

**AGREEMENT BETWEEN CALDWELL COUNTY AND THE CITY OF LOCKHART FOR
SUBDIVISION REGULATION OF JUNIPER SPRINGS (AKA CLEARFORK RANCH) PHASES
9, 10, AND 16 WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF
LOCKHART**

THIS AGREEMENT (the "Agreement") is made and entered into by and between Caldwell County, Texas, a political subdivision of the State of Texas (hereinafter referred to as ("COUNTY")) and the City of Lockhart, a municipal corporation of the State of Texas (hereinafter referred to as "CITY"). The CITY and the COUNTY are hereinafter collectively referred to as "the Parties" or "the Parties to this Agreement."

WHEREAS, Texas Government Code Section 791.011 authorizes local governmental entities to contract with one another to perform governmental services and functions; and

WHEREAS, the COUNTY and CITY are currently parties to an Interlocal Agreement ("ILA") for Subdivision Regulation within the Extraterritorial Jurisdiction of the CITY dated May 11, 2021, that provides for joint review of all plats and construction plans within the statutory extraterritorial jurisdiction of the CITY; and

WHEREAS, the COUNTY and the CITY both entered into agreements with PHAU-Lockhart 450, LLC ("PHAU"), for the development of Juniper Springs, a master-planned single family residential development located in the CITY's ETJ (the COUNTY entered into an agreement in July 2022, and the CITY entered into Municipal Utility Consent Agreement in 2019 that was amended and executed in 2024); and

WHEREAS, the property comprising Juniper Springs is more particularly described in Exhibit A ("Juniper Springs" or "Project"); and

WHEREAS, the Parties desire to enter into this Agreement to better delineate the subdivision regulation for Juniper Springs; and

WHEREAS, the ILA remains in place and is modified only as set forth below in this Agreement for subdivision regulation for Juniper Springs,

NOW THEREFORE, the COUNTY and CITY mutually agree as follows:

1. The Parties agree that all of the above-listed recitals are true and correct.
2. The COUNTY will have exclusive authority to review, process, and approve all development applications in the following areas of the Project: Phases 9 (65 lots), 10 (54 lots), and 16 (1 lot), as depicted on the updated lotting plan that is attached to this Agreement as Exhibit B and which is incorporated into the Agreement for all purposes..
3. This Agreement will terminate upon final review and approval of all necessary permits or other administrative requirements associated with development of Phases 9, 10, and 16 of the PROJECT.
4. This Agreement may not be altered, amended, or modified except in a subsequent writing signed by all Parties to this Agreement.

5. All notices regarding compliance with this Agreement shall be in writing and must be sent by registered or certified mail, postage prepaid. return receipt requested.

a. Notices sent pursuant to this Agreement shall be sent to the Caldwell County Subdivision Coordinator's Office at the following address:

Caldwell County Sanitation Department 1700
FM 2720
Lockhart, Texas 78644

b. Notices sent pursuant to this Agreement may be delivered or sent to the CITY at the following address:

City Manager
City of Lockhart
P.O. Box 239
Lockhart TX 78644

With copy to:
City Planner
City of Lockhart
P.O. Box 239
Lockhart, TX 78644

6. If any provision of this Agreement is found to be invalid, illegal, or unenforceable, such invalidity, illegality, or unenforceability shall not affect the remaining provisions of this Agreement.

7. This Agreement constitutes the entire agreement between the COUNTY and the CITY between the COUNTY and the CITY with respect to the subject matter of this Agreement. No other agreement, statement, or promise relating to the subject matter of this Agreement and which is not contained in this Agreement or incorporated by reference in this Agreement shall be valid or binding. This Agreement is not intended to confer any rights on any third parties, and it shall not be construed as conferring any rights on any third parties.

EXECUTED to be effective as of the date of the last signature below.

COUNTY:

By: _____
Hoppy Haden, Caldwell County Judge

Date: _____

CITY:

By: *Lew White*
Lew White, Mayor of Lockhart, Texas

Date: 2-4-25

EXHIBIT A

Kimley-Horn and Associates, Inc.
TBPLS Firm No. 10193973
601 NW Loop 410, Suite 350
San Antonio, Texas 78216

A METES AND BOUNDS DESCRIPTION OF A 485.169 ACRE TRACT OF LAND

BEING a 485.169 acre (21,133,969 square feet) tract of land situated in the J.B. Gray Survey, Abstract 116, and the W. House Survey, Abstract 15, Caldwell County, Texas; and being a portion of that certain 59.289 acre tract described in instrument to Jakovich Interest LLC in Document No. 2022-000879 of the Official Public Records of Caldwell County, further being all of that

- certain 316.436 acre tract described in instrument to Phau – Lockhart 450 LLC recorded in Document No. 2021-005590 of the Official Public Records of Caldwell County;
- certain 133.1 acre tract described in instrument to Clark R. and Anne J. William recorded in Document No. 122818 of the Official Public Records of Caldwell County;
- certain called 0.5165 acre tract described in instrument to Maya Ingram recorded in Document No. 2019-004315, described in instrument to John Casey Roy recorded in Document No. 2019-004310, described in instrument to Rene Abrego Roy recorded in Document No. 2019-004312, described in instrument to Danielle Benson recorded in Document No. 2019-004314, and described in instrument to Michelle Wittenburg recorded in Document No. 2019006266 all of the Official Public Records of Caldwell County; and being more particularly described as follows:

BEGINNING at a 2-inch metal post found on the northeasterly right of way line of County Road 108 (Borcher loop) (width varies) marking the south corner of the said 316.436 acre tract, and the western-most corner of that certain 59.289 acre tract described in instrument to Jakovich Interest LLC, recorded in Document No. 2022-000879 of the of the Official Public Records of Caldwell County;

THENCE, along the said northeasterly right of way line of County Road 108 (Borcher Loop) the following two (2) courses and distances:

1. North 31°42'12" West, 831.96 feet to a 60D nail found in a wood post for corner;
2. North 31°09'41" West, 1784.12 feet to a rail road tie corner post found marking the west corner of said 316.436 acre tract and the south corner of that certain 133.1 acre tract described in instrument to William R. Clark and Anne J. Clark recorded in Document No. 122818 of the Official Public Records of Caldwell County;
3. North 31°45'04" West, 2080.69 feet to a brass disk in concrete (TxDOT Type 2 monument) found on the southeasterly right of way line of State Highway 142 (width varies) marking the west corner of said 133.1 acre tract;

THENCE, along the said southeasterly right of way line of State Highway 142 the following four (4) courses and distances:

1. North 77°29'15" East, 403.50 feet to a brass disk in concrete (TxDOT Type 2 monument) found for corner;
2. North 77°35'36" East, 614.53 feet to a brass disk in concrete (TxDOT Type 2 monument) found for a point of curvature;
3. in a northeasterly direction, along a tangent curve to the left, a central angle of 16°47'34", a radius of 1979.86 feet, a chord bearing and distance of North 69°11'50" East, 578.20 feet, and a total arc length of 580.27 feet to a brass disk in concrete (TxDOT Type 2 monument) found for the point of tangency;
4. North 60°48'03" East, 72.48 feet to a point for corner, on the southwesterly line of that certain 2.04 acre tract described in instrument to the State of Texas recorded in Volume 211, Page 501 of the Deed Records of Caldwell County, and marking the southeast corner of that certain 1.148 acre tract (Part 2) described in instrument to the State of Texas recorded in Volume 111, Page

272 of the Official Public Records of Caldwell County, and from which a 1/2-inch iron rod (bent) found bears: South 48°25'08" East, 0.20 feet;

THENCE, along the southwesterly, southeasterly, and northeasterly lines of said 2.04 acre tract the following four (4) courses and distances:

1. South 48°25'08" East, 243.37 feet to a concrete monument (TxDOT Type 1) found marking the south corner of said 2.04 acre tract for corner;
2. North 61°06'51" East, 199.72 feet to a concrete monument (TxDOT Type 1) found marking the southeast corner of said 2.04 acre tract for corner;
3. North 11°21'22" East, 159.62 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set marking the east corner of said 2.04 acre tract for corner;
4. North 65°23'10" West, 135.83 feet to a brass disk in concrete (TxDOT Type 2 monument) found on the southeasterly right of way line of said State Highway 142 marking the southwest corner of that certain 1.553 acre tract (Part 1) described in aforesaid instrument to the State of Texas;

THENCE, along the said southeasterly right of way line of State Highway 142 the following three (3) courses and distances:

1. North 60°48'30" East, 73.56 feet to a brass disk in concrete (TxDOT Type 2 monument) found for the point of curvature;
2. in a northeasterly direction, along a tangent curve to the right, a central angle of 30°17'19", a radius of 1839.85 feet, a chord bearing and distance of North 75°57'11" East, 961.33 feet, and a total arc length of 972.61 feet to a brass disk in concrete (TxDOT Type 2 monument) found at a point of tangency;
3. South 88°54'09" East, 1200.54 feet to a brass disk in concrete (TxDOT Type 2 monument) found marking the northeast corner of said 133.1 acre tract, and the northwest corner of that certain 55.627 acre tract described in instrument to Charles D. and Jane Spillmann recorded in Document No. 2016-004753 of the Official Public Records of Caldwell County;

THENCE, along the southwesterly, and northwesterly lines of said 55.627 acre tract the following five (5) courses and distances:

1. South 31°07'22" East, 708.49 feet to a wood post found marking the east corner of said 133.1 acre tract;
2. South 58°52'53" West, 114.97 feet to a 1/2-inch iron rod with plastic cap "UNREADABLE" found for corner;
3. South 55°23'01" West, 17.64 feet to a "T" post in rock mound found marking a westerly corner of said 55.627 acre tract;
4. South 31°47'47" East, 1102.97 feet to a "T" post found in a 2-inch iron pipe in a rock mound marking the south corner of said 55.627 acre tract;
5. North 59°08'09" East, 2443.75 feet to a 12-inch wood post found on the southwesterly line of that certain 17.18 acre tract (first tract) described in instrument to Kenneth G. Willenberg recorded in Document No. 2015-001132 of the Official Public Records of Caldwell County;

THENCE, along the southwesterly and southeasterly line of said 17.18 acre tract the following two (2) courses and distances:

1. South 32°06'46" East, 654.15 feet to a 2-inch metal post found marking the south corner of said 17.18 acre tract;
2. North 59°21'32" East, 262.39 feet to a 2-inch metal post found marking the west corner of that certain 14.6 acre tract (second tract) described in said instrument to Kenneth G. Willenberg;

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THENCE, South 30°58'48" East, 850.02 feet to a 2-inch metal post found on the northwesterly line of that certain 45.489 acre tract described in instrument to Kyle R. and Rudolph E. Schroeder recorded in Document No. 2016-000084 of the Official Public Records of Caldwell County, marking the east corner of aforesaid 316.436 acre tract and the south corner of said 14.6 acre tract;

THENCE, South 58°49'37" West, 2283.22 feet along the southeasterly line of aforesaid 316.436 acre tract to a cotton spindle in a 3/4-inch iron pipe found marking the west corner of said 45.489 acre tract and the north corner of said 59.289 acre tract;

THENCE, South 31°48'12" East, 633.97 feet along the common line of said 59.289 acre tracts and said 45.489 acre tract to a metal fence post found on the northwesterly line of that certain 46.401 acre tract described in the partition deed to Rudolph E. Schroeder recorded in Document No. 2015-005802 of the Official Public Records of Caldwell County, and marking the east corner of said 59.289 acre tract and the south corner of said 45.489 acre tract;

THENCE, South 59°04'39" West, 2248.07 feet along the southeasterly line of said 59.289 acre tract to a 2" steel fence post found marking the most north-northwest corner of that certain 23.849 acre tract described in instrument to Kevin Dwane Schnautz recorded in Document No. 2015-005803 of the Official Public Records of Caldwell County;

THENCE, North 31°05'36" West, 627.22 feet crossing said 59.289 acre tract to a 1/2-inch iron rod with plastic cap stamped "KHA" set on the southeasterly line of aforesaid 316.436 acre tract, and the northwesterly line of said 59.289 acre tract;

THENCE, along the southeasterly line of aforesaid 316.436 acre tract the following three (3) courses and distances:

1. South 58°54'24" West, 620.36 feet to a 1/2-inch iron rod with cap stamped "HARPER" marking the east corner of said 0.5165 acre tract;
2. South 58°54'24" West, 150.00 feet to a 1/2-inch iron rod with cap stamped "HARPER" marking the south corner of said 0.5165 acre tract;
3. South 58°54'24" West, 1186.55 feet along the southeasterly line of aforesaid 316.436 acre tract to the **POINT OF BEGINNING** and containing 485.169 acres of land in Caldwell County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System, South Central Zone (FIPS 4204) (NAD'83), as determined by the Global Positioning System (GPS). All distances shown hereon are on the Surface. To convert Surface distances to Grid apply the Surface to Grid Scale Factor of 0.9998858382. The unit of linear measurement is U.S. Survey Feet. This description was generated on 7/21/2022 at 12:27 PM, based on geometry in the drawing file K:\SNA_Survey\PERRY HOMES CLEAR FORK RANCH\068725500-CLEAR FORK RANCH\DWG\Exhibits\B-CLEAR FORK RANCH.dwg, in the office of Kimley-Horn and Associates in San Antonio, Texas.

John G. Mosier 8-2-22
John G. Mosier
Registered Professional Land Surveyor No. 6330
Kimley-Horn and Associates, Inc.
601 NW Loop 410, Suite 350
San Antonio, Texas 78216
Ph. 210-541-9166
greg.mosier@kimley-horn.com



EXHIBIT B

Exhibit B



