

## 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 OP II ATX 19365 WILKE LANE LAND, LTD., a Texas limited partnership (the “Developer”) on this the 8 day of Feb, 2022. 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 19365 Wilke Lane Subdivision (the “Plat”) and (ii) plans for the construction of 334 multi-family units (the “Development”); and

WHEREAS the Plat is subject to the requirement that a section of Abbeyglen Castle Drive abutting to the Plat and identified on the City’s Transportation Master Plan (“TMP”), attached hereto as Exhibit A, as a minor collector street (i) be dedicated as right-of-way to the City for public use, and (ii) be constructed to minor collector 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 conditions on March 1, 2021, and was recorded on December 13, 2021 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 A, 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 minor collector specifications is \$1,001,466.90 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 \$742,306.08 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 02/08/2022 is \$0.00 dollars (“Collectible RIFs Paid”); and

WHEREAS the total amount of RIFS due by the Developer to the City as of the date of permitting , is \$742,306.08 (“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. The eligible Construction Cost exceeds the total amount of the Collectible RIFs Due; and

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 Developer has or will construct the Roadway Improvements to the City’s minor collector specifications and has or will dedicate such improvements to the City via the Plat, along with 0.952 acres of right-of-way as detailed in Exhibit C.
2. The Developer has posted a performance bond requiring completion and acceptance of all Roadway Improvements, attached hereto as Exhibit F.
3. Per the Ordinance and the agreement of the Parties, 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 be 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: OP II ATX 19365 WILKE LANE LAND, LTD.  
a Texas limited partnership

By: EOP II SUB GP TWO, LLC,  
a Texas limited liability company,  
its General Partner

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

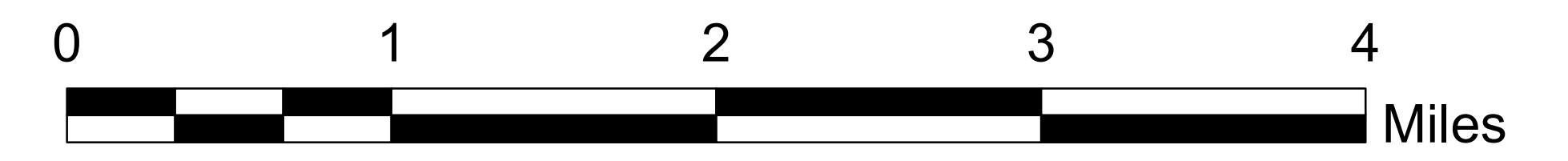
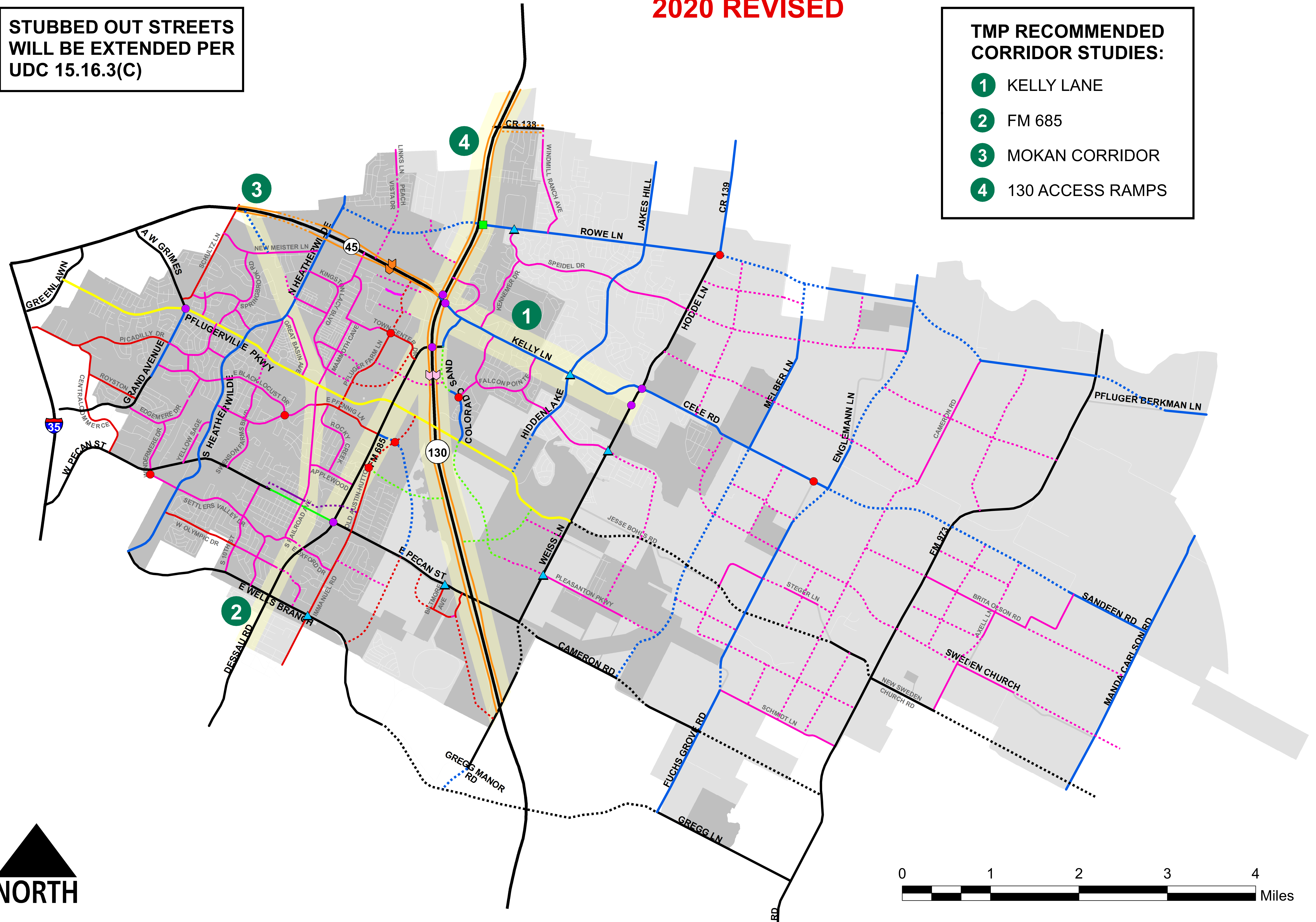


**2020 REVISED**

**STUBBED OUT STREETS  
WILL BE EXTENDED PER  
UDC 15.16.3(C)**

- TMP RECOMMENDED  
CORRIDOR STUDIES:**
- 1** KELLY LANE
  - 2** FM 685
  - 3** MOKAN CORRIDOR
  - 4** 130 ACCESS RAMPS

- LEGEND**
- INTERSECTIONS**
-  INNOVATIVE
  -  NEW OVERPASS
  -  NEW RAMP
  -  NEW SIGNAL
  -  RAMP REVERSAL
  -  NEW ROUNDABOUT
- FOR LEGEND**
-  FUTURE ROADS
  -  MAJOR ARTERIAL 6 LN
  -  MAJOR ARTERIAL 4 LN
  -  MINOR ARTERIAL
  -  MAJOR COLLECTOR
  -  MINOR COLLECTOR
  -  URBAN MAIN ST
  -  URBAN 3-LANE
  -  FRONTAGE ROAD





# EXHIBIT B



2 pgs

202100285

# PLAT

PLAT RECORDS INDEX SHEET:

**SUBDIVISION NAME:** 19365 Wilke Lane

**OWNERS NAME:** CH Realty IX-OP II MF Austin Wilke, L.P. & EOP II Sub  
GP Two, LLC

**ADDITIONAL RESTRICTIONS / COMMENTS:**

Tax Certificate - 2021271363

**RETURN:**

City of Pflugerville  
Stays In File



**202100285**

**FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS**

*Dana DeBeauvoir*

**Dana DeBeauvoir, County Clerk  
Travis County, Texas**

**Dec 13, 2021 10:26 AM**

**Fee: \$75.00**

**MACEDOS**

\$75.00

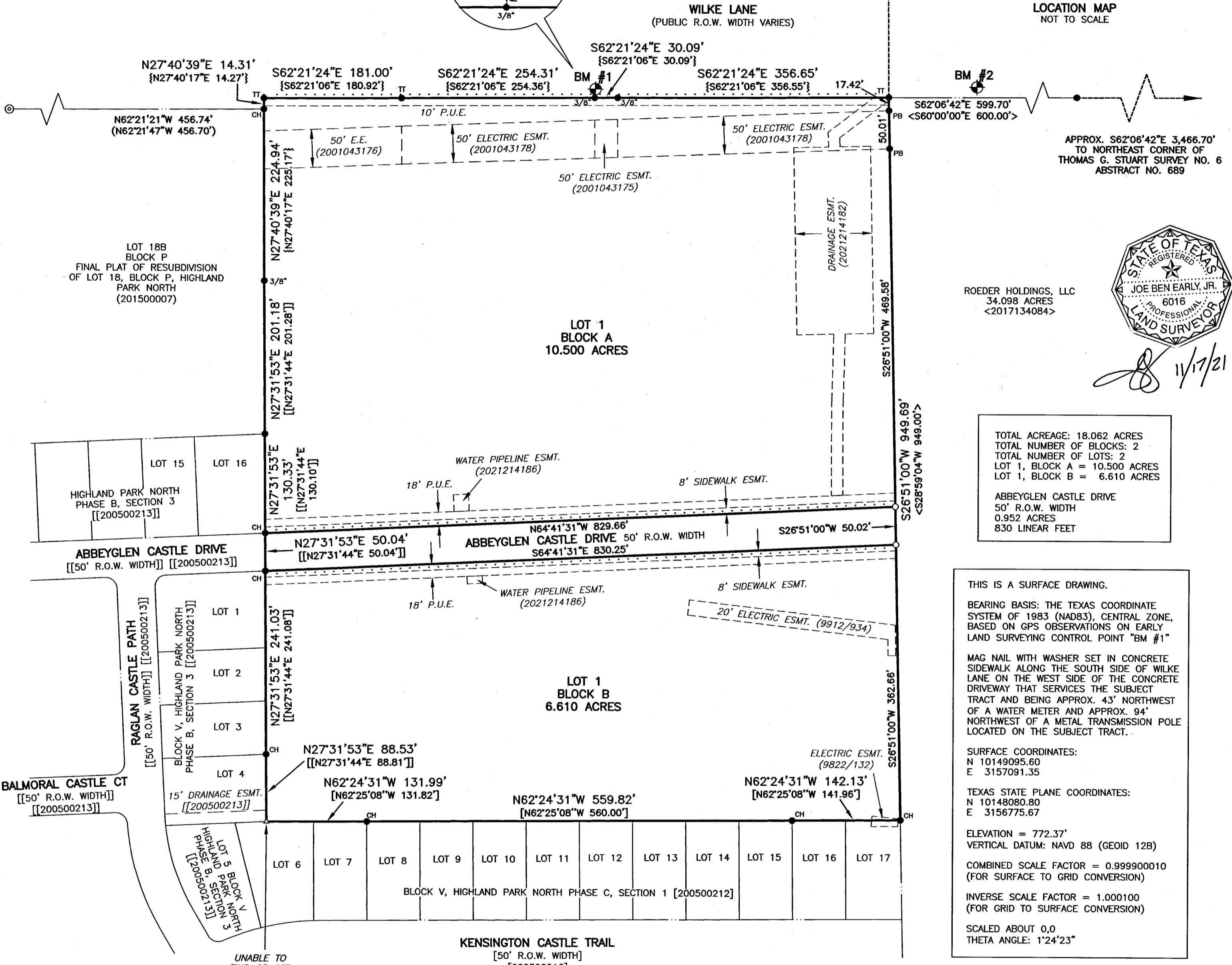
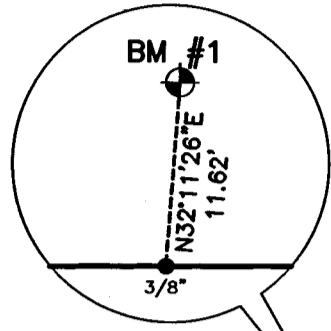
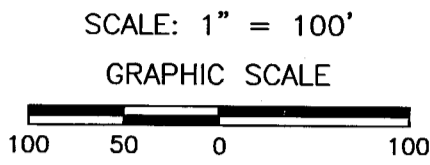
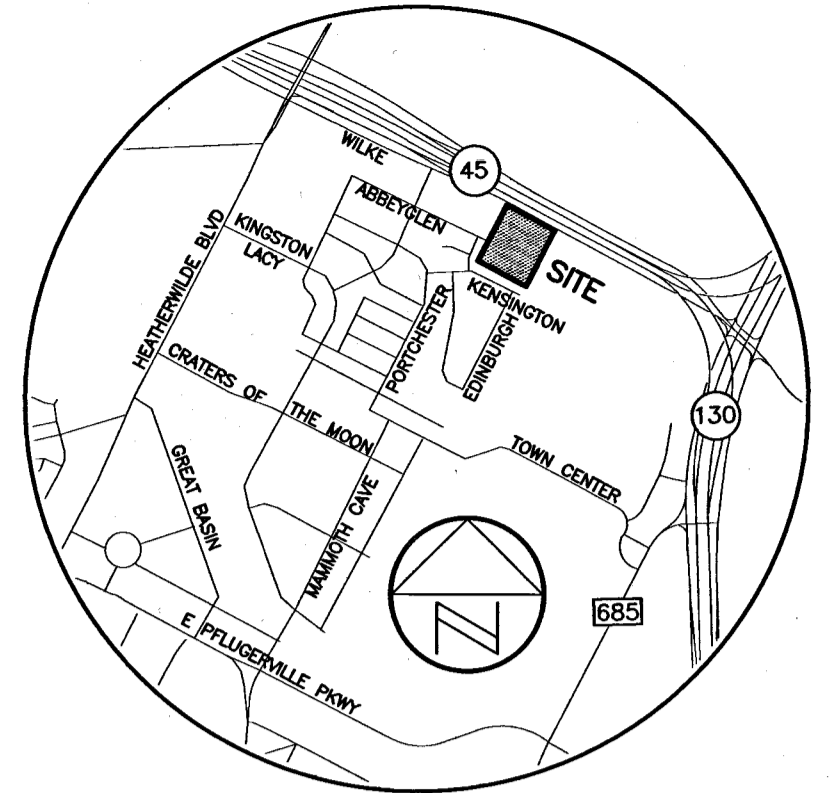
12/18/2021

202100285

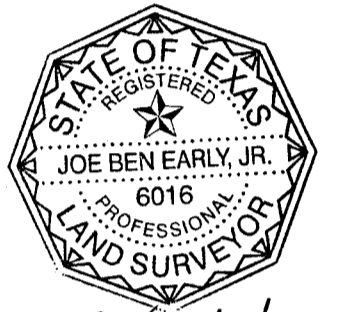
# 19365 WILKE LANE FINAL PLAT

18.062 ACRES OUT OF THE  
THOMAS G. STUART SURVEY NO. 6, ABSTRACT NO. 689  
TRAVIS COUNTY, TEXAS.

CALCULATED POINT IN THE  
NORTHEAST R.O.W. LINE  
OF S.H. 45



APPROX. S62°06'42"E 3,466.70'  
TO NORTHEAST CORNER OF  
THOMAS G. STUART SURVEY NO. 6  
ABSTRACT NO. 689



11/17/21

ROEDER HOLDINGS, LLC  
34.098 ACRES  
<2017134084>

TOTAL ACREAGE: 18.062 ACRES  
TOTAL NUMBER OF BLOCKS: 2  
TOTAL NUMBER OF LOTS: 2  
LOT 1, BLOCK A = 10.500 ACRES  
LOT 1, BLOCK B = 6.610 ACRES  
ABBEYLEEN CASTLE DRIVE  
50' R.O.W. WIDTH  
0.952 ACRES  
830 LINEAR FEET

THIS IS A SURFACE DRAWING.  
BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON GPS OBSERVATIONS ON EARLY LAND SURVEYING CONTROL POINT "BM #1"  
MAG NAIL WITH WASHER SET IN CONCRETE SIDEWALK ALONG THE SOUTH SIDE OF WILKE LANE ON THE WEST SIDE OF THE CONCRETE DRIVEWAY THAT SERVICES THE SUBJECT TRACT AND BEING APPROX. 43' NORTHWEST OF A WATER METER AND APPROX. 94' NORTHWEST OF A METAL TRANSMISSION POLE LOCATED ON THE SUBJECT TRACT.  
SURFACE COORDINATES:  
N 10149095.60  
E 3157091.35  
TEXAS STATE PLANE COORDINATES:  
N 10148080.80  
E 3156775.67  
ELEVATION = 772.37'  
VERTICAL DATUM: NAVD 88 (GEOID 12B)  
COMBINED SCALE FACTOR = 0.999900010 (FOR SURFACE TO GRID CONVERSION)  
INVERSE SCALE FACTOR = 1.000100 (FOR GRID TO SURFACE CONVERSION)  
SCALED ABOUT 0,0  
THETA ANGLE: 1'24"23"

BENCHMARK #2: MAG NAIL WITH WASHER SET IN CONCRETE SIDEWALK ALONG THE SOUTH SIDE OF WILKE LANE, APPROX. 117' SOUTHEAST OF THE EASTERNMOST CORNER OF LOT 1, BLOCK A AND APPROX. 80' SOUTHEAST OF THE CL OF A DRIVEWAY.  
TEXAS STATE PLANE COORDINATES:  
N 10147849.17  
E 3157220.99  
ELEVATION = 755.92'  
VERTICAL DATUM: NAVD 88 (GEOID 12B)

OWNER/SUBDIVIDER:  
CH REALTY IX-OP II MF AUSTIN WILKE, L.P.  
(FORMERLY KNOWN AS:  
OP II ATX 19365 WILKE LANE LAND, LTD.)  
500 W 5TH STREET, STE 700  
AUSTIN, TX 78701

ENGINEER:  
BLEYL ENGINEERING  
TBPE FIRM NO. 678  
12007 TECHNOLOGY BLVD., SUITE 150  
AUSTIN, TX 78727  
O: 512 454 2400  
M: 512 497 1482

SURVEYOR:  
EARLY LAND SURVEYING, LLC  
P.O. BOX 92588  
AUSTIN, TX 78709  
512-202-8631

DATE OF SURVEY OCTOBER 29, 2020.

LEGEND	
●	1/2" REBAR FOUND (OR AS NOTED)
● <sup>CH</sup>	1/2" REBAR WITH "CHAPARRAL" CAP FOUND
● <sup>PB</sup>	1/2" REBAR WITH "PBS&J" CAP FOUND
● <sup>TT</sup>	1/2" REBAR WITH "TRI-TECH SURVEYING" CAP FOUND
⊙	TXDOT TYPE II DISK FOUND
○	1/2" REBAR WITH "EARLY BOUNDARY" CAP SET
△	CALCULATED POINT
⊕	CONTROL POINT/BENCHMARK LOCATION
—	SUBJECT BOUNDARY LINE
- - -	ADJOINING PROPERTY LINE
- - - -	EASEMENT LINE
⋯	6' WIDE SIDEWALK LOCATION
BM	BENCHMARK
P.U.E.	PUBLIC UTILITY EASEMENT
R.O.W.	RIGHT OF WAY
( )	GENERAL RECORD INFORMATION
{ }	RECORD INFO. FROM {2019187004}
[ ]	RECORD INFO. FROM [200500212]
[[ ]]	RECORD INFO. FROM [[200500213]]
< >	RECORD INFO. FROM <2017134084>

**EARLY LAND SURVEYING**  
A LIMITED LIABILITY COMPANY

P.O. BOX 92588  
AUSTIN, TX 78709  
512-202-8631  
TBPELS FIRM NO. 10194487

PROJECT NO.: 1008-009  
DRAWING NO.: 1008-009-PL1  
PLOT DATE: 11/17/21  
PLOT SCALE: 1" = 100'  
DRAWN BY: JBE

**SHEET 01 OF 02**

# 19365 WILKE LANE

## FINAL PLAT

18.062 ACRES OUT OF THE  
THOMAS G. STUART SURVEY NO. 6, ABSTRACT NO. 689  
TRAVIS COUNTY, TEXAS

**OWNER'S DEDICATION STATEMENT**

STATE OF TEXAS:  
KNOW ALL MEN BY THESE PRESENTS  
COUNTY OF TRAVIS:

THAT CH REALTY IX-OP II MF AUSTIN WILKE, L.P. (FORMERLY KNOWN AS: OP II ATX 19365 WILKE LANE LAND, LTD.), BEING THE OWNER OF 18.062 ACRES OUT THE THOMAS G. STUART SURVEY NO. 6, ABSTRACT NO. 689, IN TRAVIS COUNTY, TEXAS, BEING ALL OF A 18.205 ACRE TRACT DESCRIBED IN DOCUMENT NO. 2021144337, ALL OF A 0.860 ACRE TRACT AND ALL OF A 0.997 ACRE TRACT DESCRIBED IN DOCUMENT NO. 2021144338, BOTH OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,

DO HEREBY SUBDIVIDE 18.062 ACRES OF LAND IN ACCORDANCE WITH THIS PLAT TO BE KNOWN AS:

19365 WILKE LANE

AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF ALL STREETS, ALLEYS, PARKS, AND EASEMENTS SHOWN HEREON.

WITNESS MY HAND, THIS THE 30<sup>th</sup> DAY OF November, 2021 AD

CH REALTY IX-OP II MF AUSTIN WILKE, L.P.  
A DELAWARE LIMITED PARTNERSHIP

BY: EOP II SUB GP TWO, LLC  
A TEXAS LIMITED LIABILITY COMPANY  
ITS GENERAL PARTNER

BY: Chad Marsh  
NAME: Chad Marsh

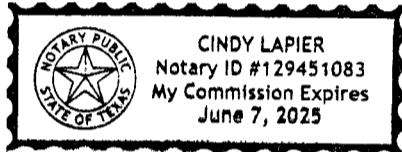
TITLE: Executive Vice President

STATE OF TEXAS:  
COUNTY OF TRAVIS:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Chad Marsh, 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 AND SEAL OF OFFICE, THIS THE 30<sup>th</sup> DAY OF November, 2021, A.D.

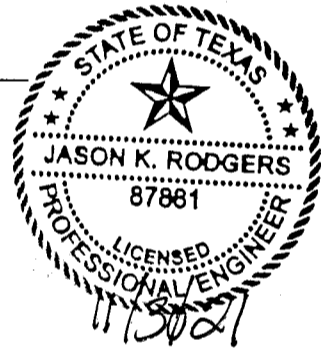
Cindy Lapiere  
NOTARY PUBLIC'S SIGNATURE



**ENGINEER'S FLOOD PLAIN CERTIFICATION**

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. 48453C0280J, DATED AUGUST 18, 2014, FOR TRAVIS COUNTY, TEXAS.

Jason Rodgers  
JASON RODGERS, P.E.  
BLEYL ENGINEERING  
TBPE FIRM NO. 678  
12007 TECHNOLOGY BLVD., SUITE 150  
AUSTIN, TX 78727  
O: 512 454 2400  
M: 512 497 1482

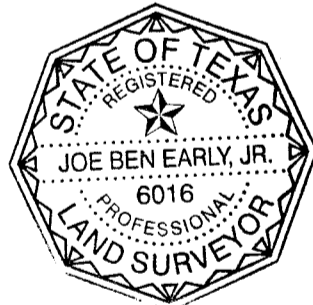


**SURVEYOR'S CERTIFICATION**

STATE OF TEXAS:  
KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF TRAVIS

THAT I, JOE BEN EARLY, JR., 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 FOUND OR 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.

Joe Ben Early, Jr.  
JOE BEN EARLY, JR., R.P.L.S. 6016



SURVEYING BY:  
EARLY LAND SURVEYING, LLC  
P.O. BOX 92588  
AUSTIN, TX 78709  
512-202-8631

**CITY CERTIFICATION**

APPROVED THIS 1 DAY OF March, 2021 BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF PFLUGERVILLE, TEXAS, ON BEHALF OF THE CITY.

Robert Romig  
PAT EPSTEIN, CHAIRMAN  
Robert Romig

THIS PLAT REFLECTS THE APPROVAL GRANTED BY THE PLANNING AND ZONING COMMISSION ON THE DATE INDICATED ABOVE.

Emily Barron  
EMILY BARRON, PLANNING DIRECTOR



ATTEST:  
Karen Thompson  
KAREN THOMPSON, CITY SECRETARY  
Trista Evans

**GENERAL NOTES:**

1. THIS PLAT LIES WITHIN THE CITY OF PFLUGERVILLE FULL PURPOSE JURISDICTION.
2. 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.
3. EASEMENT(S) DEDICATED TO THE PUBLIC 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 GRANTOR, HEIRS, SUCCESSORS AND ASSIGNS SHALL RETAIN THE OBLIGATION 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.
4. NO IMPROVEMENTS INCLUDING BUT NOT LIMITED TO STRUCTURES, FENCES, OR LANDSCAPING SHALL BE ALLOWED IN A PUBLIC EASEMENT, EXCEPT AS APPROVED BY THE CITY.
5. THIS SUBDIVISION IS SUBJECT TO ALL CITY OF PFLUGERVILLE ORDINANCES OR TECHNICAL MANUALS RELATED TO TREE PRESERVATION PER CITY ORDINANCE# 1203-15-02-24 AND CITY RESOLUTION# 1224-09-08-25 SA.
6. THE PUBLIC PARKLAND DEDICATION AND PARK DEVELOPMENT FEE SHALL BE CALCULATED AT A RATE REQUIRED BY CITY ORDINANCE# 1203-15-02-24.
7. THE COMMUNITY IMPACT FEE RATE FOR WATER AND WASTEWATER IS HEREBY ASSESSED AND ESTABLISHED ACCORDING TO THE CITY OF PFLUGERVILLE ORDINANCE NO. 1440-20-04-14. COMMUNITY IMPACT FEES FOR INDIVIDUAL LOTS SHALL BE PAID PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT.
8. THIS SUBDIVISION SHALL MITIGATE POST-DEVELOPMENT PEAK RUNOFF RATES FOR THE 2 YEAR, 25 YEAR AND 100 YEAR STORM EVENTS.
9. 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.
10. 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.
11. 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.
12. ALL PROPOSED FENCES, WALLS AND LANDSCAPING ADJACENT TO INTERSECTING PUBLIC ROADWAY RIGHT-OF-WAY OR ADJACENT TO PRIVATE ACCESS DRIVES SHALL BE IN COMPLIANCE WITH THE SITE DISTANCE REQUIREMENTS OF THE CITY OF PFLUGERVILLE ENGINEERING DESIGN MANUAL, AS AMENDED.
13. 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 PLAT VACATION OR REPLACING MAY BE REQUIRED AT THE OWNER'S SOLE EXPENSE IF PLANS TO DEVELOP THIS SUBDIVISION DO NOT COMPLY WITH SUCH CODES AND REQUIREMENTS.
14. THE PROPERTY OWNER SHALL PROVIDE ACCESS TO DRAINAGE AND UTILITY EASEMENTS AS MAY BE 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.
15. A SIX (6) FOOT WIDE SIDEWALK SHALL BE PROVIDED ON BOTH SIDES OF ABBEYGLLEN CASTLE DRIVE AND ON THE SOUTH SIDE OF WILKE LANE
16. SITE DEVELOPMENT CONSTRUCTION PLANS SHALL BE REVIEWED AND APPROVED BY THE CITY OF PFLUGERVILLE, DEVELOPMENT SERVICES, PRIOR TO ANY CONSTRUCTION.
17. 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 TYPE.

**TRAVIS COUNTY CLERK RECORDATION CERTIFICATION**

STATE OF TEXAS  
COUNTY OF TRAVIS

I, DANA DEBEAUVOIR, CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 13<sup>th</sup> DAY OF December 2021 A.D.

AT 10:28 O'CLOCK A.M., PLAT RECORDS OF SAID COUNTY AND STATE AS DOCUMENT NUMBER 202100285 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THIS 13<sup>th</sup> DAY OF

December 2021 A.D.

DANA DEBEAUVOIR, COUNTY CLERK  
TRAVIS COUNTY, TEXAS  
A. MACEDO  
DEPUTY



FILED FOR RECORD AT 10:28 O'CLOCK A.M., THIS THE 13<sup>th</sup> DAY OF

December 2021 A.D.

DANA DEBEAUVOIR, COUNTY CLERK  
TRAVIS COUNTY, TEXAS  
A. MACEDO  
DEPUTY



THE DEVELOPMENT FEE IS SUBJECT TO ADJUSTMENT WITH THE SITE DEVELOPMENT PERMIT BASED ON THE FINAL UNIT COUNT AND APPROVABLE PRIVATE PARKLAND AMENITIES.

WILKE LANE MULTI-FAMILY PARKLAND SUMMARY								
TYPE	LOT#	LOT AREA	UNITS	UNITS PER ACRE	PERSONS PER UNIT	REQUIRED PARKLAND AREA	PROVIDED PARKLAND AREA	PARKLAND FEE IN LIEU
MULTIFAMILY RESIDENTIAL	1,2	18.06	334	18.49	2	4.41	0	\$43,560/AC
TOTALS						4.41	0	\$192,047.33

WILKE LANE MULTI-FAMILY PARK DEVELOPMENT FEE							
TYPE	LOT#	LOT AREA	UNITS	UNITS PER ACRE	PERSONS PER UNIT	PARK DEVELOPMENT FEE PER UNIT	PARK DEVELOPMENT FEE
MULTIFAMILY RESIDENTIAL	1,2	18.06	334	18.27	2	\$496.00	\$165,664.00
TOTALS							\$165,664.00

EARLY  
LAND SURVEYING

A LIMITED LIABILITY COMPANY

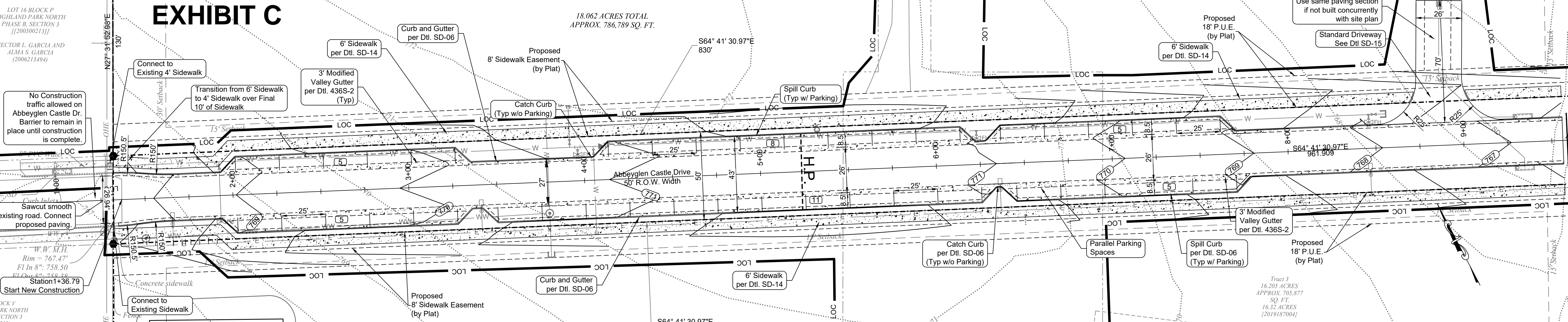
P.O. BOX 92588  
AUSTIN, TX 78709  
512-202-8631  
TBPELS FIRM NO. 10194487

PROJECT NO.:  
1008-009  
DRAWING NO.:  
1008-009-PL1  
PLOT DATE:  
11/17/21  
PLOT SCALE:  
1" = 100'  
DRAWN BY:  
JBE  
SHEET  
02 OF 02



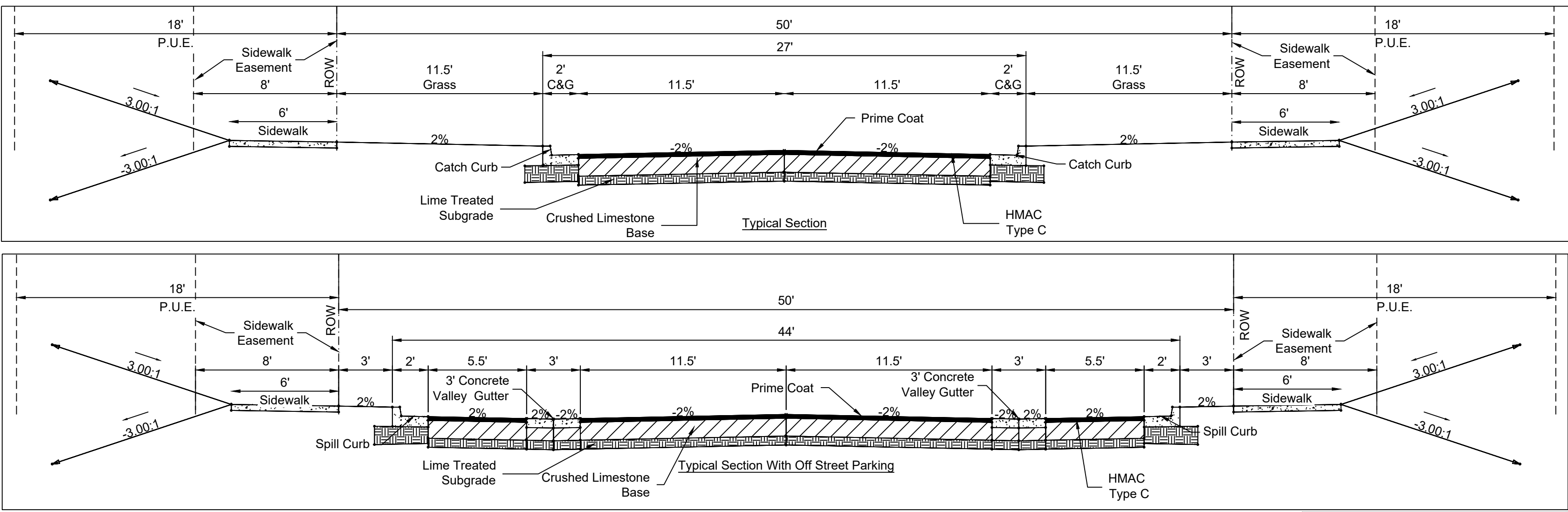
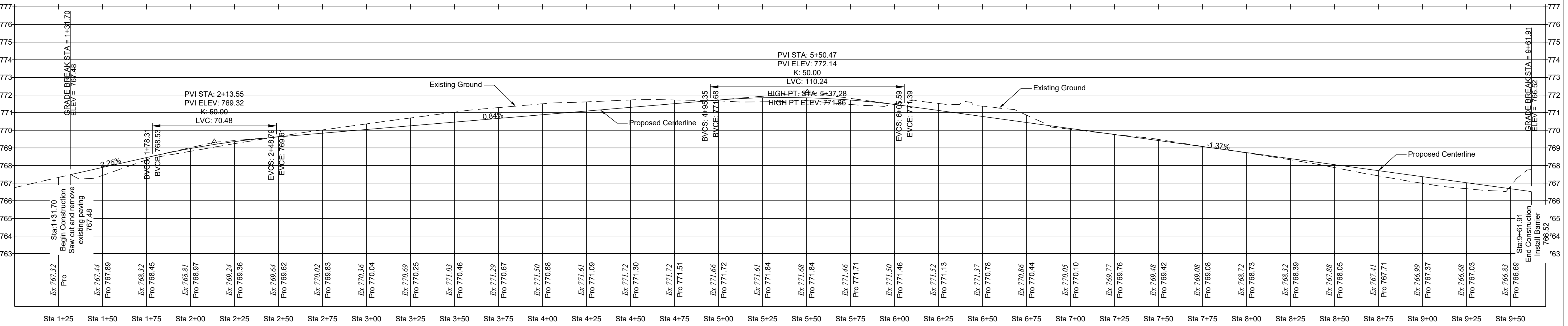
ORIGINAL LAYOUT SIZE - 22X34  
©2021, H:\D\B\LEND\ENDAVOR\END 2021\WILKE PFLUGERVILLE\PROJECT\LOT SHEETS - PUBLIC IMPROVEMENTS\SITE PLAN COA.DWG, 10/20/2021, C:\wtf

# EXHIBIT C



## Abbeyglen Castle Drive Design Speed = 35 MPH

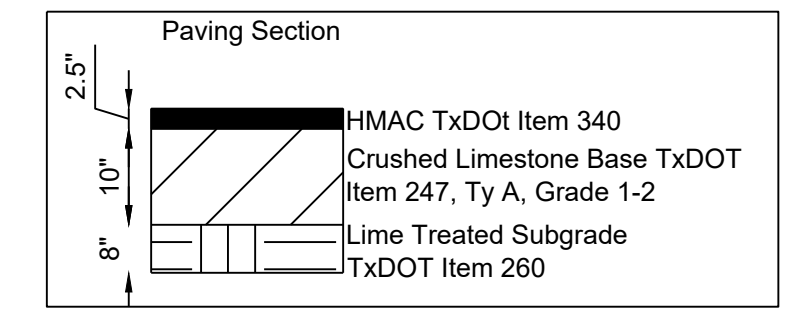
Scale 1" = 30'  
Vertical 1" = 3'



Scale 1" = 5'

**PUBLIC IMPROVEMENT CONSTRUCTION PLAN APPROVAL**  
Approval constitutes compliance with all City of Pflugerville Unified Development Code and Engineering Design requirements. All responsibility for the adequacy of these plans remains with the professionals who prepared them. No alterations of these plans shall be permissible.  
Approval Date: **November 03, 2021**

Paving Note: Refer to Geotechnical Engineering Report, prepared by Terracon Consultants for Paving Sections



**Benchmarks**  
B.M. #1 - Mag nail with washer set in concrete sidewalk.  
(N) 10148080.80 (E) 3156775.67  
Elevation = 772.37' NAVD 88 (GEOID 12B)  
B.M. #2 - Mag nail with washer set in concrete sidewalk.  
(N) 10147849.17 (E) 3157220.99  
Elevation = 755.92' NAVD 88 (GEOID 12B)

**Legal Description**  
18.062 Acres out of the Thomas G. Stuart Survey No. 6, Abstract No. 689 Travis County, Texas.

The location of all existing utilities shown on these plans has been based upon record information only and may not match locations as constructed. The contractor shall contact Texas 811 for assistance in determining existing utility locations prior to beginning construction. Contractor shall field verify locations of utility crossings prior to beginning construction.

Release of this application does not constitute a verification of all data, information and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy and adequacy of his/her submittal, whether or not the application is reviewed for Code compliance by City engineers.

**Sidewalk Note**  
All sidewalks are to meet ADA requirements and TDLR or RAS inspection letter stating the sidewalk was inspected and found to be in compliance will be required from the engineer/developer prior to acceptance of this project.



**BLEYL ENGINEERING**  
PLANNING • DESIGN • MANAGEMENT  
12007 Technology Blvd, Ste 150, Austin TX 78727  
Texas Firm Registration No. F-678  
Tel. 512-454-2400  
www.bleylengineering.com

**Roadway Plan and Profile**  
**Abbeyglen Castle Drive Extension Plan**  
Pflugerville, Texas 78664  
Travis County



Design: JKR  
CAD: CW, AE Review: JKR  
Project No: END 70251  
Sheet: **8 of 20**  
**CON2102-04**

Prepared For:  
**Endeavor Real Estate Group**  
500 West 5th St., Suite 700  
Austin, Texas 78701

Revision	Date	By	App	Comment



# EXHIBIT D

## Estimate of Construction Costs - EXHIBIT D

Project Title:  
COA Case Number:  
Date:

Wilke Ln Apartments - Abbeyglen Castle Drive Extension  
CON2102-04  
1/19/2022

Item	Qty	Unit	Unit Cost	Total Cost
<b>Abbeyglen Castle Drive Extension (Onsite)</b>				
Ranger Excavation (2.5" asphalt / 10" base incl. dirt work)				\$ 282,300.00
Curb and Gutter	1691	LF	\$ 16.00	27,056.00
Sidewalk (6'-0" wide, 5" thick)	9930	SF	5.10	50,643.00
Dirt Work for Sidewalk				30,000.00
Striping				3,000.00
			<b>Subtotal</b>	<b>\$ 392,999.00</b>
<b>Abbeyglen Castle Drive Public Utilities (Onsite)</b>				
<b>Mobilization</b>				<b>\$ 19,375.00</b>
<b>Public Storm</b>				
36" RCP Pipe & Fittings	79	LF	\$ 244.47	\$ 19,313.23
18" RCP CL III Pipe & Fittings	321	LF	99.77	32,026.06
10' Curb Inlet	2	EA	4,633.86	9,267.71
2x2 Grate Inlet	1	EA	3,558.08	3,558.08
36" Headwall	1	EA	11,875.00	11,875.00
18" Headwall	1	EA	6,250.00	6,250.00
36" Outlet Structure	1	EA	8,125.00	8,125.00
3' Wide Trickle Channel	610	SF	12.50	7,625.00
Trench Safety	400	LF	1.25	500.00
Adjust Castings	3	EA	375.00	1,125.00
			<b>Subtotal</b>	<b>\$ 99,665.08</b>
<b>Public Water</b>				
Connect to Existing 12"	1	EA	\$ 2,424.68	\$ 2,424.68
12" C900 DR14 Pipe & Fittings	324	LF	101.53	32,895.11
10" C900 DR14 Pipe & Fittings	64	LF	106.63	6,824.04
8" C900 DR14 Pipe & Fittings	331	LF	65.62	21,721.55
6" Ductile Iron Fire Lead	34	LF	95.60	3,250.24
Fire Hydrant Assembly	4	EA	4,611.46	18,445.85
12" Gate Valve	1	EA	3,435.73	3,435.73
10" Gate Valve	2	EA	3,060.73	6,121.46
8" Gate Valve	1	EA	2,035.96	2,035.96
Reconnect Existing Services	2	EA	3,011.83	6,023.66
2" Blow Off Valve	2	EA	4,923.97	9,847.93
Flex base Backfill	33	CY	121.76	4,017.93
Sawcut Existing Driveway	2	EA	2,753.66	5,507.32
Driveway Pour Back	2	EA	5,625.00	11,250.00
Trench Safety	753	LF	1.25	941.25
Testing	1	LS	6,250.00	6,250.00
Adjust Castings	12	EA	375.00	4,500.00
			<b>Subtotal</b>	<b>\$ 145,492.71</b>
<b>Public Sanitary</b>				
Connect to Existing Manhole	1	EA	\$ 7,863.35	\$ 7,863.35
8" SDR 26 Pipe	542	LF	64.76	35,100.69
4' Diameter Manhole	2	EA	5,514.29	11,028.57
Manhole Coating	1	LS	5,000.00	5,000.00
Trench Safety	542	LF	7.11	3,855.00
Testing	1	EA	4,375.00	4,375.00
Adjust Casting	2	EA	375.00	750.00
			<b>Subtotal</b>	<b>\$ 67,972.61</b>
<b>Haul Off Spoils</b>	<b>949</b>	<b>CY</b>	<b>\$ 34.58</b>	<b>\$ 32,812.50</b>
			<b>Abbeyglen Public Utilities Onsite Subtotal</b>	<b>\$ 365,317.90</b>
<b>Abbeyglen Castle Drive Public Utilities (Offsite) EXCLUDED</b>				
Connect to Existing Junction Box	1	EA	\$ 3,753.66	\$ 3,753.66
5x5 Junction Box	1	EA	6,084.91	6,084.91
4x4 Junction Box	2	LF	5,606.16	11,212.32
42" RCP Pipe & Bends	209	LF	365.66	76,421.99
30" RCP Pipe & Bends	33	LF	322.52	10,643.04
24" RCP Pipe & Bends	307	LF	228.97	70,293.17
Remove Existing 36" RCP	214	LF	12.85	2,750.00
Remove Existing 18" RCP	207	LF	13.29	2,750.00
Remove / Replace Existing Sidewalk	24	LF	141.67	3,400.00
Saw Cut Pavement	860	LF	12.50	10,750.00
Asphalt Paving	488	SY	108.97	53,175.00
Flowable Fill	122	CY	248.09	30,267.26
Trench Safety	549	LF	6.25	3,431.25
Haul Off Spoils	531	CY	\$ 34.72	\$ 18,437.50
			<b>EXCLUDED Abbeyglen Public Utilities Offsite Subtotal</b>	<b>\$ 303,370.09</b>
<b>Soft Costs</b>				
Legal				\$ 15,000.00
Engineering				37,300.00
			<b>Subtotal</b>	<b>\$ 52,300.00</b>
<b>Appurtenances</b>				
Streetyard Trees				\$ 15,250.00
Street Lighting				98,500.00
3 Fire Hydrants and 8" Water Line (for ROW use only, not MF)				77,100.00
			<b>Subtotal</b>	<b>\$ 190,850.00</b>
<b>TOTAL</b>				<b>\$ 1,001,466.90</b>

# EXHIBIT E



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

## 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: 19365 Wilke Lane

Legal Description (Lot, Block):

Case Number: SP2104-03 Date: 4/21/2021

Date of Final Plat Approval: Between March 1, 2021 and December 31, 2022

Date of Building Permit Application: Before January 1, 2022

Service Area (select from list): A

Worksheet Last Updated: 1/22/2021

Notes: (1) Applicant may be eligible for reductions or offsets for infrastructure built. Applicant to apply for either 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):

Multifamily Housing (Mid-Rise)

Development Unit: # of Units:

Dwelling Unit	334

Schedule 1: Maximum Assessable Fee	
Maximum Fee Per Development Unit:	Maximum Fee:
\$ 3,005.00	\$ 1,003,670.00

Schedule 2: Potential Collection Amounts	
Impact Fee Per Development Unit:	Street Impact Fee:
\$ 2,252.88	\$ 752,461.92

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

**ROUGHLY PROPORTIONATE IMPACT OF DEVELOPMENT: \$ 1,003,670.00**

#### EXISTING LAND USES

Land Uses (select from list):

Single-Family Detached Housing

Development Unit: # of Units:

Dwelling Unit	2

Existing Land Use Potential Fee Reduction	
Impact Fee Per Development Unit:	Street Impact Fee:
\$ (5,077.92)	\$ (10,155.84)

**TOTAL POTENTIAL STREET IMPACT FEE COLLECTION AMOUNT: \$ 742,306.08**

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 staff.

Total Value of any Street Impact Fee Offsets (for construction or contribution towards the City's Roadway Capacity Plan):

**TOTAL STREET IMPACT FEE COLLECTION AMOUNT AFTER OFFSETS AND REDUCTIONS: \$ 742,306.08**

# EXHIBIT F

## SUBDIVISION PERFORMANCE BOND

STATE OF TEXAS )  
 )  
COUNTY OF TRAVIS )

KNOW BY ALL MEN THESE PRESENTS:

Date: November 9, 2021  
Penal Sum: \$ 1,167,856.00

Bond No. DVHNSU0808326  
Subdivision: 19365 Wilke Lane

**Principal (Developer):**  
CH Realty IX-OP II MF Austin Wilke, LP  
500 West 5th Street, Suite 700  
Austin, TX 78701

**Surety:**  
Harco National Insurance Company  
4200 Six Forks Road, Suite 1400  
Raleigh, NC 27609

**Obligee:**  
City of Pflugerville, Texas  
Chief Financial Officer  
100 East Main Street  
Pflugerville, Texas 78691

CH Realty IX-OP Harco National  
That, II MF Austin Wilke, LP as Principal, and Insurance Company as Surety, who is authorized under the laws of the State of Texas to act as Surety on bonds for principals, are held and firmly bound unto the City of Pflugerville, Texas as Obligee (“City”), in the penal sum of One Million One Hundred Sixty Seven \*\* Dollars (\$ 1,167,856.00) (“Bond”) for the payment whereof, the said Principal and Surety bind themselves, and their heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents:

**WHEREAS**, Principal has filed with the City a final plat and associated construction plans for the 19365 Wilke Lane subdivision or development (“Development”) providing for and requiring the design and construction of public improvements (the “Obligation”), which generally include, without limitation, streets, water, sewer and drainage utilities, streetlights, traffic control devices, erosion and sediment control and post construction storm water quality control measures or improvements, and any other improvements within or outside the Development necessary to serve the Development, which, when approved by the City, are hereby incorporated herein for all purposes (“Public Improvements”).

**WHEREAS**, this Bond is issued pursuant to Section 15.6.5 of the City of Pflugerville’s Unified Development Code, as amended (“UDC”), to ensure the faithful and dutiful completion of the Public Improvements in the Development in the penal amount of one hundred ten percent (110%) of the estimated construction costs for the Public Improvements for the Development.

**NOW THEREFORE, THE CONDITION OF THIS OBLIGATION IS:**

\*\* Thousand Eight Hundred Fifty Six and 00/100



1. If the Principal shall faithfully complete the Public Improvements in accordance with the final plat, approved subdivision construction plans, and applicable regulations of the City, and shall faithfully perform all of the other obligations in accordance with the same and shall save, hold harmless and indemnify the City from any loss, cost or damage by reason of Principal's failure to complete said Obligation, then this Bond shall be void; otherwise, it shall remain in full force and effect.
2. The Surety, for value received, stipulates and agrees that no change, amendment or addition to the Obligation, including but not limited to extensions of time, shall in any way affect Surety's obligation on this Bond, and Surety does hereby waive notice of any such change, amendment or addition to the Obligation.
3. If any cause, claim or other legal action is filed upon this Bond, venue shall lie in the county where the Obligation is to be performed.

IN WITNESS WHEREOF, the Principal and Surety sign and seal this instrument this  
9th day of November 20 21 .

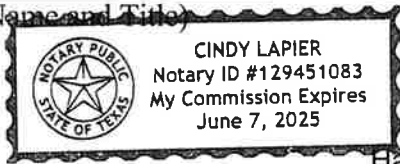
(SEAL)

WITNESS:  
~~XXXXXX~~

By: *Cindy Lapiere*  
*Cindy Lapiere*  
 (Typed Name and Title)

CH Realty IX-OP II MF Austin Wilke, LP  
 Principal

By: *Chad Marsh*  
*Chad Marsh, Executive Vice President*  
 (Typed Name and Title)



(SEAL)

WITNESS:  
~~XXXXXX~~

By: *J. Minutillo*  
*Lindsey Minutillo*  
 (Typed Name and Title)

Harco National Insurance Company  
 Surety


By: *Brandi J. Tetley*  
 Attorney-in-Fact (Attach Power of Attorney)  
*Brandi J. Tetley, Attorney-in-Fact*  
 (Typed Name and Title)



1705 17th Street, Suite 100  
 Denver, CO 80202  
 Phone 303.534.4567

Surety's Texas Local Recording  
Agent or Resident Agent:

~~Resident~~  
NON-Resident

  
\_\_\_\_\_  
(Signature)

Michael E. Lischer, Jr

\_\_\_\_\_  
(Typed Name)

License No. 1800473

File No. N/A

Address: 1705 17th Street, Suite 100

Denver, CO 80202

Telephone No.: 303-534-4567

Surety's Home Office Agent or Servicing  
Agent:

Name: Jay Kade

Title: Denver Regional Surety Manager

Address: 5950 S. Willow Drive, Suite 310

Greenwood Village, CO 80111

Telephone No.: 303-781-3376

**POWER OF ATTORNEY**  
**HARCO NATIONAL INSURANCE COMPANY**  
**INTERNATIONAL FIDELITY INSURANCE COMPANY**

Bond # DVHNSU0808326

Member companies of IAT Insurance Group, Headquartered: 702 Oberlin Road, Raleigh, North Carolina 27605

**KNOW ALL MEN BY THESE PRESENTS:** That **HARCO NATIONAL INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of Illinois, and **INTERNATIONAL FIDELITY INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of New Jersey, and having their principal offices located respectively in the cities of Rolling Meadows, Illinois and Newark, New Jersey, do hereby constitute and appoint

SARAH FINN, BRANDI J. TETLEY, JENNIFER L. CLAMPERT, MICHAEL LISCHER, JR., KRISTEN MOORE, DAVID DONDLINGER, AMY COONTS, SHERYLL SHAW, NICOLE L. MCCOLLAM, DANIELLE WARING

Denver, CO

their true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY**, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of the By-Laws of **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY** and is granted under and by authority of the following resolution adopted by the Board of Directors of **INTERNATIONAL FIDELITY INSURANCE COMPANY** at a meeting duly held on the 13th day of December, 2018 and by the Board of Directors of **HARCO NATIONAL INSURANCE COMPANY** at a meeting held on the 13th day of December, 2018.

"**RESOLVED**, that (1) the Chief Executive Officer, President, Executive Vice President, Senior Vice President, Vice President, or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation; and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seals when so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY** have each executed and attested these presents on this 31st day of December, 2020



STATE OF NEW JERSEY  
County of Essex

Kenneth Chapman

Executive Vice President, Harco National Insurance Company  
and International Fidelity Insurance Company

STATE OF ILLINOIS  
County of Cook



On this 31st day of December, 2020, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY**; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.



IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.

Shirelle A. Outley a Notary Public of New Jersey  
My Commission Expires April 4, 2023

**CERTIFICATION**

I, the undersigned officer of **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY** do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home office of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand on this day, 11/09/2021