

TESSERA TAXPAYERS

Town Hall Meeting



Tessera Pavilion

Saturday, May 24th at 10:00 AM

Join us for a community discussion with City of Lago Vista Mayor Kevin Sullivan and City Councilman Shane Saum regarding City ownership of Tessera amenities.

Meeting Purpose

We'll explain how current City ownership of our park facilities and the "Operation and Maintenance Agreement" came to be while exploring what that means for Tessera taxpayers.



Visit: <https://tesserataxpayers.org/>



Why this matters Tessera homeowners alone are required to pay the full cost to operate, maintain, staff, and insure public park facilities for use by the general public, facilities they were led to believe were HOA amenities.

1 Welcome & Introductions

Meet Mayor Sullivan and Councilman Saum

2 Property Ownership Review

Identify the assets, explain the City Resolutions and the Operations and Maintenance Agreement

3 Financial Implications

Impact on resident dues and future maintenance responsibilities

4 Open Q&A Session

Ask questions about park ownership and the Operation and Maintenance Agreement

Meeting Etiquette

- Be respectful when others speak
- Minimize side conversations
- Stay focused on city land and park ownership
- Recording permitted

Documents Available

Scan the QR code for access to plat maps, TCAD records, and city resolutions from 2017 and 2020.

Get Involved

Learn about next steps and how to stay engaged in this important issue affecting all Tessera taxpayers.

Tessera Taxpayers Town Hall Meeting

Saturday, May 24th at 10:00 AM

Tessera Pavilion

AGENDA

Please be respectful of our guests, moderators, and fellow attendees by limiting side conversations and saving questions and comments for the Q&A portion of the presentation.

1. **Guest Introductions:** Welcome Mayor Kevin Sullivan, Councilman Shane Saum by our moderators Joseph Uhde & Robert Donnelly. Our distinguished city officials will share their perspectives on current city efforts to complete the acquisition of what was commonly believed to be HOA land and amenities.
2. **Asset Identification:** Review of official plat maps and Travis County Appraisal District (TCAD) GIS records showing the legal identity and boundaries of Tessera lots 17R1-X and 17R2-X conveyed or to be conveyed to the City as Public Park Land and Public Park Facilities.
3. **City Council Resolution No. 20-1837, June 4th 2020:** This resolution contains formal acceptance by the City and authorizes the Mayor to execute a Special Warranty Deed for Lot **17R1-X**. But the Warranty Deed filed with the county contains a legal lot description for Lot **17R2-X**, not 17R1-X
4. **City Council Resolution No. 17-1703, June 15th 2017:** This resolution authorized the Mayor to execute the "Operation and Maintenance Agreement" requiring Tessera Taxpayers alone to pay all costs and open the facilities for use by the general public. It did not authorize the Mayor to execute a Special Warranty Deed for the property the park facilities were built on (Lot 17R2-X) utilizing PID bond proceeds.
5. **Operation and Maintenance Agreement, June 15th 2017:** This agreement holds the Tessera HOA responsible for operating, maintaining, staffing, and insuring the Public Park Facilities for use by the general public regardless of financial impact. If either party fails to renew the agreement per the terms of the agreement, full control of the facilities reverts to the City.
6. **Audience Q&A:** An opportunity for questions and comments to our city officials on city park ownership and the burden placed on Tessera taxpayers alone to pay the full cost to operate public park facilities. One speaker at a time using the provided microphone.
7. **Wrap-up:** Summary by the moderators and announcement of Tessera's candidates for City Council.

RESOLUTION 20-1837

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, ACCEPTING BY SPECIAL WARRANTY DEED 7.7241 ACRES OF PROPERTY DONATED BY HINES LAKE TRAVIS LAND 11 LIMITED PARTNERSHIP, DEDICATING THE PROPERTY AS PARKLAND, AND AUTHORIZING EXECUTION OF SPECIAL WARRANTY DEED.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

WHEREAS, the City is statutorily authorized to require parkland as part of the property development process as provided for in Chapter 212 of the Local Government Code; and

WHEREAS, parkland dedication requirements are being met by dedication of **Lot 17R1-X**, Block D, Replat of Lot 17-X, Block D, Tessera on Lake Travis, Phase IA, being approximately 7.7241 acres pursuant to Chapter 10, Subdivision, Section 5, Parkland Dedication, of the City's Code of Ordinances; and

WHEREAS, the City Council finds that it is in the best interest of the City and its residents to accept the property as shown in the special warranty deed attached as "Attachment A" as public parkland; and

BE IT RESOLVED that the 7.7241-acre property, being **Lot 17R1-X**, Block D, Replat of Lot 17-X, Block D, Tessera on Lake Travis, Phase IA, as described in the Special Warranty Deed attached as "Attachment A" between the City of Lago Vista and the Hines Lake Travis Land II Limited Partnership is hereby accepted.

BE IT FURTHER RESOLVED that the property referenced herein shall be permanent parkland of the City of Lago Vista.

BE IT FURTHER RESOLVED THAT the Mayor is authorized to execute the Special Warranty Deed attached as "Attachment A" and city staff is directed to take other appropriate action related to this agreement.

PASSED AND APPROVED by the City Council of the City of Lago Vista this the 4th day of June 2020.

by: 
Ed Tidwell, MAYOR

BUT FROM THE ACTUAL DEED FILED WITH THE COUNTY:

EXHIBIT A
DESCRIPTION OF PROPERTY

Lot 17R2-X, Block D, Replat of Lot 17-X, Block D, Tessera on Lake Travis, Phase IA, according to the subdivision plat recorded in Document No. 202000006, Official Public Records of Travis County, Texas.

Excerpts from City Council Resolution No. 17-1703:

RECITALS

WHEREAS, pursuant to Section 4.05(b) of the August 16, 2012 Restated Development Agreement for Tessera on Lake Travis ("Development Agreement"), Park Developer agreed to enter into an agreement with City that would bind Park Developer to pay all costs for the operation and maintenance public park facilities within the Tessera on Lake Travis development ("Tessera") until the HOA has sufficient revenues to fund such activities;

WHEREAS, **the Public Park Facilities have been constructed and Park Developer will convey the Public Park Facilities to the City in accordance with the terms of the Development Agreement;**

WHEREAS, **pursuant to Article 8 of the Development Agreement, the HOA is to be responsible for the operation and maintenance of the Public Park Facilities;**

1.01 The Public Park Facilities subject to this Agreement are:

- a. Approximately 6,840 linear feet of improved **hike and bike trails** situated on approximately 3.14 acres of public trail easements ("Trail Facilities");
- b. An approximately 2.18 acre area containing the Public Park Facilities except for the Trail Facilities ("Park Area");
- c. The concrete ADA ramp from the Park Area to Turnback Pointe;
- d. **Parking lot** containing 25 parking spaces located within the Park Area;
- e. Approximately 2,006 square foot **pavilion with restrooms** located on the Park Area outside of the Fenced Pool Area ("**Pavilion**");
- f. **Showers** outside of the Fenced Pool Area; and
- g. **Swimming pool and water recreation facilities** located within an approximately 9,600 square foot fenced area ("Fenced Pool Area") located within the Park Area.

1.02 Except for the Fenced Pool Area and reserved use of the Pavilion, the Public Park Facilities, including the restroom facilities in the Pavilion and the showers, will be available for use by residents and non-residents of Tessera (the "General Public") at all times that the Public Park Facilities are open for use, as specified in the applicable Park Rules defined in Section 2.01 below. The Pavilion will be available for use by the General Public at all times that the Trail Facilities are open for use except when the Pavilion has been properly reserved in advance for a specific event or function in accordance with the Pavilion Use Rules. The Fenced Pool Area will be available for use by the General Public during General Public Swimming Hours as set forth in the Pool Rules attached hereto as Exhibit B .

1.03 Landscaping, including trees planted by the Park Developer or the HOA on the Park Lot and public trail easements, have not been conveyed to the City and remain the property of the HOA.

2.01 The City hereby authorizes the HOA to maintain and operate the Public Park Facilities subject to the terms of this Agreement subject to budget attached hereto as Exhibit "D". The Public Park Facilities shall be operated in accordance with the "Trail Rules" attached hereto as Exhibit "A" the "Pool Rules" attached hereto as Exhibit "B", and the Pavilion Use Rules attached hereto as Exhibit "C" (collectively "Park Rules").

EXHIBIT A TRAIL RULES

- ❖ Open to the General Public from Sunrise to Sunset
- ❖ Trails are for walking, hiking, running and biking. Bikes yield to all other trail users.
- ❖ Children under 18 must be accompanied by an adult who is at least 18 years old at all times.
- ❖ Stay on trails at all times and proceed at your own risk in area of rugged terrain, especially along cove and lake edges.
- ❖ All motor vehicles, including ATVs and Golf Carts, are prohibited from all trails and parks.
- ❖ Alcoholic beverages are prohibited.
- ❖ Respect the wildlife. Hunting is strictly prohibited.
- ❖ Firearms are prohibited.
- ❖ No fires of any type, including ground fires, contained wood or charcoal fires, are allowed along the trail systems.
- ❖ No smoking.
- ❖ No Soliciting is allowed. No one may rent or sell any item or service on the trail system without approval from the HOA.
- ❖ Loud speakers, amplified sound and noise disturbances are prohibited.
- ❖ Carry it In, Carry It Out. Please respect all areas: Turnback Cove, Lake Travis, and Tessera's treasured open spaces, creek crossings and trails.
- ❖ Obey posted signs.

EXHIBIT B

POOL RULES

OPERATING HOURS AND GENERAL PUBLIC ACCESS

POOL SEASON - The Fenced Pool Area may, at the discretion of the HOA, be opened to residents of Tessera for swimming ("**Resident Pool Season**") during the months of April through October. The precise opening and closing dates for Resident Pool Season will be determined by the HOA. The Fenced Pool Area will be open to the General Public from Memorial Day Weekend through the weekend before the beginning day of the Lago Vista Independent School District school year in accordance with the hours and schedule set forth below ("**General Public Pool Season**"). The Fenced Pool Area capacity shall not exceed the capacity established by local regulations and shall be open on a first come, first served basis and shall be enforced through the on-duty life guards.

GENERAL PUBLIC SWIMMING- During the General Public Pool Season, the Fenced Pool Area will be available for use by the General Public Sunday through Thursday from 8:00 AM to 11:30 AM ("**General Public Swimming Hours**"). Four lifeguards must be on duty to meet State requirements for use by the General Public. All patrons must leave the Fenced Pool Area before and after General Public Swimming Hours due to opening and closing procedures. During General Public Swimming Hours, the registration desk will be attended. All General Public patrons must sign in at the registration desk, show a valid swim pass card issued by the City of Lago Vista and identification. Whenever feasible, HOA will use the same third-party life guard vendor used by the City. The HOA contract with a third-party life guard vendor will require the life guards to account for City pool admissions daily to the City. Residents of Tessera may swim during General Public Swimming Hours.

TESSERA RESIDENT SWIMMING- Daily 8:00 AM to 8:00 PM. No lifeguard supervision. State requirements limit use to residents of Tessera. Residents of Tessera and their guests must use the Resident Swim Pass Cards issued by the HOA.

EXHIBIT C

PAVILION RESERVATION RULES

- ❖ Pavilion is available to the General Public unless the Pavilion has been reserved.
- ❖ Reservations are made through the HOA.
- ❖ Reservations must be made at least 48 hours in advance.
- ❖ The hours that the Pavilion is available for reservation coincide with the hours that the Trails are open.
- ❖ Guests are to adhere to the Trail Rules and must coordinate with the HOA and if necessary, with the City, to have proper permits and security for the particular use of the Pavilion.
- ❖ HOA reserves the right to limit the number of people that may attend an event at the Pavilion.
- ❖ HOA reserves the right to limit the number of hours per reservation.
- ❖ Parties are responsible for the cleanup and removal of all trash associated with an event at the Pavilion.
- ❖ HOA may require a security deposit for the cost of removing trash and cleaning the Pavilion.
- ❖ Children under 18 must be accompanied by an adult who is at least 18 years old at all times.

2024 Costs to operate and maintain the Tessera Public Park Facilities

(Source: EOY 2024 Lakeside at Tessera Income Statement)

Pool Lifeguards:	\$33,152.00
Doors / Gates:	\$9,516.00
Janitorial / Porter:	\$33,800.00
Janitorial Supplies:	\$440.00
Pool/Spa Maintenance:	\$39,214.00
Trail / Beach Maintenance:	\$48,975.00
Pool Repairs:	\$1,937.00
Security / Monitoring:	\$1,212.00
Liability Insurance:	\$18,639.00
Trash:	\$5,491.00
Electric:	\$11,172.00 (assuming 50% of total electric)
Landscaping:	\$32,213.00 (assuming 15% of total landscaping)
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Pool and facilities FY2024 Total:	\$235,761.00

SUMMARY

- PID bond proceeds were used to construct the “Public Park Facilities”
- Only Tessera homeowners are paying back those bonds via annual assessments
- The Restated Development Agreement and City Council Resolutions require the developer to convey ownership of the “Public Park Land” Lots 17R1-X and Lots 17R2-X to the City of Lago Vista
- The Restated Development Agreement and City Council Resolutions require the developer to convey ownership of the developer constructed “Public Park Facilities” to the city of Lago Vista
- The “Public Park Facilities” include:
 - Approximately 6,840 linear feet of improved hike and bike trails situated on approximately 3.14 acres of public trail easements ("Trail Facilities");
 - An approximately 2.18 acre area containing the Public Park Facilities not including the Trail Facilities ("Park Area");
 - The concrete ADA ramp from the Park Area to Turnback Pointe;
 - Parking lot containing 25 parking spaces located within the Park Area;
 - Approximately 2,006 square foot pavilion with restrooms located on the Park Area outside of the Fenced Pool Area ("Pavilion");
 - Showers outside of the Fenced Pool Area; and
 - Swimming pool and water recreation facilities located within an approximately 9,600 square foot fenced area ("Fenced Pool Area") located within the Park Area.
- Exhibit B indicates the Fenced Area is open to the public from Memorial Day until the starting day of school according to the approved schedule and staffed with 4 lifeguards
- Exhibit A indicates the Trails are open to the public from sunrise to sunset year-round
- Exhibit C indicates the Pavilion is open to the public from sunrise to sunset year-round
- The Park Area is open to the public from sunrise to sunset year-round
- Tessera homeowners alone pay the full costs to operate, maintain, staff, and insure the Public Park Facilities and Public Park Land.
- The Operation and Maintenance Agreement renews in alternating 2 and 3 year cycles.
- Should either party decline to renew the agreement, the City takes full control of the Public Park Facilities.

Sources: Resolution 17-1703, 20-1837, Restated Development Agreement