

LOWER COLORADO RIVER AUTHORITY MARINA FACILITY PERMIT #1235

Pursuant to the Highland Lakes Marina Ordinance (effective May 24, 2023), the Lower Colorado River Authority (hereinafter called LCRA) hereby authorizes:

**Horseshoe Bay Resort Destinations, LLC
Db a Horseshoe Bay Resort Aqua Park
PO Box 7766
Horseshoe Bay, TX 78657**

to: Construct, operate and maintain the Horseshoe Bay Resort Aqua Park on Lake LBJ as stipulated in this permit and in the application and plans submitted to and approved by LCRA. This application authorizes the construction of an aquatic obstacle course. Once construction is completed, this facility will occupy approximately 5,900 square feet of water surface area on Lake LBJ.

at: A .72 acre portion of Tract AAA-2C Horseshoe Bay Plat No.64.5 recorded in Volume 18, Page 28 of the Llano County Plat Records consisting of a remnant of 0.036 acre conveyed to Lake LBJ Investment Corporation recorded in Volume 674, Page 54 of the Official Public Records of Llano County, Texas, remnant of the 0.545 acre conveyed in Volume 795, Page 47 of the Office Public Records for Llano County, Texas, and a portion of 2.83 acre remnant of 4.448 acres conveyed to Lake LBJ Investment Corporation recorded in Volume 197, Page 79 of the Official Public Records of Llano County, Texas.

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A 0.23 acre tract being out of the John Darlin survey no. 4, abstract no.170, Llano County Texas and being a portion of 217.17 acres conveyed to Lower Colorado River Authority, in Volume 200 and Page 54, Llano County Deed Records.

PERMIT NUMBER: 1235

This permit is subject to the following conditions:

I. GENERAL CONDITIONS

1. Permittee shall comply with the terms and conditions of this permit and with the Highland Lakes Marina Ordinance (HLMO) as it may be amended from time to time, including but not limited to the performance standards set forth in Section 5.
2. Marina facility must be located and configured according to the plan(s) submitted with the application and approved by LCRA.
3. Violation of the terms and conditions of this permit may result in the reformation, suspension or revocation of this permit, in whole or in part, and in the institution of such administrative or legal proceedings as LCRA may consider appropriate.
4. Permittee shall keep readily available a copy of the Permit authorizing the Marina Facility to operate, all plans to provided to and approved by LCRA, and make available for inspection all LCRA permits.
5. Permittee shall allow authorized agents or employees of LCRA to enter the marina facility at all reasonable times for the purpose of conducting periodic inspections of the marina facility.
6. A transfer of ownership of a marina facility requires compliance with HLMO Section 7.4. The permittee must provide to LCRA written notice of a transfer of ownership prior to such transfer so that LCRA may provide information and forms to assignee that the assignee must file with LCRA within 30 days of the ownership transfer. All conditions and requirements of this Permit shall be binding upon successors and assigns of this Permit.
7. If any of the conditions to a Permit are found to be invalid for any reason, this shall not affect the validity of this permit, as a whole or any part thereof, other than the condition(s) so declared invalid. If a condition is found to be invalid by a court of competent jurisdiction, LCRA shall reform the conditions of the Permit as necessary to conform to the court's judgment. If the Permit cannot be reformed to so conform, it will be revoked.
8. If a court of competent jurisdiction determines at any time that the Permittee or its assignee do not own or control the properties necessary for the location and operation of the Marina Facility, this Permit will be amended, modified, or revoked to the extent necessary to comply with the court order of decision.
9. Permittee shall at all times observe and comply with all federal, state and local laws, ordinances and regulations.
10. Permittee is acting independently and not as an agent, employee or representative of LCRA.
11. Permittee must maintain insurance as required in HLMO Section 5.4(c).
12. Permittee shall not commence activities authorized under a Permit until all appeals, if any, filed pursuant to this Ordinance, are resolved.
13. Permittee acknowledges that the elevations of the Highland Lakes and the flow in the Colorado River and its tributaries vary as a result of natural hydrologic events or LCRA's operations of its dams on the Colorado River. The Permittee further understands that these conditions can change dramatically and suddenly with little notice. LCRA reserves the right to operate its dams and associated appurtenances and to use LCRA property or property on which LCRA has flowage or inundation easements for any legal purpose that it sees fit in the operation and maintenance of its dams and reservoirs and makes no guarantee that the level of any lake operated and maintained by it will be retained at any specific lake level for any particular time. LCRA further reserves the right and privilege to inundate with water at any

time and as many times as LCRA may see fit all or any areas and Permittee's facilities and equipment that are subject to a flowage or inundation easement, without any liability on the part of LCRA for making such use of said property, or any part thereof.

II. SPECIAL CONDITIONS

1. Issuance of this Permit authorizes Permittee to Construct, expand or modify the Marina Facility in accordance with the plans, drawings, maps, correspondence, and/or other materials approved by LCRA and attached hereto. Permittee is not authorized to commence any construction, expansion, or modification not directly addressed in the application. Any unpermitted construction, expansion, or modification of the Marina Facility or deviation from the plans reviewed and approved by LCRA may result in revocation of this Permit.
2. No construction may commence until after the period for filing appeals has expired and staff has indicated that no appeal has been received in accordance with the requirements of the Ordinance.
3. If Permittee engages in unauthorized construction, expansion, or modification of the facilities for which the permit was sought, or engages in unauthorized construction, expansion, or modification of facilities in violation of this permit during the pendency of any appeal, and the LCRA Board ultimately denies the Permit, Permittee will be required to remove such construction, expansion, or modification and restore the area to its original condition.
4. Should any party protesting LCRA staff's decision to issue this Permit file a request for appeal in accordance with Section 12, no construction may commence unless and until the later of: (1) the date that the request(s) for appeal are determined to be invalid; (2) the date the Board issues a decision on a valid appeal reaffirming LCRA staff's permit decision, or (3) the date a modified Permit is issued as a result of the Board's decision on appeal
5. Construction approved under this Permit must be completed within three years from the date of issuance of this Permit, or if applicable, from the later of: (1) the date that the requests for appeal are determined to be invalid, (2) the date the Board issues a decision on a valid appeal reaffirming LCRA staff's permit decision, or (3) the date a modified Permit is issued as a result of the Board's decision on appeal.
6. Members of the general public, other than contractors and employees of the Marina Facility, shall not be allowed on newly constructed portions of this Marina Facility until such portions have successfully passed final inspection by LCRA and have received from LCRA the necessary written authorization to occupy and operate the newly constructed portions.
7. On the date of issue of this Permit, this Marina Facility is subject to the siting, location, and configuration requirements of the Highland Lakes Marina Ordinance Amended May 24, 2023. Any modifications made to the Marina Facility after the date of issue of this Permit are subject to the requirements of the Ordinance that is in effect either (1) at the time an application to amend the Permit, if required, is submitted, or (2) at the time the modifications are made, if no Permit Amendment is required.
8. Should the LCRA land lease evidencing control of the property over which the marina is located expire, be violated or terminated, or otherwise become of no legal effect, this Permit may be revoked. All provisions of the lease agreement for the use of LCRA property must be complied with at all times and lease fee payments must be received by LCRA when due.

PERMITTEE HEREBY ACCEPTS AND AGREES TO COMPLY WITH THE TERMS AND CONDITIONS OF THE HIGHLAND LAKES MARINA ORDINANCE AND THIS PERMIT.

PERMITTEE:

LOWER COLORADO RIVER AUTHORITY:

Signature

Jordan E. Jaffe
Horseshoe Bay Resort Destinations, LLC.

Printed Name & Title

Date

Signature

Jim Richardson, Manager
Water Surface Management

Printed Name & Title

Date