



City of Fredericksburg

Planning and Zoning Meeting Agenda
Wednesday, March 4, 2026 ~ 5:30 PM
New City Hall at East Campus
2818 E. U.S. Hwy. 290
Fredericksburg, Texas 78624

Janice Menking, Chair
Tim Dooley, Member
George Hager, Member
Jim Jarreau, Member
Belinda McDonnell, Member

Tom Musselman, Member
Tyler Pansing, Member
Todd Peters, Member
Sondra Sultemeier, Member

The City of Fredericksburg Planning and Zoning Commission will meet in regular session on March 4, 2026, at 5:30PM. Link to City of Fredericksburg agenda webpage to watch video of the meeting.

Written Comments: to be submitted remotely:

1. Must be received by 2 p.m. on March 4, 2026.
2. Complete the Citizen Comment Form online at www.fbgtx.org; or
3. Email your comments to jmusgrove@fbgtx.org

Verbal Comments:

Sign up in-person between 5:00 p.m. and 5:30 p.m. New City Hall at East Campus 2818 E. U.S. Hwy. 290, Fredericksburg, Texas 78624
You will be limited to 3 minutes to speak.

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

- A. February 4, 2026, Regular Meeting Minutes

4. PUBLIC HEARING

- A. **Request Z-2601:** Proposed text amendments regarding sexually oriented businesses, vape shops, game of skill parlors and tattoo studios. The proposed text amendments are for Section 2.100 (Definitions), Section 3.210 (C-2: Commercial), Section 3.320 (M-2: Medium Manufacturing) and Section 4.500 (General Description of Commercial Use Types).

- i Presentation by the Staff
- ii Hold Public Hearing
- iii Take Action on proposed text amendment

- B. **Request Z-2603:** By Clayton Walvoord, Rebecca Rather & Brad Oehler to Consider the Following:

- A. A Zoning Change from Single-Family Residential (R1) to Central Business District (CBD) for Properties Located at 408, 412 & 414 East Austin Street.

- i Presentation by the Applicant
 - ii Presentation by the Staff
 - iii Hold Public Hearing
 - iv Take Action on the Zoning Change

- C. **Request Z-2604:** Proposed text amendment regarding Multiple Family Residential Uses within the C-1 Neighborhood Commercial District. The proposed text amendments are for Section 3.200 (C-1: Neighborhood Commercial) district.

- i Presentation by the Staff
 - ii Hold Public Hearing
 - iii Take Action on proposed text amendment

5. ACTION ITEMS

- A. **Request P-2601:** By Zoe Jasso to consider and take action on the Final Plat approval for the proposed Phase 5 of The Friendship Oaks Subdivision located East of US 87 and S. Creek Street Intersection.
- B. **Request SP-2601:** By Cristi Kennedy to Consider the Site Plan Review for a Duplex Complex Located at 903 East Highway Street.
- C. Consider and take action initiating text amendments pertaining to the definition of and establishment of Game of Skill Parlors and to further consider and take action to initiate text amendments pertaining to the establishment of Multiple Family Residential Developments.

6. DISCUSSION ITEMS

- A. Director's Report

7. ADJOURN

CERTIFICATION

This is to certify that I, Jan Musgrove, posted this Agenda before 4:30PM. on Wednesday, February 25, 2026, on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

Jan Musgrove

Jan Musgrove
Planner 1

**STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG**

**PLANNING & ZONING COMMISSION
MEETING MINUTES
February 4, 2026, 5:30 P.M.**

On the 4th day of February 2026, the Planning and Zoning Commission convened in Regular Session at the New City Hall at East Campus 2818 E. U.S. Hwy. 290, Fredericksburg Texas with the following members present to constitute a quorum:

PRESENT: JANICE MENKING
TOM MUSSELMAN
TIM DOOLEY
BELINDA MCDONNELL
SONDRA SULTEMEIER
TODD PETERS
TYLER PANSING

ABSENT: GEORGE HAGER
JIM JARREAU

ALSO, PRESENT: CLIFF CROSS – Director of Development Services
SUSANA HUERTA – Assistant Director of Development Services
EVAN WILLIAMSON – Assistant City Engineer
JAN MUSGROVE – Planner I
MICK MCKAMIE – Legal Counsel
MARIA GARCIA – Legal Counsel

Janice Menking called the meeting to order at 5:30 P.M.

Action Item:

Request Z-2601: Proposed text amendments regarding sexually oriented businesses, vape shops and tattoo studios. *(Withdrawn)*

Cliff Cross explained that the item would require legal notices to be placed in the paper and notification to the relevant properties sent out. This item would be on the March P&Z agenda.

Request Z-2522: By Judy K Feller, to Consider the Following:

The applicant has submitted a Land Use and Zoning Change request for approximately .49 acres (21,475 sq. ft) of land located at 707 N. Milam Street. The applicant is requesting a Land Use Change to Commercial (C) (General Commercial Place Type) and a zoning change from R1, Single-Family Residential to C2, Commercial.

Applicant Presentation: Judy Feller

Mrs. Feller explained that her home, located at 707 N Milam, was on the corner of Milam and W Morse street and that the neighborhood and Milam Street had changed dramatically over the years. Milam was now a busy street with a lot of traffic and noise and there were a lot of commercial businesses nearby. The home was up for sale, and it was not selling due to the lack of safety and quiet enjoyment.

Staff Summary:

Cliff Cross reviewed the request and the proposed application requesting the land use and zoning change. In reviewing the request, the Comprehensive Plan has classified the subject property as a Mixed-Use Community / Corridor place type. Per the "Intent And Character" section of the plan, "Within a small geographic area, different land uses can be side by side or within the same building. These places tend to be bustling and diverse, with a sense of place. Mixed-Use Communities or Corridors can serve a large region, while others can serve residents. The functions and characteristics of both concepts are generally the same, with variations in the size of their service areas and intensity of development".

Although the specific place type designation request is not specifically identified for this property, the trend of development and surrounding underlying districts provide for the ability to establish professional office and less intense commercial uses. Furthermore, the current Mixed-Use Community / Corridor Place Type identifies the Commercial (C2) zoning as an appropriate zoning classification. In addition, the current Mixed-Use Community / Corridor Place Type identifies additional appropriate underlying districts that would better fit the trend of development throughout the general area. Staff would not recommend approval of a Land Use/Place Type Change from the current Mixed-Use Community / Corridor Place Type) to a General Commercial Place Type and would only recommend approval of the rezoning from Single-Family Residential (R1) to Neighborhood Commercial (C1) for Property Located at 707 N. Milam Street.

Cliff Cross noted that there had been one letter of protest for this item.

Public Hearing Items: Opened at 5:43PM

Sara Wen, property owner at 708 N Milam spoke to her approval of the request.

Cindy Speth, a resident in the neighborhood mentioned that Milam Street was not a residential street anymore and agreed that the property should be rezoned.

Both members of the public spoke in favor of rezoning not only Judy's property but also the 600 and 700 blocks of North Milam, citing increased traffic, loss of residential character, and the prevalence of non-homestead uses as reasons for a comprehensive rezoning.

Belinda McDonnell reminded the public that this item was for a specific property and not for the entire 700 block of North Milam.

Public Hearing closed at 5:49PM

Board Discussion:

Commissioners discussed the implications of rezoning a single property within a residential block, the process for broader rezoning, and the risks of creating nonconforming uses.

Tom Musselman commented on the fact that this appeared to be “spot zoning” in the middle of a residential area and that P&Z would not want to set a precedent for “spot zoning”

Tim Dooley made a motion to deny the request to rezone the R1 property to C2 zone.

Tom Musselman seconded the motion. All voted Aye and the motion carried.

Request Z-2523: By P.V. McMinn with Nuvista Development LLC, to consider a Conditional Use Permit per Sec. 3.200 for Townhome Use for Property Located at 1032 South Milam Street.

Janice Menking and Sondra Sultemeier recused themselves from the Dias.

Applicant Presentation:

P.V. McMinn Jr. with New Vista Development LLC presented a revised conditional use permit (CUP) application for 19 luxury townhomes at 1032 S Milam, the 19 townhomes now located on a 4.87-acre tract, noting that the cul-de-sac length was reduced to comply with code, and that the application addressed previous objections related to street design and density.

Staff Summary:

Cliff Cross detailed the applications compliance with zoning and development standards, including building and impervious coverage, height, parking, landscaping, and a 20-foot buffer, and recommended approval with conditions such as work hours, easement access, and Staff approval of tree preservation, and plating of the lot to take place within 90 days.

Public Hearing opened at 6:19PM

Marlene Pyrate (Windcrest Patio Home Association President) mentioned that this was the best plan the owners and Home Association had seen in over 5 years, and she asked that the City oversee the project as trust was still an issue.

Jim Wilmheight (resident of the neighboring community) expressed cautious support for the revised plan, emphasizing the need for trust, enforcement of conditions, and preservation of green space.

Dennis Kusenburger, realtor associated with the project, submitted a rendering of an example of the type of product that Mr. McMinn would be producing at this location. The item was submitted into the record.

Public Hearing closed at 6:27PM

Belinda McDonnell asked if there would be sidewalks on Crestview and what the lot frontage would be.

Mr. McMinn stated that the lots would meet the code requirements and that several lots might combine if buyers wanted a bigger lot.

Cliff Cross responded that this replating of the lots would be an Administrative process.

Tom Musselman mentioned that it addressed all his previous concerns.

Tim Dolley made a motion to approve with the following conditions:

- a) Require a 20-foot-wide buffer zone between the NuVista Keller Oaks Project and the Windcrest Townhomes.
- b) Requires an easement for the maintenance and repair of the retaining wall of Windcrest Townhomes
- c) Require a construction workday from 7:00AM to 7:00PM.
- d) Plat to be recorded within 90 days.

Todd Peters seconded the motion. A roll Call vote ensued.

Tim Dooley – Nay

Todd Peters – Aye

Tyler Pansing – Nay

Belinda McDonell – Nay

Tom Musselman – Aye

The motion failed to offer a recommendation of any kind.

Staff asked the Board members if they wished to submit a motion to deny. Board members did not respond.

Sondra Sultemeier and Janice Menking recused.

Item to be heard by City Council on the 17th of February 2026.

Janice Menking and Sondra Sultemeier returned to the dais.

Request Z-2602 - Consider and act to initiate text amendments pertaining to amendments associated with reapplication time limits pertaining to zoning and conditional use permit applications.

Staff Summary:

Staff outlined the proposed amendments, which set a one-year waiting period after denial and a six-month period after withdrawal for similar applications, with exceptions for substantially changed circumstances or different uses, aiming to prevent repeated applications and provide predictability.

Cliff Cross asked the Planning and Zoning Commission Board members to consider making a formal request to City Council for the action item listed above.

Tom Mussleman made a motion to make a formal request to City Council to consider taking action on initiating text amendments pertaining to amendments associated with reapplication time limits pertaining to zoning and conditional use permit applications.

Tim Dooley seconded the motion. All voted Aye and the motion carried.

Director’s Report:

Cliff Cross provided an update on the selection process for a consultant to develop the city's Unified Development Code (UDC), reporting that four finalists have been identified based on experience and qualifications, and that negotiations will proceed to secure the best fit for the community. The selection process prioritized experience with Texas law, knowledge of the community, and direct experience in building UDCs, with a scoring system used to evaluate applicants.

The Commission emphasized the importance of a comprehensive, non-cookie-cutter UDC that consolidates and reconciles all existing ordinances, with ongoing updates and performance measures to ensure regulatory effectiveness.

Approval of Minutes:

Tom Musselman made a motion to approve as presented the meeting minutes for January 7, 2026. Tim Dooley seconded the motion. All voted Aye and the motion carried unanimously.

ADJOURN

With nothing further to come before the Commission, the meeting adjourned at 7:15PM.

PASSED AND APPROVED on the 4th day of March 2026.

JAN MUSGROVE, Planner I

JANICE MENKING, Chair



PLANNING AND ZONING COMMISSION
AGENDA MEMO

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Cliff Cross, Director of Development Services
MEETING DATE: March 4, 2026

SECTION: PUBLIC HEARING ITEM: A.

CAPTION: **Request Z-2601:** Proposed text amendments regarding sexually oriented businesses, vape shops, game of skill parlors and tattoo studios. The proposed text amendments are for Section 2.100 (Definitions), Section 3.210 (C-2: Commercial), Section 3.320 (M-2: Medium Manufacturing) and Section 4.500 (General Description of Commercial Use Types).

- i Presentation by the Staff
- ii Hold Public Hearing
- iii Take Action on proposed text amendment

SUMMARY:

Staff is proposing text amendments related to the definitions for and the establishment of Sexually Oriented Businesses, Vape Shops, Game of Skill Parlors and Tattoo Studios within identified zoning districts in the City. The proposed amendments pertain to Section 2.100 (Definitions), Section 3.210 (C-2: Commercial), Section 3.320 (M-2: Medium Manufacturing) and Section 4.500 (General Description of Commercial Use Types) and are intended to define the specific uses and identify permitted underlying zoning districts and supplementary regulations.

BACKGROUND: *The proposed amendments are identified within the following sections of the proposed ordinance.*

Section 2 of Proposed Ordinance

Section 2.100, "Definitions," of the Zoning Ordinance is amended by adding the following definitions to be listed alphabetically and to read follows:

"CBD"

Cannabidiol in the form of a consumable hemp product, as that term is defined in Section 443.001 of the Texas Health and Safety Code, that may be lawfully sold in accordance with state and federal laws.

E-CIGARETTE

The term as defined in Tex. Health & Safety Code §161.081(1-a).

GAME OF SKILL PARLOR

An establishment primarily engaged in providing entertainment regarding devices and other activities in which players could earn credits above and beyond those played based on skill and chance plays no part in the award of a prize.

SEXUALLY ORIENTED BUSINESS

An adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, or adult motion picture theater, as those terms are defined in Chapter 26 “Sexually Oriented Businesses” of the Code of Ordinances for the City of Fredericksburg, Texas.

SMOKE/TOBACCO/CBD/CED STORE

Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, tobacco paraphernalia, or CBD/CED or hemp-derived products, except:

- (1) a pharmacy selling FDA approved cannabis and cannabis-derived products; and
- (2) any grocery store, supermarket, convenience store or similar retail use that sells conventional cigars, cigarettes, tobacco, or CBD/CED or hemp-derived products as an ancillary sale, meaning the store uses for the display, sale, distribution, delivery, offering, furnishing, or marketing of conventional cigars, cigarettes, tobacco or CBD/CED or hemp product, (i) no more than two percent (2%) or two-hundred (200) square feet of its gross floor area (whichever is less), or (ii) for a retail store consisting of two-hundred and fifty (250) square feet or less, no more than five (5) square feet.

TATTOO STUDIO

Establishments engaged in producing indelible marks or figures on the human body through tattooing, permanent cosmetics or scarification or inserting pigments under the skin using needles, scalpels or other related equipment and licensed by the Texas Department of Licensing and Regulation (TDLR). This also includes establishments creating an opening in a person’s body, other than the earlobe, to insert jewelry or another decoration or implants.

TOBACCO

Any preparation of the nicotine-rich leaves of the tobacco plant, which are cured by a process of drying and fermentation for use in smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body.

TOBACCO PARAPHERNALIA

Any paraphernalia, equipment, device, or instrument that is primarily designed or manufactured for smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of tobacco, tobacco products, or other controlled substances as defined in the Tex. Health and Safety Code. Items or devices classified as tobacco paraphernalia include but are not limited to the following: pipes, punctured metal bowls, bong, water bong, electric pipes, ecigarettes, e-cigarette juice, buzz bombs, vaporizers, hookahs, and devices for holding burning material. Lighters and matches shall be excluded from the definition of tobacco paraphernalia.

TOBACCO PRODUCT

Any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from the tobacco plant, or otherwise derived, which is intended to enable human consumption of the tobacco or nicotine in the product, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means. For the purposes of this chapter, the term "tobacco product" excludes any product that has been specifically approved by the United States Food and Drug Administration (FDA) for sale as a tobacco/smoking cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose.

VAPE SHOP

Establishments primarily engaged in providing services and defined as a "Smoke/Tobacco/CBD/CED Store" or "Vapor Smoking Services" establishment per the City of Fredericksburg, Texas Zoning Ordinance.

VAPOR SMOKING SERVICES

A retail use that provides vapor smoking services onsite.

Section 3 of Proposed Ordinance

Section 3.210, "C-2: Commercial", of the Zoning Ordinance is revised by adding "Vape Shop", "Game of Skill Parlor" and "Tattoo Studio" to the Uses Permitted Subject to Conditional Use Permit chart, to be inserted alphabetically.

Section 4 of Proposed Ordinance

Section 4.500, "General Description of Commercial Use Types," of the Zoning Ordinance is revised by adding "VAPE SHOP," "GAME OF SKILL PARLOR" and "TATTOO STUDIO" to be inserted alphabetically and to read as follows:

VAPE SHOP

A Vape Shop shall require a conditional use permit. Standards to operate a Vape Shop shall be as follows:

1. Vape Shops shall not be located within five hundred (500) feet, measured property line to property line, from a school (public or private), family day care home, child care facility, youth center, community center, recreational facility, park, church, religious institution, hospital, or other similar uses where children regularly gather.
2. Vape Shops shall not be located within one-thousand five hundred (1500) feet, measured property line to property line, from another Vape Shop.
3. Vape Shops that are legally existing on the effective date of the enacting ordinance codified in this section may continue to operate as nonconforming uses and shall not be required to obtain a conditional use permit. However, any change or expansion of the nonconforming use shall require compliance with this section and a conditional use permit.

GAME OF SKILL PARLOR

A Game of Skill Parlor shall require a conditional use permit. Standards to operate a Game of Skill Parlor shall be as follows:

1. Game of Skill Parlors shall not be located within five hundred (500) feet, measured property line to property line, from a school (public or private), family day care home, child care facility, youth center, community center, recreational facility, park, church, religious institution, hospital, or other similar uses where children regularly gather.
2. Game of Skill Parlors shall not be located within one-thousand five hundred (1500 feet, measured property line to property line, from another Game of Skill Parlor.
3. Game of Skill Parlors that are legally existing on the effective date of the enacting ordinance codified in this section may continue to operate as nonconforming uses and shall not be required to obtain a conditional use permit. However, any change or expansion of the nonconforming use shall require compliance with this section and a conditional use permit.

TATTOO STUDIO

A Tattoo Studio shall require a conditional use permit. Standards to operate a Tattoo Studio shall be as follows:

1. Tattoo Studios shall not be located within five hundred (500) feet, measured property line to property line, from a school (public or private), family day care home, child care facility, youth center, community center, recreational facility, park, church, religious institution, hospital, or other similar uses where children regularly gather.
2. Tattoo Studios shall not be located within one thousand five hundred (1500 feet, measured property line to property line, from another Tattoo Studio.
3. Tattoo Studios that are legally existing on the effective date of the enacting ordinance codified in this section may continue to operate as nonconforming uses and shall not be required to obtain a conditional use permit. However, any change or expansion of the nonconforming use shall require compliance with this section and a conditional use permit.

Section 5 of Proposed Ordinance

Section 3.320, "M-2: Medium Manufacturing", of the Zoning Ordinance is revised by adding "Sexually Oriented Business" to the Uses Permitted Subject to Conditional Use Permit chart, to be inserted alphabetically.

Section 6 of Proposed Ordinance

Section 4.500, "General Description of Commercial Use Types," of the Zoning Ordinance is revised by adding "SEXUALLY ORIENTED BUSINESS" to be inserted alphabetically and to read as follows:

SEXUALLY ORIENTED BUSINESS

A Sexually Oriented Business shall require a conditional use permit. Standards to establish a Sexually Oriented Business shall be as follows:

1. Sexually Oriented Businesses location restrictions shall be subject to the restrictions identified within Chapter 26, Section 26-7 “Location Restrictions, Minimum Distance Requirements” of the City of Fredericksburg, Texas Code of Ordinances.
2. Sexually Oriented Businesses that are legally existing on the effective date of the enacting ordinance codified in this section may continue to operate as nonconforming uses and shall not be required to obtain a conditional use permit. However, any change or expansion of the nonconforming use shall require compliance with this section and a conditional use permit.

STAFF RECOMMENDATION:

NA

ATTACHMENTS:

1. Ordinance 2026-00 SOB, Vape, Tattoo With Legal Updates Final

APPROVAL/REVIEW:



Date: February 26, 2026

Cliff Cross, Director of Development Services

ORDINANCE NO. 2 0 2 6 - 00

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING APPENDIX B, "ZONING ORDINANCE," OF THE FREDERICKSBURG MUNICIPAL CODE BY AMENDING SECTION 2.100 (DEFINITIONS), SECTION 3.210 (C-2: COMMERCIAL), SECTION 3.320 (M-2: MEDIUM MANUFACTURING) AND SECTION 4.500 (GENERAL DESCRIPTION OF COMMERCIAL USE TYPES); TO AMEND THE DEFINITION AND GENERAL DESCRIPTION OF COMMERCIAL USE TYPES FOR SEXUALLY ORIENTED BUSINESSES, VAPE SHOPS, GAME OF SKILL PARLORS AND TATTOO STUDIOS AND TO FURTHER AMEND THE PERMITTED AND CONDITIONAL USES FOR THEIR ESTABLISHMENT WITHIN THE C-2: COMMERCIAL AND M-2 MEDIUM MANUFACTURING DISTRICTS IN THE CITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fredericksburg, Texas (the "City"), is a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City previously adopted the Zoning Ordinance, as codified in Appendix B of the Fredericksburg Municipal Code (the "Code"), (the "Zoning Ordinance"), which regulates and restricts the location and use of buildings, structures, and land for trade; industry; residence; and other purposes, and provides for the establishment of zoning districts of such number, shape, and area as may be best suited to carry out these regulations; and

WHEREAS, an application for a text amendment of the Zoning Ordinance, related to the definition of and establishment of Sexually Oriented Businesses, Vape Shops, Game of Skill Parlors and Tattoo Studios within identified zoning districts in the City, has been initiated by motion of the Planning and Zoning Commission; and

WHEREAS, the City Council desires to amend the Zoning Ordinance to provide regulations for Sexually Oriented Businesses, Vape Sops, Game of Skill Parlors and Tattoo Studios; and

WHEREAS, the regulation of Sexually Oriented Businesses, Vape Shops, Game of Skill Parlors and Tattoo Studios is necessary and in the interests of the public health, safety, and general welfare because there is a substantial likelihood of the establishment and operation of Sexually Oriented Businesses, Vape Shops and Tattoo Studios in the City; and

WHEREAS, the expansion of these businesses in the City could result in undesirable impacts to the community, including a negative impact on the health and wellbeing of the City's youth; and

WHEREAS, this Ordinance contains regulations consistent with good zoning and planning practices to address such negative impacts of Sexually Oriented Businesses, Vape Shops, Game of Skill Parlors and Tattoo Studios while providing a reasonable number of locations and zones for such businesses to locate within the City; and

WHEREAS, after public notices were given in compliance with State law and public hearings were conducted, and after considering the information submitted at those public hearings and all other relevant information and materials, the Planning and Zoning Commission of the City has recommended to the City Council the adoption of the amendment to the Zoning Ordinance as set forth in this Ordinance; and

WHEREAS, after complying with all legal notices, requirements, and conditions, a public hearing was held before the City Council at which the City Council considered the recommendation of the Planning and Zoning Commission, and among other things, the necessity for orderly and appropriate regulations of the use of land and the erection of structures thereon, and having considered the proposed amendment to the Zoning Ordinance and the appropriateness of the amendment, the City Council does hereby find that the amendment to the Zoning Ordinance approved hereby accomplishes such objectives.

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

SECTION 1.

All the above premises are true and correct of the City Council, and they are hereby approved, ratified, and incorporated herein this Ordinance.

SECTION 2.

Section 2.100, "Definitions," of the Zoning Ordinance is amended by adding the following definitions to be listed alphabetically and to read follows:

"CBD"

Cannabidiol in the form of a consumable hemp product, as that term is defined in Section 443.001 of the Texas Health and Safety Code, that may be lawfully sold in accordance with state and federal laws.

E-CIGARETTE

The term as defined in Tex. Health & Safety Code §161.081(1-a).

GAME OF SKILL PARLOR

An establishment primarily engaged in providing entertainment regarding devices and other activities in which players could earn credits above and beyond those played based on skill and chance plays no part in the award of a prize.

SEXUALLY ORIENTED BUSINESS

An adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, or adult motion picture theater, as those terms are defined in Chapter 26 “Sexually Oriented Businesses” of the Code of Ordinances for the City of Fredericksburg, Texas.

SMOKE/TOBACCO/CBD/CED STORE

Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, tobacco paraphernalia, or CBD/CED or hemp-derived products, except:

- (1) a pharmacy selling FDA approved cannabis and cannabis-derived products; and
- (2) any grocery store, supermarket, convenience store or similar retail use that sells conventional cigars, cigarettes, tobacco, or CBD/CED or hemp-derived products as an ancillary sale, meaning the store uses for the display, sale, distribution, delivery, offering, furnishing, or marketing of conventional cigars, cigarettes, tobacco or CBD/CED or hemp product, (i) no more than two percent (2%) or two-hundred (200) square feet of its gross floor area (whichever is less), or (ii) for a retail store consisting of two-hundred and fifty (250) square feet or less, no more than five (5) square feet.

TATTOO STUDIO

Establishments engaged in producing indelible marks or figures on the human body through tattooing, permanent cosmetics or scarification or inserting pigments under the skin using needles, scalpels or other related equipment and licensed by the Texas Department of Licensing and Regulation (TDLR). This also includes establishments creating an opening in a person’s body, other than the earlobe, to insert jewelry or another decoration or implants.

TOBACCO

Any preparation of the nicotine-rich leaves of the tobacco plant, which are cured by a process of drying and fermentation for use in smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body.

TOBACCO PARAPHERNALIA

Any paraphernalia, equipment, device, or instrument that is primarily designed or manufactured for smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of tobacco, tobacco products, or other controlled substances as defined in the Tex. Health and Safety Code. Items or devices classified as tobacco paraphernalia include but are not limited to the following: pipes, punctured metal bowls, bongs, water bongs, electric pipes, e-cigarettes, e-cigarette juice, buzz bombs, vaporizers, hookahs, and devices for holding burning material. Lighters and matches shall be excluded from the definition of tobacco paraphernalia.

TOBACCO PRODUCT

Any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from the tobacco plant, or otherwise derived, which is intended to enable human consumption of the tobacco or nicotine in the product, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means. For the purposes of this chapter, the term "tobacco product" excludes any product that has been specifically approved by the United States Food and Drug Administration (FDA) for sale as a tobacco/smoking cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose.

VAPE SHOP

Establishments primarily engaged in providing services and defined as a "Smoke/Tobacco/CBD/CED Store" or "Vapor Smoking Services" establishment per the City of Fredericksburg, Texas Zoning Ordinance.

VAPOR SMOKING SERVICES

A retail use that provides vapor smoking services onsite.

SECTION 3.

Section 3.210, "C-2: Commercial", of the Zoning Ordinance is revised by adding "Vape Shop", "Game of Skill Parlor" and "Tattoo Studio" to the Uses Permitted Subject to Conditional Use Permit chart, to be inserted alphabetically.

SECTION 4.

Section 4.500, "General Description of Commercial Use Types," of the Zoning Ordinance is revised by adding "VAPE SHOP," GAME OF SKILL PARLOR" and "TATTOO STUDIO" to be inserted alphabetically and to read as follows:

VAPE SHOP

A Vape Shop shall require a conditional use permit. Standards to operate a Vape Shop shall be as follows:

- 1) Vape Shops shall not be located within five hundred (500) feet, measured property line to property line, from a school (public or private), family day care home, child care facility, youth center, community center, recreational facility, park, church, religious institution, hospital, or other similar uses where children regularly gather.
- 2) Vape Shops shall not be located within one-thousand five hundred (1500) feet, measured property line to property line, from another Vape Shop.

- 3) Vape Shops that are legally existing on the effective date of the enacting ordinance codified in this section may continue to operate as nonconforming uses and shall not be required to obtain a conditional use permit. However, any change or expansion of the nonconforming use shall require compliance with this section and a conditional use permit.

GAME OF SKILL PARLOR

A Game of Skill Parlor shall require a conditional use permit. Standards to operate a Game of Skill Parlor shall be as follows:

- 1) Game of Skill Parlors shall not be located within five hundred (500) feet, measured property line to property line, from a school (public or private), family day care home, child care facility, youth center, community center, recreational facility, park, church, religious institution, hospital, or other similar uses where children regularly gather.
- 2) Game of Skill Parlors shall not be located within one-thousand five hundred (1500) feet, measured property line to property line, from another Game of Skill Parlor.
- 3) Game of Skill Parlors that are legally existing on the effective date of the enacting ordinance codified in this section may continue to operate as nonconforming uses and shall not be required to obtain a conditional use permit. However, any change or expansion of the nonconforming use shall require compliance with this section and a conditional use permit.

TATTOO STUDIO

A Tattoo Studio shall require a conditional use permit. Standards to operate a Tattoo Studio shall be as follows:

- 1) Tattoo Studios shall not be located within five hundred (500) feet, measured property line to property line, from a school (public or private), family day care home, child care facility, youth center, community center, recreational facility, park, church, religious institution, hospital, or other similar uses where children regularly gather.
- 2) Tattoo Studios shall not be located within one thousand five hundred (1500) feet, measured property line to property line, from another Tattoo Studio.
- 3) Tattoo Studios that are legally existing on the effective date of the enacting ordinance codified in this section may continue to operate as nonconforming uses and shall not be required to obtain a conditional use permit. However, any change or expansion of the nonconforming use shall require compliance with this section and a conditional use permit.

SECTION 5.

Section 3.320, “M-2: Medium Manufacturing”, of the Zoning Ordinance is revised by adding “Sexually Oriented Business” to the Uses Permitted Subject to Conditional Use Permit chart, to be inserted alphabetically.

SECTION 6.

Section 4.500, “General Description of Commercial Use Types,” of the Zoning Ordinance is revised by adding ”SEXUALLY ORIENTED BUSINESS” to be inserted alphabetically and to read as follows:

SEXUALLY ORIENTED BUSINESS

A Sexually Oriented Business shall require a conditional use permit. Standards to establish a Sexually Oriented Business shall be as follows:

- 1) Sexually Oriented Businesses location restrictions shall be subject to the restrictions identified within Chapter 26, Section 26-7 “Location Restrictions, Minimum Distance Requirements” of the City of Fredericksburg, Texas Code of Ordinances.
- 2) Sexually Oriented Businesses that are legally existing on the effective date of the enacting ordinance codified in this section may continue to operate as nonconforming uses and shall not be required to obtain a conditional use permit. However, any change or expansion of the nonconforming use shall require compliance with this section and a conditional use permit.

SECTION 7.

All rights and remedies of the City are expressly saved as to any and all violations of the provisions of the Fredericksburg Municipal Code, as amended, or accrued at the time of the effective date of this Ordinance; and as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance, but may be prosecuted until final disposition by the courts.

SECTION 8.

This Ordinance shall be cumulative of all provisions of ordinances and of the Fredericksburg Municipal Code, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 9.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid

judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 10.

Any person, firm, corporation, or entity violating this Ordinance or any provision of the City's Zoning Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing days' violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 11.

The City Secretary is hereby directed to publish in the official newspaper of the City the caption and penalty clause of this Ordinance as provided by the City's Charter.

SECTION 12.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so Ordained.

PASSED AND APPROVED on this the 17th day of March 2026.

Jeryl Hoover, Mayor
City of Fredericksburg, Texas

ATTEST:

Letty Vacek, City Secretary

APPROVED AS TO FORM:

Mick McKamie, City Attorney



PLANNING AND ZONING COMMISSION
AGENDA MEMO

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Cliff Cross, Director of Development Services
MEETING DATE: March 4, 2026

SECTION: PUBLIC HEARING ITEM: B.

CAPTION: Request Z-2603: By Clayton Walvoord, Rebecca Rather & Brad Oehler to Consider the Following:

A. A Zoning Change from Single-Family Residential (R1) to Central Business District (CBD) for Properties Located at 408, 412 & 414 East Austin Street.

- i Presentation by the Applicant
- ii Presentation by the Staff
- iii Hold Public Hearing
- iv Take Action on the Zoning Change

SUMMARY:

The applicants have submitted a Zoning Change request for three individual lots totaling approximately .75 acres (32,670 sq. ft) and commonly known as 408, 412 & 414 E. Austin. The applicants are requesting a zoning change from R1, Single-Family Residential to CBD, Central Business District.

BACKGROUND: The surrounding properties include R1- Single Family Residential to the north, east and west and CDB, Central Business District to the south. There is also a mixture of PF, Public Facilities, OS, Open Space and C2, Commercial throughout the area.

The property is currently zoned R1, Single-Family Residential and permits uses by right and upon the issuance of a conditional use permit, some of the mixture and intensity of use types include the following:

Single Family Residential (Detached)	Local Utility Service
Short-term Rental, Accessory: (With a STR permit and adherence to Chapter 20, Article VII)	Short-term Rental, B & B: (With a STR permit and adherence to Chapter 20, Article VII)

Uses Permitted Subject To Conditional Use Permit

The following uses may be permitted subject to a Conditional Use Permit as provided in Section 5.400.

Community Recreation	Private Secondary Educational Facilities
Day Care Services	Private Secondary Educational Facilities
Guidance Services	Religious Assembly

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in this district unless it is in conformity with all the standards and regulations herein specified for lot area, width and depth, dwelling unit area, lot coverage, yards and building height. The following standards shall

apply except in cases where a lot does not meet the standards herein required but was an official "lot of record" prior to the adoption of this ordinance. In such cases, the present dimension shall be maintained as a minimum standard unit until such time as the use is removed. The replacement shall meet the standards and regulations herein specified.

Site Development Regulations

Each site in the R-1 district shall be subject to the following site development regulations:

Feature	Regulation
Lot Size	Minimum Lot Area, 7500 Square feet; or 10,000 square feet for guest houses and short-term rental, accessory uses
Lot Width	Minimum Lot Width, 70 feet
Height	Maximum Building Height, 2½ stories, 28 feet
Front Yard	Minimum Required Setback, 25 feet
Street Side Yard	Minimum Required Setback, 15 feet
Interior Side Yard	Minimum Required Setback, 5 feet
Rear Yard	Minimum Required Setback, 10 feet
Residential Density	Maximum Dwelling Units per Lot, 1 per Lot Minimum Dwelling Areas
(Living Area Only)	750 Square feet
Maximum Building Coverage	Percent of Lot Area, 40%
Impervious Cover	Percent of Lot Area, 55%
Nonconforming Uses	Section 6.100
Special Yard Regulations	Section 7.300
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Temporary/Accessory Building	Section 8.000
Home Occupations	Section 8.300

It is the desire of the applicant to obtain a CBD, Central Business District Zoning classification and Sec. 3.220 - CBD, Central Business District speaks to the development standards allowed below:

This zone is intended to provide for the intense commercial activities of the central business district or central trading area of the City. This district establishes the character of the City by serving the tourist as well as the residents of the City.

Principal Permitted Uses

Buildings, structures and lands shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses, plus such other uses as the City Council, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Administrative and Business Office
Arts and Crafts
Club or Lodge

Cocktail Lounge
Consumer Convenience Services
Consumer Repair Services
Cultural Services
Day Care Services
Financial Services
General Retail Sales
Guidance Services
Liquor Sales
Local Utility Services
Mobile Food Establishments, but not in any right-of-way, public easement or in the Historic Overlay District, except that Mobile Food Vendor's in the Historic District Overlay shall be allowed on school property, museum property, church property, and public property subject to section 8-117(h).
Multiple Family Residential (Section 3.120)
Personal Improvement Services
Personal Services
Pet Services
Private Primary Educational Facilities
Private Secondary Educational Facilities
Professional Offices
Religious Assembly
Restaurant
Single Family Residential (detached) if structure was not used as other than residential in its most recent use
Short-term Rental Unoccupied: (With a STR permit and adherence to Chapter 20, Article VII)
Short-term Rental, Accessory: (With a STR permit and adherence to Chapter 20, Article VII)
Short-term Rental, B & B: (With a STR permit and adherence to Chapter 20, Article VII)
Short-term Rental, Facility: (With a STR permit and adherence to Chapter 20, Article VII)
Corporate Housing (Chapter 20, Article VII)

Uses Permitted Subject to Conditional Use Permit

The following uses may be permitted subject to a Conditional Use Permit as provided for in section 5.400.

Business or Trade School
Business Support Services
Commercial Off-Street Parking
Communications Services
Condominium Residential (section 7.610)

Custom Manufacturing
Drive through Facilities associated with any use
Duplex Residential
Food Sales
Funeral Services
Horticulture
Hospital Services (Limited)
Hotel/Motel
Indoor Entertainment
Indoor Sports and Recreation
Medical Offices
Outdoor Entertainment
Outdoor Sports and Recreation
Single Family Residential (Detached)
Townhouse Residential (section 7.610)
Transportation Terminals
Single Family Residential (detached)- new construction or after cessation of use other than residential Group Residential

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered, or converted for any use permitted in this district unless it is in conformity with all the standards and regulations herein specified for lot area, lot width, lot depth, dwelling unit area, lot coverage, yards and building height. The following standards shall apply except in cases where a lot does not meet the standards herein required but was an official "lot of record" prior to the adoption of this ordinance. In such cases, the present dimension shall be maintained as a minimum standard until such time as the use is removed. The replacement shall meet the standards and regulations herein specified.

Site Development Regulations

Each site in the CBD District shall be subject to the following site development regulations.

Feature	Regulation
Lot Size	Minimum Lot Area, 5000 Square feet
Lot Width	Minimum Lot Width, 50 feet
Height	Maximum Building Height, 3 stories, 38 feet
Front Yard	Minimum Required Setback, 0 feet
Street Side Yard	Minimum Required Setback, 0 feet
Interior Side Yard	Minimum Required Setback, 0 feet; or 10 feet when abutting R1, R1A, or R5 zoning districts
Rear Yard	Minimum Required Setback, 0 feet; or 10 feet when abutting R1, R1A, or R5 zoning districts
Maximum Impervious Coverage	90%

Maximum Building Coverage	
Residential Density	Section 3.120
Nonconforming Uses	Section 6.100
Site Development Regulations	Section 7.000
Special Yard Regulation	Section 7.300
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Landscaping and Screening Regulations	Section 7.900
Accessory Building Regulations	Section 8.200
Signs	Sign Ordinance
Outdoor Amplified Sound	Prohibited when abutting R-1, R-1-A, or R5

[The 2024 Comprehensive Plan](#) identifies the subject property as a future Place Type of Historic Shopping District which is intended as a walkable place with a mix of residential and non-residential uses. House scaled commercial and lodging uses are encouraged in neighborhoods adjacent to Main Street.

Appropriate existing zoning districts would include CBD, C, R2, R5

Notice of Public Hearing Response: As part of the Public Hearing process, staff must notify property owners that own property within 200 ft of the subject property. As of February 26, 2026, one protest has been received.

STAFF RECOMMENDATION:

Staff has reviewed the request and the proposed application requesting the zoning change. In reviewing the request, the Comprehensive Plan has classified the subject property as a Historic Shopping District place type and, per the "Intent And Character section of the plan the following is identified:

The Historic Shopping District place type is intended as a walkable place with a mix of residential and non-residential uses. Historic Shopping District uses should serve visitors from the region, broader community, and local residents.

New development and redevelopment within the Historic Shopping District place type should respect the historic patterns of development with compatible building placement, scale, and architectural features. As West Main Street expands, development should be thoughtful and replicate, where possible, the character of the traditional Historic Shopping District.

House-scaled commercial and lodging uses are encouraged in neighborhoods adjacent to Main Street. Accessory Dwelling Units should be allowed on a case-by-case basis. Residential infill is encouraged in the Historic Shopping District place type to fill in larger lots and unused areas with new opportunities for housing and downtown living.

Furthermore, the properties to the north are primarily located within the Neighborhood Residential place type which identifies the appropriate existing zoning districts a R1, R1-A, R5, NC. When considering any request the proximity and uses of those properties should also be considered. When evaluating this request the place type designation would accommodate the CBD underlying district in compliance with the Comprehensive Plan. However, when considering the request staff recommends consideration of all factors such as traffic, surrounding uses, intensity, etc as part of the findings of fact. Based upon the transitional nature of the neighborhood, staff would only recommend approval of the rezoning request from Single-Family Residential (R1) to Central Business District (CBD) if the overall findings support the new zoning would not contribute to negative impacts on the neighborhood.

ATTACHMENTS:

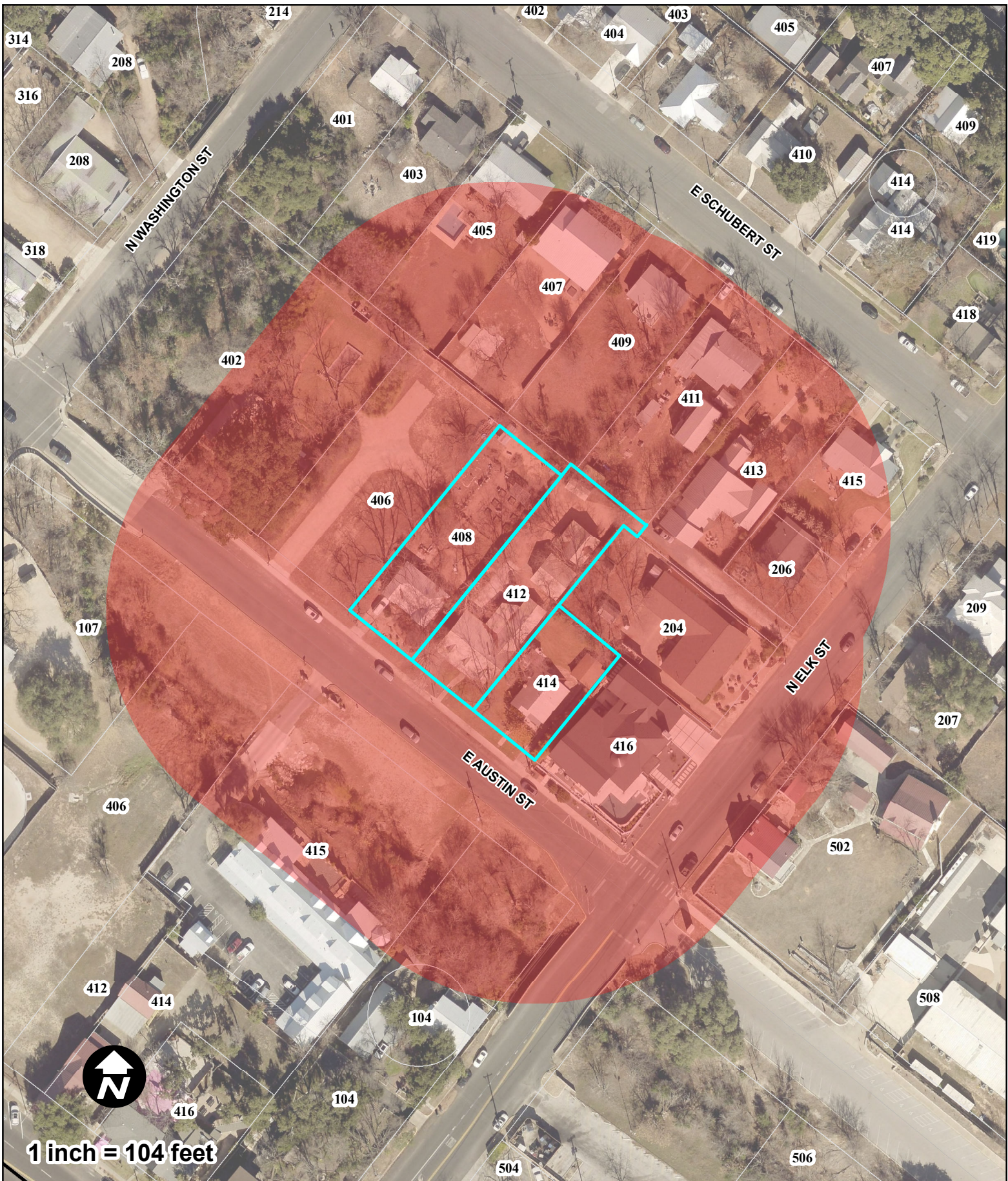
1. 400 Blk Austin Notification Map
2. 400 Blk Austin Land Use Map
3. 400 Blk Austin Place Type
4. 400 Blk Austin Zoning
5. Z-2603 - PROTEST - MESSER_Redacted

APPROVAL/REVIEW:



Date: February 26, 2026

Cliff Cross, Director of Development Services



1 inch = 104 feet

City of Fredericksburg
 Z-2603 - 408, 412 & 414 E. Austin

LEGEND

- 200' Notification Buffer
- GCAD Parcels

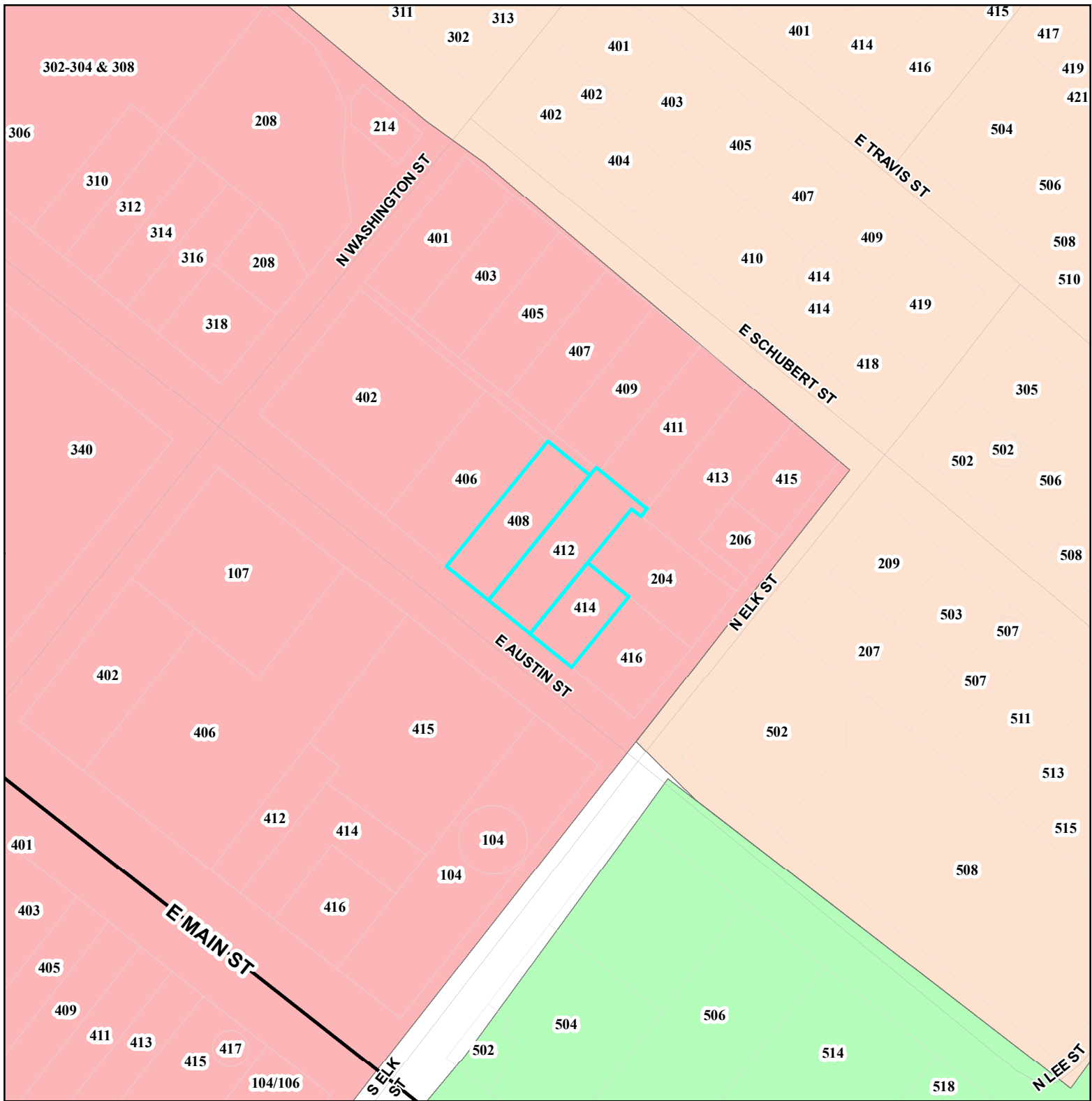


LEGEND

- | | |
|------------------------------------|----------------------------|
| GCAD Parcels | Low Density Residential |
| Landuse | Medium Density Residential |
| LANDUSE | Mixed Use Corridor |
| Downtown Central Business District | Parks & Open Space |
| Uptown Central Business District | Public / Semi-Public |
| Commercial Center | Rural |
| Commercial | |
| Employment Center | |
| FUTURE ROW | |
| High Density Residential | |
| Industrial | |



City of Fredericksburg
Z-2603 - 408, 412 & 414 E. Austin



LEGEND

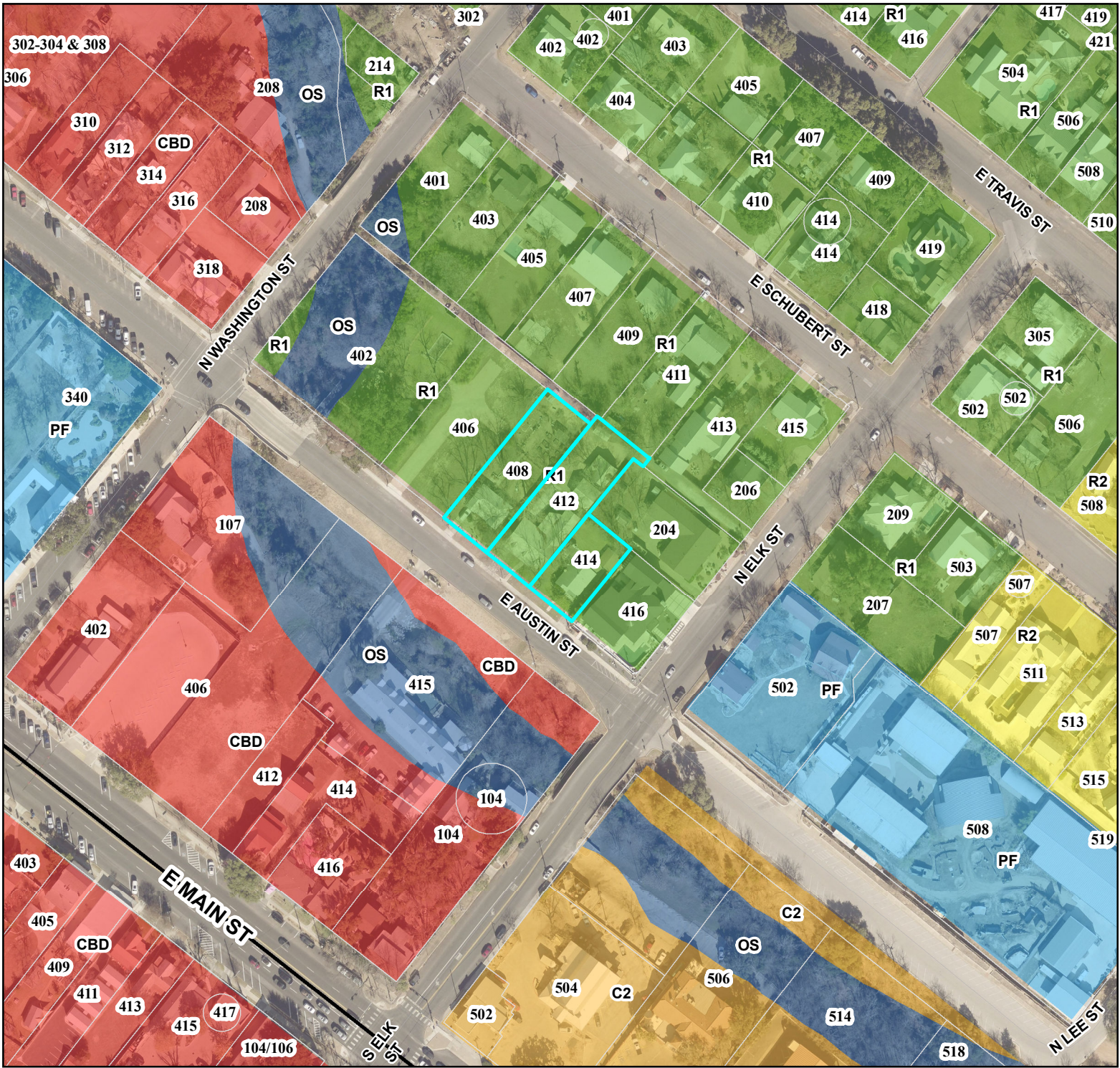
GCAD Parcels

Place_Type


















- MU
- GC
- HSD
- IND
- MDR
- MU
- NR
- PARK
- RR



City of Fredericksburg
Z-2603 - 408, 412 & 414 E. Austin



LEGEND

- | | |
|--|---|
|  GCAD Parcels |  PF - Public Facilities |
| Zoning |  PUD - Planned Unit Development |
| ZONED |  R1 - Single Family Residential |
|  C1 - Neighborhood Commercial |  R1A - Single Family Residential - Small Lot |
|  C1.5 - Medium Commercial |  R2 - Mixed Residential |
|  C2 - Commercial |  R3 - Multi-Family Residential |
|  CBD - Central Business District |  R4 - Manufactured Home Residential |
|  M1 - Light Manufacturing |  R5 - Patio Home Residential |
|  M2 - Medium Manufacturing | |
|  M3 - Industrial Park | |
|  OS - Open Space | |



City of Fredericksburg
Z-2603 - 408, 412 & 414 E. Austin

Public Comment Form

Please return this form to:

jmusgrove@fbgtx.org

OR

Development Services – Zoning

126 W. Main Street

Fredericksburg, TX 78624

830-997-7521



REQUEST NO. Z-2603

As an interested property owner, I (PROTEST) / (APPROVE) the requested Land Use and Zoning Change, represented by the above file number because:

THIS IS A RESIDENTIAL AREA AND NOT CONDUCTIVE FOR COMMERCIAL DEVELOPMENT. THIS IS ALSO "SPOT" ZONING IN THE MIDDLE OF A RESIDENTIAL DISTRICT. WE JUST WENT THROUGH THIS LESS THAN 2 YEARS AGO! THE ODOR, GARBAGE, AND TRAFFIC THAT WILL BE GENERATED WILL DESTROY THE QUALITY RESIDENTIAL FEE!

[Redacted Signature]

Signature

Date

Mark Messer

Printed Name

[Redacted Address]

Address



PLANNING AND ZONING COMMISSION
AGENDA MEMO

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Cliff Cross, Director of Development Services
MEETING DATE: March 4, 2026

SECTION: PUBLIC HEARING ITEM: C.

CAPTION: Request Z-2604: Proposed text amendment regarding Multiple Family Residential Uses within the C-1 Neighborhood Commercial District. The proposed text amendments are for Section 3.200 (C-1: Neighborhood Commercial) district.

- i Presentation by the Staff
- ii Hold Public Hearing
- iii Take Action on proposed text amendment

SUMMARY:

Staff is proposing a text amendment to the provisions regulating the establishment of Multiple Family Uses within the C1, Neighborhood Commercial District. The proposed amendment pertains to **section 3.200** regulating the permitted and conditional use establishment of Multiple Family Uses within the C1, Neighborhood Commercial district is as follows:

BACKGROUND:

The proposed amendments are identified within the following sections of the proposed ordinance.

Section 2 of Proposed Ordinance

Section 3.200, "C-1: Neighborhood Commercial", of the Zoning Ordinance is revised by deleting "Multiple-Family Residential (Section 3.110)" from the Principal Permitted Uses chart and adding "Multiple-Family Residential (Section 3.110)" to the Uses Permitted Subject to Conditional Use Permit chart, to be inserted alphabetically.

STAFF RECOMMENDATION:

NA

ATTACHMENTS:

1. Ordinance 2026-00 MultiFamily Use In C-1 With Final Legal

APPROVAL/REVIEW:



Cliff Cross, Director of Development Services

Date: February 26, 2026

ORDINANCE NO. 2026-00

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING APPENDIX B, "ZONING ORDINANCE," OF THE FREDERICKSBURG MUNICIPAL CODE BY AMENDING SECTION 3.200 (C-1: NEIGHBORHOOD COMMERCIAL) TO AMEND THE PERMITTED AND CONDITIONAL USES FOR THE ESTABLISHMENT OF MULTIPLE FAMILY RESIDENTIAL USES WITHIN THE C-1 NEIGHBORHOOD COMMERCIAL DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fredericksburg, Texas (the "City"), is a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City previously adopted the Zoning Ordinance, as codified in Appendix B of the Fredericksburg Municipal Code (the "Code"), (the "Zoning Ordinance"), which regulates and restricts the location and use of buildings, structures, and land for trade; industry; residence; and other purposes, and provides for the establishment of zoning districts and regulations to administer the provisions of the zoning code; and

WHEREAS, an application for a text amendment of the Zoning Ordinance, related to the establishment of Multiple Family Residences within the C-1 (Neighborhood Commercial) district in the City, has been initiated by motion of the Planning and Zoning Commission; and

WHEREAS, C-1 (Neighborhood Commercial) zoning district properties are traditionally located within close proximity to and serve as a transitional zoning classification for less intense residentially zoned properties and districts; and

WHEREAS, the City Council desires to amend the Zoning Ordinance to provide regulations for public hearing consideration for the establishment of Multiple Family Residential Developments within the C-1 (Neighborhood Commercial) district due to the proximity of this underlying zoning district to less intense residentially zoned properties throughout the city; and

WHEREAS, this Ordinance contains regulations consistent with good zoning and planning practices to address potential negative impacts of higher density residential developments on less intense lower density residential properties while providing a reasonable public hearing process for consideration by the Planning and Zoning Commission and City Council; and

WHEREAS, after public notices were given in compliance with State law and public hearings were conducted, and after considering the information submitted at those public hearings and all other relevant information and materials, the Planning and Zoning Commission of the City has recommended to the City Council the adoption of the amendment to the Zoning Ordinance as set forth in this Ordinance; and

WHEREAS, after complying with all legal notices, requirements, and conditions, a public hearing was held before the City Council at which the City Council considered the recommendation of the Planning and Zoning Commission, and among other things, the necessity for orderly and appropriate regulations of the use of land and the erection of structures thereon, and having considered the proposed amendment to the Zoning Ordinance and the appropriateness of the amendment, the City Council does hereby find that the amendment to the Zoning Ordinance approved hereby accomplishes such objectives.

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

SECTION 1.

All the above premises are true and correct of the City Council, and they are hereby approved, ratified, and incorporated herein this Ordinance.

SECTION 2.

Section 3.200, "C-1: Neighborhood Commercial", of the Zoning Ordinance is revised by deleting "Multiple-Family Residential (Section 3.110)" from the Principal Permitted Uses chart and adding "Multiple-Family Residential (Section 3.110)" to the Uses Permitted Subject to Conditional Use Permit chart, to be inserted alphabetically.

SECTION 3.

All rights and remedies of the City are expressly saved as to any and all violations of the provisions of the Fredericksburg Municipal Code, as amended, or accrued at the time of the effective date of this Ordinance; and as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance, but may be prosecuted until final disposition by the courts.

SECTION 4.

This Ordinance shall be cumulative of all provisions of ordinances and of the Fredericksburg Municipal Code, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 5.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 6.

Any person, firm, corporation, or entity violating this Ordinance or any provision of the City's Zoning Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 7.

The City Secretary is hereby directed to publish in the official newspaper of the City, the caption and penalty clause of this Ordinance as provided by the City's Charter.

SECTION 8.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so Ordained.

PASSED AND APPROVED on this the 17th day of March 2026.

Jeryl Hoover, Mayor
City of Fredericksburg, Texas

ATTEST:

Letty Vacek, City Secretary

APPROVED AS TO FORM:

Mick McKamie, City Attorney



PLANNING AND ZONING COMMISSION
AGENDA MEMO

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Susana Huerta, Assistant Director of
Development Services
MEETING DATE: March 4, 2026

SECTION: ACTION ITEMS **ITEM:** A.

CAPTION: Request P-2601: By Zoe Jasso to consider and take action on the Final Plat approval for the proposed Phase 5 of The Friendship Oaks Subdivision located East of US 87 and S. Creek Street Intersection.

SUMMARY:

An application has been submitted for the review of the Final Plat approval for Phase 5 of the Friendship Oaks Subdivision Development.

The subject property consists of approximately 11.35 acres and was previously approved as Phase 5 of the phased Friendship Oaks Subdivision development. Phase 5 of the development consists of 64 Residential Lots. The underlying zoning for the subdivision development is R1A, Single-Family Residential - Small Lot.

BACKGROUND: The subject property totals approximately 11.35 acres and the requested phase 5 consists of 64 lots. To subdivide a property that is zoned R1A, Single-Family Residential - Small Lot, each lot must be a minimum of 4,500 sq ft in size with a minimum of 45 ft of frontage onto a public roadway. [Sec. 3.101](#)

Zoning: R1A, Single-Family Residential - Small Lot

Tract Size: 11.35 Acres

Number of Lots: 64 Residential Lots

Minimum Lot Size: 4,500 sq ft

Minimum Lot Width: 45 ft

Roadways: The Final Plat proposes three (3) new roadways within the phase; Joshua Cove, Gabriels Run and Emerson Court.

Easements: Standard easements such as Drainage, Detention and Sight Visibility would apply.

Utilities: Utilities are available to serve the site. However, the developer will be responsible for any utility improvements or extensions required by the City.

Park Dedication: The applicant shall pay parkland dedication fees (full rate) based on the overall density of the development at \$250.00 per lot (120) for a total of \$30,000. Parkland fees shall be paid prior to the recording of each phase of the project. [Sec. 6.15](#). (Subject to change upon review).

When reviewing the Final Plat, the Board shall reference [Sec. 4.05](#) of the Subdivision Ordinance. The staff's

findings are below in **Red**.

1. The Final Plat conforms to the approved Preliminary Plat except for minor amendments that are authorized under Section [4.04\(k\)](#) Amendments to Preliminary Plats following Approval and that may be approved without the necessity of revising the approved Preliminary Plat. **The Final Plat conforms to the approved Preliminary Plat.**
2. All conditions imposed at the time of approval of the Preliminary Plat, as applicable, have been satisfied; **No Identified Conditions**
3. The Construction Plans conform to the requirements of [Section 5.01](#) and have been approved by the Director of Public Works and Utilities; **The Site is currently under construction. All final construction sign-offs would need to be completed and approved prior to permitting of single-family residences.**
4. Where Public Improvements have been installed, the improvements conform to the approved Construction Plans and have been approved for acceptance by the Director of Public Works and Utilities; **Improvements are currently under construction and will be inspected according to the approved plan set.**
5. Where the Director of Public Works and Utilities has authorized Public Improvements to be deferred, a Performance Agreement has been executed and submitted by the property owner in conformance with [Sec. 5](#); **The applicant is not proposing a deferral of Public Improvements.**
6. The final layout of the Subdivision or development meets standards for adequacy of public facilities contained in this Subdivision Ordinance. **The Subdivision meets the standards.**
7. The Plat conforms to design requirements and construction standards as set forth in the Standard Details and Specification for Public Infrastructure Construction Manual; and **The Subdivision meets the standards.**
8. The Plat conforms to Director of Development Services subdivision Application Checklists and Subdivision Ordinance regulations. **The Plat conforms.**

STAFF RECOMMENDATION: The application was reviewed for conformity with all applicable regulations, including the approved Phasing Approval and [Sec. 4.05](#). After review by the Development Review Committee (DRC) Staff have the following recommendation:

Staff recommends approval of the Final Plat application with the following conditions:

- Approval of Final Construction Prior to Residential Permitting
- Payment of Park Dedication fees

ATTACHMENTS:

1. 337.128_FRIENDSHIP OAKS PHASE 5 PLAT
2. Friendship Oaks 5 Plat Application
3. Friendship Oaks Unit 4 ALTA SurveyREV_337.104
4. Deed - 1
5. Deed - 2
6. Title Commitment

APPROVAL/REVIEW:

Date: February 26, 2026

Susana Huerta, Assistant Director of Development Services



Date: February 26, 2026

Cliff Cross, Director of Development Services



LOCATION MAP
SCALE: 1"=1000'

EASEMENT NOTES:

- 10' UTILITY EASEMENT ALONG ALL RIGHT-OF-WAY LINE AS SHOWN
- 10' UTILITY EASEMENT ALONG PROPERTY LINES AS NOTED
- 5' DRAINAGE EASEMENT ALONG ALL PROPERTY LINES OF EACH LOT AS SHOWN
- 15' BUILDING SETBACK LINE (20' FOR GARAGE)
- 15' SIDED ROW FRONTAGE BUILDING SETBACK LINE AS SHOWN
- 10' REAR BUILDING SETBACK LINE AS SHOWN
- 5' SIDE BUILDING SETBACK LINE
- 30'x30' SIGHT EASEMENT AT ALL RIGHT-OF-WAY INTERSECTIONS AS SHOWN

EASEMENT NOTE:

ANY PUBLIC UTILITY, INCLUDING THE CITY, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS OR RIGHT-OF-WAY SHOWN ON THE PLAT (OR FILED BY SEPARATE INSTRUMENT THAT IS ASSOCIATED WITH SAID PROPERTY); AND ANY PUBLIC UTILITY, INCLUDING THE CITY, SHALL HAVE THE RIGHT AT ALL TIMES OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. EASEMENTS SHALL BE MAINTAINED BY PROPERTY OWNERS. THE CITY CAN MOVE TREES OR ANY OTHER IMPROVEMENTS AND DOES NOT HAVE THE RESPONSIBILITY TO REPLACE THEM.

ENGINEERS CERTIFICATE

I, THE UNDERSIGNED, A (LICENSED PROFESSIONAL ENGINEER/REGISTERED PROFESSIONAL SURVEYOR) IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT: AND THAT ALL ASPECTS OF IT ARE IN ACCORDANCE TO THE CITY OF FREDERICKSBURG'S SUBDIVISION ORDINANCES. EXCEPT FOR ANY VARIANCES GRANTED BY THE CITY COUNCIL.

LICENSED PROFESSIONAL ENGINEER

Date

CERTIFICATE OF SURVEYOR

STATE OF TEXAS §
COUNTY OF _____ §

I, THE UNDERSIGNED, A (LICENSED PROFESSIONAL ENGINEER/REGISTERED PROFESSIONAL SURVEYOR) IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

LICENSED PROFESSIONAL ENGINEER OR REGISTERED PROFESSIONAL SURVEYOR

Date

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, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF _____.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

TYPE OR PRINT NOTARY'S NAME

MY COMMISSION EXPIRES:

PLAT NOTES:

1. BENCHMARK: BRASS DISK "USGS BM 1695" IN SIDEWALK @ SOUTHWEST CORNER HWY 290 & HWY 87. ELEV = 1694.47
2. BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983, GRID. DISTANCES SHOWN HEREON ARE BASED UPON SURFACE MEASUREMENTS. TO CONVERT SURFACE DISTANCES TO GRID, APPLY A COMBINED SCALE FACTOR OF 1.00015.
3. MONUMENTS WERE FOUND OR SET AT EACH CORNER OF THE SURVEY BOUNDARY OF THE SUBDIVISION. MONUMENTS AND LOT MARKERS WILL BE SET WITH PLASTIC CAP STAMPED "HMT" IMMEDIATELY AFTER COMPLETION OF UTILITY INSTALLATION AND STREET CONSTRUCTION UNLESS NOTED OTHERWISE.
4. AT DATE OF PLAT APPROVAL, NO PORTION OF THE 100-YEAR FLOOD PLAIN EXISTS ON THIS SITE AS VERIFIED BY FEMA MAP PANEL: 48171C0451C, EFFECTIVE OCTOBER 19, 2001; THIS INFORMATION IS SUBJECT TO CHANGE AS A RESULT OF FUTURE FEMA MAP REVISIONS AND/OR AMENDMENTS.
5. SETBACKS SHALL CONFORM TO THE CITY'S ADOPTED ZONING CODE AT THE TIME OF PERMITTING.
6. THE CTEC ELECTRIC EASEMENT RECORDED IN VOL. 361, PG. 67 OF THE GILLESPIE COUNTY MAP RECORDS IS RELEASED PER DOC NO. 20216475 OF THE GILLESPIE COUNTY MAP RECORDS.
7. THE CITY OF FREDERICKSBURG BURIED UTILITY EASEMENT RECORDED IN VOL. 361, PG. 69 OF THE GILLESPIE COUNTY MAP RECORDS SHALL ALSO BE RELEASED.
8. THIS SUBDIVISION CONTAINS 64 RESIDENTIAL LOTS.
9. LOT NUMBERS MARKED WITH AN ASTERIKS (*) HAVE A MINIMUM 45' CORD DISTANCE, MEASURED AT THE 15' BUILDING LINE.

NOTES:

1. THE DEVELOPER DEDICATES THE SANITARY SEWER AND WATER MAINS UPON COMPLETION BY THE DEVELOPER AND ACCEPTANCE BY THE CITY OF FREDERICKSBURG. THE CITY OF FREDERICKSBURG WILL OWN AND MAINTAIN WITHIN TWO (2) YEARS OF THE ACCEPTANCE OF SAID SEWER AND WATER MAINS LOCATED WITHIN THE SUBDIVISION PLAT.
2. DAMAGE BY ANY UTILITY COMPANY TO ANY STRUCTURES, FENCES, WALLS OR LANDSCAPING OF ANY KIND PLACED WITHIN THE LIMITS OF THE EASEMENTS SHOWN ON THIS PLAT WILL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. NO LANDSCAPING OR OTHER MODIFICATIONS ALTERING THE CROSS-SECTION OF DRAINAGE EASEMENTS ARE ALLOWED WITHOUT APPROVAL BY THE CITY OF FREDERICKSBURG. THE CITY OF FREDERICKSBURG SHALL HAVE THE RIGHT TO REQUIRE THE PROPERTY OWNERS TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE PRIVATE DRAINAGE EASEMENTS AND THE RIGHT TO REQUIRE THE PROPERTY OWNERS TO MAKE MODIFICATIONS OR IMPROVEMENTS WITHIN THE EASEMENTS FOR PUBLIC WELFARE.
3. DRAINAGE EASEMENTS ARE TO BE MAINTAINED BY PROPERTY OWNER AND ACCESS TO BE GIVEN TO DEVELOPER OR AUTHORIZED PERSON FOR ANY ADDITIONAL CONSTRUCTION, MAINTENANCE, OR REPAIR OF ANY STRUCTURE WITHIN ANY DRAINAGE EASEMENT.
4. NO ONE SHALL INTERFERE WITH ANY NATURAL DRAINAGE PATTERN OR CONSTRUCTED DRAINAGE SYSTEM ESTABLISHED BY THE DEVELOPMENT BY ALTERING ANY SLOPES, CONTOUR OF ANY CHANNEL, SWALE OR EMBANKMENT OR TAKING OF ANY OTHER ACTION WHICH WILL OR LIKELY TO RETARD, CHANGE OR INTERFERE WITH DRAINAGE OR CREATE EROSION WITHIN THIS AREA.
5. ALL TOPOGRAPHIC INFORMATION, BENCHMARKS, AND DRAINAGE DESIGNS WERE COMPUTED AND STAKED ON THE GROUND BY HMT ENGINEERING & SURVEYING.

CERTIFICATE FOR RECORDING

I CERTIFY THAT THIS PLAT WAS FILE FOR RECORD IN MY OFFICE AT _____ O'CLOCK ____M. ON THE _____ DAY OF _____, 20____, IN THE PLAT RECORDS OF _____ COUNTY, TEXAS, IN INSTRUMENT NO. _____



290 S. CASTELL AVE., STE. 100
NEW BRAUNFELS, TX 78130
TBPELS FIRM F-10961
TBPELS FIRM 10153600

DATE OF PREPARATION: 1/5/2026

CERTIFICATE OF FINAL PLAT APPROVAL

(FOR FINAL PLATS WITH REQUIRED PUBLIC IMPROVEMENTS INSTALLED AFTER APPROVAL)

APPROVED

CHAIRMAN, PLANNING AND ZONING COMMISSION DATE
CITY OF FREDERICKSBURG, TEXAS

THE UNDERSIGNED, THE CITY SECRETARY OF THE CITY OF FREDERICKSBURG, TEXAS, HEREBY CERTIFIES THAT THE FOREGOING FINAL PLAT OF THE PHASE 3 OF THE FRIENDSHIP OAKS SUBDIVISION OR ADDITION TO THE CITY OF FREDERICKSBURG WAS SUBMITTED TO THE PLANNING AND ZONING COMMISSION ON THE _____ DAY OF _____, _____, AND THE COMMISSION, BY FORMAL ACTION, THEN AND THERE ACCEPTED THE FINAL PLAT AND HEREBY AUTHORIZES THE DEVELOPER TO PROCEED WITH THE CONSTRUCTION OF PUBLIC WORKS IMPROVEMENTS AND INFRASTRUCTURE AS INDICATED ON THE ACCOMPANYING CONSTRUCTION PLANS, AND SAID COMMISSION FURTHER AUTHORIZES THE CHAIRMAN OF THE PLANNING AND ZONING COMMISSION TO NOTE THE ACCEPTANCE THEREOF BY SIGNING HIS/HER NAME AS HEREINABOVE SUBSCRIBED.

WITNESS BY HAND THIS _____ DAY OF _____, 20____.

CITY SECRETARY
CITY OF FREDERICKSBURG, TEXAS

CERTIFICATE OF COMPLETION, ACCEPTANCE, AND AUTHORIZATION TO FILE

APPROVED

CHAIRMAN, PLANNING AND ZONING COMMISSION DATE
CITY OF FREDERICKSBURG, TEXAS

THE UNDERSIGNED, THE CITY SECRETARY OF THE CITY OF FREDERICKSBURG, TEXAS, HEREBY CERTIFIES THAT THE FOREGOING FINAL PLAT OF PHASE 3 FRIENDSHIP OAKS SUBDIVISION OR ADDITION TO THE CITY OF FREDERICKSBURG WAS SUBMITTED TO THE PLANNING AND ZONING COMMISSION ON THE _____ DAY OF _____, _____, AND THE COMMISSION, BY FORMAL ACTION, THEN AND THERE ACCEPTED THE DEDICATIONS, CONVEYANCES OF LAND, IMPROVEMENTS AND ANY OTHER PROPERTY NECESSARY TO SERVE THE PLAT AND TO IMPLEMENT THE REQUIREMENTS OF THE PLATTING ORDINANCES, RULES, AND REGULATIONS AS SHOWN AND SET FORTH IN AND UPON SAID PLAT, THAT THE PUBLIC WORKS AND INFRASTRUCTURE IMPROVEMENTS HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CONSTRUCTION PLANS, HAVE BEEN TESTED AND HAVE BEEN ACCEPTED BY THE CITY, THAT THE FINAL PLAT IS NOW ACCEPTABLE FOR FILING WITH GILLESPIE COUNTY AND SAID COMMISSION FURTHER AUTHORIZED THE CHAIRMAN OF THE PLANNING AND ZONING COMMISSION TO NOTE THE ACCEPTANCE ON BEHALF OF THE CITY THEREOF BY SIGNING HIS/HER NAME AS HEREINABOVE SUBSCRIBED.

WITNESS BY HAND ON THIS _____ DAY OF _____, 20____.

CITY SECRETARY
CITY OF FREDERICKSBURG, TEXAS

SITE VISIBILITY RESTRICTION:

NO STRUCTURE, OBJECT OR PLANT OF ANY TYPE SHALL OBSTRUCT VISION FROM A HEIGHT OF TWENTY-FOUR (24) INCHES TO A HEIGHT OF TEN (10) FEET ABOVE THE TOP OF THE CURB, INCLUDING, BUT NOT LIMITED TO, BUILDINGS, FENCES, WALKS, SIGNS, TREES, SHRUBS, CARS, TRUCKS ETC., IN THE SIGHT VISIBILITY EASEMENT AS SHOWN ON THE PLAT. THESE SIGHT VISIBILITY EASEMENTS WILL REMAIN IN EFFECT UNTIL VACATED BY ORDINANCE ADOPTED BY THE CITY COUNCIL AND THE PROPERTY REPLATTED.

OWNER'S ACKNOWLEDGEMENT AND DEDICATION

STATE OF TEXAS §
COUNTY OF _____ §

I, (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT WITHIN THE AREA DESCRIBED BY DOC #20244825 OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY.

AND DESIGNATED HEREIN AS THE FRIENDSHIP OAKS, PHASE 5 SUBDIVISION TO THE CITY OF FREDERICKSBURG, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE PUBLIC USE FOREVER BY FEE SIMPLE TITLE, FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES, ALL STREETS, THOROUGHFARES, ALLEYS, PARKS, AND TRAILS, AND TO THE PUBLIC USE FOREVER EASEMENTS FOR SIDEWALKS, STORM DRAINAGE FACILITIES, FLOODWAYS, WATER MAINS, WASTEWATER MAINS AND OTHER UTILITIES, AND ANY OTHER PROPERTY NECESSARY TO SERVE THE PLAT AND TO IMPLEMENT THE REQUIREMENTS OF THE PLATTING ORDINANCES, RULES, AND REGULATIONS THEREON SHOWN FOR THE PURPOSE OF CONSIDERATION THEREIN EXPRESSED.

MILLROSE PROPERTIES TEXAS LLC.
A TEXAS LIMITED LIABILITY COMPANY

BY LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.,
IT'S AGENT, UNDER POWER OF ATTORNEY
DATED EFFECTIVE APRIL 16, 2025

BY: U.S. HOME, LLC., A DELAWARE LIMITED LIABILITY COMPANY
ITS GENERAL PARTNER

BY: _____

NAME: RICHARD MOTT

TITLE: VICE PRESIDENT

STATE OF TEXAS §
COUNTY OF _____ §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2025, BY _____ VICE PRESIDENT OF U.S. HOME, LLC, A DELAWARE LIMITED LIABILITY COMPANY, THE GENERAL PARTNER OF LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD, A TEXAS LIMITED PARTNERSHIP, IN IT'S CAPACITY AS AGENT OF MILLROSE PROPERTIES, LLC, A TEXAS LIMITED LIABILITY COMPANY, UNDER POWER OF ATTORNEY DATED EFFECTIVE APRIL 16, 2025.

NOTARY PUBLIC SIGNATURE

NOTARY COMMISSION EXPIRES

A FINAL PLAT ESTABLISHING
PHASE 5 OF THE FRIENDSHIP OAKS SUBDIVISION
BEING A TOTAL OF 11.35 ACRES OF LAND LOCATED IN THE SAMUEL R. WILSON, SURVEY NO. 38, ABSTRACT NO. 725, GILLESPIE COUNTY, TEXAS, BEING PART OF A CALLED 29.371 ACRE TRACT, RECORDED IN DOCUMENT NO. 20244825 OF THE OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS

CURVE TABLE			
CURVE #	RADIUS	CHORD BEARING	CHORD LENGTH
C1	4.50'	N43°02'59"E	6.36'
C2	4.50'	S46°57'01"E	6.36'
C3	4.50'	N45°54'36"W	6.25'
C4	60.00'	N20°30'00"E	45.83'
C5	60.00'	S88°02'59"W	85.00'
C6	60.00'	S24°24'02"E	45.83'
C7	4.50'	S44°05'24"W	6.48'
C8	4.50'	N45°54'27"W	6.25'
C9	4.50'	S44°05'24"W	6.48'
C10	25.00'	N45°54'36"W	34.71'
C11	75.00'	S45°54'36"E	104.12'

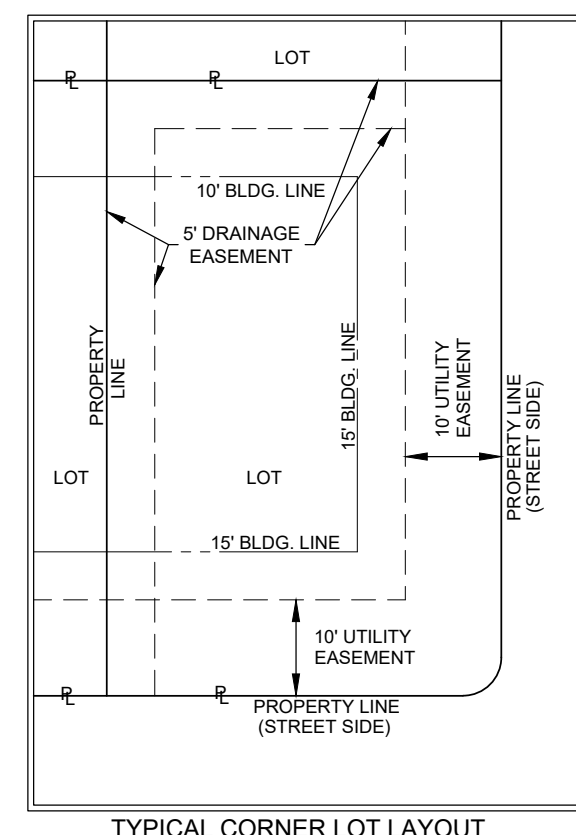
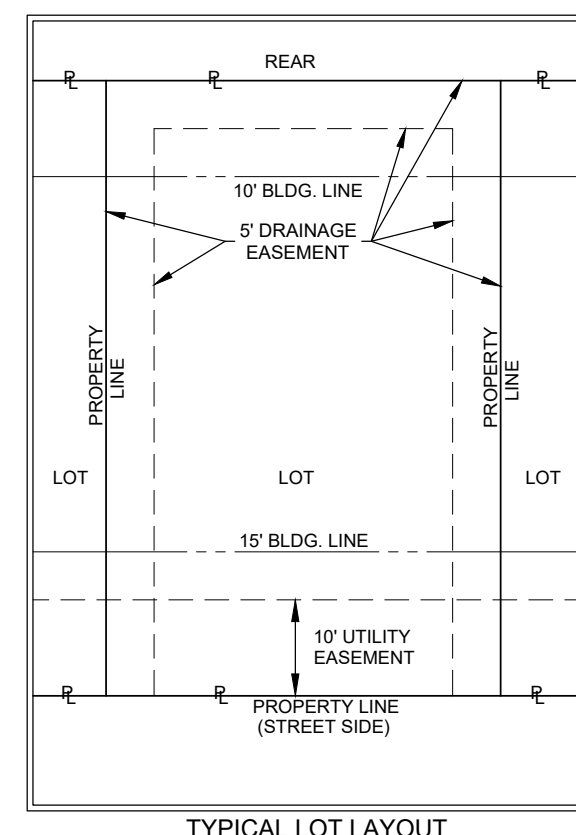
LINE TABLE		
LINE #	BEARING	LENGTH
L1	N88°02'59"E	120.00'
L2	S01°57'01"E	4.50'
L3	N88°02'59"E	50.00'
L4	N00°34'49"W	25.18'
L5	N88°02'59"E	70.60'
L6	N89°52'17"W	29.45'

EASEMENT NOTE:

ANY PUBLIC UTILITY, INCLUDING THE CITY, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS OR RIGHT-OF-WAY SHOWN ON THE PLAT (OR FILED BY SEPARATE INSTRUMENT THAT IS ASSOCIATED WITH SAID PROPERTY); AND ANY PUBLIC UTILITY, INCLUDING THE CITY, SHALL HAVE THE RIGHT AT ALL TIMES OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. EASEMENTS SHALL BE MAINTAINED BY PROPERTY OWNERS. THE CITY CAN MOVE TREES OR ANY OTHER IMPROVEMENTS AND DOES NOT HAVE THE RESPONSIBILITY TO REPLACE THEM.

PLAT NOTES:

- BENCHMARK: BRASS DISK "USGS BM 1695" IN SIDEWALK @ SOUTHWEST CORNER HWY 290 & HWY 87. ELEV = 1694.47
- BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983. GRID. DISTANCES SHOWN HEREON ARE BASED UPON SURFACE MEASUREMENTS. TO CONVERT SURFACE DISTANCES TO GRID, APPLY A COMBINED SCALE FACTOR OF 1.00015.
- MONUMENTS WERE FOUND OR SET AT EACH CORNER OF THE SURVEY BOUNDARY OF THE SUBDIVISION. MONUMENTS AND LOT MARKERS WILL BE SET WITH PLASTIC CAP STAMPED "HMT" IMMEDIATELY AFTER COMPLETION OF UTILITY INSTALLATION AND STREET CONSTRUCTION UNLESS NOTED OTHERWISE.
- AT DATE OF PLAT APPROVAL, NO PORTION OF THE 100-YEAR FLOOD PLAIN EXISTS ON THIS SITE AS VERIFIED BY FEMA MAP PANEL: 48171C0451C, EFFECTIVE OCTOBER 19, 2001; THIS INFORMATION IS SUBJECT TO CHANGE AS A RESULT OF FUTURE FEMA MAP REVISIONS AND/OR AMENDMENTS.
- SETBACKS SHALL CONFORM TO THE CITY'S ADOPTED ZONING CODE AT THE TIME OF PERMITTING.
- THE CTEC ELECTRIC EASEMENT RECORDED IN VOL. 361, PG. 67 OF THE GILLESPIE COUNTY MAP RECORDS IS RELEASED PER DOC. NO. 20216475 OF THE GILLESPIE COUNTY MAP RECORDS.
- THE CITY OF FREDERICKSBURG BURIED UTILITY EASEMENT RECORDED IN VOL. 361, PG. 69 OF THE GILLESPIE COUNTY MAP RECORDS SHALL ALSO BE RELEASED.
- THIS SUBDIVISION CONTAINS 64 RESIDENTIAL LOTS.
- LOT NUMBERS MARKED WITH AN ASTERISK (*) HAVE A MINIMUM 45' CORD DISTANCE, MEASURED AT THE 15' BUILDING LINE.

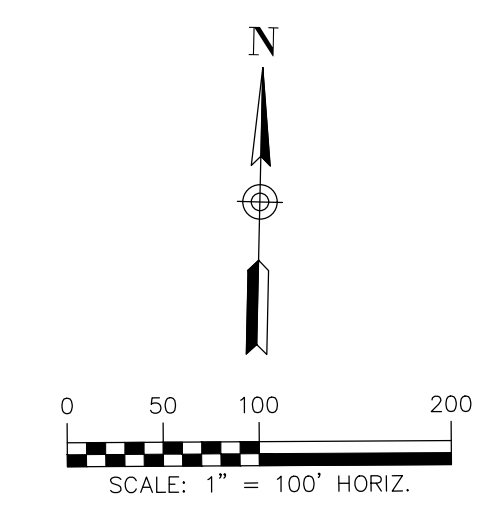


290 S. CASTELL AVE., STE. 100
 NEW BRAUNFELS, TX 78130
 TBPELS FIRM F-10961
 TBPELS FIRM 10153600

DATE OF PREPARATION: 1/5/2026

A FINAL PLAT ESTABLISHING
PHASE 5 OF THE FRIENDSHIP OAKS SUBDIVISION
 BEING A TOTAL OF 11.35 ACRES OF LAND LOCATED IN THE SAMUEL R. WILSON, SURVEY NO. 38, ABSTRACT NO. 725, GILLESPIE COUNTY, TEXAS, BEING PART OF A CALLED 29.371 ACRE TRACT, RECORDED IN DOCUMENT NO. 20244825 OF THE OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS

- LEGEND:**
- = FND 1/2" IRON PIN
 - = SET 1/2" IRON PIN W/ PLASTIC CAP STAMPED "HMT"
 - SF = SQUARE FEET
 - ESMT. = EASEMENT
 - D.E. = DRAINAGE EASEMENT
 - ROW = RIGHT-OF-WAY
 - M.P.R.G.C.T. = MAP AND PLAT RECORDS, GILLESPIE COUNTY, TEXAS
 - O.P.R.G.C.T. = OFFICIAL PUBLIC RECORDS, GILLESPIE COUNTY, TEXAS
 - R.P.R.G.C.T. = REAL PROPERTY RECORDS, GILLESPIE COUNTY, TEXAS
 - VOL. = VOLUME
 - PG. = PAGE
 - DOC. = DOCUMENT
 - NO. = NUMBER
 - B.L. = BUILDING SETBACK LINE
 - U.E. = UTILITY EASEMENT
 - P.U.E. = PUBLIC UTILITY EASEMENT
 - D.R.G.C.T. = DEED RECORDS GILLESPIE COUNTY, TEXAS



EASEMENT NOTES:

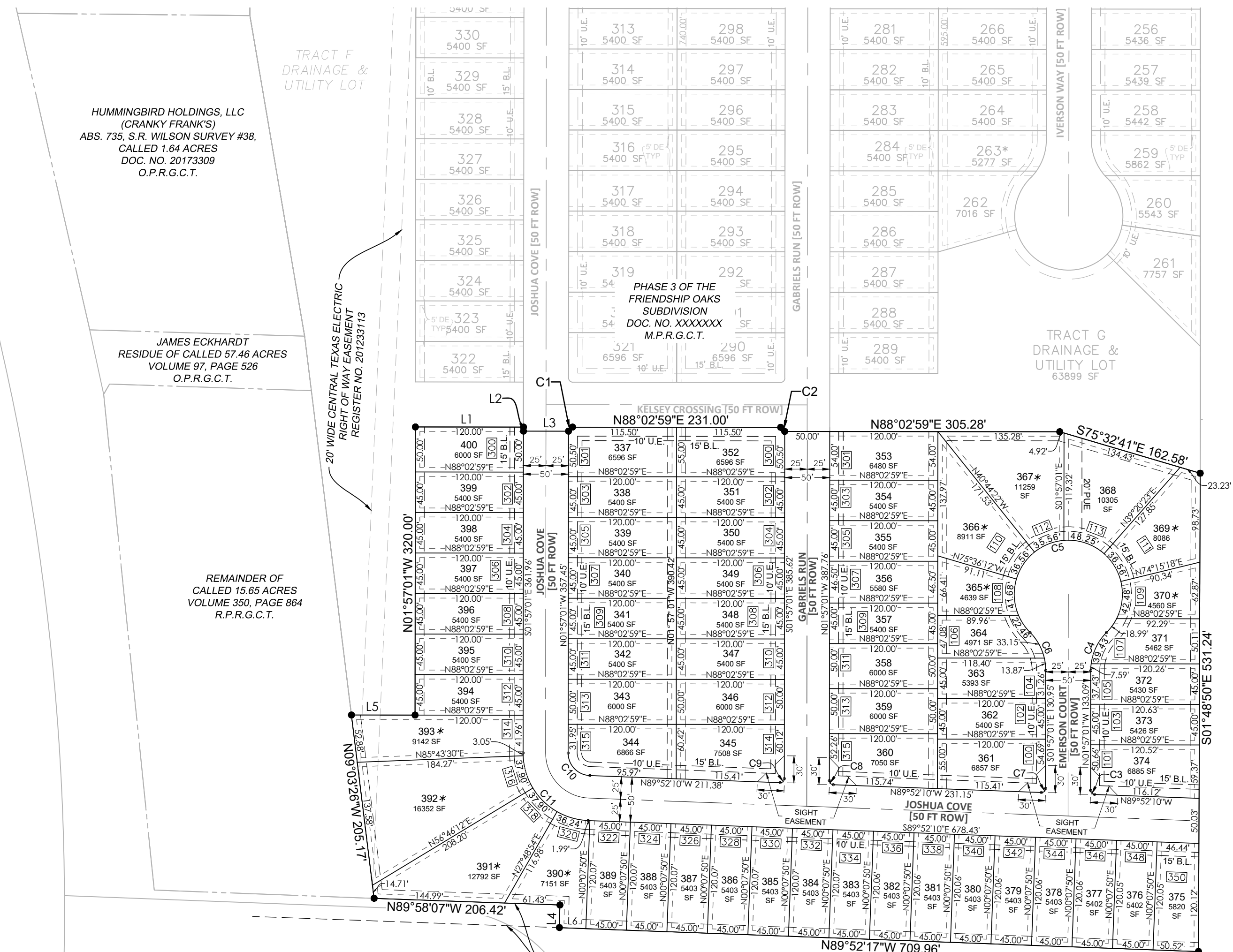
- 10' UTILITY EASEMENT ALONG ALL RIGHT-OF-WAY LINE AS SHOWN
- 10' UTILITY EASEMENT ALONG PROPERTY LINES AS NOTED
- 5' DRAINAGE EASEMENT ALONG ALL PROPERTY LINES OF EACH LOT AS SHOWN
- 15' BUILDING SETBACK LINE (20' FOR GARAGE)
- 15' SIDED ROW FRONTAGE BUILDING SETBACK LINE AS SHOWN
- 10' REAR BUILDING SETBACK LINE AS SHOWN
- 5' SIDE BUILDING SETBACK LINE
- 30'x30' SIGHT EASEMENT AT ALL RIGHT-OF-WAY INTERSECTIONS AS SHOWN

SITE VISIBILITY RESTRICTION:

NO STRUCTURE, OBJECT OR PLANT OF ANY TYPE SHALL OBSTRUCT VISION FROM A HEIGHT OF TWENTY-FOUR (24) INCHES TO A HEIGHT OF TEN (10) FEET ABOVE THE TOP OF THE CURB, INCLUDING, BUT NOT LIMITED TO, BUILDINGS, FENCES, WALKS, SIGNS, TREES, SHRUBS, CARS, TRUCKS ETC., IN THE SIGHT VISIBILITY EASEMENT AS SHOWN ON THE PLAT. THESE SIGHT VISIBILITY EASEMENTS WILL REMAIN IN EFFECT UNTIL VACATED BY ORDINANCE ADOPTED BY THE CITY COUNCIL AND THE PROPERTY REPLATTED.

NOTES:

- THE DEVELOPER DEDICATES THE SANITARY SEWER AND WATER MAINS UPON COMPLETION BY THE DEVELOPER AND ACCEPTANCE BY THE CITY OF FREDERICKSBURG. THE CITY OF FREDERICKSBURG WILL OWN AND MAINTAIN WITHIN TWO (2) YEARS OF THE ACCEPTANCE OF SAID SEWER AND WATER MAINS LOCATED WITHIN THE SUBDIVISION PLAT.
- DAMAGE BY ANY UTILITY COMPANY TO ANY STRUCTURES, FENCES, WALLS OR LANDSCAPING OF ANY KIND PLACED WITHIN THE LIMITS OF THE EASEMENTS SHOWN ON THIS PLAT WILL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. NO LANDSCAPING OR OTHER MODIFICATIONS ALTERING THE CROSS-SECTION OF DRAINAGE EASEMENTS ARE ALLOWED WITHOUT APPROVAL BY THE CITY OF FREDERICKSBURG. THE CITY OF FREDERICKSBURG SHALL HAVE THE RIGHT TO REQUIRE THE PROPERTY OWNERS TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE PRIVATE DRAINAGE EASEMENTS AND THE RIGHT TO REQUIRE THE PROPERTY OWNERS TO MAKE MODIFICATIONS OR IMPROVEMENTS WITHIN THE EASEMENTS FOR PUBLIC WELFARE.
- DRAINAGE EASEMENTS ARE TO BE MAINTAINED BY PROPERTY OWNER AND ACCESS TO BE GIVEN TO DEVELOPER OR AUTHORIZED PERSON FOR ANY ADDITIONAL CONSTRUCTION, MAINTENANCE, OR REPAIR OF ANY STRUCTURE WITHIN ANY DRAINAGE EASEMENT.
- NO ONE SHALL INTERFERE WITH ANY NATURAL DRAINAGE PATTERN OR CONSTRUCTED DRAINAGE SYSTEM ESTABLISHED BY THE DEVELOPMENT BY ALTERING ANY SLOPES, CONTOUR OF ANY CHANNEL, SWALE OR EMBANKMENT OR TAKING OF ANY OTHER ACTION WHICH WILL OR LIKELY TO RETARD, CHANGE OR INTERFERE WITH DRAINAGE OR CREATE EROSION WITHIN THIS AREA.
- ALL TOPOGRAPHIC INFORMATION, BENCHMARKS, AND DRAINAGE DESIGNS WERE COMPUTED AND STAKED ON THE GROUND BY AUSTIN SPATIAL TECHNOLOGIES, LLC.



KEVIN W. ECKHARDT
 ABS. 735, S.R. WILSON SURVEY #38
 CALLED 52.095 ACRES
 VOL. 374, PG. 188, D.R.
 O.P.R.G.C.T.

AG-PRO REAL ESTATE INVESTMENTS, LLC
 ABS. 735, S.R. WILSON SURVEY # 38, 7.10 ACRES
 DOC. NO. 20174872
 O.P.R.G.C.T.

KEVIN W. ECKHARDT
 ABS. 735, S.R. WILSON SURVEY #38
 CALLED 52.095 ACRES
 VOL. 374, PG. 188, D.R.
 O.P.R.G.C.T.

Drawing Name: W:\projects\337 - hmt\hmt\337_192_194E.dwg User: jrbnuk Feb 26, 2026 11:36am



PLAT APPLICATION

All items on the attached Plat Checklist must be submitted with a complete application. Email all documents to jmusgrove@fbgtx.org.

All Plats are reviewed per Sec. 4 of the Subdivision Ordinance found [here](#).

A. Project Information

Project Name: Phase 5 of Friendship Oaks
Project Address: East of US 87 & S Creek St Intersection
Parcel ID Numbers: 183908 & 194486

B. Application Type: Check all that apply

- Minor Plat - \$500 plus \$50.00 per lot
 - Replat - \$750.00 plus \$50.00 per lot (max \$3,000)
 - Amending Plat - \$500 plus \$50.00 per lot
 - Preliminary Plat - \$750.00 plus \$50.00 per lot
 - Final Plat - \$850.00 plus \$50.00 per lot (max \$3,500)
 - Development Plat - \$700.00
 - DRC Review Comments - \$250
- Total: \$ 3,750

C. Property Information

Jurisdiction: _____ City Limits ETJ _____ Total Acres: _____ No. of Lots: _____

Original Survey & Abstract No: Samuel R Wilson Survey No 38 Abs No 725

Legal Description: 11.35 Acres of Land located in the Samuel R Wilson Survey No. 38, Abstract No. 725, Gillespie County, Texas, Being Part of a called 29.731 Ac tract, Recorded in Doc. No. 20244825, Official Public Records Gillespie County, Texas.

D. Applicant/Owner Information

Property Owner

Owner Name: TPG AG EHC III Multi State 4 LLC & Millrose Properties Texas LLC
Owner Address: 100 NE Loop 410, Suite 1155, San Antonio, Texas 78216
Owner Phone Number: (210)889-5516
Owner Email Address: richard.mott@lennar.com

Applicant

Applicant Name: Zoe Jasso, P.E.
Applicant Address: 8122 Datapoint Dr., Suite 400, San Antonio, Texas 78216
Applicant Phone Number: (830)625-8555
Applicant Email Address: plats-sa@hmtnb.com

Applicant's Signature

I hereby certify that the information supplied with this application is true and correct, and that the paper and electronic copies of the materials submitted are consistent with each other, to the best of my knowledge. I also certify, if I am not the owner, that I have authorization from the owner to act on his/her behalf.

Signature: 

Printed Name: Zoe Jasso, P.E.

Staff Use Only Application Number: _____ Date: _____

Required Checklist Items Included: _____



PLAT CHECKLIST

This form and all required exhibits must be included with the Plat application.

- Completed Plat Application
- Title Search
- Date, True North Arrow, and Scale
- Location map at a scale of 1" = 1000'
- Accurate boundary survey with bearings and distances
- ROW lines of all streets, alleys, property lines, reservation easements, and areas dedicated to public use
- Survey monumentation, location & description
- Name & ROW dimensions of all streets & other ROW's
- Number of Lot & Blocks
- Location of minimum building setbacks per zoning ordinance
- Certification by Registered Professional Surveyor
- Additional certifications and plat notes per [Sec. 38.4.05](#)
- Construction plans and guarantees per [Sec. 38.5](#)
- Park dedication requirements per [Sec. 38.6.15](#)
- Sidewalk requirements per [Sec. 38.6.11](#)
- Plat requirements per [Sec. 7.200](#)
- Curb requirements per [Sec. 7.540](#)
- Minimum finished floor of structures located in 100-year floodplain
- Phasing designation if phasing is proposed
- Address for all lots located at front of lot

Note: Staff of the Planning and Zoning Commission may require modification of a Plat as a prerequisite for approval.

I hereby acknowledge that the items listed above are included in this submittal and that any items not included with this application will result in this application being deemed incomplete and returned without review or scheduled for the upcoming meeting dates.

Owner/Agent: *Zoe Jasso* Date: 1/6/20
Printed Name: Zoe Jasso, P.E.

ALTA/NSPS LAND TITLE SURVEY

11.354 ACRES OF LAND SITUATED IN THE SAMUEL R. WILSON SURVEY NO. 38, ABSTRACT NO. 725, GILLESPIE COUNTY, TEXAS, BEING PART OF THE RESIDUE OF A CALLED 29.371 ACRE TRACT OF LAND, RECORDED IN DOCUMENT NO. 20243427, OFFICIAL PUBLIC RECORDS, GILLESPIE COUNTY, TEXAS

REFERENCE DOMA TITLE INSURANCE INC. TITLE COMMITMENT, OF# 114729-002122, EFFECTIVE DATE AUGUST 6, 2024

1. THE FOLLOWING RESTRICTIVE COVENANTS OF RECORD ITEMIZED BELOW. SEE DEED RESTRICTIONS BELOW** NOTE: TO THE EXTENT THAT THESE RESTRICTIONS VIOLATE 42 USC 3604(C) BY INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN, SUCH RESTRICTIONS ARE HEREBY OMITTED.

10. THE FOLLOWING MATTERS AND ALL TERMS OF THE DOCUMENTS CREATING OR OFFERING EVIDENCE OF THE MATTERS:

a. **RESTRICTIONS UNDER VOLUME 7, PAGE 24, DOES NOT APPLY) PLAT RECORDS AND REGISTER NO. 20240057, (APPLIES TO FRIENDSHIP OAKS SUBD) 20241346, (DOES NOT APPLY) OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS.

b. VISIBLE AND APPARENT EASEMENTS ON OR ACROSS THE PROPERTY COVERED BY THIS POLICY WHICH MAY NOT APPEAR OF RECORD. (THIS ITEM WILL NOT APPEAR ON SCHEDULE "B" OF THE POLICY IF A SURVEY IS PROVIDED BY AN APPROVED SURVEYOR SHOWING NO SUCH EASEMENTS.)

c. RIGHTS OF PARTIES IN POSSESSION. (AFFECTS OWNER POLICY ONLY).

d. ALL LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF COAL, LIGNITE, OIL, GAS AND OTHER MINERALS, TOGETHER WITH ALL RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO, APPEARING IN THE PUBLIC RECORDS WHETHER LISTED IN SCHEDULE B OR NOT, THERE MAY BE LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF MINERAL INTEREST THAT ARE NOT LISTED.

e. ANY PORTION OF THE SUBJECT PROPERTY LYING WITHIN THE BOUNDARIES OF A PUBLIC OR PRIVATE ROADWAY WHETHER DEDICATED OR NOT, OR WHICH MAY BE USED FOR ROAD OR STREET PURPOSES.

f. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND. (NOTE: UPON RECEIPT OF A SURVEY ACCEPTABLE TO COMPANY, THIS EXCEPTION WILL BE DELETED. COMPANY RESERVES THE RIGHT TO ADD ADDITIONAL EXCEPTIONS PER ITS EXAMINATION OF SAID SURVEY.

g. ALL LEASES, GRANTS, EXCEPTIONS, OR RESERVATIONS OF THE GEOTHERMAL ENERGY AND ASSOCIATED RESOURCES BELOW THE SURFACE OF THE LAND, TOGETHER WITH ALL RIGHTS, PRIVILEGES, AND IMMUNITIES RELATING THERETO, APPEARING IN THE PUBLIC RECORDS WHETHER LISTED IN SCHEDULE B OR NOT, THERE MAY BE LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF THE GEOTHERMAL ENERGY AND ASSOCIATED RESOURCES BELOW THE SURFACE OF THE LAND THAT ARE NOT LISTED.

h. ALL BUILDING SETBACK LINES, EASEMENTS, AND OTHER MATTERS AS SHOWN OR PROVIDED FOR ON PLAT RECORDED IN VOLUME 7, PAGE 24, PLAT RECORDS OF GILLESPIE COUNTY, TEXAS. (PHASE 1) (DOES NOT APPLY TO THIS TRACT)

i. ROYALTY DEED EXECUTED BY LOUIS ECKHARDT TO E. H. CUNNINGHAM DATED OCTOBER 1, 1928, RECORDED IN VOLUME 38, PAGE 382, DEED RECORDS OF GILLESPIE COUNTY, TEXAS.

j. RIGHT OF WAY EASEMENT EXECUTED BY HARRY F. ECKHARDT TO CENTRAL TEXAS ELECTRIC COOPERATIVE, INC. DATED MARCH 20, 1984, RECORDED IN VOLUME 85, PAGES 366-368, DEED RECORDS OF GILLESPIE COUNTY, TEXAS. (DOES NOT APPLY)

k. RIGHT OF WAY EASEMENT EXECUTED BY MELVIN NATHO TO CENTRAL TEXAS ELECTRIC COOPERATIVE, INC. DATED JUNE 9, 1964, RECORDED IN VOLUME 85, PAGES 382-384, DEED RECORDS OF GILLESPIE COUNTY, TEXAS. (BLANKET, DOES NOT APPLY)

l. EASEMENT EXECUTED BY HARRY F. ECKHARDT TO SOUTHWESTERN BELL TELEPHONE COMPANY DATED JULY 24, 1965, RECORDED IN VOLUME 87, PAGES 80-81, DEED RECORDS OF GILLESPIE COUNTY, TEXAS. (DOES NOT APPLY TO THIS TRACT)

m. RIGHT OF WAY EASEMENT EXECUTED BY JAMES A. ECKHARDT TO THE SOUTHWEST STATES TELEPHONE COMPANY DATED NOVEMBER 9, 1965, RECORDED IN VOLUME 89, PAGES 569-569, DEED RECORDS OF GILLESPIE COUNTY, TEXAS. (MAY APPLY, BLANKET TO PARENT TRACT)

n. RIGHT OF WAY EASEMENT EXECUTED BY HARRY F. ECKHARDT TO THE SOUTHWEST STATES TELEPHONE COMPANY DATED FEBRUARY 13, 1978, RECORDED IN VOLUME 125, PAGES 334-335, DEED RECORDS OF GILLESPIE COUNTY, TEXAS. (MAY APPLY, BLANKET TO PARENT TRACT)

o. RIGHT OF WAY EASEMENT EXECUTED BY MOELLERER CONSTRUCTION COMPANY, INC. TO CENTRAL TEXAS ELECTRIC COOPERATIVE, INC. DATED FEBRUARY 13, 1978, RECORDED IN VOLUME 125, PAGES 334-335, DEED RECORDS OF GILLESPIE COUNTY, TEXAS. (MAY APPLY, BLANKET TO PARENT TRACT)

p. RIGHT OF WAY EASEMENT EXECUTED BY JAMES A. ECKHARDT TO CENTRAL TEXAS ELECTRIC COOPERATIVE, INC. DATED NOVEMBER 30, 1982, RECORDED IN VOLUME 142, PAGES 224-226, DEED RECORDS OF GILLESPIE COUNTY, TEXAS. (MAY APPLY, BLANKET TO PARENT TRACT)

q. RIGHT OF WAY EASEMENT EXECUTED BY JAMES A. ECKHARDT TO CENTRAL TEXAS ELECTRIC COOPERATIVE, INC. DATED NOVEMBER 30, 1982, RECORDED IN VOLUME 142, PAGES 812-813, DEED RECORDS OF GILLESPIE COUNTY, TEXAS. (MAY APPLY, BLANKET TO PARENT TRACT)

r. RIGHT OF WAY EASEMENT EXECUTED BY JAMES A. ECKHARDT TO CENTRAL TEXAS ELECTRIC COOPERATIVE, INC. DATED FEBRUARY 24, 1984, RECORDED IN VOLUME 162, PAGES 437-438, DEED RECORDS OF GILLESPIE COUNTY, TEXAS. (MAY APPLY, BLANKET TO PARENT TRACT)

s. RIGHT OF WAY EASEMENT EXECUTED BY JAMES A. ECKHARDT TO CENTRAL TEXAS ELECTRIC COOPERATIVE, INC. DATED AUGUST 13, 1986, RECORDED IN VOLUME 182, PAGES 82-84, DEED RECORDS OF GILLESPIE COUNTY, TEXAS. (MAY APPLY, BLANKET TO PARENT TRACT)

t. RIGHT OF WAY EASEMENT EXECUTED BY CODY BRADSHAW AND CAROL BRADSHAW TO CENTRAL TEXAS ELECTRIC COOPERATIVE, INC. DATED AUGUST 4, 1986, RECORDED IN VOLUME 182, PAGES 59-63, DEED RECORDS OF GILLESPIE COUNTY, TEXAS. (DOES NOT APPLY TO THIS TRACT)

u. RIGHT OF WAY EASEMENT EXECUTED BY JAMES A. ECKHARDT TO CENTRAL TEXAS ELECTRIC COOPERATIVE, INC. DATED JULY 2, 1987, RECORDED IN VOLUME 185, PAGES 408-409, DEED RECORDS OF GILLESPIE COUNTY, TEXAS. (MAY APPLY, BLANKET TO PARENT TRACT)

v. RIGHT OF WAY EASEMENT EXECUTED BY BRYAN ECKHARDT TO CENTRAL TEXAS ELECTRIC COOPERATIVE, INC. DATED JULY 23, 1991, RECORDED IN VOLUME 220, PAGES 545-546, REAL PROPERTY RECORDS OF GILLESPIE COUNTY, TEXAS. (MAY APPLY, BLANKET TO PARENT TRACT)

w. RIGHT OF WAY EASEMENT EXECUTED BY BRYAN ECKHARDT TO CENTRAL TEXAS ELECTRIC COOPERATIVE, INC. DATED OCTOBER 13, 1993, RECORDED IN VOLUME 260, PAGES 161-163, REAL PROPERTY RECORDS OF GILLESPIE COUNTY, TEXAS. (DOES NOT APPLY AS SHOWN)

x. RIGHT OF WAY EASEMENT EXECUTED BY KYLE ECKHARDT TO CENTRAL TEXAS ELECTRIC COOPERATIVE, INC. DATED JUNE 5, 1995, RECORDED IN VOLUME 297, PAGES 558-559, REAL PROPERTY RECORDS OF GILLESPIE COUNTY, TEXAS. (MAY APPLY)

y. MINERAL INTEREST AS DESCRIBED IN DEED EXECUTED BY HK FREDERICKSBURG, LLC TO LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., DATED MARCH 8, 2023, RECORDED UNDER REGISTER NO. 20231240, OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS. TITLE TO SAID INTEREST HAS NOT BEEN INVESTIGATED SUBSEQUENT TO THE DATE OF SAID INSTRUMENT.

z. BOUNDARY LINE AGREEMENT BETWEEN BRYAN ECKHARDT AND MOELLERER CONSTRUCTION COMPANY, INC. DATED DECEMBER 14, 1998, RECORDED IN VOLUME 361, PAGES 73-81, REAL PROPERTY RECORDS OF GILLESPIE COUNTY, TEXAS. - RELATES TO FENCE BUILT OFF THE PROPERTY LINE AND STATES PROPERTY LINES BY DEED HOLD. THE FENCE ON SUBJECT PROPERTY HAS NOW BEEN REMOVED AS PORTIONS OF THE TRACTS WERE COMBINED AND IT IS NOW ONLY ONE TRACT SO THE AGREEMENT ABOUT THE FENCE WITHIN SUBJECT AREA IS NO LONGER NEEDED.

aa. EASEMENT RESERVED IN DEED EXECUTED BY BRYAN ECKHARDT TO DALE CRENWELGE DATED DECEMBER 14, 1998, RECORDED IN VOLUME 361, PAGES 109-121, REAL PROPERTY RECORDS OF GILLESPIE COUNTY, TEXAS. - DOES NOT APPLY.

ab. RIGHT OF WAY EASEMENT EXECUTED BY DALE CRENWELGE TO CENTRAL TEXAS ELECTRIC COOPERATIVE, INC. DATED JULY 9, 2012, RECORDED UNDER REGISTER NO. 20123113, OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS. - DOES NOT APPLY

ac. RIGHT OF WAY EASEMENT EXECUTED BY DALE CRENWELGE TO CENTRAL TEXAS ELECTRIC COOPERATIVE, INC. FILED ON MAY 7, 2013, RECORDED UNDER REGISTER NO. 20132025, OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS. (APPLIES AS SHOWN)

ad. MINERAL AND GROUND WATER DEED EXECUTED BY HK FREDERICKSBURG, LLC TO RPK HOLDINGS, LLC DATED DECEMBER 23, 2019, RECORDED UNDER REGISTER NO. 20200483, OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS. APPLIES

ae. AGREEMENT REGARDING DESIGNATED DRAINAGE LOCATION BY AND BETWEEN SV FRIENDSHIP LANE MU, LP AND HK FREDERICKSBURG, LLC DATED NOVEMBER 17, 2021, RECORDED UNDER REGISTER NO. 20219613, OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS. DOES NOT APPLY

af. MEMORANDUM OF AGREEMENT REGARDING EASEMENTS BY AND BETWEEN SV FRIENDSHIP LANE MU, LP AND HK FREDERICKSBURG, LLC DATED NOVEMBER 17, 2021, RECORDED UNDER REGISTER NO. 20219614, OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS. (APPLIES)

ag. MINERAL INTEREST AS DESCRIBED IN DEED EXECUTED BY HK FREDERICKSBURG, LLC TO LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., DATED JANUARY 31, 2022, RECORDED UNDER REGISTER NO. 20221361, OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS. TITLE TO SAID INTEREST HAS NOT BEEN INVESTIGATED SUBSEQUENT TO THE DATE OF SAID INSTRUMENT. APPLIES

ah. PETITION FOR CREATION OF GILLESPIE COUNTY MUNICIPAL UTILITY DISTRICT NO. 1 EXECUTED BY HK FREDERICKSBURG, LLC TO LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., DATED AUGUST 31, 2022, RECORDED UNDER REGISTER NO. 20226426, OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS; RATIFICATION FILED UNDER REGISTER NO. 20226598, OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS. APPLIES

ai. ALL TERMS, CONDITIONS, COVENANTS, EASEMENTS, RESTRICTIONS, ASSESSMENTS, MAINTENANCE CHARGES, AND OTHER PROVISIONS AS RECORDED IN REGISTER NO. 20240057, OFFICIAL PUBLIC RECORDS, AS AMENDED, SUPPLEMENTED, REFILED AND/OR RESTATED, GILLESPIE COUNTY, TEXAS.(PHASE 1) APPLIES TO UNIT 1

aj. FRIENDSHIP OAKS ADOPTION OF WORKING CAPITAL ASSESSMENT RECORDED UNDER REGISTER NO. 20240112, OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS.(PHASE 1) APPLIES TO UNIT 1

ak. FRIENDSHIP OAKS COMMUNITY MANUAL RECORDED UNDER REGISTER NO. 20240113, OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS.(PHASE 1) APPLIES TO UNIT 1

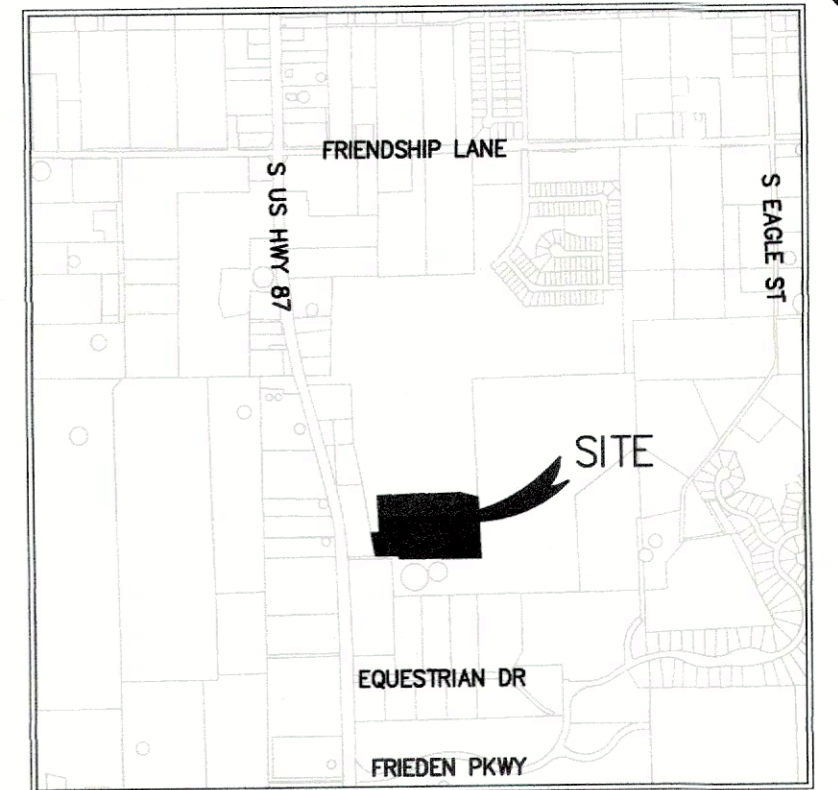
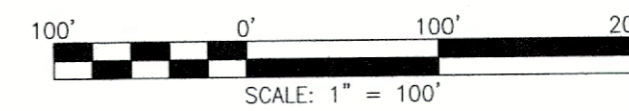
al. MANAGEMENT CERTIFICATE OF FRIENDSHIP OAKS COMMUNITY ASSOCIATION, INC. RECORDED UNDER REGISTER NO. 20240243, OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS.(PHASE 1) APPLIES TO UNIT 1

am. UTILITY EASEMENT EXECUTED BY LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, TO UNIVERSAL NATURAL GAS, LLC AND CENTRIC FIBER, LLC, DATED MARCH 4, 2024, RECORDED UNDER REGISTER NO. 20241346, OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS.(PHASE 1) DOES NOT APPLY

an. DECLARANT REMOVAL AND APPOINTMENT OF DIRECTORS AND OFFICERS OF FRIENDSHIP OAKS COMMUNITY ASSOCIATION, INC. RECORDED UNDER REGISTER NO. 20241531, OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS.(PHASE 1) APPLIES TO UNIT 1

ao. ZONING REGULATIONS AS PROMULGATED BY THE GILLESPIE COUNTY AIRPORT BOARD OF ADJUSTMENT.

ap. INTENTIONALLY DELETED.

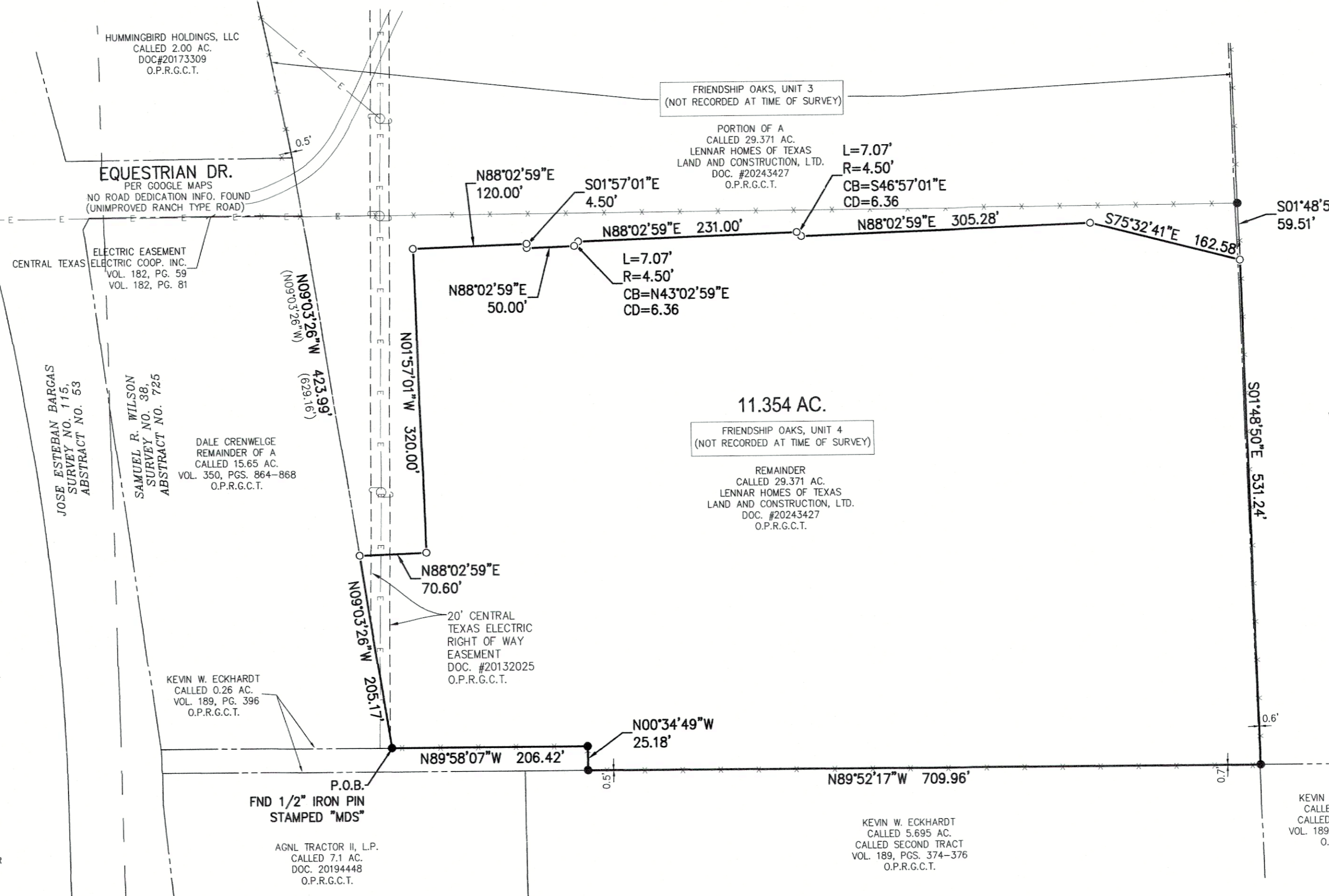


LOCATION MAP

N.T.S.

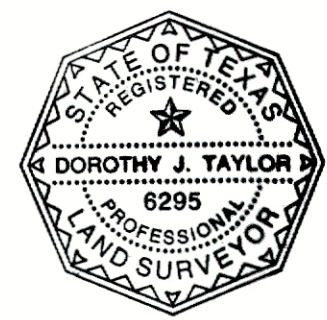
LEGEND:

- = FND. 1/2" IRON PIN UNLESS OTHERWISE NOTED
- = SET 1/2" IRON PIN W/ PLASTIC CAP STAMPED "HMT" UNLESS OTHERWISE NOTED
- B.L. = BUILDING SETBACK LINE
- U.E. = UTILITY EASEMENT
- D.E. = DRAINAGE EASEMENT
- R.O.W. = RIGHT-OF-WAY
- () = RECORD CALLS
- ⊙ = POWER POLE
- ⊙ = GUY ANCHOR
- E — = OVERHEAD ELECTRIC
- X — = BARBED WIRE FENCE
- O.P.R.G.C.T. = OFFICIAL PUBLIC RECORDS, GILLESPIE COUNTY, TEXAS
- P.R.G.C.T. = PLAT RECORDS, GILLESPIE COUNTY, TEXAS
- P.O.B. = POINT OF BEGINNING



- TABLE A:
- MONUMENTS HAVE BEEN LOCATED AT ALL MAJOR CORNERS OF THE BOUNDARY.
 - THE ADDRESS OF THE SITE IS TBD S. US HWY 87, FREDERICKSBURG TEXAS.
 - ACCORDING TO MAP NO. 4817C0288C OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAPS FOR GILLESPIE COUNTY, DATED 10/19/2001, THE SUBJECT TRACT IS SITUATED WITHIN ZONE "X"
 - THE AREA OF THIS SITE IS 11.354 ACRES.
 - NO BUILDINGS FOUND.
 - THERE IS A TOTAL OF 0 STRIPED PARKING SPACES FOR CARS, INCLUDING 0 OF WHICH ARE MARKED HANDICAPPED AND 0 OF WHICH ARE FOR MOTORCYCLES.

SURVEYOR'S CERTIFICATION
TO: LENNAR HOMES
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA/NSPS LAND TITLE SURVEYS, AND INCLUDES ITEMS 1, 2, 3, 4, 7a, & 9, OF TABLE A THEREOF.
FIELDWORK WAS PERFORMED ON 07/30/2024
DATED THIS 29 DAY OF Aug, 2024
DOROTHY J. TAYLOR
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6295



REVISED: 08/29/2024 ADDED NEW DEED INFO

DRAWN BY: CRS
FIELD CREW: MZ

290 S. CASTELL AVE., STE. 100
NEW BRAUNFELS, TX 78130
TBPE FIRM F-10961
TBPLS FIRM 10153600

SURVEY NOTES:
BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD 83 (NA2011) EPOCH 2010.00.
A METES & BOUNDS DESCRIPTION OF THIS TRACT WAS CREATED IN CONJUNCTION WITH THIS SURVEY.
THIS TRACT OF LAND DOES NOT CURRENTLY HAVE ROAD ACCESS. IT IS CURRENTLY LANDLOCKED. THE ADJOINING TRACT, FRIENDSHIP OAKS UNITS 2 & 3 ARE PLANNED FOR DEVELOPMENT SOON AND WILL BRING ACCESS WHEN THEY ARE RECORDED, BUT THEY ARE NOT RECORDED AT THIS TIME.

ELECTRONICALLY RECORDED

OFFICIAL PUBLIC RECORDS



Lindsey Brown

Lindsey Brown, County Clerk
Gillespie County, Texas
08/30/2024 3:42 PM

FEE: \$ 57.00

JCOSTON

20244552

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

WHEN RECORDED, RETURN TO:

Quarles & Brady LLP
Two North Central Avenue
Phoenix, AZ 85004
Attn: Jason Wood, Esq.

SPECIAL WARRANTY DEED

(Friendship Oaks, Fredericksburg, Texas)

STATE OF TEXAS)

) KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF GILLESPIE)

THAT, this Special Warranty Deed is made by LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., a Texas limited partnership, whose address is 100 NE Loop 410, Suite 1155, San Antonio, Texas 78216 (“Grantor”), in favor of TPG AG EHC III (LEN) MULTI STATE 4, LLC, a Delaware limited liability company, whose address is c/o Essential Housing Asset Management, LLC, 8585 E. Hartford Drive, Suite 118, Scottsdale, Arizona 85255 (“Grantee”); and

THAT, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby GRANT, SELL and CONVEY unto Grantee the real property, which is located in the County of Gillespie, in the State of Texas, more particularly described on Exhibit A attached hereto and incorporated herein for all purposes (the “Property”).

TOGETHER WITH all improvements, easements, rights, liberties, privileges, hereditaments, remainders, rents, issues, profits and royalties therefrom in anywise belonging to Grantor, subject to the matters and rights noted herein.

TO HAVE AND TO HOLD the Property unto Grantee and Grantee’s heirs, personal representatives, successors and assigns forever.

SUBJECT TO: all general and special real property taxes and other assessments (including all subsequent assessments for prior years due to changes in the use or ownership, or both), reservations in patents, mineral water and other reservations of any of Grantor’s predecessors in title, water rights, claims or titles to water and all easements, rights of way, encumbrances, liens,

covenants, conditions, restrictions, obligations and liabilities as may appear of record, all documents establishing or relating to the master-planned community of which the Property is a portion, any matter shown on the plat of the Property referenced above, any matter arising in connection with any action of Grantee or its employees, contractors, agents, or representatives, any other matter not caused by the act or authorization of Grantor, and any matter that would be disclosed by an inspection or an accurate ALTA/NSPS Survey (or its equivalent) meeting the Minimum Standard Detail Requirements of a Texas Land Title Survey, Category 1A, Condition II.

AND GRANTOR binds itself and Grantor's heirs, personal representatives, successors and assigns forever to warrant and defend the Property, to said Grantee and Grantee's heirs, personal representatives, successors and assigns against all persons whatsoever lawfully claiming or to claim the same, or any part thereof by, through, or under Grantor but not otherwise, and subject, however, as aforesaid.

[Signatures on Next Page]

EXECUTED this 28 day of August, 2024.

Grantor:

LENNAR HOMES OF TEXAS LAND
AND CONSTRUCTION, LTD.,
a Texas limited partnership

By: U.S. Home, LLC, a Delaware limited
liability company, its General Partner

By: [Signature]

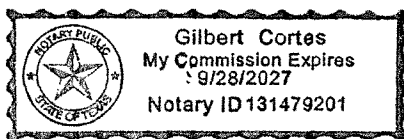
Name: SHERRY STAFFORD

Title: AUTHORIZED AGENT

STATE OF TEXAS)

COUNTY OF Brewer)

The foregoing instrument was acknowledged before me this 28 day of August 2024, by Sherry Stafford, Authorized Agent of U.S. Home, LLC, a Delaware limited liability company, the General Partner of LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., a Texas limited partnership, for and on behalf thereof.



[Signature]
Notary Public

(SEAL)

PLEASE SUBMIT TAX STATEMENTS TO:
LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.
100 NE Loop 410, Suite 1155
San Antonio, TX 78216
Attn: Land Department

Exhibit A

Legal Description
(*Friendship Oaks, Fredericksburg, Texas*)

Tract 1:

Lot 1, 2, 13, 14, 15, 18, 19, 20, 21, 22, 23, 24, 28, 29, 31, 43, 44, 45, 50, 52, 53, 54, 55, 64, 65, 83, 84, Phase 1 of The Friendship Oaks Subdivision, situated in Gillespie County, Texas according to the map or plat of record in Volume 7, Page 24, Plat Records of Gillespie County, Texas.

Tract 2:

Being a 28.151 acre tract of land located in the Jose Esteban Bargas Survey No. 115, Abstract No. 53, Gillespie County, Texas, being part of a called 31.554 acre tract of land, recorded in Document No. 20231240, Official Public Records, Gillespie County, Texas and also part of a called 29.258 acre tract, recorded in Document No. 20221361 of the Official Public Records of Gillespie County, Texas. Said 28.151 acre tract of land being more particularly described as follows:

BEGINNING at a found mag nail in concrete in the East right of way line of State Highway No. 87 for the Southwest corner of a called 0.98 acre tract recorded in Volume 218, Pages 432-435, Official Public Records, Gillespie County, Texas, same point being the West corner of said 31.554 acre tract of land;

THENCE departing the East right of way line of State Highway No. 87, with the South line of said 0.98 acre tract and a Western line of said 31.554 acre tract of land, S 89°45'24" E, a distance of 225.27 feet to a found 1/2" iron pin for the Southeast corner of said 0.98 acre tract, an interior Western corner of a remainder of a called 111.440 acre tract of land, recorded in Document No. 20193419, Official Public Records, Gillespie County, Texas and a corner of the herein described tract;

THENCE departing the Southeast corner of said 0.98 acre tract and the interior Western corner of said remainder of a called 111.440 acre tract, continuing along the North line of said 31.554 acre tract into and across said 111.440 acre tract of land, the following six (6) calls:

1. S 00°57'45" W, a distance of 15.44 feet to a point for a set 1/2" iron pin with cap "HMT" for a corner;
2. S 84°57'34" E, a distance of 31.96 feet to a set 1/2" iron pin with cap "HMT" for a corner, and the beginning of a curve;
3. Along the arc of a curve to the left, having a radius of 470.00 feet, an arc length of 229.50 feet, and a chord bearing and distance of N 81°03'06" E, 227.23 feet to a set 1/2" iron pin with cap "HMT" for a corner;
4. N 67°03'46" E, a distance of 55.92 feet to a set 1/2" iron pin with cap "HMT" for a corner, and the beginning of a curve;
5. Along the arc of a curve to the left, having a radius of 470.00 feet, an arc length of 144.12 feet, and a chord bearing and distance of N 58°16'42" E, 143.56 feet to a set 1/2" iron pin with cap "HMT" for a corner;
6. N 49°29'37" E, a distance of 1255.65 feet to a found 1/2" iron pin with cap "HMT" for a Southwest corner of South Creek Street, dedicated in Friendship Oaks, Unit 1, recorded in Document No. 2023010024, Official Public Records, Gillespie County, Texas, and the

northernmost corner of the herein described tract;

THENCE with the common line of said Friendship Oaks, Unit 1 and said 31.554 acre tract, the following four (4) calls:

1. Crossing South Creek Street S 40°35'34" E, a distance of 468.94 feet to a found 1/2" iron pin with cap "HMT" for a corner of Lot 91, Friendship Oaks Unit 1;
2. N 88°56'15" E, passing through a found 1/2" iron pin with cap "HMT" at a distance of 591.62 feet for the Northeast corner of said 31.554 acre tract and a Northwest corner of said remainder of a called 29.258 acre tract, recorded in Document No. 20221361, Official Public Records, Gillespie County, Texas continuing for a total distance of 687.78 feet to a set 1/2" iron pin with cap "HMT" for the Southeast corner of Lot 104, Friendship Oaks, Unit 1, and a corner of said 29.258 acre tract, the same point being a corner of the herein described tract;
3. N 01°05'20" W, a distance of 120.00 feet to a set 1/2" iron pin with cap "HMT" lying in the South right-of-way line of Ciarans Crossing for the Northeast corner of said Lot 104, the same point being the Northern most West corner of said 29.258 acre tract and a corner of the herein described tract;
4. N 88°56'15" E, a distance of 170.02 feet along the South right-of-way line of Ciarans Crossing to a set 1/2" iron pin with cap "HMT" for the Southeast corner of Friendship Oaks, Unit 1, lying in the East line of said 29.258 acre tract and the West line of the remainder of 3 called 44.435 acre tract, Tract III, recorded in Volume 371, Pages 588-593, Official Public Records, Gillespie County, Texas, marking the Northeast corner of the herein described tract;

THENCE along the West line of said 44.435 acre tract and the East line of said remainder of a called 29.258 acre tract the following two (2) calls:

1. S 01°05'31" E, a distance of 404.30 feet to a point for a corner;
2. S 01°52'55" E, a distance of 312.34 feet to a found 1/2" iron pin for the Southeast corner of said 29.258 acre tract and the Southwest corner of said remainder of a called 44.435 acre tract, the same point being a corner of the remainder of a called 69.5 acre tract recorded in Volume 555, Pages 182-186, Official Public Records, Gillespie County, Texas, also being the Southwest corner of the herein described tract;

THENCE along the South line of said 29.258 acre tract and a North line of said remainder of a called 69.5 acre tract, S 88°31'42" W, passing through a found 1/2" iron pin with cap "HMT" at 503.29 feet for the Southwest corner of said remainder of a called 29.258 acre tract and a Southeast corner of said 31.554 acre tract and continuing for a total distance of 794.82 feet to a set 1/2" iron pin with cap "HMT" for a corner of the herein described tract, lying in a North line of said remainder of a called 69.5 acre tract and the South line of said 31.554 acre tract;

THENCE continuing over and across said 31.544 acre tract the following fifteen (15) calls:

1. N 88°42'09" W, a distance of 796.56 feet to a point for a corner;
2. N 01°57'01" W, a distance of 86.97 feet to a point for a corner;
3. N 40°30'23" W, a distance of 318.03 feet to a point for a corner;
4. S 49°29'37" W, a distance of 100.00 feet to a point for a corner and the beginning of a curve;

5. Along the arc of a curve to the left, said curve having a radius of 20.00 feet, an arc distance of 31.42 feet, and having a chord bearing and distance of S 04°29'37" W, 28.28 feet, to a point for a corner;
6. S 49°29'37" W, a distance of 50.00 feet to a point for a corner and the beginning of a curve;
7. Along the arc of a curve to the left, said curve having a radius of 20.00 feet, an arc distance of 31.42 feet, and having a chord bearing and distance of N 85°30'23" W, 28.28 feet, to a point for a corner;
8. S 49°29'37" W, a distance of 196.35 feet to a point for a corner and the beginning of a curve;
9. Along the arc of a curve to the right, said curve having a radius of 530.00 feet, an arc distance of 162.52 feet, and having a chord bearing and distance of S 58°16'42" W, 161.88 feet, to a point for a corner;
10. S 67°03'46" W, a distance of 3.85 feet to a point for a corner;
11. Along the arc of a curve to the left, said curve having a radius of 20.00 feet, an arc distance of 31.42 feet, and having a chord bearing and distance of S 22°03'46" W, 28.28 feet, to a point for a corner;
12. S 68°33'45" W, a distance of 50.02 feet to a point for a corner and the beginning of a curve;
13. Along the arc of a curve to the left, said curve having a radius of 20.00 feet, an arc distance of 30.04 feet, and having a chord bearing and distance of N 65°57'37" W, 27.29 feet, to a point for a corner;
14. Along the arc of a reverse curve to the right, said curve having a radius of 530.00 feet, an arc distance of 73.52 feet and having a chord bearing and distance of S 74°59'26" W, 73.46 feet, to a point for a corner;
15. S 01°57'15" E, a distance of 9.90 feet to a set 1/2" iron pin with cap "HMT" for the Northeast corner of a called 2.36 acre tract, recorded in Document No. 20232809, Official Public Records, Gillespie County, Texas and a corner of said 31.554 acre tract the same point being a corner of the herein described tract;

THENCE along the North line of said 2.36 acre tract and a South line of said 31.554 acre tract and the herein described tract, N 89°56'44" W, a distance of 379.78 feet to a set 1/2" iron pin with cap "HMT" lying in the East right of—way line of State Highway No. 87, for the Northwest corner of said 2.36 acre tract, and the Southwest corner of said 31.554 acre tract, the same point being the Southwest corner of the herein described tract and the beginning of a curve;

THENCE along the arc of a curve to the right, said curve having a radius of 5679.60 feet, an arc distance of 83.23 feet, and having a chord bearing and distance of N 14°00'18" W, 83.23 feet, to the POINT OF BEGINNING, containing 28.151 acres of land in Gillespie County, Texas.

Tract 3:

Being a 27.615 acre tract of land, situated in the Jose Esteban Bargas Survey, Abstract No.53 and the Samuel R. Wilson Survey No. 38, Abstract No. 725, Gillespie County, Texas, and being part of the following two tracts;

1. Part of the residue of a called 31.554 acres, recorded in Document No. 20231240 of the Official Public Records of Gillespie County, Texas.

2. Part of a called 29.371 acre tract of land recorded in Document No. 20243427, Official Public Records of Gillespie County, Texas, said 27.615 acre tract of land being more particularly described as follows;

COMMENCING at a ½" iron with cap "HMT" set in the East line of State Hwy 87 for the Southwest corner of said 31.554 acre tract and the Northwest corner of a called 2.36 acre tract, recorded in Document No. 20232809 of the Official Public Records of Gillespie County, said point being in the South line of South Creek Road (not yet dedicated at time of survey) along the following two calls:

1. along the common line of said 31.554 acre tract and said 2.36 acre tract, South 89°56'44" East, a distance of 379.78 feet to a ½ iron rod with cap set for the Northeast corner of said 2.36 acre tract.
2. Into and across said 31.554 acre tract, North 01°57'15" West a distance of 9.90 feet to a ½" iron rod with cap "HMT" set for the POINT OF BEGINNING.

THENCE continuing into and across said 31.554 acre tract, with the South line of said South Creek Road the following 11 calls:

1. along a curve to the left, said curve having a radius of 530.00 feet, a central angle of 7°56'53.52", a chord bearing and distance of North 74°59'26" East, 73.46 feet, for an arc distance of 73.52 feet to a point;
2. along a reverse curve to the right, said curve having a radius of 20.00 feet, a central angle of 86°02'46.68", a chord bearing and distance of South 65°57'37" East, 27.29 feet, for an arc distance of 30.04 feet to a point;
3. North 68°33'45" East, a distance of 50.02 feet to a point;
4. along a non-tangent curve to the right, said curve having a radius of 20.00 feet, a central angle of 90°00'00.00", a chord bearing and distance of North 22°03'46" East, 28.28 feet, for an arc distance of 31.42 feet to a point;
5. North 67°03'46" East, a distance of 3.85 feet to a point;
6. along a tangent curve to the left, said curve having a radius of 530.00 feet, a central angle of 17°34'09.12", a chord bearing and distance of North 58°16'42" East, 161.88 feet, for an arc distance of 162.52 feet to a point;
7. North 49°29'37" East, a distance of 196.35 feet to a point;
8. along a tangent curve to the right, said curve having a radius of 20.00 feet, a central angle of 90°00'00.00", a chord bearing and distance of South 85°30'23" East, 28.28 feet, for an arc distance of 31.42 feet to a point;
9. North 49°29'37" East, a distance of 50.00 feet to a point;
10. along a non-tangent curve to the right, said curve having a radius of 20.00 feet, a central angle of 90°00'00.00", a chord bearing and distance of North 04°29'37" East, 28.28 feet, for an arc distance of 31.42 feet to a point;
11. North 49°29'37" East, a distance of 100.00 feet to a point;

THENCE departing said South Creek Road and continuing into and across said 31.554 acre tract the following 3 calls:

1. South 40°30'23" East, a distance of 318.03 feet to a point;
2. South 01°59'02" East, a distance of 85.50 feet to a point;

3. South 88°35'47" East, a distance of 796.59 feet to a ½" iron rod found in the South line of said 31.554 acre tract and lying in the North line of the remainder of a called 69.5 acre tract, recorded in Volume 555, Page 182-186 of the Gillespie County Deed Records;

THENCE with the South line of said 31.554 acre tract and the North line of said 69.5 acre tract, South 88°31'42" West, a distance of 540.19 feet to a mag nail found in concrete for the Northwest corner of said 69.5 acre tract for an inner ell corner of said 31.554 acre tract;

THENCE with the East line of said 31.554 acre tract and the East line of said 29.371 acre tract and the West line of said 69.5 acre tract, the following two calls:

1. South 02°01'34" East, a distance of 965.03 feet to a ½" iron rod found;
2. South 01°48'50" East, a distance of 59.51 feet to a ½" iron rod set with cap "HMT" set;

THENCE into and across said 29.371 acre tract the following 10 calls:

1. North 75°32'41" West, a distance of 162.58 feet to a point;
2. South 88°02'59" West, a distance of 305.28 feet to a point;
3. along a non-tangent curve to the left, said curve having a radius of 4.50 feet, a central angle of 90°00'00.00", a chord bearing and distance of North 46°57'01" West, 6.36 feet, for an arc distance of 7.07 feet to a point;
4. South 88°02'59" West, a distance of 231.00 feet to a point;
5. along a tangent curve to the left, said curve having a radius of 4.50 feet, a central angle of 90°00'00.00", a chord bearing and distance of South 43°02'59" West, 6.36 feet, for an arc distance of 7.07 feet to a point;
6. South 88°02'59" West, a distance of 50.00 feet to a point;
7. North 01°57'01" West, a distance of 4.50 feet to a point;
8. South 88°02'59" West, a distance of 120.00 feet to a point;
9. South 01°57'01" East, a distance of 320.00 feet to a point;
10. South 88°02'59" West, a distance of 70.60 feet to a ½" iron rod with cap "HMT" Set in the West line of said 29.371 acre tract and the East line of a called 15.68 acre tract, recorded in Volume 350, Page 864-868 of the Gillespie County Deed Records;

THENCE with the West line of said 29.371 acre tract and the East line of said 15.65 acre tract, and the residue of a called 57.46 acre tract, recorded in Volume 97, Page 526 of the Gillespie County Deed Records (Labeled as Equestrian Drive approx. 60' wide, however no road dedication has been found) North 09°03'26" West, a distance of 423.99 feet to a ½" iron rod found for the Southeast corner of 2.00 acre tract, recorded in Document No. 20173309 of the Official Public Records of Gillespie County, Texas;

THENCE continuing with the West line of said 29.371 acre tract and the East line of said 2.00 acre tract, North 11°41'43" West, a distance of 361.11 feet to a ½" iron rod found for the Northeast corner of said 2.0 acre tract and the Southwest corner of a called 1.431 acre tract, recorded in Document No. 20202361 of the Official Public Records of Gillespie County, Texas;

THENCE continuing with the West line of said 29.371 acre tract and the East line of said 1.431 acre tract, and the East line of said 2.36 acre tract, North $01^{\circ}57'15''$ West, a distance of 524.04 feet to a POINT OF BEGINNING and containing 27.615 acres of land, more or less.

ELECTRONICALLY RECORDED



OFFICIAL PUBLIC RECORDS

Lindsey Brown

Lindsey Brown, County Clerk
Gillespie County, Texas
09/17/2024 2:10 PM

FEE: \$ 37.00

JCOSTON

20244825

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

GENERAL WARRANTY DEED

THE STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF GILLESPIE §

THAT, LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., a Texas limited partnership ("Grantor"), for and in consideration of the sum of \$10.00 and other good and valuable consideration to the undersigned in hand paid by MILLROSE PROPERTIES TEXAS, LLC, a Texas limited liability company ("Grantee"), whose address is 5505 Waterford District Drive, Miami, Florida 33126-2029, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto Grantee, that certain real property situated in Gillespie County, Texas, and described in Exhibit "A" attached hereto and made a part hereof for all purposes (the "Land"), and all buildings, fixtures and other improvements located on the Land, if any, together with all and singular the rights, privileges, hereditaments and appurtenances pertaining to such real property, including, but not limited to, all right, title and interest of Grantor, if any, in and to (1) any strips and gores, if any, between the Land and any abutting properties, whether owned or claimed by deed, limitations or otherwise; and (2) any land lying within any highway, avenue, street, road, alley, easement or right of way, open or proposed, in, or across, abutting or adjacent to the Lots (all of such real property, rights and appurtenances herein referred to collectively as the "Property").

This conveyance is made by Grantor and accepted by Grantee subject only to the easements, restrictions and other matters now of record to the extent the same are validly existing and applicable to the Property (collectively, the "Permitted Exceptions").

TO HAVE AND TO HOLD the Property, together with, all and singular, the rights and appurtenances thereto in anywise belonging, to Grantee and Grantee's successors and assigns forever; and subject only to the Permitted Exceptions, Grantor does hereby bind Grantor and Grantor's successors and assigns to warrant and forever defend, all and singular, the Property unto the Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, subject to the Permitted Exceptions.

[Signature Page Follows.]

EXHIBIT "A"**Legal Description**

METES AND BOUNDS DESCRIPTION
FOR A
11.354 ACRE TRACT OF LAND

Being a 11.354 acre tract of land, situated in the situated in the Samuel R. Wilson Survey No. 38, Abstract No. 725, Gillespie County, Texas, and being part of a called 29.371 acre tract, conveyed to Lennar Homes of Texas Land and Construction, LTD., recorded in Document No. 20243427, Official Public Records of Gillespie County, Texas, said 11.354 acre tract of land being more particularly described as follows:

BEGINNING at a ½" iron pin found with plastic cap stamped "MDS" in the South line of a called 15.65 acre tract, conveyed to Dale Crenwelge, recorded in Volume 350, Pgs. 864-868, Official Public Records of Gillespie County, Texas, the North line of a called 0.26 of an acre tract, conveyed to Kevin W. Eckhardt, recorded in Volume 189, Pg. 396, Official Public Records of Gillespie County, Texas, for the Southwest corner of the above referenced 29.371 acre tract, for the Southwest corner and Point of Beginning of this tract.

THENCE along the East line of said 15.65 acre tract, partially along the West line of said 29.371 acre tract, N 09°03'26" W a distance of 205.17 feet to a ½" iron pin set with plastic cap stamped "HMT" in same, for a corner of this tract.

THENCE severing said 29.371 acre tract, the following bearings and distances;

1. N 88°02'59" E a distance of 70.60 feet to a ½" iron pin set with plastic cap stamped "HMT", for an interior corner of this tract.
2. N 01°57'01" W a distance of 320.00 feet to a ½" iron pin set with plastic cap stamped "HMT", for the Northwest corner of this tract.
3. N 88°02'59" E a distance of 120.00 feet to a ½" iron pin set with plastic cap stamped "HMT", for a corner of this tract.
4. S 01°57'01" E a distance of 4.50 feet to a ½" iron pin set with plastic cap stamped "HMT", for a corner of this tract
5. N 88°02'59" E a distance of 50.00 feet to a ½" iron pin set with plastic cap stamped "HMT", for a corner of this tract and the beginning of a curve to the right.
6. Along said curve to the right, having a radius of 4.50 feet, an arc length of 7.07 feet and a chord bearing and distance of N 43°02'59" E 6.36 feet to a ½" iron pin set with plastic cap stamped "HMT", said point marking the end of said curve.
7. N 88°02'59" E a distance of 231.00 feet to a ½" iron pin set with plastic cap stamped "HMT", for a corner of this tract, said point marking the beginning of a curve to the right.
8. Along said curve to the right, having a radius of 4.50 feet, an arc length of 7.07 feet, and a chord bearing and distance of S 46°57'01" E 6.36 feet to a ½" iron pin set with plastic cap stamped "HMT", marking the end of said curve.
9. N 88°02'59" E a distance of 305.28 feet to a ½" iron pin set with plastic cap stamped "HMT", for a corner of this tract.
10. S 75°32'41" E a distance of 162.58 feet to a ½" iron pin set with plastic cap stamped "HMT" in the West line of a called 69.5 acre tract, conveyed to Kevin W. Eckhardt, recorded in Volume 555, Pgs. 182-186, Official Public Records of Gillespie County, Texas, the East line of said 29.371 acre tract, for the Northeast corner of this tract.

THENCE along the common line of said 29.371 acre tract and said 69.50 acre tract, S 01°48'50" E a distance of 531.24 feet to a ½" iron pin found for the Northwest corner of called first tract, called 4.305 acres, the Northeast corner called second tract, called 5.695 acres, both conveyed to Kevin W. Eckhardt, both recorded in Volume 189, Pgs. 374-376, Official Public Records of Gillespie County, Texas, the Southeast corner of said 29.371 acre tract, for the Southeast corner of this tract.

Thence along the common line of said 29.371 acre tract and partially along said 5.695 acre tract, N 89°52'17" W a distance of 709.96 feet to a ½" iron pin found in same, for the Southeast corner of a called 0.26 of an acre tract conveyed to Kevin W. Eckhardt, recorded in Volume 189, Pg. 396, Official Public Records of Gillespie County, Texas, for a corner of this tract.

THENCE along the Common line of said 0.26 of an acre tract and said 29.371 acre tract, the following bearings and distances;

1. N 00°34'49" W a distance of 25.18 feet to a ½" iron pin found for the Northeast corner of said 0.26 of an acre tract, an interior corner of said 29.371 acre tract, for an interior corner of this tract.
2. N 89°58'07" W a distance of 206.42 feet to the Point of Beginning and containing 11.354 acres of land, more or less.

Bearings described herein are based on the Texas State Plane Coordinate System, South Central Zone (4204), NAD 83 (NA2011) Epoch 2010.00.



Congratulations on the purchase of your new home! Enclosed please find the following documents related to your upcoming homebuying Celebration of: [163 Lots] - Lots 1, 2, 13-15, 18-24, 28, 29, 31, 43-48, 50, 52-55, 61-65, 83, 84 AND Phase 2, Friendship Oaks, TX

- **Commitment for Title Insurance –**

Please note that the amounts reflected on the Title Commitment may not be correct and are subject to change based on contract revisions. The final commitment will be provided at closing. We will also provide coverage in your final title policy regarding survey discrepancies and any surface damage due to mineral extraction as explained in the following "Additional Coverage Endorsements" page. Depending on the final sales price of your new home, the premium for these endorsements will likely range from \$150.00 to \$200.00*. If you wish to decline this coverage, simply check the box marked at the bottom of this page and return it to our office via email, fax or mail.

- **Privacy Policy**

- **Wiring Instructions**

Lennar Title, Inc. will provide a copy of your settlement statement to the real estate agents or brokers identified in the sales contract.

Please bring the following items to closing:

1. Amount to close that has been confirmed with the Escrow Officer

If you are bringing funds to closing, please be aware that all closing funds in the amount of \$1,500 or greater MUST be in the form of a Cashier's Check or wire transfer payable to **Lennar Title, Inc.** Funds received via ACH do not qualify as "good funds." Due to the overwhelming number of fraudulent Cashier's Checks circulating within Texas, we now require ALL closing funds from the buyer in the amount of \$25,000 or greater to be wire-transferred. Otherwise, we must verify with the bank that the Cashier's Check is valid before funding.

BEWARE! WIRE FRAUD IS ON THE RISE! Wire fraud and email hacking/phishing attacks are increasing in frequency. If you have an escrow or closing transaction with us and you receive an email containing Wire Transfer Instructions, **DO NOT RESPOND TO THE EMAIL!** Instead, call your escrow officer/closer immediately, using previously known contact information and NOT information provided in the email, to verify the information prior to sending funds. Wiring Instructions are available through LennarTrack and will not be emailed.

2. Valid and current form of government issued photo identification.
3. Your Spouse

******IMPORTANT INFORMATION NEEDED PRIOR TO CLOSING******

1. Change in marital status.
2. Call your title team for all power of attorney needs. Only specific forms will be accepted.

Please contact us at any time with questions or concerns. Thank you for choosing Lennar Title, Inc. as your partner in the homebuying Celebration!

Sincerely,

Melissa Brisco
Escrow Officer NP
Melissa.Brisco@lennartitle.com
469-586-2300

ADDITIONAL COVERAGE ENDORSEMENTS

The Title Commitment is a promise to issue a policy and shows the premium amounts for the Loan Policy and/or Owner's Policy. If your contract states that Lennar Homes of Texas is paying the Owner's Policy, please be advised that we have included two additional endorsements which are optional and not included in the premium paid by Lennar Homes of Texas. These endorsements, which will be charged to you, protect you in the event of losses incurred due to the following reasons:

- **SURVEY COVERAGE:** Survey not properly marking boundaries, easements and/or encroachments that may result in a loss to you.
- **SURFACE DAMAGE COVERAGE:** Loss to you in the event the owner of the mineral rights damages the surface of the property while extracting minerals pursuant to those rights

The cost for these endorsements is typically between \$150.00 to \$250.00 on an average residential transaction. This amount was included in the Loan Estimate and will not result in any additional costs above what was already disclosed.

You do have the option to decline these additional endorsements and associated coverage. To do so, you may check the box at the end of this cover letter and return it to us via email, fax or mail. Upon receipt, we will remove the optional endorsements from the policy.

*Please Note: If your property is closing in a Partnership or Corporation, pursuant to the Texas Department of Insurance Rule R16, the fee for this coverage is 15% of the Owner's Title Premium.

I do not wish to receive the additional endorsements coverage for my owner's policy.

THE FOLLOWING COMMITMENT FOR TITLE INSURANCE IS NOT VALID UNLESS YOUR NAME AND THE POLICY AMOUNT SHOWN IN SCHEDULE A, AND OUR AUTHORIZED REPRESENTATIVE HAS COUNTERSIGNED BELOW.

COMMITMENT FOR TITLE INSURANCE

Issued by:



760 N.W. 107th Avenue, Suite 401, Miami, FL 33172 (800) 374-8475 or (800) 369-3434

We, **Doma Title Insurance, Inc.**, a South Carolina corporation, will issue our title insurance policy or policies (the Policy) to You (the proposed insured) upon payment of the premium and other charges due, and compliance with the requirements in Schedule B and Schedule C. Our Policy will be the form approved by the Texas Department of Insurance at the date of issuance, and will insure your interest in the land described in Schedule A. The estimated premium for our Policy and applicable endorsements is shown on Schedule D. There may be additional charges such as recording fees, and expedited delivery expenses.

This Commitment ends ninety (90) days from the effective date, unless the Policy is issued sooner, or failure to issue the Policy is our fault. Our liability and obligations to you are under the express terms of this Commitment and end when this Commitment expires

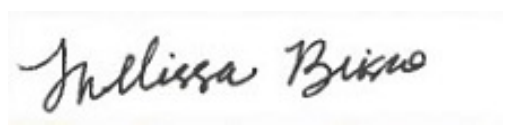
In witness whereof, Doma Title Insurance, Inc. has caused its corporate name and seal to be hereunto affixed by its duly authorized officers, the Commitment to become valid when countersigned by an authorized officer or agent of the Company.

DOMA TITLE INSURANCE, INC.

BY 
Emilio Fernandez, PRESIDENT

ATTEST 
Valerie Jahn-Grandin, SECRETARY





Authorized Signatory

CONDITIONS AND STIPULATIONS

1. If you have actual knowledge of any matter which may affect the title or mortgage covered by this Commitment that is not shown in Schedule B you must notify us in writing. If you do not notify us in writing, our liability to you is ended or reduced to the extent that your failure to notify us affects our liability. If you do notify us, or we learn of such matter, we may amend Schedule B, but we will not be relieved of liability already incurred.
2. Our liability is only to you, and others who are included in the definition of Insured in the Policy to be issued. Our liability is only for actual loss incurred in your reliance on this Commitment to comply with its requirements or to acquire the interest in the land. Our liability is limited to the amount shown in Schedule A of this commitment and will be subject to the following terms of the Policy: Insuring Provisions, Conditions and Stipulations, and Exclusions.

(THIS COMMITMENT IS INVALID UNLESS SCHEDULES A, B, C AND D ARE ATTACHED HERETO.)

TEXAS TITLE INSURANCE INFORMATION

Title insurance insures you against loss resulting from certain risks to your title.

The Commitment for Title Insurance is the title insurance company's promise to issue the title insurance policy. The commitment is a legal document. You should review it carefully to completely understand it before your closing date.

El seguro de titulo le asegura en relacion a perdidas resultantes de ciertos riesgos que pueden afectar el titulo de su propiedad.

El compromiso para Seguro de Titulo es la promesa de la compania aseguradora de titulos de emitir la poliza de seguro de titulo. El Compromiso es un documento legal. Usted debe leerlo cuidadosamente y entenderlo completamente antes de la fecha para finalizar su transaccion.

Your commitment for Title Insurance is a legal contract between you and us. The Commitment is not an opinion or report of your title. It is a contract to issue you a policy subject to the Commitment's terms and requirements.

Before issuing a Commitment for Title Insurance (the Commitment) or a Title Insurance Policy (the Policy), the Title Insurance Company (the Company) determines whether the title is insurable. This determination has already been made. Part of that determination involves the Company's decision to insure the title except for certain risks that will not be covered by the Policy. Some of these risks are listed in Schedule B of the attached Commitment as Exceptions. Other risks are stated in the policy as Exclusions. These risks will not be covered by the Policy. The Policy is not an abstract of title nor does a Company have an obligation to determine the ownership of any mineral interest.

MINERALS AND MINERAL RIGHTS may not be covered by the Policy. The Company may be unwilling to insure title unless there is exclusion or an exception as to the Mineral and Mineral Rights in the Policy. Optional endorsements insuring certain risks involving minerals, and the use of improvements (excluding lawns, shrubbery and trees) and permanent buildings may be available for purchase. If the title insurer issues the title policy with an exclusion or exception to the minerals and mineral rights, neither this policy nor the optional endorsements, ensure that the purchaser has title to the mineral rights related to the surface estate.

Another part of the determination involves whether the promise to insure is conditioned upon certain requirements being met. Schedule C of the Commitment lists these requirements that must be satisfied or the Company will refuse to cover them. You may want to discuss any matters shown in Schedules B and C of the Commitment with an attorney. These matters will affect your title and your use of the land.

When your Policy is issued, the coverage will be limited by the Policy's Exceptions, Exclusions and Conditions, defined below.

- **EXCEPTIONS** are title risks that a Policy generally covers but does not cover in a particular instance. Exceptions are shown on Schedule B or discussed in Schedule C of the Commitment. They can also be added if you do not comply with the Illnesses section of the Commitment. When the Policy is issued, all Exceptions will be on Schedule B of the Policy.
- **EXCLUSIONS** are title risks that a Policy generally does not cover. Exclusions are contained in the Policy but not shown or discussed in the Commitment.
- **CONDITIONS** are additional provisions that qualify or limit your coverage. Conditions include your responsibilities and those of the Company. They are contained in the Policy but not shown or discussed in the Commitment. The Policy Conditions are not the same as the Commitment Conditions.

You can get a copy of the policy form approved by the State Board of Insurance by calling the North American Title Insurance Company at 1-800-374-8475 (Eastern States) or 1- (800) 869-3434 (Western States) or by calling the title insurance agent that issued the Commitment. The Texas Department of Insurance may revise the policy form from time to time.

You can also get a brochure that explains the policy from the Texas Department of Insurance by calling 1-800-252-3439. Before the policy is issued, you may request changes in the Policy. Some of the changes to consider are:

Request amendment of the "area and boundary" exception (Schedule B, paragraph 2). To get this amendment, you must furnish a survey and comply with other requirements of the Company. On the Owner's Policy, you must pay an additional premium for the amendment. If the survey is acceptable to the Company, and if the Company's other requirements are met, your Policy will insure you against loss because of discrepancies or conflicts in boundary lines, encroachments or protrusions, or overlapping of improvements. The Company may then decide not to insure against specific boundary or survey problems by making special exceptions in the Policy. Whether or not you request amendment of the "area and boundary" exception, you should determine whether you want to purchase and review a survey is a survey is not being provided to you.

Allow the Company to add an exception to "rights of parties in possession". If you refuse this exception, the Company or the Title insurance agent may inspect the property. The Company may except to and not insure you against the rights of specific persons, such as renters, adverse owners or easement holders who occupy the land. The Company may charge you for the inspection. If you want to make your own inspection, you must sign a Waiver of Inspection form and allow the Company to add this exception to your Policy.

The entire premium for a Policy must be paid when the Policy is issued. You will not owe any additional premiums unless you want to increase your coverage at a later date and the Company agrees to add an Increased Value Endorsement.

IMPORTANT NOTICE

FOR INFORMATION, OR TO MAKE A COMPLAINT
CALL OUR TOLL-FREE TELEPHONE NUMBER

1-800-374-8475 (TEXAS and Eastern States)
1-800-369-3434 (Western States)

ALSO YOU MAY CONTACT THE TEXAS
DEPARTMENT OF INSURANCE AT

1-800-252-3439

to obtain information on:

1. filing a complaint against an insurance company or agent,
2. whether an insurance company or agent is licensed,
3. complaints received against an insurance company or agent.
4. policyholder rights, and
5. a list of consumer publications and services available through the Department.

YOU MAY ALSO WRITE TO
THE TEXAS DEPARTMENT OF
INSURANCE

P.O. BOX 149104

AUSTIN, TEXAS 78714-9104

FAX NO. (512) 490-1007

Web: <http://www.tdi.texas.gov>

E-Mail: ConsumerProtection@tdi.texas.gov

AVIVSO IMPORTANTE

PARA INFORMACION, O PARA SOMETER UNA
QUEJA LLAME AL NUMERO GRATIS

1-800-374-8475 (TEXAS and Eastern States)
1-800-869-3434 (Western States)

TAMBIEN PUEDE COMUNICARSE CON
EL DEPARTAMENTO DE SEGUROS DE TEXAS AL

1-800-252-3439

para obtener informacion sobre:

1. como someter una queja en contra de una compania de seguros o agente de seguros,
2. si una compania de seguros o agente de seguros tiene licencia,
3. quejas recibidas en contra de una compania de seguros o agente de seguros,
4. los derechos del asegurado, y
5. una lista de publicaciones y servicios para consumidores disponibles a traves del Departamento.

TAMBIEN PUEDE ESCRIBIR AL
DEPARTAMENTO DE SEGUROS DE
TEXAS

P.O. BOX 149104

AUSTIN, TEXAS 78714-9104

FAX NO. (512) 490-1007

Web: <http://www.tdi.texas.gov>

E-Mail: ConsumerProtection@tdi.texas.gov



760 N.W. 107th Avenue, Suite 401
Miami, FL 33172

Doma Title Insurance, Inc.
COMMITMENT FOR TITLE INSURANCE
SCHEDULE A

Effective Date: August 6, 2024 at 08:00 AM

GF No.: 114729-002122

Commitment No. 114729-002122, issued August 9, 2024, 12:00 AM

1. The policy or policies to be issued are:

- a. OWNER'S POLICY OF TITLE INSURANCE (Form T-1)
(Not applicable for improved one-to-four family residential real estate)

Policy Amount: \$0.00

PROPOSED INSURED: AG Essential Housing Multi State 1, LLC, a Delaware limited liability company

- b. TEXAS RESIDENTIAL OWNER'S POLICY OF TITLE INSURANCE
ONE-TO-FOUR FAMILY RESIDENCES (Form T-1R)

Policy Amount:

PROPOSED INSURED:

- c. LOAN POLICY OF TITLE INSURANCE (Form T-2)

Policy Amount:

PROPOSED INSURED:

Proposed Borrower:

- d. TEXAS SHORT FORM RESIDENTIAL LOAN POLICY OF TITLE INSURANCE (Form T-2R)

Policy Amount:

PROPOSED INSURED:

Proposed Borrower:

- e. LOAN TITLE POLICY BINDER ON INTERIM CONSTRUCTION LOAN (Form T-13)

Binder Amount:

PROPOSED INSURED:

Proposed Borrower:

- f. OTHER

Policy Amount:

PROPOSED INSURED:

2. The interest in the land covered by this Commitment is:

Fee Simple

3. Record title to the land on the Effective Date appears to be vested in:

Lennar Homes of Texas Land and Construction, Ltd., a Texas limited partnership(See Requirements)

4. Legal description of land:

SEE LEGAL DESCRIPTION ATTACHED HERETO

SCHEDULE B

Commitment No.: 114729-002122

GF No.: 114729-002122

EXCEPTIONS FROM COVERAGE

In addition to the Exclusions and Conditions and Stipulations, your Policy will not cover loss, costs, attorney's fees, and expenses resulting from:

1. The following restrictive covenants of record itemized below:

See Deed Restrictions below**

Note: To the extent that these restrictions violate 42 USC 3604(c) by indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin, such restrictions are hereby omitted.

2. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.
3. Homestead or community property or survivorship rights, if any of any spouse of any insured. (Applies to the Owner's Policy only.)
4. Any titles or rights asserted by anyone, including, but not limited to, persons, the public, corporations, governments or other entities,
 - a. to tidelands, or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs or oceans, or
 - b. to lands beyond the line of the harbor or bulkhead lines as established or changed by any government, or
 - c. to filled-in lands, or artificial islands, or
 - d. to statutory water rights, including riparian rights, or
 - e. to the area extending from the line of mean low tide to the line of vegetation, or the rights of access to that area or easement along and across that area.

(Applies to the Owner's Policy only.)

5. Standby fees, taxes and assessments by any taxing authority for the year 2024, and subsequent years; and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership, but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, Texas Tax Code, or because of improvements not assessed for a previous tax year. (If Texas Short form Residential Loan Policy (T-2R) is issued, that policy will substitute "which become due and payable subsequent to Date of Policy" in lieu of "for the year 2024, and subsequent years.")
6. The terms and conditions of the documents creating your interest in the land.
7. Materials furnished or labor performed in connection with planned construction before signing and delivering the lien document described in Schedule A, if the land is part of the homestead of the owner. (Applies to the Loan Title Policy Binder on Interim Construction Loan only, and may be deleted if satisfactory evidence is furnished to us before a binder is issued.)

SCHEDULE B

(Continued)

8. Liens and leases that affect the title to the land, but that are subordinate to the lien of the insured mortgage. (Applies to Loan Policy (T-2) only.)
9. The Exceptions from Coverage and Express Insurance in Schedule B of the Texas Short Form Residential Loan Policy of Title Insurance (T-2R). (Applies to Texas Short Form Residential Loan Policy of Title Insurance (T-2R) only.) Separate exceptions 1 through 8 of this Schedule B do not apply to the Texas Short Form Residential Loan Policy of Title Insurance (T-2R).
10. The following matters and all terms of the documents creating or offering evidence of the matters:
 - a. **Restrictions under [Volume 7, Page 24](#), Plat Records and [Register No. 20240057, 20241346](#), Official Public Records of Gillespie County, Texas.
 - b. Visible and apparent easements on or across the property covered by this policy which may not appear of record. (This item will not appear on Schedule "B" of the policy if a survey is provided by an approved surveyor showing no such easements.)
 - c. Rights of parties in possession. (Affects Owner Policy Only).
 - d. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.
 - e. Any portion of the subject property lying within the boundaries of a public or private roadway whether dedicated or not, or which may be used for road or street purposes.
 - f. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land. (Note: Upon receipt of a survey acceptable to Company, this exception will be deleted. Company reserves the right to add additional exceptions per its examination of said survey.
 - g. All leases, grants, exceptions, or reservations of the geothermal energy and associated resources below the surface of the land, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of the geothermal energy and associated resources below the surface of the land that are not listed.
 - h. All building setback lines, easements, and other matters as shown or provided for on Plat recorded in [Volume 7, Page 24](#), Plat Records of Gillespie County, Texas. (Phase 1)
 - i. Royalty Deed executed by Louis Eckhardt to E. H. Cunningham dated October 1, 1928, recorded in [Volume 38, Page 382](#), Deed Records of Gillespie County, Texas.
 - j. Right of Way Easement executed by Harry F. Eckhardt to Central Texas Electric Cooperative, Inc. dated March 20, 1984, recorded in [Volume 85, Pages 366-368](#), Deed Records of Gillespie County, Texas

SCHEDULE B

(Continued)

- k. Right of Way Easement executed by Melvin Natho to Central Texas Electric Cooperative, Inc. dated June 9, 1964, recorded in [Volume 85, Pages 382-384](#), Deed Records of Gillespie County, Texas.
- l. Easement executed by Harry F. Eckhardt to Southwestern Bell Telephone Company dated July 24, 1965, recorded in [Volume 87, Pages 80-81](#), Deed Records of Gillespie County, Texas.
- m. Right of Way Easement executed by James A. Eckhardt to The Southwest States Telephone Company dated November 9, 1965, recorded in [Volume 89, Pages 568-569](#), Deed Records of Gillespie County, Texas.
- n. Right of Way Easement executed by Harry F. Eckhardt to The Southwestern States Telephone Company dated November 9, 1965, recorded in [Volume 89, Pages 559-560](#), Deed Records of Gillespie County, Texas.
- o. Right of Way Easement executed by Moellering Construction Company, Inc. to Central Texas Electric Cooperative, Inc. dated February 13, 1978, recorded in [Volume 125, Pages 334-335](#), Deed Records of Gillespie County, Texas.
- p. Right of Way Easement executed by James A. Eckhardt to Central Texas Electric Cooperative, Inc. dated November 16, 1980, recorded in [Volume 142, Pages 224-226](#), Deed Records of Gillespie County, Texas.
- q. Right of Way Easement executed by James A. Eckhardt to Central Texas Electric Cooperative, Inc. dated November 30, 1982, recorded in [Volume 156, Pages 812-813](#), Deed Records of Gillespie County, Texas.
- r. Right of Way Easement executed by James A. Eckhardt to Central Texas Electric Cooperative, Inc. dated February 24, 1984, recorded in [Volume 162, Pages 437-438](#), Deed Records of Gillespie County, Texas.
- s. Right of Way Easement executed by James A. Eckhardt to Central Texas Electric Cooperative, Inc. dated August 13, 1986, recorded in [Volume 182, Pages 82-84](#), Deed Records of Gillespie County, Texas.
- t. Right of Way Easement executed by Cody Bradshaw and Carol Bradshaw to Central Texas Electric Cooperative, Inc. dated August 4, 1986, recorded in [Volume 182, Pages 59-63](#), Deed Records of Gillespie County, Texas.

SCHEDULE B

(Continued)

- u. Right of Way Easement executed by James A. Eckhardt to Central Texas Electric Cooperative, Inc. dated July 2, 1987, recorded in [Volume 185, Pages 408-409](#), Deed Records of Gillespie County, Texas.
- v. Right of Way Easement executed by Bryan Eckhardt to Central Texas Electric Cooperative, Inc. dated July 23, 1991, recorded in [Volume 220, Pages 545-546](#), Real Property Records of Gillespie County, Texas.
- w. Right of Way Easement executed by Bryan Eckhardt to Central Texas Electric Cooperative, Inc. dated October 13, 1993, recorded in [Volume 260, Pages 161-163](#), Real Property Records of Gillespie County, Texas.
- x. Right of Way Easement executed by Kyle Eckhardt to Central Texas Electric Cooperative, Inc. dated June 5, 1995, recorded in [Volume 297, Pages 558-559](#), Real Property Records of Gillespie County, Texas.
- y. Mineral interest as described in deed executed by HK Fredericksburg, LLC to Lennar Homes of Texas Land and Construction, Ltd., dated March 8, 2023, recorded under Register No. 20231240, Official Public Records of Gillespie County, Texas. Title to said interest has not been investigated subsequent to the date of said instrument.
- z. Boundary Line Agreement between Bryan Eckhardt and Moellering Construction Company, Inc. dated December 14, 1998, recorded in [Volume 361, Pages 73-81](#), Real Property Records of Gillespie County, Texas.
- aa. Easement reserved in deed executed by Bryan Eckhardt to Dale Crenwelge dated December 14, 1998, recorded in [Volume 361, Pages 109-121](#), Real Property Records of Gillespie County, Texas.
- ab. Right of Way Easement executed by Dale Crenwelge to Central Texas Electric Cooperative, Inc. dated July 9, 2012, recorded under [Register No. 20123113](#), Official Public Records of Gillespie County, Texas.
- ac. Right of Way Easement executed by Dale Crenwelge to Central Texas Electric Cooperative, Inc. filed on May 7, 2013, recorded under [Register No. 20132025](#), Official Public Records of Gillespie County, Texas.

SCHEDULE B

(Continued)

- ad. Mineral and Ground Water Deed executed by HK Fredericksburg, LLC to RPK Holdings, LLC dated December 23, 2019, recorded under [Register No. 20200483](#), Official Public Records of Gillespie County, Texas.
- ae. Agreement regarding Designated Drainage Location by and between SV Friendship Lane MU, LP and HK Fredericksburg, LLC dated November 17, 2021, recorded under [Register No. 20219613](#), Official Public Records of Gillespie County, Texas.
- af. Memorandum of Agreement Regarding Easements by and between SV Friendship Lane MU, LP and HK Fredericksburg, LLC dated November 17, 2021, recorded under [Register No. 20219614](#), Official Public Records of Gillespie County, Texas.
- ag. Mineral interest as described in deed executed by HK Fredericksburg, LLC to Lennar Homes of Texas Land and Construction, Ltd., dated January 31, 2022, recorded under [Register No. 20221361](#), Official Public Records of Gillespie County, Texas. Title to said interest has not been investigated subsequent to the date of said instrument.
- ah. Petition for Creation of Gillespie County Municipal Utility District No. 1 executed by HK Fredericksburg, LLC to Lennar Homes of Texas Land and Construction, Ltd. dated August 31, 2022, recorded under [Register No. 20226426](#), Official Public Records of Gillespie County, Texas; Ratification filed under [Register No. 20226598](#), Official Public Records of Gillespie County, Texas.
- ai. All terms, conditions, covenants, easements, restrictions, assessments, maintenance charges, and other provisions as recorded in [Register No. 20240057](#), Official Public Records, as amended, supplemented, refiled and/or restated, Gillespie County, Texas.(Phase 1)
- aj. Friendship Oaks Adoption of Working Capital Assessment recorded under [Register No. 20240112](#), Official Public Records of Gillespie County, Texas.(Phase 1)
- ak. Friendship Oaks Community Manual recorded under [Register No. 20240113](#), Official Public Records of Gillespie County, Texas.(Phase 1)
- al. Management Certificate of Friendship Oaks Community Association, Inc. recorded under [Register No. 20240243](#), Official Public Records of Gillespie County, Texas.(Phase 1)
- am. Utility Easement executed by Lennar Homes of Texas Land and Construction, to Universal Natural Gas, LLC and Centric Fiber, LLC, dated March 4, 2024, recorded under [Register No. 20241346](#), Official Public Records of Gillespie County, Texas.(Phase 1)

SCHEDULE B

(Continued)

- an. Declarant Removal and Appointment of Directors and Officers of Friendship Oaks Community Association, Inc. recorded under [Register No. 20241531](#), Official Public Records of Gillespie County, Texas.(Phase 1)
- ao. Zoning regulations as promulgated by the Gillespie County Airport Board of Adjustment.
- ap. INTENTIONALLY DELETED.

SCHEDULE C

Commitment No.: 114729-002122

GF No.: 114729-002122

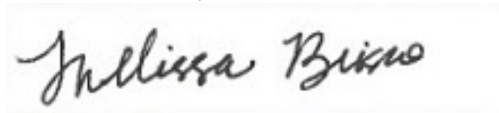
Your Policy will not cover loss, costs, attorney's fees, and expenses resulting from the following requirements that will appear as Exceptions in Schedule B of the Policy, unless you dispose of these matters to our satisfaction, before the date the Policy is issued:

1. Documents creating your title or interest must be approved by us and must be signed, notarized and filed for record.
2. Satisfactory evidence must be provided that:
 - a. no person occupying the land claims any interest in that land against the persons named in paragraph 3 of Schedule A,
 - b. all standby fees, taxes, assessments and charges against the property have been paid,
 - c. all improvements or repairs to the property are completed and accepted by the owner, and that all contractors, sub-contractors, laborers and suppliers have been fully paid, and that no mechanic's, laborer's or materialmen's liens have attached to the property,
 - d. there is legal right of access to and from the land,
 - e. (on a Loan Policy only) restrictions have not been and will not be violated that affect the validity and priority of the insured mortgage.
3. You must pay the seller or borrower the agreed amount for your property or interest.
4. Any defect, lien or other matter that may affect title to the land or interest insured, that arises or is filed after the effective date of this Commitment.
5. Procedural Rule P-27 promulgated by the Texas Department of insurance provides a list of the types of financial documents and instruments which satisfy the requirement that we disburse only when we have received good funds as required by said rule and Section 2651.202 Insurance Code. Please be advised that we reserve the right to determine on a case-by-case basis what form of good funds is acceptable.
6. Upon request and receipt of applicable premium, if any, and in accordance with Texas Procedural Rule P-50.1, T-19.2 and/or T-19.3 Minerals and Surface Damage Endorsements will be issued at the time of closing of this transaction.
7. We must be furnished with a properly executed Affidavit of Debts and Liens, executed by the record owner and/or seller.
8. We must be furnished with a properly executed Waiver of Inspection executed by the Purchaser(s).
9. This file must be updated prior to closing.
10. INTENTIONALLY DELETED.
11. INTENTIONALLY DELETED.
12. This property may lie within the boundaries of the Gillespie County Municipal Utility District No. 1, Purchaser must be notified and the required notices executed and filed. Any fees due must be paid.

SCHEDULE C
(Continued)

13. NOTE FOR INFORMATIONAL PURPOSES ONLY: The applicant purchaser(s) have been checked as to the Patriot List, Texas Workforce Liens and Federal Judgments Liens.
14. NOTE FOR INFORMATIONAL PURPOSES ONLY: Per restrictions, assessment lien(s) is subordinate to "... Tax Liens and Governmental Liens, all sums secured by a recorded first mortgage lien/deed of trust lien and home equity loans/lines of credit secured by a recorded second mortgage/deed of trust lien ..." as recited therein.
15. NOTE FOR INFORMATIONAL PURPOSES ONLY: The following deeds have been filed of record affecting the subject property within the past 24 months:
- Deed recorded in [Register No. 20221361](#), Official Public records of Gillespie County, Texas.
16. Must be furnished the following documentation from the L.L.C:
1. A Certificate of Formation issued by the Secretary of State.
 2. Current Franchise Tax status from the Comptroller of Public Accounts in Texas or similar official in other states.
 3. Documentation, such as a Company Agreement, indicating authority to act.

LENNAR TITLE, INC.



Authorized Signatory

SCHEDULE D

Commitment No.: 114729-002122

GF No.: 114729-002122

Pursuant to the requirements of Rule P-21, Basic Manual of Rules, Rates and Forms for the writing of Title Insurance in the State of Texas, the following disclosures are made:

1. The issuing Title Insurance Company, **Doma Title Insurance, Inc. f/k/a North American Title Insurance Company**, is a corporation whose shareholders owning or controlling, directly or indirectly, 10% of said corporation, directors and officers are listed below:

Shareholders: Doma Title Insurance, Inc. f/k/a North American Title Insurance Company which is a wholly owned subsidiary of Doma Holdings, Inc., a Delaware corporation.

Directors: Max Simkoff, Emilio Fernandez, Eric Watson, Mike Smith.

Officers: President and Chief Executive Officer: Emilio Fernandez; Executive Vice President and Secretary: Valerie Jahn-Grandin; Chief Financial Officer and Treasurer: Mike Smith; Vice President, Senior Regional Underwriting Counsel: Virginia Abiassi.

2. The following disclosures are made by the Title Insurance Agent issuing this Commitment: **Lennar Title, Inc., formerly known as CalAtlantic Title, Inc., a Maryland corporation**

(aq) A listing of each shareholder, owner, partner, or other person having, owning or controlling one percent (1%) or more of the Title Insurance Agent that will receive a portion of the premium.

Lennar Title, Inc., a Maryland corporation is a wholly owned subsidiary of Lennar Title Group, LLC, a Florida limited liability company which is a wholly-owned subsidiary of Lennar Financial Services, LLC a Florida limited liability company. Lennar Financial Services, LLC is a wholly owned subsidiary of Lennar Corporation, a Delaware corporation, whose securities are publicly traded on the New York Stock Exchange.

(ar) A listing of each shareholder, owner, partner, or other person having, owning or controlling ten percent (10%) or more of an entity that has, owns or controls one percent (1%) or more of the Title Insurance Agent that will receive a portion of the premium.

(as) The names of the officers and directors of the Title Insurance Agent are as follows:

Directors: Bruce Gross, Cristina A. Pardo, Michael B. Murgado

President & Treasurer: Cristina A. Pardo

Executive Vice Presidents: Dawn Schweter, Tiffany Bertling

Senior Vice Presidents: Sandra Austin, Alex Kidd

Secretary: Cristina A. Pardo

(at) The name of any person who is not a full-time employee of the Title Insurance Agent and who receives any portion of the title insurance premium for services performed on behalf of the Title Insurance Agent in connection with the issuance of a title insurance form; and, the amount of that premium any such person shall receive.

(au) For purposes of this paragraph 2, "having, owning or controlling" includes the right to receipt of a percentage of net income, gross income, or cash flow of the Agent or entity in the percentage stated in subparagraph (a) or (b).

3. You are entitled to receive advance disclosure of settlement charges in connection with the proposed transaction to which this commitment relates. Upon your request, such disclosure will be made to you. Additionally, the name of any person, firm or corporation receiving any sum from the settlement of this

SCHEDULE D
(Continued)

transaction will be disclosed on the closing or settlement statement.

You are further advised that the estimated title premium* is:

Total \$ 0.00

Of this total amount: 15% will be paid to the policy issuing Title Insurance Company; 85% will be retained by the issuing Title Insurance Agent; and the remainder of the estimated premium will be paid to other parties as follows:

Amount	To Whom	For Services
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*The estimated premium is based upon information furnished to us as of the date of this Commitment for Title Insurance. Final determination of the amount of the premium will be made at closing in accordance with the Rules and Regulations adopted by the Commissioner of Insurance.

This commitment is invalid unless the insuring provisions and Schedules A, B, and C are attached.

DELETION OF ARBITRATION PROVISION
(Not applicable to the Texas Residential Owner's Policy)

Commitment No.: 114729-002122

GF No.: 114729-002122

ARBITRATION is a common form of alternative dispute resolution. It can be a quicker and cheaper means to settle a dispute with your Title Insurance Company. However, if you agree to arbitrate, you give up your right to take the Title Insurance Company to court and your rights to discovery of evidence may be limited in the arbitration process. In addition, you cannot usually appeal an arbitrator's award.

Your policy contains an arbitration provision (shown below). It allows you or the Company to require arbitration if the amount of insurance is \$2,000,000 or less. If you want to retain your right to sue the Company in case of a dispute over a claim, you must request deletion of the arbitration provision before the policy is issued. You can do this by signing this form and returning it to the Company at or before the closing of your real estate transaction or by writing to the Company.

The arbitration provision in the Policy is as follows:

"Either the Company or the Insured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, any service in connection with its issuance or the breach of a policy provision, or to any other controversy or claim arising out of the transaction giving rise to this policy. All arbitrable matters when the Amount of Insurance is **\$2,000,000** or less shall be arbitrated at the option of either the Company or the Insured, unless the Insured is an individual person (as distinguished from an Entity). All arbitrable matters when the Amount of Insurance is in excess of **\$2,000,000** shall be arbitrated only when agreed to by both the Company and the Insured. Arbitration pursuant to this policy and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction."

SIGNATURE

DATE

The Doma Family of Companies

FACTS	WHAT DOES THE DOMA FAMILY OF COMPANIES DO WITH YOUR PERSONAL INFORMATION?	
Why?	Financial companies choose how they share your personal information. Federal law gives consumers the right to limit some, but not all, sharing. Federal law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.	
What?	The types of personal information we collect and share depend on the product or service you have with us. This information can include: <ul style="list-style-type: none"> • Social Security number and income • Transaction history and payment history • Purchase history and account balances 	
How?	All financial companies need to share customers' personal information to run their everyday business. In the section below, we list the reasons financial companies can share their customers' personal information, the reasons the Doma Family of Companies chooses to share, and whether you can limit this sharing.	
Reasons we can share your personal information		
	Does Doma share?	Can you limit this sharing?
For our everyday business purposes Such as to process your transactions, maintain your account(s), respond to court orders and legal investigations, or report to credit bureaus	Yes	No
For our marketing purposes To offer our products and services to you	Yes	No
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes Information about your transactions and experiences	Yes	No
For our affiliates' everyday business purposes Information about your creditworthiness	No	We don't share
For our affiliates to market to you	No	We don't share
For nonaffiliates to market to you	No	We don't share
Questions?	Call 1 (855) 306-0237	

Other important information

*California Residents – Effective January 1, 2020, the California Consumer Privacy Act allows California residents, upon a verifiable consumer request, to request that a business that collects consumers' personal information give consumers access, in a portable and (if technically feasible) readily usable form, to the specific pieces and categories of personal information that the business has collected about the consumer, the categories of sources for that information, the business or commercial purposes for collecting the information, and the categories of third parties with which the information was shared. California residents also have the right to submit a request for deletion of information under certain circumstances. If a business does not produce the information or delete the consumer's personal information as requested, it must provide an explanation in terms of the exemptions and exceptions provided under the CCPA. To contact us with questions about our compliance with the CCPA, call 1 (650) 419-3827 or email info@doma.com.

Who we are	
Who is providing this notice?	The Doma Family of Companies (identified below), which offers title insurance services, settlement services, credit services, and home warranty services.
What we do	
How does Doma protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer safeguards and secure files and buildings.
How does Doma collect my personal information?	We collect your personal information, for example, when you <ul style="list-style-type: none"> • Apply for insurance; • Apply for financing; • Give us your contact information • Provide your mortgage information • Show your government-issued ID We also collect your personal information from others, such as credit bureaus, affiliates, or other companies.
Why can't I limit all sharing?	Federal law gives you the right to limit only <ul style="list-style-type: none"> • Sharing for affiliates' everyday business purposes – information about your creditworthiness • Affiliates from using your information to market to you • Sharing for nonaffiliates to market to you State laws and individual companies may give you additional rights to limit sharing.
What happens when I limit sharing for an account I hold jointly with someone else?	Your choices will apply to everyone on your account – unless you tell us otherwise.
Definitions	
Affiliates	Companies related by common ownership or control. They can be financial and nonfinancial companies. <ul style="list-style-type: none"> • Our affiliates are the entities comprising the Doma Family of Companies (listed below).
Nonaffiliates	Companies not related by common ownership or control. They can be financial and nonfinancial companies. <ul style="list-style-type: none"> • Nonaffiliates we share with can include collection agencies, IT service providers, and companies that perform marketing services on our behalf.
Joint marketing	A formal agreement between nonaffiliated financial companies that together market financial products or services to you. <ul style="list-style-type: none"> • Doma doesn't jointly market.

The Doma Family of Companies consists of the following entities:

Doma Holdings, Inc. Doma Corporate, LLC Doma Customer Financing LLC Doma Home Insurance Services, LLC Doma Insurance Agency, Inc. Doma Insurance Agency of Arizona, Inc. Doma Insurance Agency of Colorado, Inc. Doma Insurance Agency of Florida, Inc. Doma Insurance Agency of Illinois, Inc. Doma Insurance Agency of Indiana, LLC Doma Insurance Agency of Louisiana, LLC Doma Insurance Agency of Minnesota, Inc. Doma Title Agency of Nevada, Inc. Doma Insurance Agency of New Jersey, Inc.	Doma Insurance Agency of Texas, Inc. Doma Insurance Agency of Utah, LLC Doma Title Insurance, Inc. Doma Trustee Services, LLC Doma Title of California, Inc. Cura Home, Inc. NASSA LLC North American Title Insurance Company North American Asset Development, LLC North American Services, LLC Spear Agency Acquisition Inc. States Title Holding, Inc. States Title, LLC Title Agency Holdco, LLC
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Lennar Title Group Family of Companies

FACTS	WHAT DOES LENNAR TITLE GROUP, LLC FAMILY OF COMPANIES (“LTG”) DO WITH YOUR PERSONAL INFORMATION?	
Why?	Financial companies choose how they share your personal information. Federal law gives consumers the right to limit some, but not all, sharing. Federal law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.	
What?	The types of personal information we collect, and share depend on the product or service you have with us. This information can include: <ul style="list-style-type: none"> • Social Security number and income • Transaction history and payment history • Purchase history and account balances When you are <i>no longer</i> our customer, we continue to share your information as described in this notice.	
How?	All financial companies need to share customers’ personal information to run their everyday business. In the section below, we list the reasons financial companies can share their customers’ personal information, the reasons LTG chooses to share, and whether you can limit this sharing.	
Reasons we can share your personal information		Does LTG share?
For our everyday business purposes – such as to process your transactions, maintain your account(s), respond to court orders and legal investigations, or report to credit bureaus		Yes
For our marketing purposes – to offer our products and services to you		Yes
For joint marketing with other financial companies		No
For our affiliates’ everyday business purposes – information about your transactions and experiences		Yes
For our affiliates’ everyday business purposes – information about your creditworthiness		No
For our affiliates to market to you		Yes
For nonaffiliates to market to you		No
Can you limit this sharing?		
For our everyday business purposes – such as to process your transactions, maintain your account(s), respond to court orders and legal investigations, or report to credit bureaus		No
For our marketing purposes – to offer our products and services to you		No
For joint marketing with other financial companies		We don’t share
For our affiliates’ everyday business purposes – information about your transactions and experiences		No
For our affiliates’ everyday business purposes – information about your creditworthiness		We don’t share
For our affiliates to market to you		Yes
For nonaffiliates to market to you		We don’t share
To limit our sharing	<ul style="list-style-type: none"> • Send an email with your name, property address, and/or file # to privacy@lennartitle.com • Mail the form below 	
Questions?	Call 1 (844) 654-5408 or go to https://www.lennartitle.com	

Mail-in Form	
If you have a joint account, your choice(s) will apply to everyone on your account unless you mark below. <input type="checkbox"/> Apply my choices only to me.	Mark any/all you want to limit: <input type="checkbox"/> Do not allow your affiliates to use my personal information to market to me.
	Name
	Address
	City, State, Zip
	Account #

Mail To: Lennar Title Group, LLC Family of Companies
 ATTN: Corporate Counsel
 5505 Blue Lagoon Drive, 5th FL
 Miami, FL 33126

Who we are	
Who is providing this notice?	LTG (identified below), which offers title insurance and settlement services and property and casualty insurance.
What we do	
How does LTG protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer safeguards and secure files and buildings.
How does LTG collect my personal information?	We collect your personal information, for example, when you <ul style="list-style-type: none"> • apply for insurance or apply for financing • give us your contact information or provide your mortgage information • show your government-issued ID We also collect your personal information from others, such as credit bureaus, affiliates, or other companies.
Why can't I limit all sharing?	Federal law gives you the right to limit only <ul style="list-style-type: none"> • sharing for affiliates' everyday business purposes – information about your creditworthiness • affiliates from using your information to market to you • sharing for nonaffiliates to market to you State laws and individual companies may give you additional rights to limit sharing.
Definitions	
Affiliates	Companies related by common ownership or control. They can be financial and nonfinancial companies. <ul style="list-style-type: none"> • <i>Our affiliates include companies with a Lennar name; financial companies such as Lennar Mortgage, LLC, CalAtlantic Mortgage, Inc., and Northwest Mortgage Alliance, North American Title Insurance Company, and Lennar Insurance Agency, LLC; and nonfinancial companies, such as Lennar Corporation, Lennar Multifamily Companies, Lennar Commercial, Lennar Homes USA, Lennar Family of Builders, CalAtlantic Homes, Lennar Sales Corp., SPH Title, Inc., Sunstreet Energy Group, and Five Point Communities.</i>
Nonaffiliates	Companies not related by common ownership or control. They can be financial and nonfinancial companies. <ul style="list-style-type: none"> • <i>Nonaffiliates we share with can include collection agencies, IT and telecommunication service providers, appraisers, companies that perform marketing services on our behalf, and consumer reporting agencies.</i>
Joint marketing	A formal agreement between nonaffiliated financial companies that together market financial products or services to you. <ul style="list-style-type: none"> • <i>LTG doesn't jointly market.</i>
Other important information	
* California Residents – Effective January 1, 2020, the California Consumer Privacy Act allows California residents, upon a verifiable consumer request, to request that a business that collects consumers' personal information give consumers access, in a portable and (if technically feasible) readily usable form, to the specific pieces and categories of personal information that the business has collected about the consumer, the categories of sources for that information, the business or commercial purposes for collecting the information, and the categories of third parties with which the information was shared. California residents also have the right to submit a request for deletion of information under certain circumstances. If a business does not produce the information or delete the consumer's personal information as requested, it must provide an explanation in terms of the exemptions and exceptions provided under the CCPA. To contact us with questions about our compliance with the CCPA, call 1 (844) 654-5408 or email privacy@lennartitle.com	

LTG consists of the following entities:

Lennar Title, Inc.

CalAtlantic National Title Solutions, LLC

Lennar Title, Inc. d/b/a Lennar Closing Services, Inc.

Lennar Title, LLC

DOMA TITLE INSURANCE, INC.

Commitment Number: 114729-002122

LEGAL DESCRIPTION

Legal description of the land:

Tract 1:

Lot 1, 2, 13, 14, 15, 18, 19, 20, 21, 22, 23, 24, 28, 29, 31, 43, 44, 45, 46, 47, 48, 50, 52, 53, 54, 55, 61, 62, 63, 64, 65, 83, 84, Phase 1 of The Friendship Oaks Subdivision, situated in Gillespie County, Texas according to the map or plat of record in [Volume 7, Page 24](#), Plat Records of Gillespie County, Texas.

Tract 2:

Being a 28.151 acre tract of land located in the Jose Esteban Bargas Survey No. 115, Abstract No. 53, Gillespie County, Texas, being part of a called 31.554 acre tract of land, recorded in Document No. 20231240, Official Public Records, Gillespie County, Texas and also part of a called 29.258 acre tract, recorded in Document No. 20221361 of the Official Public Records of Gillespie County, Texas. Said 28.151 acre tract of land being more particularly described as follows:

BEGINNING at a found mag nail in concrete in the East right of way line of State Highway No. 87 for the Southwest corner of a called 0.98 acre tract recorded in Volume 218, Pages 432-435, Official Public Records, Gillespie County, Texas, same point being the West corner of said 31.554 acre tract of land;

THENCE departing the East right of way line of State Highway No. 87, with the South line of said 0.98 acre tract and a Western line of said 31.554 acre tract of land, S 89°45'24" E, a distance of 225.27 feet to a found 1/2" iron pin for the Southeast corner of said 0.98 acre tract, an interior Western corner of a remainder of a called 111.440 acre tract of land, recorded in Document No. 20193419, Official Public Records, Gillespie County, Texas and a corner of the herein described tract;

THENCE departing the Southeast corner of said 0.98 acre tract and the interior Western corner of said remainder of a called 111.440 acre tract, continuing along the North line of said 31.554 acre tract into and across said 111.440 acre tract of land, the following six (6) calls:

1. 5 00°57'45" W, a distance of 15.44 feet to a point for a set 1/2" iron pin with cap "HMT" for a corner;
2. S 84°57'34" E, a distance of 31.96 feet to a set 1/2" iron pin with cap "HMT" for a corner, and the beginning of a curve;
3. Along the arc of a curve to the left, having a radius of 470.00 feet, an arc length of 229.50 feet, and a chord bearing and distance of N 81°03'06" E, 227.23 feet to a set 1/2" iron pin with cap "HMT" for a corner;
4. N 67°03'46" E, a distance of 55.92 feet to a set 1/2" iron pin with cap "HMT" for a corner, and the beginning of a curve;
5. Along the arc of a curve to the left, having a radius of 470.00 feet, an arc length of 144.12 feet, and a chord bearing and distance of N 58°16'42" E, 143.56 feet to a set 1/2" iron pin with cap "HMT" for a corner;
6. N 49°29'37" E, a distance of 1255.65 feet to a found 1/2" iron pin with cap "HMT" for a Southwest corner of South Creek Street, dedicated in Friendship Oaks, Unit 1, recorded in Document No. 2023010024, Official Public Records, Gillespie County, Texas, and the northernmost corner of the herein described tract;

THENCE with the common line of said Friendship Oaks, Unit 1 and said 31.554 acre tract, the following four (4) calls:

1. Crossing South Creek Street S 40°35'34" E, a distance of 468.94 feet to a found 1/2" iron pin with cap "HMT" for a corner of Lot 91, Friendship Oaks Unit 1;
2. N 88°56'15" E, passing through a found 1/2" iron pin with cap "HMT" at a distance of 591.62 feet for the Northeast corner of said 31.554 acre tract and a Northwest corner of said remainder of a called 29.258 acre tract, recorded in Document No. 20221361, Official Public Records, Gillespie County, Texas continuing for a total distance of 687.78 feet to a set 1/2" iron pin with cap "HMT" for the Southeast corner of Lot 104, Friendship Oaks,

LEGAL DESCRIPTION

(Continued)

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Unit 1, and a corner of said 29.258 acre tract, the same point being a corner of the herein described tract;
3. N 01°05'20" W, a distance of 120.00 feet to a set 1/2" iron pin with cap "HMT" lying in the South right-of-way line of Ciarans Crossing for the Northeast corner of said Lot 104, the same point being the Northern most West corner of said 29.258 acre tract and a corner of the herein described tract;
4. N 88°56'15" E, a distance of 170.02 feet along the South right-of-way line of Ciarans Crossing to a set 1/2" iron pin with cap "HMT" for the Southeast corner of Friendship Oaks, Unit 1, lying in the East line of said 29.258 acre tract and the West line of the remainder of 3 called 44.435 acre tract, Tract III, recorded in Volume 371, Pages 588-593, Official Public Records, Gillespie County, Texas, marking the Northeast corner of the herein described tract;

THENCE along the West line of said 44.435 acre tract and the East line of said remainder of a called 29.258 acre tract the following two (2) calls:

1. S 01°05'31" E, a distance of 404.30 feet to a point for a corner;
2. S 01°52'55" E, a distance of 312.34 feet to a found 1/2" iron pin for the Southeast corner of said 29.258 acre tract and the Southwest corner of said remainder of a called 44.435 acre tract, the same point being a corner of the remainder of a called 69.5 acre tract recorded in Volume 555, Pages 182-186, Official Public Records, Gillespie County, Texas, also being the Southwest corner of the herein described tract;

THENCE along the South line of said 29.258 acre tract and a North line of said remainder of a called 69.5 acre tract, S 88°31'42" W, passing through a found 1/2" iron pin with cap "HMT" at 503.29 feet for the Southwest corner of said remainder of a called 29.258 acre tract and a Southeast corner of said 31.554 acre tract and continuing for a total distance of 794.82 feet to a set 1/2" iron pin with cap "HMT" for a corner of the herein described tract, lying in a North line of said remainder of a called 69.5 acre tract and the South line of said 31.554 acre tract;

THENCE continuing over and across said 31.544 acre tract the following fifteen (15) calls:

1. N 88°42'09" W, a distance of 796.56 feet to a point for a corner;
2. N 01°57'01" W, a distance of 86.97 feet to a point for a corner;
3. N 40°30'23" W, a distance of 318.03 feet to a point for a corner;
4. S 49°29'37" W, a distance of 100.00 feet to a point for a corner and the beginning of a curve;
5. Along the arc of a curve to the left, said curve having a radius of 20.00 feet, an arc distance of 31.42 feet, and having a chord bearing and distance of S 04°29'37" W, 28.28 feet, to a point for a corner;
6. S 49°29'37" W, a distance of 50.00 feet to a point for a corner and the beginning of a curve;
7. Along the arc of a curve to the left, said curve having a radius of 20.00 feet, an arc distance of 31.42 feet, and having a chord bearing and distance of N 85°30'23" W, 28.28 feet, to a point for a corner;
8. S 49°29'37" W, a distance of 196.35 feet to a point for a corner and the beginning of a curve;
9. Along the arc of a curve to the right, said curve having a radius of 530.00 feet, an arc distance of 162.52 feet, and having a chord bearing and distance of S 58°16'42" W, 161.88 feet, to a point for a corner;
10. S 67°03'46" W, a distance of 3.85 feet to a point for a corner;
11. Along the arc of a curve to the left, said curve having a radius of 20.00 feet, an arc distance of 31.42 feet, and having a chord bearing and distance of S 22°03'46" W, 28.28 feet, to a point for a corner;
12. S 68°33'45" W, a distance of 50.02 feet to a point for a corner and the beginning of a curve;
13. Along the arc of a curve to the left, said curve having a radius of 20.00 feet, an arc distance of 30.04 feet, and having a chord bearing and distance of N 65°57'37" W, 27.29 feet, to a point for a corner;
14. Along the arc of a reverse curve to the right, said curve having a radius of 530.00 feet, an arc distance of 73.52 feet and having a chord bearing and distance of S 74°59'26" W, 73.46 feet, to a point for a corner;
15. S 01°57'15" E, a distance of 9.90 feet to a set 1/2" iron pin with cap "HMT" for the Northeast corner of a called 2.36 acre tract, recorded in Document No. 20232809, Official Public Records, Gillespie County, Texas and a corner of said 31.554 acre tract the same point being a corner of the herein described tract;

LEGAL DESCRIPTION

(Continued)

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THENCE along the North line of said 2.36 acre tract and a South line of said 31.554 acre tract and the herein described tract, N 89°56'44" W, a distance of 379.78 feet to a set 1/2" iron pin with cap "HMT" lying in the East right of—way line of State Highway No. 87, for the Northwest corner of said 2.36 acre tract, and the Southwest corner of said 31.554 acre tract, the same point being the Southwest corner of the herein described tract and the beginning of a curve;

THENCE along the arc of a curve to the right, said curve having a radius of 5679.60 feet, an arc distance of 83.23 feet, and having a chord bearing and distance of N 14°00'18" W, 83.23 feet, to the POINT OF BEGINNING, containing 28.151 acres of land in Gillespie County, Texas.

NOTE: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description as to the area or quantity of land is not a representation that such area or quantity is correct, but is made solely for informational and/or identification purposes and does not override the exception contained in Schedule B, Item 2 herein.

Tract 3:

Being a 27.615 acre tract of land, situated in the situated in the Jose Esteban Bargas Survey, Abstract No.53 and the Samuel R. Wilson Survey No. 38, Abstract No. 725, Gillespie County, Texas, and being part of the following two tracts;

1. Part of the residue of a called 31.554 acres, recorded in Document No. 20231240 of the Official Public Records of Gillespie County, Texas.
2. Part of the residue of a called 111.44 acre tract of land, conveyed to HK Fredericksburg, LLC, recorded in Document No. 20193419, Official Public Records of Gillespie County, Texas, said 27.615 acre tract of land being more particularly described as follows;

COMMENCING at a 1/2" iron with cap "HMT" set in the East line of State Hwy 87 for the Southwest corner of said 31.554 acre tract and the Northwest corner of a called 2.36 acre tract, recorded in Document No. 20232809 of the Official Public Records of Gillespie County, said point being in the South line of South Creek Road (not yet dedicated at time of survey) along the following two calls:

1. along the common line of said 31.554 acre tract and said 2.36 acre tract, South 89°56'44" East, a distance of 379.78 feet to a 1/2 iron rod with cap set for the Northeast corner of said 2,36 acre tract.
2. Into and across said 31.554 acre tract, North 01°57'15" West a distance of 9.90 feet to a 1/2" iron rod with cap "HMT" set for the POINT OF BEGINNING.

THENCE continuing into and across said 31.554 acre tract, with the South line of said South Creek Road the following 11 calls:

1. along a curve to the left, said curve having a radius of 530.00 feet, a central angle of 7°56'53.52", a chord bearing and distance of North 74°59'26" East, 73.46 feet, for and arc distance of 73.52 feet to a point;
2. along a reverse curve to the right, said curve having a radius of 20.00 feet, a central angel of 86°02'46.68", a chord bearing and distance of South 65°57'37" East, 27.29 feet, for a an arc distance of 30.04 feet to a point;
3. North 68°33'45" East, a distance of 50.02 feet to a point;
4. along a non-tangent curve to the right, said curve having a radius of 20.00 feet, a central angel of 90°00'00.00", a chord bearing and distance of North 22°03'46" East, 28.28 feet, for an arc distance of 31.42 feet to a point;
5. North 67°03'46" East, a distance of 3.85 feet to a point;
6. along a tangent curve to the left, said curve having a radius of 530.00 feet, a central angle of 17°34'09.12", a chord bearing and distance of North 58°16'42" East, 161.88 feet, for an arc distance of 162.52 feet to a point;
7. North 49°29'37" East, a distance of 196.35 feet to a point;
8. along a tangent curve to the right, said curve having a radius of 20.00 feet, a central angle of 90°00'0.00", a chord bearing and distance of South 85°30'23" East. 28.28 feet, for an arc distance of 31.42 feet to a point;
9. North 49°29'37" East, a distance of 50.00 feet to a point;

LEGAL DESCRIPTION

(Continued)

Commitment Number: 114729-002122

10. along a non-tangent curve to the right, said curve having a radius of 20.00 feet, a central angle of 90°00'00.00", a chord bearing and distance of North 04°29'37" East, 28.28 feet, for an arc distance of 31.42 feet to a point;

11. North 49°29'37" East, a distance of 100.00 feet to a point;

THENCE departing said South Creek Road and continuing into and across said 31.554 acre tract the following 3 calls:

1. South 40°30'23" East, a distance of 318.03 feet to a point;
2. South 01°59'02" East, a distance of 85.50 feet to a point;
3. South 88°35'47" East, a distance of 796.59 feet to a 1/2" iron rod found in the South line of said 31.554 acre tract and lying in the North line of the remainder of a called 69.5 acre tract, recorded in Volume 555. Page 182-186 of the Gillespie County Records;

THENCE with the South line of said 31.554 acre tract and the North line of said 69.5 acre tract, South 88°31'42" West, a distance of 540.19 feet to a mag nail found in concrete for the Northwest corner of said 69.5 acre tract for an inner corner of said 31.554 acre tract;

THENCE with the East line of said 31.554 acre tract and the East line of said 111.44 acre and the West line of said 69.5 acre tract, the following two calls:

1. South 02°01'34" East, a distance of 965.03 feet to a 1/2" iron rod found;
2. South 01°48'50" East, a distance of 59.51 feet to a 1/2" iron rod set with cap "HMT" set;

THENCE into and across the 111.44 acre tract the following 10 calls:

1. North 75°32'41" West, a distance of 162.58 feet to a point;
2. South 88°02'59" West, a distance of 305.28 feet to a point;
3. along a non-tangent curve to the left, said curve having a radius of 4.50 feet, a central angle of 90°00'00.00", a chord bearing and distance of North 46°57'01" West. 6.36 feet, for an arc distance of 7.07 feet to a point;
4. South 88°02'50" West, a distance of 231.00 feet to a point;
5. along a tangent curve to the left, said curve having a radius of 4.50 feet, a central angle of 90°00'00.00", a chord bearing and distance of South 43°02'59" West, 6.36 feet, for an arc distance of 7.07 feet to a point;
6. South 88°02'59" West, a distance of 50.00 feet to a point;
7. North 01°57'01" East, a distance of 4.50 feet to a point;
8. South 88°02'59" West, a distance of 120.00 feet to a point
9. South 01°57'01" East, a distance of 320.00 feet to a point;
10. South 88°02'59" West, a distance of 70.60 feet to a 1/2" iron rod with cap "HMT" set in the West line of said 111.44 acre tract and the East line of a called 15.68 acre tract, recorded in Volume 350, Page 864-868 of the Gillespie County Deed Records;

THENCE with the West line of said 111.44 acre tract and the East line of said 15.65 acre tract, and the residue of a called 57.46 acre tract, recorded in Volume 97, Page 526 of the Gillespie County Deed Records (Labeled as Equestrian Drive approx. 60' wide, however no road dedication has been found) North 09°03'26" West, a distance of 423.99 feet to a 1/2" iron rod found for the Southeast corner of 2.00 acre tract, recorded in Document No. 20173309 of the Official Public Records of Gillespie County, Texas;

THENCE with the West line of said 111.44 acre tract and the East line of said 2.00 acre tract, North 11°41'43" West. a distance of 361.11 feet to a 1/2" iron rod found for the Northeast corner of said 2.0 acre tract and the Southwest corner of a called 1.431 acre tract, recorded in Document No. 20202361 of the Official Public Records of Gillespie County, Texas;

THENCE continuing with the West line of said 111.44 acre tract and the East line of said 1.431 acre tract, and the East line of said 2.36 acre tract, North 01°57'15" West, a distance of 524.04 feet to a POINT OF BEGINNING and

LEGAL DESCRIPTION

(Continued)

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containing 27.615 acres of land, more or less.

NOTE: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description as to the area or quantity of land is not a representation that such area or quantity is correct, but is made solely for informational and/or identification purposes and does not override the exception contained in Schedule B, Item 2 herein.

Tract 4:

Being a 11.354 acre tract of land, situated in the Samuel R. Wilson Survey No. 38, Abstract No. 725, Gillespie County, Texas, and being part of the residue of a called 111.44 acre tract of land, conveyed to HK Fredericksburg, LLC, recorded in Document 20193419, Official Public Records of Gillespie County, Texas, said 11.354 acre tract of land being more particularly described as follows;

BEGINNING at a 1/2" iron pin found with a plastic cap stamped "MDS" in the South line of a called 15.65 tract, conveyed to Dale Crenwelge, recorded in Volume 350, Page(s) 864-868, Official Public Records of Gillespie County, Texas, the North line of a called 0.26 of an acre tract, conveyed to Kevin W. Eckhardt, recorded in Volume 189, Pg. 396, Official Public Records of Gillespie County, Texas, for the Southwest corner of the above reference 111.44 acre tract, for the Southwest corner and POINT OF BEGINNING of this tract.

THENCE severing said 111.44 acre tract, the following bearings and distances;

1. N 88°02'59" E a distance of 70.60 feet to a 1/2" iron pin set with plastic cap stamped "HMT". for an interior corner of this tract,
2. N 01°57'01" W a distance of 320.00 feet to a 1/2" iron pin set with a plastic cap "HMT", for the Northwest corner of this tract.
3. N 88°02'59" E a distance of 120.00 feet to a 1/2" iron pin set with plastic cap stamped "HMT", for a corner of this tract.
4. S 01°857'01" E a distance of 4.50 feet to a 1/2" iron pin set with plastic cap stamped "HMT", for a corner of this tract.
5. N 88°02'59" E a distance of 50.00 feet to a 1/2" iron pin set with a plastic cap stamped "HMT", for a corner of this tract and beginning of a curve to the right.
6. Along said curve to the right, having a radius of 4.50 feet, an arc length of 7.07 feet and chord bearing and distance of N 43°02'59" E 6.36 feet to a 1/2" iron pin set with a plastic cap stamped "HMT", said point marking the end of said curve.
7. N 88°02'59" E a distance of 231.00 feet to a 1/2" iron pin set with plastic cap stamped "HTM", for a corner of this tract, said point marking the beginning of a curve to the right.
8. Along said curve to the right, having a radius of 4.50 feet, an arc length of 7.70 feet, and a chord bearing and distance of S 46°57'01" E 6.36 feet to a 1/2" iron pin set with plastic cap stamped "HMT", marking the end of said curve.
9. N 88°02'59" E a distance of 305.28 feet to a 1/2" iron pin set with plastic cap stamped "HMT", for a corner of this tract.
10. S 75°32'41" E a distance of 162.67 feet to a 1/2" iron pin set with plastic cap stamped "HMT" in the West line of a called 69.5 acre tract, conveyed to Kevin W. Eckhardt, recorded in Volume 555. Pgs. 182-186, Official Public Records of Gillespie County, Texas, the East line of said 111.44 acre tract, for the Northeast corner of this tract.

THENCE along the common line of said 111.44 acre tract and said 69.50 acre tract, S01°48'24" E a distance of 531.17 feet to a 1/2" iron pin found for the Northwest corner of called first tract, called 4.305 acres, the Northeast corner called second tract, called 5.695 acres, both conveyed to Kevin W. Eckhardt, both recorded in Volume 189, Pgs. 374-376, Official Public Records of Gillespie County, Texas, the Southeast corner of said 111.44 acre tract, for the Southeast corner of this tract.

LEGAL DESCRIPTION

(Continued)

Commitment Number: 114729-002122

THENCE along the common line of said 111.44 acre tract and partially along said 5.695 acre tract, N 89°52'17" W a distance of 709.96 feet to a 1/2" iron pin found in same, for the Southeast corner of a called 0.26 of an acre tract conveyed to Kevin W. Eckhardt, recorded in Volume 189, Pg. 396, Official Public Records of Gillespie County, Texas, for a corner of this tract.

THENCE along the common line of said 0.26 of an acre tract and said 111.44 acre tract, the following bearings and distances;

1. N 00°34'49" W a distance of 25.18 feet to a 1/2" iron pin found for the Northeast corner of said 0.26 of an acre tract, an interior corner of said 111.44 acre tract for an interior corner of this tract.
2. N 89°58'07" W a distance of 206.17 feet to the POINT OF BEGINNING and containing 11.354 acres of land, more or less.

NOTE: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description as to the area or quantity of land is not a representation that such area or quantity is correct, but is made solely for informational and/or identification purposes and does not override the exception contained in Schedule B, Item 2 herein.



PLANNING AND ZONING COMMISSION
AGENDA MEMO

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Susana Huerta, Assistant Director of
Development Services
MEETING DATE: March 4, 2026

SECTION: ACTION ITEMS **ITEM:** B.

CAPTION: Request SP-2601: By Cristi Kennedy to Consider the Site Plan Review for a Duplex Complex Located at 903 East Highway Street.

SUMMARY:

An application has been submitted for review of a Site Plan for a duplex development consisting of nine (9), two-bedroom units located within five (5) two-story buildings. The Site Plan was previously approved on September 6, 2023. However, the approval has since expired. The lot was previously replatted in 2021 (P-2136) resulting in the 1.379 acre lot located at 903 E. Highway Street.

BACKGROUND:

The property is currently vacant as it was subdivided in 2021 (P-2136) resulting in the current 1.379 acre lot. The neighborhood consists of a mix of Short-Term Rentals, residences and Multi-Family dwellings with the property to the west operating as a Short-Term Rental and the property to the east as a residence.

This application was reviewed for its conformity with relevant City Ordinances, including [Sec. 7.131](#), review and evaluation criteria for Site Plans.

Site Area: 60,069 Sq Ft (1.379 Acres)

Zoning: R2, Mixed Residential [Sec. 3.110](#)

Building Coverage: 17% (10,276 Sq Ft) (55% Max)

Impervious Coverage: 40% (24,027 Sq Ft)(65% Max)

Heights: 28 Ft (28' Max)

Unit Count: Nine (9) two-bedroom units located within five (5) buildings

Access and Circulation: The development has access off of Highway Street via a 20' wide driveway.

Pedestrian Circulation: A five (5) foot wide Sidewalk is provided along the Highway Street frontage. Located on Sidewalk Plan - required.

Parking: 21 spaces provided with 21 required. (2 spaces per unit) plus 10% additional for guests (2 additional spaces) required [Sec. 7.863](#).

Utilities: Utilities are available to serve the property and if an extension of utilities is required, the developer will pay for the extension.

Detention: Detention will be addressed as part of the Civil Construction Plan review.

Park Dedication: A fee in the amount of \$500.00 per unit shall be paid prior to issuance of a Building Permit per [Sec. 6.15](#) for a total of \$4,500 (9 units).

Landscape and Screening: Landscape plans are required per [Sec. 7.920](#) and should include One (1) tree per 75 LF. Off-street parking shall have ten (10) sq ft of interior landscaping for each

parking space. A strip of land at least five (5) ft in depth located between the abutting right-of-way and the off-street parking areas or other vehicular area which is exposed to an abutting right-of-way shall be landscaped and include one (1) tree for each fifty (50) LF. In addition, a hedge wall, or other durable landscape barrier, of at least two (2) feet in height, shall be placed along the perimeter.

Screening along the perimeter of the property is required and may consist of a solid wood and/or masonry fence or wall at least six (6) feet but not greater than eight (8) feet in height. It may also include a hedge-like screen of evergreen plant material per [Sec.7.94](#). Screening of the dumpster is required per Sec. [7.980](#).

STAFF RECOMMENDATION:

The application as presented is in compliance with all applicable ordinances and codes and if approved, would provide an additional long-term housing option as there have been few duplex developments proposed. Staff recommends approval conditioned upon the following:

- Approval of Civil Construction Plans
 - Approval of an Addressing Plan
 - Approval of a Landscaping and Screening Plan
 - Payment of Park Dedication Fees prior to issuance of a Building Permit
-
-

ATTACHMENTS:

1. SP-2601_UPdated site Plan
2. SP-2601_DSP Review Comment Response Letter022426

APPROVAL/REVIEW:

Susana Huerta, Assistant Director of Development Services

Date: February 26, 2026



Cliff Cross, Director of Development Services

Date: February 26, 2026



02/24/2026

ICR² SQUARED ENGINEERING, LLC
 607 West Water Street, Kerrville, Texas 78628, 830-534-7921
 TYPE Registration No. F-28819, DPEI [ESBE] [HAB] [MDE] [SBE] [WBE]

SCOTT AND PILAR KENNEDY
 903 EAST HIGHWAY, FREDERICKSBURG, TEXAS
REVISED DEVELOPMENT SITE PLAN

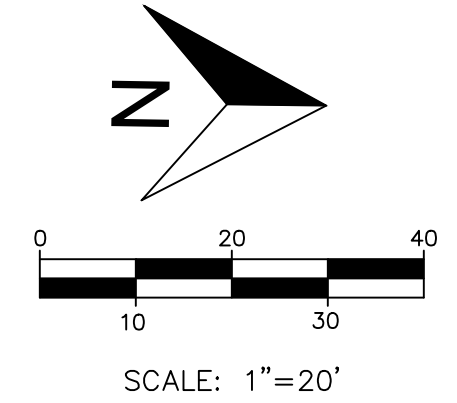
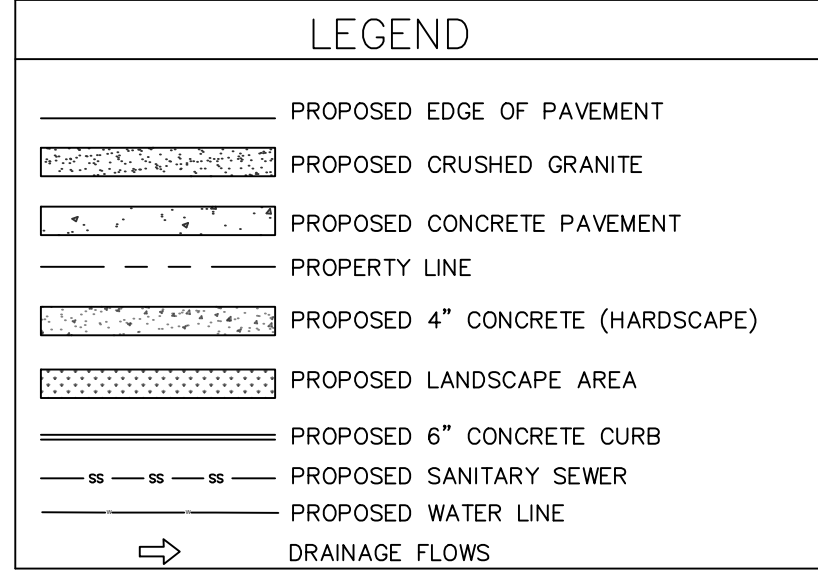
NO.	DATE	REVISION

ENGINEER	CHECKED BY
ICR	
JOB NO.	DRAWN BY
23300	IR
SCALE	DATE
1"=20'	02/24/2026

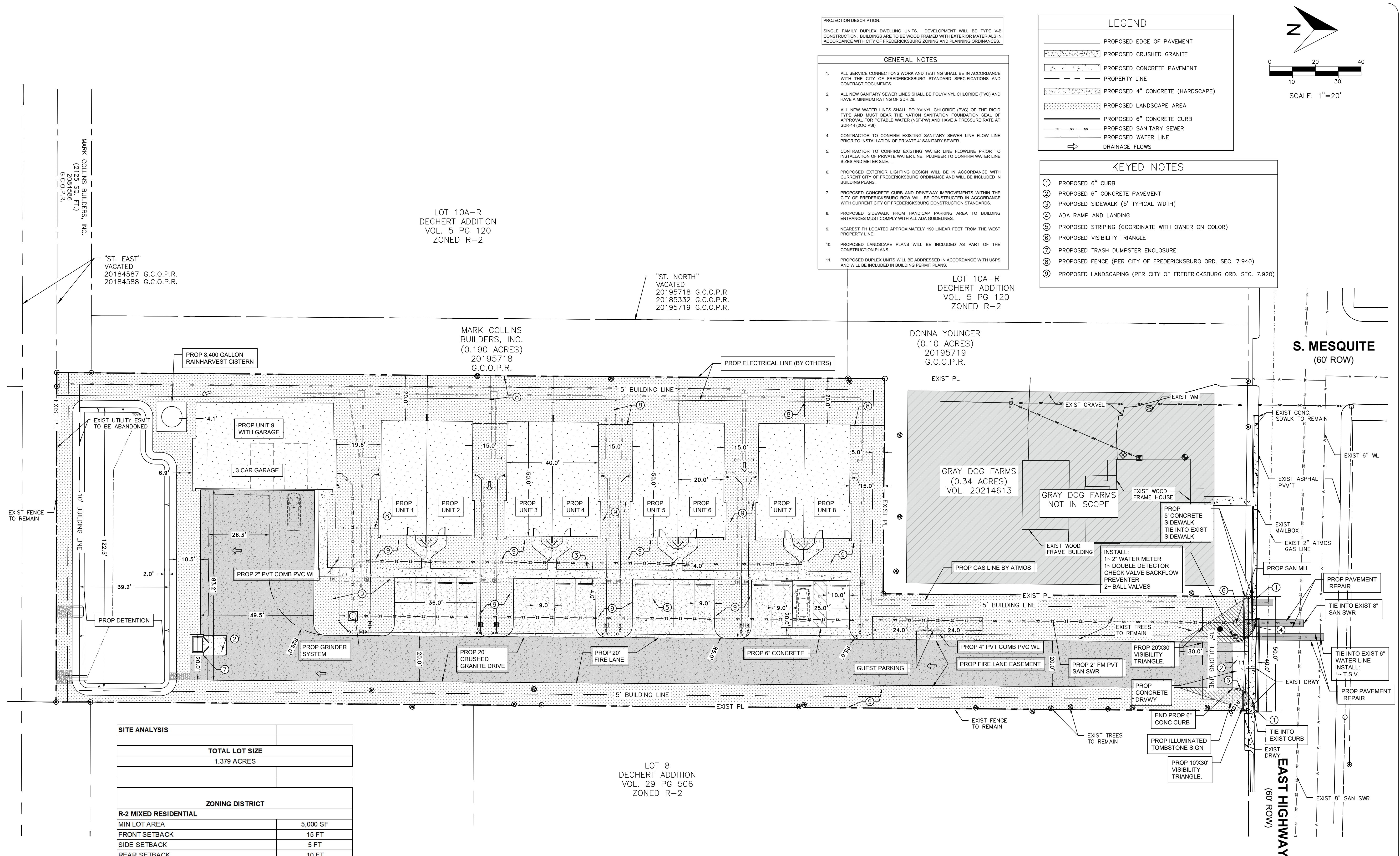
SHEET C1

PROJECTION DESCRIPTION:
 SINGLE FAMILY DUPLEX DWELLING UNITS. DEVELOPMENT WILL BE TYPE V-B CONSTRUCTION. BUILDINGS ARE TO BE WOOD FRAMED WITH EXTERIOR MATERIALS IN ACCORDANCE WITH CITY OF FREDERICKSBURG ZONING AND PLANNING ORDINANCES.

- GENERAL NOTES**
- ALL SERVICE CONNECTIONS WORK AND TESTING SHALL BE IN ACCORDANCE WITH THE CITY OF FREDERICKSBURG STANDARD SPECIFICATIONS AND CONTRACT DOCUMENTS.
 - ALL NEW SANITARY SEWER LINES SHALL BE POLYVINYL CHLORIDE (PVC) AND HAVE A MINIMUM RATING OF SDR 26.
 - ALL NEW WATER LINES SHALL POLYVINYL CHLORIDE (PVC) OF THE RIGID TYPE AND MUST BEAR THE NATION SANITATION FOUNDATION SEAL OF APPROVAL FOR POTABLE WATER (NSF-PW) AND HAVE A PRESSURE RATE AT SDR-14 (2000 PSI).
 - CONTRACTOR TO CONFIRM EXISTING SANITARY SEWER LINE FLOW LINE PRIOR TO INSTALLATION OF PRIVATE 4" SANITARY SEWER.
 - CONTRACTOR TO CONFIRM EXISTING WATER LINE FLOWLINE PRIOR TO INSTALLATION OF PRIVATE WATER LINE. PLUMBER TO CONFIRM WATER LINE SIZES AND METER SIZE.
 - PROPOSED EXTERIOR LIGHTING DESIGN WILL BE IN ACCORDANCE WITH CURRENT CITY OF FREDERICKSBURG ORDINANCE AND WILL BE INCLUDED IN BUILDING PLANS.
 - PROPOSED CONCRETE CURBS AND DRIVEWAY IMPROVEMENTS WITHIN THE CITY OF FREDERICKSBURG ROW WILL BE CONSTRUCTED IN ACCORDANCE WITH CURRENT CITY OF FREDERICKSBURG CONSTRUCTION STANDARDS.
 - PROPOSED SIDEWALK FROM HANDICAP PARKING AREA TO BUILDING ENTRANCES MUST COMPLY WITH ALL ADA GUIDELINES.
 - NEAREST FH LOCATED APPROXIMATELY 190 LINEAR FEET FROM THE WEST PROPERTY LINE.
 - PROPOSED LANDSCAPE PLANS WILL BE INCLUDED AS PART OF THE CONSTRUCTION PLANS.
 - PROPOSED DUPLEX UNITS WILL BE ADDRESSED IN ACCORDANCE WITH USFS AND WILL BE INCLUDED IN BUILDING PERMIT PLANS.



- KEYED NOTES**
- PROPOSED 6" CURB
 - PROPOSED 6" CONCRETE PAVEMENT
 - PROPOSED SIDEWALK (5' TYPICAL WIDTH)
 - ADA RAMP AND LANDING
 - PROPOSED STRIPING (COORDINATE WITH OWNER ON COLOR)
 - PROPOSED VISIBILITY TRIANGLE
 - PROPOSED TRASH DUMPSTER ENCLOSURE
 - PROPOSED FENCE (PER CITY OF FREDERICKSBURG ORD. SEC. 7.940)
 - PROPOSED LANDSCAPING (PER CITY OF FREDERICKSBURG ORD. SEC. 7.920)



PROPOSED BUILDING DATA	TOTAL CONDITIONED AREA (PER UNIT)	TOTAL NUMBER OF BEDROOMS (PER UNIT)	PARKING PROVIDED (PER UNIT)	TOTAL PARKING PROVIDED
4 - DUPLEX (2 UNITS PER DUPLEX)	2,000	2	2	16
2 BEDROOM UNIT WITH GARAGE	2,276	2	3	3
GUEST PARKING				2
Total Parking Provided on Site				21

SITE ANALYSIS

TOTAL LOT SIZE	1.379 ACRES
ZONING DISTRICT	R-2 MIXED RESIDENTIAL
MIN LOT AREA	5,000 SF
FRONT SETBACK	15 FT
SIDE SETBACK	5 FT
REAR SETBACK	10 FT
MAXIMUM BUILDING HEIGHT LIMIT	28 FT
LANDSCAPING	10%
MAXIMUM IMPERVIOUS COVER	65%
MAXIMUM BUILDING IMPERVIOUS COVERAGE	55%
EXISTING IMPERVIOUS COVERAGE	1%
PROP PAVEMENT IMPERVIOUS COVERAGE	20%
PROP BUILDING IMPERVIOUS COVERAGE	20%
PROP BUILDING HEIGHT	28 FT
TOTAL PROPOSED IMPERVIOUS COVERAGE	40%

LOT 8
 DECHERT ADDITION
 VOL. 29 PG 506
 ZONED R-2

Drawing Name: 21920_DSP_REV_013026.DWG



February 24, 2026

Mrs. Jan Musgrove
City of Fredericksburg
126 W. Main Street
Fredericksburg, Texas 78624-3708

RE: SP-2601 Review Comments for a Site Plan Duplex Complex located at 903 East Highway Street, Fredericksburg, Texas

Dear Jan,

This letter and revised Development Site Plan serve as a response to the City comments received on February 17, 2026 concerning the above referenced project.

- Provide 10% additional guest parking, label parking for apartment above garage and provide parking for the garage.
Response: Two guest parking spaces have been added and parking labeled for apartment with garage. Please see updated attached Development Site Plan
- The Site Plan requires Planning and Zoning Approval, tentatively scheduled for March 4, 2026.
Response: IR Squared Engineering will attend the scheduled March 4, 2026 Planning and Zoning Meeting.
- Provide the requested fixture types as part of the Building Permit process **Article XV- Outdoor Lighting - Site Plan Checklist**
Response: Building permit plans will include a lighting plan and the requested fixture types. Proposed improvements will be in accordance with the City of Fredericksburg requirements.
- Provide an addressing plan for the 9 units and coordinate with USPS for mail delivery.
Response: Units have been labeled on the attached development site plan. Owner will coordinate with USPS to set up development for mail delivery.
- Parkland dedication of \$500.00 per unit for a total of \$8,500 will be required prior to issuance of a building permit.
Response: Owner will pay the required \$4,500 fees prior to issuance of a building permit. Owner has coordinated with revised fee amount.

- Civil Construction plans will be required. Items like utility connections and drainage will be reviewed in detail at that time.
Response: IR Squared Engineering will submit the required updated constructions plans as part of the building permit application.

Please let me know if you have any questions or need additional information.

Kindest Regards,

Ivalu Rose

Ivalu Rose, P.E., CFM
IR Squared Engineering LLC
TBPE Firm Registration No: F-20819



PLANNING AND ZONING COMMISSION
AGENDA MEMO

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM:
MEETING DATE: March 4, 2026

SECTION: ACTION ITEMS **ITEM:** C.

CAPTION: Consider and take action initiating text amendments pertaining to the definition of and establishment of Game of Skill Parlors and to further consider and take action to initiate text amendments pertaining to the establishment of Multiple Family Residential Developments.

SUMMARY:

BACKGROUND:

STAFF RECOMMENDATION:

ATTACHMENTS:

None

APPROVAL/REVIEW:

Cliff Cross, Director of Development Services

Date: February 26, 2026