

ORDINANCE NO. 20080515-035

AN ORDINANCE GRANTING VARIANCES FROM CITY CODE SECTIONS 25-8-452 AND 25-8-454; AND ESTABLISHING AN ADMINISTRATIVE VARIANCE PROCESS FROM CITY CODE SECTIONS 25-8-301, 25-8-302, 25-8-341, AND 25-8-342 FOR DEVELOPMENT OF WATER TREATMENT PLANT NUMBER 4.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. In this ordinance:

- (A) DIRECTOR means the director of the Watershed Protection and Development Review Department.
- (B) WTP4 SITES means the sites for the Water Treatment Plant Number 4 plant, the raw water intake facility, and the pump station.
- (C) PLANT SITE means the area of land used for Water Treatment Plant Number 4, as described in attached Exhibit A.
- (D) RAW WATER SITE means the area of land used for the raw water intake facility to serve Water Treatment Plant Number 4, as described in attached Exhibit B.
- (E) PUMP SITE means the area of land used for the raw water pump station to serve Water Treatment Plant Number 4, as described in attached Exhibit C.

PART 2. The variances granted in this ordinance and the administrative variance process established in this ordinance become effective only after the City Attorney files in the Travis County Official Public Records a document restricting from development, except that appropriate for conservation purposes, the property known as the Bull Creek site, as shown in Exhibit D. The document will not impair the ability of the City to transfer ownership of the site in the future, will be subject to existing easements, and will allow the construction, maintenance, repair, and replacement of transmission and distribution lines necessary to serve WTP4 sites only if the transmission and distribution lines are located at least 20 feet below the base of the Edwards Formation with no surface disturbance during construction, maintenance, repair or replacement activities.

PART 3. A variance is granted from City Code section 25-8-452 (*Critical Water Quality Zone*) for the Raw Water Site to allow construction of the raw water intake facility in the critical water quality zone.

PART 4. Variances are granted from City Code section 25-8-454(D) (*Uplands Zone*) to provide:

- (1) for the Plant Site, impervious cover may exceed 20 percent, but may not exceed 50 percent net site area; at least 25 percent of the Plant Site must be retained in or restored to its natural state to serve as a contiguous buffer to receive overland drainage; and
- (2) for the Pump Site, impervious cover may exceed 20 percent, but may not exceed 50 percent net site area; at least 25 percent of the Pump Site must be retained in or restored to its natural state to serve as a contiguous buffer to receive overland drainage.

PART 5. An administrative variance process is established allowing the director to grant variances from certain City Code provisions for WTP4 sites. The director may grant variances from:

- (A) Section 25-8-301 (*Construction of a Roadway or Driveway*), to allow construction of driveways on slopes greater than 15 percent on the Plant Site;
- (B) Section 25-8-302 (*Construction of a Building or Parking Area*), to allow construction of a building or parking structure on slopes greater than 25 percent and to allow a parking area on slopes greater than 15 percent on the Plant Site and the Pump Site;
- (C) Section 25-8-341 (*Cut Requirements*), to allow:
 - (1) cuts to exceed four feet but not to exceed 30 feet of depth on the Plant Site; and
 - (2) cuts to exceed four feet, but not to exceed 60 feet of depth on the Pump Site; and
- (D) Section 25-8-342 (*Fill Requirements*), to allow:
 - (1) fill to exceed four feet but not to exceed 40 feet of depth on the Plant Site; and
 - (2) fill to exceed four feet, but not to exceed 10 feet of depth on the Pump Site.

PART 6. The director may grant a variance under this ordinance if the director determines that:

- (A) the variance is the minimum departure from current code necessary to achieve the project's needs.
- (B) the variance minimizes, to the extent possible, any harmful consequences to the environment.
- (C) compliance with the code provision imposes an unacceptable engineering or financial impact to the project.
- (D) to the extent possible, mitigation is provided that reduces the impact of the proposed variance and meets the intent of the code provision; and to assist in this determination, the director shall consider the Variance Request Evaluation Criteria table approved by Environmental Board Resolution EB 111407 on November 14, 2007; and
- (E) granting the variance will result in water quality that is at least equal to the water quality achievable without the variance.

PART 7. The director shall prepare written findings to support the grant or denial of a variance request within 30 days under this ordinance and shall notify the Environmental Board of each variance granted. The director shall submit a quarterly report to Council and the Environmental Board that includes:

- (A) A list of variances granted under this ordinance and their respective findings;
- (B) the construction status of WTP4 sites granted a variance under this ordinance; and
- (C) the status of the review and permitting process for all WTP4 related projects.

PART 8. An interested party or the Environmental Board may appeal a decision by the director under this ordinance to the City Manager. The provisions of City Code Chapter 25-1, Article 7, Division 1 (*Appeals*) establish the process for appeals under this ordinance.

PART 9. This ordinance takes effect on the later of the following:

- (A) May 26, 2008, or
- (B) the date the Austin City Council adopts an amendment to Ordinance No. 040129-43 as necessary to apply the variances and variance process established in this ordinance to WTP 4 sites located within the Comanche Canyon Ranch Planned Unit Development.

PASSED AND APPROVED

<p>_____ May 15, 2008</p>	<p>§ § § _____ Will Wynn Mayor</p>
<p>APPROVED: _____ David Allan Smith City Attorney</p>	<p>ATTEST: _____ Shirley A Gentry City Clerk</p>

EXHIBIT A

PLANT SITE

The area of land used for Water Treatment Plant Number 4

Three tracts of land more particularly described as:

Tract 1 being 20.357 acres of land out of the S.T. Bullock Survey No. 76, Abstract No. 2624 and the Riordan Survey No. 76, Abstract No. 2618, in Travis County, Texas and more particularly described in the following field notes.

Tract 2 being 40.43 acres of land out of the Luis Fritz Survey No. 291, Abstract 280, in Travis County, Texas and more particularly described in the following field notes.

Tract 3 being 36.20 acres of land out of the Alexander Dunlap Survey No. 805, Abstract 224, Travis County, Texas **SAVE AND EXCEPT** the 4.2 acre tract of land out of the Alexander Dunlap Survey No. 805, Abstract 224, Travis County, Texas and more particularly described in the following field notes.



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS

EXHIBIT " A "
Tract 1

DHD Ventures, LTD
To
The City of Austin
December 30, 2007

LEGAL DESCRIPTION

OF A 20.357 ACRE (886,753 SQUARE FOOT) TRACT OF LAND OUT OF THE S T. BULLOCK SURVEY NO. 76, ABSTRACT NO. 2624 AND THE RIORDAN SURVEY NO. 76, ABSTRACT NO. 2618 IN TRAVIS COUNTY, TEXAS. SAID 20.357 ACRE TRACT ALSO BEING OUT OF THE REMAINING PORTION OF THE 312.76 ACRE TRACT CONVEYED TO ROBERT H. THERIOT BY DEED DATED JANUARY 9, 1998 BY INSTRUMENT OF RECORD IN VOLUME 13294, PAGE 1317 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AS SHOWN ON THE ACCOMPANYING SKETCH AND DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

POINT OF BEGINNING, at a ½" iron rod found on the south line of a 34.85 acre tract of land conveyed to MCPMT, LTD by instrument of record in volume 4286, page 749, deed records of Travis County Texas, the northwest corner of a 42.00 acre tract conveyed to John E. and John M. Joseph, Trustees, by instrument of record in volume 11175, page 150 in the real property records of Travis County, Texas, an exterior corner of the remaining Theriot 312.76 acre tract, the northeast corner of a Cellular Antenna Site Lease and a corner of this tract,

THENCE, S27°03'26"W 465.17 feet with an east line of this tract and a west line of the 42.00 acre tract to a ½" iron rod with a "McAngus Surveying" cap,

THENCE, traversing through the 312.76 acre tract the following twenty three (23) courses;

- 1 N84°42'32"W, 223.30 feet to a ½" iron rod with a "McAngus Surveying" cap found,
- 2 N74°35'48"W, 195.30 feet to a magnetic nail found,
- 3 N41°52'08"W, 140.24 feet to a ½" iron rod with a "McAngus Surveying" cap found;
- 4 N01°32'12"E, 138.23 feet to a ½" iron rod with a "McAngus Surveying" cap found,
- 5 N45°46'37"W, 121.84 feet to a cotton spindle found,
- 6 N75°44'45"W, 84.61 feet to a ½" iron rod with a "Macias" plastic cap set,
- 7 N84°38'28"W, 21.74 feet to a magnetic nail found,
- 8 N23°30'46"W, 320.56 feet to a ½" iron rod with a "McAngus Surveying" cap found;
- 9 N24°20'57"E, 307.36 feet to a ½" iron rod with a "McAngus Surveying" cap found,

- 10 N04°34'51"E, 147.37 feet to a ½" iron rod with a "McAngus Surveying" cap found,
- 11 N30°19'35"W, 173.45 feet to a cotton spindle found,
- 12 N17°11'21"E, 109.07 feet to cotton spindle found,
- 13 N59°12'38"E, 99.88 feet to a ½" iron rod with a "McAngus Surveying" cap found,
- 14 S84°11'23"E, 85.38 feet to a ½" iron rod with a "McAngus Surveying" cap found;
- 15 S26°32'09"E, 145.69 feet to a ½" iron rod with a "McAngus Surveying" cap found,
- 16 S62°32'21"E, 63.66 feet to a ½" iron rod with a "McAngus Surveying" cap found,
17. S18°20'44"E, 105.92 feet to a ½" iron rod with a "McAngus Surveying" cap found,
- 18 S72°31'09"E, 65.93 feet to a cotton spindle found,
- 19 N31°45'27"E, 134.99 feet to a ½" iron rod with a "Macias" plastic cap set,
- 20 S81°21'46"E, 130.92 feet to a ½" iron rod with a "McAngus Surveying" cap found,
- 21 S35°19'41"E, 360.36 feet to a ½" iron rod with a "Macias" plastic cap set,
- 22 S24°41'57"W, 107.79 feet to a ½" iron rod with a "McAngus Surveying" cap found,
- 23 S20°38'53"E, 56.50 feet to a ½" iron rod with a "McAngus Surveying" cap found on an east line of this tract and the west line of said 34.85 acre tract,

THENCE, with the east line of this tract and the west line of said 34.85 acre tract, S27°12'10"W, 266.14 feet to a ½" iron rod found for a corner;

THENCE, S61°46'47"E, 337.29 feet to the POINT OF BEGINNING and containing 20.357 Acres (886,753 SQUARE FEET) of land

BEARING BASIS NOTE

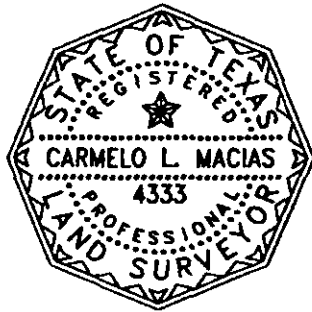
All bearings described herein are based upon the Texas State Plane Coordinates System, NAD 83 (1986) South Central Zone

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

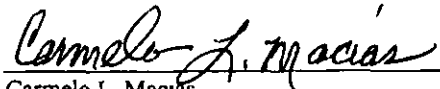
KNOW ALL MEN BY THESE PRESENTS:

That I, Carmelo Lettere Macias, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 30th day of December, 2007, A.D



Macias & Associates, L.P.
5410 South 1st Street
Austin, Texas 78745
512-442-7875


Carmelo L. Macias
Registered Professional Land Surveyor
No. 4333 – State of Texas

REFERENCES

Austin Grid No. M 33
TCAD PARCEL ID NO. 01-51371-0101
Volume 13294, Page 1317

MACIAS & ASSOCIATES, L.P., PROJECT NO. 425-01-07

J. jobs/ctw/20 Acre Tract

CO. NOTES REVIEWED
by JOHN MOORE DATE 1-15-2008
Asst. Hearing Support Section
Department of Public Works
Transportation

40.43 Acres
John E. & John W. Joseph, Trustees

Travis County, Texas
C&B Job No. 050841002 205.4005

Tract 2

DESCRIPTION

BEING A 40.43 TRACT OF LAND SITUATED IN THE LOUIS FRITZ SURVEY NUMBER 291, ABSTRACT NUMBER 280 AND THE M.W. RIORDAN SURVEY NUMBER 74, ABSTRACT NUMBER 2629 IN TRAVIS COUNTY, TEXAS, BEING ALL OF THE REMAINDER OF THAT 42.00 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO JOHN JOSEPH & JOHN M. JOSEPH, TRUSTEES, RECORDED IN VOLUME 9483, PAGE 726, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS (R.P.R.T.C.T.). SAID 40.43 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 3/4-inch iron pipe found for the southeast corner of a call 0.8697 acre tract described in a deed to MCPMT, Ltd., as recorded in Document No. 2003087287 and Document No. 2003087288, Official Public Records of Travis county, Texas, (O.P.R.T.C.T.) and to Daphene Clarke, recorded in Volume 13249, Page 2981 (R.P.R.T.C.T.), being the northeast corner of the said 42.00 acre tract and being in the west right-of-way line of Ranch to Market Road 620 (R.M. 620), for the northeast corner of the herein described tract;

THENCE with said west right-of-way line common with the east line of the said 42.00 acre tract for the following two (2) courses and distances:

1. **S 22°33'55" W** for a distance of **398.88** feet to a 1-inch iron rod found for the Point of Curvature of a non-tangent curve to the left,
2. Along said non-tangent curve to the left, passing through a central angle of **12°05'15"** to a 1-inch iron rod found for the Point of Non-tangency, said curve having a radius of **1479.26** feet, an arc length of **312.08** feet, and a long chord bearing **S 16°29'56" W** for a distance of **311.50** feet,

THENCE with the west line of a called 1.581 acre tract (Parcel 52A) to the State of Texas, described in Cause No. 2244 recorded under Document No. 1999071544 (O.P.R.T.C.T.), common with the east line of the remainder of said 42.00 acre tract for the following five (5) courses and distances:

1. **S 33°22'59" W** for a distance of **324.42** feet to a 1-inch iron rod found for angle point,
2. **S 51°40'01" W** for a distance of **275.20** feet to a 1/2-inch iron rod found for angle point,
3. **S 63°39'43" W** for a distance of **286.08** feet to a 1/2-inch iron rod with cap found for angle point,
4. **S 68°39'23" W** for a distance of **399.90** feet to a cotton gin spindle set for angle point,
5. **S 69°23'24" W** for a distance of **273.29** feet to a 1/2-inch iron rod with cap found for the southeast corner of the said 42.00 acre tract, and of the herein described tract,

THENCE with the south line of the said 42.00 acre tract, common with the north line of a called 1751 865 acre tract described in a deed to the City of Austin recorded in Volume 11848, Page 1718 (R.P.R.T.C.T.), **N 62°28'52" W** for a distance of **49.82** feet to a 3/4 inch iron pipe found for the southwest corner of the said 42.00 acre tract, also being an easterly corner of a call 393.1037 acre tract described in a deed to The Commanche Trail Conservation Fund, recorded in Volume 11960, Page 1074 (R.P.R.T.C.T.), same being the southwest corner of the herein described tract;

THENCE with the southwest line of the said 42.00 acre tract common with a northeast line of the said 393.1037 acre tract, **N 20°25'32" W** for a distance of **1140.76** feet to a 1/2-inch iron rod found on a southerly line of a call 273 933 acre tract described in a deed to Robert H. Theriot, recorded in Volume 13294, Page 1317 (R.P.R.T.C.T.), being a corner of the said 393.1037 acre tract and being the west corner of the said 42.00 acre tract, and of the herein described tract,

THENCE with the southerly line of the said 273.933 acre tract common with a northerly line of the said 42.00 acre tract, **S 62°20'58" E** for a distance of **693.55** feet to an "X" found scribed in rock for the southeast corner of the said 273.933 acre tract, being an interior ell corner of the said 42.00 acre tract and of the herein described tract;

THENCE with the west line of the said 42.00 acre tract, common with the east line of the said 273.933 acre tract, **N 26°59'52" E** passing at a distance of 794.50 feet, and to the left 0.48 feet, a 1/2-inch iron rod with cap stamped "McAngus" found, for a total distance of **1210.75** feet to a 1/2-inch iron rod with cap found for the southwest corner of a Cellular Antenna Lease Site, recorded in Volume 9382, Page 661 (R.P.R.T.C.T.), for an exterior ell corner of the herein described tract, from which a 3/4 inch iron pipe found on the south line of a 34.85 acre tract described in a deed to MCPMT, Ltd. recorded under Document No. 2003087287 (O.P.R.T.C.T.), bears **N 26°59'10" E**, a distance of 50.01 feet, said iron pipe being called in said Volume 11175, Page 150 (R.P.R.T.C.T.), as marking the north corner of the said Louis Fritz Survey and the east corner of the D.J. Riordan Survey No. 76, Abstract 2618, and being on the south line of the Alex Dunlap Survey No. 805, Abstract No. 224;

THENCE with the south line of the said Cellular Antenna Lease Site common with a northerly line of the said 42.00 acre tract, **S 61°48'00" E** for a distance of **50.02** feet to a 1/2-inch iron rod found for the southeast corner of said Lease Site, being an interior ell corner of the said 42.00 acre tract and of the herein described tract;

THENCE with the east line of said Lease Site, common with the west line of the said 42.00 acre tract, **N 26°59'05" E** for a distance of **49.97** feet to a 1/2-inch iron rod found on the south line of the said 34.85 acre tract for the northeast corner of said Lease Site being the northwest corner of the said 42.00 acre tract and of the herein described tract;

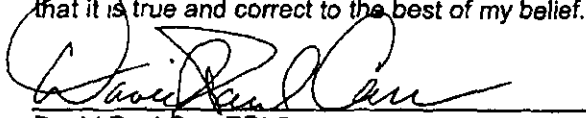
THENCE with the south line of the said 34.85 acre tract and the said 0.8697 acre tract, common with the north line of the said 42.00 acre tract, **S 61°47'49" E** for a distance of **830.77** feet to the **POINT OF BEGINNING** and containing 40.43 acres of land, more or less.

40.43 Acres
John E. & John W. Joseph, Trustees

Travis County, Texas
C&B Job No. 050841002.205.4005

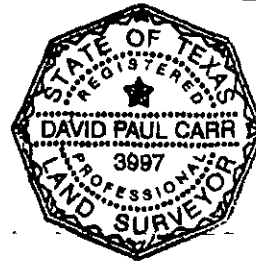
Bearing Basis: The Texas Coordinate System Central Zone NAD 83

I, David Paul Carr, a duly Registered Professional Land Surveyor in the State of Texas, do hereby certify that the foregoing description is based on a ground survey performed by Carter & Burgess in April of 2006 under my direction and supervision and that it is true and correct to the best of my belief.



David Paul Carr RPLS
Texas Registered Professional Land Surveyor
No. 3997

12/21/07
Date



FIELD NOTES REVIEWED
by JOHN MOORE Date 1-15-2008
Engineering Support Section
Department of Public Works
and Transportation

36.20 Acres
MCPMT, LTD. et. Al
PD06-052

Travis County, Texas

Tract 3

DESCRIPTION

BEING A 36.20 ACRE TRACT OF LAND SITUATED IN THE ALEXANDER DUNLAP SURVEY NUMBER 805, ABSTRACT NUMBER 224 IN TRAVIS COUNTY, TEXAS, BEING ALL OF THE REMAINDER OF THAT 34.85 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO MCPMT, LTD., (TRACT 3), 99% INTEREST IN UNDIVIDED 1/2 INTEREST, RECORDED IN DOCUMENT NO. 2003087287 AND 1% INTEREST IN UNDIVIDED 1/2 INTEREST RECORDED IN DOCUMENT NO. 2003087288, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND TO DAPHENE H. SCHULZE, TRUSTEE, UNDIVIDED 1/2 INTEREST, BY CAUSE NO. 11580 PROBATE COURT OF TRAVIS COUNTY, TEXAS AND RECORDED IN VOLUME 9335, PAGE 128 REAL PROPERTY RECORDS OF TRAVIS COUNTY TEXAS, ALL OF THAT 0.8697 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO MCPMT, LTD., (TRACT 6) 99% INTEREST IN UNDIVIDED 1/2 INTEREST, RECORDED IN DOCUMENT NO. 2003087287 AND 1% INTEREST IN UNDIVIDED 1/2 INTEREST IN DOCUMENT NO. 2003087288, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND TO DAPHENE CLARKE, UNDIVIDED 1/2 INTEREST, RECORDED IN VOLUME 13249, PAGE 2981 REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT 0.50 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO MCPMT, LTD. (TRACT 2) 99% INTEREST RECORDED IN DOCUMENT NO. 2003087287 AND 1% INTEREST IN DOCUMENT NO. 2003087288, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND UNDIVIDED 1/2 INTEREST OF A 20 FOOT ROADWAY AS DESCRIBED IN A DEED TO MONTANDON COMMUNITY PROPERTY MANAGEMENT TRUST, RECORDED IN VOLUME 12273, PAGE 97 REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 36.20 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

BEGINNING at a 3/4 inch iron pipe found on the southeast corner of said 0.8697 acre tract, being the northeast corner of that 42.00 acre tract of land as described in a deed to John E. & John M. Joseph, trustees, recorded in Volume 11175, Page 150, Real Property Records of Travis County, Texas and being the west right-of-way line of Ranch to Market Road 620 (R.M. 620), for the southeast corner of the herein described tract;

THENCE, leaving the said west right-of-way line of R.M. 620, with the south lines of said 0.8697 acre tract and said 34.85 acre tract common with the north lines of said 42.00 acre tract, a Cellular Antenna Lease Site, recorded in Volume 9382, Page 661, Real Property Records of Travis County, Texas, and of a call 273.933 acre tract described in a deed to Robert H. Theriot, recorded in Volume 13294, Page 1317, Real Property Records of Travis County, Texas **N 61°47'43" W**, passing at a distance of 176.84 feet the southwest corner of said 0.8697 acre tract, from which a 3/4 inch iron rod found bears **N 20°17'27" E**, a distance of 0.21 feet, and from which a PK nail with shiner found bears **N 25°02'22" E** a distance of 1.75 feet, passing at a distance of 830.77 feet a 1/2 inch iron rod found at the northeast corner of said Cellular Antenna Site Lease, passing at a distance of 880.78 feet a 3/4 inch iron pipe found at the northwest corner of said Cellular Antenna Lease Site, in all a total distance of **1218.10** feet to a 1/2 inch iron rod found at the interior ell corner of said 273.933 acre tract, southwest corner of said 34.85 acre tract, and of the herein described tract,

THENCE, with the west line of said 34.85 acre tract common with the east lines of said 273.933 acre tract and of a call 30.00 acre tract as described in a deed to Brownstone Gallery, Inc., recorded in Document No. 2002076479, Official Public Records of Travis County Texas, **N 27°11'12" E**, passing at a distance of 266.11 feet an iron rod found with cap stamped McAngus, passing at a distance of 738.34 feet and to the left 0.30 feet an iron rod found with cap stamped McAngus for the southeast corner of said 30.00 acre tract, passing at a distance of 1499.80 feet a 1/2 inch iron rod found for the northeast corner of said 30.00 acre tract, in all a total distance of **1512.51** feet to a iron rod found with cap stamped C-A RPLS#2988 in the the

36.20 Acres
MCPMT, LTD et Al
PD06-052

Travis County, Texas

south right-of-way line of Bullick Hollow, and being the northwest corner of said 34.85 acre tract, and of the herein described tract

THENCE, with the north line of said 34.85 acre tract common with the said south right-of-way line of Bullick Hollow, the following two (2) courses

- 1 **S 66°06'34" E**, a distance of **321.24** feet to a iron rod found with cap stamped C-A RPLS#2988,
2. **S 55°17'19" E**, a distance of **107.66** feet to a 5/8 inch iron rod found,

THENCE, with the south line of a call 0.16 acre tract, same being the south right-of-way line of Bullick Hollow as described in a deed to Travis County recorded in Volume 12949, Page 1296 Real Property Records of Travis County, Texas, the following two (2) courses

- 1 **S 50°49'21" E**, a distance of **294.84** feet to a iron rod set with cap stamped Carter Burgess,
- 2 **S 58°44'13" E**, a distance of **220.44** feet to a 5/8 inch iron rod found in the west line of that call 0.96 acre tract as described in a deed to Hal H. Bell, recorded in Volume 2457 Page 522, Deed Records of Travis County, Texas, being the southeast corner of the said 0.16 acre tract and the northeast corner of the herein described tract,

THENCE, with a easterly line of said 34.85 acre tract common with the west line of said 0.96 acre tract, **S 23°25'05" W**, a distance of **192.03** feet to a 5/8 inch iron rod found, at an exterior ell corner of said 34.85 acre tract, being the southwest corner of said 0.96 acre tract the northwest corner of Lot 1, Block A, of Speedy Stop 209, a subdivision, recorded in Document No. 200300329, Official Public Records of Travis County, Texas, and also being the northeast corner of that 0.088 acre tract (Tract 2) as described in a deed to Michael G. Haggerty, recorded in Volume 12203, Page 1595, Real Property Records of Travis County, Texas,

THENCE, with a easterly line of said 34.85 acre tract common with the northerly, westerly and southerly line of said 0.088 acre tract, the following five (5) courses

- 1 **N 48°43'59" W** a distance of **5.55** feet to a 5/8 inch iron rod found;
- 2 **S 29°41'47" W**, a distance of **178.37** feet to a 3/4 inch iron rod found;
3. **N 62°11'07" W**, a distance of **10.33** feet to a 5/8 inch iron rod found,
- 4 **S 36°34'07" W**, a distance of **21.83** feet to a 3/4 inch iron rod found and;
5. **S 49°43'48" E**, a distance of **26.30** feet to a 3/4 inch iron pipe found, at an exterior ell corner of said 34.85 acre tract, and also being the northwest corner of a call 1.028 acre tract as described in a deed to River City Real Estate, PLLC, recorded in Volume 13282, Page 2552 Real Property Records of Travis County, Texas,

THENCE, with a easterly line of said 34.85 acre tract common with the west line of said 1.028 acre tract, **S 23°41'25" W**, a distance of **208.49** feet to a 5/8 inch iron rod found being an angle point of said 34.85 acre tract, being the southwest corner of said 1.028 acre tract and also being the northwest corner of a call 0.970 acre tract as described in a deed to Tracy Collins, recorded in Document No. 2005108470, Official Public Records of Travis County, Texas,

36.20 Acres
MCPMT, LTD et Al.
PD06-052

Travis County, Texas

THENCE, with a easterly line of said 34.85 acre tract common with the west line of said 0.970 acre tract, **S 23°01'37" W**, a distance of **210.69** feet to a 1/2 inch iron rod found, being the southwest corner of said 0.970 acre tract and also being the northwest corner of said 20 foot roadway,

THENCE, with the north line of said 20 foot roadway common with the south line of said 0.970 acre tract, **S 46°47'04" E**, a distance of **205.54** feet to a calculated point being the southeast corner of said 0.970 acre tract, and also being the said west right-of-way line R.M. 620, from which a 1/2 inch iron rod found bears **S 46°47'04" E**, a distance of **0.28** feet, and from which a TxDot Type II monument found bears distance of **215.57** feet along the arc of a curve to the right, having a central angle of **04°14'15"**, a radius of **2914.79** feet and a chord bearing **N 27°18'58" E**, a distance of **215.52** feet,

THENCE, with the west right-of-way line of R.M. 620 and the arc of a curve to the left, an arc distance of **21.33** feet, having a central angle of **00°25'09"**, a radius of **2914.79** feet and a chord bearing **S 24°59'16" W**, a distance of **21.33** feet to a 1/2 inch iron rod found at the northeast corner of said 0.50 acre tract and being on the south line of said 20 foot roadway,

THENCE, with the east line of said 0.50 acre tract, **S 25°19'51" W**, a distance of **109.07** feet to a iron rod set with cap stamped Carter Burgess, at the southeast corner of said 0.50 acre tract being a southerly line of said 34.85 acre tract,

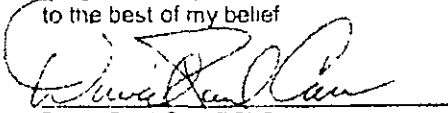
THENCE, with said southerly line of the 34.85 acre tract, **S 46°52'42" E** a distance of **3.30** feet to 1/2 inch iron rod found on the arc of a curve to the left on the said west right-of-way line of R.M. 620 and being a east line of said 34.85 acre tract,

THENCE, with the west right-of-way line R.M. 620, common with the east lines of said 34.85 acre tract and said 0.8697 acre tract, the following two (2) courses

- 1 With the said arc of the curve to the left an arc distance of **14.33** feet, having a central angle of **00°16'54"**, a radius of **2914.79** feet and a chord bearing **S 22°28'22" W**, a distance of **14.33** feet,
- 2 **S 22°27'56" W**, passing at a distance of **235.53** feet the northeast corner of said 0.8697, and also being an exterior ell corner of said 34.85 acre tract, in all a total distance of **446.76** feet to the **POINT OF BEGINNING** and containing **36.20** acres of land, more or less

Bearing Basis: The Texas Coordinate System Central Zone Nad 83

I David Paul Carr a duly Registered Professional Land Surveyor in the State of Texas do hereby certify that the foregoing description is based on a on the ground survey performed by Carter & Burgess in September of 2006 under my direction and supervision and that it is true and correct to the best of my belief


David Paul Carr RPLS
Texas Registered Professional Land Surveyor
No. 3997



Sept 7, 2006
Date

JOHN MOORE
Surveying Supervisor
Authorized by David Paul Carr



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS

MCPMT, LTD, AND
DAPHENE H. SCHULZE, TRUSTEE
To
CITY OF AUSTIN
(Save & Except Tract)
January 14, 2008

LEGAL DESCRIPTION

DESCRIPTION OF A 4.200 ACRE (182,942 SQUARE FOOT) TRACT OF LAND OUT OF THE ALEXANDER DUNLAP SURVEY NO. 805, ABSTRACT NO. 224, TRAVIS COUNTY, TEXAS, BEING OUT OF A 34.85 ACRE TRACT REFERRED TO AS "TRACT 3" IN TWO GENERAL WARRANTY DEEDS DATED MARCH 26, 2003 TO MCPMT, LTD., 99% INTEREST IN AN UNDIVIDED 1/2 INTEREST RECORDED IN DOCUMENT NO. 2003087287 AND 1% INTEREST IN AN UNDIVIDED 1/2 INTEREST RECORDED IN DOCUMENT NO. 2003087288, AND TO DAPHENE H. SCHULZE, TRUSTEE, AN UNDIVIDED 1/2 INTEREST BY CAUSE NO. 11580, PROBATE COURT RECORDS OF TRAVIS COUNTY, TEXAS, RECORDED IN VOLUME 9335, PAGE 128, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 4.200 ACRE (182,942 SQUARE FOOT) TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod with plastic cap stamped "CA INC RPLS #2988" found having Texas State Plane Coordinate (Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 1.00011) values of N=10,119,929.31, E=3,077,071.15, on the south right-of-way line of Bullick Hollow Road, a varying width right-of-way, at the northwest corner of said 34.85 acre tract, for the northwest corner of this tract;

THENCE, Southeasterly, with the south right-of-way line of Bullick Hollow Road and the north line of said 34.85 acre tract, the following three (3) courses:

- 1) S 66°05'48" E, a distance of 321.30 feet to a 1/2" iron rod with plastic cap stamped "CA INC RPLS #2988" found for an angle point;
- 2) S 55°19'51" E, a distance of 107.67 feet to a 5/8" iron rod found for an angle point;
- 3) S 50°47'47" E, a distance of 125.23 feet to a 1/2" iron rod with plastic cap stamped "MACIAS & ASSOC." set on the east line of a 100-foot wide electric transmission and distribution line easement recorded in Volume 1793, Page 392, Deed Records of Travis County, Texas, for the northeast corner of this tract, from said point, a 5/8" iron rod found at the northeast corner of said 34.85 acre tract, bears S 50°47'47" E, 169.50 feet, and S 58°42'39" E, 220.36 feet;

THENCE, across said 34.85 acre tract, the following five (5) courses:

- 1) S 68°17'24" W, across said 100-foot wide electric transmission and distribution line easement, a distance of 129.90 feet to a 1/2" iron rod with plastic cap stamped "MACIAS & ASSOC." set on the west line of said 100-foot wide electric transmission and distribution line easement, for an angle point;
- 2) S 59°54'48" W, a distance of 97.08 feet to a 1/2" iron rod with plastic cap stamped "MACIAS & ASSOC." set for an angle point;
- 3) S 16°55'48" W, a distance of 141.23 feet to a 1/2" iron rod with plastic cap stamped "MACIAS & ASSOC." set for an angle point;
- 4) N 54°04'31" W, a distance of 138.72 feet to a 1/2" iron rod with plastic cap stamped "MACIAS & ASSOC." set for an angle point;
- 5) S 82°28'40" W, a distance of 365.09 feet to a 1/2" iron rod with plastic cap stamped "MACIAS & ASSOC." set on the west line of said 34.85 acre tract and on the east line of a 30.000 acre tract described in a deed dated December 31, 2001 to Brownstone Gallery, Inc., recorded in Document No. 2002076479, Official Public Records of Travis County, Texas, for the southwest corner of this tract, from said point, a 1/2" iron rod found at the southwest corner of said 34.85 acre tract, bears S 27°10'55" W, 985.66 feet;

THENCE, N 27°10'55" E, with the west line of said 34.85 acre tract and the east line of said 30.000 acre tract, at 514.32 feet, pass a 1/2" iron rod found at the northeast corner of said 30.000 acre tract, and continuing a total distance of 527.03 feet to the **POINT OF BEGINNING** and containing 4.200 acres (182,942 square feet) of land.

BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid Bearings, (Central Zone, NAD83 (CORS) Combined Scale Factor 1.00011). Project control points were established from reference station "AUS5CORS" having coordinate values of N=10,086,515.89, E=3,109,682.46 and "D-34-3001" having coordinate values of N=10,119,492.92, E=3,083,253.38.

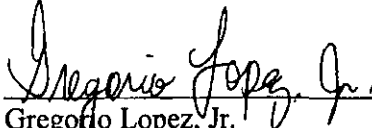
THE STATE OF TEXAS §
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

That I, Gregorio Lopez, Jr., a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 14th day of January, 2008, A.D.

Macias & Associates, L.P.
5410 South 1st Street
Austin, Texas 78745
512-442-7875



Gregorio Lopez, Jr.
Registered Professional Land Surveyor
No. 5272 – State of Texas

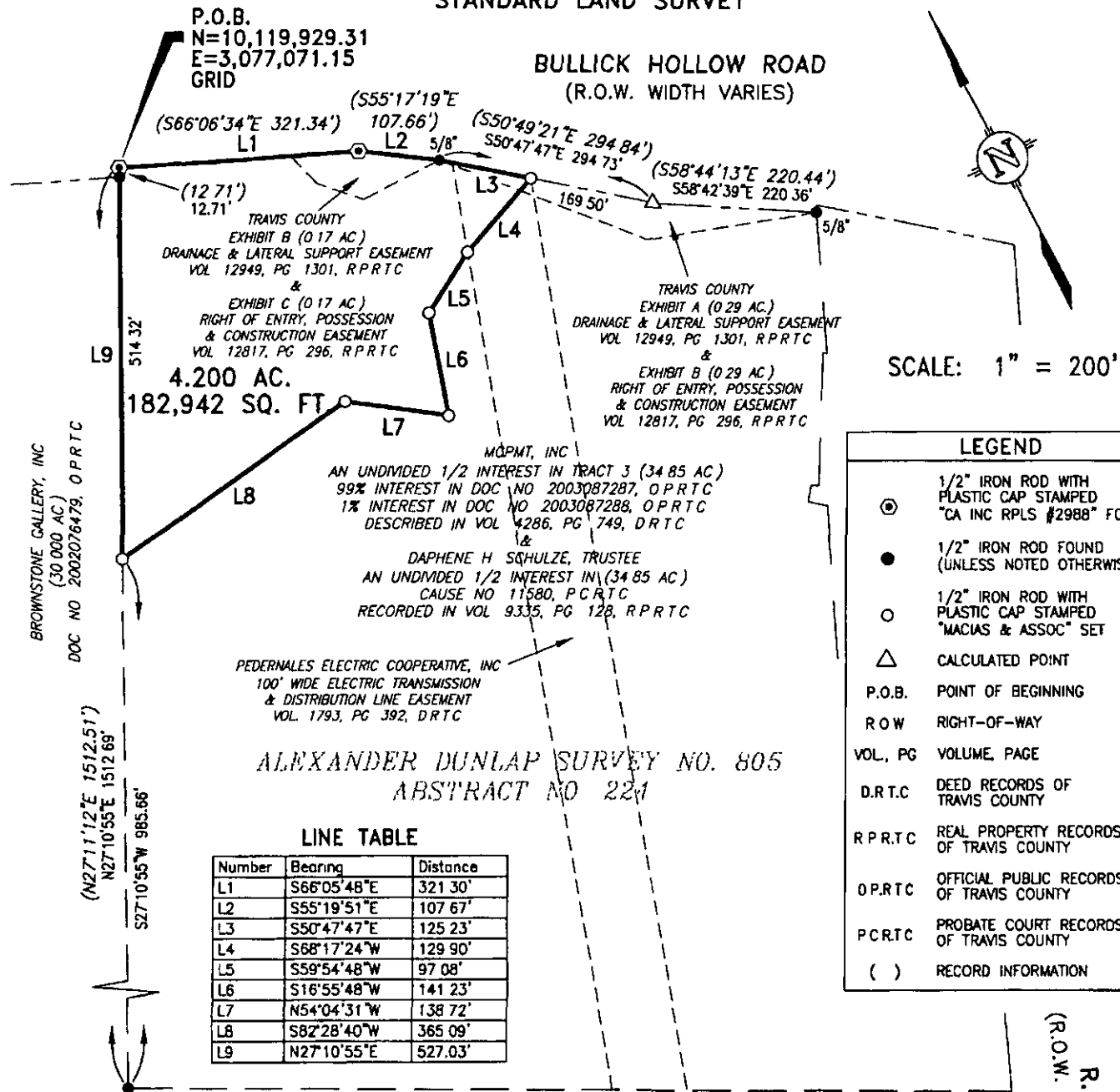


REFERENCES

MAPSCO 2003 462X
Austin Grid No. MC-34
TCAD PARCEL ID NO. 01-5634-0301
MACIAS & ASSOCIATES, L.P., PROJECT NO. 317-08-08

ALL NOTES REVIEWED
by JOHN MOORE Date 1-15-2008
Engineering Support Section
Department of Public Works
City of Austin

SKETCH TO ACCOMPANY LEGAL DESCRIPTION "STANDARD LAND SURVEY"



(R.O.W. WIDTH VARIES)
R.M. 620

EXHIBIT B

RAW WATER SITE

**The area of land used for the raw water intake facility to
serve Water Treatment Plant Number 4**

**4.28 acres of land out of the D&W RAILROAD COMPANY SURVEY No.
76 in Travis County, Texas and more fully described in the field notes that
follow.**

Exhibit B

Job. # 857009
Take Site

October 2, 1985

State of Texas
County of Travis

Tract 4

FIELDNOTES FOR A 4.28 ACRE TRACT OUT OF THE D & W RAILROAD COMPANY SURVEY NO. 76 IN TRAVIS COUNTY, TEXAS, AND BEING OUT OF THAT CERTAIN 528.85 ACRE TRACT OF LAND CONVEYED BY HOWELL M. FINCH TO ROBERT M. THERIOT IN A WARRANTY DEED DATED NOVEMBER 18, 1980, AND RECORDED IN VOLUME 7185, PAGES 2295-2302, DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 4.28 ACRE TRACT COMPRISING A PORTION OF LAKE TRAVIS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS, AS FOLLOWS, TO WIT:

Commencing at an iron rod by a fence corner post found to mark the south corner of said D & W Railroad Company Survey No. 76 for the south corner of said 528.85 acre tract; thence North $62^{\circ}23'43''$ West, along the southwest line of said Survey No. 76, with the southwest line of said 528.85 acre tract, 5,553.38 feet to an iron pipe found on or about the 715 foot contour line (N.C.V.D. datum) of Lake Travis for a corner of said 528.85 acre tract; thence continuing with said southwest line, North $63^{\circ}37'43''$ West 433.29 feet to a point, now under the water of Lake Travis on the bank of the Colorado River for the lower west corner of said 528.85 acre tract;

Thence North $10^{\circ}14'43''$ West, along the west line of said 528.85 acre tract, with the bank of the Colorado River, now under the water of Lake Travis, 216.14 feet to a submerged point for the southwest corner and "POINT OF BEGINNING" of this survey;

Thence continuing with the west line of said 528.85 acre tract being the bank of the Colorado River, North $10^{\circ}14'43''$ West 427.36 feet to a point for a corner of said 528.85 acre tract and a submerged corner of this survey;

Thence continuing with said west line of the 528.85 acre tract, North $28^{\circ}48'43''$ West 22.20 feet to a point for the northwest submerged corner of this survey;

Thence leaving the west line of said 528.85 acre tract, due East 297.16 feet to a point on the 700.00 foot contour line of Lake Travis (contour line based on N.C.V.D. datum) for the northeast corner of this survey from which corner a 5/8 inch iron rod set on said 700.00 foot contour line bears North $23^{\circ}35'00''$ West 53.98 feet;

Thence with said 700.00 foot contour line, South $23^{\circ}35'00''$ East 70.63 feet to a 60" nail set for a corner of this survey;

Thence South $68^{\circ}59'13''$ East, along the 700.00 foot contour line, based on N.C.V.D. datum, at 90.65 feet a brass disc monument set bears North $21^{\circ}00'47''$ East 5.18 feet, in all a total distance of 234.35 feet to a point for a corner of this survey;

Thence South $16^{\circ}51'02''$ East, with said contour line, 42.89 feet to a 5/8 inch iron rod set for a corner of this survey;

Thence South $69^{\circ}20'03''$ East, along the 700.00 foot contour line, 90.23 feet to a 5/8 inch iron rod set for the most east corner of this survey;

Thence continuing with said contour line, South $43^{\circ}28'36''$ West, at 51.11 feet a brass disc monument set bears North $46^{\circ}31'24''$ West 23.91 feet, in all a total distance of 147.06 feet to a 5/8 inch iron rod set for a corner of this survey;

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m/jc

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Thence South $75^{\circ}15'27''$ West, with said contour line, 137.13 feet to a 5/8 inch iron rod set for a corner of this survey;

Thence South $63^{\circ}11'53''$ West, along the 700.00 foot contour line (M.C.V.D. datum) at 14.43 feet another by which monument set bears North $26^{\circ}48'07''$ West 18.40 feet, in all a total distance of 31.57 feet to a 5/8 inch iron rod set for a corner of this survey;

Thence with said contour line, South $14^{\circ}26'53''$ West 32.00 feet to a point for a corner of this survey;

Thence South $10^{\circ}04'27''$ East, along the 700.00 foot contour line of Lake Travis, based on M.C.V.D. datum, 32.00 feet to a point for the southeast corner of this survey from which corner a cotton spindle set on said contour line bears South $10^{\circ}04'27''$ East 32.80 feet;

Thence leaving the abovementioned contour line, due West 289.97 feet to the "POINT OF BEGINNING".

Surveyed on the ground by S.A. Cassa Engineers, Inc., 401 West 29th Street, Austin, Texas 78705, from field data recorded in Field Book No. 140, 183 and 189.

Stephen Earl Cobb 10/3/85
Stephen Earl Cobb
Registered Public Surveyor
No. 4297



EXHIBIT C

PUMP SITE

**The area of land used for the raw water pump station to
serve Water Treatment Plant Number 4**

**BEING Lots 40, 41, 42, Block B, COMANCHE CANYON RANCH AREA
THREE, a Subdivision in Travis County, Texas, according to the map or plat
thereof recoded under Plat Document No. 200600184, Official Public
Records of Travis County, Texas.**

EXHIBIT D

BULL CREEK SITE

Being approximately 102 acres out of Lot One, W.T.P. No 4
SUBDIVISION, a subdivision in Travis County, Texas, according to the
map or plat thereof recorded under Volume 86 Pages 190D through 191B of
the Official Public Records of Travis County, Texas and as illustrated in the
sketch following.

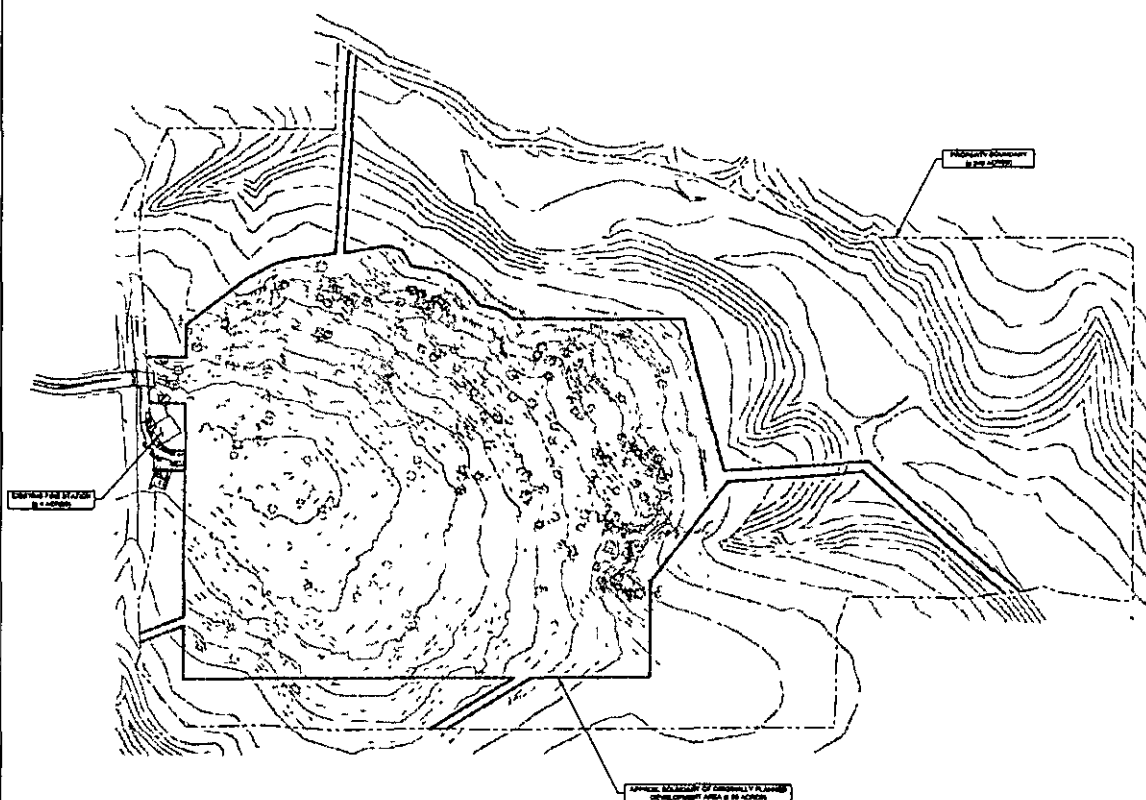


EXHIBIT D
WTP 4
BULL CREEK SITE
CITY OF AUSTIN

