



P.O. Box 1677 • 402 E. Blanco
Boerne, Texas 78006

13 November 2015

Via Electronic Mail (bharrington@davisequity.com)

Mr. Dale Davis
Boerne 46 Woods, L.P.
2290 West Pike #100
Weslaco, Texas 78596

Re: Oversizing the Water and Gas main to serve the Woods of Boerne Property

Dear Mr. Davis,

I write as the City Attorney for the City of Boerne ("City"). It is my understanding that the Boerne 46 Woods, L.P. ("WoB") is installing gas main and water mains as part of the Woods of Boerne development ("Project"). It is also my understanding that once the Project is dedicated and accepted by the City, it can serve both the Woods of Boerne and the Champion Heights developments as part of the looped distribution systems.

The City has approached the WoB concerning Oversizing the Project to encompass future developments that may occur by extending the Project from the required of the Woods of Boerne development infrastructure to the northwest perimeter of the Woods of Boerne development. Section 212.071 of the Texas Local Government Code permits a municipality to enter into a contract with a developer whereby the developer will construct public improvements related to a development. Section 212.072(c) of the Texas Local Government Code allows the municipality to participate in the cost of the construction of such improvements "at a level not to exceed 100 percent of the total cost for any oversizing of improvements required by the municipality, including but not limited to increased capacity of improvements to anticipate other future development in the area."

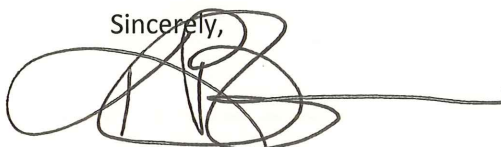
The City understands that WoB agrees to install the Project and provide the utility services to each residential lot throughout the WoB Property; as is required by City ordinances and the Gas Main Extension Agreement between the Parties dated December 17, 2014. The City desires to, at its own cost and expense, Oversize any and all of Project. As used herein, Oversize or Oversizing means the City initiated extension of mains installed as part of the Project.

The WoB sent the City written notice (the "Oversizing Notice") of a final cost estimate to Oversize the Project as requested by the City. See attached. Not later than November 25, 2015, the City shall provide written notice of its intention to Oversize, following approval of the City Council at its November 24, 2015, meeting.

The City shall reimburse WoB for Oversizing the Project at the cost delineated in the Oversizing Notice plus not more than Fifteen Hundred Dollars (\$1500) for the legal review of this Letter Agreement, not later than ten (10) business days after the last to occur: (a) completion of the Project, (b) acceptance of the Project by the City, and/or (c) dedication of the to the City. The City is under no obligation to reimburse the WoB if the work is not satisfactorily performed or if the Project is not accepted by and/or dedicated to the City.

WoB shall maintain commercially reasonable records, detailed and accurate in all material respects, of all contracts, receipts and expenditures made or incurred in connection with the Oversizing of the Project, and shall make same available to the City for inspection upon reasonable notice during regular business hours.

By affixing your signature to this letter, you agree to the terms and conditions set forth herein. By signing this letter after the City Council meeting of November 24, 2015, the City agrees to reimburse the expenses outlined here. Please confirm acceptance of the terms and conditions contained in this letter by signing below.

Sincerely,

Kirsten B. Schoon

Woods of Boerne, L.P., a Texas limited partnership
By: Davis Equity, Inc., a Texas corporation
Its: General Partner

City of Boerne

By: _____

Dale Davis, President

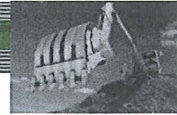
Ronald C. Bowman



D&D Contractors, Inc.

P.O. Box 592

Schertz, TX 78154



Project: Champion Heights water main extension

Attn: Mike Mann

Bid Item: Water and gas extension

Date: 9/28/2015

Estimator: Kelly Dickens

Bid expiration date: 30 days

Description of Work

Totals

Proposal to extend water and gas main from Woods of Boerne to Champions heights
approximately 200 to 260 lf.

Description of work performed	Units	Quantity	Unit Price	Total
<u>Water main</u>				
Tie into existing 8" water main	EA	1	\$2,250.00	\$2,250.00
8" Valve and box	EA	1	\$1,590.00	\$1,590.00
8" C900 PVC	LF	210	\$42.00	\$8,820.00
Trench protection	LF	210	\$2.00	\$420.00
2" Temp Blow off	EA	1	\$2,147.20	\$2,147.20
Total Water main:				\$15,227.20
<u>Gas Main</u>				
Tie into existing main	EA	1	\$2,073.50	\$2,073.50
2" HDPE gas main	LF	260	\$21.42	\$5,569.20
2" Tee and Valve	EA	1	\$792.33	\$792.33
Total Gas main				\$8,435.03
Total Water and Gas:				\$23,662.23