

(South)



Permit to Construct Access Driveway Facilities on Highway Right of Way

Form 1058
(Rev. 2/20)
Page 1 of 2

PERMIT NUMBER:		GPS*		ROADWAY	
REQUESTOR		LATITUDE, LONGITUDE		HWY NAME U.S. 281	
		29.777-98.4101		FOR TxDOT'S USE	
NAME KYLE PHENIX				CONTROL	
MAILING ADDRESS PO BOX 56				SECTION	
CITY, STATE, ZIP JOHNSON CITY, TX 76536					
PHONE NUMBER 281-733-6196					
*GLOBAL POSITIONING SYSTEM COORDINATES AT INTERSECTION OF DRIVEWAY CENTERLINE WITH ABUTTING ROADWAY					

Is this parcel in current litigation with the State of Texas? YES NO

The Texas Department of Transportation, hereinafter called the State, hereby authorizes KYLE PHENIX/SOUTHWICK DEVELOPMENT, LLC, hereinafter called the Permittee, to construct / reconstruct a RESIDENTIAL (residential, convenience store, retail mall, farm, etc.) access driveway on the highway right of way abutting highway number 16598 in BLANCO County, located 16598 US HWY 281, SPRING BRANCH, TX 78070

USE ADDITIONAL SHEETS AS NEEDED

This permit is subject to the Access Driveway Policy described on page 2 and the following:

- The undersigned hereby agrees to comply with the terms and conditions set forth in this permit for construction and maintenance of an access driveway on the state highway right of way.
- The Permittee represents that the design of the facilities, as shown in the attached sketch, is in accordance with the Roadway Design Manual, Hydraulic Design Manual and the access management standards set forth in the Access Management Manual (except as otherwise permitted by an approved variance).
- Construction of the driveway shall be in accordance with the attached design sketch, and is subject to inspection and approval by the State.
- Maintenance of facilities constructed hereunder shall be the responsibility of the Permittee, and the State reserves the right to require any changes, maintenance or repairs as may be necessary to provide protection of life or property on or adjacent to the highway. Changes in design will be made only with prior written approval of the State.
- The Permittee shall hold harmless the State and its duly appointed agents and employees against any action for personal injury or property damage related to the driveway permitted hereunder.
- Except for regulatory and guide signs at county roads and city streets, the Permittee shall not erect any sign on or extending over any portion of the highway right of way. The Permittee shall ensure that any vehicle service fixtures such as fuel pumps, vendor stands, or tanks shall be located at least 12 feet from the right of way line to ensure that any vehicle services from these fixtures will be off the highway right of way.
- The State reserves the right to require a new access driveway permit in the event of: (i) a material change in land use, driveway traffic volume or vehicle types using the driveway, or (ii) reconstruction or other modification of the highway facility by the State.
- The State may revoke this permit upon violation of any provision of this permit by the Permittee.
- This permit will become null and void if the above-referenced driveway facilities are not constructed within six (6) months from the issuance date of this permit.
- The Permittee will contact the State's representative Logan Katron Mack Ylbricher (830) 868-7164 telephone, (830) 997-4361, at least twenty-four (24) hours prior to beginning the work authorized by this permit.
- The requesting Permittee will be provided instructions on the appeal process if this permit request is denied by the State.

The undersigned hereby agrees to comply with the terms and conditions set forth in this permit for construction and maintenance of an access driveway on the highway right of way.

Date: 11/20/2024

Signed: (Property owner or owner's representative)

Date of Issuance	District Engineer, or designee Approval
Date of Issuance as per Variance to AMM	District Engineer, or designee Approval
Date of Denial	District Engineer Denial (No Delegation)

Access Driveway Policy

Title 43 Texas Administrative Code (Transportation), Chapter 11 (Design), Subchapter C (Access Connections To State Highways) and the "Access Management Manual" establish policy for the granting of access and the design, materials, and construction of driveways connecting to state highways. All driveway facilities must follow this policy. To the extent there is any conflict between this permit and the policy, the policy shall control. If a proposed driveway does not comply with the access management standards, the owner may seek a variance to a requirement contained in the access management standards by contacting the local TxDOT office.

TxDOT Driveway Permit Request Contact

For a local contact for your TxDOT Driveway Permit Request or variance request, visit: <http://www.txdot.gov/inside-bdot/district.html>. You can click on the section of the map closest to your location to find the local TxDOT office. You can also click on the drop down box below the map to find the district for your county.

Other Conditions

In addition to Items 1 thru 11 on page 1 of this permit, the facility shall also be in accordance with the attached sketch and subject to the following additional conditions stated below:

Variance Documentation Justification

For a Variance request, please indicate which of the below are applicable, as required by TAC §11.52(e):

- a significant negative impact to the owner's real property or its use will likely result from the denial of its request for the variance, including the loss of reasonable access to the property or undue hardship on a business located on the property.
- an unusual condition affecting the property exists that was not caused by the property owner and justifies the request for the variance.

For the conditions selected above, provide written justification below. (Attach additional sheets, if needed)

For TXDOT use below:

For Variance denials, please indicate which of the below conditions, as provided in TAC §11.52(e), were determined:

- adversely affect the safety, design, construction, mobility, efficient operation, or maintenance of the highway; or
- likely impair the ability of the state or the department to receive funds for highway construction or maintenance from the federal government.

Attachments:

Sketch of Installation

All Variance Documentation



ENVIRONMENTAL ISSUES CHECKLIST FOR ACCESS MANAGEMENT PROJECTS

This checklist provides a first level evaluation of potential environmental issues associated with construction of the subject access project occurring within TxDOT right-of-way. All responses must be completed with reference to the databases provided, or, in the absence of a database, with the best knowledge of the preparer.

Project Details

Facility Name: KE RANCH

Facility Address or GPS coordinates: 29.7777, -98.4101

Project Limits: from _____ to _____

County: BLANCO

Project description: 7.5 ACRE TRACT, DRIVEWAY PERMIT

Environmental Issues

Yes No Unknown

1. Is the proposed action within a historic district, or adjacent to a historic property or district? See Texas Historic Sites Atlas

2. Is more than 100 CY of undisturbed soil below the original grade to be disturbed? If so, note amount _____

3. Is the proposed project within the designated Edwards Aquifer Recharge or Contributing Zones? See TCEQ Edwards Aquifer Map Viewer

4. Is the project (or a portion of the project) within a FEMA designated floodplain? See FEMA Flood Map Service Center

5. Will the project cross or otherwise have the potential to affect possible jurisdictional waters of the U.S. (including wetlands)?

See Definition of "Waters of the United States"
National Wetlands Inventory Wetlands Mapper

6. Are there known or potential hazardous materials encroachments into the project area, including visual evidence of soil and groundwater contamination, dump sites, tanks, or other sources of contamination?



ENVIRONMENTAL ISSUES CHECKLIST FOR ACCESS MANAGEMENT PROJECTS

Yes No Unknown

7. Will there be associated trimming or removal of trees or other woody vegetation that could affect migratory birds or their nests or is there evidence of ground-nesting birds within the project area?

8. Is the project located within designated critical habitat for federally-listed Threatened or Endangered Species? See USFWS Critical Habitat Mapper

9. Is the project within the boundary of the Lost Pines Habitat Conservation Plan Area?

10. Is the project located within Karst Zones 1, 2, or 3, or Salamander Critical Habitat? See Travis and Williamson Counties Karst Zones and Salamander Critical Habitat

If all answers are "No", please complete the information below and return to the appropriate TxDOT Area Office personnel. If the answer to any of the above questions is "Yes" or "Unknown", the project sponsor must contact Shirley Nichols, Austin District Environmental Coordinator, at shirley.nichols@txdot.gov, providing a signed copy of this checklist, a location map, and project layout sheet (if available). A separate sheet noting any specific concerns or issues may also be attached. An environmental specialist will be assigned to discuss further assessment requirements.

By signing this document, the project sponsor or designee certifies that the responses noted above are true and represent appropriate due diligence with regard to potential environmental issues associated with this project.

KYLE PHENIX _____ 11/20/24
Project Sponsor/Designee Company Date
217536196 . KYLEPHENIX@GMAIL.COM
Telephone/Email

To be completed by TxDOT Austin District Environmental Section (if necessary):

ENV ID # _____ Environmental Coordinator _____

Notes

Review Complete _____

