FOR SALE ±40 ACRES in ETJ

2790 Mathias Lane Kyle, TX 78640





LOCATION Property is between Kyle and

Niederwald.

SIZE Approximately 40 acres

FRONTAGE/ Approximately 540' on Mathias Ln. and approximately 350' on Peaceful Valley Rd

UTILITIES Goforth Water, No Sewer

ZONING City of Kyle's extra territorial jurisdiction

(EIJ

TOPOGRAPHY Relatively level with natural drainage

areas apparent.

FLOOD Approximately 9 acres lies in the FEMA

HAZARD floodplain. See attached map.

SCHOOL HAYS CISD

DISTRICT

JURISDICTION City of Kyle

PRICE \$3,000,000

MALLISTER &ASSOCIATES

REAL ESTATE SERVICE

201 Barton Springs Road Austin, Texas 78704 (512)472-2100 FAX: (512)472-2905

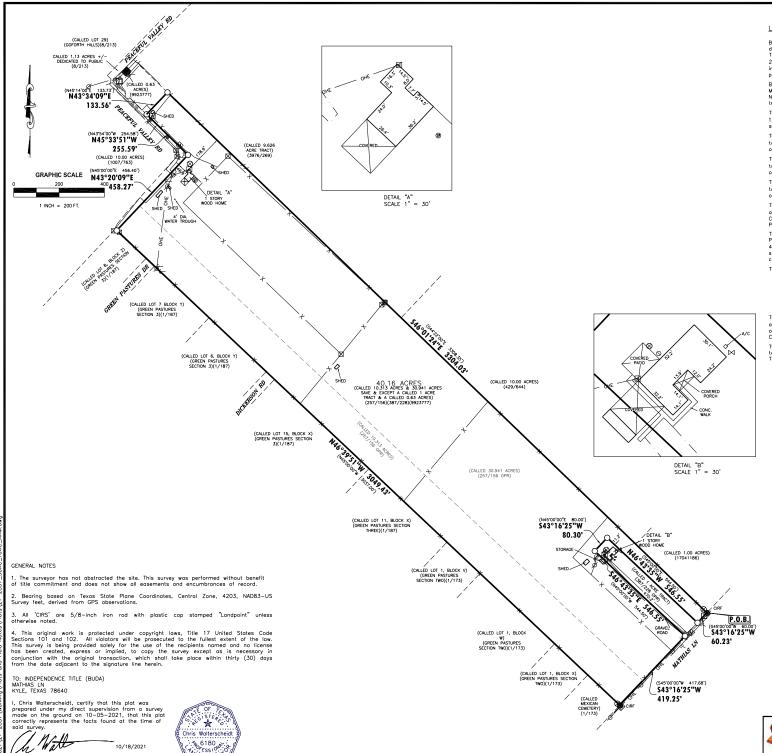
CONTACT Anthony Kuri Office: (512) 472-2100 Anthony@matexas.com

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+/-40 ac Wehbe Tract

BGE, Inc. Tel: 281-558-8700 Fax: 281-558-9701



Texas R.P.L.S. No. 6180

LEGAL DESCRIPTION

Being 40.16 acres situated in the Samuel Little, Abstract No. 286, being the same tract described in deed recorded in Volume 257, Page 156, Official Public Records, Hoys County, Texas, save and except a called 1 acre tract described in deed recorded in Volume 387, Page 228, Official Public Records, Hoys County, and a called 0.63 acres described in deed recorded in Document No. 9923777, Official Public Records, Hoys County, and called 0.63 acres described in deed recorded in Document No. 9923777, Official Public Records, Hoys County, Texas, and being more particularly described as follows:

BEGINNING at 1/2 inch iron rod with plastic surveyor's cop found in the Northwest line of Mathias Lane, at the South corner of a called 1.00 acres described in deed recorded in Doc. No. 17041186, Official Public Records, Hays County, Texas, and for the East corner of this tract;

Thence, with Northwest line of soid Mathios Lane, S 4316'25' W, a distance of 60.23 feet to a 1/2 inch iron rod with plastic surveyor's cap stamped 'Landpoint' set at the East corner of soid 1 acre tract, and for a Southeast angle corner of this tract;

Thence, with the Northeast line of said 1 acre tract, N 46'43'35' W, a distance of 546.55 feet to a 1/2 inch iron rod with plastic surveyor's cap stamped 'Landpoint' set at the North corner of said 1 acre tract, and for a Southeast angle corner of this tract).

Thence, with the Northwest line of said 1 acre tract, S 43°16′25° W, a distance of 80.30 feet to a 1/2 inch iron rod with plastic surveyor's cap stamped 'Landpoint' set at the West corner of said 7 acre tract, and for a Southeast angle corner of this tract;

Thence, with the Southwest line of said 1 acre tract, S $46^{\circ}43^{\circ}35^{\circ}$ E, a distance of 546.55 feet to a 1/2 inch iron rad with plastic surveyor's cap stamped Landpoint's et at the South corner of said 1 acre tract, and for a Southeast angle corner of this tract;

Thence, with Northwest line of sold Mathias Lane, S 4316'25' W, a distance of 419.25 feet to a 1/2 inch iron rod with plastic surveyor's cap found at the East corner of a called Mexican Cemetery described in plat of Green Pastures Section Two, recorded in Volume 1, Page 173, Plat Records, Hays County, Texas, and for the South corner of this tract;

Thence, with the Northeast line of said Green Pastures Section Two and a called Green Postures Section 3, recorded in Volume 1, Page 187, Plat Records, Hays County, Iraos, N 463°951° N. od istance of 3094.43 feet to a 1/2 inch inror od with plastic surveyor's cap stamped Landpoint' set in the Southeast line of Pacceful Valley Rd, at the North corner of colled Lot 8, Block 2, in said Green Pastures Section 3, for a Northwest corner of this tract;

Thence, with the Southeast/Northeast line of Peaceful Valley Rd the following two (2) courses:

- N 43"20"09" E, a distance of 458.27 feet to a 1/2 inch iron rod with plastic surveyor's cap stamped "Landpoint" set for a Northwest angle corner of this tract;
- 2. N 45'33'51" W, a distance of 255.59 feet to a 1/2 inch iron rod with plastic surveyor's cap stamped Landpoint" set at the South corner of soid 0.63 acres, and for a Northwest angle corner of this tract;

Thence, with the Southeast line of soid 0.63 acres, N 43'34'09' E, a distance of 133.56 feet to a 1/2 inch iron rod with plotatic surveyor's cop stamped Landpoint's etin the Southwest line of a called 9.626 acres recorded in Volume 39'76, Page 269, Official Public Records, Hays County, Texos, and for the North corner of this tract;

Thence, with the Southwest line of said 9.626 acres, S 46'01'24" E, a distance of 3304.03 feet to the POINT OF BEGINNING, containing 40.16 acres of land, more or less, in Hays County, Texos.

LEGEND / ABBREVIATIONS LOT LINE ADJOINER LINE BOUNDARY LINE

BOUNDARY LINE
CENTERLINE
ASPHALT
GRAVEL
X WIRE FENCE
WOOD FENCE
OHE
OVERHEAD ELEC LINE
IRON ROOD FOUND

© COTTON SENDLE FOUND

CAPPED RON ROD SIZE

ELECTRIC METER

Ø POWER POLE

SERVICE POLE

GUY WIRE

GDP PROPARE TANK

® SEPTIC LID

TELEPHONE PEDESTAL

WATER VALVE

WATER METER

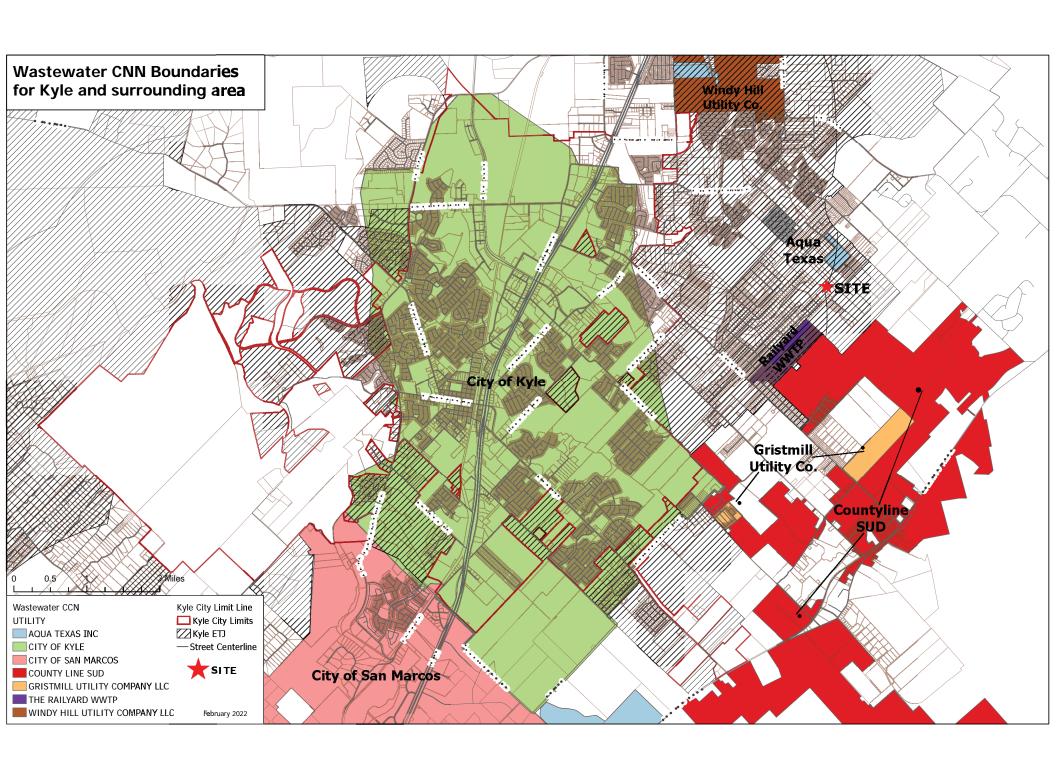
SEPTIC LID
TELEPHONE PEDESTAL
WATER VALVE
W WATER METER
FINE HYDRANT
IRRIGATION CONTROL VALVE
WALBOX
CIRF CAPPED IRON ROD FOUND

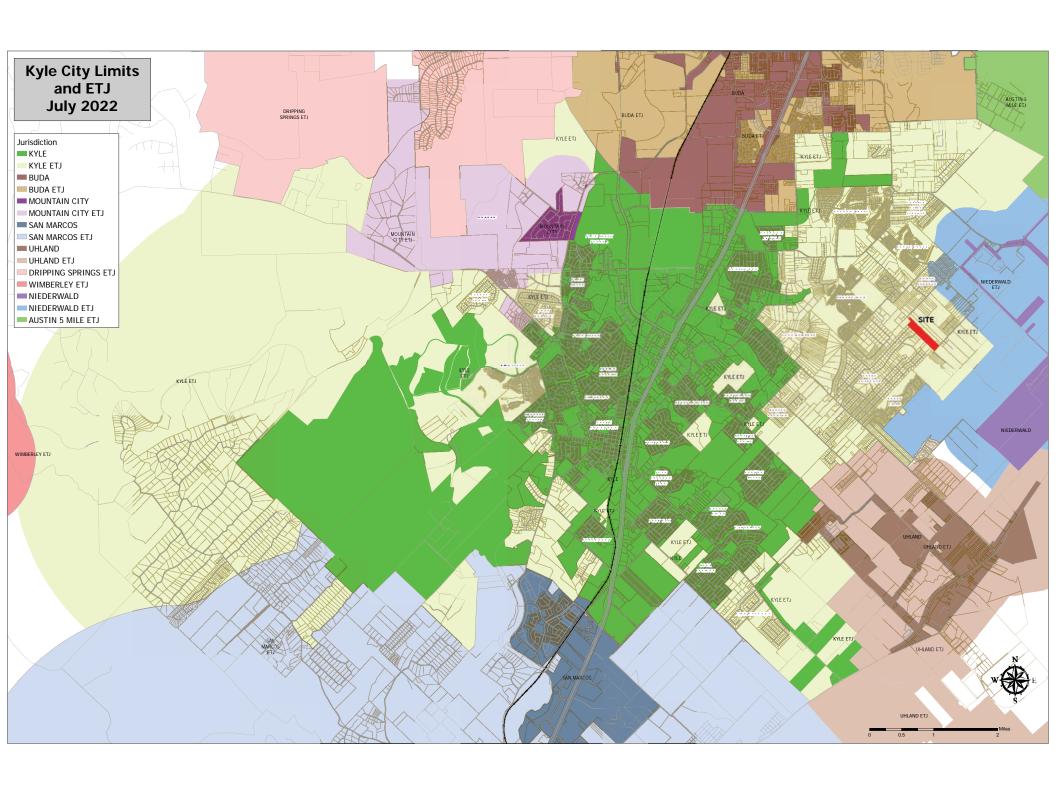
EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION OF BOUNDARY & IMPROVEMENT SURVEY OF 40.16 ACRES,
SITUATED IN THE SAMUEL LITTLE SURVEY,

ABSTRACT NO. 286 HAYS COUNTY, TEXAS



500 NORTH LOOP 1604 EAST, SUITE 200 SAN ANTONIO, TX 78232 (318) 226–0100 www.londpoint.net TBPELS REG. NO. 10193814 SHEET 1 OF 1







Wehbe Tract City of Kyle ETJ, Hays County Development Assessment November 18, 2022

Current Site Status

Location: South and west of Mathias Lane, south and east of Peaceful Valley Road, north of Lakeland Drive, Kyle ETJ, Hays County.

• R15987 – 39.13 ac (Charles Wehbe)

• R93183 – 0.63 ac (Eustacio Moreno Jr. Life Estate)

Total - 39.76 ac

Net Developable – approx. 30 acres

Current Use: Agricultural. Residential improvements make up about 1,730 square feet of living area.

Adjacent Use: Agricultural with some existing homesteads. Camino Real Elementary School is approx. 1.8 miles east of the property. Dingers baseball and softball facility is about 1 mile northeast. Lehman High School resides about 3 miles southwest. Along I-35 west of the tract reside a Home Depot, an HEB, Lowe's, Target, and Ascension Seton Hays Hospital.

Jurisdiction: The site is located within City of Kyle ETJ in Hays County.

Existing Zoning: N/a
Emergency Services:
Hays County ESD #9
Hays County Fire ESD #5
School District: Hays CISD

Electric: Overhead electric along Mathias Lane and along Peaceful Valley Road. Provider is

Pedernales Electric Cooperative.

Gas: No gas lines on site

Easements: Further research into the title survey will be required. **Special Districts:** Plum Creek Ground Water Conservation District

Utility Service

Water Service

Water Service Provider: Goforth SUD (CCN 11356)

Impact Fee: \$5,500 per single family residential meter equivalent

• 5/8 inch Meter = 1 service unit

• 3/4 inch Meter = 1.5 service units



1 inch Meter = 2.5 service units

• 1.5 inch Meter = 5 service units

• 2 inch Meter = 8 service units

Proposed Connection Point: Goforth SUD has an 8" line running along Mathias Lane.

Notes: Confirm capacity with purveyor

Wastewater Service

Wastewater Service Provider: Not within a CCN; closest provider is Aqua Texas Inc. (CCN 21116) approx. 950 feet north of the tract. There is also County Line SUD (CCN 21119) and Railyard Utility Company LLC (CCN 20875) about half a mile south of the site.

Fees: Agua Texas Inc. sewer tap fee is \$650. Their LUE fees are as follows:

LUE	Water			Wastewater		
1	\$	1,394.00	\$	2,785.00		
1.5	\$	2,091.00	\$	4,177.50		
2.5	\$	3,485.00	\$	6,962.50		
5	\$	6,970.00	\$	13,925.00		
8	\$	11,152.00	\$	22,280.00		
16	\$	22,304.00	\$	44,560.00		
25	\$	34,850.00	\$	69,625.00		
50	\$	69,700.00	\$	139,250.00		
80	\$	111,520.00	\$	222,800.00		
115	\$	160,310.00	\$	320,275.00		
215	\$	299,710.00	\$	598,775.00		

County Line SUD has a wastewater impact fee of \$1,250.

Proposed Connection Point: County Line SUD has an existing 12" gravity main along Plum Creek Road beginning approx. 2.5 miles southeast of the site. County Line SUD also has a proposed Porter Creek Gravity Main approx. 1.7 miles south of the site and a proposed force main approx. 2.8 miles southeast of the site. In addition, there are plans for a WWTP about 1.9 miles southeast of the property. Aqua Texas line sizes and capacity are pending response from Laura Schroeter (LBSchroeter@aquaamerica.com).

Notes: Confirm capacity with purveyor.

Roadway Access

Mathias Lane (CR 123): County roadway with about 50' existing right of way and a pavement width of about 20 feet. The Tract has approximately 536' of frontage on Mathias Lane with one existing driveway into the property. There are no culverts along the frontage.

Peaceful Valley Road (CR 1050): County roadway with about 40' existing right of way and a pavement width of about 20 feet. The Tract has approximately 600' of frontage on Peaceful Valley Road with a section of the road going into the tract and leading to residential properties on site.



Connections: Possible connections to Dickerson Road and Green Pastures Drive on the southern side of the property. There is also a private roadway off of Mathias Lane and fronting the southeastern border of the property for about 930 feet.

Future Roadways: No future city, county, or TxDOT plans impact the site **Adjacent Lane Mile Fee:** Per Kyle Code of Ordinances, Section 41-137(p):

	А	В	С
	Land Use Category	Trips per Day	Cost Multiplier
1	Single-Family Detached	9.52	\$129.00
2	Single-Family Attached	5.81	\$ 65.00
3	Multifamily	6.65	\$ 81.00
4	Office	11.03	\$112.00
5	Retail	44.32	\$ 34.00
6	Shopping Center	42.7	\$ 40.00
7	Warehouse/Storage	3.56	\$129.00
8	Manufacturing	3.82	\$118.00
9	Industrial	6.97	\$ 71.00
10	Institutional	12.7	\$ 51.00

Drainage and Floodplain

Floodplain Categories: The Tract contains approx. 6.8 ac of floodplain (Zones AE and X) per FEMA FIRM Panel 48209C0293F (eff. 9/2/2005).

Watershed: Plum Creek

Jurisdictional Waters: Approx. 1,200 feet of USGS Blue Line streams present onsite.

Ponds: There are no ponds present onsite according to the National Wetlands Inventory (NWI). **Detention:** Detention will be required by Hays County to mitigate the increase in flow from the 2-, 5-, 10-, 25-, and 100-year storm events. Hays County Development Regulations, Chapter 725, Section 3.02.

SWPPP: A SWPPP and an NOI will be required for the construction phase.

Flow Patterns: There are numerous high points surrounding the tract. The site slopes toward the middle of the property where the floodplain and wetland streams are. The slopes on site are about 1%.

Water Quality/Environmental



Water Quality: BMPs shall be designed, installed, implemented, and maintained to prevent the discharge of pollutants to the city's MS4. City of Kyle Code of Ordinances, Section 50-410. In addition, the site is within Plum Creek Conservation District. Coordination will be required to understand regulations regarding being within this district, such as their Management Plan and Groundwater Rules.

Environmental: Erosion and Sedimentation Controls and Tree Protection Measures to be implemented. Temporary ESCs are required for all construction activities until permanent revegetation has been established, per City of Kyle's Code of Ordinances, Section 50-410.

Endangered Species: The site is not within the Golden-cheeked Warbler Habitat **Buffer Zones:** Per Hays County Development Regulations, Chapter 761, Section 5.03:

Stream Contributing Area	Width/Offset (feet, each	Total width
(Acres)	side of centerline)	(feet)
32 to 120	100	200
120 to 300	150	300
300 to 640	200	400
Greater than 640	300	600

Where a 100-year floodplain or flood hazard area has been identified, the buffer zone shall encompass the 100-year floodplain plus 25 feet beyond the edge of the floodplain. Buffers would lead to an impact of about 3 acres. Kyle Code of Ordinances Section 17-24 also states that FEMA Zona AE streams shall have a 100-foot setback extending on either side of the stream centerline or 25 feet measured from the floodway boundary, whichever is greater. Non-FEMA streams require a 100-foot setback.

Zoning & Development Guidelines

Existing Zoning: N/a
Proposed Zoning: R-1-2

• Lot Sizes: Minimum lot square footage is 6,825 square feet. The minimum lot street line width is 65 feet. Kyle Code of Ordinances Section 41-136

Future Land Use:

 Per Kyle's Land Use Districts and ETJ map from 2020, the property is partially within the Heritage Community. The Heritage district serves to encourage growth while preserving the cultural history of the district. In this district, R-1-3 and Community Commercial are listed as Conditional while Neighborhood Commercial is listed as Recommended. R-1-1



and R-1-2 are also Recommended, per Kyle's Comprehensive Plan (2017 update, Amended July 2, 2019 and Sept. 3, 2019).

Roadways: Per the City of Kyle Code of Ordinances, Section 41-137:

Standard Category	Pavement Width	Right-of-Way Width
	(in feet)	(in feet)
Residential lane	28	60
Local street	30—36	60
Collector street	38	60
Arterial street	<u>44</u> —48	80
Major thoroughfare	66—70	100—120

Street Classification Minimum Curve Radius					
	to Centerline of Street (in feet)				
Local street	275				
Collector street	375				
Arterial street	725				
Major thoroughfare 1,000					

Usage Area	Pavement Radius	Right-of-Way Radius
	(in feet)	(in feet)
Residential	45	55
Commercial/industrial	50—65	60—75

Per Hays County Development Regulations:



Table 721.02 - Design Requirements Based on Roadway Classification

	ı	ı	Urbanized	1	1	I	I
Functional	Country	Local	Local	Minor	Major	Minor	Major
Classification	Lane	Roadway	Roadway	Collector	Collector	Arterial	Arterial
AASHTO	Special	Local	Special	Rural	Rural	Rural	Rural/Urban
Classification	Purpose	Rural	Purpose	Collector	Collector	Arterial	Arterial
Average Daily Traffic	Not more	101-	Not more	1001-	2501-	5001-	More than
(ADT - one way trips*)	than 100	1000	than 1000	2500	5000	15000	15,000
Design Speed (mph)	25 mph	25 mph	25 mph	35 mph	45 mph	55mph	**
No. of Travel Lanes	2	2	2	2	2	4	**
Turn Lanes	No	No	No	**	**	**	**
Min. ROW Width (ft)	50	60	40	60	80	100	**
Building Setback (ft)	25	25	25	25	50	50	50
Width of Travelway (ft)	18	20	18	22	24	48	**
Width of Shoulders (ft)	2	4	2	5	6	8	**
Minimum Centerline							
Radius (ft)	200	300	200	375	675	975	**
Min. Tangent Length							
between Reverse or							
Compound Curves (ft)	50	100	50	150	300	500	**
Min. Radius for Edge of			2.5		2.5	2.5	**
Pavement at	25	25	25	25	25	25	**
Intersections (ft) Intersection Street							
Angle Range (degrees)	80-100	80-100	80-100	80-100	80-100	80-100	**
Max. Grade (%):	11	11	10	10	9	8	**
Min. Street Centerline	11	11	10	10	9	0	
offset at Adjacent							
Intersections (ft)	110	125	110	125	125	125	**
Min. Stopping Sight							
Distance (ft)	175	175	175	250	350	550	**
Min. Intersection Sight							
Distance (ft)	250	250	250	350	450	550	**
Ditch Foreslope Grade	4:01	4:01	4:01	5:01	5:01	6:01	**
Ditch Backslope Grade	3:01	3:01	3:01	4:01	4:01	4:01	**
Min. Cul-de-sac ROW/							
Pavement Radius (ft)	70/45	70/45	70/45	70/45	N/A	N/A	N/A
Min. "T" End ROW/							
Pavement Length (ft)	80/65	80/65	80/65	N/A	N/A	N/A	N/A
Min. "T" End ROW/							
Pavement Width &	40/20	40/20	40/20	NI/A	NI/A	NI/A	NI/A
Radius (ft)***	40/20	40/20	40/20	N/A	N/A	N/A	N/A
Min. Lot Frontage (ft)	30	50	30	100	150	150	150
Min. Drive Spacing (ft) Notes:	50	50	50	75	120	120	120

Driveways: Designed as shown in Table 721.02 above.

Block Length: Per Kyle Code of Ordinances, Section 41-135: Blocks shall be not more than 1,000 feet in length, and shall be, at minimum, bounded on either end of the long axis by a local street. Block length, up to 1,200 feet, may be approved for good and sufficient reasons.

Parkland Dedication:

Per Kyle Code of Ordinances, Section 41-147: One acre for each 75 proposed dwelling units. Per the Hays County Development Regulations: Parkland shall be dedicated at a rate of 1 acre per 50 acres. Subdivisions where the property is less than 50 acres are exempt from making provisions for Parkland.

Notes:
All residential driveways shall be constructed a minimum of 5' from edge of property lines or easement line.
All commercial driveways shall be constructed a minimum of 15' from edge of property lines or easement line.
*ADT shall be based on an average of 10 one-way trips per dwelling unit per day for residential lots. ADT calculations for commercial or other lots shall approved by the Department on a case-by-case basis.

** Noted elements shall be approved by the County Engineer on a case-by-case basis.

*** "T' End Designs must conform to minimum AASHTO StandardsAASHTO — American Association of State Highway and Transportation Officials
Building Setback — Minimum building setback, in feet, applicable to each side of the roadway



Parkland Dedication Fee In-Lieu: \$750 per dwelling unit per Kyle's Code of Ordinances, Appendix A

Park Development Fee: \$750 per dwelling unit per Kyle's Code of Ordinances, Appendix A **Tree Ordinance:** Per Kyle Code of Ordinances, Section 54-12: Protected trees are those with a diameter between 12 and 25 inches. Specimen trees are those with a diameter 25 inches or greater. The removal of any protected tree with a diameter of 12 inches or larger must be specifically requested by the applicant and approved in writing by the director of planning and community development or his/her designee prior to any action being taken to remove the tree or to damage or disturb the tree in any way.



Information About Brokerage Services

Texas law requires all real estate license holders to give the following information about brokerage services to prospective buyers, tenants, sellers and landlords.

TYPES OF REAL ESTATE LICENSE HOLDERS:

- A BROKER is responsible for all brokerage activities, including acts performed by sales agents sponsored by the broker.
- A SALES AGENT must be sponsored by a broker and works with clients on behalf of the broker.

A BROKER'S MINIMUM DUTIES REQUIRED BY LAW (A client is the person or party that the broker represents):

- Put the interests of the client above all others, including the broker's own interests;
- Inform the client of any material information about the property or transaction received by the broker;
- Answer the client's questions and present any offer to or counter-offer from the client; and
- Treat all parties to a real estate transaction honestly and fairly.

A LICENSE HOLDER CAN REPRESENT A PARTY IN A REAL ESTATE TRANSACTION:

AS AGENT FOR OWNER (SELLER/LANDLORD): The broker becomes the property owner's agent through an agreement with the owner, usually in a written listing to sell or property management agreement. An owner's agent must perform the broker's minimum duties above and must inform the owner of any material information about the property or transaction known by the agent, including information disclosed to the agent or subagent by the buyer or buyer's agent.

AS AGENT FOR BUYER/TENANT: The broker becomes the buyer/tenant's agent by agreeing to represent the buyer, usually through a written representation agreement. A buyer's agent must perform the broker's minimum duties above and must inform the buyer of any material information about the property or transaction known by the agent, including information disclosed to the agent by the seller or seller's agent.

AS AGENT FOR BOTH - **INTERMEDIARY**: To act as an intermediary between the parties the broker must first obtain the written agreement of *each party* to the transaction. The written agreement must state who will pay the broker and, in conspicuous bold or underlined print, set forth the broker's obligations as an intermediary. A broker who acts as an intermediary:

- Must treat all parties to the transaction impartially and fairly;
- May, with the parties' written consent, appoint a different license holder associated with the broker to each party (owner and buyer) to communicate with, provide opinions and advice to, and carry out the instructions of each party to the transaction.
- Must not, unless specifically authorized in writing to do so by the party, disclose:
 - o that the owner will accept a price less than the written asking price;
 - o that the buyer/tenant will pay a price greater than the price submitted in a written offer; and
 - o any confidential information or any other information that a party specifically instructs the broker in writing not to disclose, unless required to do so by law.

AS SUBAGENT: A license holder acts as a subagent when aiding a buyer in a transaction without an agreement to represent the buyer. A subagent can assist the buyer but does not represent the buyer and must place the interests of the owner first.

TO AVOID DISPUTES, ALL AGREEMENTS BETWEEN YOU AND A BROKER SHOULD BE IN WRITING AND CLEARLY ESTABLISH:

- The broker's duties and responsibilities to you, and your obligations under the representation agreement.
- Who will pay the broker for services provided to you, when payment will be made and how the payment will be calculated.

LICENSE HOLDER CONTACT INFORMATION: This notice is being provided for information purposes. It does not create an obligation for you to use the broker's services. Please acknowledge receipt of this notice below and retain a copy for your records.

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Designated Broker of Firm	License No.	Email	Phone	
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Licensed Supervisor of Sales Agent/ Associate	License No.	Email	Phone	
Anthony Kuri	683724	anthony@matexas.com	512-903-1960	
Sales Agent/Associate's Name	License No.	Email	Phone	
Buyer/Tena	ant/Seller/Landlo	ord Initials Date		