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SUBDIVISION REVIEW SHEET

CASE NO: C8J-2010-0016.0A

ZAP DATE: March 15, 2011; February 1, 2011;
January 4, 2011; December 21, 2010

SUBDIVISION NAME: Resubdivision of Lot 2, Kellywood Estates Section Two

AREA: 4.14 acres

LOTS: 4

APPLICANT: Noel & Susan Kelly

AGENT: Texas Engineering Solutions
LLC (Stephen Delgado)

ADDRESS OF SUBDIVISION: 4110 Kellywood Drive

GRIDS: C-14

COUNTY: Travis

WATERSHED: Slaughter Creek

JURISDICTION: 2-Mile ETJ

EXISTING ZONING: None

PROPOSED LAND USE: Single Family

ADMINISTRATIVE VARIANCE: An Administrative Variance to 30-5-281(B) and (C) was granted on March 23, 2009 (See Attached "Exhibit A").

SIDEWALKS: Sidewalks will be provided on Kellywood Drive once curb and gutter is provided.

DEPARTMENT COMMENTS:

The request is for approval of the resubdivision namely, Resubdivision of Lot 2, Kellywood Estates Section Two. The subdivision is composed of 4 lots on 4.14 acres. The site will be serviced by an on site well for water and on-site septic for wastewater (See Attached "Well Exhibit" showing approximate locations of the well and septic fields).

The plat has been reviewed and cleared for approval by Travis County On-Site Wastewater Program for on-site septic. At the time lots are developed with structures - then individual septic permits will be applied for review and issuance.

The applicant has submitted an application to the Barton Springs/Edwards Aquifer Conservation District [BS/EACD] (See Attached "Exhibit B").

Attached is further information from Mr. Delgado (dated 11/15/2010) showing locations of water lines from an existing well on an abutting lot currently providing water to a structure on this existing Lot 2 and other nearby lot. Since the February 1st Zoning and Platting meeting - these existing water lines are being placed within the established P.U.E. and will continue to provide the water service to the other lots. The new well will be providing water to these 4 new lots as will be directed by the BS/EACD.

STAFF RECOMMENDATION:

The Single Office staff reviewed this application along with supporting materials provided by the engineer and have determined that this application meets all applicable regulations. Therefore, staff recommends approval of this resubdivision as it meets all applicable Land Development and State Local Government Code regulations.

ZONING AND PLATTING COMMISSION ACTION: 12/21/10: Postponed to 1/4/11; 1/4/11: Postponed to 2/1/11; 2/1/11: Postponed to 3/15/11.

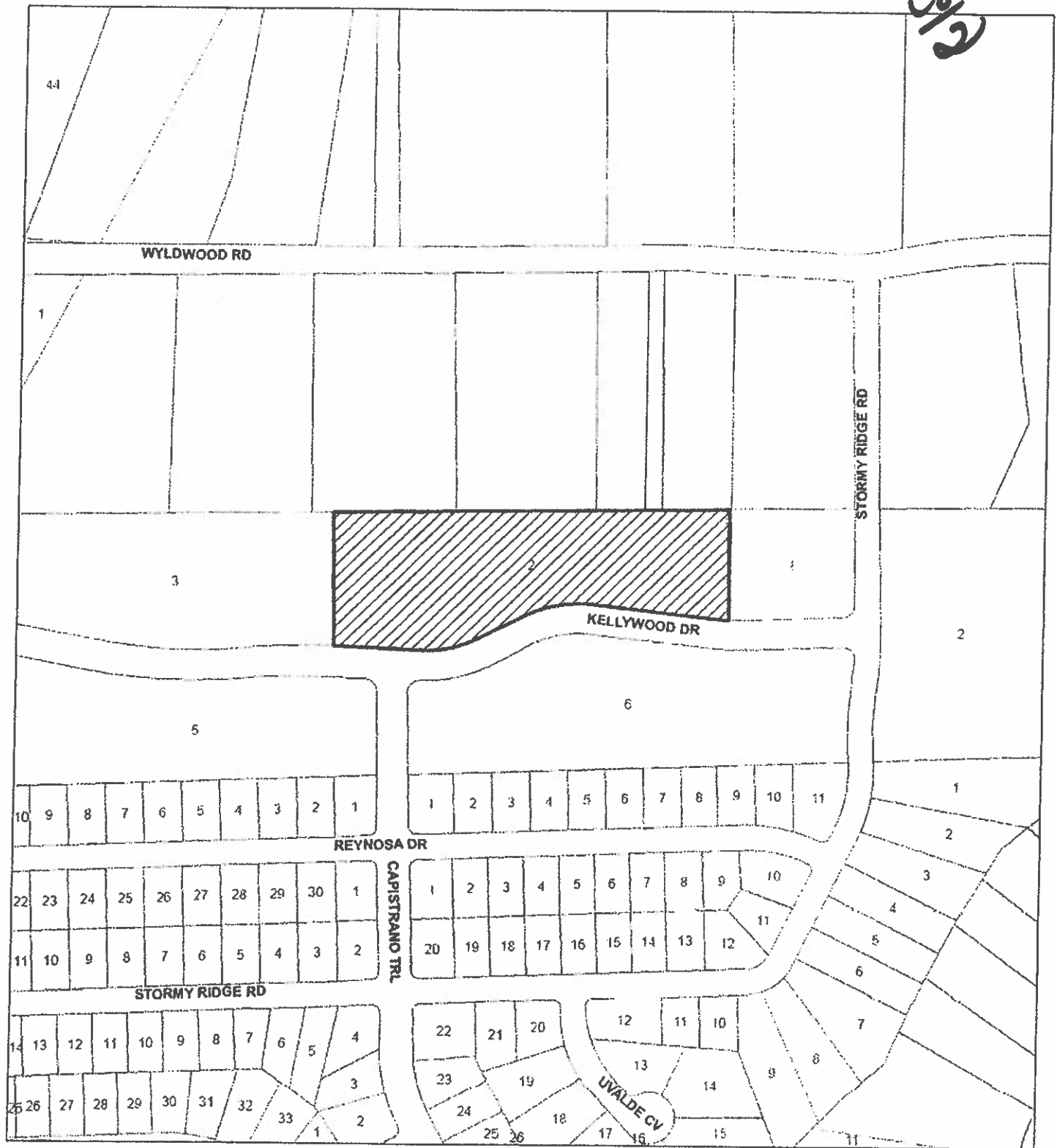
CASE MANAGER: Sylvia Limon
email address: sylvia.limon@ci.austin.tx.us



PHONE: 974-2767

Travis County: Sarah Sumner
email address: sarah.sumner@co.travis.tx.us

PHONE: 854-7687

C8
2



-  Subject Tract
-  Base Map

Kellywood Estates

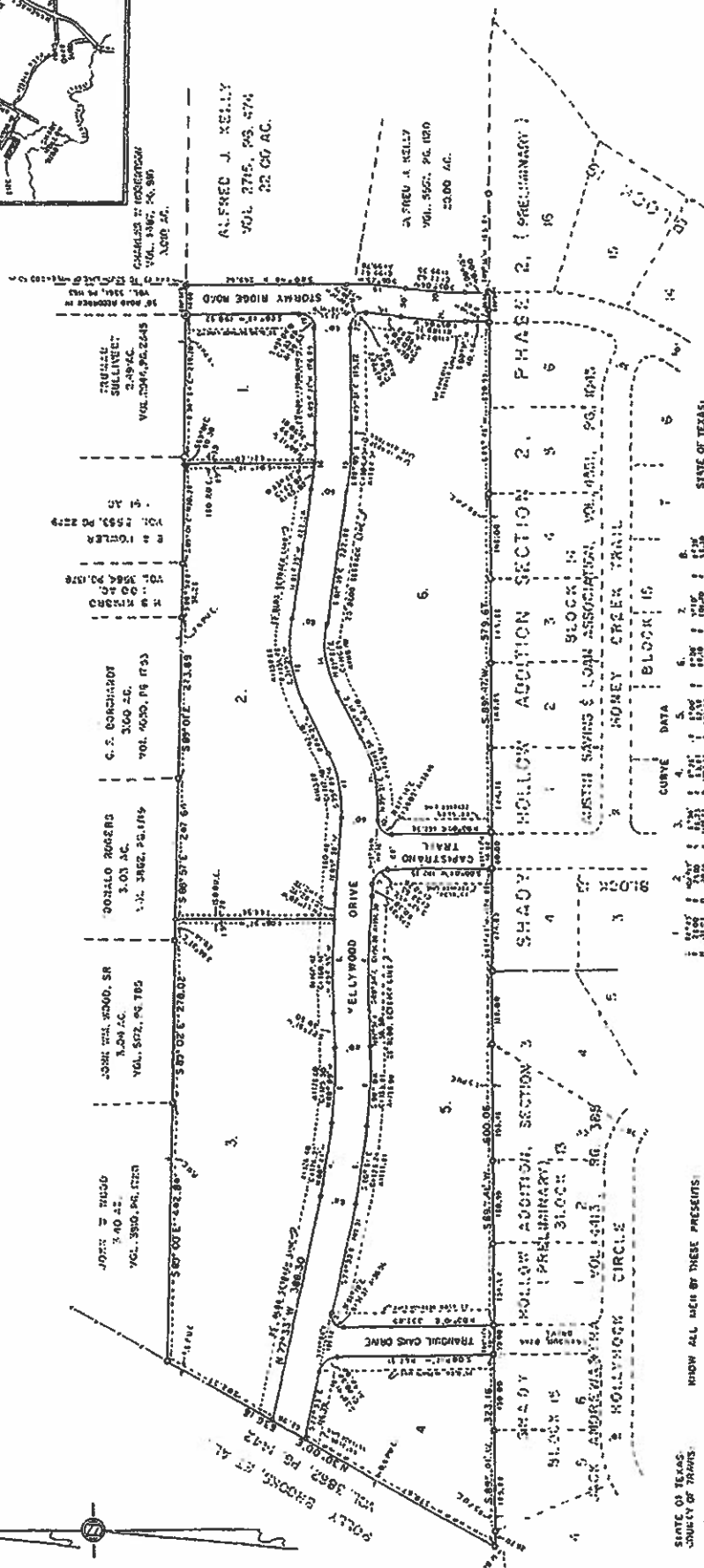
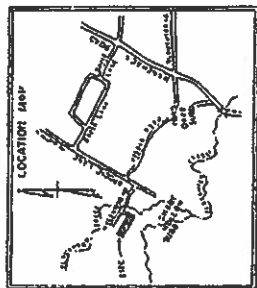
CASE#: C8J-2010-0016.0A
ADDRESS: 4110 Kellywood Drive
MANAGER: Sylvia Limon

1" = 400'

OPERATOR: D. SUSTAITA

This map has been produced by Notification Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

C8/3

[illegible]

STATE OF TEXAS,
COUNTY OF _____
I, _____, Clerk of said County, do hereby certify that _____ was duly elected _____ at the general election held on the _____ day of _____ A.D. 1917 as shown by the official returns filed in my office.

WITNESS MY HAND AND SEAL OF THE COUNTY OF SAID COUNTY THE DATE FIRST ABOVE SET.
_____ J. M. _____, Clerk, SAID COUNTY, TEXAS.

APPROVED FOR ACCEPTANCE.
JAN. 25, 1977
J. B. J. J.
STATIONER & PRINTER, NEW YORK, N. Y.

[illegible]

1968 JUNE CITY CASE COURTESY OF THE FBI AS BEING OBTAINED WITH
SURVEY COMPLETED JANUARY 6, 1977
BY *W. Williams*
WILLIAM M. BROOKS
REGISTERED PUBLIC SURVEYOR NO. 1340

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SUBJECTS ARE THE MOST

SUNSHINE OF A DAY

GIVEN TO THEM

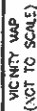
WITNESSES TO THE SIGNING OF THIS AFFIDAVIT ARE:
JAMES H. WOOD, JR., SECTION TWO
OF THE POLICE DEPARTMENT OF SEBASTIAN,
ARIZONA

[illegible][illegible]

Mary Anne Packard
and
STATE OF TEXAS;
COUNTY OF BEXAR;
WARRANT, by the undersigned sheriff, do hereby certify and attest, upon oath that the undersigned has taken possession of the following personal property, to-wit:
one 1967 Ford Mustang coupe, color blue, engine no. 280-100000, VIN 1X7H2E9D22A000000, make no. 280-100000, make no. 280-100000.
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 22 DAY OF October, 1967.

[illegible]

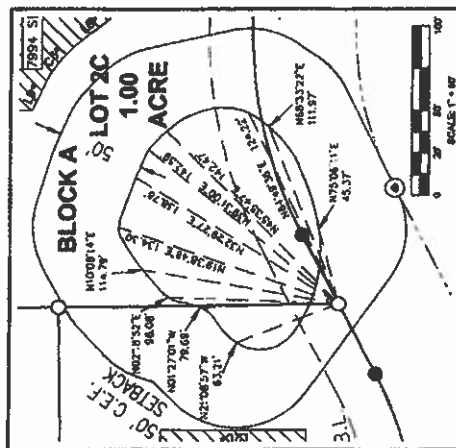
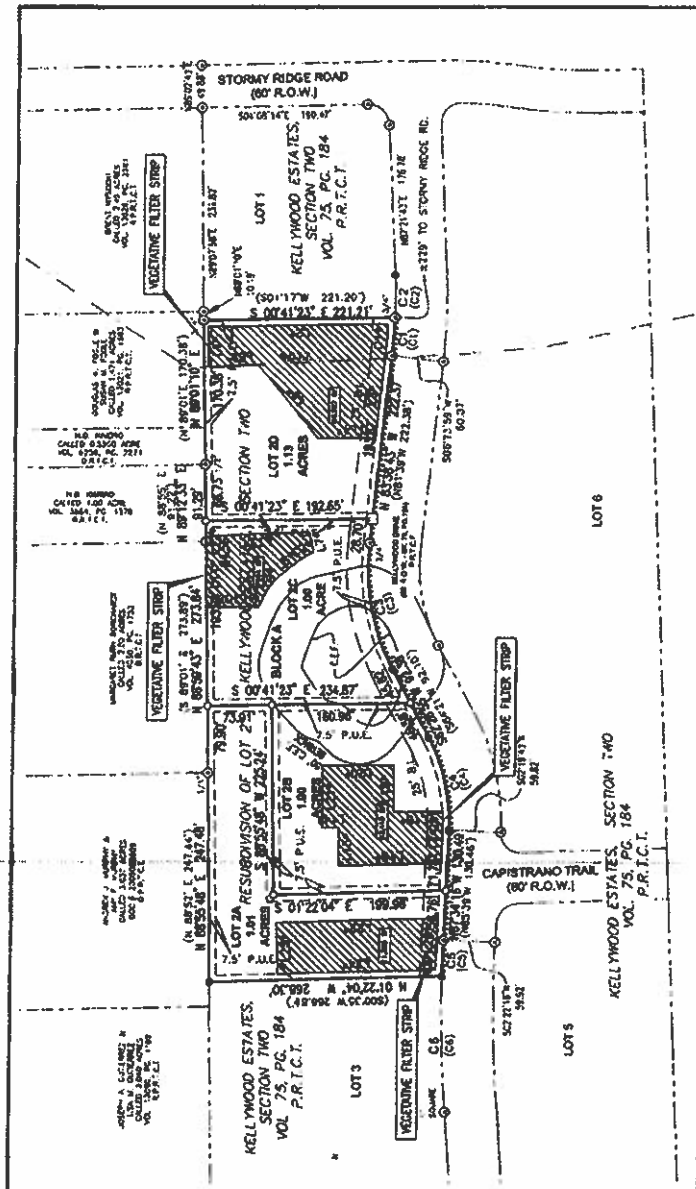
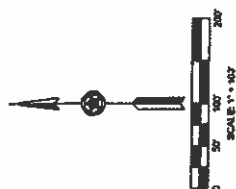
FEB 58, PG. 22-59
 PLAN-4153

[illegible]

4 - SQUALLY LOTS:

A - 46,134 SQ. FT. (1.01 ACRES)
B - 43,580 SQ. FT. (1.00 ACRES)
C - 43,560 SQ. FT. (1.00 ACRES)
D - 49,223 SQ. FT. (1.13 ACRES)

180.477 SQ. FT. (4.14 ACRES) - TOTAL



NORTH OF THE CITY OF ALBANY
JULIUS ROSENBERG AND ETHEL ROSENBERG
AS DEFENDANTS
ALBANY COUNTY COURT
ALBANY, NEW YORK

Variable	Plan	Size	Line	Length	Direction	Size	Line	Size
1	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
2	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
3	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
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12	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
13	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
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33	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
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56	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
57	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
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67	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
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73	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
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75	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
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77	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
78	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
79	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
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82	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
83	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
84	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
85	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
86	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
87	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
88	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
89	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
90	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
91	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
92	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
93	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
94	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
95	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
96	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
97	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
98	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
99	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1
100	1.1	47.63	20.23	1.1	1.1	47.63	20.23	1.1

Curve #	Length	Radius	Delta	Chord Bearing	Chord
C1*	34.64	397.81	2°30'21"	N85° 1' 54" W	361.63
C2*	19.83	70.00	16°13'49"	N32° 34' 20" W	18.76
C3*	21.37	70.00	25°40'39"	N57° 31' 48" W	31.11
C4*	71.08	309.79	5°43'22"	S88° 21' 48" W	21.07
C5*	35.70	1798.53	1°04'11"	N88° 18' 18" W	33.70

DAME TABLE			
CURVE	DELTA	RAVINS	LENGTH
C1	4:15.30"	860.31'	43.61'
C2	4:44.23"	862.31'	50.67'
C3	3:39.53"	854.88'	183.66'
C4	3:28.44.53"	217.28'	113.44'
C5	3:17.38"	1281.04'	42.10'
C6	3:07.25"	783.04'	180.46'
C7	3:07.25"	783.04'	180.46'
C8	3:07.25"	783.04'	180.46'
C9	3:07.25"	783.04'	180.46'
C10	3:07.25"	783.04'	180.46'
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C271	3:07.25"		

[illegible]

NOTES:

1. BASIS OF BEARINGS: GRID BEARINGS OF THE TEXAS COORDINATE SYSTEM OF 1883, CENTRAL ZONE U.S. SURVEY FEET, COMBINED SCALE FACTOR OF 0.99985.
UTILIZING GPS COOPERATIVE RTK NETWORK REFERENCE FRAME NAD83 (CORSM8) (EPOCH:2002.00000).
DISTANCES SHOWN HEREON ARE SURFACE.

TRAVIS COUNTY, TEXAS

DATE:	JANUARY, 2010
SUPERVISOR:	BRYAN D. NEWSON, PEELS # 5657
TECHNICIAN:	B.D. NEWSON
FIELD BOOK:	N/A
JOB NUMBER:	2131-001.01
DESCRIPTION:	N/A
DRAWING:	2131-001.01.dwg
	T.A. Pringle (Vice President) / CADD Field Plot

Texas Engineering Solutions, LLC
6000 Bay Caves Road, Suite 208
Austin, Texas 78746
P: (512) 904-0505
F: (512) 904-0500
www.TxEngS.com



**RESUBDIVISION OF
LOT 2
KELLYWOOD ESTATES
SECTION TWO**

TES PLAT NO.
KELLYWOOD-EP

1 OF 2

C8J-20:0-00:5.0A

**MEMORANDUM**

TO: Sylvia Limon, Planner III
Watershed Protection and Development Review Department

FROM: Scott E. Hiers, P.G., Senior Environmental Scientist
Watershed Protection and Development Review Department

DATE: August 14, 2008

SUBJECT: Sinkhole feature on Kellywood Estates (C8J-2007-0097.0A)

Environmental Resource Management (ERM) staff, Scott Hiers and Andrew Clamann, completed a site visit on Kellywood Estates (C8J-2007-0097.0A) on August 7, 2008 to examine a closed depression where fill material had been disposed several years ago. Based on my field observations and after examining historical aerial photographs from 1940, 1984, and 2006 (see attached), it appears that the depression is a filled sinkhole. The 1984 aerial photo clearly shows fill material within Lot 2 of Kellywood Estates, which indicates that the fill material was placed in the sinkhole prior to 1984. Please note that the 1940 aerial is not accurately aligned due to a limited occurrence of accurate georeferencing locations on the photo. The 1940 aerial is generally off by about 35-ft to 45-ft to the south, however, the sinkhole is visible in all aerial photos and shows up in the same general area. Also, the feature is indicated on the 1966 7.5-minute Oak Hill Quadrangle, as ponds as are several other sinkholes in the area. Using 2-ft contour interval from the City's GIS system, ERM staff has determined that the catchment area for the sinkhole is about 15-acres. Based on the historical aerial photography, topographic information and field observations, sinkhole is a critical environmental feature and in accordance with Section 25-8-281 of Austin's Land Development Code (LDC), it requires a protective buffer zone.

The following are the Land Development Code (LDC) requirements from Section 25-8-281 for CEF and their buffer zone:

- 1) Drainage patterns for proposed development must be designed to protect critical environmental features from the effects of runoff from developed areas, and to maintain the catchment areas of recharge features in a natural state. Special controls must be used where necessary to avoid the effects of erosion, or sedimentation, or high rates of flow.
- 2) A residential lot may not include a critical environmental feature or be located within 50 feet of a critical environmental feature.
- 3) The width of the buffer zone is 150 feet from the edge of the critical environmental feature. For a point recharge feature, such as a sinkhole, the buffer zone coincides with the topographically defined catchment basin, except that the width of the buffer zone from the

C8/6

edge of the critical environmental feature is not less than 150 feet and not more than 300 feet.

- 4) Within a buffer zone the natural vegetative cover must be retained to the maximum extent practicable; construction is prohibited; and wastewater disposal or irrigation is prohibited. If located at least 50 feet from the edge of the critical environmental feature, the prohibition of Subsection (C)(2)(b) does not apply to a yard or hiking trail or a recharge basin approved under Section 25-8-213 (*Water Quality Control Standards*) that discharges to a point recharge feature.
- 5) The director may grant an administrative variance to a requirement. An applicant for a variance must demonstrate that the proposed measures preserve all characteristics of the critical environmental feature.

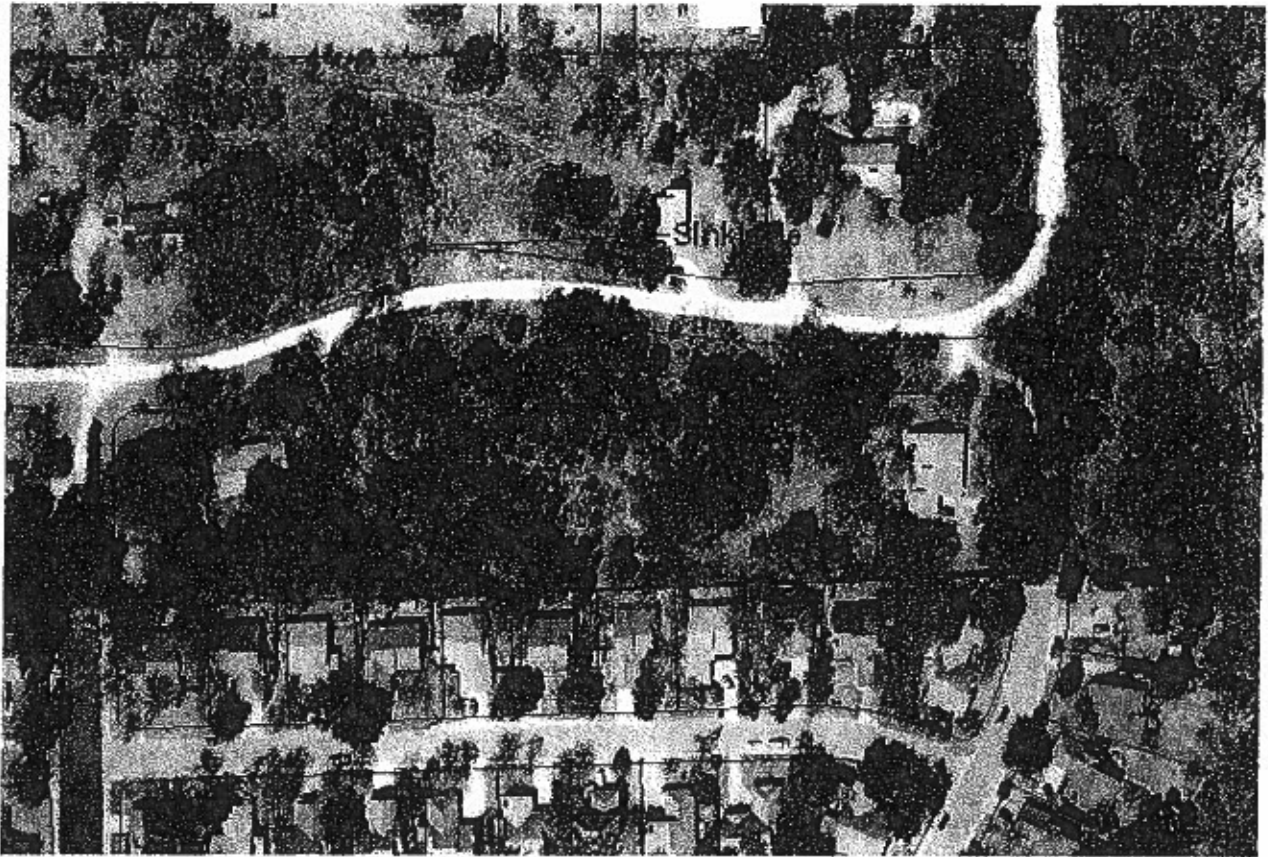
An administrative variance for a reduced buffer zone may be granted, if the applicant provides more detail information to ERM staff such as a more accurate topographic survey of the catchment areas and a hydrogeologic assessment that evaluates its recharge potential. Before proceeding with any additional assessment work, the applicant should coordinate with ERM staff and submit in written a proposal describing the scope and type of additional assessment work that will be completed.

If you have questions regarding these comments, please call me at 974-1916.



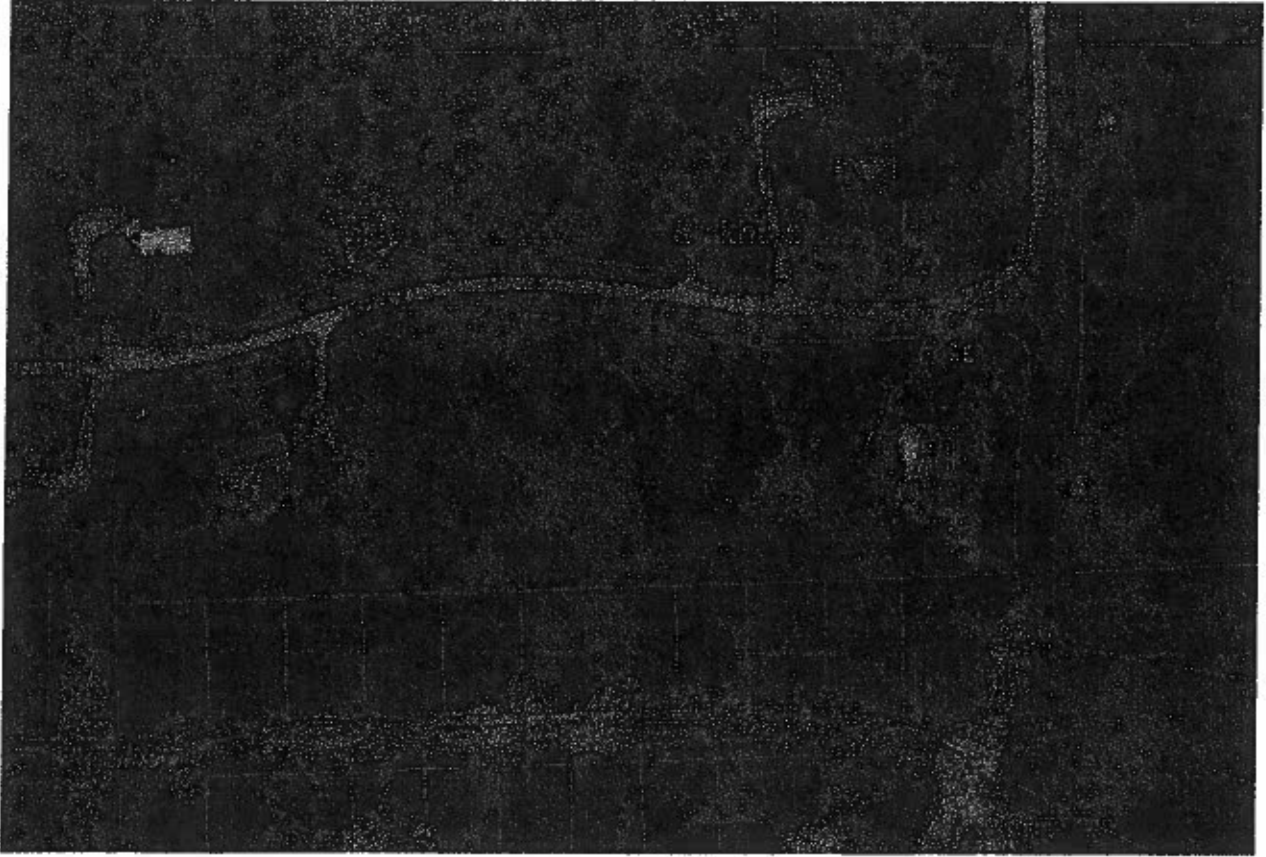
Scott E. Hiers, P.G.
Senior Environmental Scientist
Watershed Protection & Development Review Department

C8/7



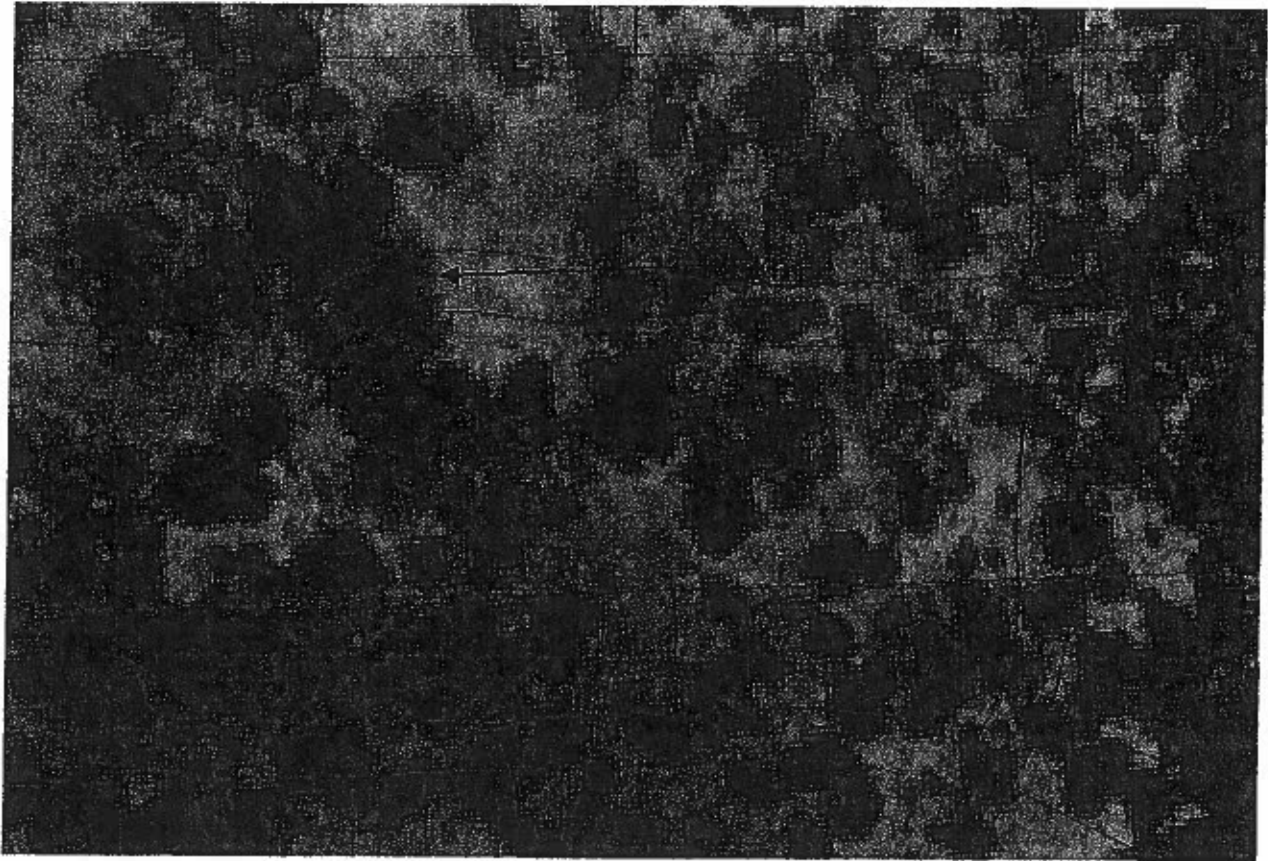
2006 Aerial Photo

C8/8



1984 Aerial Photo

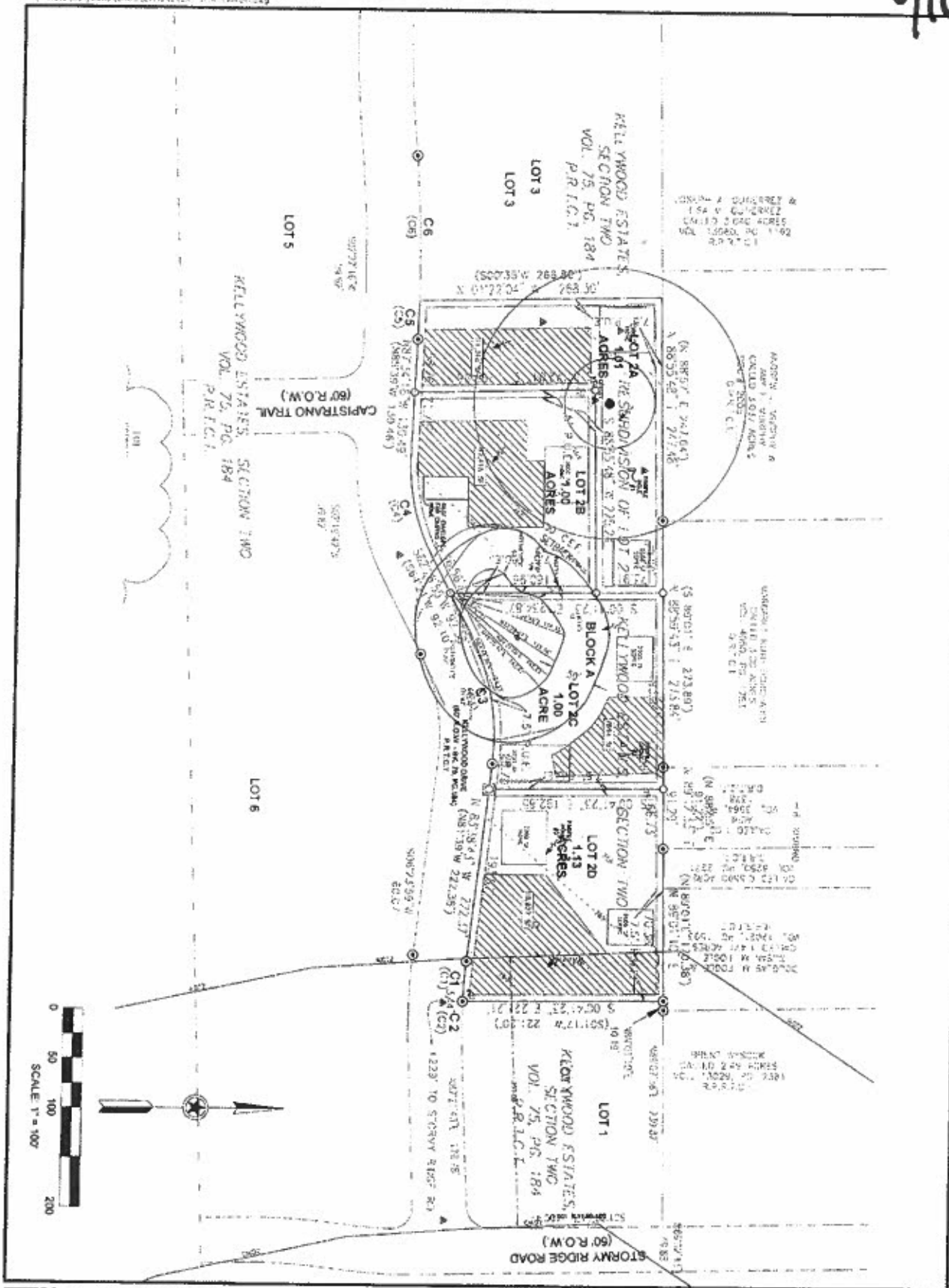
C8/9



1940 Aerial Photo

WELL EXHIBIT

C8/10



<p>Texas Engineering Solutions</p> <p>1500 W. 4TH STREET, SUITE 200 FARMER, TEXAS 76044 P 817-554-0070 F 817-554-0066 TOLL FREE 1-800-554-0070</p>	<p>OWNER/DEVELOPER</p> <p>APRIL W. KELLY WELLS KELLY</p>	<p>PROJECT DATA</p> <p>OWNER: WELLS CITY: FARMER, TX COUNTY: TARRANT PROJECT: 4915 KELLYWOOD DR CITY: FARMER, TX STATE: TEXAS DATE: 03-1-10 SCALE: 1" = 40'</p>	<p>KELLYWOOD ESTATES RESULT OF LOT 2</p>	<p>WELL EXHIBIT</p> <p>1 OF 1</p>
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EXHIBIT B

C8/11

NOTICE OF OPEN MEETING

Notice is given that a Regular Meeting of the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District will be held in the District office, 1124 Regal Row, Austin, TX, on Thursday, March 10, 2011, commencing at 6:00 p.m. for the following purposes, which may be taken in any order at the discretion of the Board:

Note: The Board of Directors of the Barton Springs/Edwards Aquifer Conservation District reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized by the Texas Government Code Sections §551.071 (Consultation with Attorney), §551.072 (Deliberations about Real Property), §551.073 (Deliberations about Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations about Security Devices), §551.087 (Economic Development) 418.183 (Homeland Security). No final action or decision will be made in Executive Session.

1. Call to Order.
2. Citizen Communications (Public Comments).
3. Routine Business.
 - a. Consent Agenda. Note: These items may be considered and approved as one motion. Directors or citizens may request any consent item be removed from the consent agenda, for consideration and possible approval as an item of Regular Business.
 1. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.
Not available for public review at this time
 2. Approval of minutes from the February 24, 2011, Regular Meeting.
Not available for public review at this time
 3. Financial performance report through 2nd Quarter 2011, including Balance Sheet, Profit & Loss Statement, and Comparative Actual vs. Budget. Pg. 15
 - b. General Manager's Report. Note: Topics discussed in the General Manager's Report are intended for general administrative and operational information-transfer purposes. The Directors will not take any action on them in this meeting, unless the topic is specifically listed elsewhere in this as-posted agenda.
 1. Personnel matters and utilization;
 2. Upcoming public events of possible interest;
 3. Aquifer conditions and status of drought indicators;
 4. Discussion related to current staff work areas and specific activities of staff teams and directors. Note: Individual topics listed below may be discussed by the Board in this meeting, but no action will be taken unless a topic is specifically posted elsewhere in this agenda as an item for possible action. A Director may request an individual topic that is presented only under this agenda item be placed on the posted agenda of some future meeting for Board discussion and possible action.
 - i. Update on recent team activities.
 - ii. Update on developments, if any, concerning TCEQ's recommendations for providing GCD protection in unprotected areas of the Hill Country PGMA.

C8/12

- iii. Update on developments, if any, concerning the Jeremiah Venture TLAP permit and settlement discussions.

4. Board Discussion and Possible Actions

- a. Discussion and possible action on progress with Centex in defining requirements for alternative water supplies and their relation to curtailments of industrial and non-agricultural irrigation permits during an Emergency Response Period. NBU
- b. Discussion and possible action on a requested amendment to the Settlement Agreement between the District and Hays County WCID No. 1. Pg. 32
- c. Update, discussion, and possible action related to developments concerning the District's legislative agenda and with other relevant legislative initiatives that potentially affect the District. Pg. 35
- d. Discussion and possible action related to a NDU application for a Middle Trinity well by Kellywood Estates landowners, including whether it should be considered an NDU well or a well requiring a production permit. Pg. 51
- e. Discussion and possible action related to a clarification on applicable fees for certain NDU amendments. Pg 58
- f. Discussion and possible action related to approval of elements of an inter-local agreement with Hays County concerning services at Dahlstrom Ranch. NBU
- g. Discussion and possible action relating to *City of Kyle v. Goodman et al. and the Barton Springs Edwards Aquifer Conservation District*, Cause No. 10-1267, 22nd District Court, Hays County, Texas. NBU

5. Adjournment.

Came to hand and posted on a Bulletin Board in the Courthouse, Travis County, Texas, on this, the ____th day of March, 2011, at ____ .m.

_____, Deputy Clerk

Travis County, TEXAS

Please note:

This agenda and available related documentation have been posted on our website, www.bsaccd.org. If you have a special interest in a particular item on this agenda and would like any additional documentation that may be developed for Board consideration, please let staff know at least 24 hours in advance of the Board Meeting so that we can have those copies made for you.

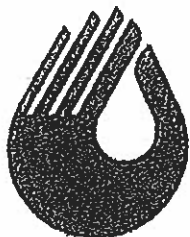
The Barton Springs/Edwards Aquifer Conservation District is committed to compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations and equal opportunity for effective communications will be provided upon request. Please contact the District office at 512-282-8441 at least 24 hours in advance if accommodation is needed.

C8/13

Item 4

Board discussions and possible actions

d. Discussion and possible action related to a NDU application for a Middle Trinity well by Kellywood Estates landowners, including whether it should be considered an NDU well or a well requiring a production permit.



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

C8/14

MEMORANDUM

Date: March 4, 2011

To: Board of Directors

From: John T. Dupnik, P.G., Regulatory Compliance Team Leader

Re: Application for a Nonexempt Domestic Use well for Mr. Noel (Mike) Kelly on property located in Sec 2, Lot 2 of Kellywood Estates.

Application: The District has received an application for authorization of a domestic well for the above-referenced applicant and property. Given the spacing limitations of the proposed lots and the limited available saturated thickness of Edwards in the area, the applicant is applying for authorization to drill and produce from a Middle Trinity well under the Nonexempt Domestic Use permit-by-rule. This would be the first Middle Trinity well to be authorized under the NDU permit-by-rule.

Site Information: The site consists of a 4.243 acre lot located in Kellywood Estates just west of the intersection of Brodie Lane and Wyldewood Road and just north of the Shady Hollow subdivision. The applicant currently has a pending application with the City of Austin for subdivision of the one lot into four lots that will be approximately one acre each. The site is located just outside of the Aqua Texas - Shady Hollow service area and outside of the City of Austin's full purpose jurisdiction but within its two-mile ETJ.

Background: Given the location of the site just outside of the service area of both the City of Austin and Aqua Texas, the applicant has limited options for satisfying the City's requirements for demonstration of adequate water availability that is needed for plat approval. The applicant received a postponement from the City's Zoning and Platting Commission (ZAP) until March 15, 2011. The applicant has requested NDU authorization which they believe would provide the needed evidence to receive plat approval.

The applicant meets the eligibility for NDU authorization by virtue of not being located in the service area of a water provider; however, the NDU authorization would be for a well to supply water to all four lots instead of the more typical case of one well for one lot. The applicant is aware that groundwater production would be limited to a maximum of 500,000 gallons per year, and have proposed a unique system in which harvested rainwater would be the primary source of potable water for each home with the well serving as a backup to augment supply as needed. The applicant has also committed to creating a mechanism where the well would be owned collectively by the four homeowners and this entity would be responsible for well operation, maintenance, pumpage reporting, and general permit compliance.

C8/15

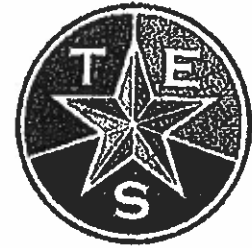
Board Action: Considering the unique circumstance of this requested authorization, the Board may choose to invoke provisions of District Rule 3-1.20.A(5) which states:

"In lieu of authorization pursuant to this rule [3-1.20 - General Permits by Rule], the Board at its sole discretion may require authorization by obtaining an individual permit."

Staff requests direction from the Board on whether the request should be authorized under the NDU permit-by-rule or permitted under an individual permit which would be subject to public notice, possibly a public hearing, and possibly Board action for approval.

TEXAS ENGINEERING SOLUTIONS
5000 BEE CAVES RD, SUITE 206
AUSTIN, TEXAS 78746
P: (512) 904-0505
F: (512) 904-0509

TBPE FIRM #11206



Mr. John Dupnik, P.G.
Barton Springs Edwards Aquifer Conservation District
1124 Regal Row
Austin, TX 78748

February 21, 2011

RE: Kellywood Estates Sec 2, Lot 2 Proposed Non-Exempt Domestic Use Well Summary Statement

Mr. John Dupnik, P.G.,

On behalf of Mr. Mike Kelly, Texas Engineering Solutions is pleased to provide the following back-up information for the project.

General Site Description:

Lot 2 of Kellywood Estates is a 4.243-acre site adjacent to Kellywood Drive, just west of the intersection of Brodie Lane and Wyldwood Road in south Austin, Travis County, Texas. The entire site is in the Slaughter Creek Watershed, which is classified as Barton Springs Zone. The site is within the City of Austin 2-mile ETJ. This proposed plat will divide the property into four tracts of land. One of the tracts will be 1.13 acres and the remaining three tracts will be approximately one acre each.

Per the City of Austin Watershed Determination Map, the property is in the Barton Springs Zone watershed and inside the Edwards Aquifer Recharge Zone. This area will be limited to 15% impervious cover.

Access:

Access to the property is from Kellywood Drive, which runs in front of the property.

Flood Plain Information:

There is no existing flood plain on the property as per the FEMA panel #48453C0590H dated September 26, 2008.

Watershed:

The subject tract is located within the Slaughter Creek watershed, which is classified as a Barton Springs Zone watershed. The site lies within the Edwards Aquifer Recharge Zone.

Existing Utilities:

Existing water service is provided by a private well; existing wastewater service is provided by a septic system; Pedernales Electric Co-op (PEC) will provide electric service; AT&T will provide telephone service.

C8/17

February 21, 2011
Page 2

Proposed Water Utility:

In regards to the proposed water utility, we would be requesting that a new Non-Exempt Domestic Use well be approved for this residential subdivision. Per the attached exhibits, we would like to locate 1 well on one of the four "new" lots and have it serve all 4 lots via a shared well agreement. We are proposing the well to be served by the Middle Trinity with the Edwards being entirely cased off. Lastly, we are aware of the 500,000gpy restriction and will work with potential homeowners in this regard.

If you should have any questions pertaining to this project or if you need further explanation, please feel free to call me or Hank Smith, P.E. at (512) 904-0505.

Sincerely,



Stephen R. Delgado, P.E.

CC: Mike Kelly

C8/18

TEXAS ENGINEERING SOLUTIONS
5000 BEE CAVES RD, SUITE 206
AUSTIN, TEXAS 78746
P: (512) 904-0505
F: (512) 904-0509



TBPE FIRM #11206

Mr. John Dupnik, P.G.
Barton Springs Edwards Aquifer Conservation District
1124 Regal Row
Austin, TX 78748

February 21, 2011

RE: Kellywood Estates Sec 2, Lot 2 Proposed Non-Exempt Domestic Use Well Declaration

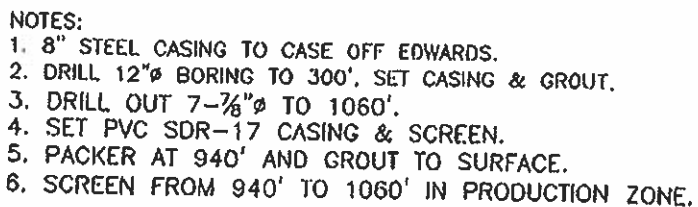
Mr. John Dupnik, P.G.,

I, Noel M. Kelly, the owner of Lot 2 of Kellywood Estates Section 2 hereby declare that I and all future homeowners will comply with the Barton Springs/Edwards Aquifer Conservation District Rules and all groundwater use permits and plans pursuant to the District Rules.

Sincerely,

Noel M. Kelly
Noel M. Kelly

bwp-168029507224 77323 20000404



BOND GEOLOGICAL SERVICES
1501 N. RAINBOW RANCH RD
WILBERLEY, TEXAS 78676

MODIFIED: February 21, 2011
PLOTTED: February 21, 2011
PLOTTED BY: sdalgodo

**WELL
DESIGN
SCHEMATIC**

1 OF 1



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

C8/20

July 30, 2010

Stephen R Delgado, P.E.
Principal / Owner
Texas Engineering Solutions, LLC
5000 Bee Caves Rd, Ste 206
Austin, TX 78746

RE: Inquiry to the Permitting of Domestic Use Water Well(s) in Kellywood Estates,
located on Kellywood Drive in southern Travis County.

Mr. Delgado,

The Barton Springs/Edwards Aquifer Conservation District (District) is currently under a moratorium on the filing and accepting of applications for new wells withdrawing groundwater from the freshwater portion of the Barton Springs segment of the Edwards Aquifer. The moratorium however, allows exception for new exempt wells or Nonexempt Domestic Use Wells (NDUs) that may be eligible for authorization under the District's General Permit for NDU wells (Rule 3-1.20(B)). The NDU General Permit provides the authorization to permit by rule the drilling and completion of NDU wells and the production of groundwater from these wells provided that certain criteria are met.

Pursuant to District Rule 3-1.20(B)(1), the primary initial eligibility criterion requires that the proposed well not be located in an area in which a water supplier has a valid Certificate of Convenience and Necessity (CCN). Information provided regarding the above referenced property indicates that this criterion will be satisfied therefore, the property is eligible for authorization. In addition to the eligibility criteria, NDU applications are also subject to all other applicable District Rules and Bylaws, more specifically, the District's Well Construction Standards and well spacing requirements. Compliance with these requirements cannot be determined until such time that an application is received and the preliminary inspection is performed.

It is important to note that the general location and mapped surface geology of the above referenced property indicates that a well at this location would not have access to the full thickness of the Edwards formation and would have limited saturated thickness of the groundwater production zones within the formation. This may be a limiting factor on the yield and production rates from the proposed well(s) on the property. A more detailed assessment will be provided by District staff upon receipt and review of an application, the site inspection, and field testing of existing wells on or near the subject property. This assessment may reveal any well spacing issues and may indicate the potential need

C8/21

for increased storage due to limited production rates. It may also suggest consideration of the Middle Trinity Aquifer as an alternative target production zone.

Please note that this letter is not intended to serve as a definitive demonstration of sufficient water availability, but merely serves as a preliminary assessment and verifies that the property in question may be eligible for authorization under District Rules. If you have any questions or concerns related to this matter, feel free to contact me by phone at 512-282-8441.

Thank You



John T. Dupnik, P.G.
Regulatory Compliance Team Leader

TEXAS ENGINEERING SOLUTIONS
5000 BEE CAVES RD, SUITE 206
AUSTIN, TEXAS 78746
P: (512) 904-0505
F: (512) 904-0509

TBPE FIRM # 11206



Ms. Sarah Sumner
Travis County TNR, 8th Floor
Austin, TX 78701

November 15, 2010

RE: Kellywood Resubdivision Existing Water Line Findings

Ms. Sumner,

After our conversations about the existing water lines locations and the sketches that we have been shown by Josh Kelly as well as Mike Kelly, my client, we conducted a site visit for verification. This site visit occurred on 10/29 and based on the attached photos, the locations and distances from the property boundary for the existing water main lines are placed within the adjacent public utility easements (PUEs) surrounding the existing lot configuration. It should be noted that there are some service lines to existing homes that extend from the mains throughout the lot. Based on this information, I feel confident that the resubdivision of the lots will not impair the use and existence of these lines.

Please feel free to contact me if you have any questions or comments.

Sincerely,

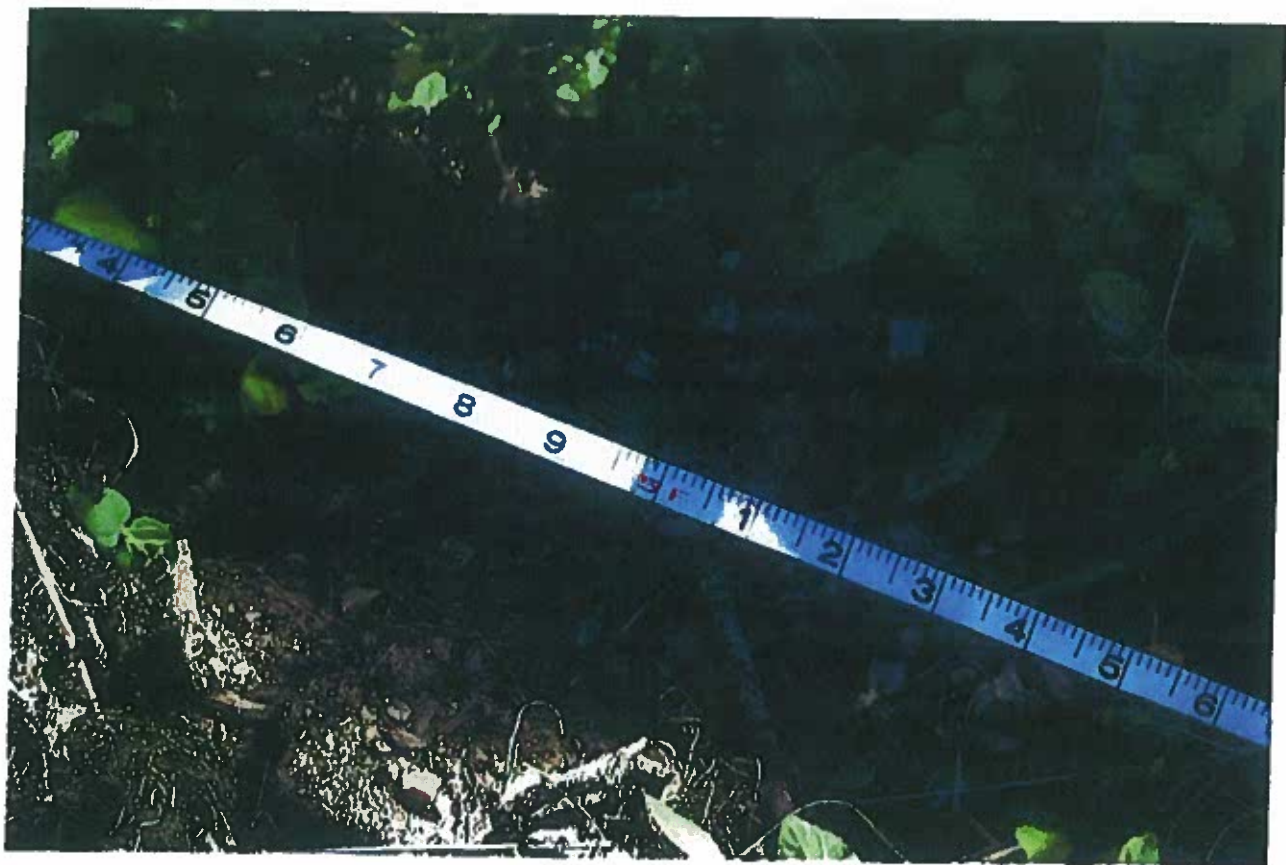
Stephen R Delgado, P.E.

Attachments: Photos of water lines

08/23



C8/24



C8/25



C8/26



C8/27



C8/28

Limon, Sylvia

From: Josh Kelly [REDACTED]
Sent: Tuesday, January 25, 2011 5:04 PM
To: gregorybourgeois[REDACTED]; Limon, Sylvia; sarah.sumner@co.travis.tx.us; sbald[REDACTED]
Cc: prseeger[REDACTED]; stacey.scheffel@co.travis.tx.us
Subject: Re subdivision Kellywood Estate Section 2, Lot 2 ----Case- C8J-2010-0016.0A

Attachments: JoshKelly[1].pdf



JoshKelly[1].pdf
(176 KB)

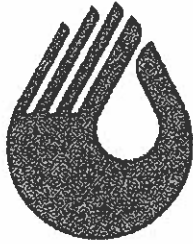
Hello to All,

I, Josh Kelly, humbly ask that Case number C8J-2010-0016.0A be pulled from the February 1st Zoning and Platting Hearing. In the past few days, we (Kelly Family), have proved the Engineer's water line study was not true. As I review the Channel 6 video of our past Hearing, the Engineer clearly states that the study had been conducted over 10 days and handed out pictures of the measurements at different locations during said Water line study. I, with a cane or wheelchair, was able to locate the water lines in every lot. In some spots, the water main is in the PUE, but the majority of the Water Main is outside of the PUE which will be under subdivided City lots. Lot 2 of the proposed subdivision is the only lot that is not affected by the Water Main. Every other lot in the proposed subdivision has the Water Main running through them at several points each. Lot 1 has the Water Main 13' from the fence line with several other parts located at even a greater distance from the PUE. Lot 3 has the private Water Main at 9'+ from the boundary and enters the PUE further down toward lot 4. Lot 4 has 40' of the Water Main outside of the PUE toward the Eastern boundary of the proposed subdivision. I feel that this "study" was misrepresented during the Hearing and I seek advice regarding how to handle the filmed misrepresentation. I have over 400 pictures of the Water Main as it goes through the proposed lots and I am more than glad to send what ever you need to see that the Engineer's Study is false. How can an Engineering Firm miss what a slow moving cripple could easily find. The entire Kelly Family feels as though the blanket was almost thrown over our eyes. I began to dig into the next issue which is the well. Again, as I review the footage of the Hearing, I find that the Engineer stated that the well issue had already been handled through the BS/EACD (not quoted). I spoke at the BS/EACD and was told that the letter that the Engineer held up as proof of the "well approval" was the standard letter that anyone would get if they inquired about a well. There is no approval for a well on this proposed subdivision nor can there be (a may have availability clause) any type of yes, no, maybe until an application is received and studies have been reviewed at the specific location. I will attach a letter from the BS/EACD to show this.

We have met as a Family and have retained two attorneys due to the false information that has been explained to the Zoning and Platting Commissioners, City and County Review teams and to me.

As I asked in the beginning of this letter, again I ask that this case be pulled from the agenda until we can verify the validity of the entire proposal. I like and respect the Engineer, I simply cannot fathom how this case came for final review on January 4th, 2011 and has been ongoing and studied since 2007, yet someone as ignorant as I find two misrepresented case points in a few days. I deeply appreciate your time and consideration.

Most Respectfully, Josh Kelly



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

C 8/29

January 25, 2011

Josh Kelly
4217 Kellywood Dr.
Austin Texas 78739
512-527-3429
Oak33@austin.rr.com

RE: Water Well status at Lot 2, Kellywood Estates Section Two

Mr. Kelly,

This letter is in response to your inquiry about a statement made during the January 4th, 2011 City of Austin - Zoning and Platting (COA ZAP) meeting claiming that there had been approval of a well through the Barton Springs/Edwards Aquifer Conservation District (BSEACD or District) on the proposed subdivision at Lot 2, Kellywood Estates Section Two.

My review of the Channel 6 Video documentation from that meeting confirms that Stephen Delgado did claim approval of a well from the District. However, there has been no application submitted to the District for a water well on the proposed subdivision property.

Mr. Delgado did inquire with the BSEACD about water well permit criteria. John Dupnik, BSEACD Regulatory Compliance Team Leader replied on July 30, 2010. (C7/p5-6 of COA ZAP-01/04/2011 Backup Information as RE: Inquiry to the Permitting of Domestic Use Water Well(s) in Kellywood Estates, located on Kellywood Drive in southern Travis County)

Dupnik's letter included that there are District Compliance Standards and Regulation Requirements associated with a well application. District staff would have to make an onsite assessment and inspection before any approval could be determined which cannot be initiated until a water well application is received.

There has not been an application for a water well at the proposed subdivision site submitted to the District, so there could not have been any approval for a well. Let me know if you need additional information.

Sincerely,

Gary Franklin, Director Precinct 2

C8/30

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

Commission is required to approve the subdivision by State law if no variances are required, and if it meets all requirements. A board or commission's decision on a subdivision may only be appealed if it involves an environmental variance. A variance may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision. A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact person listed on a notice); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C81-2010-0016.0A
Contact: Sylvia Limon, 512-974-2767 or
Cindy Casillas, 512-974-3437
Public Hearing: Dec. 21, 2010, Zoning & Planning Commission,

Josh Kelly
Your Name (please print)

4217 Kellwood Dr, Austin, Texas 78734
Your address(es) affected by this application

☐ I am in favor
☒ I object

Josh Kelly
Signature

512-527-3429
Daytime Telephone

6 Dec 2010
Date

Comments: I strongly oppose the Re-Subdivision of Kellwood Estates Section 2, Lot 2. I speak for the entire Kelly family, all known as the Kelly Estate. Each and every member of the family will write to you to express their extreme objection to this Re-Subdivision (C81-2010-0016.0A). I am hereby writing now to ask if we could postpone the Public Hearing due to the holidays.

If you use this form to comment, it may be returned to:
City of Austin - Planning & Development Review Dept./4th Fl
Sylvia Limon
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C8J-2010-0016.0A

Contact: Sylvia Limon, 512-974-2767 or

Cindy Casillas, 512-974-3437

Public Hearing: Dec. 21, 2010, Zoning & Planning Commission,

William Baeon

Your Name (please print)

☐ I am in favor
☒ I object

3901 Reynosa Dr. Austin TX 78739

Your address(es) affected by this application

William Baeon

Signature

Date

Daytime Telephone:

Comments:

If you use this form to comment, it may be returned to:

City of Austin - Planning & Development Review Dept./4th Fl

Sylvia Limon

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C8J-2010-0016.0A

Contact: Sylvia Limon, 512-974-2767 or

Cindy Casillas, 512-974-3437

Public Hearing: Dec 21, 2010, Zoning & Platting Commission,

Jennifer Kelly Jackson

Your Name (please print)

☐ I am in favor
☒ I object

704 HOGAN KYLE, TX 78640

Your address(es) affected by this application

Jennifer Kelly Jackson

Signature

12-17-10

Date

Daytime Telephone: 512-496-1847

Comments: I am against the proposed development because we would like to keep our land family & having it developed would not only lead to more congestion, but we longer family land.

Also, the drainage retention that already excessively flows onto George Cox's land would be even more. I strongly object!!

If you use this form to comment, it may be returned to:

City of Austin - Planning & Development Review Dept., 4th Fl

Sylvia Limon

P. O. Box 1088

Austin, TX 78767-8810