible;~~

~~13.403.N Proposing and recommending to the City Council incentive programs for the preservation of designated landmarks or districts;~~

~~13.403.O Accepting on behalf of the City the donation of preservation easements and development rights as well as any other gift of value for the purpose of historic preservation, subject to the approval of the City Council; and~~

~~13.403.P Providing comments to the Texas Historical Commission on any federal undertakings within a historic district~~ pursuant to Section 106 of the *National Historic Preservation Act of 1966*.

Reserved

~~Effective on: 2/22/2023~~

13.500 ~~HISTORIC PRESERVATION OFFICER~~

~~The City manager is authorized to appoint a qualified City official or staff person to serve as Historic Preservation Officer. The Historic Preservation Officer is responsible for carrying out those duties and responsibilities expressly identified in this Development Code and for advising the Historic Preservation Commission on matters submitted to it. In addition to serving as representative of the Historic Preservation Commission, the Historic Preservation Officer is responsible for coordinating the City of Huntsville's preservation activities with those of state and federal agencies and with local, state and national nonprofit preservation organizations.~~

13.600 CITY PLANNER

13.601 Appointment

The City manager has the authority to appoint a City Planner.

13.602 Responsibilities

The City Planner is responsible for assisting with preparation of a Comprehensive Plan and other planning studies and advising the Planning Commission, Board of Adjustment and City Council on planning and development-related matters. The City Planner is also responsible for carrying out those specific review and decision-making duties assigned by this Development Code, including:

13.602.A Interpreting, administering and enforcing the regulations of this Development Code;

13.602.B Reviewing and making recommendations to the Planning Commission and City Council on:

1. Development code text amendments (see Sec. 12.200);
   1. Zoning district map amendments (see Sec. 12.300);
2. Planned development (PD) district concept plans and/or development plans (see Sec. 12.400);
3. Preliminary subdivision plans (see Sec. 12.707);
4. Conditional uses (see Sec. 12.800); and
5. Master Development Plans (see Sec. 12.1100)

13.602.C Reviewing and making recommendations to the Planning Commission on final subdivision plats (see Sec. 12.708);

13.602.D Reviewing and making recommendations to the Board of Adjustment on variances (see Sec. 12.900);

13.602.E Providing assistance to the City Council, Planning Commission and Board of Adjustment concerning the exercise of their responsibilities under this Development Code; and

13.602.F Delegating to staff responsibility for carrying out specific day-to-day functions in the administration and enforcement of this Development Code.

~~Effective on: 2/22/2023~~

ARTICLE 14 ENFORCEMENT

Contents:

14.100 Responsibility for Enforcement

14.200 Violations

14.300 Continuing Violations

14.400 Remedies and Enforcement Powers

14.100 RESPONSIBILITY FOR ENFORCEMENT

The City Planner has primary responsibility for enforcing this Development Code.

14.200 VIOLATIONS

Unless otherwise expressly allowed by this Development Code or state law, any violation of a provision of this Development Code—including but not limited to all of the following— may be subject to the remedies and penalties provided for in this Development Code.

14.201 To use land or buildings in any way not consistent with the requirements of this Development Code;

14.202 To erect a building or other structure in any way not consistent with the requirements of this Development Code;

14.203 To sell or divide property that has not been platted as required by this Development Code;

14.204 To adjust a lot or tract boundary or consolidate 2 or more lots or tracts of land that has not been platted as required by this Development Code;

14.205 To file a plat or map with the Walker County clerk for a land division that has not been approved in accordance with the subdivision plat procedures of this Development Code;

14.206 To fail to construct or install a public improvement described on an approved plat or on a document attached to an approved plat;

14.207 To install or use a sign in any way not consistent with the requirements of this Development Code;

14.208 To engage in the use of a building, structure or land, the use or installation of a sign, or any other activity requiring one or more permits or approvals under this Development Code without obtaining such required permits or approvals;

14.209 To engage in the use of a building or land, the use or installation of a sign, or any other activity requiring one or more permits or approvals under this Development Code in any way inconsistent with any such permit or approval or any conditions imposed on the permit or approval;

14.210 To violate the terms of any permit or approval granted under this Development Code or any condition imposed on the permit or approval;

14.211 To obscure, obstruct or destroy any notice required to be posted or otherwise given under this Development Code;

14.212 To violate any lawful order issued by any person or entity under this Development Code; or

14.213 To continue any violation after receipt of notice of a violation.

14.300 CONTINUING VIOLATIONS

Each day that a violation remains uncorrected after receiving notice of the violation from the City constitutes a separate violation of this Development Code.

14.400 REMEDIES AND ENFORCEMENT POWERS

14.401 Fines

Upon conviction, any person violating or failing to comply with any of the provisions of this Ordinance may be fined not less than $500 nor more than $2,000, with each day any violation or noncompliance continues constituting a separate and distinct offense.

14.402 Injunctions

The power of injunction, as provided in Texas Revised Civil Statutes, may be exercised in enforcing this Development Code regardless of whether there has been a criminal complaint filed.

14.403 Property Owner Rights

In addition to all other remedies and penalties authorized under this Development Code, the right is hereby conferred and extended to any property owner whose property may be affected by a violation of the terms of this Development Code, to bring suit in a court having jurisdiction and obtaining such remedies as may be available at law or in equity for the protection of the rights of such property owner.

14.404 Forfeiture and Confiscation of Signs on Public Property

Any sign installed or placed on public property, except in compliance with the regulations of this Development Code, will be forfeited to the public and subject to confiscation. See also Sec. 8.403.

14.405 Withholding Services and Denying Permits

The City may refuse to maintain streets, furnish water or sewer service, assign street numbers, or issue building permits for construction of any building for any property in any subdivision, development or in any lot or tract of land in the City that is in violation of this Development Code.

14.406 Other Penalties, Remedies and Powers

The City may seek such other penalties as are provided by Texas law, including filing court action to:

14.406.A Enjoin the violation or threatened violation of a requirement of this Development Code;

14.406.B Recover damages in an amount adequate for the City to undertake construction or other activity necessary to cause compliance with this Development Code; and

14.406.C Recover civil penalties, plus court costs and attorneys fees, as allowed by law.

14.407 Appeals

Enforcement actions taken by the City Planner or other administrative officials may be appealed by the affected party in accordance with Sec. 12.1000.

ARTICLE 15 TERMINOLOGY AND DEFINITIONS

Contents:

15.100 Rules of Language and Interpretation

15.200 Definitions

15.100 RULES OF LANGUAGE AND INTERPRETATION

15.101 Meanings and Intent

Words and terms expressly defined in this Development Code, including those defined in Sec. 15.200, have the specific meanings assigned unless the context indicates another meaning. Words that are not expressly defined in this Development Code have the meaning given in the latest edition of Merriam-Webster's Unabridged Dictionary.

15.102 Computation of Time

15.104.A References to "days" are to calendar days unless otherwise expressly stated. References to "business days" are references to regular city government working days, excluding Saturdays, Sundays and holidays observed by city government.

15.104.B The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or holiday observed by city government, that day is excluded.

15.104.C A day concludes at the close of business and any materials received after that time will be considered to have been received the following day.

15.103 Tenses and Usage

15.104.A Words used in the singular include the plural. The reverse is also true.

15.104.B Words used in the present tense include the future tense. The reverse is also true.

15.104.C The words "must," "will," "shall" and "may not" are mandatory.

15.104.D The word "may" is permissive, not mandatory or required.

15.104.E When used with numbers, "up to x," "not more than x" and "a maximum of x," all include "x."

15.104.F The word "person" includes a firm, association, organization, partnership, limited liability company, trust company or corporation, as well as an individual.

15.104.G The words "used" and "occupied" include "intended, designed or arranged to be used or occupied."

15.104 Conjunctions

Unless the context otherwise expressly indicates, conjunctions have the following meanings:

15.104.A "And" indicates that all connected items or provisions apply; and

15.104.B "Or" indicates that the connected items or provisions may apply singularly or in combination.

15.105 Headings and Illustrations

Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this Development Code. In case of any difference of meaning or implication between the text of this Development Code and any heading, drawing, table, figure or illustration, the text governs.

15.106 Versions and Citations

All references in this Development Code to other city, state or federal regulations are to be construed as referring to the most up-to-date version and citation for those regulations, unless otherwise expressly indicated. When the referenced regulations have been repealed and not replaced by other regulations, Development Code requirements for compliance are no longer in effect.

15.107 Lists and Examples

Unless otherwise expressly indicated, lists of items or examples that use "including," "such as," or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

15.108 Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the city to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this Development Code expressly prohibit such delegation.

15.109 Public Officials and Agencies

1. Unless otherwise expressly stated, all employees, public officials, bodies and agencies to which references are made are those of the City of Huntsville or individuals or agencies legally authorized to act on behalf of the City of Huntsville.
2. References in this Development Code to the "city" are references to the City of Huntsville.
3. References in this Development Code to the "city council" are references to the Huntsville City Council.

15.200 DEFINITIONS

Abut or Abutting

To touch or have a common boundary.

Accessory Building

A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building. See also §4.201.

Adjacent

Lying near or in the immediate vicinity.

Agriculture

Any land or building used for pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry.

Agriculture

Uses such as gardens, farms and orchards that involve the raising and harvesting of food and non-food crops and the raising of farm animals

~~Effective on: 2/22/2023~~

Aircraft Landing Area

Facilities where fixed-wing aircraft or helicopters take off and land, including customary accessory uses and structures.

~~Effective on: 2/22/2023~~

Airport

The Huntsville Municipal Airport.

Airport Elevation

The highest point of an airport's usable landing area measured in feet from mean sea level.

Airport Hazard

Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

Alley

A legally established private access easement affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Alluvial Fan Flooding

Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

All-Weather Surface (or Material)

Asphalt, concrete or other equivalent city-approved, hard-surface material that is capable of providing protection against potholes, erosion, dust and substantial deterioration. Gravel or crushed stone alone does not qualify as an all-weather surface.

Alterations

Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; or any change which may be referred to herein as "altered" or "reconstructed".

Animal Service

Uses that provide goods and services for the care of animals, including grooming shops, boarding kennels, shelters, training facilities and veterinary clinics.

~~Effective on: 2/22/2023~~

Apartment/Condo

See description in Table 4-1.

Apex

A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Apartment/Condo

One or more residential buildings occupied by 3 or more dwelling units that share common walls and/or common floors/ceilings.

~~Effective on: 2/22/2023~~

Applicant

A person seeking an action or approval under provisions of this ordinance.

Approach

Transitional, horizontal and conical zones. These zones apply to the area under the approach, transitional, horizontal, and conical surfaces defined in FAR Part 77.

Area of Shallow Flooding

A designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

As-Built Drawings (or Plans)

Plans prepared by a registered professional engineer and certifying that the public improvements are constructed as shown.

Assembly and Entertainment

Uses that provide gathering places for participant or spectator recreation, entertainment or other assembly activities. Assembly and entertainment uses may provide incidental food or beverage service. Typical uses include gun clubs, shooting ranges, riding stables and academies, bowling centers, cinemas, go-cart tracks, miniature golf courses, stadiums, arenas, video arcades, race tracks, fairgrounds, rodeo grounds, water parks, amusement parks and live theater.

~~Effective on: 2/22/2023~~

Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year.

Basement

Any area of the building having its floor sub-grade (below ground level) on all sides.

Bedroom, Purpose-Built Shared Housing

A room intended for occupancy by a single occupant and meeting the requirements of the International Residential Code and International Building Code.

~~Effective on: 4/16/2019~~

Berm

A man-made, formed, earth mound of definite height and width used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.

Block

A tract or parcel of land designated as such on a subdivision plat surrounded by streets or other physical obstructions.

Boundary Sewer Line

A sewer line installed in a street bounding a development or faced on only one side by a development, which can also serve property not included in the development on the opposite side of the street.

Boundary Water Line

A water line, installed in a street bounding a development or faced on only one side by a development, which can also serve property not included in the development on the opposite side of the street.

Buffer

A strip of land, including any specified type and amount of landscape plantings or structures that may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.

Buildable Area

That portion of a building site on which a structure or building improvements may be erected, and including the actual structure, driveway, parking lot, pool, and other construction as shown on the site plan.

Building

See definition in Building Code.

Building Height

See "height, building."

Building Line

Same as minimum required front setback.

Building or Tower-mounted Antenna

The physical device that is attached to a freestanding tower, building or other structure, through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received.

~~Effective on: 2/22/2023~~

Building Service

Uses that provide maintenance and repair services for all structural and mechanical elements of structures and their surroundings. Typical uses include janitorial, landscape maintenance, extermination, plumbing, electrical, HVAC, window cleaning and similar services.

~~Effective on: 2/22/2023~~

Business Support Service

Uses that provide personnel services, printing, copying, photographic services or communication services to businesses or consumers. Typical uses include employment agencies, day labor hiring services, armored car services, copy and print shops, caterers, telephone answering services and photo developing labs.

~~Effective on: 2/22/2023~~

Building, Principal

A building in which is conducted the main or principal use of the lot on which said building is located.

Caliper

The diameter measurement of the stem or trunk of nursery stock. The location of the measurement depends on the plant type. For fruit trees, small fruits, understock, and seedling trees and shrubs, caliper measurement shall be taken at the root collar or at other points expressly described in ANSI Z60.1. For all other nursery stock, caliper measurement is taken six inches above the ground level for field grown stock and from the soil line for container grown stock, which should be at or near the top of the root flare, and six inches above the root flare for bare root plants, up to and including the four-inch caliper size interval (i.e., from four inches up to, but not including, 4Yi inches). If the caliper measured at six inches is four and one-half inches or more, the caliper shall be measured at 12 inches above the ground level, soil line, or root flare, as appropriate. (See also "Diameter at Breast Height.")

Caliper-Existing Tree(s)

Existing tree caliper shall be determined by measuring the tree width at a point 4½ feet above ground level.

Caliper-Replacement Tree(s)

Replacement tree caliper shall be determined by measuring the tree width at a point 4 to 6 inches above ground level. This measurement is used for measuring nursery stock and is only used for trees that are to be planted or relocated. The minimum caliper of a replacement tree is 2 inches.

Car Wash

A facility for the washing or cleaning of vehicles. A car wash may be:

- A bay or a group of bays with each bay to accommodate one vehicle only where a person uses a high-pressure hose to wash the vehicle by hand;
- An automated conveyor or drive-through bay that allows washing a vehicle while moving through the structure.

~~Effective on: 2/22/2023~~

Certificate of Compliance

A certificate issued by the City to a party or parties intending to initiate any work or change any use of property in the City.

City

The City of Huntsville, Texas.

College or University

Institutions of higher learning (beyond senior high school) that offer courses of general or specialized study and are authorized to grant academic degrees.

~~Effective on: 2/22/2023~~

Commercial

Uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use subcategories are as follows.

~~Effective on: 2/22/2023~~

Commercial Message

Any sign, wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

Commercial Service

Uses that provide for consumer or business services and for the repair and maintenance of a wide variety of products.

~~Effective on: 2/22/2023~~

Commercial Service Uses, All Other

Commercial service uses other than those more specifically identified above.

~~Effective on: 2/22/2023~~

Community Center

A building and its surrounding premises owned, leased or otherwise controlled by a unit of local government or a school district and that contains rooms or other facilities limited to use for purposes of meetings, gatherings or other functions or activities carried on or performed by or under the supervision of a unit of local government, a school district or a civic, educational, religious or charitable organization.

~~Effective on: 2/22/2023~~

Community Garden

An area managed and maintained by a group of individuals to grow and harvest food crops or non-food crops (e.g., flowers) for personal or group consumption, for donation or for sale that is incidental in nature.

~~Effective on: 2/22/2023~~

Community Home

A community-based residential home occupied by no more than 8 disabled persons and 2 nonresident supervisory personnel and that otherwise complies with the Community Homes for Disabled Persons Location Act, Chapter 123.001, Texas Human Resources Code.

Effective on: 2/22/2023

Construction, Existing

For the purpose of interpreting and administering the flood protection regulations of §8.1103.B, “existing construction” means structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Construction, New

For the purpose of interpreting and administering the flood protection regulations of §8.1103.B, this term means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Consumer Maintenance and Repair Service

Uses that provide maintenance, cleaning and repair services for consumer goods on a site other than that of the customer (i.e., customers bring goods to the site of the repair/maintenance business). Typical uses include laundry and dry cleaning pick-up shops, tailors, taxidermists, dressmakers, shoe repair, picture framing shops, gunsmiths, locksmiths, vacuum repair shops, electronics repair shops and similar establishments. Business that offer repair and maintenance service technicians who visit customers' homes or places of business are classified as a "building service."

Effective on: 2/22/2023

Correctional Facility (Private)

A facility not owned or operated by a governmental entity that provides housing and care for individuals legally confined for violations of law.

~~Effective on: 2/22/2023~~

Critical Feature

An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Day Care

Uses providing care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day.

~~Effective on: 2/22/2023~~

Detached House

A single dwelling unit on a single lot, with private yards on all sides.

~~Effective on: 2/22/2023~~

Development

For the purpose of interpreting and administering the flood protection regulations of §8.1103.B, "development means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

For purposes of administering and interpreting all other provisions of this Development Code, "development" means any of the following (1) Construction of any new building or structure with a total gross floor area of more than 500 square feet; or (2) expansion by more than 25% of any existing building or structure with a total gross floor area of more than 500 square feet.

(Ord. No. 2024-20, 09/03/2024)

~~Effective on: 9/13/2024~~

Developer

Any person who improves or subdivides a tract of land or improves or takes any action preparatory to the erection, improvement or movement of any building or structure on a tract of land.

Density

The average number of dwelling units per acre for the entire development, including streets. For density regulations for Purpose-Built Shared Housing, refer to *Purpose-Built Shared Housing Design Criteria*.

~~Effective on: 4/16/2019~~

Diameter at Breast Height

The outside bark diameter at breast height. Breast height is defined as 4.5 feet (1.37m) above the forest floor on the uphill side of the tree. For the purposes of determining breast height, the forest floor includes the duff layer that may be present, but does not include unincorporated woody debris that may rise above the ground line.

Display Surface (of a Sign)

The entire surface of a sign, on one side, devoted to exhibiting or contrasting exhibits of advertising. The display surface shall generally include the entire sign surface except for the sign frame and incidental supports.

District (Development)

An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations.

Driveway

That portion of a vehicular use area that consists of a travel lane bounded on either side by an area that is not part of the vehicular use area.

Dwell Time

The time that a single message on a dynamic display is held static or constant, without any change in the message or image displayed.

Dwelling Unit, Apartment/Condo & Purpose-built Shared Housing

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Effective on: 4/16/2019

Dwelling Unit, Single Family

One or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes. See also description of residential building types in Table 4-1.

~~Effective on: 4/16/2019~~

Dynamic Display

Any element of a sign or sign structure capable of displaying words, symbols, figures, images or messages that can be electronically or mechanically changed by remote or automatic means. This also includes any display that incorporates rotating panels, LED lights manipulated through digital input, “digital ink” or any other method or technology that allows a sign to present a series of images, messages or displays.

Eating Establishment

Uses that prepare and serve food and beverages for on- or off-premise consumption as their principal business. Typical uses include cafés, restaurants, cafeterias, ice cream/yogurt shops, coffee shops and similar establishments.

~~Effective on: 2/22/2023~~

Erected

The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

Elevated Building

A non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

Excavation

Any breaking of ground, except common household gardening, general farming and ground care.

Family

One or more persons related by blood, marriage, or adoption, or parents along with their direct lineal descendants, and adopted or foster children (including domestic employees) or a group not to exceed two persons not related by blood or marriage, occupying a premises and living as a single housekeeping unit with single cooking facilities. Every additional group of two or less persons living in such housekeeping unit shall be considered a separate family. This definition does not apply in instances of group care centers, or licensed residential facilities.

Farming/General Agriculture

An area managed and maintained by an individual or group of individuals to grow and harvest crops or animals for sale or distribution,

~~Effective on: 2/22/2023~~

FEMA

Federal Emergency Management Agency

FHBM

Flood Hazard Boundary Map

Filling

The depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance.

Financial Service

Uses engaged in the exchange, lending, borrowing and safe-keeping of money. Typical examples are banks, credit unions, and consumer lending establishments.

~~Effective on: 2/22/2023~~

FIRM

See Flood Insurance Rate Map

Flag Lot

A lot that has minimum frontage on a public street, but on which the buildable portion of such lot is reached via a private drive or lane whose width is some distance back from the street right-of-way. Sometime referred to as “panhandle lots.”

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters or (2) the unusual and rapid accumulation or run-off of surface waters from any source.

Flood Insurance Rate Map (FIRM)

An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study

The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain or Flood-Prone Area

Any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodproofing

Any combination of structural and nonstructural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood Protection System

Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such as system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodway (Regulatory Floodway)

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Foot-candle

A measure of illumination, the amount of light falling onto a surface. One lumen of light, shining evenly across one square foot of surface, illuminates that surface to one foot-candle.

Fraternal Organization

The use of a building or lot by a not-for-profit organization that restricts access to its facility to bona fide, annual dues-paying members and their occasional guests and where the primary activity is a service not carried on as a business enterprise.

Effective on: 2/22/2023

Freestanding Tower

A structure intended to support equipment that is used to transmit and/or receive telecommunications signals including monopoles and guyed and lattice construction steel structures.

Effective on: 2/22/2023

Frontage

The dimension of a property line or portion of a property line that abuts a street; side yards of corner lots are excluded. If the subject property does not abut a street, frontage is measured along the property line that is closest to and most nearly parallel to a street.

Fuel Sales

A place where vehicular fuel, stored only in underground tanks, is offered for sale to the public or where charging stations are made available for the charging of vehicles.

Effective on: 2/22/2023

Functionally Dependent Use

For the purpose of interpreting and administering the flood protection regulations of §8.1103.B, this term means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Funeral or Mortuary Service

Uses that provide services related to the death of a human, including funeral homes, mortuaries, crematoriums and similar uses. Also includes crematoriums for pets and domestic animals.

Effective on: 2/22/2023

Governmental Facility

Uses (not otherwise classified) that are related to the administration of local, state or federal government services or functions.

Effective on: 2/22/2023

Grade

Grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level on all sides of the building or structure. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure.

Groundcover

A spreading plant, including sods and grasses less than 18 inches in height, used for landscape design and erosion control.

Group Living

Residential occupancy of a building or any portion of a building by a group other than a household. Group living uses typically provide communal kitchen/dining facilities.

~~Effective on: 2/22/2023~~

Habitable Floor

For the purpose of interpreting and administering the flood protection regulations of §8.1103.B, this term means any floor usable for the following purposes; which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a "habitable floor."

Half-Street

A vehicular access-way created if only a portion of the required right-of-way width or pavement width is dedicated and/or constructed.

Height, Building

The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on a sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Height, Sign

See §8.1102.

Highest Adjacent Grade

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure (See also Sec. 3.400)

For the purpose of interpreting and administering the flood protection regulations of 8.1103.B, this term means any structure that is:

1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    a. by an approved state program as determined by the Secretary of the Interior or;
    b. directly by the Secretary of the Interior in states without approved programs.

Home Occupation

Accessory use of a dwelling unit for limited commercial (home-based work) purposes. Home occupations are subject to the regulations of Sec. 4.202.

Hospital

Uses providing medical or surgical care to patients and offering inpatient (overnight) care.

~~Effective on: 2/22/2023~~

Household Living

Residential occupancy of a dwelling unit by a household. When dwelling units are rented, tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered a form of lodging.

~~Effective on: 2/22/2023~~

Improvement

Any physical structure or system, including building, drainage work, water system, sewer system, sidewalks, streets, or utility system.

Industrial

Uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced.

Effective on: 2/22/2023

Industrial, Heavy

Uses engaged in the manufacturing, assembly or processing of chemicals, animal products and metals; the activities of which are likely to have characteristics that discourage adjacency to residential uses. Factory production and industrial yards are located here. Sales to the general public are rare.

Uses in this use category include the manufacture, assembly or processing of: acid, acetylene gas, aircraft, alcoholic beverages (wholesale), ammonia, asbestos and asbestos products, asphalt, automobiles or trucks, batteries, bones, boxes or crates or pallets, brick or tile or terra cotta, building materials, celluloid, cement, chalk, charcoal, chemicals, chlorine, coffins, corrugated metal, cotton oil, creosote, disinfectant, dyes or inks, fat, fertilizer, fireworks, gas, gelatin, glass, glue, graphite, grease, gunpowder, gypsum, hemp, insecticide, lacquer, lard, lime, linoleum, machinery, manufactured or mobile homes, metal, motors or engines, paint, paraffin, petroleum, plaster of Paris, plastic, poison, porcelain, recreational vehicles, railroad vehicles and equipment, rubber, salt, shellac, tallow, tar, tires, trailers, turpentine, varnish, vinegar, wax, or yeast.

Additional uses include: Arsenal; Boiler works; Bulk storage of explosive or hazardous materials; Concrete batching and asphalt processing and manufacture; Fertilizer storage; Grain elevator; Grain and feed manufacturing building; Incinerator for reduction of garbage, dead animals, offal, refuse or automobile bodies (non-governmental); Railroad yard or repair shop; Sawmill; Smelter; Slaughtering, packaging or processing of animals; Wrecking, junk or salvage yard.

Effective on: 2/22/2023

Industrial, Light

Uses engaged in the manufacturing, assembly or processing of industrial, business or consumer goods; usually from basic finished inputs such as metal, stone, glass, plastic, or rubber. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Uses in this use category include manufacture or assembly of: appliances, artificial limbs, awnings, beds, blinds, boats, books, brooms, buses, carpet, clothing or textiles or canvas, cosmetics, equipment, electrical items, felt, hardware, ice, jewelry, medical, optical or dental instruments or supplies, mirrors, medical instruments, musical instruments, perfume, pharmaceuticals, shoes, shutters or shades, signs, and toys.

Additional uses include: Bakery, wholesale; Bottling or canning; Brewery; Building and development contractors; Bulk mailing service; Clothing or textile manufacturing; Creamery; Crematorium; Engraver; Exterminator service; Food processing; Janitorial and building maintenance service; Maintenance and repair shop; Laundry, dry-cleaning, and carpet cleaning plants; Metal plating; Metal shop; Printing, publishing, and lithography; Repair of scientific or professional instruments or electric motors; Research and development laboratory; Smoking or processing of meat products (wholesale); Stone cutting; Welding, tool repair or machine shop; Woodworking, including cabinet makers and furniture manufacturing.

Effective on: 2/22/2023

Landscape Development

Trees, shrubs, ground cover, vines or grass installed in planting areas, having a minimum of 10 square feet of actual plantable area and a minimum inside dimension on any side of at least 18 inches.

Lawfully Established

A use, structure, lot or sign (as the context indicates) that was established in conformance with all applicable development regulations in effect at the time of its establishment.

Lease

A contract by which one owning such property grants to another the right to possess, use and enjoy it for a specified period of time in exchange for the periodic payment of a stipulated price.

Levee

A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System

A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Library

Collections of books, manuscripts and similar materials for free public lending, study and reading.

~~Effective on: 2/22/2023~~

Lodging

Uses that provide temporary overnight guest accommodations.

~~Effective on: 2/22/2023~~

Lot

An undivided tract or parcel of land having frontage on a public street and which is, or in the future may be offered for sale, conveyance, transfer or improvement.

Lot Depth

The distance on a horizontal plane between the midpoint of the front lot line and the midpoint of the rear lot line.

Lot Lines

The lines bounding a lot.

Lot Line, Front:

In the case of an interior lot, a line separating the lot from the street; as in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in those cases where the deed restrictions specifies another line as the front lot line; provided, however, that the front lot line of a non-residential lot shall be that side adjacent to the highest volume street.

Lot Line, Rear

A lot line opposite and most distant from the front lot line.

Lot Line, Side

Any lot line not a front line or rear lot line.

Lot of Record

A lot that is either:

1) part of a platted subdivision, the plat of which is recorded in the office of the Walker County clerk,
2) a parcel or lot described by metes and bounds, the deed of which has been recorded in the office of the Walker County clerk prior to March 1, 1982; or
3) a lot that is part of an approved Boundary Line Adjustment, the plat of which is filed with the City.

Lot Width

See §5.803.

Lowest Floor

For the purpose of interpreting and administering the flood protection regulations of §8.1103.B, this term means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured Home or Housing Unit (HUD-code)

A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or move sections, which, in the traveling mode, is eight (8) body feet or more in width or 40 body feet or more in length, or, when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 Code of Federal Regulations, Section 3282.8(g).

Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into 4 or more manufactured home lots for rent or sale.

Manufactured Home Park or Subdivision, Existing

For the purpose of interpreting and administering the flood protection regulations of §8.1103.B, "existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Manufactured Home Park or Subdivision, Expansion of an Existing

For the purpose of interpreting and administering the flood protection regulations of §8.1103.B, "expansion of an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Manufactured Home Park or Subdivision, New

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Marquee

A roof-like structure of a permanent nature projecting from the wall of a building.

Mean Sea Level

For the purpose of interpreting and administering the flood protection regulations of §8.1103.B, this term means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Mining/Extraction

The extraction of oil, gas, minerals, top soil or aggregate resources from the ground, whether conducted below grade or at ground-level. Examples include oil and gas extraction; quarrying or dredging for sand, gravel or other aggregate materials; mining and top soil extraction. Also includes crushing, washing and grading minerals, top soil or aggregate resources; manufacture of Portland cement, concrete or asphaltic concrete, at the source of supply of crushed rock, sand, or gravel.

~~Effective on: 2/22/2023~~

Mining/Extraction, Surface or Above-ground

Mining or extraction that occurs above ground, whether in whole or in part

~~Effective on: 2/22/2023~~

Mining/Extraction, Underground

Mining or extraction that occurs completely underground

~~Effective on: 2/22/2023~~

Mixed Use, Horizontal

A development that contains both commercial and residential uses that share common features, that may include, but is not limited to, parking, access, building design features, or common open space or amenity areas.

Mixed Use, Vertical

A building that contains both commercial and residential uses with permitted nonresidential uses on the first floor and permitted residential uses on the upper floors.

~~Effective on: 2/22/2023~~

Mobile Food Vendor

Any person that sells edible goods from a mobile unit at a stationary location approved for such activity within the city. "Mobile" shall mean the state of being in active, but not necessarily continuous, movement. Edible goods shall include but are not limited to: a) Prepackaged food including, but not limited to, candy, beverages, and ice cream. b) Prepared food including, but not limited to, hot dogs, desserts, and pizza. c) On-site prepared food including, but not limited to shaved ice, sandwiches, and tacos.

~~Effective on: 12/17/2019~~

Mobile Food Vendor Court

A land approved and developed in conformity with an approved site plan, where two or more mobile food vendors congregate to offer edible goods, including beverages, for sale to the public and amenities are provided for all vendors' customers.

~~Effective on: 2/22/2023~~

Mobile Home

A structure that was constructed before June 15, 1976, transportable in one or move sections, which, in the traveling mode, is eight (8) body feet or more in width or 40 body feet or more in length, or, when erected on-site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

Mobile Home Park

A mobile home park is a parcel of land under single ownership on which two (2) or more mobile homes are occupied as residences. Any mobile home facility where two or more units are intended for long-term residential use (beyond ninety (90) days) is considered a mobile home park for purposes of applying development standards.

Mobile/Manufactured Dwelling Unit (Outside of MH Park)

Three or fewer mobile homes or manufactured dwelling units located on a single lot outside of a mobile/manufactured home park. See also the definition in Sec. 15.200.

~~Effective on: 2/22/2023~~

Multiplex

A multi-family building type divided into three or four dwelling units and designed to resemble a large single-family home. Units may have either private or shared access and may be arranged in a variety of configurations, including back-to-back, side-to-side, or over-under.

Museum or Cultural Facility

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibitions of works of art and similar institutions.

~~Effective on: 2/22/2023~~

Natural Resource Preservation

Undeveloped land left in a natural state for specific use as visual open space or environmental purposes. Typical uses include wildlife or nature preserves, arboretums, flood management projects and reservoirs.

~~Effective on: 2/22/2023~~

Noncommercial Message

Any sign, wording, logo, or other representation that does not directly or indirectly, name, advertise, or call attention to a business, product, service for sale or lease, or to any other commercial interest or activity.

Nonconforming Building (Nonconforming Structure)

See §11.401.

Nonconforming Use

See §11.301.

Nonprecision Instrument Runway

A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document or military service's military airport planning document.

Nursing Home

An institution providing meals and resident care and services for persons who are generally admitted for periods of time exceeding 30 days. Such service includes custodial or attendant care, and may or may not provide for routine and regular medical and skilled nursing services. Nursing homes include homes for the aged, and convalescent and rest homes.

~~Effective on: 2/22/2023~~

Office

Uses in an enclosed building, customarily performed in an office, that focus on providing executive, management, administrative, professional or medical services.

~~Effective on: 2/22/2023~~

Open-Air Use

Storage yards, construction debris sites, used vehicle sales lots, vehicle impound yards, auto wrecking, junkyards, and similar uses conducted outside of enclosed buildings and when the only buildings on the lot are incidental and accessory to principal use of the lot.

Owner

Any owner, authorized agent or contractor who constructs, enlarges, alters, repairs, moves or changes the occupancy of a building or structure.

Owner's Front Footage

The pro rata amount of the cost of a water or sewer line extension that is not reimbursable to the person requesting the extension.

Parks and Recreation

Recreational, social or multi-purpose uses associated with public parks and open spaces, including playgrounds, playfields, play courts, community centers and other facilities typically associated with public park and open space areas. Also includes public and private golf courses.

~~Effective on: 2/22/2023~~

Pavement Width

The portion of the surface of the street available for vehicular traffic; if curbed, it is that portion of street between back of curb and back of curb.

Perpetual Access Easement

An easement to allow access to properties that do not have frontage on an established public street. The easement is required to be of permanent extent and without any limitation of time.

~~Effective on: 2/18/2020~~

Person

An individual, firm, partnership, corporation, company, association, joint stock association or governmental entity. It includes a trustee, receiver, assignee or similar representative of any of them.

Personal Improvement Service

Uses that provide a variety of services associated with personal grooming, instruction and maintenance of fitness, health and well-being.

Typical uses include: Animal grooming; Barbershop or beauty, nail, skin care, or tanning salon; Day spa; Dry cleaning and pressing establishment; Funeral home or mortuary; Kennel; Laundromat; Massage establishment; Music, art, or photographic studio or classroom; Optician or optometrist; Photocopy, blueprint, and quick-sign service; Postal services (non-governmental); Psychic or medium; Tailor; Taxidermist; and Veterinarian (small animal); and other uses meeting the definition of Service-Oriented Uses according to the City Planner.

~~Effective on: 2/22/2023~~

Primary Surface

A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulation (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Principal Use

The main use to which the premises are devoted and the principal use for which the premises exist.

Private Street

A vehicular access way under private ownership and maintenance providing access to building units in the interior of a lot.

Pro Rata

The charge per front foot of abutting land to be paid by the lot owner or owner of a development to aid in defraying the cost of supplying sewer service or water service to his lot or site.

1) Single pro rata: The charge based on the front footage of abutting land on only one side of the street or easement.
2) Double pro rata: The charge based on the front footage of abutting land on both sides of the street or easement.

Protected Tree Replacement Plan

Is a plan that include all information necessary to demonstrate tree replacement along with tree preservation meet the forestation requirements of this section.

Public Street

A public right-of-way, however designated, dedicated or acquired, that provides vehicular access to adjacent private or public properties.

Public Utility

Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

Public, Civic and Institutional

Public, quasi-public and private uses that provide unique services that are of benefit to the public at-large.

Effective on: 2/22/2023

Purpose-Built Shared Housing, Attached

Two or more attached dwelling units on an individual lot, rented by the bedroom through individual leases, for which an approved building permit was issued after 04/16/2019, which is occupied or intended to be occupied by more than two (2) unrelated persons.

Effective on: 4/16/2019

Purpose-Built Shared Housing, Detached

One or more detached dwelling units on an individual lot, rented by the bedroom, for which an approved building permit was issued after 04/16/2019, each detached dwelling unit having three (3) or more bedrooms and which is occupied or intended to be occupied by more than two (2) unrelated persons.

Effective on: 4/16/2019

Ratio of Replacement

Refers to protected trees to be replaced at a ratio of one inch for every three inches removed and historic trees are to be replaced at a ratio of two inches for every one inch removed.

Recreational Vehicle (Outside of RV park)

One or more recreational vehicles located on a single lot outside of a recreational vehicle park. See also the definition in Sec. 15.200.

Effective on: 2/22/2023

Recreational Vehicle (RV)

A vehicle that is:

a) built on a single chassis;
b) 400 square feet or less when measured at the largest horizontal projections;

c) designed to be self-propelled or permanently towable by a light duty truck; and

d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use

Recreational Vehicle Park

An establishment that provides temporary, short-term overnight accommodations for camping in two or more campers, trailers, or similar recreational vehicles.

Effective on: 2/22/2023

Recyclable Material Drop-off Facility

An establishment that accepts consumer recyclable commodities directly from the consuming party and stores them temporarily before transferring them to recyclable material processing facilities.

Effective on: 2/22/2023

Recyclable Material Processing Facility

Establishments that receive and process consumer recyclable commodities for subsequent use in the secondary market.

Effective on: 2/22/2023

Recycling Facility

Uses that collect, store or process recyclable material for the purpose of marketing or reusing the material in the manufacturing of new, reused or reconstituted products.

Effective on: 2/22/2023

Religious Assembly

Religious services involving public assembly that customarily occur in churches, synagogues, temples and other places of worship.

~~Effective on: 2/22/2023~~

Repair Service

Uses that are primarily engaged in the provision of repair services to individuals and households rather than other businesses, but excluding vehicle and commercial repair services.

Uses in this use category include store offering repair of retail consumer goods excluding those repair services listed in the Vehicle Sales and Service use type, and including, but not limited to: appliances, bicycles, clocks, electronics, furniture, jewelry, locks and keys, musical instruments, office equipment, shoes, and watches.

~~Effective on: 2/22/2023~~

Research Service

Uses engaged in scientific research and testing services leading to the development of new products and processes. Such uses resemble office buildings or campuses and do not involve the mass production, distribution or sale of products.

~~Effective on: 2/22/2023~~

Reserve

A tract of land created within a subdivision plat that is not divided into lots or proposed for development at the time of platting.

Residential

A tract of land designed for or used exclusively to contain a dwelling unit or units. A "primary residential area" shall mean a street or streets in which a majority of the total front footage is used for residential purposes.

Retail Sales

Uses (other than those more specifically defined herein) involving the sale, lease or rental of new or used goods to the ultimate consumer.

Typical uses include selling, leasing or renting consumer, home, and business goods including, but not limited to: alcoholic beverages; animal feed; antiques; appliances; art; art supplies; automobile and motorcycle parts and accessories; baked goods (retail); bicycles; books; building supplies; cameras; carpet and floor coverings; clothing; collectibles; computers; convenience goods; crafts; electronic equipment; electronic and mixed media; fabric; flowers; furniture; garden supplies; gifts or novelties; groceries; hardware; home improvement supplies; household products; jewelry; luggage; medical supplies; musical instruments; office supplies; pawned items; pets or pet supplies; pharmaceuticals; photographic supplies; picture frames; plants; postal supplies (non-governmental); printed materials; produce; school or teacher supplies; second-hand goods indoors; seeds; souvenirs; shoes; sporting goods; stationery; tobacco, electronic cigarettes, and related products; and toys.

~~Effective on: 2/22/2023~~

Right-of-way

A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

Runway

A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Safety Service

Establishments that provide fire, police or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, ambulance services and storm or civil defense shelters.

~~Effective on: 2/22/2023~~

School

Public and private schools at the primary, elementary, junior high or high school level that provide basic, state-compulsory education.

~~Effective on: 2/22/2023~~

Self-Service Storage Facility

Uses that provide separate, small-scale, self-service storage facilities leased or rented to individuals or small businesses.

~~Effective on: 2/22/2023~~

Setback

See Sec. 5.805.

Setback, Rear

See §5.805.A3.

Setback, Side

See §5.805.A2.

Setback, Street

See §5.805.A1.

Setback, Street Side

See §5.805.A1.

Effective on: 2/22/2023

Shared Driveway Easement

An easement which allows abutting properties, with access on an established public street, to permanently combine and share driveway access points.

Effective on: 2/18/2020

Shrub

A woody perennial plant differing from a perennial herb by its more woody stem and from a tree by its low stature and habit of branching from the base.

Sign

Any identification, description, illustration, or device illuminated or non-illuminated that is visible to the public from adjoining streets or adjoining properties and that directs attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard, temporary sign, light, decoration, balloon or other device designed to attract attention, advertise, identify or convey information. Building details that are an integral part of the overall architectural design of a building or works of art accessory to a building are not considered signs.

Sign, Off-Premise

A sign that directs attention to a business, commodity service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

Sign, On-Premise

A sign that directs attention to a business, commodity service, or entertainment conducted, sold, or offered upon the premises where such sign is located or to which it is affixed.

Sign Area (or Sign Face Area)

The surface measurement of a sign. See also Sec. 8.1100.

Sign, Construction

A sign on the site of permitted development/construction activities.

Sign, Directional

A sign used to convey directions and other information for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, help wanted, public telephone, etc. Also included are signs on private property designed to direct pedestrians or vehicular traffic, such as “entrance” or “exit.”

Sign, Dynamic Display

See “dynamic display.”

Sign, Freestanding

Any sign on a frame, pole or other support structure that is not attached to any building. Sometimes referred to as "ground signs."

Sign, Identification

A sign indicating the name and address of a building, or the name of an occupant thereof, and the practice of a permitted occupation therein.

Sign, Menu Board

A sign displaying goods or services available through a drive-up window or available through a drive-in or drive-through establishment.

Sign, Monument

A freestanding sign where the base of the sign structure is on the ground or no more than 12 inches above the ground adjacent to the sign. Typically constructed of brick, wood, stone, or metal, monument signs have a base that is at least 80% of the width of the sign face.

Sign, Moving

Any sign that revolves, rotates, swings, undulates, or otherwise attracts attention by moving parts, whether operated by mechanical equipment or by natural sources, not including flags or banners.

Sign, Portable

Any sign not permanently attached to the ground, a building or other structure that is not readily movable. Any sign attached to a sign structure that has wheels will be considered a portable sign, as well as any sign attached to a frame or other sign structure that is not permanently attached to the ground or a building.

Sign, Projecting

Any sign that is attached to a building and that projects outward from the exterior wall of the building by more than 18 inches. The face of a projecting sign is typically perpendicular to the adjacent building wall.

Sign, Roof

Any sign erected, constructed, maintained or visible above the parapet on a building with a flat roof or above the peak on a pitched roof.

Sign Structure

Any structure that supports a sign, including decorative cover.

Sign, Temporary

Any sign, banner, pennant, valance, or advertising display that by intent is not permanent, constructed of cloth, canvas, lightweight fabric, cardboard, wallboard, or other lightweight materials with or without frames, intended to be displayed for a short period of time only.

Sign, Wall

A single-faced sign attached generally flush or parallel to the wall of a building.

Site Area

The total land and water surface area contained within the boundaries of a parcel proposed for infill development, including all platted lots or unplatted properties.

Effective on: 2/22/2023

Site Plan

A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Code.

Start of Construction

For the purpose of interpreting and administering the flood protection regulations of §8.1103.B, this term means substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Street, Expressway

Roads intended to serve interstate or high speed, high-volume urban traffic. Access to expressways is limited to other expressways and major streets.

Street, Arterial

Roads of regional importance or the main roads of a community. Direct access is primarily limited to significant land uses.

Street, Collector

Provides access to nonresidential land uses and connects residential streets to the system's arterial streets.

Street, Local

Provides access to adjacent land. Characterized by a small service and low speeds.

Street, Stub

A street that is temporarily terminated, but that is planned for future continuation.

Structure

As defined in International Building Code.

Structure (Floodplain)

For floodplain management purposes, means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Effective on: 2/22/2023

Subdivision

See Sec. 12.702.

Subdivision Plat

A map or drawing of a proposed subdivision prepared in a manner suitable for recording in the County records and containing accurate and detailed engineering and survey data, dimensions, dedicatory statements and certificates. See also Sec. 12.700.

Substantial Damage

For floodplain management purposes, means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement

For the purpose of interpreting and administering the flood protection regulations of §8.1103.B, this term means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or

b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Tiny House

A dwelling unit that is factory or site-built on a permanent foundation in accordance with applicable codes, laws and standards.

Effective on: 2/22/2023

Tiny Home Community

A group of tiny homes, constructed either on a chassis or on a foundation, that are arranged in common relationship to one another, usually surrounding a shared common open space area.

~~Effective on: 2/22/2023~~

Townhouse

A single dwelling unit on a single lot that shares at least one common or abutting wall with another attached house located on a separate lot.

~~Effective on: 2/22/2023~~

Trade School

Uses that focus on teaching the skills needed to perform a particular job. Examples include schools of cosmetology, modeling academies, computer training facilities, vocational schools, administrative business training facilities and similar uses.

~~Effective on: 2/22/2023~~

Tree

Any self-supporting woody plant species, which normally grows to an overall minimum height of 20 feet.

Tree, Canopy

Any self-supporting woody plant with one well-defined trunk and a distinct and definite formed crown that attains a height of at least 30 feet at maturity.

Tree Diameter

See "Diameter at Breast Height" (for measuring existing trees) and "Caliper" (for measuring new trees to be planted)

Tree(s) Historic

A tree(s) which has been found by the city to be of a notable historic interest because of its age, type, size or historic association and has been so designated as part of the official records of the city.

Tree, Non-canopy

Any self-supporting woody plant with one or more trunks that attains a height of at least 15 feet at maturity.

Tree(s) Nuisance

A tree(s) that is non-native invasive, diseased, invested with harmful insects, dying or dead.

Tree(s) Protected

Any self-supporting woody perennial plant which has a caliper of three inches (3") or more when measured at a point of 4½ feet above ground level and which normally attains an overall height of at least 20 feet at maturity, usually with one main stem or trunk and many branches. It may appear to have several stems or trunks as in several varieties of oaks and is not diseased, dying, dead, or a nuisance tree as determined by an urban forester or International Society of Arboriculture (ISA) certified arborist.

Tree Survey/Inventory

A survey that depicts the location, size and number of trees within the survey area. The survey shall summarize the total number of trees and the diameter inches of trees that will be removed and/or will be preserved. A Tree Survey/Inventory for treed areas that exceed one acre shall be prepared by a registered landscape architect, registered architect, registered engineer or registered surveyor.

Two-unit house

Two dwelling units within the same principal building, located on a single lot. The 2 dwelling units are attached and may be located on separate floors or side-by-side. Also known as "duplexes."

Effective on: 2/22/2023

Unified Development

The separate ownership of single units or apartments in a multiple unit structure or structures with common elements. (See Tex. Rev. Civ. Stat. art. 1301a)

Utilities and Public Service Facility, Minor

Infrastructure services that need to be located in or close to the area where the service is provided. Minor utilities and public service facilities generally do not have regular employees at the site and typically have few if any impacts on surrounding areas. Typical uses include water and sewer pump stations; gas regulating stations; underground electric distribution substations; electric transformers; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication warning/broadcast facilities

Effective on: 2/22/2023

Utilities and Public Service Facility, Major

Infrastructure services that typically have substantial visual or operational impacts on nearby areas. Typical uses include but are not limited to water and wastewater treatment facilities, high-voltage electric substations, utility-scale power generation facilities (including wind, solar and other renewable and nonrenewable energy sources), sanitary landfills and utility-scale water storage facilities, such as water towers and reservoirs.

Effective on: 2/22/2023

Utility Runway

A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

Variance

A grant of relief to a person from the requirements of this code when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development is a manner otherwise prohibited by this code.

Vehicle Sales and Service

Uses that provide for the sale, rental, maintenance or repair of new or used vehicles and vehicular equipment. Typical uses included within the vehicle sales and service subcategory include vehicle sales and rental businesses, vehicle repair and maintenance shops, fueling stations and car washes.

Effective on: 2/22/2023

Vehicle Maintenance

An establishment that specializes in the replacement or repair of any vehicle part that does not require removal of the engine, transmission, or differential. Examples include dent repair, minor painting, upholstering, brake work, and oil changes.

Effective on: 2/22/2023

Vehicle Repair

An establishment that specializes in mechanical work, bodywork, major painting, or other similar work on vehicles.

Effective on: 2/22/2023

Vehicles Sales, Rental, and Leasing

Premises where the primary occupation is the sale or rental of any vehicle and can include ancillary service or repair of any vehicle. Such use may include the storage of inoperable vehicles for a period not to exceed 90 days.

Effective on: 2/22/2023

Violation

For the purpose of interpreting and administering the flood protection regulations of §8.1103.B, this term means the failure of a structure or other development to be fully compliant with the Flood Protection regulations of §8.1103.B. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §8.1103.B is presumed to be in violation until such time as required documentation is provided to the City.

Watercourse

A definite channel of a stream in which water flows within a defined bed and banks, originating from a definite source or sources. (The water may flow continuously or intermittently, and if the latter, with some degree of regularity, depending on the characteristics of the sources.)

Water Surface Elevation

The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Wholesale, Distribution & Storage

Uses that provide and distribute goods in large quantities, principally to retail sales, commercial services or industrial establishments. Long-term and short-term storage of supplies, equipment, commercial goods and personal items is included.

Effective on: 2/22/2023

Wholesale, Distribution and Storage, All Other

Wholesale, distribution and storage uses other than those more specifically identified above.

Effective on: 2/22/2023

Wholesale, Distribution and Storage, Indoor

Wholesale, distribution and storage uses conducted within a completely enclosed building.

Effective on: 2/22/2023

Wireless Communications

Towers, antennas, equipment, equipment buildings and other facilities used in the provision of wireless communication services. The following are wireless communication facility specific use types:

Effective on: 2/22/2023

APPENDIX 1: PRELIMINARY PLAN SUBMITTAL REQUIREMENTS

The following information is required with all preliminary plans, unless the City Planner determines that specific items of information area not required in a particular case:

1. The preliminary plan must demonstrate compliance with the general requirements of the Development Code, specifically including the infrastructure and public improvement standards of Article 10;
2. Provide the preliminary plan on sheets 24 inches by 36 inches to a scale of 100 feet per inch or larger. Smaller scales may be allowed at the discretion of the City Planner. If more than one sheet, provide an index sheet at a scale of 500 feet per inch or larger;
3. The words "PRELIMINARY PLAN - NOT FOR RECORD" shall appear on the plan;
4. The date the preliminary plan was submitted and the dates of any revisions shall legibly appear on the plan;
5. The proposed name of the subdivision or development, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within Walker County;
6. The name and address of all property owners, developers and subdividers, engineers, and surveyors;
7. An accurate location of the subdivision or development shall be provided by reference to an established survey or league corner, City of Huntsville horizontal control monument, subdivision corner, or other known point. Primary control points or descriptions and ties to such control point, to which, later, all dimensions, angles, bearings, block numbers, and similar data shall be referred. The preliminary plan shall be located with respect to a corner of the survey or tract, or an original corner of the original survey of which it is a part;
8. Subdivision boundary lines shall be indicated by heavy lines and the computed acreage of the subdivision or development shown;
9. The name of contiguous subdivisions and names of owners of contiguous parcels, and an indication whether or not contiguous properties are platted;
10. The following existing features shall be shown:
    (a) The location, dimension, name and description of all recorded streets, alleys, reservations, easements, or other public or private rights-of-way within the subdivision or development, intersecting or contiguous with its boundaries or forming such boundaries. In the case of pipelines carrying flammable gas or fuel, the approximate location, size of line, design pressure and product transported through the line shall be shown;
    (b) The location, dimension, description, and name of all existing or recorded lots, parks, public areas, and other sites within or contiguous with the subdivision or development;
    (c) The location and size of all existing water, sanitary sewer, and drainage facilities;
    (d) The location of existing water courses, storm drainage, and the one hundred-year floodplain according to the most recent best available data;
11. Scale in feet and north arrow;
12. Topographic information, including contours at two-foot intervals, flow line elevation of streams, indication of drainage directional flow, and location of any wooded areas;

13. The location, approximate dimensions, description and name of all proposed streets, alleys, drainage structures, parks, or other public areas, easements, or other rights-of-way, blocks, lots, and other sites within the subdivision or development. Proposed channel cross sections, if any. Existing and/or proposed well site locations;
14. A number or letter to identify each lot and each block. Lots and blocks shown on a preliminary plan should be numbered sequentially;
15. Location of current City limits line, ETJ boundary line, and CCN boundaries as applicable;
16. Vicinity map which shows general location of subject property to existing streets in Huntsville and to its City limits. No scale is required but a north arrow is to be included;
17. Show number of residential lots and proposed density; designate all proposed land uses;
18. Proposed layout and capacities of public utilities and provide any oversize participation requests that will be sought;
19. Estimated traffic impact of the development;
20. Sequence of phased development (if applicable) and a tentative timetable for development;
21. When requested by City Planner, provide title report for property that is current within ninety (90) days and includes applicable information such as ownership, liens, encumbrances, etc;
22. Written requests for waivers of subdivision standards, if any, shall be submitted in accordance with the applicable Sections of this Development Code; and
23. 11-inch by 17-inch copies of the preliminary plan (not necessarily to scale) will be requested by the City Planner when the preliminary plan has been reviewed and is scheduled for a Planning Commission meeting for consideration.

APPENDIX 2: FINAL PLAT SUBMITTAL REQUIREMENTS

The following information is required with all final plats, replats, minor plats, amending plats, vacating plats, and development plats, unless the City Planner determines that specific items of information area not required in a particular case:

1. The plat shall conform to the general requirements of this Development Code and minimum standards of design and improvements as set forth in Article 10 unless expressly provided for otherwise;
2. Provide current certified tax certificates from all taxing agencies showing payment of all ad valorem taxes on the land within the subdivision;
3. Provide title report for property that is current within ninety (90) days and includes applicable information such as ownership, liens, encumbrances, etc;
4. Provide the plat on sheets 18 inches by 24 inches to a scale of 100 feet per inch or larger. Smaller scales may be allowed at the discretion of the City Planner. If more than one sheet, provide an index sheet at a scale of 500 feet per inch or larger;
5. Vicinity map which shows general location of subject property to existing streets in Huntsville and to its City limits. No scale is required but a north arrow is to be included;
6. The proposed name of the subdivision or development, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within the county it is located;
7. Date of preparation, scale in feet, and north arrow;
8. The name and address of all property owners, developers, subdividers, engineers, and surveyors responsible for the plat;
9. Subdivision boundary lines shall be indicated by heavy lines and the computed acreage of the subdivision or development shown;
10. For a replat where there are existing improvements, provide a survey of the subject property showing the improvements to ensure that no setback encroachments are created;
11. The name of contiguous subdivisions and names of owners of contiguous parcels, and an indication whether or not contiguous properties are platted;
12. The location of the 100-year floodplain and floodway according to the most recent best available data;
13. A number or letter to identify each lot and each block. Lots and blocks shown on a plat should be numbered sequentially;
14. Provide the number of lots;
15. Written requests for waivers of subdivision standards, if any, shall be submitted in accordance with the applicable Sections of this Development Code;
16. The Plat shall also include the following, based on field survey and marked by monuments and markers:
    a. The exact location, dimensions, name, and legal description of all existing or recorded streets, alleys, easements, or other rights-of-way within the subdivision or development, intersecting or contiguous with the boundary or forming such a boundary with accurate dimensions, bearings or deflection angles and radii, area, center angle, degree of curvature, tangent distance, chord data, and length of all curves, where applicable;

b. The exact location, dimensions, description, and name of all proposed streets, alleys, drainage structures, parks, and other public areas, easements, or other rights-of-way, blocks, lots, and other sites within the subdivision or development, with accurate dimensions, bearings, or deflection angles and radii, areas, center angle, degree of curvature, tangent distance, chord data, and length of curves, where applicable;

c. Lot corner markers and survey monuments shall be shown clearly by symbol, and clearly tied to City of Huntsville horizontal control monuments;

d. The following, when applicable, shall appear on the face of the plat:

1) Certificate of Ownership and Dedication;

2) Certificate of Surveyor and/or Engineer;

3) Certificate of City Engineer;

4) Certificate of Planning Commission;

5) Certificate of the Walker County clerk;

6) Certificate of City Planner; and

7) Certificate of Approval.

17. The plat shall be accompanied by the construction documents and reports as prescribed below and bearing the seal and signature of a registered professional engineer, including the following:

a. Construction plans shall be provided on 24-inch by 36-inch sheets;

b. Street, alley, and sidewalk plans, profiles, and sections, with specifications and detail cost estimates;

c. Sanitary sewer plan with contours, plan and profile lines, showing depth and grades, with sewer report and detailed cost estimates;

d. Water line plan showing fire hydrants, valves, etc., with specifications and water report and a detailed cost estimate. This may be combined with related information supplied for preliminary plan submissions;

e. Storm drainage system plan with contours, street lines, inlets, storm sewer and drainage channels with profiles and sections. Detail drainage structure design and channel lining design if used, with specifications, drainage report, and detailed cost estimate; Street lighting plan showing location of lights, design, and with specifications and detailed cost estimates; and

f. Any associated necessary items, including but not limited to off-site public utility easements, permits or approval of governmental agencies.

18. 11-inch by 17-inch copies of the plat (not necessarily to scale) will be requested by the City Planner when the plat has been reviewed and has the potential to be scheduled for a Planning Commission meeting for consideration.

~~ORDINANCE HISTORY TABLE~~

~~This section lists all ordinances amending the Development Code of the City of Huntsville, Texas, from September 2024-current.~~

~~Ordinance Number~~	~~Adoption Date~~	~~Effective Date~~	~~Sections in this Code~~	~~Description~~
~~2024-20~~	~~09/03/2024~~	~~09/13/2024~~	~~1.300, 2.100, 2.200, 2.400, 3, 3.200, 3.300, 3.400, 3.500, 4.100, 4.201, 4.203, 4.205, 4.206, 4.207, 4.208, 4.209, 4.2010, 4.2011, 4.2013, 4.2014, 4.2015, 4.2016, 4.2019, 4.2020, 5.200, 5.300, 5.400, 5.500, 5.600, 5.700, 5.800, 5.900, 6.500, 6.1000, 6.1100, 6.1200, 7.200, 7.500, 7.1000, 8.300, 8.400, 8.500, 8.600, 10.200, 10.400, 10.500, 11.300, 11.700, 12.100, 12.300, 12.900, 12.1000, 13.300, Development~~	~~Amending Chapter 24 Land Development of the Code of Ordinances by adopting revisions to the Development Code of the City of Huntsville, TX~~

APPENDIX 3: Planned Development District Property Description

Appendix 4

Tree Preservation and Mitigation

Section 1: General Requirements

1. **Tree Removal Approval**
   a. No property within the Planned Development District (PDD) shall be clear-cut or selectively cleared without the necessary approval as outlined in this Development Code.
   b. The City Planner is authorized to issue tree removal approvals as part of site development permits, subdivision plans, or building permits.

Section 2: Exceptions

Tree removal without mitigation requirements shall be allowed in the following cases:

1. **Emergency Tree Removal**
   In the event that a tree is found to be in a hazardous or dangerous condition, posing a threat to public health, safety, or welfare, immediate removal may be authorized by the City Planner without the need for a written permit. This exemption allows for swift action when the tree poses an imminent risk to the community.
2. **Emergency Situations**
   During periods of emergencies such as tornadoes, storms, or floods, the City Planner may temporarily waive or adjust the tree preservation and mitigation requirements as necessary to address the immediate needs of the situation, ensuring that development or public safety is not hindered by tree-related regulations.
3. **Utility Company Operations**
   Utility companies franchised by the City are permitted to remove trees that pose a direct threat to public safety or disrupt utility services. This exemption allows for the uninterrupted operation of utilities without needing to comply with tree preservation or mitigation requirements.
4. **Agricultural, Timber, or Wildlife Exemptions**
   Properties that retain agricultural, timber, or wildlife exemptions through the Walker County Appraisal District are excluded from the provisions of this section. This ensures that ongoing agricultural or natural resource activities are not unduly burdened by tree preservation regulations.
5. **Pre-Existing Development Approvals**
   The provisions of this section shall not apply to developments that have received building permit approval prior to the effective date of this Development Code. This allows for a smooth continuation of development projects without retroactive compliance with the new tree preservation and mitigation rules.

Section 3: Heritage Tree Preservation

1. Heritage Trees shall be considered trees over 18 inches in caliper of designated species and shall be preserved whenever feasible. Removal may occur with approval of the City Planner and payment of reduced mitigation fees or alternative credits.
2. Designated Species are as follows:
    a. Live Oak
    b. Pecan Tree
    c. Smooth Hackberry
    d. American Elm
    e. Water Oak
    f. Redbud
    g. Loblolly Pine
    h. Crepe Myrtle
    i. Catalpa
    j. Post Oak
    k. Bois d'Arc
    l. Southern Red Oak
    m. Black Hickory
    n. Cherry Laurel
    o. Winged Elm
    p. Sycamore Tree
    q. Box Elder
    r. Southern Magnolia
    s. Cottonwood
    t. Mimosa
    u. Chinaberry
3. Preserved Heritage Trees may count toward landscaping requirements at a 1.5x credit rate.

Section 4: Significant Tree Preservation

1. Developers may remove up to 75% of Significant Trees (defined as trees over 8-18 inches in caliper) without mitigation.
2. Trees larger than 18 inches in caliper shall require replacement or payment-in-lieu at the reduced rate outlined in Section 5.

Section 5: Mitigation Standards

1. **Mitigation Alternatives**
    a. Mitigation may be fulfilled by:
    - Planting replacement trees on-site or off-site.
    - Payment-in-lieu at a rate of $50 per caliper inch (for Significant Trees) or $100 per caliper inch (for Heritage Trees).
2. **Replacement Trees**
    a. Replacement Trees must be a minimum of equal inches in caliper and planted in designated areas approved by the City Planner.

3. **Flexible Mitigation Plans**
   a. Developers may propose alternative mitigation plans, including increased landscaping, community tree planting programs, or enhanced development aesthetics.

Section 6: Tree Preservation Plans

1. Tree Preservation Plans shall be submitted with site development permits and shall focus on retaining trees in areas that do not significantly impact the project's feasibility or financial performance.
2. Plans must demonstrate reasonable efforts to preserve Heritage Trees and up to 25% of Significant Trees.

Section 7: Alternative Compliance Options

1. Developers may satisfy preservation requirements by exceeding other community goals, including stormwater management improvements, pedestrian-friendly streetscapes, or higher-density housing to offset land-use constraints.
2. The City Planner may approve deviations from these requirements to accommodate unique site constraints, innovative designs, or significant public benefits.

Exhibit C

Consent Ordinance

See attached.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HUNTSVILLE, TEXAS CONSENTING TO THE CREATION OF A MUNICIPAL UTILITY DISTRICT TO BE KNOWN AS HUNTSVILLE MUNICIPAL UTILITY DISTRICT NO. 3

WHEREAS, GIBBS BROTHERS & COMPANY LP, a Texas limited partnership, or its successor or assigns, and ROBINSON-GIBBS I, LLC, a Texas limited liability company, or its successors or assigns (collectively, the "Petitioners") are the owners of approximately 1,104.911 acres of land, a portion of which is currently within the extraterritorial jurisdiction of the City of Huntsville, Texas (the "City"), and the remainder of which is currently within the corporate limits of the City (the "Tract"); and

WHEREAS, the Petitioners have submitted to the City a Petition for Consent to the Creation of a Municipal Utility District, requesting the City's consent to the creation of a municipal utility district over the boundaries of the Tract, as described therein.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The Petition for Consent to the Creation of a Municipal Utility District is attached hereto as Exhibit "A" and made a part hereof for all purposes.

Section 3. The City Council of the City hereby confirms its written consent to the creation of District, subject to the condition that Petitioners fully comply with the conditions set forth in Exhibit "B" attached hereto and incorporated herein, as well as subject to such other provisions of the Code of Ordinances of the City, as may be applicable.

Section 4. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by Chapter 551, Texas Government Code; and that this meeting had been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 5. In addition to the conditions and requirements otherwise set out herein and unless otherwise agreed to in writing or a variance is expressly granted by City Council, the Consent as herein provided shall be conditioned on the owners of the

real property within the Tract fully complying with all rules, regulations, and requirements that may be in existence or later provided as the same relates to any construction, configuration, or use of the Tract, whether directly expressed or provided by the City in such other agreements and documents that may be executed the development or use of Tract.

Section 6**:** Should any paragraph, sentence, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

Section 7: This Ordinance shall become effective from and after the date of its final passage, and it is accordingly so ordained.

PASSED AND APPROVED THIS ____ DAY OF _____ 2025.

CITY OF HUNTSVILLE, TEXAS

_____

Russell Humphrey, Mayor

ATTEST:

_____

Kristy Doll, City Secretary

APPROVED AS TO FORM:

_____

Leonard Schneider, City Attorney

Exhibit "A"

PETITION FOR CONSENT TO THE CREATION
OF A MUNICIPAL UTILITY DISTRICT

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

GIBBS BROTHERS & COMPANY LP, a Texas limited partnership, or its successor or assigns, and ROBINSON-GIBBS I, LLC, a Texas limited liability company (collectively, the "Petitioners"), acting pursuant to the provisions of Chapters 49 and 54, Texas Water Code, respectfully petition the City Council of the City of Huntsville, Texas (the "City"), for its written consent to the creation of a municipal utility district and would show the following:

ARTICLE II

The name of the proposed District shall be HUNTSVILLE MUNICIPAL UTILITY DISTRICT NO. 3 (the "District").

ARTICLE III

The District shall be created and organized under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas and Chapters 49 and 54, Texas Water Code, together with all amendments and additions thereto.

ARTICLE IV

The District shall contain an area of 1,104.911 acres of land, more or less, situated in Walker County, Texas. All of the land proposed to be included within the District is within either the extraterritorial jurisdiction of the City or the corporate limits of the City. All of the land proposed to be included may properly be included in the District. The land proposed to be included within the District is described in Exhibit A, which is attached hereto and incorporated herein for all purposes (the "Land").

ARTICLE V

Petitioners hold fee simple title to the Land. Petitioners hereby represent that they collectively own a majority in value of the Land, which is proposed to be included in the District, as indicated by the certificate of ownership provided by the Walker County Appraisal District.

V.

Petitioners represent that there are no lienholders on the Land and that there are no residents on the Land.

VI.

The general nature of the work proposed to be done by the District at the present time is the purchase, design, construction, acquisition, maintenance, ownership, operation, repair, improvement and extension of a waterworks and sanitary sewer system for residential and commercial purposes, and the construction, acquisition, improvement, extension, maintenance and operation of works, improvements, facilities, plants, equipment and appliances helpful or necessary to provide more adequate drainage for the District, and to control, abate and amend local storm waters or other harmful excesses of waters, and such other purchase, construction, acquisition, maintenance, ownership, operation, repair, improvement and extension of such additional facilities, including roads, parks and recreation facilities, systems, and enterprises as shall be consistent with all of the purposes for which the District is created (the "Project").

VII.

There is, for the following reasons, a necessity for the above-described work. The area proposed to be within the District is urban in nature, is within the growing environs of the City, and is in close proximity to populous and developed sections of Walker County, Texas. There is not now available within the area, which will be developed for single family residential, multifamily, and commercial uses, an adequate waterworks system, sanitary sewer system, or drainage and storm sewer system, or roads, or parks and recreational facilities. The health and welfare of the present and future inhabitants of the area and of the territories adjacent thereto require the purchase, design, construction, acquisition, ownership, operation, repair, improvement and extension of an adequate waterworks system, sanitary sewer system, and drainage and storm sewer system, roads, or parks and recreational facilities. A public necessity, therefore, exists for the creation of the District, to provide for the purchase, design, construction, acquisition, maintenance, ownership, operation, repair, improvement and extension of such waterworks system, sanitary sewer system, and drainage and storm sewer system, roads, and parks and recreational facilities to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VIII.

The Petitioners, by submission of this Petition, request the City's consent to the creation of the District containing the Land under the same conditions as set forth in Exhibit B, which is attached hereto and incorporated herein for all purposes.

IX.

A preliminary investigation has been made to determine the cost of the proposed District's waterworks system, sanitary sewer system, and drainage and storm sewer system projects, and it is now estimated by the Petitioners, from such information as he has at this time, that such cost will be approximately $_____.

X.

A preliminary investigation has been made to determine the cost of the proposed District's road projects, and it is now estimated by the Petitioners, from such information as he has at this time, that such cost will be approximately $_____.

XI.

A preliminary investigation has been made to determine the cost of the proposed District's park and recreational facilities, and it is now estimated by the Petitioners, from such information as he has at this time, that such cost will be approximately $_____.

XII.

The total cost of the proposed District's projects is estimated by the Petitioners to be approximately $_____.

WHEREFORE, the Petitioners pray that this petition be heard and that the City Council duly pass and approve an ordinance granting the consent to the creation of the District and authorizing the inclusion of the Land within the District.

[EXECUTION PAGES FOLLOW]

RESPECTFULLY SUBMITTED this ____ day of _____, 2025.

GIBBS BROTHERS & COMPANY, L.P.
a Texas limited partnership

By: Gibbs Brothers Management Company, L.L.C.
a Texas limited liability company
its general partner

By: _____
Name: _____
Title: _____

THE STATE OF TEXAS §
§
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____ _____, 2025, by _____, _____ of Gibbs Brothers Management Company, L.L.C., a Texas limited liability company, general partner of Gibbs Brothers & Company, L.P., a Texas limited partnership, on behalf of said limited partnership.

_____
Notary Public, State of Texas
(NOTARY SEAL)

ROBINSON-GIBBS I, LLC
a Texas limited liability company

By: _____
Name: _____
Title: _____

THE STATE OF TEXAS §
§
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____ _____, 2025, by _____, _____ of Robinson-Gibbs I, LLC, a Texas limited liability company, on behalf of said limited liability company.

_____
Notary Public, State of Texas
(NOTARY SEAL)

Exhibit A

The Land

See attached.

TEXAS PROFESSIONAL SURVEYING, LLC.

3032 N. FRAZIER STREET, CONROE, TEXAS 77303
(936)756-7447 FAX (936)756-7448
FIRM REGISTRATION No. 100834-00

FIELD NOTE DESCRIPTION
12.603 ACRES
IN THE JOHN HUME SURVEY, ABSTRACT NUMBER 264
WALKER COUNTY, TEXAS

BEING a 12.603 acre tract of land situated in the John Hume Survey, Abstract Number 264, Walker County, Texas, being the remainder of that certain called 263-6/10 acre tract described in instrument to Gibbs Brothers & Company, recorded in Volume 40, Page 39, of the Official Records of Walker County, Texas (O.R.W.C.T.), said 12.603 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a ½ inch iron rod with cap stamped "TPS 100834-00" set in the apparent common line between said Hume Survey and the Lewis Cox League, Abstract Number 13, in an easterly line of the remainder of that certain called 860.347 acre tract described in instrument to Robinson-Gibbs 1, LLC, recorded under Instrument Number 51872, O.R.W.C.T., at the westerly end of the southerly right-of-way of Pine Hill Road (variable width), for the common westerly corner of said remainder of 263-6/10 acre tract and that certain called 2.58 acre tract described as "Parcel A" in instrument to The City of Huntsville, recorded in Volume 766, Page 718, O.R.W.C.T.,, being the northerly northwest corner of the herein described 12.603 acre tract, from which a 3 inch round concrete monument with 2 inch disk found for the apparent common westerly corner of said Hume Survey and the James Cox One Labor, Abstract Number 113, the common westerly corner of said 2.58 acre tract and that certain called 0.777 acre tract described as "Parcel B" in instrument to The City of Huntsville, recorded in Volume 774, Page 855, O.R.W.C.T. bears North 23°19'31" East, 48.14 feet, said **POINT OF BEGINNING** having a Texas State Plane Coordinate value of **N: 10,244,565.10, E: 3,793,243.19**, Central Zone, grid measurements;

THENCE South 68°15'13" East, 890.07 feet, with the southerly right-of-way of said Pine Hill Road, the common line between said remainder of 263-6/10 acre tract and said 2.58 acre tract, to a ½ inch iron rod with cap stamped "TPS 100834-00" set in the westerly line of that certain called 2.009 acre tract described in instrument to Paul John Pittman and Tammy Elisa Pittman, recorded under Instrument Number 81944, O.R.W.C.T., for the common easterly corner of said remainder of 263-6/10 acre tract and said 2.58 acre tract, being the northeasterly corner of the herein described 12.603 acre tract, from which a 5/8 inch iron rod with disk found for the northwesterly corner of said 2.009 acre tract bears North 22°02'12" East, 11.41 feet;

THENCE South 22°02'12" West, 614.77 feet, with the common line between said remainder of 263-6/10 acre tract and said 2.009 acre tract, to a 1 inch iron bolt found in the northerly line of the remainder of that certain called 11.18 acre tract described in instrument to East Texas Land & Cattle, LLC., recorded under Instrument Number 78856, O.R.W.C.T., for the common southerly corner of said remainder of 263-6/10 acre tract and said 2.009 acre tract, being the easterly southeast corner of the herein described 12.603 acre tract;

THENCE North 68°21'59" West, 230.84 feet, with the common line between said remainder of 263-6/10 acre tract and said 11.18 acre tract, to a 5/8 inch iron rod found for the common corner of said remainder of 263-6/10 acre tract, said 11.18 acre tract, Lot 16, Block 3, of Majestic Forest Addition, as shown on the map or plat thereof, recorded in Volume 1, Page 48, of the Plat Records of Walker County, Texas (P.R.W.C.T.) and Lot 15, of said Block 3, being an angle point in a southerly line of the herein described 12.603 acre tract;

THENCE North 68°24'41" West, with the common line between said remainder of 263-6/10 acre tract and said Block 3, at a distance of 204.77 feet, pass a ½ inch iron rod found for the common northerly corner of said Lot 15 and Lot 14, of said Block 3, at a distance of 434.48 feet, pass a ½ inch iron rod found for the common northerly

corner of said Lot 14 and Lot 13, of said Block 3, in all, a total distance of 543.76 feet, to a ½ inch iron rod found for the common northerly corner of said remainder of 263-6/10 acre tract and said Lot 13, being an interior corner of the herein described 12.603 acre tract;

THENCE South 02°34'52" East, with the common line between said remainder of 263-6/10 acre tract and said block 3, at a distance of 120.75 feet, pass a calculated point for the common westerly corner of said Lot 13 and Lot 12 of said Block 3, from which a ½ inch iron rod found bears North 87°25'08" East, 1.33 feet, in all, a total distance of 227.16 feet, to a ½ inch iron rod with cap stamped "TPS 100834-00" set for a common corner of said remainder of 263-6/10 acre tract and said Lot 12, being an angle point in an easterly line of the herein described 12.603 acre tract;

THENCE South 00°10'50" East, with the common line between said remainder of 263-6/10 acre tract and said Block 3, at a distance of 84.43 feet, pass a 5/8 inch bent iron rod found for the common westerly corner of said Lot 12 and Lot 11 of said Block 3, at a distance of 348.02 feet, pass a ½ inch iron rod found for the common westerly corner of Lot 10 of said Block 3 and Lot 9 of said Block 3, in all, a total distance of 438.32 feet, to a 5/8 inch iron rod found in the apparent common line between said Hume Survey and the William McDonald League, Abstract Number 30, for the common corner of said remainder of 263-6/10 acre tract, said Lot 9, Lot 1 of the Wendell H. Baker, Sr. 34.014 acre residue tract, as shown on the map or plat thereof, recorded in Volume 5, Page 114, P.R.W.C.T., and that certain called 15.572 acre tract described in instrument to Wendell H. Baker, Jr., recorded in Volume 387, Page 237, O.R.W.C.T., being the southerly southeast corner of the herein described 12.603 acre tract;

THENCE North 02°40'53" West, 919.95 feet, with the apparent common line between said Hume Survey and said McDonald League, the common line between said remainder of 263-6/10 acre tract and said 15.572 acre tract, to a 3 inch round concrete monument with 2 inch disk found for the apparent common corner of said Hume Survey, said McDonald League, and said Cox League, the common corner of said remainder of 263-6/10 acre tract, said 15.572 acre tract, and said remainder of 860.347 acre tract, being an angle point in the westerly line of the herein described 12.603 acre tract, from which an axle found in the apparent common line between said Cox League and said McDonald League, for the common westerly corner of said 15.572 acre tract and said remainder of 860.347 acre tract bears South 87°15'00" West, 553.04 feet;

THENCE North 23°19'31" East, 392.87 feet, with the apparent common line between said Hume Survey and said Cox League, the common line between said remainder of 263-6/10 acre tract and said remainder of 860.347 acre tract, to the **POINT OF BEGINNING** and containing a computed area of 12.603 acres of land within this Field Note Description.

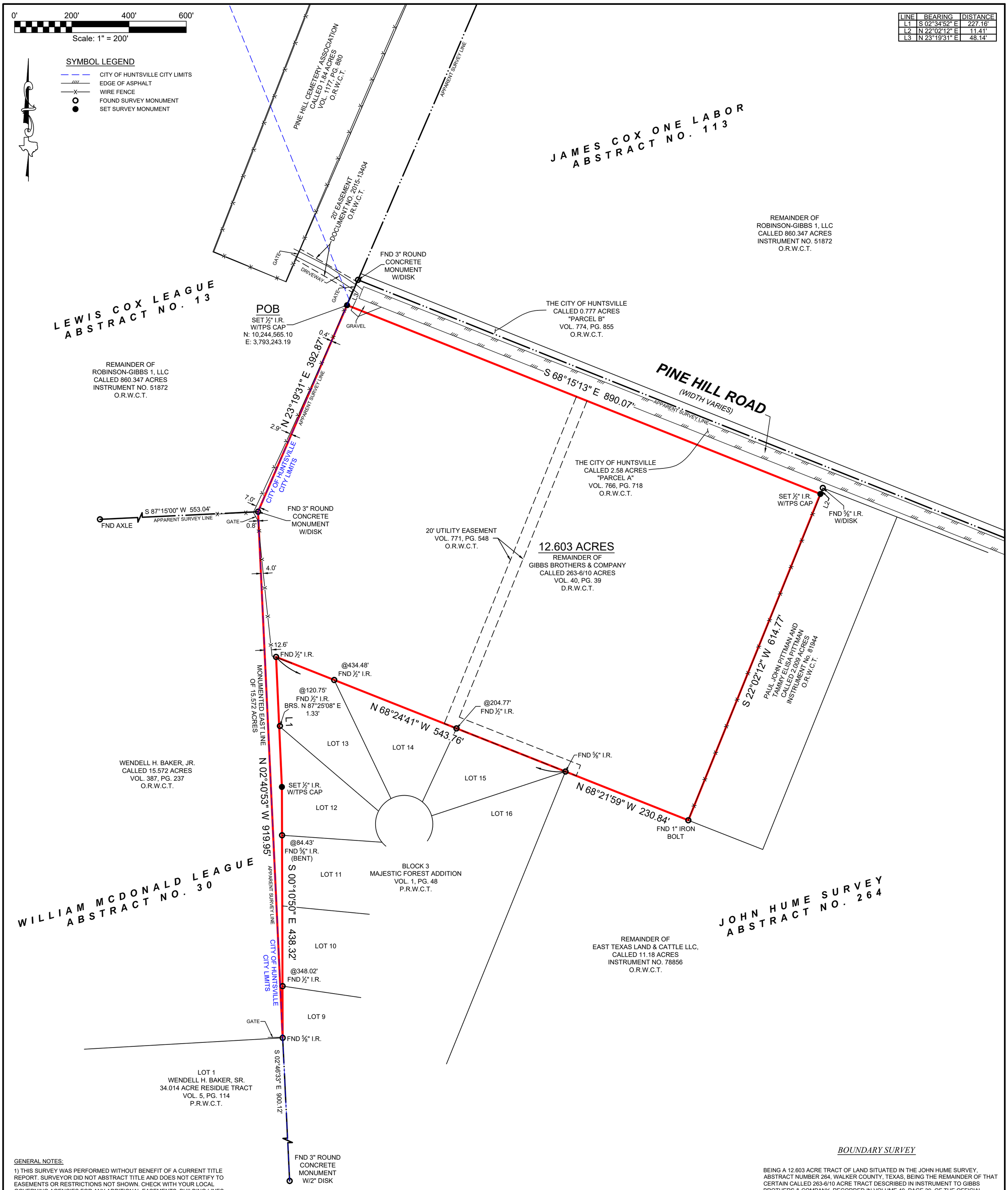
This Field Note Description was prepared from a survey performed on the ground on April 1, 2025, by Texas Professional Surveying, LLC., and referenced to Survey Drawing Project 39279.

All coordinates, bearings, distances, and areas shown hereon are grid measurements based on GPS observations and referenced to the North American Datum of 1983 (NAD83), Texas State Plane Coordinate System, Central Zone, U.S. Survey Feet.

April 7, 2025
Date

STATE OF TEXAS
REGISTERED
THOMAS A. McINTYRE
6921
PROFESSIONAL
LAND SURVEYOR

Thomas A. McIntyre
R.P.L.S. No. 6921



LINE	BEARING	DISTANCE
L1	S 02°34'52" E	227.16'
L2	N 22°02'12" E	11.41'
L3	N 23°19'31" E	48.14'

GENERAL NOTES:

1) THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT. SURVEYOR DID NOT ABSTRACT TITLE AND DOES NOT CERTIFY TO EASEMENTS OR RESTRICTIONS NOT SHOWN. CHECK WITH YOUR LOCAL GOVERNING AGENCIES FOR ANY ADDITIONAL EASEMENTS, BUILDING LINES OR OTHER RESTRICTIONS NOT REFLECTED ON SURVEY.

PROJECT	39279_12.603AC
FIELD DATE	04-01-2025
DRAWN BY	ADV
CHECKED BY	CPP
FIELD CREW	SMP
REV 1	__-__-____
REV 2	__-__-____
REV 3	__-__-____
REV 4	__-__-____

TEXAS PROFESSIONAL SURVEYING
3032 N. Frazier, Conroe, Texas 77303
Ph: 936.756.7447 Fax: 936.756.7448
www.surveyingtexas.com
Firm No. 10083400

NO PORTION OF THIS PROPERTY APPEARS TO LIE WITHIN THE 100 YEAR FLOODPLAIN, PER GRAPHIC SCALING OF FEMA FIRM PANEL NO. 48471C0365D, HAVING AN EFFECTIVE DATE OF 08-16-2011.

ALL COORDINATES, BEARINGS, DISTANCES, AND AREAS SHOWN HEREON ARE GRID MEASUREMENTS BASED ON GPS OBSERVATIONS AND REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83), TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, U.S. SURVEY FEET.

CLIENT ····· GIBBS BROTHERS & COMPANY, L.P.
ADDRESS ····· PINE HILL ROAD, HUNTSVILLE, TX, 77340
SURVEY ····· JOHN HUME, A - 264
SUBJECT ····· 12.603 ACRES
COUNTY ····· WALKER

BOUNDARY SURVEY

BEING A 12.603 ACRE TRACT OF LAND SITUATED IN THE JOHN HUME SURVEY, ABSTRACT NUMBER 264, WALKER COUNTY, TEXAS, BEING THE REMAINDER OF THAT CERTAIN CALLED 263-6/10 ACRE TRACT DESCRIBED IN INSTRUMENT TO GIBBS BROTHERS & COMPANY, RECORDED IN VOLUME 40, PAGE 39, OF THE OFFICIAL RECORDS OF WALKER COUNTY, TEXAS (O.R.W.C.T.), SAID 12.603 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY ATTACHED METES AND BOUNDS DESCRIPTION.

THIS SURVEY WAS CREATED FROM NOTES AND OBSERVATIONS TAKEN ON THE GROUND UNDER MY DIRECT SUPERVISION, AND IS TRUE AND CORRECT AT TIME OF SURVEY.

STATE OF TEXAS
REGISTERED
THOMAS A. McINTYRE
6921
PROFESSIONAL
LAND SURVEYOR

Thomas A. McIntyre
Registered Professional Land Surveyor No. 6921

TEXAS PROFESSIONAL SURVEYING, LLC.

3032 N. FRAZIER STREET, CONROE, TEXAS 77303
(936)756-7447 FAX (936)756-7448
FIRM REGISTRATION No. 100834-00

FIELD NOTE DESCRIPTION
27.361 ACRES
IN THE PETER TOMLINSON SURVEY, ABSTRACT NUMBER 539
AND IN THE JESSE YOUNG SURVEY, ABSTRACT NUMBER 618
WALKER COUNTY, TEXAS

BEING a 27.361 acre tract of land situated in the Peter Tomlinson Survey, Abstract Number 539, and in the Jesse Young Survey, Abstract Number 618, Walker County, Texas, being a portion of that certain called 860.347 acre tract described in instrument to Robinson-Gibbs 1, LLC, recorded under Clerk's File Number 51872, of the Official Records of Walker County, Texas (O.R.W.C.T.), said 27.361 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found in the southeasterly right-of-way of Robinson Creek Parkway (variable width right-of-way), in the southwesterly line of Lot 1, Block 1, of the Replat of Robinson Creek Subdivision, as shown on the map or plat thereof, recorded in Volume 2, Page 64, of the Plat Records of Walker County, Texas (P.R.W.C.T.), for the common easterly corner of said 860.347 acre tract and that certain called 2.333 acre tract described as "Parcel 40" in instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., being the westerly north corner of the herein described 27.361 acre tract, said **POINT OF BEGINNING** having a Texas State Plane Coordinate value of **N: 10,249,375.32, E: 3,796,996.98**, Central Zone, grid measurements;

THENCE South 43°52'20" East, 166.14 feet, with the common line between said 860.347 acre tract and said Lot 1, of Robinson Creek Subdivision, to a 5/8 inch iron rod found for the common corner of said 860.347 acre tract, said Lot 1 of Robinson Creek Subdivision, and Reserve A, Block 1, of said Robinson Creek Subdivision, being an angle point in a northeasterly line of the herein described 27.361 acre tract;

THENCE with the common line between said 860.347 acre tract and said Reserve A of Robinson Creek Subdivision, the following three (3) courses and distances:

1. South 43°43'13" East, 348.84 feet, to a 5/8 inch iron rod found for the beginning of a non-tangent curve to the left;
2. Southeasterly, 239.23 feet, with the arc of said non-tangent curve to the left, having a radius of 60.00 feet, a central angle of 228°26'51", and a chord that bears South 79°59'45" East, 109.43 feet, to a 5/8 inch iron rod found for the end of said curve to the left;
3. North 61°07'26" East, 400.00 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set in the southwesterly right-of-way of Interstate Highway 45 (IH 45, variable width right-of-way), for the common easterly corner of said 860.347 acre tract and said Reserve A, being the easterly north corner of the herein described 27.361 acre tract;

THENCE South 28°43'59" East, 198.67 feet, with southwesterly right-of-way of said IH 45, a northeasterly line of said 860.347 acre tract, to a 5/8 inch iron rod with cap found for the common northerly corner of said 860.347 acre tract and that certain called 0.597 acre tract described as "Tract 1" in instrument to Ashaar, LLC, recorded in Volume 1300, Page 82, O.R.W.C.T., being the most northerly east corner of the herein described 27.361 acre tract, from which a 4 inch by 4 inch concrete monument found for reference bears South 29°10'42" East, 25.89 feet;

THENCE with the common line between said 860.347 acre tract and said 0.597 acre tract, the following two (2) courses and distances:

1. South 25°49'14" West, 152.76 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
2. South 35°47'46" East, 137.58 feet, to a 5/8 inch iron rod with cap found for the common corner of said 860.347 acre tract, said 0.597 acre tract, and that certain called 0.03 acre tract described in instrument to Copano Pipelines/Upper Gulf Coast, L.P., recorded in Volume 312, Page 607, O.R.W.C.T., being an easterly corner of the herein described 27.361 acre tract;

THENCE with the common line between said 860.347 acre tract and said 0.03 acre tract, the following two (2) courses and distances:

1. South 54°12'03" West, 20.00 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
2. South 35°47'55" East, 70.56 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set in the northwesterly right-of-way of Farm to Market Road 1374 (FM 1374, variable width right-of-way), for the common southerly corner of said 860.347 acre tract and said 0.03 acre tract, being the most southerly east corner of the herein described 27.361 acre tract from which a 5/8 inch iron rod with cap found for the common southerly corner of said 0.03 acre tract and said 0.597 acre tract bears North 25°50’46” East, 22.72 feet;

THENCE with the northwesterly right-of-way of said FM 1374, a southeasterly line of said 860.347 acre tract, the following three (3) courses and distances:

1. South 25°50'46" West, 101.46 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the beginning of a curve to the left;
2. Southwesterly, 229.37 feet, with the arc of said curve to the left, having a radius of 2899.79 feet, a central angle of 04°31'55", and a chord that bears South 23°34'10" West, 229.31 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the end of said curve to the left;
3. South 20°30'09" West, 594.22 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the common easterly corner of said 860.347 acre tract and Lot 1, of the Minor Plat of Education Service Center, Region VI 10.66 acre tract (Education plat), as shown on the map or plat thereof, recorded in Volume 487, Page 815, O.R.W.C.T., being the southerly corner of the herein described 27.361 acre tract;

THENCE North 70°33'33" West, 775.29 feet, with the common line between said 860.347 acre tract and said Education Plat, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the common southerly corner of said 860.347 acre tract and Robinwood Professional Park, as shown on the map or plat thereof, recorded in Volume 4, Page 104, P.R.W.C.T., being the most southerly southwest corner of the herein described 27.361 acre tract;

THENCE with the common line between said 860.347 acre tract and said Robinwood Professional Park, the following two (2) courses and distances:

1. North 19°26'50" East, 333.71 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
2. North 52°43'15" West, 56.40 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set in the easterly right-of-way of said Robinson Creek Parkway, in a southerly line of said 2.333 acre tract, for the common northerly corner of said 860.347 acre tract and said Robinwood Professional Parkway, being a westerly corner of the herein described 27.361 acre tract;

THENCE with the easterly right-of-way of said Robinson Creek Parkway, the common line between said 860.347 acre tract and said 2.333 acre tract, the following five (5) courses and distances:

1. North 56°00'29" West, 239.05 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
2. South 86°53'43" East, 5.49 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
3. North 03°06'17" East, 212.62 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
4. North 74°54'22" West, 72.92 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the beginning of a non-tangent curve to the right;
5. Northeasterly, 390.89 feet, with the arc of said curve to the right, having a radius of 567.93 feet, a central angle of 39°26'06", and a chord that bears North 20°05'22" East, 383.22 feet, to a 5/8 inch iron rod found for the end of said curve to the right;
6. North 39°44'38" East, 282.95 feet, to the **POINT OF BEGINNING** and containing a computed area of 27.361 acres of land within this Field Note Description.

This Field Note Description was prepared from a survey performed on the ground on March 11, 2025, by Texas Professional Surveying, LLC., and referenced to Survey Drawing Project 39279.

All coordinates, bearings, distances, and areas shown hereon are grid measurements based on GPS observations and referenced to the North American Datum of 1983 (NAD83), Texas State Plane Coordinate System, Central Zone, U.S. Survey Feet.

March 24, 2025
Date

Thomas A. McIntyre
R.P.L.S. No. 6921

0' 100' 200' 300'

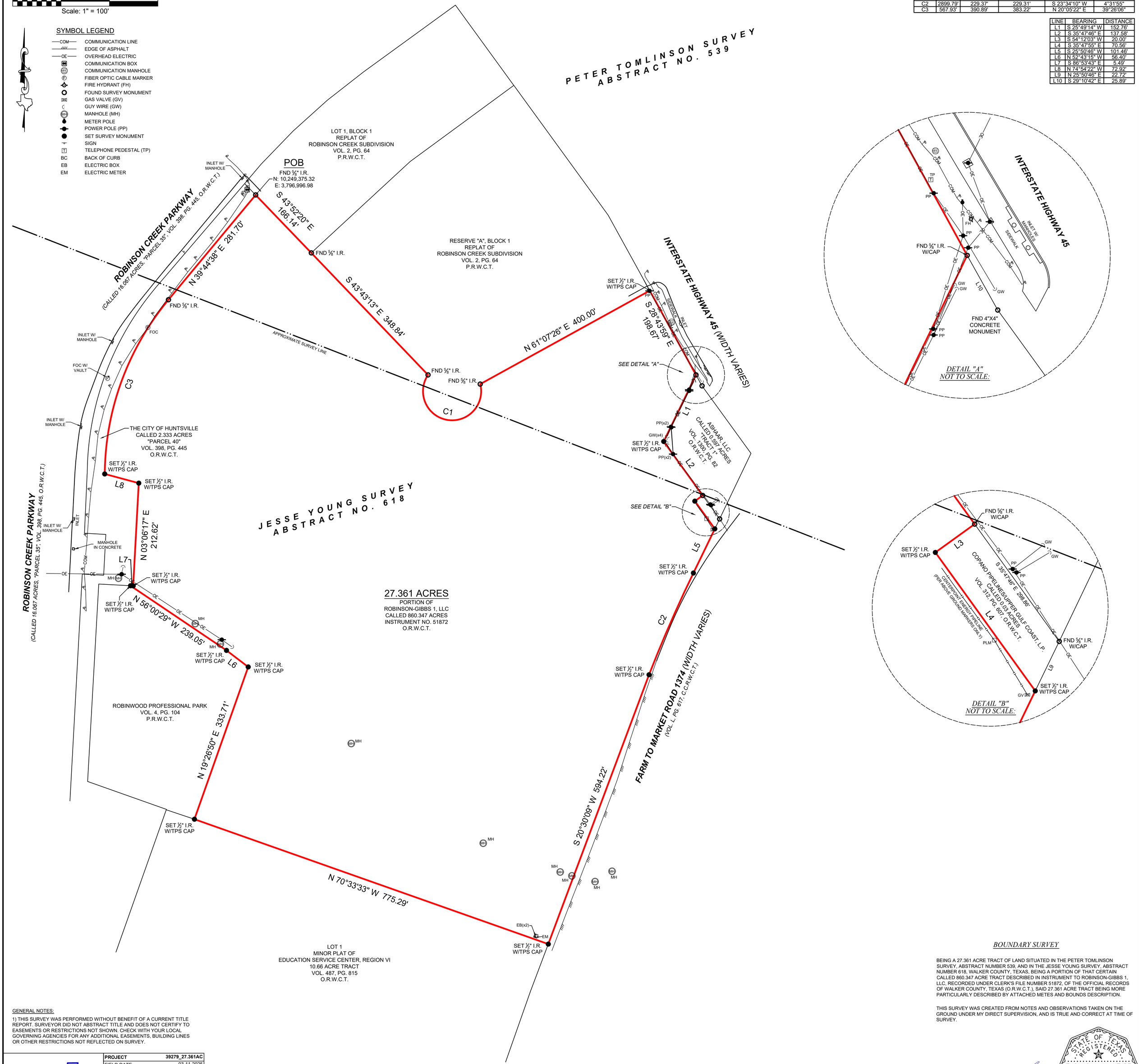
Scale: 1" = 100'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	60.00'	239.23'	109.43'	S 79°59'45" E	228°26'51"
C2	2899.79'	229.37'	229.31'	S 23°34'10" W	4°31'55"
C3	567.93'	390.89'	383.22'	N 20°05'22" E	39°26'06"

LINE	BEARING	DISTANCE
L1	S 25°49'14" W	152.76'
L2	S 35°47'46" E	137.58'
L3	S 54°12'03" W	20.00'
L4	S 35°47'55" E	70.56'
L5	S 25°50'46" W	101.46'
L6	N 52°43'15" W	56.40'
L7	S 86°53'43" E	5.49'
L8	N 74°54'22" W	72.92'
L9	N 25°50'46" E	22.72'
L10	S 29°10'42" E	25.89'

SYMBOL LEGEND

- COM — COMMUNICATION LINE
- EDGE OF ASPHALT
- OE — OVERHEAD ELECTRIC
- COMMUNICATION BOX
- COMMUNICATION MANHOLE
- FIBER OPTIC CABLE MARKER
- FIRE HYDRANT (FH)
- FOUND SURVEY MONUMENT
- GAS VALVE (GV)
- GUY WIRE (GW)
- MANHOLE (MH)
- METER POLE
- POWER POLE (PP)
- SET SURVEY MONUMENT
- SIGN
- TELEPHONE PEDESTAL (TP)
- BC — BACK OF CURB
- EB — ELECTRIC BOX
- EM — ELECTRIC METER



GENERAL NOTES:

1) THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT. SURVEYOR DID NOT ABSTRACT TITLE AND DOES NOT CERTIFY TO EASEMENTS OR RESTRICTIONS NOT SHOWN. CHECK WITH YOUR LOCAL GOVERNING AGENCIES FOR ANY ADDITIONAL EASEMENTS, BUILDING LINES OR OTHER RESTRICTIONS NOT REFLECTED ON SURVEY.

TEXAS PROFESSIONAL SURVEYING

3032 N. Frazier, Conroe, Texas 77303
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Firm No. 10083400

PROJECT	39279_27.361AC
FIELD DATE	03-11-2025
DRAWN BY	ADV
CHECKED BY	CPP
FIELD CREW	JW
REV 1	__-__-____
REV 2	__-__-____
REV 3	__-__-____
REV 4	__-__-____

ADDRESS ..... FM 1374, HUNTSVILLE, TX, 77340
SURVEY ..... PETER TOMLINSON, A - 539
SURVEY ..... JESSE YOUNG, A - 618
SUBJECT ..... 27.361 ACRES
COUNTY ..... WALKER

NO PORTION OF THIS PROPERTY APPEARS TO LIE WITHIN THE 100 YEAR FLOODPLAIN, PER GRAPHIC SCALING OF FEMA FIRM PANEL NO. 48471C0360D, HAVING AN EFFECTIVE DATE OF 08-16-2011.

ALL COORDINATES, BEARINGS, DISTANCES, AND AREAS SHOWN HEREON ARE GRID MEASUREMENTS BASED ON GPS OBSERVATIONS AND REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83), TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, U.S. SURVEY FEET.

BOUNDARY SURVEY

BEING A 27.361 ACRE TRACT OF LAND SITUATED IN THE PETER TOMLINSON SURVEY, ABSTRACT NUMBER 539, AND IN THE JESSE YOUNG SURVEY, ABSTRACT NUMBER 618, WALKER COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN CALLED 860.347 ACRE TRACT DESCRIBED IN INSTRUMENT TO ROBINSON-GIBBS 1, LLC, RECORDED UNDER CLERK'S FILE NUMBER 51872, OF THE OFFICIAL RECORDS OF WALKER COUNTY, TEXAS (O.R.W.C.T.), SAID 27.361 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY ATTACHED METES AND BOUNDS DESCRIPTION.

THIS SURVEY WAS CREATED FROM NOTES AND OBSERVATIONS TAKEN ON THE GROUND UNDER MY DIRECT SUPERVISION, AND IS TRUE AND CORRECT AT TIME OF SURVEY.

STATE OF TEXAS
REGISTERED
THOMAS A. McINTYRE
6921
PROFESSIONAL
LAND SURVEYOR

Thomas A. McIntyre
Registered Professional Land Surveyor No. 6921

TEXAS PROFESSIONAL SURVEYING, LLC.

3032 N. FRAZIER STREET, CONROE, TEXAS 77303
(936)756-7447 FAX (936)756-7448
FIRM REGISTRATION No. 100834-00

FIELD NOTE DESCRIPTION
38.787 ACRES
IN THE LEWIS COX LEAGUE, ABSTRACT NUMBER 13
AND IN THE JESSE YOUNG SURVEY, ABSTRACT NUMBER 618
WALKER COUNTY, TEXAS

BEING a 38.787 acre tract of land situated in the Lewis Cox League, Abstract Number 13, and in the Jesse Young Survey, Abstract Number 618, Walker County, Texas, being a portion of that certain called 860.347 acre tract described in instrument to Robinson-Gibbs 1, LLC, recorded under Clerk's File Number 51872, of the Official Records of Walker County, Texas (O.R.W.C.T.), said 38.787 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for the common corner of said 860.347 acre tract, that certain called 105.13 acre tract described in instrument to Sam Houston State University, recorded in Volume 50, Page 145, of the Deed Records of Walker County, Texas (D.R.W.C.T.), and Lot 1A, of the Replat of Medical Office Park – Huntsville, LP., as shown on the map or plat thereof, recorded in Volume 5, Page 85, of the Plat Records of Walker County, Texas (P.R.W.C.T.), being an angle point in a northerly line of the herein described 38.787 acre tract, from which a 1/2 inch iron rod found for the common corner of said 105.13 acre tract, said Lot 1A, and the remainder of that certain called 80 acre tract described in instrument to The State of Texas, recorded in Volume 55, Page 547, D.R.W.C.T. bears, North 04°50'26" West, 188.90 feet, said **POINT OF BEGINNING** having a Texas State Plane Coordinate value of **N: 10,248,844.39, E: 3,795,474.89**, Central Zone, grid measurements;

THENCE with the common line between said 860.347 acre tract and said Lot 1A, the following three (3) courses and distances:

1. North 86°10'50" East, 341.68 feet, to a 5/8 inch iron rod with cap found for corner;
2. North 17°57'20" East, 343.84 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for corner;
3. South 72°02'40" East, 650.55 feet, to a 5/8 inch iron rod with cap found in the westerly right-of-way of Robinson Creek Parkway (variable width right-of-way), for the common corner of said 860.347 acre tract, said Lot 1A, and that certain called 16.067 acre tract described as "Parcel 35", in instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., being an angle point in a northerly line of the herein described 38.787 acre tract;

THENCE South 60°09'01" East, 39.65 feet, with the westerly right-of-way of said Robinson Creek Parkway, the common line between said 860.347 acre tract and said 16.067 acre tract, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for a common corner of said 860.347 acre tract, said 16.067 acre tract, and that certain called 0.260 acre tract described as "Parcel 38", in said instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., being the most easterly corner of the herein described 38.787 acre tract;

THENCE continuing, with the westerly right-of-way of said Robinson Creek Parkway, the common line between said 860.347 acre tract and said 0.260 acre tract, the following two (2) courses and distances:

1. South 17°54'16" West, 217.97 feet, to a 5/8 inch iron rod found for corner;
2. South 03°02'36" West, 47.50 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set in a northerly line of said 16.067 acre tract, for the common southerly corner of said 860.347 acre tract and said 0.260 acre tract, being an angle point in an easterly line of the herein described 38.787 acre tract;

THENCE continuing, with the westerly right-of-way of said Robinson Creek Parkway, the common line between said 860.347 acre tract and said 16.067 acre tract, the following three (3) courses and distances:

1. North 86°57'01" West, 4.53 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
2. South 03°24'06" West, 83.92 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
3. South 86°57'01" East, 5.00 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set in a southerly line of said 16.067 acre tract, for the common northerly corner of said 860.347 acre tract and that certain called 0.636 acre tract described as “Parcel 37”, in said instrument to The City of Huntsville, recorded in Volume 398, Page 447, O.R.W.C.T., being an angle point in an easterly line of the herein described 38.787 acre tract;

THENCE South 03°02'36" West, 198.95 feet, continuing, with the westerly right-of-way of said Robinson Creek Parkway, the common line between said 860.347 acre tract and said 0.636 acre tract, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set at the intersection of the westerly right-of-way of said Robinson Creek Parkway with the northerly Right-of-way of Woodward Drive (variable width right-of-way), in the arc of a non-tangent curve to the left, for a common corner of said 860.347 acre tract and said 0.636 acre tract, being the southeasterly corner of the herein described 38.787 acre tract;

THENCE Southwesterly, 390.19 feet, with the northerly right-of-way of said Woodward Drive, continuing, with the common line between said 860.347 acre tract and said 0.636 acre tract, with the arc of said non-tangent curve to the left, having a radius of 1065.00 feet, a central angle of 20°59'31", and a chord that bears South 81°08'52" West, 388.02 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set in an easterly line of said 16.067 acre tract, for the end of said curve to the left, the common westerly corner of said 860.347 acre tract and said 0.636 acre tract, being an angle point in a southerly line of the herein described 38.787 acre tract;

THENCE continuing, with the northerly line of said Woodward Drive, the common line between said 860.347 acre tract, the following three (3) courses and distances:

1. North 22°43'49" West, 15.07 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
2. South 68°27'28" West, 79.84 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
3. South 22°43'49" East, 14.64 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the common easterly corner of said 860.347 acre tract and that certain called 2.372 acre tract described as “Parcel 36” in said instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., being an angle point in a southerly line of the herein described 38.787 acre tract;

THENCE South 67°15'58" West, 1467.86 feet, continuing, with the northerly right-of-way of said Woodward Drive, the common line between said 860.347 acre tract and said 2.372 acre tract, to a 5/8 inch iron rod with cap found at the intersection of the northerly right-of-way of said Woodward Drive with the easterly right-of-way of Veterans Memorial Parkway (variable width right-of-way), for the most southerly common corner of said 860.347 acre tract and said 2.372 acre tract, being the southwesterly corner of the herein described 38.787 acre tract;

THENCE with the easterly right-of-way of said Veterans Memorial Parkway, continuing, with the common line between said 860.347 acre tract and said 2.372 acre tract, the following four (4) courses and distances:

1. North 19°01'53" West, 233.65 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
2. North 32°22'12" West, 309.39 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
3. North 36°51'05" West, 208.69 feet, to a 5/8 inch iron rod with cap found for corner;
4. North 40°35'34" West, 414.37 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set in the southerly line of said 105.13 acre tract, for the common northerly corner of said 860.347 acre tract and said 2.372 acre tract, being the northwesterly corner of the herein described 38.787 acre tract, from which a 5/8 inch iron rod found for the southerly southwest corner of said 105.13 acre tract bears South 86°00’56” West, 1806.87 feet;

THENCE North 86°00'56" East, 1436.16 feet, with the common line between said 860.347 acre tract and said 105.13 acre tract, to the **POINT OF BEGINNING** and containing a computed area of 38.787 acres of land within this Field Note Description.

This Field Note Description was prepared from a survey performed on the ground on March 11, 2025, by Texas Professional Surveying, LLC., and referenced to Survey Drawing Project 39279.

All coordinates, bearings, distances, and areas shown hereon are grid measurements based on GPS observations and referenced to the North American Datum of 1983 (NAD83), Texas State Plane Coordinate System, Central Zone, U.S. Survey Feet.

March 24, 2025
Date

STATE OF TEXAS
REGISTERED
THOMAS A. McINTYRE
6921
PROFESSIONAL
LAND SURVEYOR

Thomas A. McIntyre
R.P.L.S. No. 6921

0' 100' 200' 300'

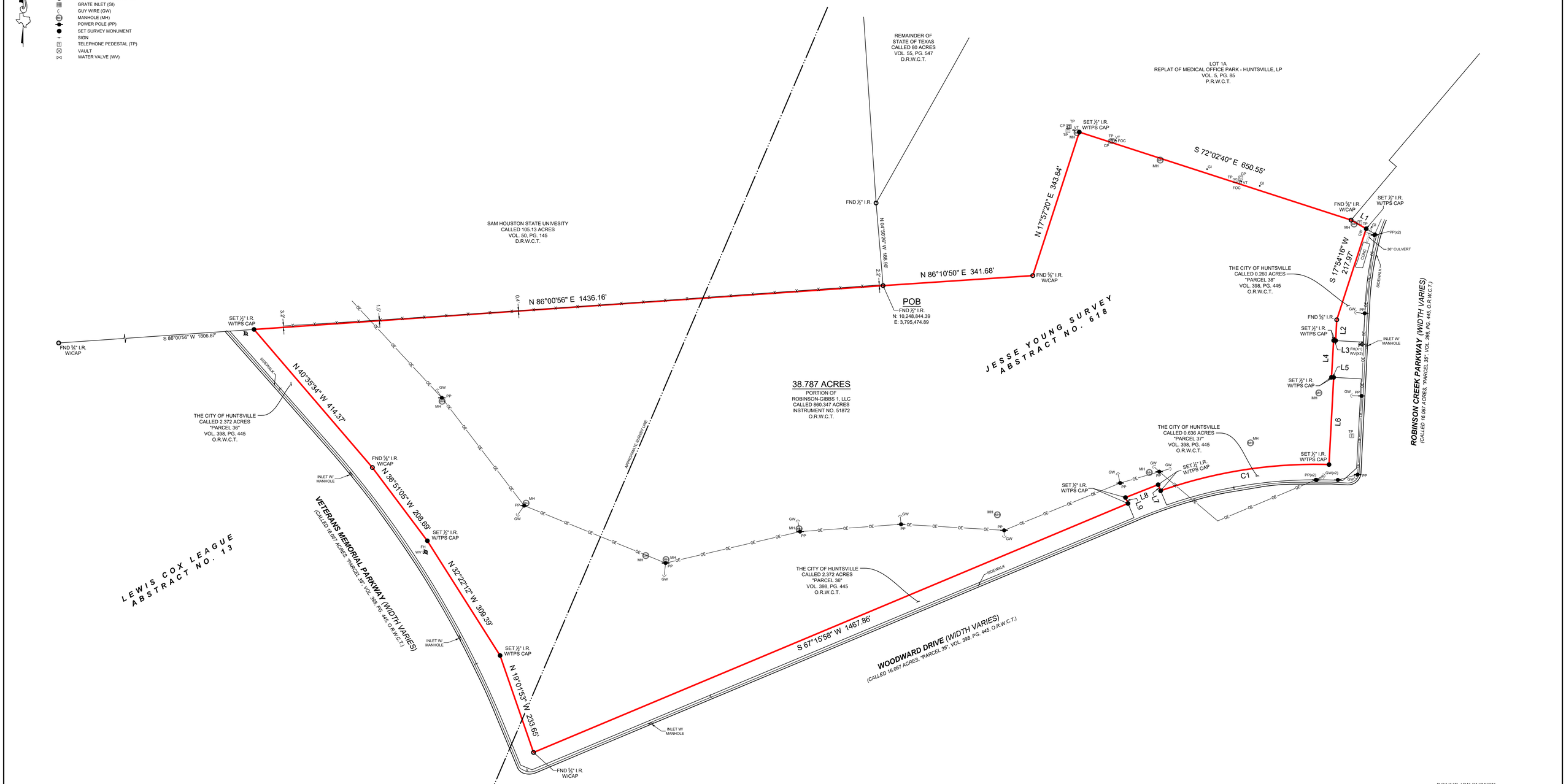
Scale: 1" = 100'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1065.00'	390.19'	388.02'	S 81°08'52" W	20°59'31"

LINE	BEARING	DISTANCE
L1	S 60°09'01" E	39.65'
L2	S 03°02'36" W	47.50'
L3	N 86°57'01" W	4.53'
L4	S 03°24'06" W	83.92'
L5	S 86°57'01" E	5.00'
L6	S 03°02'36" W	198.95'
L7	N 22°43'49" W	15.07'
L8	S 68°27'28" W	79.84'
L9	S 22°43'49" E	14.64'

SYMBOL LEGEND

- OE — OVERHEAD ELECTRIC
- X — WIRE FENCE
- CABLE PEDESTAL (CP)
- FIBER OPTIC CABLE MARKER (FOC)
- FIRE HYDRANT
- FOUND SURVEY MONUMENT
- GRATE INLET (GI)
- GUY WIRE (GW)
- MANHOLE (MH)
- POWER POLE (PP)
- SET SURVEY MONUMENT
- SIGN
- TELEPHONE PEDESTAL (TP)
- VAULT
- WATER VALVE (WV)



GENERAL NOTES:

1) THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT. SURVEYOR DID NOT ABSTRACT TITLE AND DOES NOT CERTIFY TO EASEMENTS OR RESTRICTIONS NOT SHOWN. CHECK WITH YOUR LOCAL GOVERNING AGENCIES FOR ANY ADDITIONAL EASEMENTS, BUILDING LINES OR OTHER RESTRICTIONS NOT REFLECTED ON SURVEY.

TEXAS PROFESSIONAL SURVEYING

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www.surveyingtexas.com
Firm No. 10083400

PROJECT	39279_38.787AC
FIELD DATE	03-11-2025
DRAWN BY	ADV
CHECKED BY	CPP
FIELD CREW	JW
REV 1	__-__-__
REV 2	__-__-__
REV 3	__-__-__
REV 4	__-__-__

ADDRESS.....ROBINSON CREEK PARKWAY, HUNTSVILLE, TX. 77340
SURVEY.....LEWIS COX LEAGUE, A - 13
SURVEY.....JESSE YOUNG SURVEY, A - 618
SUBJECT.....38.787 ACRES
COUNTY.....WALKER

NO PORTION OF THIS PROPERTY APPEARS TO LIE WITHIN THE 100 YEAR FLOODPLAIN, PER GRAPHIC SCALING OF FEMA FIRM PANEL NO(S). 48471C0355D AND 48471C0360D, BOTH HAVING AN EFFECTIVE DATE OF 08-16-2011.

ALL COORDINATES, BEARINGS, DISTANCES, AND AREAS SHOWN HEREON ARE GRID MEASUREMENTS BASED ON GPS OBSERVATIONS AND REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83), TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, U.S. SURVEY FEET.

BOUNDARY SURVEY

BEING A 38.787 ACRE TRACT OF LAND SITUATED IN THE LEWIS COX LEAGUE, ABSTRACT NUMBER 13, AND IN THE JESSE YOUNG SURVEY, ABSTRACT NUMBER 618, WALKER COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN CALLED 860.347 ACRE TRACT DESCRIBED IN INSTRUMENT TO ROBINSON-GIBBS 1, LLC, RECORDED UNDER CLERK'S FILE NUMBER 51872, OF THE OFFICIAL RECORDS OF WALKER COUNTY, TEXAS (O.R.W.C.T.), SAID 38.787 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY ATTACHED METES AND BOUNDS DESCRIPTION.

THIS SURVEY WAS CREATED FROM NOTES AND OBSERVATIONS TAKEN ON THE GROUND UNDER MY DIRECT SUPERVISION, AND IS TRUE AND CORRECT AT TIME OF SURVEY.

STATE OF TEXAS REGISTERED THOMAS A. McINTYRE 6921 PROFESSIONAL LAND SURVEYOR

Thomas A. McIntyre
Registered Professional Land Surveyor No. 6921

TEXAS PROFESSIONAL SURVEYING, LLC.

3032 N. FRAZIER STREET, CONROE, TEXAS 77303
(936)756-7447 FAX (936)756-7448
FIRM REGISTRATION No. 100834-00

FIELD NOTE DESCRIPTION
89.218 ACRES
IN THE JESSE YOUNG LABOR, ABSTRACT NUMBER 618
AND IN THE JAMES COX SURVEY, ABSTACT NUMBER 113
WALKER COUNTY, TEXAS

BEING a 89.218 acre tract of land situated in the Jesse Young Labor, Abstract Number 618 and in the James Cox Survey, Abstract Number 113, Walker County, Texas, being comprised of a portion of that certain called 860.347 acre tract described in instrument to Robinson-Gibbs 1, LLC., recorded under Instrument Number 51872, of the Official Records of Walker County, Texas (O.R.W.C.T.), and all of Restricted Reserve "D", of R-G Park 1, Section 1, as shown on the map or plat thereof, recorded in Volume 7, Page 37, of the Plat Records of Walker County, Texas (P.R.W.C.T.), said 89.218 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found at the intersection of the westerly right-of-way of Farm To Market Road 1374 (FM 1374, variable width right-of-way), recorded in Volume L, Page 617, of the Commissioners Court Records of Walker County, Texas (C.C.R.W.C.T.) with the southwesterly right-of-way of Robinson Creek Parkway (variable width right-of-way), for the common easterly corner of said 860.347 acre tract and that certain called 1.073 acre tract, described as "Parcel 41", in instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., being a most easterly corner of the herein described 89.218 acre tract, said **POINT OF BEGINNING** having a Texas State Plane Coordinate value of **N: 10,247,241.86, E: 3,797,368.81** Central Zone, grid measurements;

THENCE with the northwesterly right-of-way of said FM 1374, the southeasterly line of said 860.347 acre tract, the following three (3) courses and distance:

1. South 20°11'51" West, 337.80 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for the beginning of a curve to the right;
2. Southwesterly, 339.61 feet, with the arc of said curve to the right, having a radius of 5694.58 feet, a central angle of 03°25'01", and a chord that bears South 22°11'33" West, 339.56 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for the end of said curve to the right;
3. South 23°54'08" West, 515.73 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set in the apparent common line between said Young Labor and said Cox Survey, for the common easterly corner of said 860.347 acre tract and Lot 1, of Williams Subdivision Lots 1 & 2, as shown on the map or plat thereof, recorded in Volume 6, Page 47, P.R.W.C.T., being a southerly corner of the herein described 89.218 acre tract;

THENCE North 67°50'56" West, with the apparent common line between said Young Labor and said Cox Survey, the common line between said 860.347 acre tract and said Lot 1 of Williams Subdivision Lot 1 & Lot 2, at a distance of 415.68 feet, pass a 5/8 inch iron rod with cap found for the common northerly corner of said Lot 1 of Williams Subdivision Lot 1 & Lot 2 and Lot 2A, of Williams Subdivision, as shown on the map or plat thereof, recorded in Volume 7, Page 100, P.R.W.C.T., thence, with the common line between said 860.347 acre tract and said Lot 2A, in all, a total distance of 623.18 feet, to a 5/8 inch ion rod with cap found for the most northerly common corner of said 860.347 acre tract and said Lot 2A, being an interior corner of the herein described 89.218 acre tract;

THENCE South 22°27'00" West, 415.65 feet, continuing, with the common line between said 860.347 acre tract, and said Lot 2A, to a 3 inch round concrete monument with disk found for the most westerly common corner of said 860.347 acre tract and said Lot 2A, being an interior corner of the herein described 89.218 acre tract;

THENCE South 66°45'36" East, continuing, with the common line between said 860.347 acre tract and said Lot 2A, at a distance of 420.17 feet, pass a 4 inch by 4 inch concrete monument with disk found for the common southerly corner of said Lot 2A and the apparent remainder of that certain called 6/10 acre tract, now or formerly described in instrument to Walter Hunter, recorded in Volume 96, Page 483, of the Deed Records of Walker County, Texas (D.R.W.C.T.), from which a 1/2 inch iron rod with cap found for the southwesterly corner of that certain called 0.482 acre tract, described in instrument to Huntsville Masjid Al-Ummah, HIC., recorded in Volume 1338, Page 590, O.R.W.C.T. bears North 62°49'40" East, 8.61 feet, thence, with the common line between said 860.347 acre tract and said apparent remainder of 6/10 acre tract, in all, a total distance of 619.28 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set in the northwesterly right-of-way of said FM 1374, for the common easterly corner of said 860.347 acre tract and said apparent remainder of 6/10 acre tract, being an easterly corner of the herein described 89.218 acre tract, from which a 1/2 inch iron rod found for the common easterly corner of said apparent remainder of 6/10 acre tract and said 0.482 acre tract bears North 22°11'57" East, 3.32 feet;

THENCE South 22°11'57" West, 428.15 feet, with the northwesterly right-of-way of said FM 1374, a southeasterly line of said 860.347 acre tract, to a 5/8 inch iron rod found at the intersection of the northwesterly right-of-way of said FM 1374 with the northeasterly right-of-way of Veterans Memorial Parkway (Variable width tight-of-way), for the common easterly corner of said 860.347 acre tract and that certain called 0.558 acre tract described as "Parcel 45", in said instrument to The City of Huntsville, recorded under Volume 398, Page 445, O.R.W.C.T., being a southeasterly corner of the herein described 89.218 acre tract;

THENCE with the northeasterly right-of-way of said Veterans Memorial Parkway, the common line between said 860.347 acre tract and said 0.558 acre tract, the following four (4) courses and distances:

1. South 69°12'06" West, 59.82 feet, to a 5/8 inch iron rod found for corner;
2. North 72°20'52" West, 379.57 feet, to a 5/8 inch iron rod found for corner;
3. North 58°03'01" West, 324.43 feet, to a 5/8 inch iron rod found for corner
4. North 42°16'10" West, 79.19 feet, to a 5/8 inch iron rod found for the most northerly common corner of said 860.347 acre tract, said 0.558 acre tract, and that certain called 16.067 acre tract described as "Parcel 35", in said instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., being an angle point in a southwesterly line of the herein described 89.218 acre tract;

THENCE North 51°30'25" West, 21.13 feet, continuing, with the northeasterly right-of-way of said Veterans Memorial Parkway, the common line between said 860.347 acre tract and said 16.067 acre tract, to a 5/8 inch iron rod (bent) found for the most southerly common corner of said 860.347 acre tract, said 16.067 acre tract, and that certain called 0.592 acre tract, described as "Parcel 44" in said instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., being an angle point in a southwesterly line of the herein described 89.218 acre tract;

THENCE continuing, with the northeasterly right-of-way of said Veterans Memorial Parkway, the common line between said 860.347 acre tract and said 0.592 acre tract, the following three (3) courses and distances:

1. North 60°55'49" West, 77.41 feet, to a ½ inch iron rod with cap stamped "TPS 100834-00" found for the beginning of a non-tangent curve to the right;
2. Northwesterly, 607.65 feet, with the arc of said non-tangent curve to the right, having a radius of 2184.35 feet, a central angle of 15°56'19", and a chord that bears North 41°09'45" West, 605.69 feet, to a 5/8 inch iron rod (bent) found for the end of said curve to the right;
3. North 19°20'15" West, 312.01 feet, to a 5/8 inch iron rod found for the most northerly common corner of said 860.347 acre tract, said 0.592 acre tract, and said 16.067 acre tract, being an angle point in a southwesterly line of the herein described 89.218 acre tract;

THENCE North 19°15'43" West, continuing, with the northeasterly right-of-way of said Veterans Memorial Parkway, the common line between said 860.347 acre tract and said 16.067 acre tract, at a distance of 79.12 feet, pass a 5/8 inch iron rod found for the most southerly common corner of said 16.067 acre tract and that certain called 1.024 acre tract, described as “Parcel 43” in instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., thence, with the common line between said 860.347 acre tract and said 1.024 acre tract, in all, a total distance of 452.92 feet, to a 5/8 inch iron rod found for a common corner of said 860.347 acre tract and said 1.024 acre tract, being an angle point in a southwesterly line of the herein described 89.218 acre tract;

THENCE North 41°38'05" West, 175.65 feet, continuing, with the northeasterly right-of-way of said Veterans Memorial Parkway, the common line between said 860.347 acre tract and said 1.024 acre tract, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” found for a common corner of the same, being an angle point in a southwesterly line of the herein described 89.218 acre tract;

THENCE North 22°25'03" West, 674.07 feet, continuing, with the northeasterly right-of-way of said Veterans Memorial Parkway, the easterly line of said 1.024 acre tract, said 16.067 acre tract, and that certain called 1.831 acre tract, described as “Parcel 42” in said instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., common to a westerly line of said 860.347 acre tract, to a 5/8 inch iron rod with cap found at the intersection of the northeasterly right-of-way of said Veterans Memorial Parkway with the southerly right-of-way of Woodward Drive (variable width right-of-way), for the most westerly common corner of said 860.347 acre tract and said 1.831 acre tract, being the most westerly corner of the herein described 89.218 acre tract;

THENCE North 67°15'10" East, 688.58 feet, with the southerly right-of-way of said Woodward Drive, the common line between said 860.347 acre tract and said 1.831 acre tract, to a 5/8 inch iron rod with cap found for the common northerly corner of said 860.347 acre tract and Lot 1, of Two 1.00 acre tracts out of William R, Woodward, et al and H.Y. Robinson Co. Property (Lot 1 of Woodward And Robinson Subdivision), as shown on the map or plat thereof, recorded in Volume 5, Page 179, P.R.W.C.T., being a northerly corner of the herein described 89.218 acre tract;

THENCE South 22°43'52" East, 290.48 feet, with the common line between said 860.347 acre tract and said Lot 1 of Woodward and Robinson Subdivision, to a 5/8 inch iron rod with cap found for the most southerly common corner of said 860.347 acre tract and said Lot 1 of Woodward and Robinson Subdivision, being an interior corner of the herein described 89.218 acre tract;

THENCE North 67°16'29" East, with the southerly line of said Lot 1 of Woodward and Robinson Subdivision, Lot A, of Roshan 2.00 acre tract, as shown on the map or plat thereof, recorded in Volume 6, Page 93, P.R.W.C.T., Lot B of said Roshan 2.00 acre tract, and Lot 2 of said Woodward and Robinson Subdivision, common to a northerly line of said 860.347 acre tract, at a distance of 149.92 feet, pass a 5/8 inch iron rod found for the common southerly corner of said Lot 1 of Woodward and Robinson Subdivision and said Lot A, at a distance of 300.01 feet, pass a calculated point for the common southerly corner of said Lot A and said Lot B, from which a 5/8 inch iron rod found for reference bears North 22°43’31” West, 1.66 feet, at a distance of 450.01 feet, pass a 5/8 inch iron rod with cap found for the common southerly corner of said Lot B and said Lot 2 of Woodward and Robinson Subdivision, in all a total distance of 600.00 feet, to a 5/8 inch iron rod with cap found in the westerly line of said Restricted Reserve “D” for the common easterly corner of said 860.347 acre tract and said Lot 2 of Woodward and Robinson Subdivision, being an interior corner of the herein described 89.218 acre tract;

THENCE North 22°43'36" West, 290.71 feet, with the common line between said Restricted Reserve “D” and said Lot 2 of Woodward and Robinson Subdivision, to a 5/8 inch iron rod found in the southerly right-of-way of said Woodward Drive, the southerly line of said 1.831 acre tract, for the common northerly corner of said Restricted Reserve “D” and said Lot 2 of Woodward and Robinson Subdivision, being a northwesterly corner of the herein described 89.218 acre tract;

THENCE North 67°18'24" East, 382.74 feet, with the southerly right-of-way of said Woodward Drive, the southerly line of said 1.831 acre tract, said 16.067 acre tract, and said 1.073 acre tract, common to the most northerly line of said Restricted Reserve “D”, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the common northerly corner of said Restricted Reserve “D” and Lot 1, of William Woodward, et al 827.26 acre tract (Woodward Subdivision), as shown on the map or plat thereof, recorded in Volume 5, Page 94, P.R.W.C.T., being the most northerly corner of the herein described 89.218 acre tract, from which a 5/8 inch iron rod with cap found for reference, bears North 67°18’24” East, 42.96 feet;

THENCE South 03°04'09" West, 219.60 feet, with the common line between said Restricted Reserve “D” and said Lot 1 of Woodward Subdivision, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the common corner of said Restricted Reserve “D”, said Lot 1 of Woodward Subdivision, and Lot 1, of R-G Park 1, Section 1, as shown on the map or plat thereof, recorded in Volume 7, Page 37, P.R.W.C.T., being an angle point in an easterly line of the herein described 89.218 acre tract, from which a 5/8 inch iron rod with cap found for the common easterly corner of said Lot 1 of Woodward Subdivision and said Lot 1 of R-G Park 1 bears North 88°06’05” East, 256.10 feet;

THENCE with the common line between said Restricted Reserve “D” and Lot 1, of said R-G Park 1, the following three (3) course and distances:

1. South 05°16'26" East, 161.09 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
2. South 10°36'37" East, 201.73 feet, to a 1/2 inch iron rod with cap found for corner;
3. North 79°22'23" East, 253.33 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” found in the southwesterly right-of-way of said Robinson Creek Parkway, a westerly line of said 1.073 acre tract, for the common easterly corner of said Restricted Reserve “D” and said Lot 1 of R-G Park 1, being a northeasterly corner of the herein described 89.218 acre tract corner;

THENCE with the southwesterly right-of-way of said Robinson Creek Parkway, the common line between said Restricted Reserve “D” and said 1.073 acre tract, the following two (2) courses and distances:

1. South 10°37'34" East, 22.12 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” found for the beginning of a non-tangent curve to the left;
2. Southeasterly, 223.52 feet, with the arc of said non-tangent curve to the left, having a radius of 870.32 feet, a central angle of 14°42'53", and a chord that bears South 30°19'18" East, 222.90 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” found for the end of said curve to the left, a common corner of said Restricted Reserve “D” and said 1.073 acre tract, being an angle point in a northeasterly line of the herein described 89.218 acre tract;

THENCE South 50°38'46" East, 259.04 feet, continuing, with the southwesterly right-of-way of said Robinson Creek Parkway, a northeasterly line of said Restricted Reserve “D” and said 860.347 acre tract, common to a southwesterly line of said 1.073 acre tract, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” found for a common corner of said 860.347 acre tract and said 1.073 acre tract, being an angle point in a northeasterly line of the herein described 89.218 acre tract;

(INTENTIONALLY LEFT BLANK)

THENCE continuing, with the southwesterly right-of-way of said Robinson Creek Parkway, the common line between said 860.347 acre tract and said 1.073 acre tract, the following three (3) courses and distances:

1. South 62°07'23" East, 265.39 feet, to a 1/2 inch iron with cap found for corner;
2. South 74°21'34" East, 106.16 feet, to a 5/8 inch iron rod found for corner
3. North 89°13'54" East, 153.62 feet, to the **POINT OF BEGINNING** and containing a computed area of 89.218 acres of land within this Field Note Description.

This Field Note Description was prepared from a survey performed on the ground on March 11, 2025, by Texas Professional Surveying, LLC., referenced to Survey Drawing Project 39279.

All coordinates, bearings, distances, and areas shown hereon are grid measurements based on GPS observations and referenced to the North American Datum 1983 (NAD83), Texas State Plane Coordinate System, Central Zone, U.S. Survey Feet.

April 9, 2025
Date

STATE OF TEXAS
REGISTERED
THOMAS A. McINTYRE
6921
PROFESSIONAL
LAND SURVEYOR

Thomas A. McIntyre
R.P.L.S. No. 6921

0' 100' 200' 300'
Scale: 1" = 100'

SYMBOL LEGEND

- EDGE OF ASPHALT
- OVERHEAD ELECTRIC
- PIPELINE
- TOP OF BANK
- WIRE FENCE
- CALCULATED CORNER
- ELECTRIC PEDESTAL
- FIBER OPTIC CABLE MARKER (FOC)
- FIRE HYDRANT (FH)
- FOUND SURVEY MONUMENT
- GUY WIRE (GW)
- LIGHT POST (LP)
- MANHOLE (MH)
- METER BOX (MB)
- POWER POLE (PP)
- SET SURVEY MONUMENT
- SIGN (SG)
- TELEPHONE PEDESTAL (TP)
- WATER VALVE (WV)
- VAULT (VT)
- CMP CORRUGATED METAL PIPE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	870.32'	223.52'	222.90'	S 30°19'18" E	14°42'53"
C2	5694.58'	339.61'	339.56'	S 22°11'33" W	3°25'01"
C3	2184.35'	607.65'	605.69'	N 41°09'45" W	15°56'19"

LINE	BEARING	DISTANCE
L1	S 10°37'34" E	22.12'
L2	S 74°21'34" E	106.16'
L3	N 89°13'54" E	153.62'
L4	S 69°12'06" W	59.82'
L5	N 42°16'10" W	79.19'
L6	N 51°30'25" W	21.13'
L7	N 60°55'49" W	77.41'
L8	N 67°18'24" E	42.96'
L9	S 38°40'08" E	43.91'
L10	N 22°11'57" E	3.32'

GENERAL NOTES:

1) THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT. SURVEYOR DID NOT ABSTRACT TITLE AND DOES NOT CERTIFY TO EASEMENTS OR RESTRICTIONS NOT SHOWN. CHECK WITH YOUR LOCAL GOVERNING AGENCIES FOR ANY ADDITIONAL EASEMENTS, BUILDING LINES OR OTHER RESTRICTIONS NOT REFLECTED ON SURVEY.

TEXAS PROFESSIONAL SURVEYING TPS
3032 N. Frazier, Conroe, Texas 77303
Ph: 936.756.7447 Fax: 936.756.7448
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Firm No. 10083400

PROJECT	39279_89.218AC
FIELD DATE	03-11-2025
DRAWN BY	SI
CHECKED BY	CPP
FIELD CREW	JW
REV 1	__-__-__
REV 2	__-__-__
REV 3	__-__-__
REV 4	__-__-__

ADDRESS: FM 1374, HUNTSVILLE, TX, 77340
SURVEY: JAMES COX, A - 113
SURVEY: JESSE YOUNG LABOR, A - 618
SUBJECT: 89.218 ACRES
COUNTY: WALKER

BOUNDARY SURVEY

BEING A 89.218 ACRE TRACT OF LAND SITUATED IN THE JESSE YOUNG LABOR, ABSTRACT NUMBER 618 AND IN THE JAMES COX SURVEY, ABSTRACT NUMBER 113, WALKER COUNTY, TEXAS, BEING COMPRISED OF A PORTION OF THAT CERTAIN CALLED 860.347 ACRE TRACT DESCRIBED IN INSTRUMENT TO ROBINSON-GIBBS 1, LLC., RECORDED UNDER INSTRUMENT NUMBER 51872, OF THE OFFICIAL RECORDS OF WALKER COUNTY, TEXAS (O.R.W.C.T.), AND ALL OF RESTRICTED RESERVE "D", OF R-G PARK 1, SECTION 1, AS SHOWN ON THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 7, PAGE 37, OF THE PLAT RECORDS OF WALKER COUNTY, TEXAS (P.R.W.C.T.), SAID 89.218 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY ATTACHED METES AND BOUNDS DESCRIPTION.

THIS SURVEY WAS CREATED FROM NOTES AND OBSERVATIONS TAKEN ON THE GROUND UNDER MY DIRECT SUPERVISION, AND IS TRUE AND CORRECT AT TIME OF SURVEY.

NO PORTION OF THIS PROPERTY APPEARS TO LIE WITHIN THE 100 YEAR FLOODPLAIN, PER GRAPHIC SCALING OF FEMA FIRM PANEL NO(S). 48471C0355D, 48471C0365D AND 48471C0370D, ALL HAVING AN EFFECTIVE DATE OF 08-16-2011.

ALL COORDINATES, BEARINGS, DISTANCES, AND AREAS SHOWN HEREON ARE GRID MEASUREMENTS BASED ON GPS OBSERVATIONS AND REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83), TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, U.S. SURVEY FEET.

STATE OF TEXAS REGISTERED THOMAS A. McINTYRE 6921 PROFESSIONAL LAND SURVEYOR

Thomas A. McIntyre
Registered Professional Land Surveyor No. 6921

TEXAS PROFESSIONAL SURVEYING, LLC.

3032 N. FRAZIER STREET, CONROE, TEXAS 77303
(936)756-7447 FAX (936)756-7448
FIRM REGISTRATION No. 100834-00

FIELD NOTE DESCRIPTION
98.845 ACRES
IN THE LEWIS COX LEAGUE, ABSTRACT NUMBER 13
WALKER COUNTY, TEXAS

BEING a 98.845 acre tract of land situated in the Lewis Cox League, Abstract Number 13, Walker County, Texas, being a portion of that certain called 860.347 acre tract described in instrument to Robinson-Gibbs 1, LLC., recorded under Instrument Number 51872, of the Official Records of Walker County, Texas (O.R.W.C.T.), said 98.845 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a concrete monument found at the intersection of the southwesterly right-of-way of Interstate Highway 45 (IH 45, variable width right-of-way) with the southerly right-of-way of Smither Drive (variable width right-of-way), for the common easterly corner of said 860.347 acre tract and that certain called 0.317 acre tract described as "Parcel 31", in instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., being the northeasterly corner of the herein described 98.845 acre tract, said **POINT OF BEGINNING** having a Texas State Plane Coordinate value of **N: 10,252,162.80, E: 3,795,695.33,** Central Zone, grid measurements;

THENCE South 32°28'49" East, with the southwesterly right-of-way of said IH 45, a northeasterly line of said 860.347 acre tract, at a distance of 252.42 feet, pass a concrete monument wish disk stamped "TXDOT" found for reference, in all, a total distance 259.65 feet, to a 1/2 inch iron rod found for the common northerly corner of said 860.347 acre tract and the remainder of that certain called 80 acre tract described in instrument to The State of Texas, recorded in Volume 55, Page 547, D.R.W.C.T., being the most easterly corner of the herein described 98.845 acre tract;

THENCE South 33°07'46" West, 431.94 feet, with the common line between said 860.347 acre tract and said remainder of 80 acre tract, to a 1/2 inch iron rod with cap found for the common easterly corner of said 860.347 acre tract and that certain called 16.579 acre tract described as "Tract 1" in instrument to Sam Houston State University, recorded under Instrument Number 2024-103240, O.R.W.C.T., being a southerly corner of the herein described 98.845 acre tract;

THENCE with the common line between said 860.347 acre tract and said 16.579 acre tract, the following three (3) courses and distances:

1. North 48°41'42" West, 241.58 feet, to a 1/2 inch iron rod with cap found for corner;
2. North 89°41'11" West, 135.25 feet, to a 1/2 inch iron rod with cap found for corner;
3. South 00°16'39" West, 95.45 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" found for corner;
4. South 31°06'49" West, 691.90 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" found for corner;
5. South 44°09'34" West, 1482.51 feet, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" found in the northerly line of that certain called 105.13 acre tract described in instrument to Sam Houston State University, recorded in Volume 50, Page 145, D.R.W.C.T., for the common southerly corner of said 860.347 acre tract and said 16.759 acre tract, being the most southerly southeast corner of the herein described 98.845 acre tract;

THENCE South 85°50'20" West, 902.42 feet, with the common line between said 860.347 acre tract and said 105.13 acre tract, to a 5/8 inch iron rod found in the northeasterly right-of-way of Veterans Memorial Parkway (variable width right-of-way), for the common corner of said 860.347 acre tract, that certain called 0.131 acre tract described as “Parcel 20” in said instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., and said 105.13 acre tract, being the southwesterly corner of the herein described 98.845 acre tract;

THENCE North 42°18'16" West, with the northeasterly right-of-way of said Veterans Memorial Parkway, the northeasterly line of said 0.131 acre tract, that certain called 1.262 acre tract described as “Parcel 18” and that certain called 0.221 acre tract described as “Parcel 19”, both in said instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., common to a southwesterly line of said 860.347 acre tract, at a distance of 267.69 feet, pass a 5/8 inch iron rod found for the common northerly corner of said 1.262 acre tract and said 0.221 acre tract, in all, a total distance of 602.34 feet, to a 5/8 inch iron rod with cap found for the common westerly corner of said 860.347 acre tract and that certain called 34.02 acre tract described as “Tract 1” in instrument to Gibbs Brothers and Company, LP., recorded under Instrument Number 2024-97334, O.R.W.C.T., being the most westerly northwest corner of the herein described 98.845 acre tract;

THENCE with the common line between said 860.347 acre tract and said 34.02 acre tract, the following two (2) courses and distances:

1. North 42°52'52" East, 764.38 feet, to a 1/2 inch iron rod found for corner;
2. North 25°38'09" West, 1167.67 feet, to a 1/2 inch iron rod with cap found for the common corner of said 860.347 acre tract, said 34.02 acre tract, that certain called 0.488 acre tract described as “Parcel 27” in instrument to The City of Huntsville, recorded in Volume 408, Page 867, O.R.W.C.T., and that certain called 0.099 acre tract described as “Parcel 29”, in said instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., being a westerly corner of the herein described 98.845 acre tract, from which a 1/2 inch iron rod with cap found for the most southerly common corner of said 34.02 acre tract and said 0.488 acre tract bears South 18°56’37” West, 83.73 feet;

THENCE North 19°03'40" East, 109.68 feet, with the common line between said 860.347 acre tract and said 0.099 acre tract, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set in the apparent common line between said Cox League and the Pleasant Gray League, Abstract Number 24, the southerly right-of-way of said Smithers Drive, the southerly line of that certain called 1.674 acre tract described as “Parcel 32” in instrument to The City of Huntsville, recorded in Volume 402, Page 485, O.R.W.C.T., for the common northerly corner of said 860.347 acre tract and said 0.099 acre tract, being the most northerly northwest corner of the herein described 98.845 acre tract;

THENCE North 87°37'08" East, 347.40 feet, with the apparent common line between said Cox League and said Gray League, the southerly right-of-way of said Smithers Drive, the common line between said 860.347 acre tract and said 1.674 acre tract, to a 5/8 inch iron rod found for the common westerly corner of said 860.347 acre tract and that certain called 4.067 acre tract described as “Parcel 28” in said instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., being an angle point in the northerly line of the herein described 98.845 acre tract;

THENCE South 85°46'39" East, 290.63 feet, continuing, with the southerly right-of-way of said Smithers Drive, the common line between said 860.347 acre tract and said 4.067 acre tract, to a 1/2 inch iron rod with cap found for the common corner of said 860.347 acre tract and that certain called 0.374 acre tract described as “Parcel 30” in said instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., being an angle point in the northerly line of the herein described 98.845 acre tract;

THENCE continuing, with the southerly right-of-way of said Smithers Drive, the common line between said 860.347 acre tract and said 0.374 acre tract, the following four (4) courses and distances:

1. South 85°45'58" East, 364.20 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the beginning of a curve to the left;
2. Southeasterly, 790.87 feet, with the arc of said curve to the left, having a radius of 6040.00 feet, a central angle of 07°30'08", and a chord that bears South 89°31'11" East, 790.30 feet, to a 1/2 inch iron rod with cap found for the end of said curve to the left;
3. North 86°44'00" East, 475.12 feet, to a 5/8 inch iron rod found for corner;
4. North 03°16'18" West, 10.00 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set in the southerly line of said 4.067 acre tract, for the most easterly common north corner of said 860.347 acre tract and said 0.374 acre tract, being an angle point in the northerly line of the herein described 98.845 acre tract;

THENCE North 86°43'37" East, 373.68 feet, continuing, with the southerly right-of-way of said Smithers Drive, the common line between said 860.347 acre tract and said 4.067 acre tract, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the common corner of said 860.347 acre tract, said 4.067 acre tract, and said 0.317 acre tract, being an angle point in the northerly line of the herein described 98.845 acre tract, from which a concrete monument found for reference bears North 83°36’37” West, 13.26 feet;

THENCE with the southerly right-of-way of said Smithers Drive, the common line between said 860.347 acre tract and said 0.317 acre tract, the following two (2) courses and distances:

1. South 81°27'10" East, 188.50 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
2. North 70°01'03" East, 250.24 feet, to the **POINT OF BEGINNING** and containing a computed area of 98.845 acres of land within this Field Note Description.

This Field Note Description was prepared from a survey performed on the ground on March 11, 2025, by Texas Professional Surveying, LLC., referenced to Survey Drawing Project 39279.

All coordinates, bearings, distances, and areas shown hereon are grid measurements based on GPS observations and referenced to the North American Datum 1983 (NAD83), Texas State Plane Coordinate System, Central Zone, U.S. Survey Feet.

March 24, 2025
Date

Thomas A. McIntyre
R.P.L.S. No. 6921

0' 200' 400' 600'

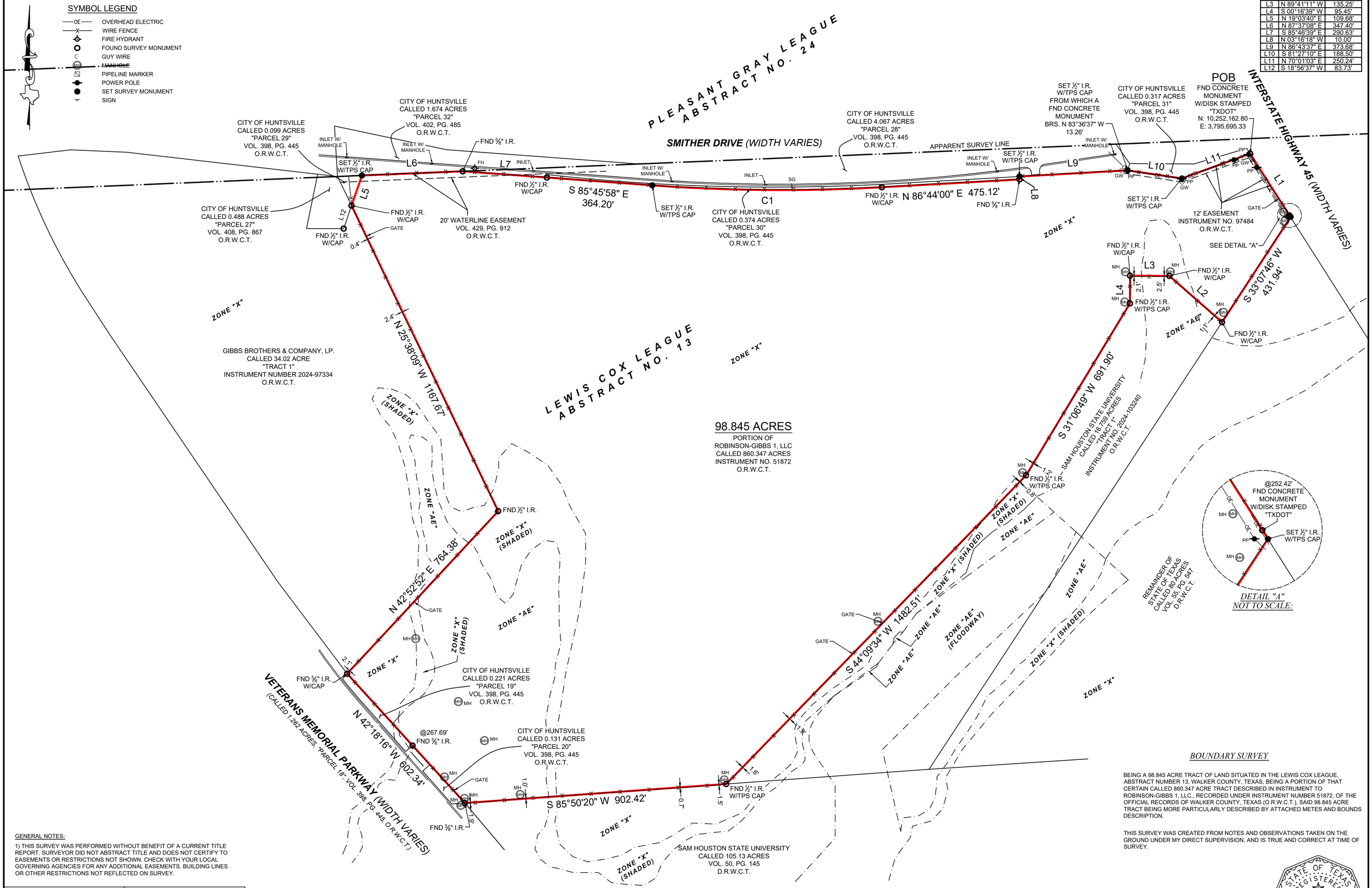
SCALE: 1" = 200'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	6040.00'	790.87'	790.30'	S 89°31'11" E	7°30'08"

LINE	BEARING	DISTANCE
L1	S 32°28'49" E	259.65'
L2	N 48°41'42" W	241.58'
L3	N 89°41'11" W	135.25'
L4	S 00°16'39" W	95.45'
L5	N 19°03'40" E	109.68'
L6	N 87°37'08" E	347.40'
L7	S 85°46'39" E	290.63'
L8	N 03°16'18" W	10.00'
L9	N 86°43'37" E	373.68'
L10	S 81°27'10" E	188.50'
L11	N 70°01'03" E	250.24'
L12	S 18°56'37" W	83.73'

SYMBOL LEGEND

- OHE — OVERHEAD ELECTRIC
- X — WIRE FENCE
- FIRE HYDRANT
- FOUND SURVEY MONUMENT
- GUY WIRE
- MANHOLE
- PIPELINE MARKER
- POWER POLE
- SET SURVEY MONUMENT
- SIGN



GENERAL NOTES:

1) THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT. SURVEYOR DID NOT ABSTRACT TITLE AND DOES NOT CERTIFY TO EASEMENTS OR RESTRICTIONS NOT SHOWN. CHECK WITH YOUR LOCAL GOVERNING AGENCIES FOR ANY ADDITIONAL EASEMENTS, BUILDING LINES OR OTHER RESTRICTIONS NOT REFLECTED ON SURVEY.

TEXAS PROFESSIONAL SURVEYING
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Ph: 936.756.7447 Fax: 936.756.7448
www.surveyingtexas.com
Firm No. 10083400

JOB#	39279_98.845AC
FIELD DATE	03-11-2025
DRAWN BY	MJS
CHECKED BY	CPP
FIELD CREW	JW
REV 1	__-__-__
REV 2	__-__-__
REV 3	__-__-__
REV 4	__-__-__

ADDRESS ..... HUNTSVILLE, TX, 77340
SURVEY ..... LEWIS COX LEAGUE, A - 13
SURVEY ..... PLEASANT GRAY LEAGUE, A - 24
SUBJECT ..... 98.845 ACRES
COUNTY ..... WALKER

A PORTION OF THIS PROPERTY APPEARS TO LIE WITHIN THE 100 YEAR FLOODPLAIN AND THE REGULATORY FLOODWAY, PER GRAPHIC SCALING OF FEMA FIRM PANEL NO(S). 48471C0355D AND 48471C0360D, BOTH HAVING AN EFFECTIVE DATE OF 08-16-2011.

ALL COORDINATES, BEARINGS, DISTANCES, AND AREAS SHOWN HEREON ARE GRID MEASUREMENTS BASED ON GPS OBSERVATIONS AND REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83), TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, U.S. SURVEY FEET.

BOUNDARY SURVEY

BEING A 98.845 ACRE TRACT OF LAND SITUATED IN THE LEWIS COX LEAGUE, ABSTRACT NUMBER 13, WALKER COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN CALLED 860.347 ACRE TRACT DESCRIBED IN INSTRUMENT TO ROBINSON-GIBBS 1, LLC., RECORDED UNDER INSTRUMENT NUMBER 51872, OF THE OFFICIAL RECORDS OF WALKER COUNTY, TEXAS (O.R.W.C.T.), SAID 98.845 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY ATTACHED METES AND BOUNDS DESCRIPTION.

THIS SURVEY WAS CREATED FROM NOTES AND OBSERVATIONS TAKEN ON THE GROUND UNDER MY DIRECT SUPERVISION, AND IS TRUE AND CORRECT AT TIME OF SURVEY.

STATE OF TEXAS REGISTERED THOMAS A. McINTYRE 6921 PROFESSIONAL LAND SURVEYOR

Thomas A. McIntyre
Registered Professional Land Surveyor No. 6921

TEXAS PROFESSIONAL SURVEYING, LLC.

3032 N. FRAZIER STREET, CONROE, TEXAS 77303
(936)756-7447 FAX (936)756-7448
FIRM REGISTRATION No. 100834-00

FIELD NOTE DESCRIPTION
695.508 ACRES
IN THE JESSE YOUNG ONE LABOR, ABSTRACT NUMBER 618
IN THE JAMES COX ONE LABOR, ABSTACT NUMBER 113
IN THE LEWIS COX LEAGUE, ABSTRACT NUMBER 13
AND IN THE WILLIAM MCDONALD LEAGUE, ABSTRACT NUMBER 30
WALKER COUNTY, TEXAS

BEING a 695.508 acre tract of land situated in the Jesse Young One Labor, Abstract Number 618, the James Cox One Labor, Abstract Number 113, the Lexis Cox League, Abstract Number 13, and in the William McDonald League, Abstract Number 30, Walker County, Texas, being comprised of a portion of that certain called 860.347 acre tract described in instrument to Robinson-Gibbs 1, LLC., recorded under Instrument Number 51872, of the Official Records of Walker County, Texas (O.R.W.C.T.), and all of that certain called 101.983 acre tract described in instrument to Robinson-Gibbs III, LLC, recorded under Instrument Number 51874, O.R.W.C.T., said 695.508 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found in the southwesterly right-of-way of Veterans Memorial Parkway (variable width right-of-way), in the northerly line of that certain called 0.501 acre tract described in instrument to Fox – 4, Inc. and Steve C. Fox, recorded in Volume 999, Page 874, O.R.W.C.T., for the common southerly corner of said 860.347 acre tract and that certain called 0.367 acre tract described as "Parcel 46" in instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., being the most easterly corner of the herein described 695.508 acre tract, from which a 3/4 inch iron pipe found at the intersection of the southwesterly right-of-way of said Veterans Memorial Parkway with the northwesterly right-of-way of Farm to Market Road 1374 (FM 1374, variable width right-of-way), described in Volume L, Page 617, of the Commissioners Court Records of Walker Conty, Texas (C.C.R.W.C.T.), for the common easterly corner of said 0.501 acre tract and said 0.367 acre tract, said **POINT OF BEGINNING** having a Texas State Plane Coordinate value of **N: 10,245,151.83, E: 3,796,479.22,** Central Zone, grid measurements;

THENCE North 68°38'57" West, 593.57 feet, with the northerly line of said 0.501 acre tract and Lot 1, Block 1, of NNB Enterprises, Inc., Smiley's #3 (Smiley's tract), as shown on the map or plat thereof, recorded in Volume 6, Page 48, of the Plat Records of Walker County, Texas (P.R.W.C.T.), common to a southerly line of said 860.347 acre tract, to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for the common northerly corner of said 860.347 acre tract and said Smiley's tract, being an interior corner of the herein described 695.508 acre tract;

THENCE South 22°59'07" West, with the common line between said 860.347 acre tract and said Smiley's tract, at a distance of 290.78 feet, pass a concrete monument found for reference, in all, a total distance of 325.79 feet, to a 1/2 inch iron rod found for the common corner of said 860.347 acre tract, said Smiley's tract, and that certain called 1.450 acre tract described in instrument to Donnie L. Thomas, Sr., recorded in Volume 319, Page 324, O.R.W.C.T., being an angle point in a southeasterly line of the herein described 695.508 acre tract;

THENCE South 24°27'01" West, 136.02 feet, with the common line between said 860.347 acre tract and said 1.450 acre tract, to a 1/2 inch bent iron rod found for the common corner of said 860.347 acre tract, said 1.450 acre tract, and the remainder of that certain called 5 acre tract described as "Fifth Tract" in instrument to Andrew L. Timmons, Sr., recorded in Volume 1054, Page 412, O.R.W.C.T., being an angle point in a southeasterly line of the herein described 695.508 acre tract;

THENCE South 23°43'04" West, 860.19 feet, with the northerly line of said remainder of 5 acre tract, that certain called 2.87 acre tract described as “Second Tract”, and that certain called 7 acre tract described as “First Tract”, both in said instrument to Andrew L. Timmons, Sr., recorded in Volume 1054, Page 412, O.R.W.C.T., common to a southerly line of said 860.347 acre tract, to a 3 inch round concrete monument with disk found for the common westerly corner of said 860.347 acre tract and said 7 acre tract, being an interior corner of the herein described 695.508 acre tract;

THENCE South 69°04'52" East, 646.84 feet, with the common line between said 860.347 acre tract and said 7 acre tract, to a 5/8 inch iron rod with cap found in the northwesterly right-of-way of said Fm 1374, in the arc of a non-tangent curve to the right, for the common easterly corner of said 860.347 acre tract and said 7 acre tract, being a northeasterly corner of the herein described 695.508 acre tract;

THENCE Southwesterly, 373.76 feet, with the arc of said non-tangent curve to the right, having a radius of 2829.79 feet, a central angle of 07°34'03", and a chord that bears South 27°08'34" West, 373.48 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set at the intersection of the northwesterly right-of-way of said FM 1374 with the northeasterly right-of-way of Pine Hill Road (40 feet wide), in the apparent common line between said Cox Labor and the John Hume Survey, Abstract Number 264, for a southeasterly corner of said 860.347 acre tract and the herein described 695.508 acre tract;

THENCE North 68°25'06" West, 2762.08 feet, with the northeasterly right-of-way of said Pine Hill Road, common to a southwesterly line of said 860.347 acre tract, to a 3 inch round concrete monument with disk found at the westerly end of said Pine Hill Road, in the apparent southeasterly line of said Cox League, for the apparent common westerly corner of said Cox Labor and said Hume Survey, being an interior corner of said 860.347 acre tract and the herein described 695.508 acre tract, from which a 4 inch by 4 inch broken concrete monument found for the southerly corner of that certain called 1.84 acre tract described in instrument to Pine Hill Cemetery Association, recorded in Volume 1177, Page 880, O.R.W.C.T. bears South 88°24’06” West, 125.51 feet;

THENCE South 23°19'31" West, 441.02 feet, with the apparent common line between said Cox League and said Hume Survey, the northwesterly end of said Pine Hill Road, the northwesterly line of that certain tract shown to be owned by Gibbs Brothers & Co. (Gibbs Brothers & Co. tract), per Walker County Appraisal District identification Number (W.C.A.D. ID. No.) 17467, common to a southeasterly line of said 860.347 acre tract, to a 3 inch round concrete monument with disk found for the apparent common corner of said Cox League, said Hume Survey, and said McDonald League, the common corner of said 860.347 acre tract, said Gibbs Brothers & Co. tract and that certain called 15.572 acre tract described in instrument to Baker H. Wendell, Jr., recorded in Volume 387, Page 237, O.R.W.C.T., being a southeasterly corner of the herein described 695.508 acre tract, from which a 3 inch round concrete monument found for reference in the common line between said McDonald League and the Wilson Rackley Survey, Abstract Number 473, for the most easterly northeast corner of that certain called 809.670 acre tract described in instrument to Marshall Willey, Sr. and Kim Willey, recorded in Volume 860, Page 650, O.R.W.C.T. bears, South 02°45’39” East, 2911.60 feet;

THENCE South 87°15'00" West, 553.04 feet, with the apparent common line between said Cox league and said McDonald League, the common line between said 860.347 acre tract and said 15.572 acre tract, to an axle found for the common corner of said 860.347 acre tract, said 15.572 acre tract, and that certain called 146.860 acre tract, now or formerly described in instrument to Wiliam D. White, recorded in Volume 210, Page 467, of the Deed Records of Walker County, Texas (D.R.W.C.T.), being an angle point in a southerly line of the herein described 695.508 acre tract;

THENCE South 88°10'52" West, 291.07 feet, continuing, with the apparent common line between said Cox League and said McDonald League, the common line between said 860.347 acre tract and said 146.860 acre tract, to a 5/8 inch iron rod with cap found for a common corner of said 860.347 acre tract and said 146.860 acre tract, being a southwesterly corner of the herein described 695.508 acre tract;

THENCE with the common line between said 860.347 acre tract and said 146.860 acre tract, the following four (4) courses and distances:

1. North 34°35'21" West, 390.11 feet, to a 3 inch round concrete monument found for corner;
2. North 44°27'53" East, 554.47 feet, to a 5/8 inch iron rod with cap found for corner;
3. North 15°24'59" West, 1003.63 feet, to a 3 inch round concrete monument found for corner;
4. South 86°49'29" West, 1184.77 feet, to a 1/2 inch bent iron rod found for the common corner of said 860.347 acre tract, said 146.860 acre tract, and the remainder of that certain called 103.046 acre tract, now or formerly described in instrument to Bobby H. Nelson and Carol K. Nelson, recorded in Volume 959, Page 339, O.R.W.C.T., being an angle point in a southerly line of the herein described 695.508 acre tract;

THENCE with the common line between said 860.347 acre tract and said 103.046 acre tract, the following five (5) courses and distances:

1. South 86°43'37" West, 1179.35 feet, to a 3 inch round concrete monument found for corner;
2. South 01°40'40" East, 555.33 feet, to a 36 inch oak tree fence corner post found for corner;
3. South 86°41'55" West, 547.22 feet, to a fence corner post found for corner;
4. South 02°07'18" East, 678.36 feet, to a fence corner post found for corner;
5. South 42°40'51" West, 1112.62 feet, to a 3 inch round concrete monument found in a northerly line of said 101.983 acre tract, for the common southerly corner of said 860.347 acre tract and said 103.046 acre tract, being an interior corner of the herein described 695.508 acre tract;

THENCE South 81°48'00" East, 1101.54 feet, with the common line between said 101.983 acre tract and said 103.046 acre tract, to a 6 inch axle found for the common corner of said 101.983 acre tract, said 103.046 acre tract, and that certain called 18.29 acre tract described in instrument to Jesse Baker Adams and Leola Baker Adams (Adams tract), recorded in Volume 66, Page 129, O.R.W.C.T., being an easterly corner of the herein described 695.508 acre tract;

THENCE South 57°33'13" West, 394.34 feet, with the common line between said 101.983 acre tract and said Adams tract, to a 6 inch axle found for a common corner of said 101.983 acre tract and said Adams tract, being an angle point in an easterly line of the herein described 695.508 acre tract;

THENCE South 45°02'57" West, 1666.14 feet, with the westerly line of said Adams tract, that certain called 18.29 acre tract described in instrument to Alystene G. Baker (Alystene Baker tract), recorded in Volume 396, Page 459, O.R.W.C.T., that certain called 20.41 acre tract described in instrument to Kenneth W. Clark and Angelique L. Clark, recorded in Volume 246, Page 211, O.R.W.C.T., and that certain called 18.29 acre tract described in instrument to Wendell Harold Baker, Jr., et al (Wendell Baker tract), recorded in Volume 1154, Page 389, O.R.W.C.T., common to an easterly line of said 101.983 acre tract, to a 6 inch axle found for the common corner of said 101.983 acre tract, said Wendel Baker tract, and the Wendell Baker Jr. 48.878 acre tract, as shown on the affidavit of minor plat, recorded in Volume 668, Page 77, O.R.W.C.T., being an angle point in a southeasterly line of the herein described 695.508 acre tract;

THENCE with the common line between said 101.983 acre tract and said Wendell Baker Jr. 48.878 acre tract, the following two (2) courses and distances:

1. South 19°13'16" West, 304.92 feet, to a 4 inch diameter bent axle found in a creek for corner;
2. South 06°52'25" West, 92.99 feet, to a 1/2 inch iron rod found for the common corner of said 101.983 acre tract, said Wendell Baker Jr. 48.878 acre tract, and that certain called 16.439 acre tract described in instrument to Desmond Charles Curry, Sr., recorded under Instrument Number 44666, O.R.W.C.T., being an angle point in an easterly line of the herein described 695.508 acre tract;

THENCE South 07°03'47" West, 212.47 feet, with the common line between said 101.983 acre tract and said 16.439 acre tract, to a 1/2 inch iron rod found for the common corner of said 101.983 acre tract, said 16.439 acre tract, and that certain called 18.29 acre tract described as “Tract One” in instrument to Pamlynn J. Wilson (Pamlynn Wilson tract), recorded in Volume 974, Page 414, O.R.W.CT., being an angle point in an easterly line of the herein described 695.508 acre tract;

THENCE South 07°03'55" West, 415.84 feet, with the westerly line of said Pamlynn Wilson tract and the remainder of that certain called 18.29 acre tract, now or formerly described in instrument to Jessiebee Baker Wilson (Jessiebee Wilson tract), recorded in Volume 232, Page 381, D.R.W.C.T., common to an easterly line of said 101.983 acre tract, to a 1/2 inch iron rod with cap found in a northerly line of said 809.670 acre tract, described in instrument to Marshall Willey, Sr. and Kim Willey, recorded in Volume 860, Page 650, O.R.W.C.T., for the common southerly corner of said 101.983 acre tract and said Jessiebee Wilson tract, being the most southerly southeast corner of the herein described 695.508 acre tract;

THENCE with the common line between said 101.983 acre tract and said 809.670 acre tract, the following two (2) courses and distances:

1. South 87°22'23" West, 1120.97 feet, to a 1/2 inch iron rod with cap found for corner;
2. North 01°40'20" East, 2789.52 feet, to a 5/8 inch iron rod with cap found in a southerly line of said 860.347 acre tract, for the common northerly corner of said 101.983 acre tract and said 809.670 acre tract, being an interior corner of the herein described 695.508 acres;

THENCE North 83°33'47" West, 683.54 feet, with the common line between said 860.347 acre tract and said 809.670 acre tract, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set replacing a dead 24 inch post oak tree found laid over in the apparent common line between said McDonald League and said Cox League, for the common corner of said 860.347 acre tract, said 809.670 acre tract, and that certain called 212.56 acre tract described in instrument to The Spencer Family Partnership, recorded in Volume 169, Page 324, O.R.W.C.T., being the most westerly southwest corner of the herein described 695.508 acre tract, from which a 3 inch round concrete monument with disk found in said apparent common line between said McDonald League and said Cox League, for the common westerly corner of said 809.670 acre tract and said 212.56 acre tract bears South 87°31’08” West, 2870.30 feet;

THENCE North 02°11'53" West, 1625.40 feet, with the common line between said 860.347 acre tract and said 212.56 acre tract, to a 1/2 inch bent iron rod found for the common westerly corner of said 860.347 acre tract and said 212.56 acre tract, being the most westerly northwest corner of the herein described 695.508 acre tract;

THENCE North 87°01'09" East, with the southerly line of said 212.56 acre tract and that certain called 454.47 acre tract described as “First Tract” in instrument to Nane Manor, LP., recorded in Volume 853, Page 600, O.R.W.C.T., common to a northerly line of said 860.347 acre tract, at a distance of 1346.27 feet, pass a calculated point, from which a 5/8 inch iron rod found for reference bears South 02°58’51” East, 0.49 feet, in all, a total distance of 3101.36 feet, to a calculated point found for a common corner of said 860.347 acre tract and said 454.47 acre tract, being an interior corner of the herein described 695.508 acre tract;

THENCE North 22°51'48" East, 4219.43 feet, continuing, with the common line between said 860.347 acre tract and said 454.47 acre tract, to a 5/8 inch iron rod found for the common westerly corner of said 860.347 acre tract and that certain called 107.00 acre tract described as “Tract 2” in instrument to Gibbs Brothers & Company, LP., recorded under Instrument Number 97334, O.R.W.C.T., being the northerly northwest corner of the herein described 695.508 acre tract, from which a 1/2 inch iron rod found for reference bears South 26°57’23” West, 6.29 feet;

THENCE South 48°22'06" East, 717.04 feet, with the common line between said 860.347 acre tract and said 107.00 acre tract, to a 5/8 inch bent iron rod with cap found for the common corner of said 860.347 acre tract, said 107.00 acre tract, that certain called 105.13 acre tract described in instrument to Sam Houston State University, recorded in Volume 50, Page 145, D.R.W.C.T., and that certain called 6.569 acre tract described as “Tract 2” in instrument to Sam Houston State University, recorded under Instrument Number 103240, O.R.W.C.T., being the most northerly northeast corner of the herein described 695.508 acre tract;

THENCE with the common line between said 860.347 acre tract and said 6.569 acre tract, the following two (2) courses and distances:

1. South 22°45'08" West, 600.33 feet, to a 1/2 inch iron rod with cap found for corner;
2. North 86°01'24" East, 1067.49 feet, to a 5/8 inch bent iron rod with cap found for the most southerly common corner of said 860.347 acre tract, said 6.569 acre trac, and said 105.13 acre tract, being an angle point in a northerly line of the herein described 695.508 acre tract;

THENCE North 85°59'33" East, 1230.79 feet, with the common line between said 860.347 acre tract and said 105.13 acre tract, to a 5/8 inch iron rod with cap found for the common northerly corner of said 860.347 acre tract and Lot 1, of the Minor Plat of W.T. Robinson Co. and H.Y. Robinson Co. Property (Robinson Plat), as shown on the map or plat thereof, recorded in Volume 5, Page 85, P.R.W.C.T., being a northeasterly corner of the herein described 695.508 acre tract;

THENCE with the common line between said 860.347 acre tract and said Robinson Plat, the following four (4) courses and distances:

1. South 12°20'49" West, 167.08 feet, to a 5/8 inch iron rod with cap found for corner;
2. North 85°59'49" East, 183.48 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
3. North 12°23'18" East, 141.20 feet, to a 5/8 inch iron rod with cap found for corner;
4. North 85°59'49" East, 200.00 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set in the southwesterly right-of-way of said Veterans Memorial parkway, the westerly line of that certain called 2.435 acre tract described as “Parcel 49” in said Instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., for the common easterly corner of said 860.347 acre tract and said Robinson Plat, being the most easterly northeast corner of the herein described 695.508 acre tract;

THENCE with the southwesterly right-of-way of said Veterans Memorial Parkway, with the common line between said 860.347 acre tract and said 2.435 acre tract, the following four (4) courses and distances:

1. South 41°23'46" East, 242.79 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
2. South 32°58'16" East, 339.41 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
3. South 38°39'49" East, 411.78 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
4. South 22°24'36" East, 1389.22 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set in a northerly line of that certain called 16.067 acre tract described as “Parcel 35”, in said instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., for the common southerly corner of said 860.347 acre tract and said 2.435 acre tract, being an easterly corner of the herein described 695.508 acre tract;

THENCE continuing, with the southwesterly right-of-way of said Veterans Memorial Parkway, with the common line between said 860.347 acre tract and said 16.067 acre tract, the following three (3) courses and distances:

1. South 68°18'53" West, 42.54 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
2. South 22°25'00" East, 77.31 feet, to a 5/8 inch iron rod found for corner;
3. South 70°32'17" East, 25.14 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set in a southerly line of said 16.067 acre tract, for the most northerly common corner of said 860.347 acre tract and that certain called 0.517 acre tract described as “Parcel 47”, in said instrument to The City of Huntsville, recorded in Volume 398, Page 445, O.R.W.C.T., being a northeasterly corner of the herein described 695.508 acre tract;

THENCE continuing, with the southwesterly right-of-way of said Veterans Memorial Parkway, with the common line between said 860.347 acre tract and said 0.517 acre tract, the following two (2) courses and distances:

1. South 37°15'46" East, 219.25 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the beginning of a non-tangent curve to the left;
2. Southeasterly, 953.90 feet, with the arc of said non-tangent curve to the left, having a radius of 2296.69 feet, a central angle of 23°47'50", and a chord that bears South 38°05'12" East, 947.06 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set in a northwesterly line of said 16.067 acre tract, for the common southerly corner of said 860.347 acre tract and said 0.517 acre tract, being an easterly corner of the herein described 695.508 acre tract;

THENCE continuing, with the southwesterly right-of-way of said Veterans Memorial Parkway, with the common line between said 860.347 acre tract and said 16.067 acre tract, the following three (3) courses and distances:

1. South 59°24'13" West, 59.70 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
2. South 22°13'02" West, 34.18 feet, to a 5/8 inch iron rod found for corner;
3. North 59°24'13" East, 94.31 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the common northerly corner of said 860.347 acre tract and said 0.367 acre tract, the beginning of a non-tangent curve to the left, being a northerly corner of the herein described 695.508 acre tract;

THENCE continuing, with the southwesterly right-of-way of said Veterans Memorial Parkway, with the common line between said 860.347 acre tract and said 0.367 acre tract, the following three (3) courses and distances:

1. Southeasterly, 765.33 feet, with the arc of said curve to the left, having a radius of 2296.69 feet, a central angle of 19°05'34", and a chord that bears South 59°58'45" East, 761.79 feet, 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the end of said curve to the left;
2. South 61°03'43" East, 93.22 feet, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for corner;
3. South 27°48'46" East, 29.68 feet, to the **POINT OF BEGINNING** and containing a computed area of 695.508 acres of land.

Save and except the following 1.835 acre tract:

FIELD NOTE DESCRIPTION
1.835 ACRES
IN THE LEWIS COX LEAGUE, ABSTRACT NUMBER 13
WALKER COUNTY, TEXAS

BEING a 1.835 acre tract of land situated in the Lexis Cox League, Abstract Number 13, Walker County, Texas, being all of that same called 1.84 acre tract described in instrument to Pine Hill Cemetery Association, recorded in Volume 1177, Page 880, O.R.W.C.T. said 1.835 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 4 inch by 4 inch concrete monument found for the southerly common corner of said 1.84 acre tract and that certain called 860.347 acre tract described in instrument to Robinson-Gibbs 1, LLC, recorded under Instrument Number 51872, O.R.W.C.T., being the southerly corner of the herein described 1.835 acre tract, from which a 3 inch round concrete monument with disk found at the westerly end of Pine Hill Road, in the apparent easterly line of said Cox League, for the apparent common westerly corner of the James Cox One labor, Abstract Number 113 and the John Hume Survey, Abstract Number 264 bears North 88°24’ 06” East, 125.51 feet, said **POINT OF BEGINNING** having a Texas State Plane Coordinate value of **N: 10,244,605.81, E: 3,793,136.79**, Central Zone, grid measurements;

THENCE North 67°46'18" West, 138.30 feet, with the southerly common line between said 1.84 acre tract and said 860.347 acre tract, to a 5/8 inch iron rod with cap found for the westerly common corner of said 1.84 acre tract and said 860.347 acre tract, being the most westerly corner of the herein described 1.835 acre tract;

THENCE North 21°19'02" East, 526.05 feet, with the westerly common line between said 1.84 acre tract and said 860.347 acre tract, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the northerly common corner of said 1.84 acre tract and said 860.347 acre tract, being the most northerly corner of the herein described 1.835 acre tract;

THENCE South 77°04'30" East, 160.55 feet, with the northerly common line between said 1.84 acre tract and said 860.347 acre tract, to a 1/2 inch iron rod with cap stamped “TPS 100834-00” set for the easterly common corner of said 1.84 acre tract and said 860.347 acre tract, being the most easterly corner of the herein described 1.835 acre tract;

THENCE South 23°27'01" West, 552.07 feet, with the easterly common line between said 1.84 acre tract and said 860.347 acre tract, to the **POINT OF BEGINNING**, and containing a computed area of 1.835 acres of land.

LEAVING a computed area of 693.673 (Net) acres of land within this field note description.

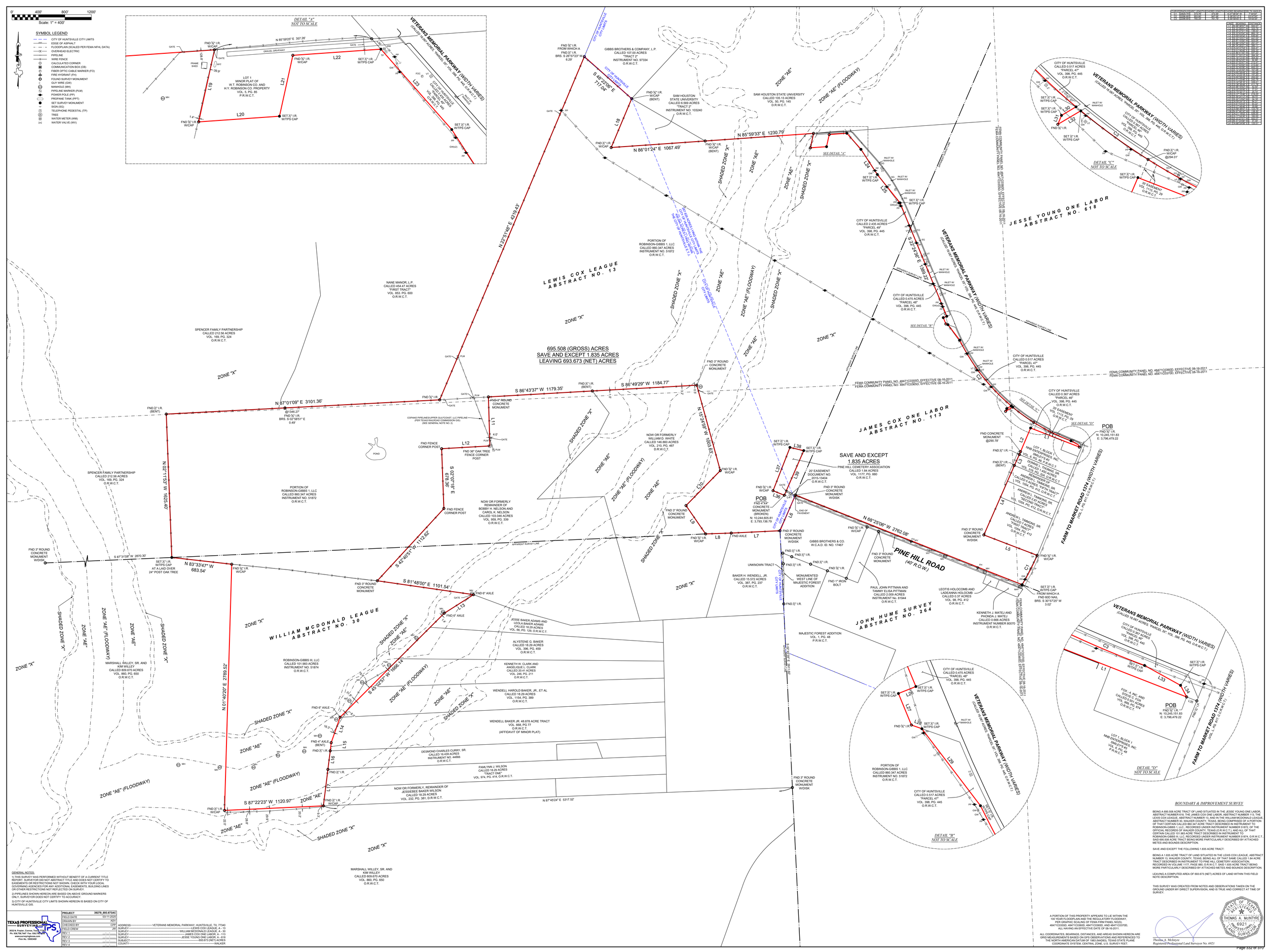
This Field Note Description was prepared from a survey performed on the ground on March 11, 2025, by Texas Professional Surveying, LLC., referenced to Survey Drawing Project 39279.

All coordinates, bearings, distances, and areas shown hereon are grid measurements based on GPS observations and referenced to the North American Datum 1983 (NAD83), Texas State Plane Coordinate System, Central Zone, U.S. Survey Feet.

March 26, 2025
Date

STATE OF TEXAS
REGISTERED
THOMAS A. McINTYRE
6921
PROFESSIONAL
LAND SURVEYOR

Thomas A. McIntyre
R.P.L.S. No. 6921



01	2006-07	03-31	04-07	N 88°25'06" W	2762.08'	S 22°34'36" E	1369.72'	0°00'00"	0.00'
02	2006-08	03-31	04-07	N 88°25'06" W	2762.08'	S 22°34'36" E	1369.72'	0°00'00"	0.00'
03	2006-09	03-31	04-07	N 88°25'06" W	2762.08'	S 22°34'36" E	1369.72'	0°00'00"	0.00'

POINT	BEARING	DISTANCE
L1	N 22°34'36" W	30.00'
L2	N 67°25'24" E	20.00'
L3	N 22°34'36" W	20.00'
L4	N 67°25'24" E	20.00'
L5	N 22°34'36" W	20.00'
L6	N 67°25'24" E	20.00'
L7	N 22°34'36" W	20.00'
L8	N 67°25'24" E	20.00'
L9	N 22°34'36" W	20.00'
L10	N 67°25'24" E	20.00'
L11	N 22°34'36" W	20.00'
L12	N 67°25'24" E	20.00'
L13	N 22°34'36" W	20.00'
L14	N 67°25'24" E	20.00'
L15	N 22°34'36" W	20.00'
L16	N 67°25'24" E	20.00'
L17	N 22°34'36" W	20.00'
L18	N 67°25'24" E	20.00'
L19	N 22°34'36" W	20.00'
L20	N 67°25'24" E	20.00'
L21	N 22°34'36" W	20.00'
L22	N 67°25'24" E	20.00'
L23	N 22°34'36" W	20.00'
L24	N 67°25'24" E	20.00'
L25	N 22°34'36" W	20.00'
L26	N 67°25'24" E	20.00'
L27	N 22°34'36" W	20.00'
L28	N 67°25'24" E	20.00'
L29	N 22°34'36" W	20.00'
L30	N 67°25'24" E	20.00'
L31	N 22°34'36" W	20.00'
L32	N 67°25'24" E	20.00'
L33	N 22°34'36" W	20.00'
L34	N 67°25'24" E	20.00'
L35	N 22°34'36" W	20.00'
L36	N 67°25'24" E	20.00'
L37	N 22°34'36" W	20.00'
L38	N 67°25'24" E	20.00'
L39	N 22°34'36" W	20.00'
L40	N 67°25'24" E	20.00'
L41	N 22°34'36" W	20.00'
L42	N 67°25'24" E	20.00'

GENERAL NOTES:

1) THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT. SURVEYOR DID NOT ABSTRACT TITLE AND DOES NOT CERTIFY TO EASEMENTS OR RESTRICTIONS NOT SHOWN. CHECK WITH YOUR LOCAL GOVERNING AGENCIES FOR ANY ADDITIONAL EASEMENTS, BUILDING LINES OR OTHER RESTRICTIONS NOT REFLECTED ON SURVEY.

2) PIPELINES SHOWN HEREON ARE BASED ON ABOVE GROUND MARKERS ONLY. SURVEYOR DOES NOT CERTIFY TO ACCURACY.

3) CITY OF HUNTSVILLE CITY LIMITS SHOWN HEREON IS BASED ON CITY OF HUNTSVILLE GIS.

TEXAS PROFESSIONAL SURVEYING
3032 N. Frazier, Conroe, Texas 77303
Ph: 936.756.1847 Fax: 936.756.2879
www.txprofessionalsurvey.com
Firm No. 10064400

PROJECT	20279_693.673AC
FIELD DATE	03-11-2025
DRAWN BY	ADV
CHECKED BY	CPP
FIELD CREW	JW
REV 1	--/--/--
REV 2	--/--/--
REV 3	--/--/--
REV 4	--/--/--

ADDRESS ---------- VETERANS MEMORIAL PARKWAY, HUNTSVILLE, TX, 77340
SURVEY ---------- LEWIS COX LEAGUE, A - 13
SURVEY ---------- WILLIAM MCDONALD LEAGUE, A - 30
SURVEY ---------- JAMES COX ONE LABOR, A - 113
SURVEY ---------- JESSE YOUNG ONE LABOR, A - 618
SUBJECT ---------- 695.508 (GROSS) ACRES
COUNTY ---------- WALKER

A PORTION OF THIS PROPERTY APPEARS TO LIE WITHIN THE 100 YEAR FLOODPLAIN AND THE REGULATORY FLOODWAY PER GRAPHIC SCALING OF FEMA FIRM PANEL NO(S). 48471C0360D, 48471C0365D, 48471C0355D, AND 48471C0370D. ALL HAVING AN EFFECTIVE DATE OF 08-16-2011.

ALL COORDINATES, BEARINGS, DISTANCES, AND AREAS SHOWN HEREON ARE GRID MEASUREMENTS BASED ON GPS OBSERVATIONS AND REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83), TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, U.S. SURVEY FEET.

BOUNDARY & IMPROVEMENT SURVEY

BEING A 695.508 ACRE TRACT OF LAND SITUATED IN THE JESSE YOUNG ONE LABOR, ABSTRACT NUMBER 618, THE JAMES COX ONE LABOR, ABSTRACT NUMBER 113, THE LEWIS COX LEAGUE, ABSTRACT NUMBER 13, AND IN THE WILLIAM MCDONALD LEAGUE, ABSTRACT NUMBER 30, WALKER COUNTY, TEXAS, BEING COMPRISED OF A PORTION OF THAT CERTAIN CALLED 860.347 ACRE TRACT DESCRIBED IN INSTRUMENT TO ROBINSON-GIBBS I, LLC, RECORDED UNDER INSTRUMENT NUMBER 51872, OF THE OFFICIAL RECORDS OF WALKER COUNTY, TEXAS (O.R.W.C.T.); AND ALL OF THAT CERTAIN CALLED 101.983 ACRE TRACT DESCRIBED IN INSTRUMENT TO ROBINSON-GIBBS III, LLC, RECORDED UNDER INSTRUMENT NUMBER 51874, O.R.W.C.T., SAID 695.508 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY ATTACHED METES AND BOUNDS DESCRIPTION.

SAVE AND EXCEPT THE FOLLOWING 1.835 ACRE TRACT:

BEING A 1.835 ACRE TRACT OF LAND SITUATED IN THE LEWIS COX LEAGUE, ABSTRACT NUMBER 13, WALKER COUNTY, TEXAS, BEING ALL OF THAT SAME CALLED 1.84 ACRE TRACT DESCRIBED IN INSTRUMENT TO PINE HILL CEMETERY ASSOCIATION, RECORDED IN VOLUME 1177, PAGE 880, O.R.W.C.T. SAID 1.835 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY ATTACHED METES AND BOUNDS DESCRIPTION.

LEAVING A COMPUTED AREA OF 693.673 (NET) ACRES OF LAND WITHIN THIS FIELD NOTE DESCRIPTION.

THIS SURVEY WAS CREATED FROM NOTES AND OBSERVATIONS TAKEN ON THE GROUND UNDER MY DIRECT SUPERVISION, AND IS TRUE AND CORRECT AT TIME OF SURVEY.

STATE OF TEXAS
REGISTERED
THOMAS A. MCINTYRE
6921
PROFESSIONAL
LAND SURVEYOR

Thomas A. McIntyre
Registered Professional Land Surveyor No. 6921

KERR SURVEYING

FIELD NOTES DESCRIPTION

OF A

107.00 ACRE TRACT

LEWIS COX LEAGUE SURVEY, ABSTRACT 13

HUNTSVILLE, WALKER COUNTY, TEXAS

A FIELD NOTES DESCRIPTION OF 107.00 ACRES IN THE LEWIS COX LEAGUE SURVEY, ABSTRACT 13, IN HUNTSVILLE, WALKER COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF A CALLED 248.20 ACRE TRACT OF LAND DESCRIBED IN A DEED TO SAM C. DOMINEY, RECORDED IN VOLUME 90, PAGE 488 OF THE DEED RECORDS OF WALKER COUNTY, TEXAS (DRWCT); SAID 107.00 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod found on the east line of the remainder of a called 331.62 acre tract of land described in a deed to Spencer Family Partnership, recorded in Volume 725, Page 577 of the Official Records of Walker County, Texas (ORWCT) for the southwest corner of Unrestricted Reserve "C", recorded in the plat of West Hill Subdivision, Section One, in Volume 1, Page 185 of the Plat Records of Walker County, Texas (PRWCT) and being the northwest corner of said remainder of 248.20 acres and the northwest corner hereof, from which a 1/2 inch iron rod found bears N 02° 27' 03" W, a distance of 189.24 feet;

THENCE, with the common line of said Unrestricted Reserve "C" and said remainder of 248.20 acres, **N 86° 30' 57" E,** for a distance of **512.84 feet** to a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found on the west line of Veterans Memorial Parkway (variable width right-of-way,403/867 (DRWCT) and being the northeast corner hereof;

THENCE, with the west line of Veterans Memorial Parkway for the following twenty-two (22) courses and distances:

1) with a curve to the left, having a radius of **440.00 feet**, an arc length of **13.30 feet**, a delta angle of **01° 43' 55"**, and a chord which bears **S 03° 04' 24" E**, a distance of **13.30 feet**, to a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found;
2) **S 02° 12' 27" E**, for a distance of **268.68 feet** to a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found;
3) **S 42° 10' 49" W**, for a distance of **47.45 feet** to a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found;
4) **S 02° 08' 13" E**, for a distance of **116.06 feet** to a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found;
5) **S 14° 23' 45" E**, for a distance of **157.90 feet** to a 5/8 inch iron rod found;

6) **S 02° 12' 27" E**, for a distance of **950.77 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
7) **S 10° 39' 45" E**, for a distance of **356.74 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
8) **S 79° 05' 40" W**, for a distance of **14.09 feet** to a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found;
9) **S 10° 54' 11" E**, for a distance of **20.00 feet** to a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found;
10) **N 79° 05' 40" E**, for a distance of **14.01 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
11) **S 10° 39' 45" E**, for a distance of **253.20 feet** to point for corner that falls within a 6 inch treated fence post found;
12) **S 18° 18' 46" E**, for a distance of **335.25 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
13) **S 70° 38' 32" W**, for a distance of **20.00 feet** to a point for corner, from which a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found bears S 07° 50' 36" E, a distance of 1.33 feet;
14) **S 18° 18' 46" E**, for a distance of **20.00 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
15) **N 70° 38' 32" E**, for a distance of **20.00 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
16) **S 18° 18' 46" E**, for a distance of **172.51 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
17) **S 67° 55' 32" W**, for a distance of **20.96 feet** to a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found;
18) **S 22° 52' 58" E**, for a distance of **133.68 feet** to a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found;
19) **N 66° 19' 40" E**, for a distance of **22.71 feet** to a point for corner that falls within a 6 inch treated fence post found;
20) **S 23° 04' 26" E**, for a distance of **151.02 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
21) **S 30° 08' 58" E**, for a distance of **426.66 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
22) **S 34° 14' 56" E**, for a distance of **40.90 feet** to a point for corner for the north corner of the Aldersgate Trust Subdivision recorded in Volume 5, Page 97 (PRWCT), from which a 5/8 inch iron rod with a plastic cap stamped "JS MOORER RPLS 1572" found bears S 55° 44' 20" W, a distance of 1.02 feet;

THENCE, with the established line of said Aldersgate Trust Subdivision for the following three (3) courses and distances:

1) **S 55° 44' 20" W,** for a distance of **443.52 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
2) **S 34° 15' 43" E,** for a distance of **886.17 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
3) **N 55° 44' 29" E,** for a distance of **443.32 feet** to a 5/8 inch iron rod with a plastic cap stamped "JS MOORER RPLS 1572" found on the west line of Veterans Memorial Parkway, for the east corner of Aldersgate Trust Subdivision;

THENCE, with the west of Veterans Memorial Parkway for the following two (2) courses and distances:

1) **S 34° 14' 56" E,** for a distance of **354.50 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
2) **S 32° 04' 30" E,** for a distance of **328.42 feet** to a 5/8 inch iron rod with a faded plastic cap found on the southeast line of said remainder of 248.20 acres, for the north corner of Raven Corner Subdivision recorded in Volume 7, Page 76 (PRWCT) and being the west corner hereof;

THENCE, with the common line of said remainder of 248.20 acres, said Raven Corner Subdivision and a called 105.13 acre tract of land described in a deed to Sam Houston State University, recorded in Volume 50, Page 145 (DRWCT), **S 42° 50' 02" W,** for a distance of **1,599.62 feet** to a 5/8 inch iron rod with an aluminum cap found for west corner of said 105.13 acres, a northeasterly corner of a portion of the remainder of a called 1,129.73 acre tract of land described in a deed to Robinson-Gibbs I, LLC. recorded in Document No. 2019-51872 (ORWCT) and being the south corner of said remainder of 248.20 acres and the south corner hereof;

THENCE, with the common line of said remainder of 248.20 acres and said portion of the remainder of 1,129.73 acres, **N 48° 22' 36" W,** for a distance of **717.11 feet** to a 5/8 inch iron rod found on the southeast line of a called 17.4 acre tract of land described in a deed to Gulf States Utilities Company, recorded in Volume 339, Page 521 (DRWCT) for the north corner of said portion of the remainder of 1,129.73 acres and a westerly corner hereof;

THENCE, with the common line of said remainder of 248.20 acres and said 17.4 acres for the following three (3) courses and distances:

1) **N 22° 45' 50" E**, for a distance of **662.88 feet** to a 1/2 inch iron rod found;
2) **S 86° 54' 51" W**, for a distance of **510.07 feet** to a 5/8 inch iron rod found;
3) **N 02° 28' 01" W**, for a distance of **1,989.49 feet** to a 1/2 inch iron rod found for the northeast corner of said 17.4 acres and being the southeast corner of said remainder of a called 331.62 acres,

THENCE, with the common line of said remainder of 331.62 acres and said remainder of 248.20 acres, **N 02° 24' 16" W**, for a distance of **2,719.97 feet** to the **POINT OF BEGINNING** hereof and containing **107.00 acres**, more or less.

Surveyed on the ground June 2023 under my supervision. See plat prepared June 2023 for other information. The bearing basis for this survey is based on the Texas State Plane Coordinate System of 1983 (NAD83), Central Zone, Grid North as established from GPS observation using the Leica Smartnet NAD83 (NA2011) Epoch 2010 Multi-year CORS Solution 2 (MYCS2). Distances described herein are surface distances. To obtain grid distances (not grid areas) divide by a combined scale factor of 1.00012141700982 (calculated using GEOID12B). Reference drawing: 23-431-BOUNDARY3.

STATE OF TEXAS
REGISTERED
NATHAN PAUL KERR
6834
PROFESSIONAL
LAND SURVEYOR

6/12/23

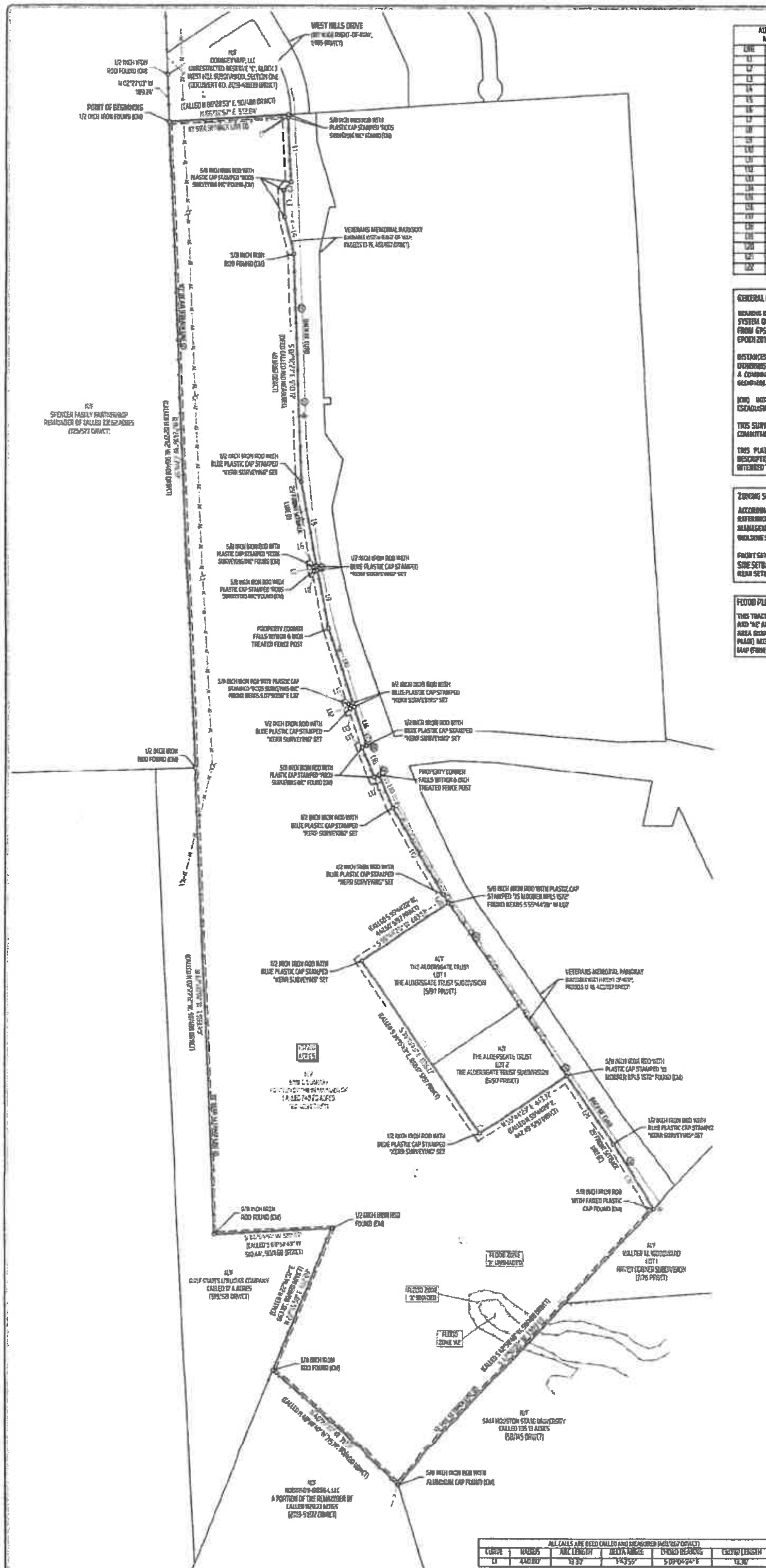
Nathan Paul Kerr
Registered Professional Land Surveyor No. 6834

KERR SURVEYING

Kerr Surveying, LLC | 409 N. Texas Ave. Bryan, TX 77803

Office: (979) 268-3195 | Web: www.kerrlandsurveying.com

Surveys@kerrsurveying.net | TBPELS Firm No. 10018500



ALL CALLS ARE DEED CALLED AND MEASURED (453/186 DRWCT)		
LINE	BEARING	DISTANCE
L1	S 02°02'27" E	258.38'
L2	S 62°07'49" W	47.65'
L3	S 02°50'17" E	76.05'
L4	S 14°23'45" E	157.90'
L5	S 12°38'49" E	306.74'
L6	S 78°05'10" W	14.19'
L7	S 10°54'11" E	20.00'
L8	N 78°05'40" E	14.07'
L9	S 10°38'45" E	253.20'
L10	S 18°40'56" E	235.23'
L11	S 73°38'32" W	20.00'
L12	S 18°18'46" E	20.00'
L13	N 70°38'30" E	[illegible]
L14	S 18°18'40" E	192.57'
L15	S 82°35'32" W	20.96'
L16	S 22°52'54" E	133.69'
L17	N 63°18'40" E	22.71'
L18	S 23°04'28" E	151.02'
L19	S 30°05'59" E	426.56'
L20	S 34°14'58" E	40.92'
L21	S 34°14'56" E	254.52'
L22	S 32°04'39" E	328.42'

GENERAL NOTES

BEARING SYSTEM SHOWN HEREON IS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (4203), GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION USING THE LEICA SMARTNET NAD83 (NA2011) EPOCH 2010 MULTI-YEAR CORS SOLUTION 2 (MYCS2).

DISTANCES SHOWN HEREON ARE SURFACE DISTANCES UNLESS OTHERWISE NOTED. TO OBTAIN GRID DISTANCES (NOT AREAS) DIVIDE BY A COMBINED SCALE FACTOR OF 1.00012144700382 (CALCULATED USING GEOID18).

(CM) INDICATES CONTROLLING MONUMENT FOUND AND USED TO ESTABLISH PROPERTY BOUNDARIES.

THIS SURVEY PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. EASEMENTS AND OTHER MATTERS MAY APPLY.

THIS PLAT WAS PREPARED IN CONJUNCTION WITH A FIELD NOTES DESCRIPTION (METES AND BOUNDS). THE PLAT AND FIELD NOTES ARE INTENDED TO BE ONE INSTRUMENT TOGETHER.

LEGEND:

DRWCT = DEED RECORDS OF WALKER COUNTY, TEXAS

PRWCT = PLAT RECORDS OF WALKER COUNTY, TEXAS

ORWCT = OFFICIAL RECORDS OF WALKER COUNTY, TEXAS

123/456 = VOLUME AND PAGE FROM PUBLIC COUNTY RECORDS

N/F = NOW OR FORMERLY

[ ] = RECORD INFORMATION

FIRE HYDRANT
SANITARY SEWER MANHOLE
STORM SEWER MANHOLE
UTILITY POLE
GUY WIRE
AERIAL ELECTRIC LINES
BARBED WIRE FENCE
APPROXIMATE LOCATION OF FLOOD PLAIN

ZONING SETBACK NOTES

ACCORDING TO THE CITY OF HUNTSVILLE ONLINE ZONING MAP REFERENCED ON 06/08/2023, THIS TRACT IS ZONED MANAGEMENT DISTRICT (M) AND IS SUBJECT TO THE FOLLOWING BUILDING SETBACKS (Z) AS SHOWN HEREON:

FRONT SETBACK - 25 FEET
SIDE SETBACK (INTERIOR) - 10 FEET
REAR SETBACK - 10 FEET

FLOOD PLAIN NOTES:

THIS TRACT LIES WITHIN FLOOD ZONE "X" UNSHADED AND "X" SHADED AND "AE" AND DOES PARTIALLY LIE WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO THE 1% ANNUAL CHANCE FLOOD (100 YEAR FLOOD PLAIN) ACCORDING TO THE WALKER COUNTY FLOOD INSURANCE RATE MAP (FIRM) PANEL NO. 48471C0355D, EFFECTIVE DATE: 08-16-2011.

SURVEYOR'S CERTIFICATE:

I, NATHAN PAUL KERR, R.P.L.S. NO. 6934, DO HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CATEGORY 1B, CONDITION 3, STANDARD LAND SURVEY AS MADE ON THE GROUND UNDER MY SUPERVISION.

6/12/2023

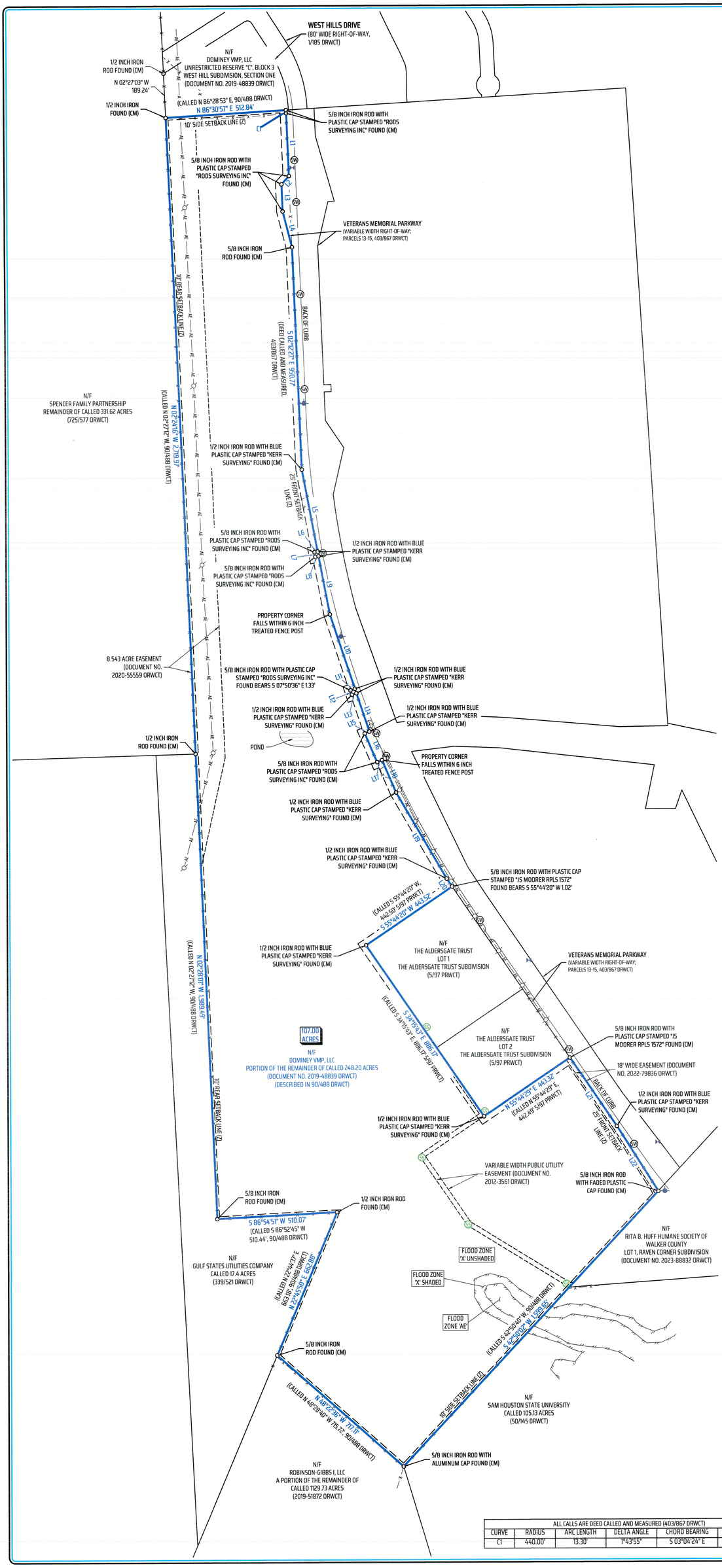
NATHAN PAUL KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6934

ALL CALLS ARE DEED CALLED AND MEASURED (453/186 DRWCT)					
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	440.00'	33.39'	4°23'55"	S 03°04'44" E	33.38'

TSPS STANDARD LAND SURVEY PLAT OF A 107.00 ACRE TRACT
BEING A PORTION OF THE REMAINDER OF A CALLED 248.20 ACRES
VOLUME 90, PAGE 480 DRWCT
LEWIS COX LEAGUE SURVEY, ABSTRACT 13
HUNTSVILLE, WALKER COUNTY, TEXAS

KERR SURVEYING
"When one person stands to gain over another, the facts must be uncovered"

SCALE: 1 INCH = 200 FEET
SURVEY DATE: 05-31-2023 | PLAT DATE: 06-12-2023
JOB NUMBER: 23-431 | CAD NAME: 23-431-BOUNDARY2
POINT FILE: 23-431-ALL (conf; 23-431 (jxl))
DRAWN BY: MG CHECKED BY: NPK
PREPARED BY: KERR SURVEYING, LLC
TBPELS FIRM#10018500
409 N. TEXAS AVENUE, BRYAN, TEXAS 77803
PHONE: (979) 268-3195
SURVEYS@KERRSURVEYING.NET | KERRSURVEYING.COM



ALL CALLS ARE DEED CALLED AND MEASURED (403/867 DRWCT)		
LINE	BEARING	DISTANCE
L1	S 02°12'27" E	268.68'
L2	S 42°10'49" W	47.45'
L3	S 02°08'13" E	116.06'
L4	S 14°23'45" E	157.90'
L5	S 10°39'45" E	356.74'
L6	S 79°05'40" W	14.09'
L7	S 10°54'11" E	20.00'
L8	N 79°05'40" E	14.01'
L9	S 10°39'45" E	253.20'
L10	S 18°18'46" E	335.25'
L11	S 70°38'32" W	20.00'
L12	S 18°18'46" E	20.00'
L13	N 70°38'32" E	20.00'
L14	S 18°18'46" E	172.51'
L15	S 67°55'32" W	20.96'
L16	S 22°52'58" E	133.68'
L17	N 66°19'40" E	22.71'
L18	S 23°04'26" E	151.02'
L19	S 30°08'58" E	426.66'
L20	S 34°14'56" E	40.90'
L21	S 34°14'56" E	354.50'
L22	S 32°04'30" E	328.42'

SCALE: 1" = 200'

0 200 400 600 Feet

GENERAL NOTES

BEARING SYSTEM SHOWN HEREON IS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (4203), GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION USING THE LEICA SMARTNET NAD83 (NA2011) EPOCH 2010 MULTI-YEAR CORS SOLUTION 2 (MYCS2).

DISTANCES SHOWN HEREON ARE SURFACE DISTANCES UNLESS OTHERWISE NOTED. TO OBTAIN GRID DISTANCES (NOT AREAS) DIVIDE BY A COMBINED SCALE FACTOR OF 1.00012141700982 (CALCULATED USING GEOID12B).

(CM) INDICATES CONTROLLING MONUMENT FOUND AND USED TO ESTABLISH PROPERTY BOUNDARIES.

THIS SURVEY PLAT WAS PREPARED TO REFLECT THE TITLE COMMITMENT ISSUED BY WALKER COUNTY TITLE COMPANY, GF NO. 2024020135, EFFECTIVE DATE: 02/19/2024. ITEMS LISTED ON SCHEDULE B ARE ADDRESSED AS FOLLOWS:

- ITEM 10j: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 61, PAGE 616 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10k: AMERICAN TELEPHONE AND TELEGRAPH COMPANY EASEMENT RECORDED IN VOLUME 131, PAGE 474 (DRWCT) MAY OR MAY NOT AFFECT THIS TRACT. DESCRIPTION OF SUBJECT PROPERTY IS VAGUE.
- ITEM 10l: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 209, PAGE 206 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10m: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 54 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10n: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 56 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10o: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 58 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10p: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 60 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10q: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 64 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10r: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 66 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10s: ROADWAY EASEMENT RECORDED IN VOLUME 356, PAGE 297 AND AMENDED IN VOLUME 371, PAGE 667 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10t: CITY OF HUNTSVILLE UTILITIES EASEMENT RECORDED IN VOLUME 425, PAGE 732 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10u: CITY OF HUNTSVILLE WATERLINE EASEMENT RECORDED IN VOLUME 429, PAGE 905 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10v: CITY OF HUNTSVILLE SANITARY SEWER EASEMENT RECORDED IN VOLUME 429, PAGE 916 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10w: CITY OF HUNTSVILLE UTILITY EASEMENT RECORDED IN DOCUMENT NO. 2012-00003561 (ORWCT) DOES CROSS THIS TRACT AS SHOWN.
- ITEM 10x: ENTERGY TEXAS INC. EASEMENT RECORDED IN DOCUMENT NO. 2020-55559 (ORWCT) DOES CROSS THIS TRACT AS SHOWN.
- ITEM 10g: ENTERGY TEXAS INC. EASEMENT RECORDED IN DOCUMENT NO. 2022-79836 (ORWCT) DOES CROSS THIS TRACT AS SHOWN.
- ALL OTHER ITEMS ARE NOT SURVEY ITEMS AND/OR ARE NOT ADDRESSED BY THIS PLAT.

LEGEND:

DRWCT = DEED RECORDS OF WALKER COUNTY, TEXAS

PRWCT = PLAT RECORDS OF WALKER COUNTY, TEXAS

ORWCT = OFFICIAL RECORDS OF WALKER COUNTY, TEXAS

123/456 = VOLUME AND PAGE FROM PUBLIC COUNTY RECORDS

N/F = NOW OR FORMERLY

( ) = RECORD INFORMATION

FIRE HYDRANT
SANITARY SEWER MANHOLE
STORM SEWER MANHOLE
UTILITY POLE
GUY WIRE
AERIAL ELECTRIC LINES — AE —
BARBED WIRE FENCE — X — X —
APPROXIMATE LOCATION OF FLOOD PLAIN

ZONING SETBACK NOTES

ACCORDING TO THE CITY OF HUNTSVILLE ONLINE ZONING MAP REFERENCED ON 03/13/2024, THIS TRACT IS ZONED MANAGEMENT DISTRICT [M] AND IS SUBJECT TO THE FOLLOWING BUILDING SETBACKS (Z) AS SHOWN HEREON:

FRONT SETBACK - 25 FEET
SIDE SETBACK (INTERIOR) - 10 FEET
REAR SETBACK - 10 FEET

FLOOD PLAIN NOTES:

THIS TRACT LIES WITHIN FLOOD ZONE 'X' UNSHADED AND 'X' SHADED AND 'AE' AND DOES PARTIALLY LIE WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO THE 1% ANNUAL CHANCE FLOOD (100 YEAR FLOOD PLAIN) ACCORDING TO THE WALKER COUNTY FLOOD INSURANCE RATE MAP (FIRM) PANEL NO. 48471C0355O, EFFECTIVE DATE: 08-16-2011.

ALL CALLS ARE DEED CALLED AND MEASURED (403/867 DRWCT)					
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	440.00'	13.30'	1°43'55"	S 03°04'24" E	13.30'

SURVEYOR'S CERTIFICATE:

I, DAVID POWELL BRISTER, R.P.L.S. NO. 6537, DO HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CATEGORY 1A, CONDITION 3, LAND TITLE SURVEY AS MADE ON THE GROUND UNDER MY SUPERVISION.

3-13-24

DAVID POWELL BRISTER
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6537

STATE OF TEXAS
DAVID POWELL BRISTER
6537
REGISTERED
PROFESSIONAL
LAND SURVEYOR

LAND TITLE SURVEY PLAT
OF A
107.00 ACRE TRACT
BEING A PORTION OF THE REMAINDER OF A CALLED 248.20 ACRES DESCRIBED IN VOLUME 90, PAGE 488 DRWCT
LEWIS COX LEAGUE SURVEY, ABSTRACT 13
HUNTSVILLE, WALKER COUNTY, TEXAS

KERR SURVEYING

"When one person stands to gain over another, the facts must be uncovered"

SCALE: 1 INCH = 200 FEET
SURVEY DATE: 03-06-2024 | PLAT DATE: 03-13-2024
JOB NUMBER: 24-263 | CAD NAME: 24-263-BOUNDARY3
POINT FILE: 23-431-ALL (cont); 23-431 (job)
DRAWN BY: MS CHECKED BY: DB

PREPARED BY: KERR SURVEYING, LLC
TBPELS FIRM#10018500
409 N. TEXAS AVENUE, BRYAN, TEXAS 77803
PHONE: (979) 268-3195
SURVEYS@KERRSURVEYING.NET | KERRLANDSURVEYING.COM

KERR SURVEYING

FIELD NOTES DESCRIPTION

OF A

3.404 ACRE TRACT

LEWIS COX LEAGUE SURVEY, ABSTRACT 13

HUNTSVILLE, WALKER COUNTY, TEXAS

A FIELD NOTES DESCRIPTION OF 3.404 ACRES IN THE LEWIS COX LEAGUE SURVEY, ABSTRACT 13, IN HUNTSVILLE, WALKER COUNTY, TEXAS, BEING ALL OF UNRESTRICTED RESERVE "C", BLOCK 3 OF THE WEST HILL SUBDIVISION, SECTION ONE, RECORDED IN VOLUME 1, PAGE 185 OF THE PLAT RECORDS OF WALKER COUNTY, TEXAS (PRWCT); SAID 3.404 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set on the east line of the remainder of a called 331.62 acre tract of land described in a deed to Spencer Family Partnership, recorded in Volume 725, Page 577 of the Official Records of Walker County, Texas (ORWCT) for the southwest corner of Commerce Plaza (80' wide right-of-way, 1/185 PRWCT) and being the northwest corner of said Unrestricted Reserve "C" and the northwest corner hereof, from which a 1/2 inch iron rod found bears N 02° 27' 03" W, a distance of 92.36 feet;

THENCE, with the common line of said Unrestricted Reserve "C" and Commerce Plaza for the following two (2) courses and distances:

1) **N 57° 34' 01" E**, for a distance of **412.31 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
2) with a curve to the right, having a radius of **20.00 feet**, an arc length of **31.42 feet**, a delta angle of **90° 00' 00"**, and a chord which bears **S 77° 25' 59" E**, a distance of **28.28 feet**, to a 5/8 inch iron rod with an aluminum cap stamped "CITY OF HUNTSVILLE" found on the west line of West Hills Drive (80' wide right-of-way, 1/185 PRWCT);

THENCE, with the common line of said Unrestricted Reserve "C" and West Hills Drive for the following three (3) courses and distances:

1) **S 32° 25' 59" E**, for a distance of **141.53 feet** to a 5/8 inch iron rod with an aluminum cap stamped "CITY OF HUNTSVILLE" found;
2) with a curve to the right, having a radius of **510.00 feet**, an arc length of **267.04 feet**, a delta angle of **30° 00' 00"**, and a chord which bears **S 17° 25' 59" E**, a distance of **264.00 feet**, to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
3) **S 02° 26' 01" E**, for a distance of **0.89 feet** to a 5/8 inch iron rod with an aluminum cap stamped "CITY OF HUNTSVILLE" found on the north line of Veterans Memorial Parkway (variable width right-of-way, 403/867 of

the Deed Records of Walker County, Texas, DRWCT), for the southeast corner of said Unrestricted Reserve "C" and being the southeast corner hereof;

THENCE, with the common line of Veterans Memorial Parkway and said Unrestricted Reserve "C", **S 86° 30' 57" W**, passing at a distance of 10.67 feet a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found for the northwest corner of Veterans Memorial Parkway and being the northeast corner of a portion of the remainder of a called 248.20 acre tract of land described in a deed to Sam C. Dominey recorded in Volume 90, Page 488 (DRWCT), and continuing with the common line of said Unrestricted Reserve "C" and said portion of the remainder of 248.20 acres for a total distance of **523.51 feet** to a 1/2 inch iron rod found on the east line of said remainder of 331.62 acres, for the northwest corner of said portion of the remainder of 248.20 acres and being the southwest corner of said Unrestricted Reserve "C" and the southwest corner hereof;

THENCE, with the common line of said Unrestricted Reserve "C" and said remainder of 331.62 acres, **N 02° 27' 03" W**, for a distance of **189.24 feet** to the **POINT OF BEGINNING** hereof and containing **3.404 acres**, more or less.

Surveyed on the ground June 2023 under my supervision. See plat prepared June 2023 for other information. The bearing basis for this survey is based on the Texas State Plane Coordinate System of 1983 (NAD83), Central Zone, Grid North as established from GPS observation using the Leica Smartnet NAD83 (NA2011) Epoch 2010 Multi-year CORS Solution 2 (MYCS2). Distances described herein are surface distances. To obtain grid distances (not grid areas) divide by a combined scale factor of 1.00012141700982 (calculated using GEOID12B). Reference drawing: 23-431-BOUNDARY7.

6/14/23

Nathan Paul Kerr
Registered Professional Land Surveyor No. 6834

STATE OF TEXAS
REGISTERED
NATHAN PAUL KERR
6834
PROFESSIONAL
LAND SURVEYOR

KERR SURVEYING

Kerr Surveying, LLC | 409 N. Texas Ave. Bryan, TX 77803

Office: (979) 268-3195 | Web: www.kerrlandsurveying.com

Surveys@kerrsurveying.net | TBPELS Firm No. 10018500

GENERAL NOTES

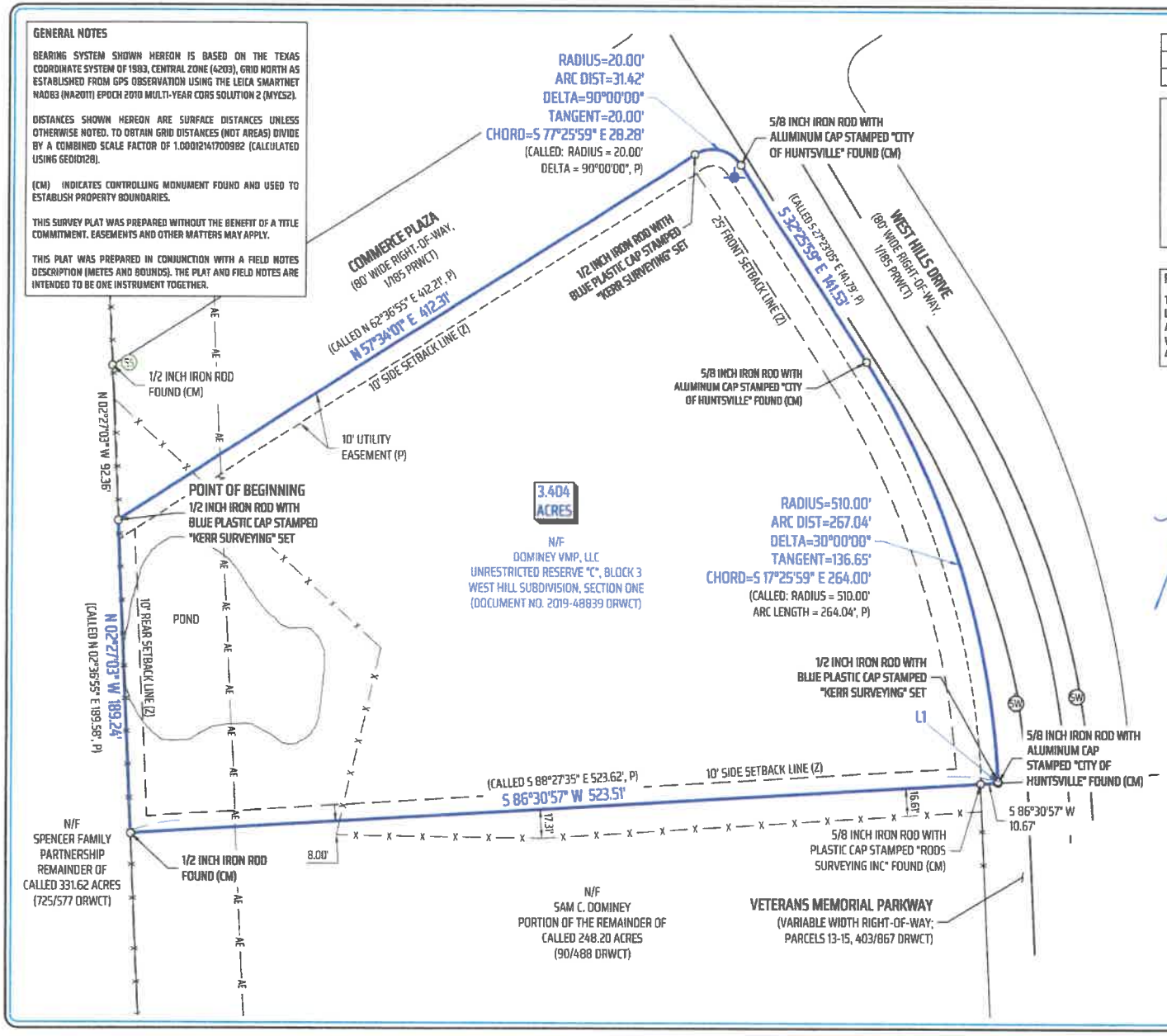
BEARING SYSTEM SHOWN HEREON IS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (4203), GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION USING THE LEICA SMARTNET NAD83 (NA2011) EPOCH 2010 MULTI-YEAR CORS SOLUTION 2 (MYCS2).

DISTANCES SHOWN HEREON ARE SURFACE DISTANCES UNLESS OTHERWISE NOTED. TO OBTAIN GRID DISTANCES (NOT AREAS) DIVIDE BY A COMBINED SCALE FACTOR OF 1.00012141700982 (CALCULATED USING GEOID12B).

(CM) INDICATES CONTROLLING MONUMENT FOUND AND USED TO ESTABLISH PROPERTY BOUNDARIES.

THIS SURVEY PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. EASEMENTS AND OTHER MATTERS MAY APPLY.

THIS PLAT WAS PREPARED IN CONJUNCTION WITH A FIELD NOTES DESCRIPTION (METES AND BOUNDS). THE PLAT AND FIELD NOTES ARE INTENDED TO BE ONE INSTRUMENT TOGETHER.



LINE	BEARING	DISTANCE
L1	S 02°26'01" E	0.89'
L1 (P)	S 02°36'53" W	0.75'

ZONING SETBACK NOTES

ACCORDING TO THE CITY OF HUNTSVILLE ONLINE ZONING MAP REFERENCED ON 06/08/2023, THIS TRACT IS ZONED MANAGEMENT DISTRICT (M) AND IS SUBJECT TO THE FOLLOWING BUILDING SETBACKS (Z) AS SHOWN HEREON:

FRONT SETBACK - 25 FEET
SIDE SETBACK (INTERIOR) - 10 FEET
REAR SETBACK - 10 FEET

FLOOD PLAIN NOTES:

THIS TRACT LIES WITHIN FLOOD ZONE 'X' UNSHADED AND DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO THE 1% ANNUAL CHANCE FLOOD (100 YEAR FLOOD PLAIN) ACCORDING TO THE WALKER COUNTY FLOOD INSURANCE RATE MAP (FIRM) PANEL NO. 48471C0355D, EFFECTIVE DATE: 08-16-2011.

SURVEYOR'S CERTIFICATE:

I, NATHAN PAUL KERR, R.P.L.S. NO. 6834, DO HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CATEGORY 1B, CONDITION 3, STANDARD LAND SURVEY AS MADE ON THE GROUND UNDER MY SUPERVISION.

6/14/2023

NATHAN PAUL KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6834

STATE OF TEXAS
REGISTERED
NATHAN PAUL KERR
6834
PROFESSIONAL
LAND SURVEYOR

SCALE: 1" = 60'

LEGEND:

ORWCT = OFFICIAL RECORDS OF WALKER COUNTY, TEXAS

DRWCT = DEED RECORDS OF WALKER COUNTY, TEXAS

PRWCT = PLAT RECORDS OF WALKER COUNTY, TEXAS

123/456 = VOLUME AND PAGE FROM PUBLIC COUNTY RECORDS

N/F = NOW OR FORMERLY

( ) = RECORD INFORMATION

(P) = PER PLAT, 1/185 DRWCT

SANITARY SEWER MANHOLE
UTILITY POLE
FIRE HYDRANT
STORM SEWER MANHOLE
AERIAL ELECTRIC LINES — AE —
BARBED WIRE FENCE — X —
CURB

REVISED 6/14/2023
ADDED NOTES FOR METES AND BOUNDS DESCRIPTION

TSPS STANDARD LAND SURVEY PLAT OF UNRESTRICTED RESERVE "C", BLOCK 3 WEST HILL SUBDIVISION, SECTION ONE VOLUME 1, PAGE 185 PRWCT LEWIS COX LEAGUE SURVEY, ABSTRACT 13 HUNTSVILLE, WALKER COUNTY, TEXAS

KERR SURVEYING

"When one person stands to gain over another, the facts must be uncovered"

SCALE: 1 INCH = 60 FEET
SURVEY DATE: 05-31-2023 | PLAT DATE: 06-12-2023
JOB NUMBER: 23-431 | CAD NAME: 23-431-BOUNDARY2
POINT FILE: 23-431-ALL (cont); 23-431 (job)
DRAWN BY: MS CHECKED BY: NPK

PREPARED BY: KERR SURVEYING, LLC
TBPELS FIRM#10018500
409 N. TEXAS AVENUE, BRYAN, TEXAS 77803
PHONE: (979) 268-3195
SURVEYS@KERRSURVEYING.NET | KERRLANDSURVEYING.COM

SURVEYOR'S CERTIFICATE:

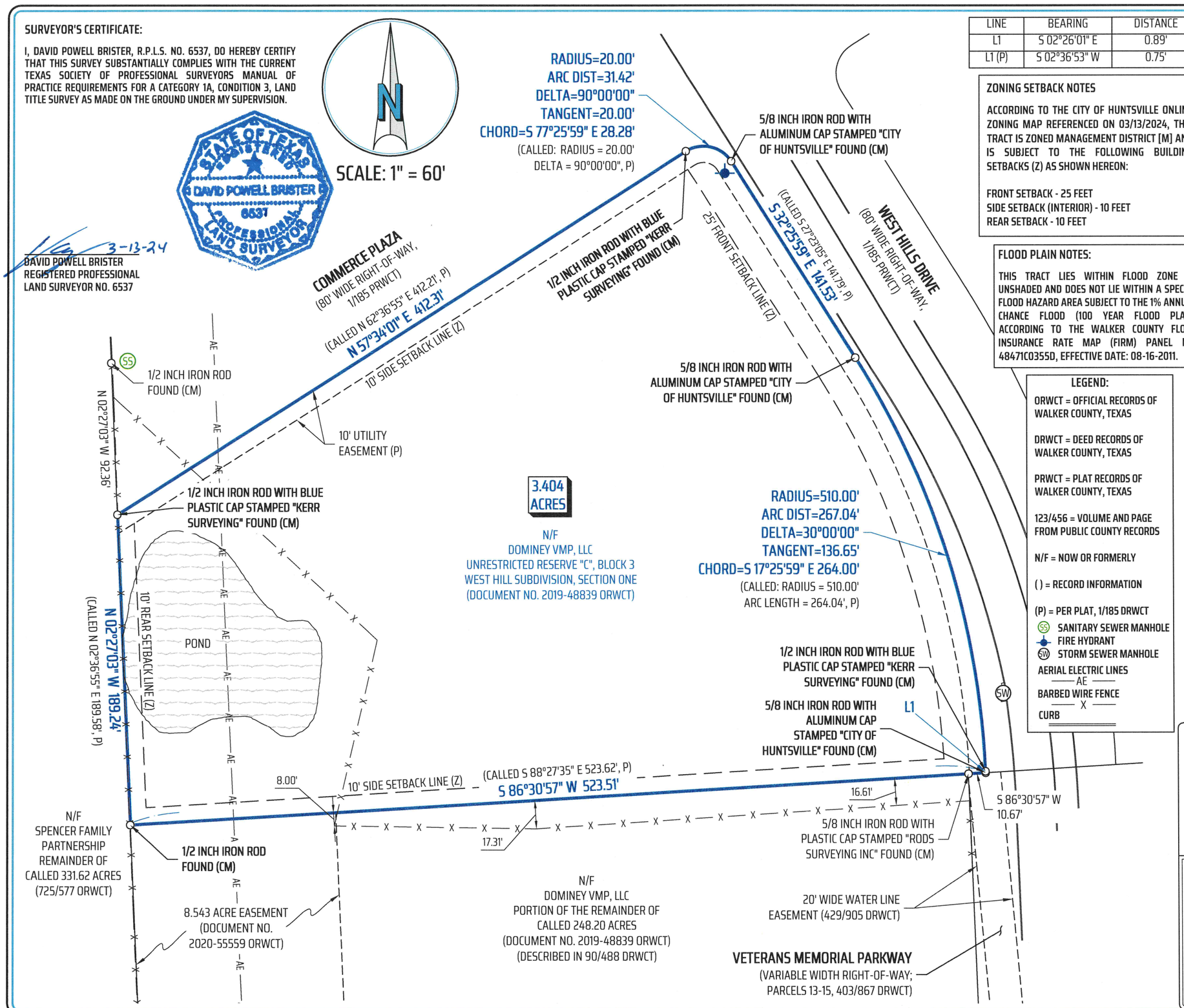
I, DAVID POWELL BRISTER, R.P.L.S. NO. 6537, DO HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CATEGORY 1A, CONDITION 3, LAND TITLE SURVEY AS MADE ON THE GROUND UNDER MY SUPERVISION.

STATE OF TEXAS REGISTERED DAVID POWELL BRISTER 6537 PROFESSIONAL LAND SURVEYOR

3-13-24

DAVID POWELL BRISTER
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6537

SCALE: 1" = 60'



LINE	BEARING	DISTANCE
L1	S 02°26'01" E	0.89'
L1 (P)	S 02°36'53" W	0.75'

ZONING SETBACK NOTES

ACCORDING TO THE CITY OF HUNTSVILLE ONLINE ZONING MAP REFERENCED ON 03/13/2024, THIS TRACT IS ZONED MANAGEMENT DISTRICT [M] AND IS SUBJECT TO THE FOLLOWING BUILDING SETBACKS (Z) AS SHOWN HEREON:

FRONT SETBACK - 25 FEET
SIDE SETBACK (INTERIOR) - 10 FEET
REAR SETBACK - 10 FEET

FLOOD PLAIN NOTES:

THIS TRACT LIES WITHIN FLOOD ZONE 'X' UNSHADED AND DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO THE 1% ANNUAL CHANCE FLOOD (100 YEAR FLOOD PLAIN) ACCORDING TO THE WALKER COUNTY FLOOD INSURANCE RATE MAP (FIRM) PANEL NO. 48471C0355D, EFFECTIVE DATE: 08-16-2011.

LEGEND:

ORWCT = OFFICIAL RECORDS OF WALKER COUNTY, TEXAS

DRWCT = DEED RECORDS OF WALKER COUNTY, TEXAS

PRWCT = PLAT RECORDS OF WALKER COUNTY, TEXAS

123/456 = VOLUME AND PAGE FROM PUBLIC COUNTY RECORDS

N/F = NOW OR FORMERLY

( ) = RECORD INFORMATION

(P) = PER PLAT, 1/185 DRWCT

SS SANITARY SEWER MANHOLE
FIRE HYDRANT
SW STORM SEWER MANHOLE
AERIAL ELECTRIC LINES — AE —
BARBED WIRE FENCE — X —
CURB

GENERAL NOTES

BEARING SYSTEM SHOWN HEREON IS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (4203), GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION USING THE LEICA SMARTNET NAD83 (NA2011) EPOCH 2010 MULTI-YEAR CORS SOLUTION 2 (MYCS2).

DISTANCES SHOWN HEREON ARE SURFACE DISTANCES UNLESS OTHERWISE NOTED. TO OBTAIN GRID DISTANCES (NOT AREAS) DIVIDE BY A COMBINED SCALE FACTOR OF 1.00012141700982 (CALCULATED USING GEOID12B).

(CM) INDICATES CONTROLLING MONUMENT FOUND AND USED TO ESTABLISH PROPERTY BOUNDARIES.

THIS SURVEY PLAT WAS PREPARED TO REFLECT THE TITLE COMMITMENT ISSUED BY WALKER COUNTY TITLE COMPANY, GF NO. 2024020135, EFFECTIVE DATE: 02/19/2024. ITEMS LISTED ON SCHEDULE B ARE ADDRESSED AS FOLLOWS:

- ITEM 10j: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 61, PAGE 616 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10k: AMERICAN TELEPHONE AND TELEGRAPH COMPANY EASEMENT RECORDED IN VOLUME 131, PAGE 474 (DRWCT) MAY OR MAY NOT AFFECT THIS TRACT. DESCRIPTION OF SUBJECT PROPERTY IS VAGUE.
- ITEM 10l: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 209, PAGE 206 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10m: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 54 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10n: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 56 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10o: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 58 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10p: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 60 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10q: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 64 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10r: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 66 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10s: ROADWAY EASEMENT RECORDED IN VOLUME 356, PAGE 297 AND AMENDED IN VOLUME 371, PAGE 667 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10t: CITY OF HUNTSVILLE UTILITIES EASEMENT RECORDED IN VOLUME 425, PAGE 732 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10u: CITY OF HUNTSVILLE WATERLINE EASEMENT RECORDED IN VOLUME 429, PAGE 905 (DRWCT) DOES ADJOIN THIS TRACT AS SHOWN.
- ITEM 10v: CITY OF HUNTSVILLE SANITARY SEWER EASEMENT RECORDED IN VOLUME 429, PAGE 916 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10w: CITY OF HUNTSVILLE UTILITY EASEMENT RECORDED IN DOCUMENT NO. 2012-00003561 (ORWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10x: ENTERGY TEXAS INC. EASEMENT RECORDED IN DOCUMENT NO. 2020-55559 (ORWCT) DOES ADJOIN THIS TRACT AS SHOWN.
- ITEM 10y: ENTERGY TEXAS INC. EASEMENT RECORDED IN DOCUMENT NO. 2022-79836 (ORWCT) DOES NOT CROSS THIS TRACT.
- ALL OTHER ITEMS ARE NOT SURVEY ITEMS AND/OR ARE NOT ADDRESSED BY THIS PLAT.

BUYER	GIBBS BROTHERS, LP
TITLE COMPANY	WALKER COUNTY TITLE COMPANY
G.F. No.	2024020135

LAND TITLE SURVEY PLAT OF UNRESTRICTED RESERVE "C", BLOCK 3 WEST HILL SUBDIVISION, SECTION ONE VOLUME 1, PAGE 185 PRWCT LEWIS COX LEAGUE SURVEY, ABSTRACT 13 HUNTSVILLE, WALKER COUNTY, TEXAS

KERR SURVEYING

"When one person stands to gain over another, the facts must be uncovered"

SCALE: 1 INCH = 60 FEET
SURVEY DATE: 03-06-2024 | PLAT DATE: 03-13-2024
JOB NUMBER: 24-263 | CAD NAME: 24-263-BOUNDARY2
POINT FILE: 23-431-ALL (cont); 23-431 (job)
DRAWN BY: MS CHECKED BY: DB

PREPARED BY: KERR SURVEYING, LLC
TBPELS FIRM#10018500
409 N. TEXAS AVENUE, BRYAN, TEXAS 77803
PHONE: (979) 268-3195
SURVEYS@KERRSURVEYING.NET | KERRLANDSURVEYING.COM

FIELD NOTES DESCRIPTION

OF A

34.02 ACRE TRACT

LEWIS COX LEAGUE SURVEY, ABSTRACT 13

PLEASANT GRAY LEAGUE SURVEY, ABSTRACT 24

HUNTSVILLE, WALKER COUNTY, TEXAS

A FIELD NOTES DESCRIPTION OF 34.02 ACRES IN THE LEWIS COX LEAGUE SURVEY, ABSTRACT 13 AND PLEASANT GRAY LEAGUE SURVEY, ABSTRACT 24, IN HUNTSVILLE, WALKER COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF A CALLED 248.20 ACRE TRACT OF LAND DESCRIBED IN A DEED TO SAM C. DOMINEY, RECORDED IN VOLUME 90, PAGE 488 OF THE DEED RECORDS OF WALKER COUNTY, TEXAS (DRWCT); SAID 34.02 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found on the east line of Veterans Memorial Parkway (variable width right-of-way, 403/867 DRWCT) and being on the southeast line of said remainder of 248.20 acres, for the west corner of a portion of the remainder of a called 1,129.73 acre tract of land described in a deed to Robinson-Gibbs I, LLC recorded in Document No. 2019-51872 of the Official Records of Walker County, Texas (ORWCT) and being the south corner hereof;

THENCE, with the east line of Veterans Memorial Parkway for the following four (4) courses and distances:

1) **N 37° 03' 17" W**, for a distance of **398.06 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
2) **N 34° 14' 56" W**, for a distance of **1,020.70 feet** to a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found;
3) with a curve to the right, having a radius of **3,950.21 feet**, an arc length of **152.42 feet**, a delta angle of **02° 12' 39"**, and a chord which bears **N 33° 08' 16" W**, a distance of **152.41 feet**, to a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found;
4) **N 25° 38' 20" W**, for a distance of **547.74 feet** to a 5/8 inch iron rod with a plastic cap stamped "RODS SURVEYING INC" found on the south line of Smither Drive (variable width right-of-way, 403/867 DRWCT) for the northwest corner hereof;

THENCE, with south line of Smither Drive for the following three (3) courses and distances:

1) **N 83° 15' 14" E**, for a distance of **182.02 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
2) **S 87° 53' 25" E**, for a distance of **194.51 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
3) **S 83° 27' 20" E**, for a distance of **661.78 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set for the northwest corner of a called 0.488 acre tract of land described in a deed to The City of Huntsville, recorded in Volume 403, Page 867 (DRWCT) and being a northeasterly corner hereof;

THENCE, with the established line of said 0.488 acres for the following three courses and distances:

1) **S 11° 35' 01" W**, for a distance of **191.24 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;
2) **N 90° 00' 00" E**, for a distance of **127.91 feet** to a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" set;

3) **N 19° 05' 03" E**, for a distance of **83.70 feet** to a right-of-way monument found on a westerly line of said portion of the remainder of 1,129.73 acres and being on the east line of the remainder of said 248.20 acres and being a northeasterly corner hereof;

THENCE, with the common line of said portion of the remainder of 1,129.73 acres and said remainder of 248.20 acres for the following two (2) courses and distances:

1) **S 25° 37' 22" E**, for a distance of **1,167.56 feet** to a 5/8 inch iron rod found for the west corner of said remainder of 248.20 acres and the west corner hereof;
2) **S 42° 50' 02" W**, for a distance of **764.50 feet** to the **POINT OF BEGINNING** hereof and containing **34.02 acres**, more or less.

Surveyed on the ground June 2023 under my supervision. See plat prepared June 2023 for other information. The bearing basis for this survey is based on the Texas State Plane Coordinate System of 1983 (NAD83), Central Zone, Grid North as established from GPS observation using the Leica Smartnet NAD83 (NA2011) Epoch 2010 Multi-year CORS Solution 2 (MYCS2). Distances described herein are surface distances. To obtain grid distances (not grid areas) divide by a combined scale factor of 1.00012141700982 (calculated using GEOID12B). Reference drawing: 23-431-BOUNDARY5.

STATE OF TEXAS
REGISTERED
NATHAN PAUL KERR
6834
PROFESSIONAL
LAND SURVEYOR

8/12/23

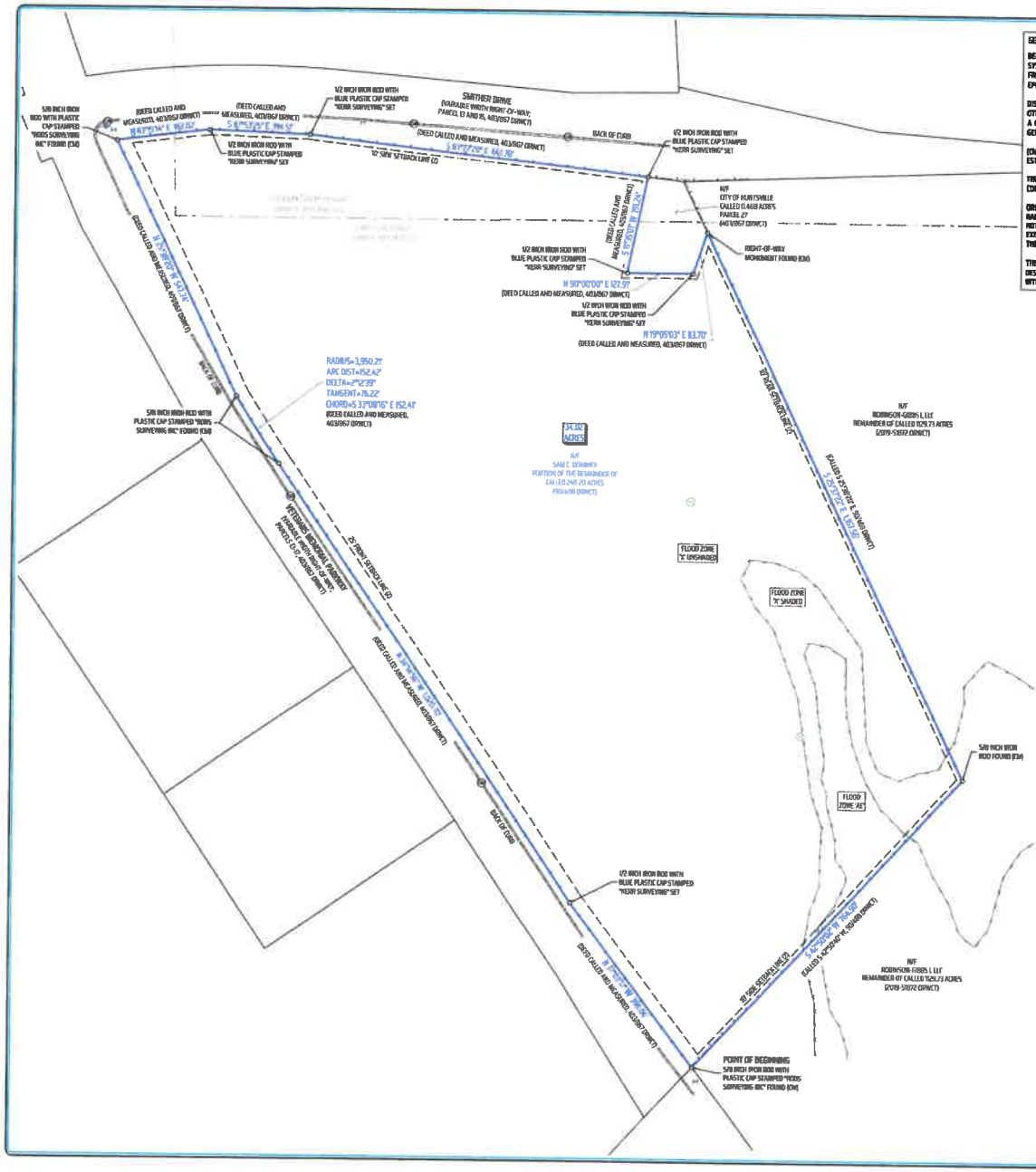
Nathan Paul Kerr
Registered Professional Land Surveyor No. 6834

KERR
SURVEYING

Kerr Surveying, LLC | 409 N. Texas Ave. Bryan, TX 77803

Office: (979) 268-3195 | Web: www.kerrlandsurveying.com

Surveys@kerrsurveying.net | TBPELS Firm No. 10018500



GENERAL NOTES

BEARING SYSTEM SHOWN HEREON IS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (4203), GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION USING THE LEICA SMARTNET NADA1 (NAD2011) EPOCH 2010 MULTI-YEAR CORS SOLUTION 2 (NMYS2).

DISTANCES SHOWN HEREON ARE SURFACE DISTANCES UNLESS OTHERWISE NOTED. TO OBTAIN GRID DISTANCES (NOT AREAS) DIVIDE BY A COMBINED SCALE FACTOR OF 1.00012147009862 (CALCULATED USING GEONETS).

(CM) INDICATES CONTROLLING MONUMENT FOUND AND USED TO ESTABLISH PROPERTY BOUNDARIES.

THIS SURVEY PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. EASEMENTS AND OTHER MATTERS MAY APPLY.

ORIGINAL SURVEY LINES SHOWN HEREON (IF ANY) ARE BASED ON RAILROAD COMMISSION GIS DATA, ARE APPROXIMATE ONLY AND WERE NOT LOCATED ON THE GROUND. THIS SURVEYOR DID NOT DETERMINE THE EXISTENCE OF ANY VACANCY, EXCESS, OR SHORTAGE OF AREA IN ANY OF THE ORIGINAL GRANTS SHOWN HEREON.

THIS PLAT WAS PREPARED IN CONJUNCTION WITH A FIELD NOTES DESCRIPTION (NOTES AND BOUNDS). THE PLAT AND FIELD NOTES ARE INTENDED TO BE ONE INSTRUMENT TOGETHER.

ZONING SETBACK NOTES

ACCORDING TO THE CITY OF HUNTSVILLE ONLINE ZONING MAP REFERENCED ON 06/08/2023, THIS TRACT IS ZONED MANAGEMENT DISTRICT (M) AND IS SUBJECT TO THE FOLLOWING BUILDING SETBACKS (Z) AS SHOWN HEREON:

FRONT SETBACK - 25 FEET
SIDE SETBACK (INTERIOR) - 10 FEET
REAR SETBACK - 10 FEET

FLOOD PLAIN NOTES:

THIS TRACT LIES WITHIN FLOOD ZONE "X" UNSHADED AND "X" SHADED AND "AE" AND DOES PARTIALLY LIE WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO THE 1% ANNUAL CHANCE FLOOD (100 YEAR FLOOD PLAIN) ACCORDING TO THE WALKER COUNTY FLOOD INSURANCE RATE MAP (FIRM) PANEL NO. 48471C0355D, EFFECTIVE DATE: 08-16-2011.

SCALE: 1" = 100'

0 100 200 300 Feet

LEGEND:

DRWCT = DEED RECORDS OF WALKER COUNTY, TEXAS

PRWCT = PLAT RECORDS OF WALKER COUNTY, TEXAS

ORWCT = OFFICIAL RECORDS OF WALKER COUNTY, TEXAS

123/456 = VOLUME AND PAGE FROM PUBLIC COUNTY RECORDS

N/F = NOW OR FORMERLY

( ) = RECORD INFORMATION

FIRE HYDRANT
SANITARY SEWER MANHOLE
STORM SEWER MANHOLE
WATER VALVE
BARBED WIRE FENCE
APPROXIMATE LOCATION OF ORIGINAL SURVEY LINE
APPROXIMATE LOCATION OF FLOOD PLAIN
CONCRETE

SURVEYOR'S CERTIFICATE:

I, NATHAN PAUL KERR, R.P.L.S. NO. 6834, DO HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CATEGORY 1B, CONDITION 3, STANDARD LAND SURVEY AS DONE ON THE GROUND UNDER MY SUPERVISION

6/8/2023

NATHAN PAUL KERR
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6834

NATHAN PAUL KERR 6834 REGISTERED PROFESSIONAL LAND SURVEYOR

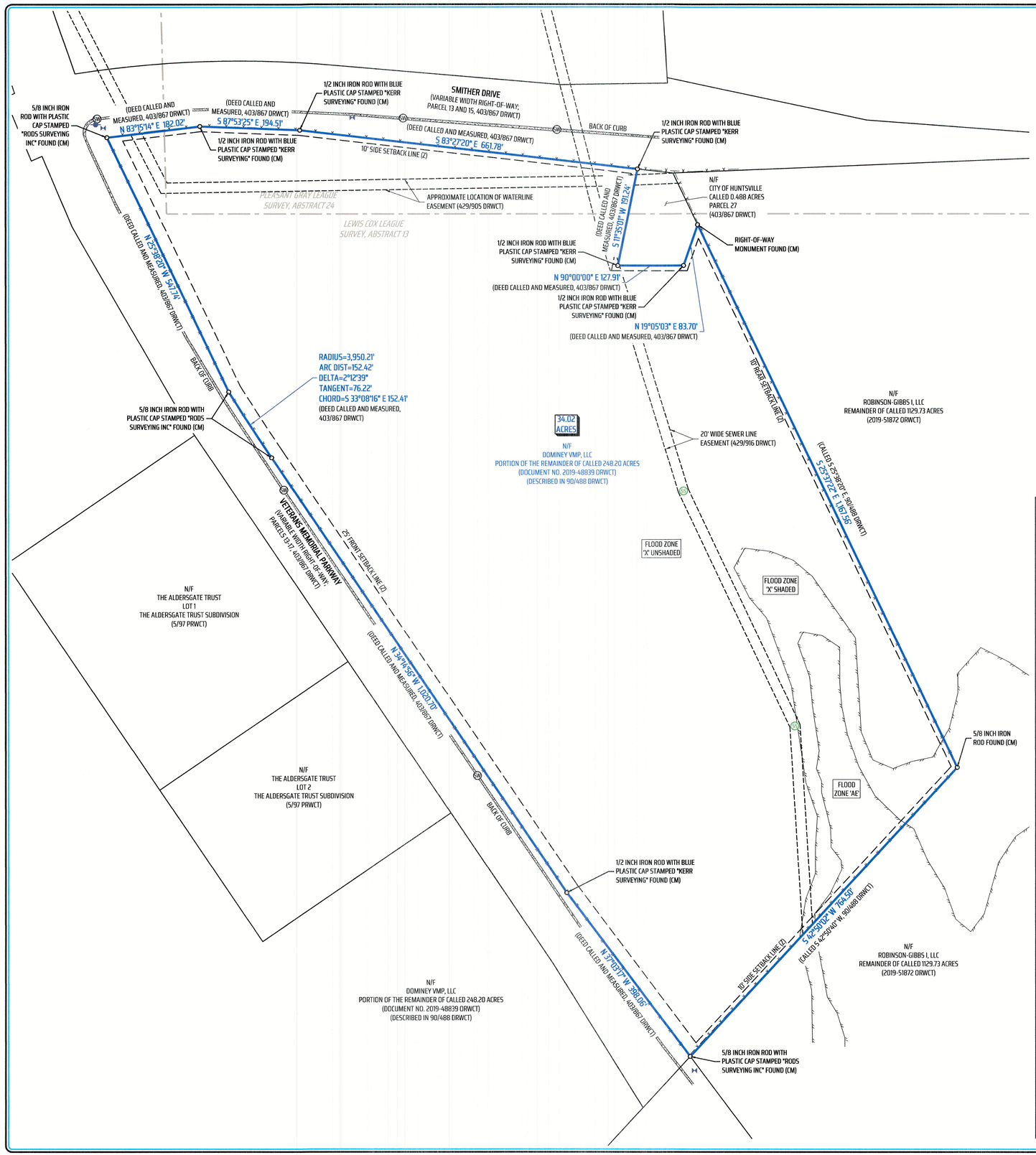
TSPS STANDARD LAND SURVEY PLAT OF A 34.02 ACRE TRACT

BEING A PORTION OF THE REMAINDER OF A CALLED 248.20 ACRES
VOLUME 90, PAGE 488 DRWCT
LEWIS COX LEAGUE SURVEY, ABSTRACT 13
PLEASANT GRAY LEAGUE SURVEY, ABSTRACT 24
HUNTSVILLE, WALKER COUNTY, TEXAS

KERR SURVEYING

"When one person stands to gain over another, the facts must be uncovered"

SCALE: 1 INCH = 100 FEET
SURVEY DATE: 05-31-2023 | PLAT DATE: 06-12-2023
JOB NUMBER: 23-431 | CAD NAME: 23-431-BOUNDARYS
POINT FILE: 23-431-ALL (cont); 23-431 (job)
DRAWN BY: JMS CHECKED BY: NPK
PREPARED BY: KERR SURVEYING, LLC
TBPELS FIRM#10003500
409 N. TEXAS AVENUE, BRYAN, TEXAS 77803
PHONE: (979) 268-3195
SURVEYS@KERRSURVEYING.NET | KERRLANDSURVEYING.COM



ZONING SETBACK NOTES

ACCORDING TO THE CITY OF HUNTSVILLE ONLINE ZONING MAP REFERENCED ON 03/13/2024, THIS TRACT IS ZONED MANAGEMENT DISTRICT (M) AND IS SUBJECT TO THE FOLLOWING BUILDING SETBACKS (Z) AS SHOWN HEREON:

FRONT SETBACK - 25 FEET
SIDE SETBACK (INTERIOR) - 10 FEET
REAR SETBACK - 10 FEET

FLOOD PLAIN NOTES:

THIS TRACT LIES WITHIN FLOOD ZONE 'X' UNSHADED AND 'X' SHADED AND 'AE' AND DOES PARTIALLY LIE WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO THE 1% ANNUAL CHANCE FLOOD (100 YEAR FLOOD PLAIN) ACCORDING TO THE WALKER COUNTY FLOOD INSURANCE RATE MAP (FIRM) PANEL NO. 48471C0355O, EFFECTIVE DATE: 08-16-2011.

N

SCALE: 1" = 100'

0 100 200 300 Feet

LEGEND:

DRWCT = DEED RECORDS OF WALKER COUNTY, TEXAS

PRWCT = PLAT RECORDS OF WALKER COUNTY, TEXAS

ORWCT = OFFICIAL RECORDS OF WALKER COUNTY, TEXAS

123/456 = VOLUME AND PAGE FROM PUBLIC COUNTY RECORDS

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FIRE HYDRANT
SANITARY SEWER MANHOLE
STORM SEWER MANHOLE
WATER VALVE
BARBED WIRE FENCE
APPROXIMATE LOCATION OF ORIGINAL SURVEY LINE
APPROXIMATE LOCATION OF FLOOD PLAIN
CONCRETE

GENERAL NOTES

BEARING SYSTEM SHOWN HEREON IS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (4203), GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION USING THE LEICA SMARTNET NAD83 (NA2011) EPOCH 2010 MULTI-YEAR CORS SOLUTION 2 (MYCS2).

DISTANCES SHOWN HEREON ARE SURFACE DISTANCES UNLESS OTHERWISE NOTED. TO OBTAIN GRID DISTANCES (NOT AREAS) DIVIDE BY A COMBINED SCALE FACTOR OF 1.00012141700982 (CALCULATED USING GEOID12B).

(CM) INDICATES CONTROLLING MONUMENT FOUND AND USED TO ESTABLISH PROPERTY BOUNDARIES.

THIS SURVEY PLAT WAS PREPARED TO REFLECT THE TITLE COMMITMENT ISSUED BY WALKER COUNTY TITLE COMPANY, GF NO. 2024020135, EFFECTIVE DATE: 02/19/2024. ITEMS LISTED ON SCHEDULE B ARE ADDRESSED AS FOLLOWS:

- ITEM 10j: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 61, PAGE 616 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10k: AMERICAN TELEPHONE AND TELEGRAPH COMPANY EASEMENT RECORDED IN VOLUME 131, PAGE 474 (DRWCT) MAY OR MAY NOT AFFECT THIS TRACT. DESCRIPTION OF SUBJECT PROPERTY IS VAGUE.
- ITEM 10l: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 209, PAGE 206 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10m: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 54 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10n: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 56 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10o: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 58 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10p: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 60 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10q: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 64 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10r: GULF STATES UTILITIES COMPANY EASEMENT RECORDED IN VOLUME 210, PAGE 66 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10s: ROADWAY EASEMENT RECORDED IN VOLUME 356, PAGE 297 AND AMENDED IN VOLUME 371, PAGE 667 (DRWCT) DOES NOT CROSS THIS TRACT.
- ITEM 10t: CITY OF HUNTSVILLE UTILITIES EASEMENT RECORDED IN VOLUME 425, PAGE 732 (DRWCT) NOT CROSS THIS TRACT.
- ITEM 10u: CITY OF HUNTSVILLE WATERLINE EASEMENT RECORDED IN VOLUME 429, PAGE 905 (DRWCT) DOES CROSS THIS TRACT AS SHOWN.
- ITEM 10v: CITY OF HUNTSVILLE SANITARY SEWER EASEMENT RECORDED IN VOLUME 429, PAGE 916 (DRWCT) DOES CROSS THIS TRACT AS SHOWN.
- ITEM 10w: CITY OF HUNTSVILLE UTILITY EASEMENT RECORDED IN DOCUMENT NO. 2012-00003561 (ORWCT) NOT CROSS THIS TRACT.
- ITEM 10x: ENTERGY TEXAS INC. EASEMENT RECORDED IN DOCUMENT NO. 2020-55559 (ORWCT) NOT CROSS THIS TRACT.
- ITEM 10y: ENTERGY TEXAS INC. EASEMENT RECORDED IN DOCUMENT NO. 2022-79836 (ORWCT) NOT CROSS THIS TRACT.
- ALL OTHER ITEMS ARE NOT SURVEY ITEMS AND/OR ARE NOT ADDRESSED BY THIS PLAT.

SURVEYOR'S CERTIFICATE:

I, DAVID POWELL BRISTER, R.P.L.S. NO. 6537, DO HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CATEGORY 1A, CONDITION 3, LAND TITLE SURVEY AS MADE ON THE GROUND UNDER MY SUPERVISION.

3-13-24

DAVID POWELL BRISTER
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6537

STATE OF TEXAS
DAVID POWELL BRISTER
6537
PROFESSIONAL LAND SURVEYOR

LAND TITLE SURVEY PLAT
OF A
34.02 ACRE TRACT
BEING A PORTION OF THE REMAINDER OF A CALLED 248.20 ACRES
DESCRIBED IN VOLUME 90, PAGE 488 DRWCT
LEWIS COX LEAGUE SURVEY, ABSTRACT 13
PLEASANT GRAY LEAGUE SURVEY, ABSTRACT 24
HUNTSVILLE, WALKER COUNTY, TEXAS

KERR SURVEYING

"When one person stands to gain over another, the facts must be uncovered"

SCALE: 1 INCH = 100 FEET
SURVEY DATE: 03-06-2024 | PLAT DATE: 03-13-2024
JOB NUMBER: 24-263 | CAD NAME: 24-263-BOUNDARY5
POINT FILE: 23-431-ALL (cont); 23-431 (job)
DRAWN BY: MS CHECKED BY: DB

PREPARED BY: KERR SURVEYING, LLC
TBPELS FIRM#10018500
409 N. TEXAS AVENUE, BRYAN, TEXAS 77803
PHONE: (979) 268-3195
SURVEYS@KERRSURVEYING.NET | KERRLANDSURVEYING.COM

Exhibit B

Consent Conditions

The City Council hereby finds, determines, and declares that it is to the best interests of the City of Huntsville ("City") and of the territory within its City corporate limits and extraterritorial jurisdiction ("ETJ"), that the proponents of any municipal utility district ("District") or any other political subdivision having as one of its purposes the supplying of fresh water for domestic or commercial uses, the furnishing ofsanitary sewer service, or the furnishing of drainage and/or flood control services when such District is sought to be created within the area of the City Limits or ETJ of the City,shall as a prerequisite to the written consent of the City, agree and covenant in writing, to adhere to the following rules, regulations and standards:

(1) Bonds may be issued by the District only for the purpose of purchasing and constructing, or purchasing or constructing, or under contract with the City, or otherwise acquiring waterworks systems, sanitary sewer collection systems, lift stations, and treatment facilities, storm sewer systems and drainage facilities, levee facilities, recreational facilities, roads, fire protection facilities or parts of such systems or facilities, and to make any and all necessary purchases, construction, improvements, extensions, additions and repairs thereto, and to purchase or acquire all necessary lands, rights-of-way, easements, sites, equipment, buildings, plants, structures, and facilities therefore, and maintain same and to sell water, sanitary sewer, and other services within or outside the boundaries of the District. Such bonds of the District shall only be sold after taking public bids therefore. All District bonds shall provide that the District shall reserve the right to redeem said bonds on any interest payment date on a date no later than the fifteenth anniversary of the date of issuance without premium. No bonds, other than refunding bonds, shall be sold at less than ninety-five (95) percent of par, provided that the net effective interest rate on bonds so sold, taking into account any discount or premium as well as the interest rate borne by such bond, will not exceed two (2) percent above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one-month period next preceding the date notice of the sale of such bonds is given, and that bids for the bonds will be received not more than forty- five (45) days after the notice of sale of the bonds is given.

The maximum term of any debt issuance shall be no greater than forty (40) years from the date of issuance. The minimum par amount of any bonds issued, except a final issue, shall be one million dollars ($1,000,000.00). Each issue of bonds shall be structured to achieve either level principal payments or level debt service payments, excludingthe first two (2) years of debt service. Prior to issuance of the

bonds, the District shall submit to the City a copy of the Preliminary Official Statement evidencing a District tax rate (both maintenance and operations rate and interest and sinking rate combined) not to exceed one dollar and fifty cents ($1.50) per one hundred dollars ($100.00) assessed valuation. Each bond issue shall not include more than two (2) years of capitalized interest. The resolution authorizing the issuance of the District's bonds will contain a provision that any pledge of the revenues from the operation of the District's water and sewer and/or drainage system to the payment of the District's bonds will terminate when and if the City annexes the District, takes over the assets of the District, and assumes all of the obligations of the District. No land will be added or annexed to the District until the City has given its written consent by resolution or ordinance of the City Council to such addition or annexation. Refunding bonds shall comply with the City's ordinance on refunding bonds, as it may be amended from time to time.

(2) Before the commencement of any construction within the District, the District or developer developing property located therein will enter into a Development Agreement or Agreement to Construct Public Improvements, as applicable, with the City detailing, among other things, platting requirements, City review and approval of plans and specifications, utility service to the District and billing related thereto, and compliance with regulatory requirements.

(3) The District shall levy a debt service tax no later than the annual tax levy following the first installment of bonds and continue a tax levy until such bonds are paid in full unless revenues of the system are adequate to discharge such bonds.

(4) No bonds or notes of the District shall be issued or sold unless the District is in compliance with Paragraph (1) above and prior to advertisement of the sale of the bonds, the District provides the City with: (i) a copy of the draft notice of sale; (ii) a copy of the draft Resolution to be adopted by the District's Board of Directors authorizing the sale of the bonds; (iii) a copy of the Preliminary Official Statement; and (iv) if applicable, a copy of the TCEQ Order approving the project and bonds. Item (iv) in the preceding sentence shall not be required for the issuance of road bonds. In the event that the District is in compliance with the entirety of these Consent Conditions and timely submits the documentation set forth in this Paragraph 4, no further City approval shall be necessary prior to selling and issuing the bonds. However, should the District seek any variance or modification from these Consent Conditions, the issuance of that series of bonds by the District must be approved by City Council of the City.

(5) The Petitioners shall pay all costs related to the consent and creation of the District.

(6) The District shall post notice of the meetings of its Board of Directors in accordance with Section 49.063 of the Texas Water Code. The District's Board of Directors shall hold its meetings at a location accessible to its residents. At all times after the District has one hundred (100) residential connections, it shall hold the meetings of its Board of Directors at a location within the corporate limits of the City or within the boundaries of the District; provided however, that this geographical limitation shall not apply if the District provides telephone or virtual access to its meetings to all members of the public.

(7) The official office for recordkeeping of the District must be accessible to the District residents.

(8) The District shall comply with all applicable requirements of the TCEQ regarding the display of signage at entrances into the District.

Exhibit "B"

Consent Conditions

The City Council hereby finds, determines, and declares that it is to the best interests of the City of Huntsville ("City") and of the territory within its City corporate limits and extraterritorial jurisdiction ("ETJ"), that the proponents of any municipal utility district ("District") or any other political subdivision having as one of its purposes the supplying of fresh water for domestic or commercial uses, the furnishing ofsanitary sewer service, or the furnishing of drainage and/or flood control services when such District is sought to be created within the area of the City Limits or ETJ of the City,shall as a prerequisite to the written consent of the City, agree and covenant in writing, to adhere to the following rules, regulations and standards:

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(2) Before the commencement of any construction within the District, the District or developer developing property located therein will enter into a Development Agreement or Agreement to Construct Public Improvements, as applicable, with the City detailing, among other things, platting requirements, City review and approval of plans and specifications, utility service to the District and billing related thereto, and compliance with regulatory requirements.

(3) The District shall levy a debt service tax no later than the annual tax levy following the first installment of bonds and continue a tax levy until such bonds are paid in full unless revenues of the system are adequate to discharge such bonds.

(4) No bonds or notes of the District shall be issued or sold unless the District is in compliance with Paragraph (1) above and prior to advertisement of the sale of the bonds, the District provides the City with: (i) a copy of the draft notice of sale; (ii) a copy of the draft Resolution to be adopted by the District's Board of Directors authorizing the sale of the bonds; (iii) a copy of the Preliminary Official Statement; and (iv) if applicable, a copy of the TCEQ Order approving the project and bonds. Item (iv) in the preceding sentence shall not be required for the issuance of road bonds. In the event that the District is in compliance with the entirety of these Consent Conditions and timely submits the documentation set forth in this Paragraph 4, no further City approval shall be necessary prior to selling and issuing the bonds. However, should the District seek any variance or modification from these Consent Conditions, the issuance of that series of bonds by the District must be approved by City Council of the City.

(5) The Petitioners shall pay all costs related to the consent and creation of the District.

(6) The District shall post notice of the meetings of its Board of Directors in accordance with Section 49.063 of the Texas Water Code. The District's Board of Directors shall hold its meetings at a location accessible to its residents. At all times after the District has one hundred (100) residential connections, it shall hold the meetings of its Board of Directors at a location within the corporate limits of the City or within the boundaries of the District; provided however, that this geographical limitation shall not apply if the District provides telephone or virtual access to its meetings to all members of the public.

(7) The official office for recordkeeping of the District must be accessible to the District residents.

(8) The District shall comply with all applicable requirements of the TCEQ regarding the display of signage at entrances into the District.

Exhibit D

Annexation Petition

See attached.

PETITION FOR ANNEXATION
INTO THE CITY OF HUNTSVILLE, TEXAS

THE STATE OF TEXAS §
§
COUNTY OF WALKER §

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

The undersigned, _____, or its successor or assigns ("Petitioner"), acting pursuant to Section 43.0671 of the Texas Local Government Code, together with all amendments and additions thereto, respectfully petitions the Mayor and the City Council of the City of Huntsville, Texas (the "City") to extend the present corporate limits so as to include and annex as part of the City the _____ acres contained within tract of land and described by metes and bounds in **Exhibit A** (the "Land"), which is attached hereto and incorporated herein for all purposes. In support of this petition, the Petitioner would show the following:

1. The Land is comprised of approximately _____ acres and is currently located within the extraterritorial jurisdiction of the City.

2. The Land is described by metes and bounds in **Exhibit A**, which is attached hereto and incorporated herein for all purposes.

3. The Petitioner hereby certifies that it is the sole owner of the Land, and that this Petition is signed and acknowledged by each and every person, corporation or entity that owns the Land or has an ownership interest in any part of the Land. The Petitioner acknowledges the City has offered a development agreement and the Petitioner has entered into a development agreement with the City.

4. This Petition may be recorded in the official real property records of Walker County, Texas, and shall bind the Petitioner's successors and assigns.

5. This Petition is irrevocable while that certain Development Agreement dated effective _____ by and between the City of Huntsville and Petitioner is in effect as to the Land.

Respectfully submitted this _____ day of _____, 202____.

{SIGNATURE PAGE FOLLOWS.}

[Signature Page for the Petitioner to be Included, as Applicable]

EXHIBIT A
THE LAND

CITY COUNCIL AGENDA
4/15/2025

Agenda Item Number: 2.b.

Agenda Item: Consider adopting Resolution No. 2025-13 Authorizing Proceeding with Issuance of Combination Tax and Revenue Certificates of Obligation and Publication of Notice of Intention to Issue Such Certificates of Obligation for, Series 2025 for Stormwater Capital Improvement Projects.

Initiating Department/Presenter: Finance

Presenter:
Lance Hall, Assistant Finance Director

Recommended Motion: Move to adopt Resolution No. 2025-13 Authorizing Proceeding with Issuance of Combination Tax and Revenue Certificates of Obligation and Publication of Notice of Intention to Issue Such Certificates of Obligation and Other matters related to Thereto for, Series 2025 for Stormwater Capital Improvement Projects.

Strategic Initiative: Strategic Priority #4, Infrastructure - Develop and maintain a comprehensive and well-planned infrastructure network that prepares for the challenges of the future and provides quality, modern and efficient, water, wastewater, drainage and transportation services.

Discussion: We have engaged in numerous discussions with the Finance Committee and the City Council concerning our substantial requirements for Stormwater Drainage Capital Improvement Projects. The initial funding estimates exceeded $75 million; however, through careful prioritization by our staff, this amount has been reduced to $15 million.
We seek authorization to issue Combination Tax and Revenue Certificates of Obligation, which will be paid through the newly implemented Stormwater Utility Fee, to finance these capital improvement projects.
Timeline
15-Apr-25 Tuesday City Council meeting to authorize publication of Notice of Intent
17-Apr-25 Thursday 1st Notice of Intent published for updates and comments
24-Apr-25 Thursday 2nd Notice of Intent published
30-Apr-25 Wednesday Hilltop Securities requests information for preparation of the Official Statement
7-May-25 Wednesday Hilltop Securities receives the requested information.
Hilltop Securities begins preparation of the Official Statement
14-May-25 Wednesday Draft Official Statement distributed to the working group
21-May-25 Wednesday Hilltop Securities receives comments on Official Statement
26-May-25 Monday Distribute POS to Rating Agency
Jun-25 Rating Meetings
20-Jun-25 Friday Receive Rating
23-Jun-25 Monday Electronically mail Official Statement to Potential Purchasers
1-Jul-25 Tuesday Pricing
1-Jul-25 Tuesday City Council passes Ordinance authorizing the issuance of the Certificates
31-Jul-25 Thursday Certificate Closing and Delivery of Funds to the City

Previous Council Action: At its April 1, 2025 meeting, the Council approved authorizing the City Manager and staff to move forward with the Issuance of Combination Tax and Revenue Certificates of Obligation and Publication of Notice of Intention to issue such certificates of Obligation and other matters related to Thereto for Series 2025 for Stormwater Capital Improvement Projects.

Financial Implications: According to the calculations conducted by Hilltop, the assumed interest rate is approximately 5% over a 30-year period. The annual debt service for the $15 million of debt issued is estimated to be around $900,000. We project that the total revenue from the Stormwater Utility fee will be approximately $1.4 million, of which around $1 million will be designated for debt service obligations. The Debt service would be fully covered by the Stormwater Utility Fee Revenue.

Approvals:
Sam Masiel
Leonard Schneider
Scott Swigert
Kristy Doll

Associated Information:
1. Resolution 2025-13 Notice of Intent to Issue 04.03.2025
2. Huntsville Rev Bds Series 25 CO Timetable
3. 25 Huntsville CO Prelim 3.31.25 (1)

RESOLUTION NO. 2025-13

RESOLUTION AUTHORIZING PROCEEDING WITH ISSUANCE OF THE CITY OF HUNTSVILLE, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION AND FURTHER DIRECTING THE PUBLICATION OF NOTICE OF INTENTION TO ISSUE SUCH CERTIFICATES OF OBLIGATION; AND OTHER MATTERS RELATED THERETO

THE STATE OF TEXAS '
COUNTY OF WALKER '
CITY OF HUNTSVILLE '

WHEREAS, the City Council of the City of Huntsville, Texas (the "City") finds that the payment in whole or in part of contractual obligations incurred or to be incurred for the purposes set forth in Exhibit "A" attached hereto (the "Contractual Obligations") would be beneficial to the inhabitants of the City and are needed to perform essential City functions; and

WHEREAS, the Council has deemed it advisable to give notice of intention to issue certificates of obligation in a maximum principal amount not to exceed $15,500,000 (the "Certificates") pursuant to the provisions of the Certificate of Obligation Act of 1971, Section 271.041 et seq., Local Government Code (the "Act") for the purpose of financing the Contractual Obligations; and

WHEREAS, prior to the issuance of the Certificates, the City is required under the Act to publish notice of its intention to issue the Certificates in a newspaper of general circulation in the City and on the City's website, the notice stating: (i) the time and place tentatively set for the passage of the ordinance authorizing the issuance of the Certificates, (ii) the maximum amount and purpose of the Certificates to be authorized, and (iii) the manner in which the Certificates will be paid; and

WHEREAS, the meeting at which this Resolution is adopted was open to the public and public notice of the time, place and purpose of the meeting was given, all as required by Chapter 551, Texas Government Code, as amended.

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

1. Attached hereto as Exhibit "A" is a form of the Notice of Intention (the "Notice") to issue the Certificates, the form and substance of which is hereby adopted and approved.

2. Bond Counsel to the City shall cause the Notice to be published in substantially the form attached hereto, in a newspaper of general circulation in the City, once a week for two consecutive weeks, the date of the first publication to be at least 46 days prior to the time set for the final passage of the ordinance authorizing issuance of the Certificates as shown in the notice. The Director of Finance to the City shall cause the Notice to be published on the City's website at

least 46 days prior to the time set for the final passage of the ordinance authorizing issuance of the Certificates and continuously until the final passage of the ordinance authorizing issuance of the Certificates.

3. The Director of Finance, Financial Advisor and Bond Counsel to the City are authorized to proceed with preparing the necessary bond and offering documents to effectuate the sale of the Certificates, including making application to appropriate rating agencies and bond insurers, if applicable.

4. This Resolution shall become effective immediately upon adoption. The Mayor and City Secretary are hereby authorized and directed to execute the certificate to which this Resolution is attached on behalf of the City and the Mayor, City Secretary and City Manager are further authorized to do any and all things proper and necessary to carry out the intent of this Resolution.

5. The City hereby authorizes the disbursement of a fee equal to the lesser of (i) one-tenth of one percent of the principal amount of the Certificates being issued or (ii) $9,500 per series, provided that such fee shall not be less than $750, to the Attorney General of Texas Public Finance Division for payment of the examination fee charged by the State of Texas for the Attorney General's review and approval of public securities and credit agreements, as required by Section 1202.004 of the Texas Government Code. The appropriate member of the City's staff is hereby instructed to take the necessary measures to make this payment. The City is also authorized to reimburse the appropriate City funds for such payment from proceeds of the Certificates.

RESOLVED this _15th_ day of _April_, 2025.

ATTEST:

CITY OF HUNTSVILLE, TEXAS

_____
Kristy Doll, City Secretary

_____
Russell Humphrey, Mayor

APPROVED AS TO FORM:

_____
Leonard Schneider, City Attorney

[Signature Page]

EXHIBIT "A"

NOTICE OF INTENTION REGARDING THE ISSUANCE OF THE CITY OF HUNTSVILLE, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that it is the intention of the City Council of the City of Huntsville, Texas, to issue interest bearing certificates of obligation of the City entitled "City of Huntsville, Texas Combination Tax and Revenue Certificates of Obligation" (the "Certificates") for the purpose of paying contractual obligations incurred or to be incurred by the City for: (1) planning, acquisition, design and construction of certain drainage and flood control improvements, including acquisition of land or interests in land; and (2) professional services including fiscal, engineering, architectural and legal fees and other such costs incurred in connection therewith including the costs of issuing the Certificates. The City Council tentatively proposes to consider for first and final reading at a meeting to commence at 6:00 p.m. on the 1st day of July, 2025 at the Council Chambers, 448 Highway 75 N, Huntsville, TX 77320, the passage of an ordinance authorizing the issuance of the Certificates. The maximum amount of the Certificates that may be authorized for such purpose is $15,500,000. The City Council presently proposes to provide for the payment of such Certificates from the levy and collection of ad valorem taxes in the City as provided by law and from the surplus revenues of the City's utility system in an amount not to exceed $1,000, remaining after payment of all operation and maintenance expenses thereof, and all debt service, reserve and other requirements in connection with all of the City's revenue bonds or other obligations (now or hereafter outstanding) which are payable from all or any part of the net revenues of the City's utility system.

The following information is required pursuant to Texas Local Government Code, Section 271.049(b)(4): As of April 15, 2025, principal of all outstanding debt obligations of the City is $43,430,000. As of April 15, 2025, combined principal and interest required to pay all outstanding debt obligations of the City on time and in full is $59,138,152. The maximum principal amount of the Certificates to be authorized is $15,500,000. The estimated combined principal and interest required to pay the Certificates to be authorized on time and in full is $28,506,038. The maximum interest rate for the Certificates may not exceed the maximum legal interest rate. The maximum maturity date of the Certificates to be authorized is February 15, 2055.

CITY OF HUNTSVILLE, TEXAS

City of Huntsville, Texas

Combination Tax & Revenue Certificates of Obligation, Series 2025

3/26/2025

Preliminary Schedule of Events

Apr-24						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

May-25						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Jun-25						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Jul-25						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Completed By	Day	Event
15-Apr-25	**Tuesday**	**City Council meeting to authorize publication of Notice of Intent**
17-Apr-25	**Thursday**	**1st Notice of Intent published for updates and comments**
24-Apr-25	**Thursday**	**2nd Notice of Intent published**
30-Apr-25	Wednesday	HilltopSecurities requests information for preparation of the Official Statement
7-May-25	Wednesday	HilltopSecurities receives requested information. HilltopSecurities begins preparation of the Official Statement
14-May-25	Wednesday	Draft Official Statement distributed to the working group
21-May-25	Wednesday	HilltopSecurities receives comments on Official Statement
26-May-25	Monday	Distribute POS to Rating Agency
Week of June 2nd - 6th		Rating Meetings
20-Jun-25	Friday	Receive Rating
23-Jun-25	Monday	Electronically mail Official Statement to Potential Purchasers
1-Jul-25	Tuesday	Pricing
1-Jul-25	**Tuesday**	**City Council passes Ordinance authorizing issuance of the Certificates**
31-Jul-25	Thursday	Certificate Closing and Delivery of Funds to the City

Prepared by: HilltopSecurities

Bold Indicates Council or Staff action

SOURCES AND USES OF FUNDS

City of Huntsville, TX
Certificates of Obligation, Series 2025
Assumes Interest Rates as of 3/31/25 + 20bps
Drainage Project

Dated Date	07/03/2025
Delivery Date	07/03/2025

Sources:	
Bond Proceeds:	
Par Amount	14,685,000.00
Premium	568,344.20
	15,253,344.20

Uses:	
Project Fund Deposits:	
Project Fund	15,000,000.00
Delivery Date Expenses:	
Cost of Issuance	150,549.20
Underwriter's Discount	102,795.00
	253,344.20
	15,253,344.20

BOND DEBT SERVICE

City of Huntsville, TX
Certificates of Obligation, Series 2025
Assumes Interest Rates as of 3/31/25 + 20bps
Drainage Project

Period Ending	Principal	Coupon	Interest	Debt Service
09/30/2026	135,000	5.000%	816,537.50	951,537.50
09/30/2027	230,000	5.000%	721,750.00	951,750.00
09/30/2028	240,000	5.000%	710,000.00	950,000.00
09/30/2029	255,000	5.000%	697,625.00	952,625.00
09/30/2030	265,000	5.000%	684,625.00	949,625.00
09/30/2031	280,000	5.000%	671,000.00	951,000.00
09/30/2032	295,000	5.000%	656,625.00	951,625.00
09/30/2033	310,000	5.000%	641,500.00	951,500.00
09/30/2034	325,000	5.000%	625,625.00	950,625.00
09/30/2035	340,000	5.000%	609,000.00	949,000.00
09/30/2036	360,000	5.000%	591,500.00	951,500.00
09/30/2037	375,000	5.000%	573,125.00	948,125.00
09/30/2038	395,000	5.000%	553,875.00	948,875.00
09/30/2039	415,000	5.000%	533,625.00	948,625.00
09/30/2040	440,000	5.000%	512,250.00	952,250.00
09/30/2041	460,000	5.000%	489,750.00	949,750.00
09/30/2042	485,000	5.000%	466,125.00	951,125.00
09/30/2043	510,000	5.000%	441,250.00	951,250.00
09/30/2044	535,000	5.000%	415,125.00	950,125.00
09/30/2045	560,000	5.000%	387,750.00	947,750.00
09/30/2046	590,000	5.000%	359,000.00	949,000.00
09/30/2047	620,000	5.000%	328,750.00	948,750.00
09/30/2048	655,000	5.000%	296,875.00	951,875.00
09/30/2049	685,000	5.000%	263,375.00	948,375.00
09/30/2050	720,000	5.000%	228,250.00	948,250.00
09/30/2051	760,000	5.000%	191,250.00	951,250.00
09/30/2052	800,000	5.000%	152,250.00	952,250.00
09/30/2053	840,000	5.000%	111,250.00	951,250.00
09/30/2054	880,000	5.000%	68,250.00	948,250.00
09/30/2055	925,000	5.000%	23,125.00	948,125.00
	14,685,000		13,821,037.50	28,506,037.50

BOND DEBT SERVICE

City of Huntsville, TX
Certificates of Obligation, Series 2025
Assumes Interest Rates as of 3/31/25 + 20bps
Drainage Project

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
02/15/2026	135,000	5.000%	452,787.50	587,787.50	
08/15/2026			363,750.00	363,750.00	
09/30/2026					951,537.50
02/15/2027	230,000	5.000%	363,750.00	593,750.00	
08/15/2027			358,000.00	358,000.00	
09/30/2027					951,750.00
02/15/2028	240,000	5.000%	358,000.00	598,000.00	
08/15/2028			352,000.00	352,000.00	
09/30/2028					950,000.00
02/15/2029	255,000	5.000%	352,000.00	607,000.00	
08/15/2029			345,625.00	345,625.00	
09/30/2029					952,625.00
02/15/2030	265,000	5.000%	345,625.00	610,625.00	
08/15/2030			339,000.00	339,000.00	
09/30/2030					949,625.00
02/15/2031	280,000	5.000%	339,000.00	619,000.00	
08/15/2031			332,000.00	332,000.00	
09/30/2031					951,000.00
02/15/2032	295,000	5.000%	332,000.00	627,000.00	
08/15/2032			324,625.00	324,625.00	
09/30/2032					951,625.00
02/15/2033	310,000	5.000%	324,625.00	634,625.00	
08/15/2033			316,875.00	316,875.00	
09/30/2033					951,500.00
02/15/2034	325,000	5.000%	316,875.00	641,875.00	
08/15/2034			308,750.00	308,750.00	
09/30/2034					950,625.00
02/15/2035	340,000	5.000%	308,750.00	648,750.00	
08/15/2035			300,250.00	300,250.00	
09/30/2035					949,000.00
02/15/2036	360,000	5.000%	300,250.00	660,250.00	
08/15/2036			291,250.00	291,250.00	
09/30/2036					951,500.00
02/15/2037	375,000	5.000%	291,250.00	666,250.00	
08/15/2037			281,875.00	281,875.00	
09/30/2037					948,125.00
02/15/2038	395,000	5.000%	281,875.00	676,875.00	
08/15/2038			272,000.00	272,000.00	
09/30/2038					948,875.00
02/15/2039	415,000	5.000%	272,000.00	687,000.00	
08/15/2039			261,625.00	261,625.00	
09/30/2039					948,625.00
02/15/2040	440,000	5.000%	261,625.00	701,625.00	
08/15/2040			250,625.00	250,625.00	
09/30/2040					952,250.00
02/15/2041	460,000	5.000%	250,625.00	710,625.00	
08/15/2041			239,125.00	239,125.00	
09/30/2041					949,750.00
02/15/2042	485,000	5.000%	239,125.00	724,125.00	
08/15/2042			227,000.00	227,000.00	
09/30/2042					951,125.00
02/15/2043	510,000	5.000%	227,000.00	737,000.00	
08/15/2043			214,250.00	214,250.00	
09/30/2043					951,250.00
02/15/2044	535,000	5.000%	214,250.00	749,250.00	
08/15/2044			200,875.00	200,875.00	
09/30/2044					950,125.00
02/15/2045	560,000	5.000%	200,875.00	760,875.00	
08/15/2045			186,875.00	186,875.00	
09/30/2045					947,750.00
02/15/2046	590,000	5.000%	186,875.00	776,875.00	
08/15/2046			172,125.00	172,125.00	
09/30/2046					949,000.00
02/15/2047	620,000	5.000%	172,125.00	792,125.00	
08/15/2047			156,625.00	156,625.00	
09/30/2047					948,750.00
02/15/2048	655,000	5.000%	156,625.00	811,625.00	
08/15/2048			140,250.00	140,250.00	
09/30/2048					951,875.00
02/15/2049	685,000	5.000%	140,250.00	825,250.00	
08/15/2049			123,125.00	123,125.00	
09/30/2049					948,375.00
02/15/2050	720,000	5.000%	123,125.00	843,125.00	
08/15/2050			105,125.00	105,125.00	
09/30/2050					948,250.00
02/15/2051	760,000	5.000%	105,125.00	865,125.00	
08/15/2051			86,125.00	86,125.00	
09/30/2051					951,250.00
02/15/2052	800,000	5.000%	86,125.00	886,125.00	
08/15/2052			66,125.00	66,125.00	

BOND DEBT SERVICE

City of Huntsville, TX
Certificates of Obligation, Series 2025
Assumes Interest Rates as of 3/31/25 + 20bps
Drainage Project

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
09/30/2052					952,250.00
02/15/2053	840,000	5.000%	66,125.00	906,125.00	
08/15/2053			45,125.00	45,125.00	
09/30/2053					951,250.00
02/15/2054	880,000	5.000%	45,125.00	925,125.00	
08/15/2054			23,125.00	23,125.00	
09/30/2054					948,250.00
02/15/2055	925,000	5.000%	23,125.00	948,125.00	
09/30/2055					948,125.00
	14,685,000		13,821,037.50	28,506,037.50	28,506,037.50

BOND PRICING

City of Huntsville, TX
Certificates of Obligation, Series 2025
Assumes Interest Rates as of 3/31/25 + 20bps
Drainage Project

Bond Component	Maturity Date	Amount	Rate	Yield	Price		Yield to Maturity	Call Date	Call Price	Premium (-Discount)
Bond Component:										
	02/15/2026	135,000	5.000%	3.000%	101.209					1,632.15
	02/15/2027	230,000	5.000%	3.100%	102.970					6,831.00
	02/15/2028	240,000	5.000%	3.150%	104.608					11,059.20
	02/15/2029	255,000	5.000%	3.230%	105.992					15,279.60
	02/15/2030	265,000	5.000%	3.330%	107.088					18,783.20
	02/15/2031	280,000	5.000%	3.400%	108.114					22,719.20
	02/15/2032	295,000	5.000%	3.480%	108.910					26,284.50
	02/15/2033	310,000	5.000%	3.570%	109.459					29,322.90
	02/15/2034	325,000	5.000%	3.680%	109.667					31,417.75
	02/15/2035	340,000	5.000%	3.770%	108.973	C	3.873%	02/15/2034	100.000	30,508.20
	02/15/2036	360,000	5.000%	3.840%	108.437	C	4.016%	02/15/2034	100.000	30,373.20
	02/15/2037	375,000	5.000%	3.910%	107.904	C	4.136%	02/15/2034	100.000	29,640.00
	02/15/2038	395,000	5.000%	3.970%	107.450	C	4.231%	02/15/2034	100.000	29,427.50
	02/15/2039	415,000	5.000%	4.050%	106.847	C	4.329%	02/15/2034	100.000	28,415.05
	02/15/2040	440,000	5.000%	4.150%	106.100	C	4.428%	02/15/2034	100.000	26,840.00
	02/15/2041	460,000	5.000%	4.260%	105.285	C	4.524%	02/15/2034	100.000	24,311.00
	02/15/2042	485,000	5.000%	4.360%	104.551	C	4.605%	02/15/2034	100.000	22,072.35
	02/15/2043	510,000	5.000%	4.460%	103.823	C	4.679%	02/15/2034	100.000	19,497.30
	02/15/2044	535,000	5.000%	4.540%	103.245	C	4.735%	02/15/2034	100.000	17,360.75
	02/15/2045	560,000	5.000%	4.600%	102.814	C	4.777%	02/15/2034	100.000	15,758.40
		7,210,000								437,533.25
Term Bond:										
	02/15/2046	590,000	5.000%	4.710%	102.029	C	4.857%	02/15/2034	100.000	11,971.10
	02/15/2047	620,000	5.000%	4.710%	102.029	C	4.857%	02/15/2034	100.000	12,579.80
	02/15/2048	655,000	5.000%	4.710%	102.029	C	4.857%	02/15/2034	100.000	13,289.95
	02/15/2049	685,000	5.000%	4.710%	102.029	C	4.857%	02/15/2034	100.000	13,898.65
	02/15/2050	720,000	5.000%	4.710%	102.029	C	4.857%	02/15/2034	100.000	14,608.80
		3,270,000								66,348.30
Serial Bond:										
	02/15/2051	760,000	5.000%	4.780%	101.533	C	4.894%	02/15/2034	100.000	11,650.80
	02/15/2052	800,000	5.000%	4.780%	101.533	C	4.896%	02/15/2034	100.000	12,264.00
	02/15/2053	840,000	5.000%	4.780%	101.533	C	4.898%	02/15/2034	100.000	12,877.20
	02/15/2054	880,000	5.000%	4.780%	101.533	C	4.899%	02/15/2034	100.000	13,490.40
	02/15/2055	925,000	5.000%	4.780%	101.533	C	4.901%	02/15/2034	100.000	14,180.25
		4,205,000								64,462.65
		14,685,000								568,344.20

Dated Date	07/03/2025	
Delivery Date	07/03/2025	
First Coupon	02/15/2026	
Par Amount	14,685,000.00	
Premium	568,344.20	
Production	15,253,344.20	103.870236%
Underwriter's Discount	-102,795.00	-0.700000%
Purchase Price	15,150,549.20	103.170236%
Accrued Interest		
Net Proceeds	15,150,549.20	

BOND SUMMARY STATISTICS

City of Huntsville, TX
Certificates of Obligation, Series 2025
Assumes Interest Rates as of 3/31/25 + 20bps
Drainage Project

Dated Date	07/03/2025
Delivery Date	07/03/2025
First Coupon	02/15/2026
Last Maturity	02/15/2055
Arbitrage Yield	4.572987%
True Interest Cost (TIC)	4.728001%
Net Interest Cost (NIC)	4.831580%
All-In TIC	4.814309%
Average Coupon	5.000000%
Average Life (years)	18.823
Weighted Average Maturity (years)	18.653
Duration of Issue (years)	11.875
Par Amount	14,685,000.00
Bond Proceeds	15,253,344.20
Total Interest	13,821,037.50
Net Interest	13,355,488.30
Bond Years from Dated Date	276,420,750.00
Bond Years from Delivery Date	276,420,750.00
Total Debt Service	28,506,037.50
Maximum Annual Debt Service	952,625.00
Average Annual Debt Service	962,499.86
Underwriter's Fees (per $1000)	
Average Takedown	
Other Fee	7.000000
Total Underwriter's Discount	7.000000
Bid Price	103.170236

Bond Component	Par Value	Price	Average Coupon	Average Life	Average Maturity Date	Duration	PV of 1 bp change
Bond Component	7,210,000.00	106.068	5.000%	11.873	05/17/2037	8.863	4,716.75
Term Bond	3,270,000.00	102.029	5.000%	22.716	03/21/2048	13.906	2,321.70
Serial Bond	4,205,000.00	101.533	5.000%	27.714	03/20/2053	15.371	2,943.50
	14,685,000.00			18.823			9,981.95

	TIC	All-In TIC	Arbitrage Yield
Par Value	14,685,000.00	14,685,000.00	14,685,000.00
+ Accrued Interest			
+ Premium (Discount)	568,344.20	568,344.20	568,344.20
- Underwriter's Discount	-102,795.00	-102,795.00	
- Cost of Issuance Expense		-150,549.20	
- Other Amounts			
Target Value	15,150,549.20	15,000,000.00	15,253,344.20
Target Date	07/03/2025	07/03/2025	07/03/2025
Yield	4.728001%	4.814309%	4.572987%

CITY COUNCIL AGENDA
4/15/2025

Agenda Item Number: 6.a.

Agenda Item: City Council will convene in closed session as authorized by Texas Government Code, Chapter 551, Section 551.087 for deliberation regarding economic development negotiations - Project Blondie.

Initiating Department/Presenter: Economic Development

Presenter:
Tammy Gann, Director of Economic Development

Recommended Motion:

Strategic Initiative:

Discussion:

Previous Council Action:

Financial Implications:

Approvals:
Leonard Schneider
Sam Masiel
Scott Swigert
Kristy Doll

Associated Information: