

CREDIT AGREEMENT FOR ROADWAY IMPACT FEES

This CREDIT AGREEMENT FOR ROADWAY IMPACT FEES (the “Agreement”) is made and entered into by and between the CITY OF PFLUGERVILLE, Texas (the “City”), a Texas municipal corporation, and H-E-B, L.P., a Texas limited partnership (the “Developer”) on this the 24th day of January, 2023. The City and the Developer may be referred to individually as a “Party” or collectively as the “Parties” herein.

WHEREAS the Developer submitted (i) an application for platting the East Pflugerville Parkway Commercial Center Subdivision (the “Plat”) and (ii) plans for the construction of Public Infrastructure Construction Plans for East Pflugerville Parkway Commercial Center (the “Development”); and

WHEREAS the Plat is subject to the requirement that a section of Colorado Sand Drive & Utah Sands Drive abutting to the Plat and identified on the City’s Transportation Master Plan (“TMP”), attached hereto as Exhibit A, as an 80’ right-of-way street and 60’ right-of-way street, respectively, (i) be dedicated as right-of-way to the City for public use, and (ii) be constructed to City of Pflugerville specifications including the roadway, curbs and gutters, sidewalks, street trees, street lighting, and other appurtenances (collectively, the “Roadway Improvements”); and

WHEREAS the Plat was approved by the City’s Planning and Zoning Commission subject to no conditions and was recorded on _____ which is included as Exhibit B; and

WHEREAS the City has adopted a roadway impact fees (“RIFs”) program via Ordinance 1470-20-11-24 (the “Ordinance”) on November 24, 2020, requirements for which are codified as Chapter 152 of the City Unified Development Code, for which provisions, requirements, and procedures are established in Chapter 395, Texas Local Government Code for the adoption of Land Use Assumptions, Roadway Impact Fee Capital Improvements Plan, and RIFs; and

WHEREAS the Ordinance requires, upon the issuance of a building permit, payment of RIFs for Roadway Service Area C, as detailed in Figure 1 for the Development constructed within the Plat, attached hereto as Exhibit C; and

WHEREAS the Ordinance authorizes the City to enter into a credit agreement with an owner/developer of a tract of land which memorializes the Credits for the dedication, construction, and/or financing of capital improvements;

WHEREAS the owner/developer of a tract of land may be entitled to and can apply for offsets against RIFs due (“Credits”) for the costs of roadway capital improvements and/or the dedication of roadway facilities included in the TMP except for right-of-way dedication costs ; and

WHEREAS the cost of constructing the Roadway Improvements according to City specifications is \$1,933,438.00 dollars (the “Construction Cost”) as , as more precisely set forth in Exhibit D attached hereto; and

WHEREAS the total amount of RIFs due by the Developer associated with the Development (“Collectible RIFs”) is \$3,250,564.95 dollars based on RIFs currently in effect, as approved by the City Engineer and shown on the City’s Roadway Impact Fee Estimator Worksheet attached hereto and incorporated herein as Exhibit E; and

WHEREAS the total amount of RIFs applicable to the Development collected by the City from the Developer through the date of January 24, 2023, is 0 dollars (“Collectible RIFS Paid”); and

WHEREAS the total amount of RIFS due by the Developer to the City as of the date of January 24, 2023, is \$1,317,126.95 (“Collectible RIFS Due”)

WHEREAS the City Engineer has reviewed and approved the Construction Cost amount. The Developer has petitioned the City for Credits against Collectible RIFs owed for the eligible Construction Costs, which include all items in Exhibit D, excluding public water, public sanitary, and ROW dedication items; and

WHEREAS, the Developer has posted a letter of credit requiring completion and acceptance by the City of all Roadway Improvements, attached hereto as Exhibit F;

WHEREAS the City desires to offset the eligible Construction Cost against the Collectible RIFS Due upon the construction, dedication to the City, and acceptance by the City of the Roadway Improvements.

NOW, THEREFORE, as of the Effective Date of this Agreement, the Parties agree as follows:

1. The recitals above are accurate and fully incorporated into this Agreement.
2. The Developer shall construct the Roadway Improvements consistent with all applicable codes and agreements with the City and shall dedicate such Roadway Improvements to the City, along with 3.85 acres of right-of-way as detailed in Exhibit C.
3. Per the Ordinance and this Agreement, the Developer is entitled to Credits totaling the eligible Construction Costs to be applied against the Collectible RIFS. If eligible Construction Costs exceed Collectible RIFS, the Credits will only be applied up to the amount of the Collectible RIFS. In no event will Credits be applied in excess of the amount of the Collectible RIFS. The Credits shall be applied against the balance of the Collectible RIFS when due and payable, per the Ordinance, and Developer will only responsible for paying the amount of the Collectible RIFS less the amount of the Credits.

EXECUTED to be effective the day and year first above written.

CITY:

City of Pflugerville,
a Texas municipal corporation

By: _____
Name: _____
Title: _____

[Additional Signature Page to Follow]

DEVELOPER:

By:

H-E-B, L.P.
A Texas Limited Partnership

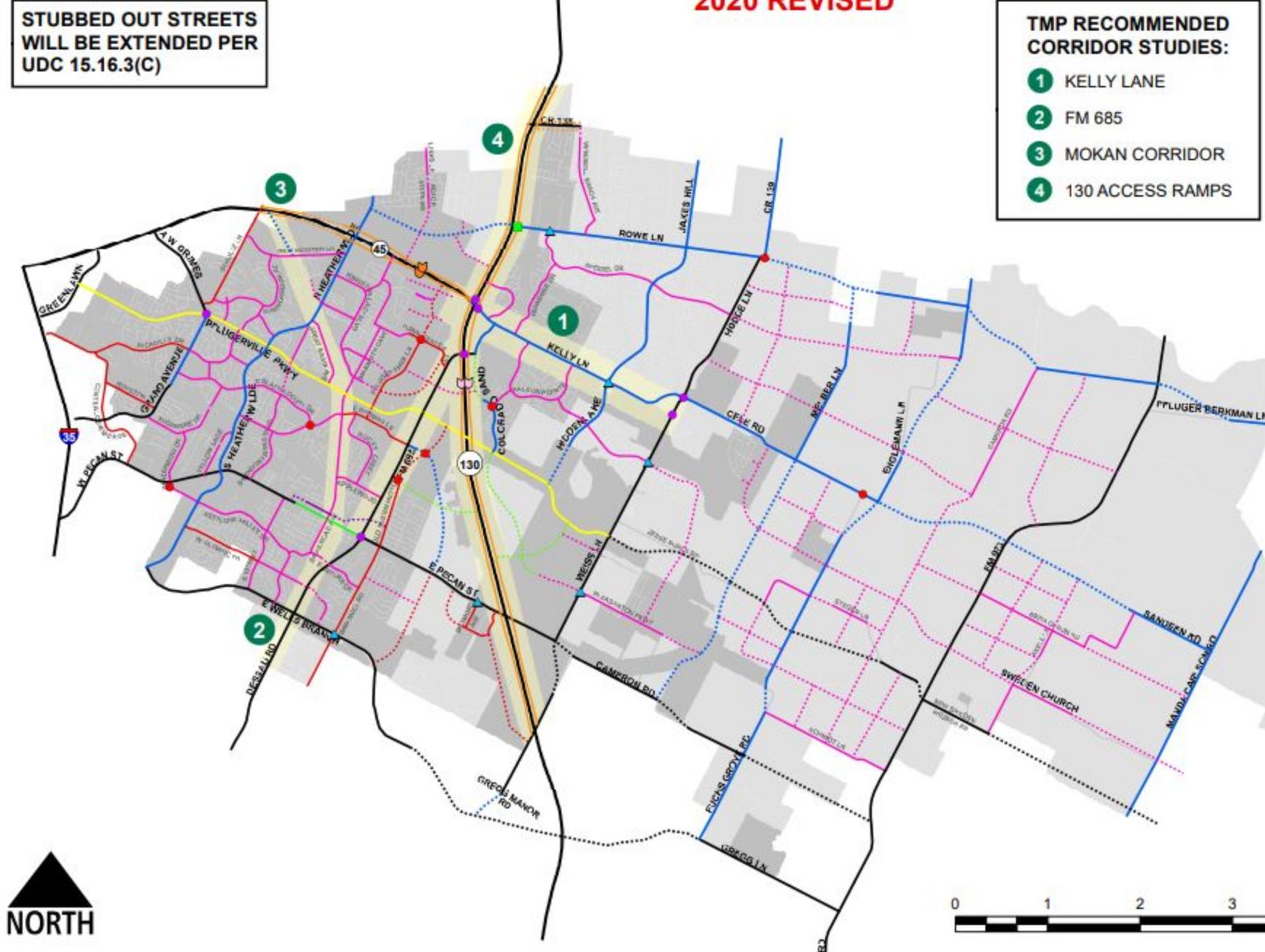
By: _____
Name: _____
Title: _____

Exhibit "A"

2019 TRANSPORTATION MASTER PLAN

2019 TRANSPORTATION MASTER PLAN MAP

2020 REVISED



FUNCTIONAL CLASSIFICATION

Functional classifications indicate the nature of roadways in a transportation network. Each functional class balances mobility and access differently, based on the context of the adjacent land uses and capacity needs for the system.

The functional classification of a roadway is based on the amount of demand anticipated for the link in the system. Local and collector roads typically have a higher demand for access to residences, businesses, or civic land uses adjacent to the roadway. Arterials typically have a higher demand for vehicle throughput, with some access needs, but usually at greater distances and intervals between points of access to limit conflicts. Highways or freeways are predominantly access controlled due to being regional connections between Pflugerville and surrounding communities. Highways and freeways are not described in detail, as they are controlled by other agencies.



LOCAL STREETS

Local streets generally serve exclusively residential land uses, with a few exceptions serving small retail or mixed-use developments. These streets are intended to provide access to land and operate at low speeds, providing access to higher classification streets. When parking is allowed on these facilities, vehicles yield to one another to pass.



MINOR COLLECTORS

Minor collectors serve as the spine roads of neighborhoods and connect residences to the rest of the transportation system. These streets provide some access to local retail, business, and community services and are ideal for pedestrian and bicycle routes.



MAJOR COLLECTORS

Major collectors balance mobility and access, with access to local and neighborhood businesses. Major collectors serve as residential access facilities for higher density residential land uses. These roadways connect commercial districts to the arterial system.



MINOR ARTERIALS

Minor arterials predominantly serve to connect destinations across the city and provide access to regional thoroughfares. These facilities typically begin and end within the City and provide connectivity between residences and other activities to other areas in the City.



MAJOR ARTERIALS

Major arterials provide access to nearby communities and carry the highest capacity of vehicles in the City. These facilities provide more limited access to adjacent land uses, which are often accomplished through access on lower classification streets. Existing major arterials would be retrofitted through extensive public input.



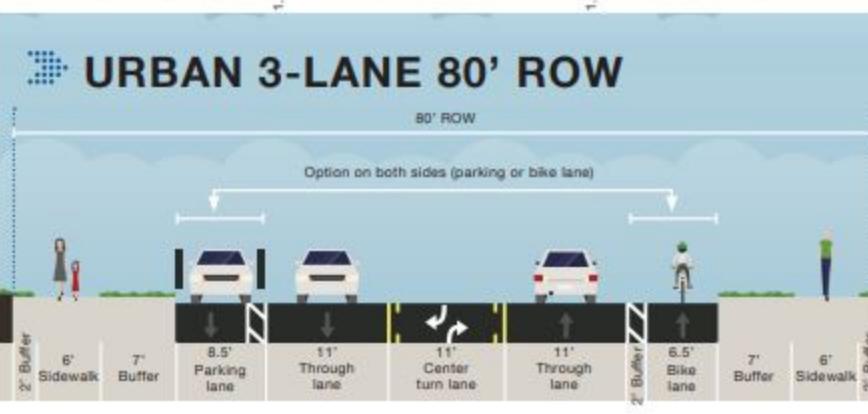
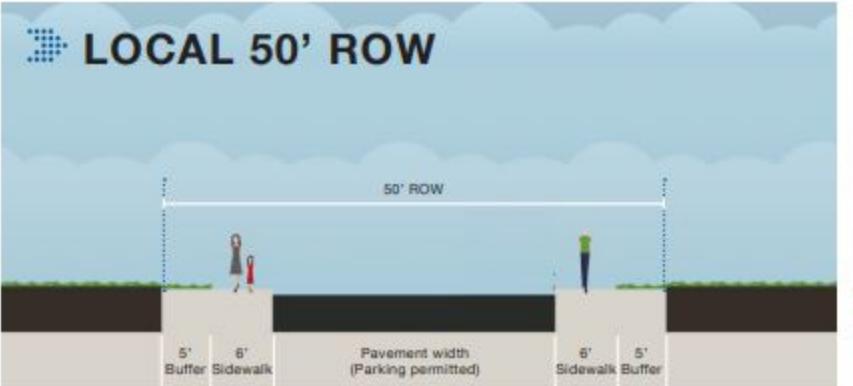
SPECIAL CLASSIFICATIONS

The Main Street and Urban 3 Lane 80' are special functional classifications developed for achieving specific goals in different city contexts.

CROSS SECTIONS

Cross sections indicate the intended configuration of each roadway on the transportation network, including the number of vehicular lanes, access control, pedestrian and bicycle facilities, and streetscape. Actual design of streets may vary based on local conditions.

The cross sections on the following pages are illustrative examples of typical configurations of each functional classification in Pflugerville. Specific local conditions such as topography, drainage considerations, and adjacent land uses may lead to variation in ultimate design of these facilities. However, the intended vehicular capacity, access type (presence of a center turn lane or median), parking, and pedestrian and bicycle facility type and width are intended to be preserved unless other priorities dictate a reason for deviation. **The cross sections develop focus on safety by changing the recommended lane widths to 11', adding bike facilities and ensuring separation between modes is maintained.**



Note - all dimensions shown are from face of curb or center of stripe. It is assumed that all pavement sections include an 18" gutter pan and 6" curb behind the dimension on both sides of the pavement section.

In addition to safety, these cross sections recognize that collector type facilities often have high turning demands and therefore provide a center turn lane on Major Collectors to **reduce conflicts and improve congestion**.



All street cross sections are shown within an urbanized context, including curb and gutter with underground drainage facilities. It is assumed that the ultimate state of all roadways in Pflugerville, except for those under control of other jurisdictional authority, will be urban in context when Pflugerville is **fully built out**.



Table 2.C. 10-Year Roadway Impact Fee Capital Improvements Plan – Service Area C

Service Area	Proj. #	IF Class	Roadway	Limits	Length (mi)	% In Service Area			
SA C	C-1	MIA 4D	Rowe Ln (1)	Sh 130 Nbfr to 950' W Of Commons Pkwy	0.56	50%			
	C-2	MIA 4D	Kelly Ln (1)	545' E Of W Falcon Pointe Blvd to E Falcon Pointe Blvd	0.43	100%			
	C-3	MIA 4D	Kelly Ln (2)	E Falcon Pointe Blvd to Moorlynch Ave	0.17	50%			
	C-4	MIA 4D	Kelly Ln (3)	Moorlynch Ave to 870' W Of Weiss Ln	0.87	50%			
	C-5	MAA 4D	Cele Rd (1)	Weiss Ln to 2505' E Of Weiss Ln	0.47	50%			
	C-6	MAA 4D	Cele Rd (2)	695' W Of New Sweden Church Rd to 200' E Of New	0.17	50%			
	C-7	MAA 4D	Cele Rd (3)	200' E Of New Sweden Church Rd to 1025' W Of Melber	0.22	100%			
	C-8	MAA 4D	Cele Rd (4)	1025' W Of Melber Ln to Melber Ln	0.19	50%			
	C-9	URBAN 3-LANE	Colorado Sand Dr (1)	Copper Mine Dr to Colorado Sand Dr	0.53	100%			
	C-10	MAA 4D	Weiss Ln (1)	Kelly Ln to 730' S Of Kelly Ln	0.14	50%			
	C-11	MAA 4D	Weiss Ln (2)	730' S Of Kelly Ln to 645' N Of Hidden Lake Crossing	0.32	100%			
	C-12	1/2 MIA 4D	Hidden Lake Dr (1)	City Limits to E Pflugerville Pkwy	0.49	100%			
	C-13	MAA 4D	Weiss Ln (3)	645' N Of Hidden Lake Crossing to E Pflugerville Pkwy	1.03	50%			
	C-14	MAA 4D	E Pflugerville Pkwy (1)	Colorado Sands Dr to Weiss Ln	1.67	100%			
	C-15	MAA 4D	E Pflugerville Pkwy Extension (1)	Weiss Ln to City Limits	0.39	50%			
	C-16	MAA 4D	Weiss Ln (4)	E Pflugerville Pkwy to 2790' N Of E Pecan St	0.74	100%			
	C-17	1/2 MAA 4D	Weiss Ln (5)	2790' N Of E Pecan St to E Pecan St	0.54	50%			
	C-18	1/2 MIA 4D	Melber Ln (1)	Pleasanton Pkwy to 2455' N Of Cameron Rd	0.32	100%			
	C-19	1/2 MIA 4D	Melber Ln (2)	2455' N Of Cameron Rd to 440' N Of Cameron Rd	0.38	50%			
	C-20	MAA 4D	E Pecan St (1)	Sh 130 to Weiss Ln	0.59	100%			
	C-21	1/2 MIA 4D	Cameron Rd Realignment (1)	E Pecan St to 2305' N Of Sh 130	0.59	100%			
Location				Improvement(s)					
Intersection Improvements									
CI-1				Innovative					
AI-3; CI-2				Overpass & Turn Lane					
CI-3				Signal					
AI-7; CI-4				Innovative & Turn Lane					
CI-5				Signal					
CI-6				Innovative					
AI-11; CI-7				Innovative & Turn Lane					
CI-8				Signal					
CI-9				Ramp Reversal					
CI-10				Roundabout					
CI-11				Signal & Turn Lane					
AI-13; BI-3; CI-12				Turn Lane					
CI-13				Signal					
CI-14				Signal					
BI-16; CI-15				Overpass					
-				-					
Update ITS and Traffic Management Infrastructure									
% In Service Area									
25%									
50%									
100%									
50%									
50%									
100%									
100%									
100%									
50%									
50%									
33%									

Note: The 10-Year Roadway Impact Fee CIP is not in a prioritized order.

2022 Roadway Impact Fee Study

Service Area C



Kimley»Horn

0 2,000 4,000 6,000 8,000
Feet

December 2021

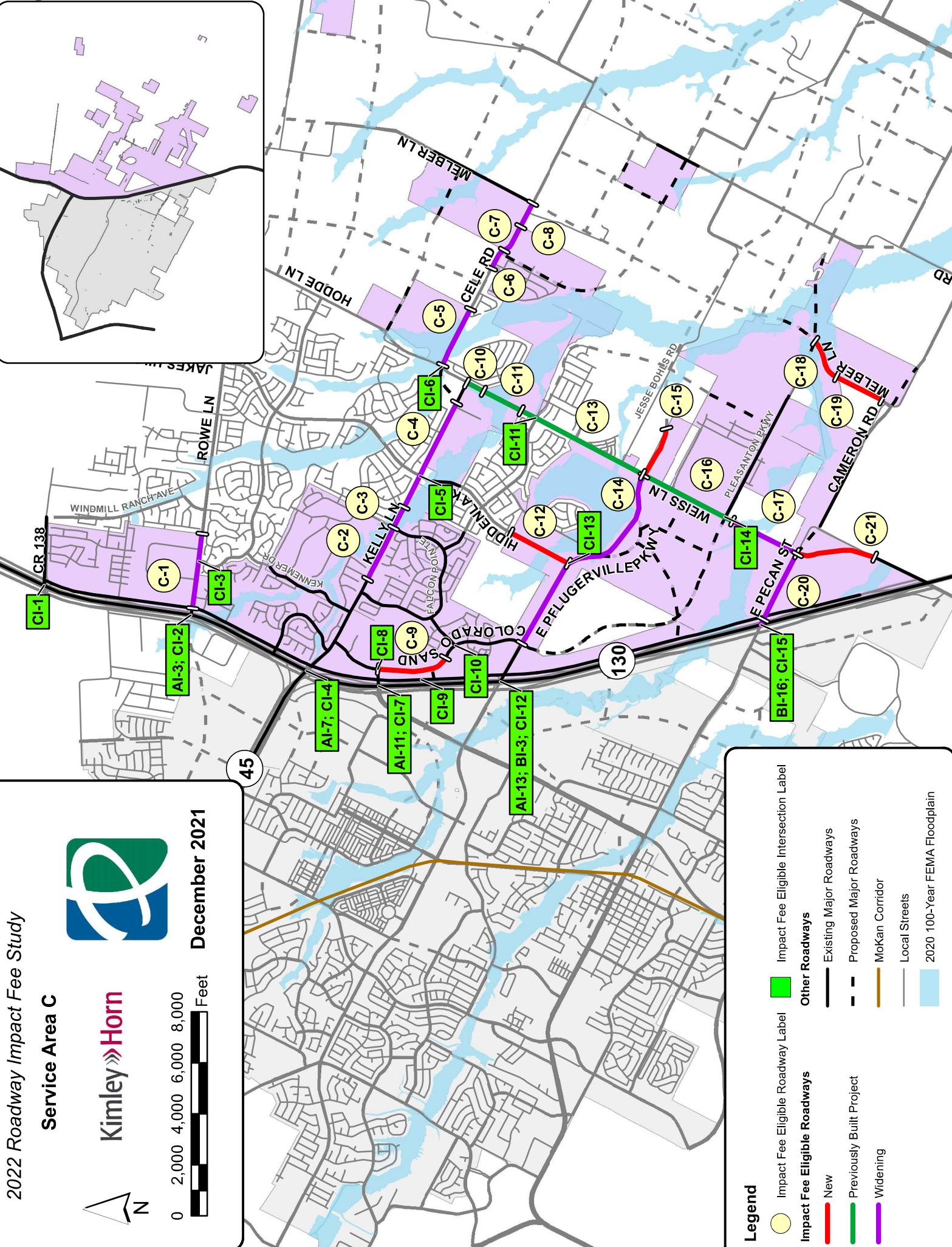


Exhibit "B"



EAST PFLUGERVILLE PARKWAY
COMMERCIAL CENTER
26.16 ACRE TRACT IN
TIMMERMAN & HAGN, LTD. WARRANTY DEED
REMAINDER OF CALLED 535 ACRES
VOL. 8394 PG. 544
R.P.R.T.C.T.

TRAVIS COUNTY, TEXAS

August 8, 2022

REMAINDER OF CALLED 335 ACRES
VOL. 8394 PG. 544
R.P.R.T.C.T.

August 8, 2022

LINE	BEARING	DISTANCE
L1	S 61°16'45" E	79.23'
L2	N 28°43'20" E	16.66'
L3	S 29°34'46" W	36.58'
L4	S 39°44'30" W	80.05'
L5	N 105°53'00" E	60.00'
L6	N 031°18'15" W	217.80'
L7	S 29°34'46" W	20.75'
L8	N 085°35'00" W	60.04'
L9	N 085°35'00" W	60.04'
L10	N 29°20'48" E	83.63'

CORNER DEF. AT ANGLE: RADII: 50' CIRC. BEARING: CHORD LENGTH
C01 04073765 760.00' 532.63' 70.81'
C02 04073765 760.00' 528.54' 70.79'
C03 00348217 760.00' 530.52' 70.77'
C04 00348217 760.00' 529.64' 70.76'
C05 00348217 760.00' 530.52' 70.75'
C06 00348217 760.00' 529.64' 70.76'
C07 00348217 760.00' 530.52' 70.77'

CITY OF PFLUGERVILLE
CONTROL MONUMENT
CP-6

PUBLISHED GRID COORDINATES
NORTH: 10,136,224.47
EAST: 3,165,381.355
ELEV. IN U.S. SURVEY FEET: 641.08
TXDOT SURFACE ADJUSTMENT
FACTOR: 1.00010

CITY OF PFLUGERVILLE
SPECIAL WARRANTY DEED
REMAINDER OF CALLED
335 ACRES
O.P.R.T.C.T.

DOC# 425616

ELEV. IN U.S. SURVEY

FEET: 648.98

TXDOT SURFACE ADJUSTMENT

FACTOR: 1.00010

LINE	LOT	ACREAGE	LAND USE
LOT 1, BLK -A-		22.09 AC	PRIVATE PUBLIC BRANISH & OPEN SPACE
LOT 1, BLK -B-		0.70 AC	
COLORADO SAND DR. R.O.W.		2.07 AC	PUBLIC ROW
COLORADO SAND DR. WIDTH		80 FT	PUBLIC ROW
COLORADO SAND DR. LENGTH		1,062 FT	PUBLIC ROW
UTAH SANDS DR. R.O.W.		1,08 AC	PUBLIC ROW
UTAH SANDS DR. WIDTH		60 FT	PUBLIC ROW
UTAH SANDS DR. LENGTH		836 FT	PUBLIC ROW
E. PFLUGERVILLE PKWY. R.O.W.		0.22 AC	PUBLIC ROW
E. PFLUGERVILLE PKWY. WIDTH		679 FT	PUBLIC ROW
E. PFLUGERVILLE PKWY. LENGTH			
TOTAL ACREAGE		26.16 AC	PUBLIC ROW
TOTAL NO. OF LOTS		1	

BEARING BASIS NOTE:	
HORIZONTAL DATUM BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, TEXAS CENTRAL ZONE. COORDINATES AND DISTANCES ARE SURFACE VALUES. COMBINED SCALE FACTOR IS 0.99999020986691.	
GRID: R37 & R38	
MAPSCO: 438V, 43W, & 43Z	
FILE: www.texasmap.com/tsp/tsp.html	

FILE: www.texasmap.com/tsp/tsp.html

JOB NO: S0977-0008-00

DATE: August 8, 2022

DRAWN BY: MOS/RH

CHECKED BY: AS SHOWN

REvised:

FINAL PLAT

EAST PFLUGERVILLE PARKWAY

COMMERCIAL CENTER

APPLICATION DATE: August 2022

CASE # 2022-17-FP

QUIDDITY
BOE CONSULTING ANALYSIS
AUTHOR: BOBAK J. TEHRANY, P.E.
DATE PREPARED: JULY 29, 2022
APPROVED BY CITY OF PFLUGERVILLE:
APPROVED BY TXDOT:
PLAT PREPARATION DATE: June 17, 2022

4350 Lockwood Regional, Suite 100, San Antonio, Texas 78256-6551
4350 Lockwood Regional, Suite 100, San Antonio, Texas 78256-6551

NOTES:

EAST PFLUGERVILLE PARKWAY
COMMERCIAL CENTER
26.16 ACRE TRACT IN
TIMMERMAN & HAGN, LTD.
REMAINDER OF CALLED 535 ACRES
VOL. 8394 PG. 544
R.P.R.T.C.T.

TRAVIS COUNTY, TEXAS

August 8, 2022

APPROVED THIS DAY OF THE CITY OF PFLUGERVILLE, TEXAS, ON BEHALF OF THE

CITY.

WITNESS MY HAND, THIS THE ____ DAY OF _____, 20____, A.D.

By: _____

Tim Timmerman & Hagn, LTD.

230 Klettnerhoff Ln., Suite 100

Hutto, TX

STATE OF TEXAS:

COUNTY OF: _____ BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT OR WRITING, ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

WITNESS MY HAND, THIS THE ____ DAY OF _____, 20____, A.D.

(SEAL)

NOTARY PUBLIC'S SIGNATURE _____

STATE OF TEXAS _____

COUNTY OF TRAVIS _____

I, REBECCA GUERRERO, Clerk of Travis County, Texas, do hereby certify that the foregoing instrument and its Certificate of Authentication was filed for record in my office on the ____ day of _____, 20____, A.D., at ____ o'clock ____ M., and duly recorded on the ____ day of _____, 20____, A.D., at ____ o'clock ____ M., in the Official Public Records of said County and State in Document No. _____

KNOW ALL MEN BY THESE PRESENTS:

CITY OF TRAVIS _____

THAT I, EX HACKETT, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE ON-THE-GROUND SURVEY OF THE LAND, AND THAT ALL CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH ALL CITY OF PFLUGERVILLE, TEXAS CODES AND ORDINANCES AND THAT ALL KNOWN EASEMENTS WITHIN THE BOUNDARY OF THE PLAT ARE SHOWN HEREON. (SEAL)

Signature of Registered Professional Land Surveyor
Rex Hackett
Date _____
Quiddity Engineering
3100 Avina Devine Blvd., Suite 150
Austin, Texas 78741

FLOOD PLAIN NOTE:

NO PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF THE 100-YEAR FLOOD PLAIN OF ANY WATERWAY THAT IS WITHIN THE LIMITS OF STUDY OF THE FEDERAL FLOOD INSURANCE ADMINISTRATION, FIRM PANEL NO. #44453C0280, DATE AUGUST 18, 2014. (SEAL)

SIGNATURE OF REGISTERED PROFESSIONAL ENGINEER

I, Joseph E. York, a Registered Professional Engineer, do hereby certify that the information contained on this Plat complies with Chapter 25 of the Land Development Code and the design and construction standards adopted by the City Austin, Texas.

Joseph E. York
Registered Professional Engineer No. 124934
Date _____Quiddity Engineering
4350 Lockhill Selma Road, Suite 100
San Antonio, Texas 78249APPLICANT SUBMITTAL DATE: June 17, 2022
PLAT PREPARATION DATE: June 17, 2022

4350 Lockhill Selma Road, San Antonio, Texas 78249, No. 63-2300, 6015511

APPLICATION SUBMITTAL DATE: June 17, 2022
PLAT PREPARATION DATE: June 17, 2022

EAST PFLUGERVILLE PARKWAY

- This plat lies within the City of Pflugerville full purpose jurisdiction.
- Water and wastewater shall be provided by the City of Pflugerville. No lot in this subdivision shall be occupied until connected to water and wastewater facilities connected to water and wastewater facilities.
- The Survey No. 3, Abstract No. 231 and the Seffrin Eiselin Survey No. 1, Abstract No. 265 in Travis County, Texas, same being conveyed by Deed of Record in Volume 8394, Page 544, of the Real Property Records of Travis County, Texas, does hereby subdivide 26.16 acres of land in accordance with this plat to be known as:
- A 10-ft Public Utility Easement by this plat shall also be subject to the terms and conditions of the Engineering Design Manual per Ordinance No. 1206-15-02-24. The Contractor [Timmerman & Hagn, LTD.] heirs, successors and assigns shall retain the obligation to the public to maintain the surface of the easement property, including the obligation to regularly mow or cut back vegetation and to keep the surface of the easement property free of litter, debris, and trash.
- No vertical structures including, but not limited to structures or fences shall be allowed in a public easement, except as approved by the City. The property owner shall have the right to use the easements created by this plat, provided such use does not unreasonably interfere with the public's use of the easements.
- The property owner shall provide access to drainage and utility easements as may be reasonably necessary and shall not prohibit access for the placement, construction, installation, replacement, repair, maintenance, relocation, removal, operation and inspection of such drainage and utility facilities, and related appurtenances provided that prior written notice is given to property owner.
- A six-foot sidewalk is required (Uton Sands Dr and Colorado Sand Dr) and a 10-foot sidewalk, shall be required along E. Pflugerville Pkwy and the Sh 130 Access Rd.
- Streetlights shall be installed and in full working order with the public improvements. All streetlights shall be in conformance with all City of Pflugerville ordinances including but not limited to being downcast and full cut off.
- Streetlights shall be installed and in full working order with the public improvements. All streetlights shall be in conformance with all City of Pflugerville ordinances including but not limited to being downcast and full cut off.
- This subdivision is subject to all City of Pflugerville ordinances of technical manuals related to Tree Preservation per City Ordinance # 1203-15-02-14 and Residential Community Impact Fee rate for water and wastewater is hereby assessed and established according to the City of Pflugerville Ordinance # 1440-20-04-18A.
- The Community Impact Fee rate for water and wastewater is hereby assessed and established according to the City of Pflugerville Ordinance # 1440-20-04-18A.
- This Subdivision shall mitigate post-development peak runoff rates for the 2 year, 25 year and 100 year storm events.
- All electric utility infrastructure including, but not limited to telephone, cable television, electric utility lateral and service lines shall be installed in accordance with the City of Pflugerville Engineering Design Manual, as amended.
- The owner of this subdivision, and his or her successors and assigns, assumes responsibility for plans for construction of subdivision improvements which comply with applicable codes and requirements of the City of Pflugerville.
- Construction plans and specifications for all subdivision improvements shall be reviewed and approved by the City of Pflugerville prior to any construction within the subdivision.
- Site development construction plans shall be reviewed and approved by the City of Pflugerville, Development Services prior to any construction.
- All proposed fences and walls adjacent to intersecting public roadway right-of-way or adjacent to private access drives shall be in compliance with the site instance requirements of the City of Pflugerville Engineering Design Manual, as amended.
- Wastewater and water systems shall conform to TCEQ (Texas Commission on Environmental Quality) and State Board of Insurance requirements. The owner understands and acknowledges that plot vacation or re-platting may be required at the owner's sole expense if plans to develop this subdivision do not comply with such codes and requirements.
- The assessed roadway impact fee is hereby assessed and established according to the City of Pflugerville Ordinance No. 1470-20-11-24, Roadway impact fees will be paid prior to the issuance of any building permit.
- Lot 1, Block B is owned and maintained by City of Pflugerville.

BEARING BASIS NOTE:
Horizontal datum based on the Texas State Plane Coordinate System, NAD 83, Texas Central Zone, coordinates and distances are surface values. Combined scale factor is 0.99999020986691.FILE: eastpflugerville-2022-06-29.dwg Project: - Revit Model 3 Date: 06/08/2022 10:40:48 AM
JOB NO: S0977-0008-00 DRAWN BY: CDO
DATE: August 8, 2022 CHECKED BY: MGS
SCALE: AS SHOWN REvised:
CRD: R37 & R38
MAPSC: 438V, 439W, & 438Z
SHEET 2 OF 2

Exhibit "C"

Figure 1. Roadway Service Areas

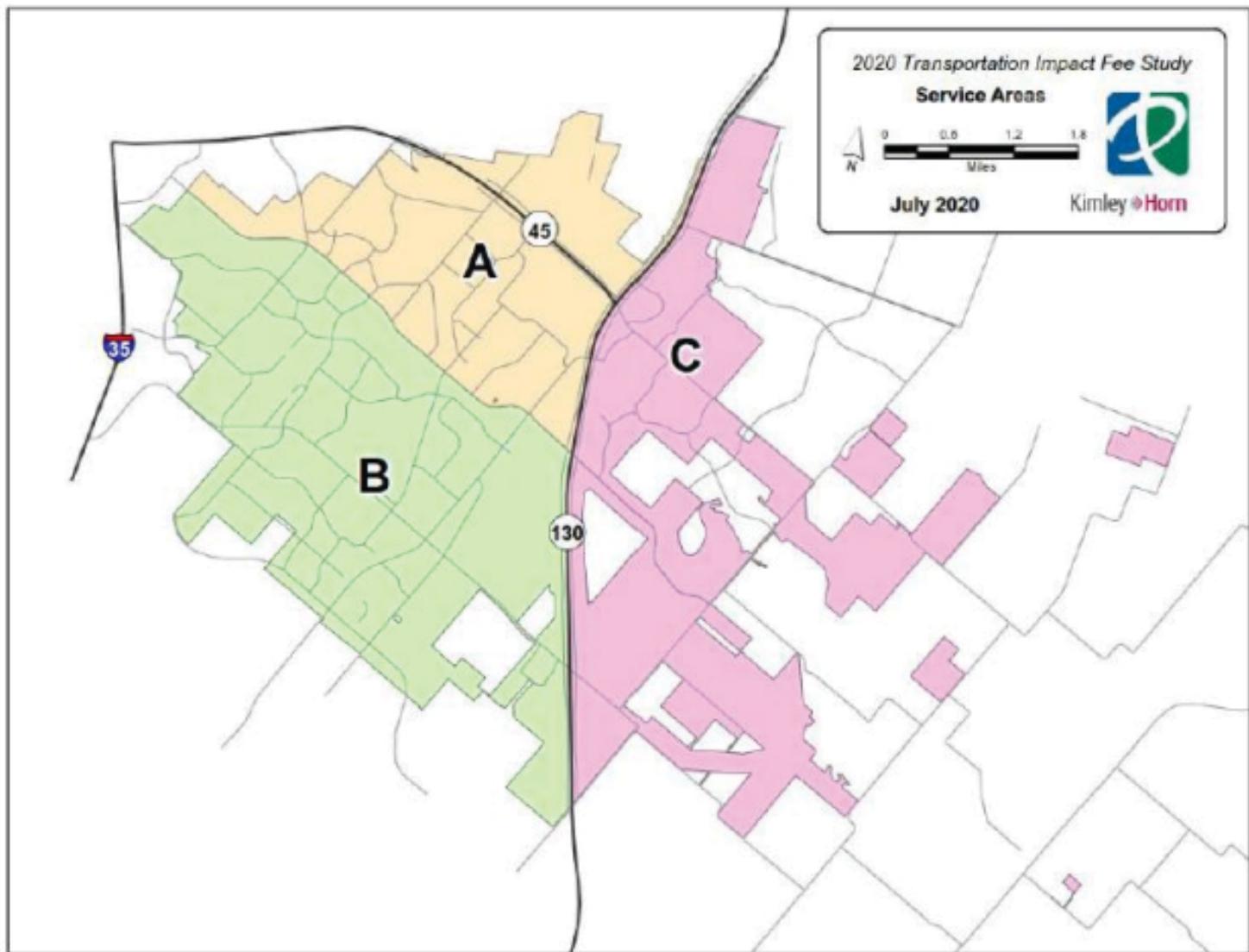


Exhibit "D"



Engineer's Opinion of Probable Cost

East Pflugerville Parkway Commercial Center - Public Infrastructure

December 5, 2022

No.	Description	Unit	Quantity	Unit Price	Cost
STARTUP					
1.	Mobilization	L.S.	1	\$ 50,000	\$ 50,000
2.	Bonding	L.S.	1	60,000	60,000
Startup Subtotal					\$ 110,000
STREETS					
Colorado Sand Drive					
1.	2.5" HMAC (TxDOT Item 340, Type D)	S.Y.	6,200	\$ 30	\$ 186,000
2.	12" Flexbase (TxDOT Item 247, Type A)	S.Y.	7,000	25	175,000
3.	Subgrade Prep, Stabilization, & Compaction	S.Y.	7,000	12	84,000
4.	Striping & Signage	L.S.	1	10,000	10,000
5.	4.5" Reinforced Concrete (Sidewalk)	S.Y.	1,500	50	75,000
6.	Streetlights	L.S.	1	125,000	125,000
7.	Concrete Curb & Gutter	L.F.	2,200	25	55,000
8.	Clear and Grub Public ROW	Ac.	2.1	10,000	21,000
Colorado Sands Subtotal					\$ 731,000
Utah Sands Drive					
1.	2.5" HMAC (TxDOT Item 340, Type D)	S.Y.	3,700	\$ 30	\$ 111,000
2.	12" Flexbase (TxDOT Item 247, Type A)	S.Y.	4,300	25	107,500
3.	Subgrade Prep, Stabilization, & Compaction	S.Y.	4,300	12	51,600
4.	Striping & Signage	L.S.	1	10,000	10,000
5.	4.5" Reinforced Concrete (Sidewalk)	S.Y.	1,100	50	55,000
6.	Streetlights	L.S.	1	125,000	125,000
7.	Concrete Curb & Gutter	L.F.	1,800	25	45,000
8.	Clear and Grub Public ROW	Ac.	1.1	10,000	10,800
Utah Sands Drive Subtotal					\$ 515,900
PUBLIC INFRASTRUCTURE DRAINAGE & DETENTION POND					
1.	Pond Excavation	C.Y.	1,400	\$ 9	\$ 12,600
2.	Outfall (Slope Paving)	E.A.	5	2,000	10,000
3.	24-inch RCP	L.F.	1,100	80	88,000
4.	Curb Inlets	E.A.	8	5,000	40,000
Offsite Detention Subtotal					\$ 150,600
INTERSECTION SIGNALIZATION					
1.	Drill Shaft (Trf Sig Pole) (24 In)	L.F.	24	\$ 200	\$ 4,800
2.	Drill Shaft (Trf Sig Pole) (48 In)	L.F.	88	510	44,880
3.	Condt (Pvc) (Sch 80) (2")	L.F.	130	14	1,820
4.	Condt (Pvc) (Sch 80) (2") (Bore)	L.F.	410	28	11,480
5.	Condt (Pvc) (Sch 80) (3")	L.F.	80	24	1,920
6.	Condt (Pvc) (Sch 80) (3") (Bore)	L.F.	820	34	27,880



7. Condt (Pvc) (Sch 80) (4")	L.F.	20	36	720
8. Elec Condr (No.8) Bare	L.F.	1,440	2	2,880
9. Elec Condr (No.8) Insulated	L.F.	1,370	2	2,740
10. Elec Condr (No.6) Bare	L.F.	25	3	63
11. Elec Condr (No.6) Insulated	L.F.	50	3	125
12. Ground Box Ty D (162922)W/Apron	Ea.	4	1500	6,000
13. Elc Srv Ty D 120/240 100(Ns)Al(E)Ps(U)	Ea.	1	5000	5,000
14. Install Hwy Trf Sig (Isolated)	Ea.	1	50000	50,000
15. Veh Sig Sec (12")Led(Grn)	Ea.	8	300	2,400
16. Veh Sig Sec (12")Led(Grn Arw)	Ea.	4	300	1,200
17. Veh Sig Sec (12")Led(Yel)	Ea.	8	300	2,400
18. Veh Sig Sec (12")Led(Yel Arw)	Ea.	4	300	1,200
19. Veh Sig Sec (12")Led(Red)	Ea.	8	300	2,400
20. Veh Sig Sec (12")Led(Red Arw)	Ea.	4	300	1,200
21. Ped Sig Sec (Led)(Countdown)	Ea.	8	800	6,400
22. Backplate W/Ref Brdr(3 Sec)(Vent)Alum	Ea.	12	200	2,400
23. Trf Sig Cbl (Ty A)(12 Awg)(3 Condr)	L.F.	715	3	2,145
24. Trf Sig Cbl (Ty A)(14 Awg)(5 Condr)	L.F.	2,770	3	8,310
25. Trf Sig Cbl (Ty C)(12 Awg)(2 Condr)	L.F.	1,030	3	2,575
26. Ins Trf Sig Pl Am(S)1 Arm(50')Lum&llsn	Ea.	3	38000	114,000
27. Ins Trf Sig Pl Am(S)1 Arm(55')Lum&llsn	Ea.	1	40000	40,000
28. Ped Pole Assembly	Ea.	4	2800	11,200
29. Ped Detect Push Button (Aps)	Ea.	8	1000	8,000
30. Ped Detector Controller Unit	Ea.	1	3300	3,300
31. Bbu System (External Batt Cabinet)	Ea.	1	8500	8,500
32. llsn (Led) (8 D)	Ea.	4	4000	16,000
33. Rvds (Presence Detection Only)	Ea.	4	8000	32,000

Intersection Signalization Subtotal \$ 425,938

This Document is Released for the Purpose of:

General Financial Planning

Under the Authority of:

Engineer: Joseph E. York V, P.E.

License No.: 124934

It is Preliminary in Nature and not to be Used for
Feasibility of Land Purchases, Bond
Applications, Loans or Grants.

Subtotal	\$	1,933,438
Contingencies (10%)	\$	193,344
Total	\$	2,126,782

Exhibit "E"



THIS WORKSHEET IS FOR ESTIMATION PURPOSES ONLY.
ACTUAL FEES COLLECTED WILL BE DETERMINED AT THE
TIME OF BUILDING PERMIT APPLICATION.

Roadway Impact Fee Estimator Worksheet City of Pflugerville, Texas

<https://www.pflugervilletx.gov/city-government/development-services-center/building-inspections-permits/fee-schedule>

Development Name: H-E-B Pflugerville 03

Legal Description (Lot, Block): Lot 1, Block A, East Pflugerville Parkway Commercial Center

Case Number: 2022-20-CON

Date: 1/12/2023

Worksheet Last Updated: 2/1/2022

Date of Final Plat Approval: On or after January 1, 2023

Date of Building Permit Application: On or after January 1, 2022

Service Area (select from list): C

Notes: (1) Applicant may be eligible for credits for infrastructure built. Applicant to apply for credits with Pflugerville Planning and Development Services.

(2) Total Roadway Impact Fee Collection Amount represents the sum of Schedule 2 less Existing Land Use Potential Fee Reduction amount.

ROADWAY IMPACT FEE CALCULATION:

PROPOSED LAND USES

Land Uses (select from list):

Fast Food Restaurant with Drive-Thru Window
Gasoline/Service Station
Supermarket
Free-Standing Discount Store

Note: Plat Approval and Building Permit dates must be selected prior to selecting land use.

Development Unit:	# of Units:	Schedule 1: Maximum Assessable Fee		Schedule 2: Potential Collection Amounts	
		Maximum Fee Per Development Unit:	Maximum Fee:	Impact Fee Per Development Unit:	Roadway Impact Fee:
1,000 SF GFA	4.143	\$ 87,674.00	\$ 363,233.38	\$ 43,836.84	\$ 181,616.03
	0	\$ 15,401.00	\$ 184,812.00	\$ 7,700.64	\$ 92,407.68
Vehicle Fueling Position	12	\$ 59,301.00	\$ 4,309,403.67	\$ 29,650.62	\$ 2,154,710.56
	0	\$ 33,927.00	\$ 1,643,661.37	\$ 16,963.50	\$ 821,830.68
1,000 SF GFA	72.67				
1,000 SF GFA	48.447				

ROUGHLY PROPORTIONATE IMPACT OF DEVELOPMENT: \$ 6,501,110.42

EXISTING LAND USES

Land Uses (select from list):

Development Unit: # of Units:

Existing Land Use Potential Fee Reduction

Impact Fee Per Development Unit: Roadway Impact Fee:

Land Use Selection Note: The land use categories are based on the descriptions contained within the ITE Trip Generation Manual. Questions regarding the appropriate category for a particular use may be directed to Planning and Development Services staff.

TOTAL POTENTIAL ROADWAY IMPACT FEE COLLECTION AMOUNT : \$ 3,250,564.95

Total Value of any Roadway Impact Fee Credits (for construction or contribution towards the City's Roadway Impact Fee CIP): \$ 1,933,438.00

TOTAL ROADWAY IMPACT FEE COLLECTION AMOUNT AFTER CREDITS AND REDUCTIONS: \$ 1,317,126.95

Exhibit "F"



ZIONS BANCORPORATION, N.A.
DBA AMEGY BANK
INTERNATIONAL BANKING
1717 WEST LOOP SOUTH, 10TH FL
HOUSTON, TX 77027
SWIFT: ZFNB US 55 HOU

NOVEMBER 17, 2022

IRREVOCABLE STANDBY LETTER OF CREDIT NO. SBPTX303728

APPLICANT:
H-E-B, L.P.
646 SOUTHFLORES STREET
SAN ANTONIO, TEXAS 78204

BENEFICIARY:
CITY OF PFLUGERVILLE
PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT
100 W. MAIN STREET
PFLUGERVILLE, TEXAS 78660

AMOUNT: USD 2,809,882.00 (TWO MILLION EIGHT HUNDRED AND NINE THOUSAND EIGHT HUNDRED AND EIGHTY TWO US DOLLARS)

EXPIRY DATE: NOVEMBER 17, 2024

ATTENTION: PLANNING MANAGER

AT THE REQUEST OF THE APPLICANT, WE HEREBY ESTABLISH OUR IRREVOCABLE STANDBY LETTER OF CREDIT IN YOUR FAVOR AS BENEFICIARY UP TO AN AGGREGATE AMOUNT OF USD 2,809,882.00 (TWO MILLION EIGHT HUNDRED AND NINE THOUSAND EIGHT HUNDRED AND EIGHTY TWO US DOLLARS).

THIS LETTER OF CREDIT IS AVAILABLE FOR PAYMENT AGAINST PRESENTATION OF YOUR DRAFT(S) AT SIGHT DRAWN ON ZIONS BANCORPORATION, N.A. DBA AMEGY BANK, BEARING THE CLAUSE: "DRAWN UNDER LETTER OF CREDIT NO. SBPTX303728 OF ZIONS BANCORPORATION, N.A. DBA AMEGY BANK, HOUSTON, TEXAS" TO BE ACCCOMPANIED BY ORIGINAL LETTER OF CREDIT AND ALL AMENDMENTS THERETO (IF ANY) AND THE FOLLOWING DOCUMENTS REQUIRED AS NOTED BELOW.

THE ORIGINAL LETTER OF CREDIT WILL BE RETURNED TO YOU FOLLOWING OUR NOTATION THEREON OF THE AMOUNT OF SUCH DRAFT(S) DRAWN HEREUNDER. IF THE AMOUNT OF THE DRAFT IS FOR THE FULL AMOUNT OF THIS LETTER OF CREDIT, THE ORIGINAL LETTER OF CREDIT WILL BE RETAINED BY US.

1. BENEFICIARY'S WRITTEN STATEMENT PURPORTEDLY SIGNED BY ITS PLANNING MANAGER, OR AUTHORIZED REPRESENTATIVE OF THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT, READING AS FOLLOWS:

"THE UNDERSIGNED IS AN AUTHORIZED REPRESENTATIVE OF THE CITY OF PFLUGERVILLE (HEREINAFTER "BENEFICIARY") AND HAS THE AUTHORITY TO MAKE THE FOLLOWING STATEMENT:
BENEFICIARY HEREBY CERTIFIES THAT THE FUNDS DRAWN UNDER THIS LETTER OF CREDIT ARE DRAWN IN ACCORDANCE WITH CITY OF PFLUGERVILLE UNIFIED DEVELOPMENT CODE AND ASSOCIATED PROVISIONS REGARDING PERFORMANCE OF SITE IMPROVEMENTS AT A FUTURE PUBLIC RIGHT-OF-WAY OF APPROXIMATELY 3.85 ACRES GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION E. PFLUGERVILLE PARKWAY & SH-130."

ADDITIONAL CONDITIONS:

PARTIAL DRAWINGS ARE PERMITTED HOWEVER THE AGGREGATE AMOUNT OF ALL DRAWINGS MAY NOT EXCEED THE STATED AMOUNT.

WE HEREBY AGREE WITH YOU THAT ALL DRAFT(S) AND DOCUMENT(S) DRAWN UNDER AND IN COMPLIANCE WITH THE TERMS AND CONDITIONS OF THIS LETTER OF CREDIT WILL BE HONORED UPON PRESENTATION TO US AS SPECIFIED HEREIN ON OR BEFORE THE EXPIRATION DATE OF THIS STANDBY LETTER OF CREDIT.

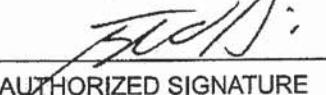
IN THE EVENT OF A DRAWING, ALL ORIGINAL DOCUMENTS INCLUDING THIS ORIGINAL STANDBY LETTER OF CREDIT AND SIGHT DRAFT MUST BE DISPATCHED IN ONE LOT BY OVERNIGHT COURIER DIRECTLY TO OUR INTERNATIONAL DEPARTMENT AT 1717 WEST LOOP SOUTH, 10TH FLOOR, HOUSTON, TEXAS 77027.

THIS LETTER OF CREDIT IS SUBJECT TO THE INTERNATIONAL STANDBY PRACTICES 1998 (ISP98), INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NO. 590 ("ISP98"), AND AS TO MATTERS NOT ADDRESSED BY THE ISP98 IS SUBJECT TO AND GOVERNED BY TEXAS STATE LAW AND APPLICABLE U.S. FEDERAL LAW.

IN ALL CORRESPONDENCE PLEASE QUOTE OUR REFERENCE:

SHOULD YOU HAVE ANY QUESTIONS REGARDING THIS LETTER OF CREDIT, PLEASE CONTACT OUR INTERNATIONAL DEPARTMENT AT TEL. 713 232-2160 OR 713-232-2083, OR BY EMAIL TO INTERNATIONAL@AMEGYBANK.COM.

ZIONS BANCORPORATION, N.A. DBA AMEGY BANK


AUTHORIZED SIGNATURE
Blanca Pineda, VP

LETTER OF CREDIT NO.: SBPTX303728

copy of original