EXHIBIT "A"

## FIRST AMENDMENT TO CONSENT AND DEVELOPMENT AGREEMENT

## [ROUND ROCK MUNICIPAL UTILITY DISTRICT NO. 2]

THE STATE OF TEXAS \$
\$
COUNTY OF WILLIAMSON \$

## **RECITALS**

- A. The City and Cressman Enterprises, LP, Kathryn A. Cressman, and the Estate of Marvin R. Cressman, a/k/a Marvin Richard Cressman, Deceased previously entered into that certain <u>Consent and Development Agreement</u> dated effective May 9, 2019 (the "<u>Consent Agreement</u>"), which, among other things, provided for the creation of the District over ±174.21 acres of land in Williamson County, Texas within the city limits of the City (defined in the Consent Agreement as the "<u>Land</u>"). Kathryn A. Cressman has since deceased, and her interest in the Consent Agreement is now held by her estate, as reflected in the preamble above.
- B. The District was created by <u>An Order Granting the Petition for Creation of Round Rock Municipal Utility District No. 2 and Appointing Temporary Directors</u> dated January 16, 2020 (the "<u>Creation Order</u>"); and, as required by the Consent Agreement, the District joined in and consented to the Consent Agreement on February 13, 2020.
- C. Meritage has contracted to purchase the Land from Cressman; and Meritage and Tri Pointe have entered into a <u>Joint Ownership and Development Agreement</u> dated effective as of January 10, 2020 (the "<u>JODA</u>") pursuant to which Meritage and Tri Pointe have agreed to jointly own and develop the Land in accordance with their respective "Percentage Interest", as set forth and defined in the JODA.
- D. Section 11.03(a) of the Consent Agreement provides that the Consent Agreement, and the rights of the Owner thereunder, may be assigned by the Owner, with the City's consent, as to all or any portion of the Land; that any assignment must be in writing, specifically set forth the assigned rights and obligations, be executed by the proposed assignee, and be delivered to the City; that the City's consent to any proposed assignment will not be unreasonably withheld or delayed; and that the City expressly consents to and approves the assignment of the Consent Agreement to Meritage, without the need for further consent, provided that a copy of such assignment must be delivered to the City.
  - E. On or about January 15, 2020, Cressman conveyed a  $\pm 69.222$  acre portion of the

Land ("<u>Phase I</u>") to Meritage and Tri-Pointe as co-grantees and owners and, in connection with such conveyance, Cressman assigned to Meritage, and Meritage assumed from Cressman, Cressman's rights, obligations, and duties as Owner under the Consent Agreement with respect to Phase I of the Land pursuant to a <u>Partial Assignment of Consent and Development Agreement</u> dated of even date therewith (the "<u>Cressman/Meritage Phase I Partial Assignment</u>").

- F. On or about January 15, 2021, Cressman conveyed a ±50.92 acre portion of the Land ("<u>Phase II</u>") to Meritage and Tri Pointe as co-grantees and owners and, in connection with such conveyance, Cressman assigned to Meritage, and Meritage assumed from Cressman, Cressman's rights, obligations, and duties as Owner under the Consent Agreement with respect to Phase II of the Land pursuant to a <u>Partial Assignment of Consent and Development Agreement</u> dated of even date therewith (the "<u>Cressman/Meritage Phase II Partial Assignment</u>").
- G. Pursuant to a <u>Partial Assignment of Consent and Development Agreement</u> dated as of even date herewith (the "<u>Meritage/Tri Pointe Phase I and Phase II Partial Assignment</u>"), (a) Meritage assigned to Tri Pointe, and Tri Pointe assumed from Meritage, an interest in and to Meritage's right, title, and interest as Owner under the Consent Agreement with respect to Phase I and Phase II of the Land equal to Tri Pointe's Percentage Interest under the JODA; and (b) the City consented to such partial assignment, acknowledged that a copy of the Cressman/Meritage Phase I Partial Assignment, the Cressman/Meritage Phase II Partial Assignment, and the Meritage/Tri Pointe Phase I and Phase II Partial Assignment had been delivered to the City in accordance with Section 11.03(a) of the Consent Agreement, and confirmed receipt of Meritage's and Tri Pointe's notice of "Developer" status with respect to Phase I and Phase II of the Land in accordance with Section 9.03 of the Consent Agreement.
  - H. The Parties now desire to amend the Consent Agreement as provided herein.

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

### **AGREEMENT**

- 1. <u>Defined Terms</u>. All capitalized terms not defined in this Amendment have the meanings ascribed thereto in the Consent Agreement.
- 2. <u>Future Assignments to Tri Pointe</u>. In anticipation of Cressman's sale and conveyance of the remainder of the Land to Meritage and Tri Pointe for ownership and development as contemplated by the JODA, the City hereby expressly consents to and approves the assignment of the Consent Agreement to Tri Pointe, and agrees that no further consent to such an assignment will be necessary provided that copy of such assignment is delivered to the City. Accordingly, the last sentence of Section 11.03(a) of the Consent Agreement is hereby amended and restated as follows:

"The City hereby expressly consents to and approves the assignment of this Agreement to Meritage Homes of Texas, LLC and/or Tri Pointe Homes Texas, Inc. and agrees that no further consent to such an assignment will be necessary; however, a copy of any such assignment must be delivered to the City."

3. <u>Annexation of Townhome Tract into the District</u>. Cressman Enterprises, LP, Meritage, and Tri Pointe (collectively referred to for purposes of this <u>Section 3</u> as the "*Petitioners*") are the owners of the land adjacent to the District more particularly described on

Exhibit "A" attached to this Amendment (the "Townhome Tract"; Cressman Enterprises, LP owning the portions of the Townhome Tract described on Exhibits "A-1" and "A-2", respectively, and Meritage and Tri Pointe jointly owning the portion of the Townhome Tract described on Exhibit "A-3"), and desire to annex the Townhome Tract into the boundaries of the District. The Townhome Tract is located within the corporate limits of the City, and, under applicable law, including, without limitation, Section 54.016 of the Texas Water Code, the City's consent is required in order to include land that is within the corporate limits of the City into the The Petitioners have submitted the petition attached as Exhibit "B" to this Amendment requesting the City's consent to the annexation of the Townhome Tract into the District; and, in accordance with applicable law, including, without limitation, Section 54.016 of the Texas Water Code, the City has consented to the proposed annexation pursuant to the Resolution of the City Council attached as **Exhibit "C"** to this Amendment. No further action on the part of the City to evidence the City's consent to the annexation of the Townhome Tract into the District's boundaries will be required; however, the City agrees to provide additional confirmation of its consent to the annexation of the Townhome Tract if requested to do so. Upon annexation of the Townhome Tract into the District, the Townhome Tract will become part of the Land under the Consent Agreement.

- 4. <u>Updated Concept Plan</u>. The Concept Plan attached as <u>Exhibit B</u> to the Consent Agreement is hereby deleted and replaced with the Concept Plan attached as <u>Exhibit "D"</u> to this Amendment, which incorporates the Townhome Tract.
- 5. <u>Bond Limit Amount</u>. In connection with the annexation of the Townhome Tract into the boundaries of the District, the Parties also desire to provide for a corresponding increase the total amount of Bonds permitted to be issued by the District under the Consent Agreement. Accordingly, Section 7.03 of the Consent Agreement is hereby amended and replaced with the following:
  - "Section 7.03. Bond Limit Amount. The total amount of Bonds issued by the District, excluding refunding Bonds, shall not exceed \$24,575,000 unless approved by the City."
- 6. <u>Effect of Amendment</u>. Except as specifically provided in this Amendment, the terms of the Consent Agreement continue to govern the rights and obligations of the Parties, and the terms of the Consent Agreement remain in full force and effect. If there is any conflict or inconsistency between this Amendment and the Consent Agreement, this Amendment will control and modify the Consent Agreement.
- 7. <u>Counterparts</u>. To facilitate execution, (a) this Amendment may be executed in any number of counterparts; (b) the signature pages taken from separate individually executed counterparts of this instrument may be combined to form multiple fully executed counterparts; and (c) a signature delivered by facsimile or in another electronic format (*e.g.*, DocuSign or .PDF via email) will be deemed to be an original signature for all purposes. All executed counterparts of this instrument will be deemed to be originals, and all such counterparts, when taken together, will constitute one and the same agreement.

\* \* \*

**IN WITNESS WHEREOF**, the Parties have executed this Amendment to be effective as of the date first written above.

# FIRST AMENDMENT TO CONSENT AND DEVELOPMENT AGREEMENT [ROUND ROCK MUNICIPAL UTILITY DISTRICT NO. 2]

<u>CITY:</u>
CITY OF ROUND ROCK, TEXAS
By:
Name:
Title:
Date:

# FIRST AMENDMENT TO CONSENT AND DEVELOPMENT AGREEMENT [ROUND ROCK MUNICIPAL UTILITY DISTRICT NO. 2]

## **CRESSMAN:**

**CRESSMAN ENTERPRISES, LP**, a Texas limited partnership

By: Cressman Enterprises GP, LLC, a Texas limited liability company, its General Partner

By:\_\_\_\_\_\_ Scott Cressman, Managing Member

THE ESTATE OF KATHRYN A. CRESSMAN, DECEASED

Scott Mark Cressman, Independent Executor of the Estate of Kathryn A. Cressman, Deceased

THE ESTATE OF MARVIN R. CRESSMAN, A/K/A MARVIN RICHARD CRESSMAN, DECEASED

Scott Mark Cressman, Independent Executor of the Estate of Marvin R. Cressman, a/k/a Marvin Richard Cressman, Deceased

## FIRST AMENDMENT TO CONSENT AND DEVELOPMENT AGREEMENT

# [ROUND ROCK MUNICIPAL UTILITY DISTRICT NO. 2]

## **MERITAGE**:

<b>MERITAGE</b>	<b>HOMES</b>	<b>OF</b>	TEXAS,	LLC,	an
Arizona limited	d liability co	ompa	ıny		

By:			
Name:			
Γitle:		•	

{W1038316.7}

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# FIRST AMENDMENT TO CONSENT AND DEVELOPMENT AGREEMENT [ROUND ROCK MUNICIPAL UTILITY DISTRICT NO. 2]

## **TRI POINTE:**

TRI	<b>POINTE</b>	<b>HOMES</b>	TEXAS,	INC.,	a	Texas
corpo	oration					

By:		
Name:		
Γitle:		

# FIRST AMENDMENT TO CONSENT AND DEVELOPMENT AGREEMENT [ROUND ROCK MUNICIPAL UTILITY DISTRICT NO. 2]

**DISTRICT:** 

ROUND ROC DISTRICT NO	K MUNICIPAL U O. 2	JTILITY
	l Berra, President of Directors	

{W1038316.7}

# EXHIBIT "A" Legal Description of Townhome Tract

[attached]



10090 W Highway 29 | Liberty Hill, Texas 78642 TBPELS Firm No. 10001800 | 512-238-7901 office

EXHIBIT "

### METES AND BOUNDS DESCRIPTION

BEING 30.02 ACRES OF LAND, SURVEYED BY LANDESIGN SERVICES, INC., SITUATED IN THE WILLIS DONAHO JR SURVEY, ABSTRACT NO. 173 IN WILLIAMSON COUNTY, TEXAS AND BEING A PORTION OF A REMAINER OF A CALLED 134.62 ACRE TRACT OF LAND DESCRIBED AS TRACT 3, IN A WARRANTY DEED TO CRESSMAN ENTERPRISES, L.P., AS RECORDED IN DOCUMENT NO. 2003063811, OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.T.), ALSO BEING ALL OF A CALLED 2.754 ACRE TRACT OF LAND DESCRIBED AS TRACT 2 IN A SPECIAL WARRANTY DEED TO MERITAGE HOME OF TEXAS, LLC AND TRI POINTE HOMES TEXAS, INC., RECORDED IN DOCUMENT NO. 2021008302 OF SAID O.P.R.W.C.T, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** at 1 inch pipe found for the Northwest corner of the remainder of said 134.62 acre tract and the Northeast corner of a called 33.302 acre tract of land described as Part 7 in a Deed to the State of Texas, as recorded in Volume 1970, Page 515 of the Official Records of Williamson County, Texas (O.R.W.C.T.), also being in the existing South right-of-way line of E. Old Settlers Boulevard – County Road 113 (R.O.W. Varies);

THENCE with the West line of the remainder of said 134.62 acre tract and the common East line of said 33.302 acre tract, the following two (2) courses and distances:

- South 04°51'51" West a distance of 210.18 feet to a 1/2-inch rebar with illegible cap found;
- Along a curve to the Left having a radius of 5,679.65 feet, an arc length of 240.15 feet, a
  delta angle of 02°25'21", and a chord which bears South 04°44'29" West a distance of
  240.13 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found for the POINT
  OF BEGINNING of the herein described tract;

THENCE over and across the remainder of said 134.62 acre tract, the following two (2) courses and distances:

 North 72°28'53" East a distance of 575.21 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found; and



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Sheet 1 of 6

North 32°24'11" East a distance of 66.19 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found in the West line of said 2.754 acre tract;

THENCE with the West line of said 2.754 acre tract, the following two (2) courses and distances:

- Along a curve to the Right having a radius of 502.50 feet, an arc length of 317.62 feet, a
  delta angle of 36°12'56", and a chord which bears North 39°29'21" West a distance of
  312.36 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found; and
- North 21°22'53" West a distance of 110.70 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found for the Northwest corner of said 2.754 acre tract and in the North line of said 134.62 acre tract, also being the existing South right-of-way line of said E. Old Settlers Boulevard;

THENCE with the North line of said 2.754 acre tract and the common existing South right-of-way line of said E. Old Settlers Boulevard, the following two (2) courses and distances:

- North 67°57'23" East a distance of 15.75 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found; and
- North 68°37'07" East a distance of 49.25 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found, for the Northeast corner of said 2.754 acre tract;

THENCE with the East line of said 2.754 acre tract, the following four (4) course and distances:

- South 21°22'53" East a distance of 110.88 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found;
- Along a curve to the Left having a radius of 437.50 feet, an arc length of 341.19 feet, a
  delta angle of 44°40'59", and a chord which bears South 43°43'22" East a distance of
  332.61 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found;
- South 66°03'52" East a distance of 219.26 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found; and
- 4. Along a curve to the Right having a radius of 502.50 feet, an arc length of 330.14 feet, a delta angle of 37°38'36", and a chord which bears South 47°14'34" East a distance of 324.24 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found;

THENCE North 61°34'44" East over and across the remainder of said 134.62 acre tract, a distance of 50.00 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found in the East line of the remainder of said 134.62 acre tract and the West line of Lot 26, JACKIE THOMISON SUBDIVISION, a subdivision of record in Cabinet I, Slide 94-96 of the Plat Records of Williamson County, Texas (P.R.W.C.T.);



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Sheet 2 of 6

THENCE South 12°11'04" East with the East line of the remainder of said 134.62 acre tract and the common West line of said JACKIE THOMISON SUBDIVSION, a distance of 673.36 feet to 1/2-inch rebar with cap stamped "LSI SURVEY" found in the West line of Lot 21, said JACKIE THOMISON SUBDIVISION and the common East line of the remainder of said 134.62 acre tract also being the Northeast corner of a called 50.92 acre tract of land described as Tract 1 to Meritage Homes of Texas, LLC and Tri Pointe Homes Texas, Inc., recorded in said Document No. 2021008302 of said O.P.R.W.C.T.;

THENCE with the North line of said 50.92 acre tract, the following two (2) courses and distances:

- South 80°08'57" West a distance of 920.46 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found; and
- South 23°43'57" West a distance of 893.69 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found for Northwest corner of said 50.92 acre tract and being the East line of said 33.302 acre tract, also being in the West line of the remainder of said 134.62 acre tract;

THENCE with the West line of the remainder of said 134.62 acre tract and the common East line of said 33.302 acre tract, the following two (2) courses and distances:

 North 02°06'14" West a distance of 1,086.68 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found; and



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Sheet 3 of 6

Along a curve to the Right having a radius of 5,679.65 feet, an arc length of 579.99 feet, a
delta angle of 05°51'03", and a chord which bears North 00°36'17" East a distance of
579.74 feet to the POINT OF BEGINNING and containing 30.02 acres of land, more or
less.

This project is referenced for all bearing and coordinate basis to the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83 – 2011 Adjustment), Central Zone (4203).

Distances and areas shown hereon are grid values represented in U.S. Survey Feet.

This property description was prepared from an on-the-ground survey performed under my supervision and is accompanied by a separate plat of even date.

Travis S. Tabor

Registered Professional Land Surveyor

State of Texas No. 6428

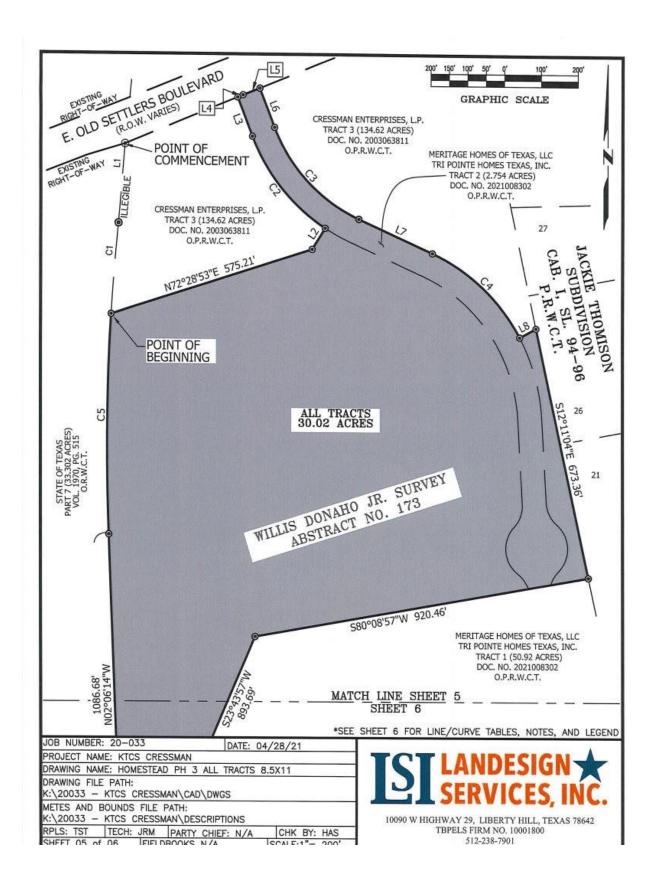
Job Number: 20-033

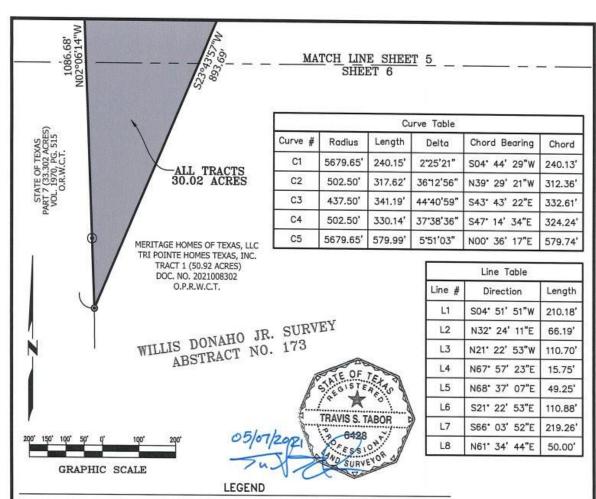
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Sheet 4 of 6





1/2" REBAR WITH CAP STAMPED "LSI SURVEY" FOUND (AS NOTED)

1" PIPE FOUND (OR AS NOTED)

O.P.R.W.C.T. OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS O.R.W.C.T. OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS P.R.W.C.T. PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS

## GENERAL NOTES:

THIS PROJECT IS REFERENCED FOR ALL BEARING AND COORDINATE BASIS TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83 - 2011 ADJUSTMENT), CENTRAL ZONE (4203).

DISTANCES SHOWN HEREON ARE GRID VALUES REPRESENTED IN U.S. SURVEY FEET.

SOME FEATURES SHOWN HEREON MAY BE OUT OF SCALE FOR CLARITY.

THIS SURVEY PLAT ACCOMPANIES A METES AND BOUNDS DESCRIPTION OF EVEN DATE.

JOB NUMBER: 20-033

PROJECT NAME: KTCS CRESSMAN

DRAWING NAME: HOMESTEAD PH 3 ALL TRACTS 8.5X11

DRAWING FILE PATH:

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METES AND BOUNDS FILE PATH:

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RPLS: TST | TECH: JRM | PARTY CHIEF: N/A | CHK BY: HAS

SHEET OR OF DR | EIELDBOOKS N/A | SCALEST 2001



## **EXHIBIT "A-1"**



10090 W Highway 29 | Liberty Hill, Texas 78642 TBPELS Firm No. 10001800 | 512-238-7901 office

EXHIBIT "

## METES AND BOUNDS DESCRIPTION

BEING 26.54 ACRES OF LAND, SURVEYED BY LANDESIGN SERVICES, INC., SITUATED IN THE WILLIS DONAHO JR SURVEY, ABSTRACT NO. 173 IN WILLIAMSON COUNTY, TEXAS AND BEING A PORTION OF A REMAINER OF A CALLED 134.62 ACRE TRACT OF LAND DESCRIBED AS TRACT 3, IN A WARRANTY DEED TO CRESSMAN ENTERPRISES, L.P., AS RECORDED IN DOCUMENT NO. 2003063811, OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** at 1 inch pipe found for the Northwest corner of the remainder of said 134.62 acre tract and the Northeast corner of a called 33.302 acre tract of land described as Part 7 in a Deed to the State of Texas, as recorded in Volume 1970, Page 515 of the Official Records of Williamson County, Texas (O.R.W.C.T.), also being in the existing South right-of-way line of E. Old Settlers Boulevard - County Road 113 (R.O.W. Varies);

THENCE with the West line of the remainder of said 134.62 acre tract and the common East line of said 33.302 acre tract, the following two (2) courses and distances:

- South 04°51'51" West a distance of 210.18 feet to a 1/2-inch rebar with illegible cap found;
- 2. Along a curve to the Left having a radius of 5,679.65 feet, an arc length of 240.15 feet, a delta angle of 02°25'21", and a chord which bears South 04°44'29" West a distance of 240.13 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found for the POINT OF BEGINNING of the herein described tract:

THENCE over and across the remainder of said 134.62 acre tract, the following two (2) courses and distances:

 North 72°28'53" East a distance of 575.21 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found; and



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Sheet 1 of 5

North 32°24'11" East a distance of 66.19 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found in the West line of a called 2.754 acre tract of land described as Tract 2 in a Special Warranty Deed to Meritage Home of Texas, LLC and Tri Pointe Homes Texas, Inc., recorded in Document No. 2021008302 of said O.P.R.W.C.T.;

THENCE with the West line of said 2.754 acre tract, the following seven (7) courses and distances:

- Along a curve to the Left having a radius of 502.50 feet, an arc length of 74.26 feet, a delta
  angle of 08°28'03", and a chord which bears South 61°49'50" East a distance of 74.19
  feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found;
- South 65°59'47" East a distance of 204.69 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found;
- Along a curve to the Right having a radius of 437.50 feet, an arc length of 495.05 feet, a
  delta angle of 64°49'58", and a chord which bears South 35°33'25" East a distance of
  469.06 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found;
- South 03°08'26" East a distance of 223.88 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found;
- Along a curve to the Right having a radius of 82.50 feet, an arc length of 66.69 feet, a delta
  angle of 46°18'55", and a chord which bears South 20°01'02" West a distance of 64.89
  feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found;
- Along a curve to the Left having a radius of 84.00 feet, an arc length of 140.03 feet, a delta
  angle of 95°30'48", and a chord which bears South 04°34'55" East a distance of 124.37
  feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found; and
- 7. Along a curve to the Right having a radius of 90.00 feet, an arc length of 49.10 feet, a delta angle of 31°15'33", and a chord which bears South 36°42'32" East a distance of 48.50 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found for the Southwest corner of said 2.754 acre tract and in the North line of a called a 50.92 acre tract of land described as Tract 1 to Meritage Homes of Texas, LLC and Tri Pointe Homes Texas, Inc., in said Document No. 2021008302, from which a 1/2-inch rebar with cap stamped "LSI SURVEY" found for the Southeast corner of said 2.754 acre tract, bears North 80°08'57" East a distance of 60.87 feet;

THENCE with the North line of said 50.92 acre tract, the following two (2) courses and distances:

- South 80°08'57" West a distance of 755.82 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found; and
- South 23°43'57" West a distance of 893.69 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found for a corner of said 50.92 acre tract and in the East line of said 33.302 acre tract;



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Sheet 2 of 5

THENCE with the West line of the remainder of said 134.62 acre tract and the common East line of said 33.302 acre tract, the following two (2) course and distances:

- North 02°06'14" West a distance of 1086.68 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found; and
- Along a curve to the Right having a radius of 5679.65 feet, an arc length of 579.99 feet, a
  delta angle of 05°51'03", and a chord which bears North 00°36'17" East a distance of
  579.74 feet to the POINT OF BEGINNING and containing 26.54 acres of land, more or
  less.

This project is referenced for all bearing and coordinate basis to the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83 – 2011 Adjustment), Central Zone (4203).

Distances and areas shown hereon are grid values represented in U.S. Survey Feet.

This property description was prepared from an on-the-ground survey performed under my supervision and is accompanied by a separate plat of even date.

Travis S. Tabor

Registered Professional Land Surveyor

State of Texas No. 6428

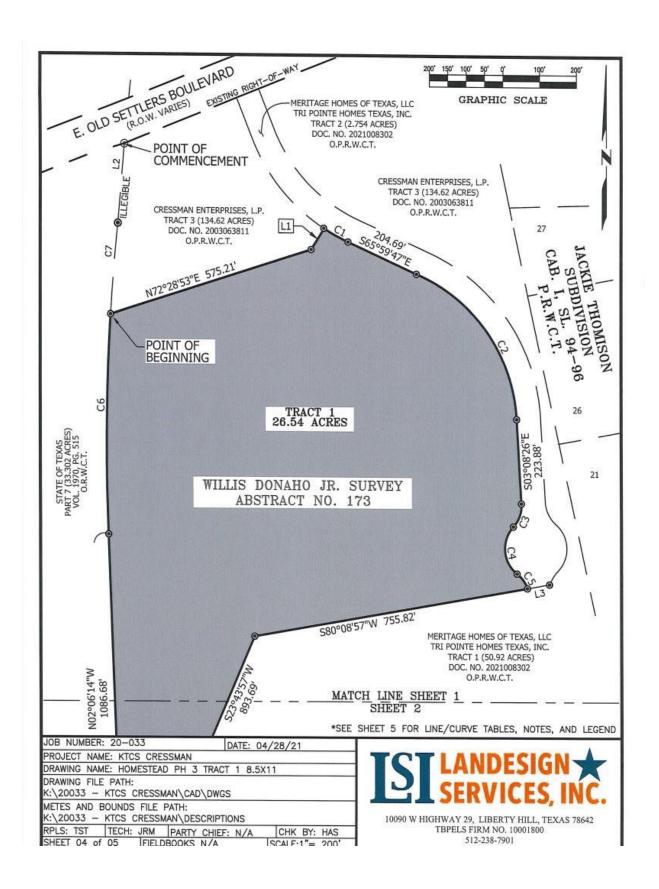
Job Number: 20-033

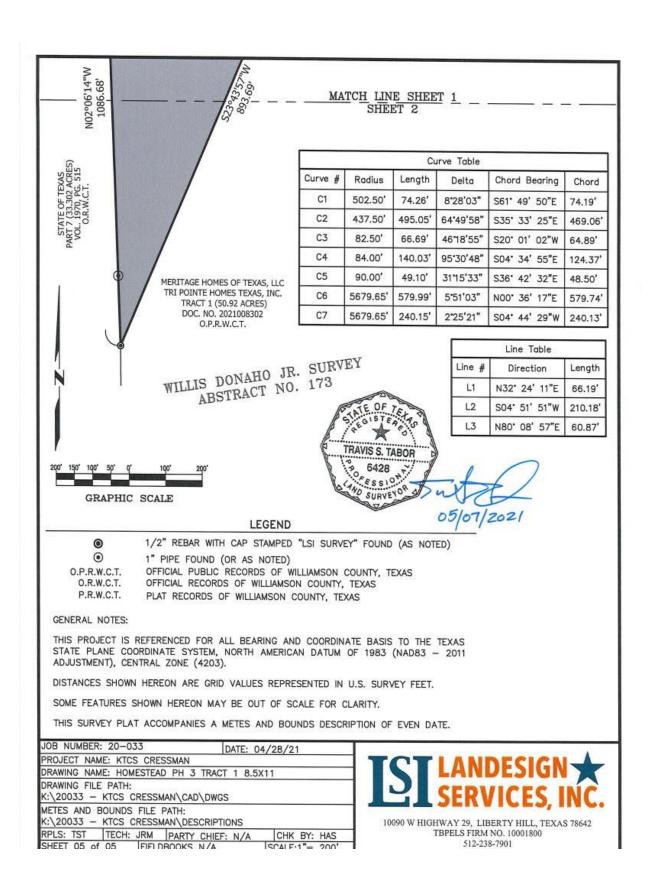
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Sheet 3 of 5





## **EXHIBIT "A-2"**



10090 W Highway 29 | Liberty Hill, Texas 78642 TBPELS Firm No. 10001800 | 512-238-7901 office

EXHIBIT "

## METES AND BOUNDS DESCRIPTION

BEING 0.727 OF ONE ACRE (31,667 SQUARE FEET) OF LAND, SURVEYED BY LANDESIGN SERVICES, INC., SITUATED IN THE WILLIS DONAHO JR SURVEY, ABSTRACT NO. 173 IN WILLIAMSON COUNTY, TEXAS AND BEING A PORTION OF A REMAINDER OF A CALLED 134.62 ACRE TRACT OF LAND DESCRIBED AS TRACT 3, DESCRIBED IN A WARRANTY DEED TO CRESSMAN ENTERPRISES, L.P., AS RECORDED IN DOCUMENT NO. 2003063811, OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch rebar with cap stamped "LSI SURVEY" found in the East line of the remainder of said 134.62 acre tract and the West line of Lot 26, JACKIE THOMISON SUBDIVISION, a subdivision of record in Cabinet I, Slide 94-96 of the Plat Records of Williamson County, Texas (P.R.W.C.T.), from which a 1/2-inch rebar with cap stamped "LSI SURVEY" found for the Northeast corner of the remainder of said 134.62 acre tract and the Northwest corner of Lot 30, said JACKIE THOMISON SUBDIVISION, also being in the existing Southerly right-of-way line of E. Old Settlers Boulevard (R.O.W. Varies), bears North 12°11'04" West a distance of 847.88 feet:

THENCE South 12°11'04" East with the East line of the remainder of said 134.62 acre tract and the common West line of said JACKIE THOMISON SUBDIVSION, a distance of 673.36 feet to 1/2-inch rebar with cap stamped "LSI SURVEY" found in the West line of Lot 21, said JACKIE THOMISON SUBDIVISION and the common East line of the remainder of said 134.62 acre tract and for the Northeast corner of a called 50.92 acre tract of land described as Tract 1 to Meritage Homes of Texas, LLC and Tri Pointe Homes Texas, Inc., recorded in Document No. 2021008302 of said O.P.R.W.C.T.;

THENCE South 80°08'57" West with the South line of the remainder of said 134.62 acre tract and the North line of said 50.92 acre tract, a distance of 103.76 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found for the Southeast corner of a called 2.754 acre tract of land described as Tract 2 in said Document No. 2021008302, from which an 1/2-inch rebar with cap stamped "LSI SURVEY" found for the Southwest corner of said 2.754 acre tract, bears South 80°08'57" West a distance of 60.87 feet;



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Sheet 1 of 4

THENCE with the East line of said 2.754 acre tract, the following five (5) courses and distances:

- Along a curve to the Right having a radius of 90.00 feet, an arc length of 42.19 feet, a delta
  angle of 26°51'26", and a chord which bears North 31°29'34" East a distance of 41.80
  feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found;
- Along a curve to the Left having a radius of 84.00 feet, an arc length of 138.36 feet, a delta
  angle of 94°22'38", and a chord which bears North 02°16'01" West a distance of 123.24
  feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found;
- Along a curve to the Right having a radius of 82.50 feet, an arc length of 66.69 feet, a delta
  angle of 46°18'55", and a chord which bears North 26°17'53" West a distance of 64.89
  feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found;
- North 03°08'26" West a distance of 223.88 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found; and
- Along a curve to the Left having a radius of 502.50 feet, an arc length of 221.72 feet, a
  delta angle of 25°16'51", and a chord which bears North 15°46'51" West a distance of
  219.93 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found;

THENCE North 61°34'44" East over and across the remainder of said 134.62 acre tract, a distance of 50.00 feet to the POINT OF BEGINNING and containing 0.727 of one acre (31,667 Square Feet) of land, more or less.

This project is referenced for all bearing and coordinate basis to the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83 – 2011 Adjustment), Central Zone (4203).

Distances and areas shown hereon are grid values represented in U.S. Survey Feet.

This property description was prepared from an on-the-ground survey performed under my supervision and is accompanied by a separate plat of even date.

Travis S. Vabor

Registered Professional Land Surveyor

State of Texas No. 6428

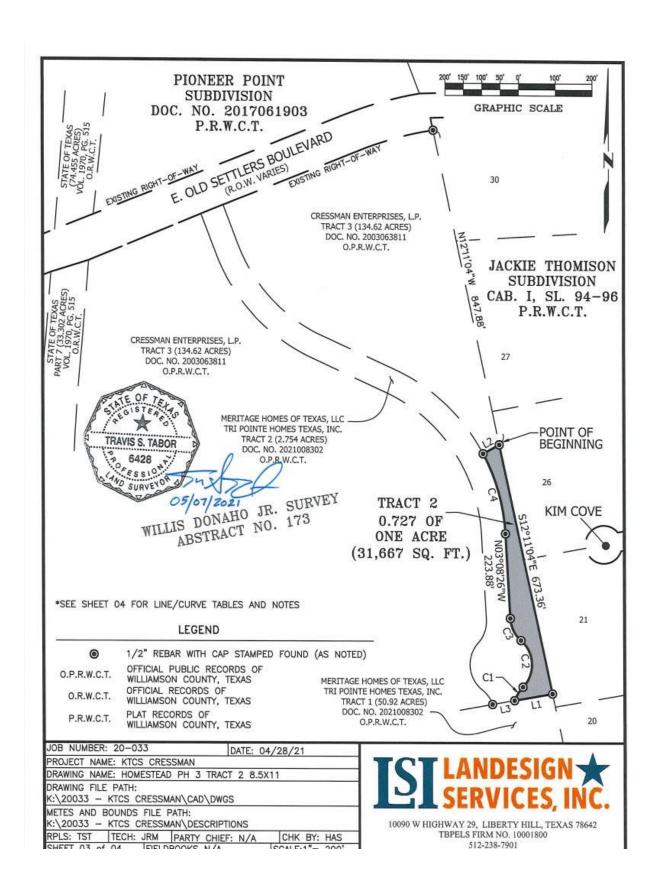
Job Number: 20-033

Attachments: L:\20033 - KTCS Cressman\CAD\DWGs\Homestead PH 3 Tract 2 8.5x11.dwg



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Sheet 2 of 4



		С	urve Table		
Curve #	Radius	Length	Delta	Chord Bearing	Chord
C1	90.00'	42.19'	26*51'26"	N31° 29' 34"E	41.80'
C2	84.00'	138.36	94'22'38"	N02* 16' 01"W	123.24
C3	82.50'	66.69'	46"18'55"	N26* 17' 53"W	64.89'
C4	502.50'	221.72	25"16'51"	N15* 46' 51"W	219.93

Line Table				
Line #	Direction	Length		
L1	S80° 08' 57"W	103.76		
L2	N61" 34' 44"E	50.00'		
L3	S80* 08' 57"W	60.87		

#### GENERAL NOTES:

THIS PROJECT IS REFERENCED FOR ALL BEARING AND COORDINATE BASIS TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83 - 2011 ADJUSTMENT), CENTRAL ZONE (4203).

DISTANCES SHOWN HEREON ARE GRID VALUES REPRESENTED IN U.S. SURVEY FEET.

SOME FEATURES SHOWN HEREON MAY BE OUT OF SCALE FOR CLARITY.

THIS SURVEY PLAT ACCOMPANIES A METES AND BOUNDS DESCRIPTION OF EVEN DATE.

JOB NUMBER: 20-033

PROJECT NAME: KTCS CRESSMAN

DRAWING NAME: HOMESTEAD PH 2 TRACT 2 8.5X11

DRAWING FILE PATH:

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METES AND BOUNDS FILE PATH:

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RPLS: TST | TECH: JRM | PARTY CHIEF: N/A | CHK BY: HAS

SHEET 04 of 04 | EIELDBOOKS N/A | ISCALE:17-2001



## **EXHIBIT "A-3"**



10090 W Highway 29 | Liberty Hill, Texas 78642 TBPELS Firm No. 10001800 | 512-238-7901 office

EXHIBIT " "

### METES AND BOUNDS DESCRIPTION

BEING 2.754 ACRES OF LAND, SURVEYED BY LANDESIGN SERVICES, INC., SITUATED IN THE WILLIS DONAHO JR SURVEY, ABSTRACT NO. 173 IN WILLIAMSON COUNTY, TEXAS AND BEING ALL OF A CALLED 2.754 ACRE TRACT OF LAND DESCRIBED AS TRACT 2 IN A SPECIAL WARRANTY DEED TO MERITAGE HOME OF TEXAS, LLC AND TRI POINTE HOMES TEXAS, INC., RECORDED IN DOCUMENT NO. 2021008302 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch rebar with cap stamped "LSI SURVEY" found for the Northwest corner of said 2.754 acre tract, and in the North line of a called 134.62 acre tract of land described as Tract 3 in a Warranty Deed to Cressman Enterprises, L.P., recorded in Document No. 2003063811 of said O.P.R.W.C.T., also being in the existing South right-of-way line of E. Old Settlers Boulevard – County Road 113 (R.O.W. Varies), from which a 1" pipe found for the Northwest corner of said 134.62 acre tract and the Northeast corner of a called 33.302 acre tract of land described as Part 7 in a deed to the State of Texas, as recorded in Volume 1970, Page 515 of the Official Records of Williamson County, Texas (O.R.W.C.T.), also being in said existing South right-of-way line of E. Old Settlers Boulevard, bears South 67°57'23" West a distance of 331.57 feet;

THENCE with the North line of said 2.754 acre tract and the existing South right-of-way line of said E. Old Settlers Boulevard, the following two (2) courses and distances:

- North 67°57'23" East a distance of 15.75 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found; and
- North 68°37'07" East a distance of 49.25 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found for the Northeast corner of said 2.754 acre tract;

THENCE with the East line of said 2.754 acre tract, the following eight (8) courses and distances:

 South 21°22'53" East a distance of 110.88 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found;



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Page 1 of 5

- Along a curve to the Left having a radius of 437.50 feet, an arc length of 341.19 feet, a
  delta angle of 44°40'59", and a chord which bears South 43°43'22" East a distance of
  332.61 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found;
- South 66°03'52" East a distance of 219.26 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found;
- 4. Along a curve to the Right having a radius of 502.50 feet, an arc length of 551.86 feet, a delta angle of 62°55'26", and a chord which bears South 34°36'09" East a distance of 524.54 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found;
- South 03°08'26" East a distance of 223.88 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found;
- 6. Along a curve to the Left having a radius of 82.50 feet, an arc length of 66.69 feet, a delta angle of 46°18'55", and a chord which bears South 26°17'53" East a distance of 64.89 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found;
- 7. Along a curve to the Right having a radius of 84.00 feet, an arc length of 138.36 feet, a delta angle of 94°22'38", and a chord which bears South 02°16'01" East a distance of 123.24 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found;
- 8. Along a curve to the Left having a radius of 90.00 feet, an arc length of 42.19 feet, a delta angle of 26°51'26", and a chord which bears South 31°29'34" West a distance of 41.80 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found, from which a 1/2-inch rebar with cap stamped "LSI SURVEY" found in the East line of said 134.62 acre tract and in the West line of Lot 21, JACKIE THOMISON SUBDIVISION, a subdivision of record in Cabinet I, Slide 94-96 of the Plat Records of Williamson County, Texas (P.R.W.C.T.), bears North 80°08'57" East a distance of 103.76 feet;

THENCE South 80°08'57" West with the South line of said 2.754 acre tract and the common North line of a called 50.92 acre tract of land described as Tract 1 to Meritage Homes of Texas, LLC and Tri Pointe Homes Texas, Inc., a distance of 60.87 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found;

THENCE with the West line of said 2.754 acre tract, the following eight (8) courses and distances:

- Along a curve to the Left having a radius of 90.00 feet, an arc length of 49.10 feet, a delta
  angle of 31°15'33", and a chord which bears North 36°42'32" West a distance of 48.50
  feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found;
- Along a curve to the Right having a radius of 84.00 feet, an arc length of 140.03 feet, a
  delta angle of 95°30'48", and a chord which bears North 04°34'55" West a distance of
  124.37 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found;



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Page 2 of 5

- Along a curve to the Left having a radius of 82.50 feet, an arc length of 66.69 feet, a delta
  angle of 46°18'55", and a chord which bears North 20°01'02" East a distance of 64.89
  feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found;
- North 03°08'26" West a distance of 223.88 feet to 1/2-inch rebar with cap stamped "LSI SURVEY" found;
- Along a curve to the Left having a radius of 437.50 feet, an arc length of 495.05 feet, a
  delta angle of 64°49'58", and a chord which bears North 35°33'25" West a distance of
  469.06 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found;
- North 65°59'47" West a distance of 204.69 feet to 1/2-inch rebar with cap stamped "LSI SURVEY" found;
- 7. Along a curve to the Right having a radius of 502.50 feet, an arc length of 391.88 feet, a delta angle of 44°40'59", and a chord which bears North 43°43'22" West a distance of 382.03 feet to a 1/2-inch rebar with cap stamped "LSI SURVEY" found; and
- North 21°22'53" West a distance of 110.70 feet to the POINT OF BEGINNING and containing 2.754 acres of land, more or less.

This project is referenced for all bearing and coordinate basis to the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83 – 2011 Adjustment), Central Zone (4203).

Distances and areas shown hereon are grid values represented in U.S. Survey Feet.

This property description was prepared from an on-the-ground survey performed under my supervision and is accompanied by a separate plat of even date.

Travis S. Tabor

Registered Professional Land Surveyor

State of Texas No. 6428

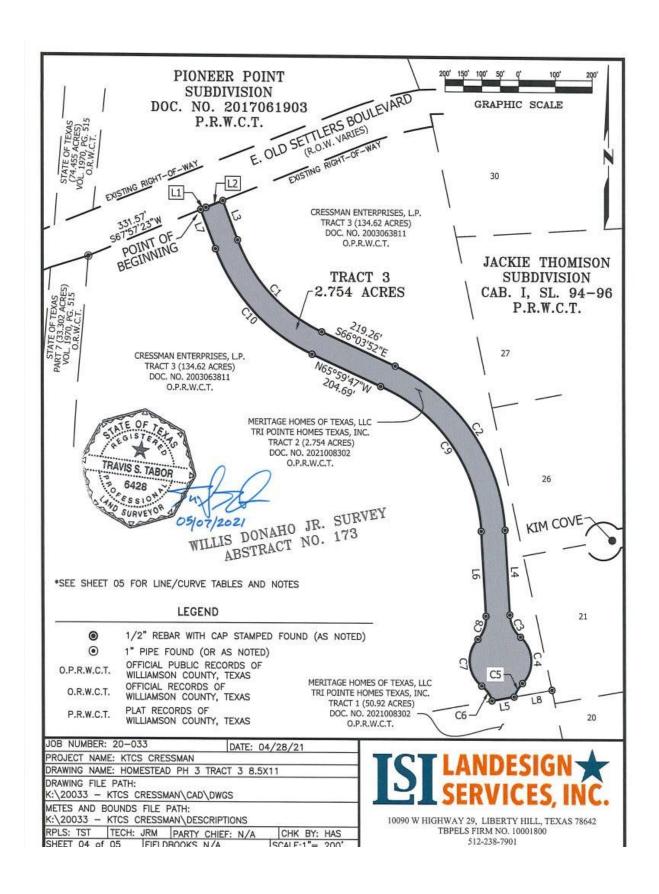
Job Number: 20-033

Attachments: L:\20033 - KTCS Cressman\CAD\DWGs\homestead Ph 3 Tract 3 8.5x11.dwg



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		C	urve Table		
Curve #	Radius	Length	Delta	Chord Bearing	Chord
C1	437.50'	341.19'	44'40'59"	S43° 43' 22"E	332.61
C2	502.50	551.86	62'55'26"	S34° 36' 09"E	524.54
C3	82.50'	66.69	46"18'55"	S26" 17" 53"E	64.89
C4	84.00'	138.36	94*22'38"	S02" 16' 01"E	123.24'
C5	90.00'	42.19'	26*51'26"	S31° 29′ 34″W	41.80'
C6	90.00'	49.10'	31"15'33"	N36' 42' 32"W	48.50'
C7	84.00'	140.03	95*30'48"	N04° 34' 55"W	124.37'
C8	82.50'	66.69'	46"18'55"	N20° 01' 02"E	64.89
C9	437.50'	495.05'	64*49'58"	N35' 33' 25"W	469.06'
C10	502.50'	391.88	44'40'59"	N43* 43' 22"W	382.03

8	Line Table	
Line #	Direction	Length
L1	N67° 57' 23"E	15.75
L2	N68* 37' 07"E	49.25
L3	S21" 22' 53"E	110.88'
L4	S03' 08' 26"E	223.88
L5	S80° 08' 57"W	60.87
L6	N03' 08' 26"W	223.88'
L7	N21" 22' 53"W	110.70
L8	N80° 08' 57"E	103.76

#### GENERAL NOTES:

THIS PROJECT IS REFERENCED FOR ALL BEARING AND COORDINATE BASIS TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83 - 2011 ADJUSTMENT), CENTRAL ZONE (4203).

DISTANCES SHOWN HEREON ARE GRID VALUES REPRESENTED IN U.S. SURVEY FEET.

SOME FEATURES SHOWN HEREON MAY BE OUT OF SCALE FOR CLARITY.

THIS SURVEY PLAT ACCOMPANIES A METES AND BOUNDS DESCRIPTION OF EVEN DATE.

JOB NUMBER: 20-033 DATE: 04/28/21

PROJECT NAME: KTCS CRESSMAN

DRAWING NAME: HOMESTEAD PH 3 TRACT 3 8.5X11

DRAWING FILE PATH:

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METES AND BOUNDS FILE PATH:

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RPLS: TST | TECH: JRM | PARTY CHIEF: N/A | CHK BY: HAS

SHEFT 05 of 05 | FIFI DROOKS N/A | SCALE:1" - 200'



512-238-7901

EXHIBIT "B"
<u>EXHIBIT "B"</u> Petition to City Requesting Consent to Annexation of Townhome Tract into District

# EXHIBIT "C" City Resolution Consenting to Annexation of Townhome Tract into District

# EXHIBIT "D" Updated Concept Plan

[attached]

