

DECLARATION OF MICHAEL THEONE

Pursuant to Section 132.001 of the Texas Civil Practice and Remedies Code, Declarant Michael Theone hereby makes the following declaration under penalty of perjury:

1. My name is Michael Theone. I am over the age of eighteen and am fully competent to make this declaration. The facts stated in this declaration are true and correct and based upon my personal knowledge and/or experience.

2. This Declaration is given on behalf of Hardy T Land, LLC in support of its Appeal of the May 2, 2024 Takings Impact Assessment for Requested Infrastructure for the Hardy Tract, from Chad Gilpin, P.E., City Engineer, relating to Project No. SUB2023-0042 (known as the “Hardy Subdivision”) and Project No. SD2022-0025 (known as the “Hardy Driveway”).

3. I have eight (8) years of experience as a Professional Engineer, Texas License No. 142972, with the following certifications: 1.4.1 Land Planning/Engineering, TxDot; 4.2.1 Roadway Design, TxDOT; 17.5.1 Civil Engineering, TxDOT; 18.3.1 Utility Adjustment Coordination, TxDOT; and 18.4.1 Utility Engineering, TxDOT.

4. Currently, I am a Senior Project Manager for Civil & Environmental Consultants, Inc. My project experience focuses on land development that includes site plan design, grading and drainage, water quality, stormwater management, erosion and sedimentation control design, small and large roadway design, utility design / coordination, and traffic control plan design. A copy of my Resume is attached to this Declaration as **Exhibit A.**

5. As one of the project engineers for the Hardy Driveway, I was asked to provide an explanation regarding the engineering complexities and costs associated with constructing a sidewalk along one side of the Hardy Driveway, as currently required by the City.

6. The Hardy Driveway project (SD2022-0025) is located on a 60' wide tract that stretches roughly 3,100 LF from the US HWY 290 right-of-way to the proposed Hardy Subdivision (SUB2023- 0042). Roughly 105 acres of upgradient drainage traverse through the subject tract via existing stormwater culverts. With a relatively narrow tract and large off-site drainage conditions, there are several construction challenges to accommodate the city requirements for drainage analysis points, detention, water quality, and accessibility.

7. The cost of requiring a sidewalk on one side of a long, single road is significantly higher due to the unique challenges associated with water quality, stormwater detention, and off-site drainage routing. When constructing sidewalks on a roadway, the available area for managing stormwater runoff is greatly reduced. This forces designers to look for alternative/atypical solutions, where costs escalate rapidly (drainage swales with stormwater inlet improvements, underground detention, etc.).

8. In a typical roadway project with space to spare, detention ponds, bioswales, or other above-ground stormwater management features can be installed alongside the road. These options are generally more cost-effective and easier to maintain. However, when space is constrained-such as in urban or densely developed corridors-there may not be enough room to implement these above-ground systems or traditional drainage swales. In such cases, stormwater detention and/or water quality treatment must be integrated beneath the road itself, and drainage swales will require extensive stormwater improvements. An example of such a road is attached as **Exhibit B**. These improvements will cause the costs associated with the construction of the sidewalk to substantially increase.

9. This underground approach requires complex engineering solutions. For example, detention vaults, oversized culverts, or modular storage systems need to be buried beneath the

roadway. These systems involve heavy excavation, specialized materials, and the reinforcement of the roadbed to maintain its structural integrity. Furthermore, these installations often require precise grading, advanced filtration technologies, and access points for maintenance, all of which contribute to higher costs.

10. If a sidewalk is required along one side of the Hardy Driveway, this will necessarily result in the road and the sidewalk having to be elevated to accommodate the storage and treatment of stormwater discharge under the roadway. This accommodation of these facilities under the roadway, as well as the increased costs associated with the complex engineering, limited working space, and logistical challenges of doing so, will make this project significantly more expensive than those with more flexible site layouts.

11. I have reviewed the costs that Jim Boushka concludes that the Hardy Driveway Project is expected to incur with and without a sidewalk. I believe Mr. Boushka's conclusions to be reasonable based on my knowledge of the engineered plans and requirements of the City.

My name is Michael Theone, my date of birth is March 23, 1994, and my business address is 1221 S. Mopac Expressway, Suite 350, Austin, Texas 78746. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Travis County, State of Texas, on the 15th day of January 2025



Michael Theone

Exhibit A

Michael Theone, P.E.

Senior Project Manager



8 YEARS OF EXPERIENCE

EDUCATION

B.S., Civil Engineering, University of Texas at San Antonio, 2017

My experience in land development includes site plan design, grading and drainage, water quality, stormwater management, erosion and sedimentation control design, small and large roadway design, utility design / coordination, and traffic control plan design. I utilize these skills to ensure my projects stay on budget and on schedule. I understand the importance of being responsive and take pride in maintaining excellent client communication.

PROJECT EXPERIENCE

NFM - Cedar Park, NFM, Cedar Park

Role: Civil PM

118 ac mixed use development with over super-regional destination retail.

Lot 2 - Arrowpoint Subivision, RCPDevco LLC, Cedar Park texas

Role: Civil PM

1 ac pad site development for QSR (shake shack)

Lot 4 - Arrowpoint Subdivision, RCPDevco LLC, Cedar Park texas

Role: Civil PM

Roughly 1.5 ac pad site development with multi-tenant retail building.

Lot 3 Arrowpoint Subdivision, Glen Irby, Cedar Park texas

Role: Civil PM

1 ac pad site development for QSR (black rock coffee)

707 W. Slaughter Lane, Jounreyman Construction inc., Austin Texas

Role: Civil Pm

300 unit multi family development

1208 East Howard Lane, Journeyman Construction INC., Austin Texas

Role: Civil PM

300 unit multifamily development on tract containing floodplains and CEFs

Arrowpoint Subdivision, Realtex Ventures, LP, Cedar Park, Texas

Role: Assistant Project Manager

Mr. Theone served as the sole client contact for the development of a 25 acre commercial subdivision in Cedar Park, Texas. Responsibilities included final design, platting/permitting, construction phase services, and pad site lot marketing assistance. Design activities included extensive site grading, roadway design, detention, water quality management, utility design and franchise utility coordination.

EXPERTISE

Site design. Especially: grading, stormwater management, water quality, and floodplain design

Client and team communication

REGISTRATIONS

Professional Engineer

- TX 142972

CERTIFICATIONS

1.4.1 Land Planning / Engineering, TxDOT

4.2.1 Roadway Design, TxDOT

17.5.1 Civil Engineering, TxDOT

18.3.1 Utility Adjustment Coordination, TxDOT

18.4.1 Utility Engineering, TxDOT



Michael Theone, P.E.

Senior Project Manager

QuikTrip No. 4129, QuikTrip Corporation, Austin, Texas

Role: Assistant Project Manager

Mr. Theone served as Assistant Project Manager for the development of a 21.7 acre tract in Austin, Texas. The development included platting, subdivision improvements, relocation of public storm water infrastructure, and civil site development plans for a proposed QuikTrip store. Responsibilities included site grading, storm water management, water quality, and QuikTrip Prototype coordination.

QuikTrip No. 4128, QuikTrip Corporation, Bastrop, Texas

Role: Assistant Project Manager

Mr. Theone served as the Assistant Project Manager for a QuikTrip Travel Center in Bastrop, Texas. Responsibilities included final site design, permitting, QuikTrip Prototype coordination, and construction phase services. Design activities included site grading, underground detention design, and franchise utility coordination.

Pond Springs Mixed-Use, David Spatz, Austin, Texas

Role: Assistant Project Manager

Mr. Theone served as the Assistant project Manager for a proposed Mixed-Use development including 72 units of multi-family and live/work units in Austin, Texas. Responsible for final site design, permitting and construction phase services. Design activities included site grading, innovative water quality management, utility design and coordination with franchise utility providers.

Rooms to Go Expansion, Roomstogo.com, Inc. dba Rooms To Go, Round Rock, Texas

Role: Assistant Project Manager

Mr. Theone served as the Assistant Project Manager for expansion of an existing Rooms To Go in Round Rock, Texas. Responsibilities included final site design, floodplain investigation, permitting, and construction phase services. Design activities included deceleration lane design, franchise utility relocations, right of way donation, and encroachment agreements with the City of Round Rock.

Wolf Lakes Village Section 5, Novak Commercial LLC, Georgetown Texas

Role: Civil PM

Multifamily development with a master development community (PUD) containing over 250 units.

Bar W Ranch Commercial, Barshop & Oles Company, Leander, Texas

Role: Assistant Project Manager

Mr. Theone served as the Assistance Project Manager for 50 acres of civil subdivision improvements including civil site development plans for retail and anchor tenant use (HEB). Responsibilities included drainage design, platting/permitting, construction phase services, and client marketing assistance. Design activities included unmapped floodplain modifications, wet pond design, and sedimentation/filtration ponds to serve the ultimate build out of the 50 acre commercial development.

Dairy Queen Hutto, Robert Mayfield, Hutto, Texas

Role: Assistant Project Manager

Mr. Theone served as Assistant Project Manger for a proposed Dairy Queen Restaurant in Hutto, Texas. Responsibilities included final design, permitting, subdivision improvement coordination, and construction phase services. Design activities included site grading, site layout, and utility design/coordination with the concurrent subdivision improvements.

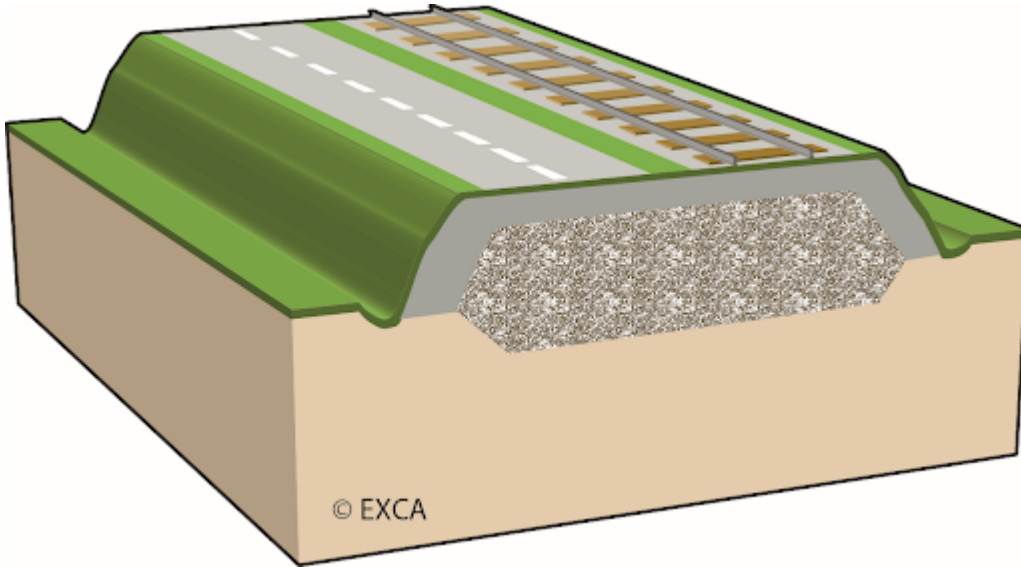
Shady Oaks Gun Range, Shady Oaks Gun Range, Cedar Park, Texas

Mr. Theone served as the sole client contact for the proposed gun range expansion in Cedar Park, Texas. Responsibilities included final site design, permitting, and construction phase services. Design activities included utilization of natural filter strips and earthen berm detention included in the overall site grading.

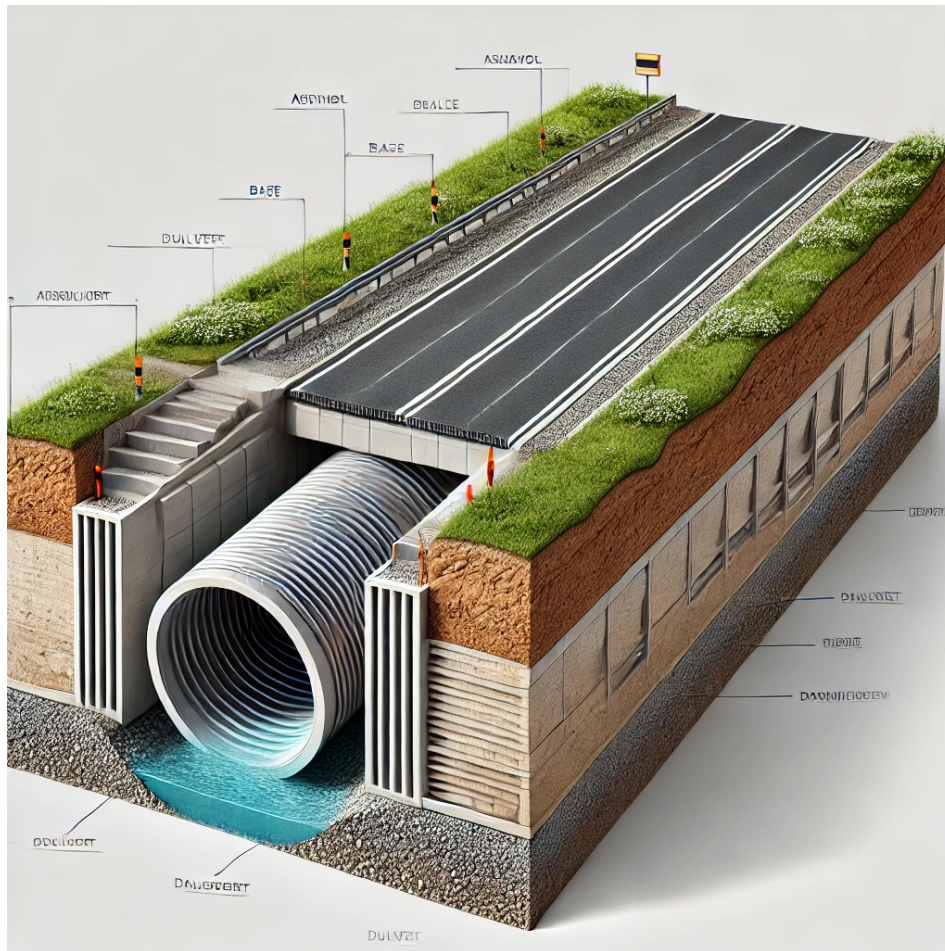
PROFESSIONAL AFFILIATIONS

Real Estate Council of Austin

Exhibit B



ELEVATED ROADWAY WITH ROADSIDE DRAINAGE SWALES



ELEVATED ROADWAY WITH UNDERGROUND DETENTION