

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE  
2 PROPERTY LOCATED AT 7309 SOUTH IH-35 SERVICE ROAD NORTHBOUND  
3 AND CHANGING THE ZONING MAP FROM INTERIM-RURAL RESIDENCE (I-  
4 RR) DISTRICT AND COMMUNITY COMMERCIAL (GR) DISTRICT TO  
5 GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY  
6 (CS-MU-CO) COMBINING DISTRICT.  
7

8 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:  
9

10 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to  
11 change the base districts from interim-rural residence (I-RR) district and community  
12 commercial (GR) district to general commercial services-mixed use-conditional overlay  
13 (CS-MU-CO) combining district on the property described in Zoning Case No. C14-2008-  
14 0123, on file at the Planning and Development Review Department, as follows:  
15

16 Being 60.597 acres of land consisting of a 54.597 acre tract of land and a 6.0 acre  
17 tract of land, more or less, out of the Santiago Del Valle Grant, Abstract No. 24, in  
18 Travis County, the tracts of land being more particularly described by metes and  
19 bounds in Exhibit "A" incorporated into this ordinance (the "Property"),  
20

21 locally known as 7309 South IH-35 Service Road Northbound, in the City of Austin,  
22 Travis County, Texas, and generally identified in the map attached as Exhibit "B".  
23

24 PART 2. The Property within the boundaries of the conditional overlay combining district  
25 established by this ordinance is subject to the following conditions:  
26

27 A. The following uses are prohibited uses of the Property:  
28

29 Adult-oriented businesses	Automotive rentals
30 Automotive repair services	Automotive sales
31 Automotive washing (of any type)	Bail bond services
32 Convenience storage	Commercial blood plasma center
33 Pawn shop services	Service station
34 Vehicle storage	

35  
36 B. The maximum density is 36 residential units per acre.  
37

38 C. The maximum density is 2, 181 residential units.

1  
2 Except as specifically restricted under this ordinance, the Property may be developed and  
3 used in accordance with the regulations established for the general commercial services  
4 (CS) base district, the mixed use (MU) combining district, and other applicable  
5 requirements of the City Code.  
6

7 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2010.  
8

9  
10 **PASSED AND APPROVED**

11  
12 §  
13 §  
14 \_\_\_\_\_, 2010 § \_\_\_\_\_

15 Lee Leffingwell  
16 Mayor

17  
18  
19 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
20 David Allan Smith Shirley A. Gentry  
21 City Attorney City Clerk

**FIELD NOTE DESCRIPTION FOR A 54.597 ACRE TRACT OF LAND:**

**BEING A TRACT OR PARCEL OF LAND SITUATED IN TRAVIS COUNTY, TEXAS AND BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, AND BEING A PART OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN A DEED TO SOUTH AUSTIN I-35 ASSOCIATES, A CALIFORNIA LIMITED PARTNERSHIP FROM 62 LIMITED, A TEXAS LIMITED PARTNERSHIP, DATED AUGUST 15, 1983, AND RECORDED IN VOLUME 8231, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICILARY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING at an iron rod found in the east right-of-way line of Interstate Highway No. 35, for the Southwest corner of that certain tract of land as described in a deed to AVM-AUS, Ltd. From JadeNYX, L.P., dated August 31, 2003, and recorded in Document No. 2003205536, of the Official Public Records of Travis County, Texas, for the Northwest corner of the said South Austin I-35 Associates tract, and for the Northwest corner and POINT OF BEGINNING of the herein described tract;**

**THENCE with the north line of the said South Austin I-35 Associates tract, North 71°28'16" East, at a distance of 473.53 pass the Southeast corner of the said AVM-AUS tract, the same being the Southwest corner of Hudson – Hill Addition, a subdivision recorded in Volume 79, Page 331, of the Plat Records of Travis County, Texas, in all a total distance of 1,600.57 feet to an iron rod set in the west right-of-way line of Bluff Springs Road, for the Northwest corner of that certain tract of land as described in a deed to Travis County from South Austin I-35 Associates, dated April 28, 1993, recorded in Volume 11952, Page 522, of the Real Property Records of Travis County, Texas, and for the Northeast corner of this tract;**

**THENCE with the west line of said Bluff Springs Road and the west line of the said Travis County tract, the following two (2) courses:**

- 1. South 17°02'09" West, a distance of 299.46 feet to an iron rod found at the beginning of a curve to the left;**
- 2. Along said curve to the left an arc length of 1,306.00 feet, having a radius of 4,045.00 feet, a delta angle of 18°29'56", a chord bearing of South 07°50'39" West, and a chord distance of 1,300.34 feet to an iron rod found, for the Northeast corner of the remainder of that certain tract of land as described in a deed to Abney and Fritts Garrett, recorded in Volume 3559, Page 639, of the Deed Records of Travis County, Texas, for the Southwest corner of the said Travis County tract, and for the Southeast corner of this tract;**

EXHIBIT A

THENCE with the south line of the said South Austin I-35 Associates tract, North 65°09'08" West, a distance of 1,749.53 feet to an iron rod set, for the southerly most Southwest corner of this tract;

THENCE through the said South Austin I-35 Associates tract, the following three (3) courses:

1. North 30°57'30" East, a distance of 572.96 feet to an iron rod set, for an angle corner of this tract;
2. North 24°16'47" East, a distance of 112.20 feet to an iron rod set, for an interior corner of this tract;
3. North 65°09'08" West, a distance of 381.44 feet to an iron rod set in the east right-of-way line of said I-35, for the northerly most Southwest corner of this tract;

THENCE with the east right-of-way line of said I-35 and the west line of the said South Austin I-35 Associates tract, the following two (2) courses:

North 24°16'47" East, a distance of 107.56 feet to an iron rod found, for an angle corner of this tract;

North 30°50'38" East, a distance of 577.71 feet to the POINT OF BEGINNING, containing 54.597 acres of land, more or less.

  
George E. Lucas  
R.P.L.S. No. 4160  
State of Texas  
October 30, 2007



**FIELD NOTE DESCRIPTION FOR A 6.000 ACRE TRACT OF LAND:**

**BEING A TRACT OR PARCEL OF LAND SITUATED IN TRAVIS COUNTY, TEXAS AND BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, AND BEING A PART OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN A DEED TO SOUTH AUSTIN I-35 ASSOCIATES, A CALIFORNIA LIMITED PARTNERSHIP FROM 62 LIMITED, A TEXAS LIMITED PARTNERSHIP, DATED AUGUST 15, 1983, AND RECORDED IN VOLUME 8231, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING for a point of reference at an iron rod found in the east right-of-way line of Interstate Highway No. 35, for the Southwest corner of that certain tract of land as described in a deed to AVM-AUS, Ltd. From JadeNYX, L.P., dated August 31, 2003, and recorded in Document No. 2003205536, of the Official Public Records of Travis County, Texas, and for the Northwest corner of the said South Austin I-35 Associates tract;**

**THENCE with the east right-of-way line of said I-35, and the west line of the said South Austin I-35 Associates tract, the following two (2) courses:**

- 1. South 30°50'38" West, a distance of 577.71 feet to an iron rod found;**
- 2. South 24°16'47" West, a distance of 107.56 feet to an iron rod set, for the Northwest corner and POINT OF BEGINNING of the herein described tract;**

**THENCE through the said South Austin I-35 Associates tract, the following three (3) courses:**

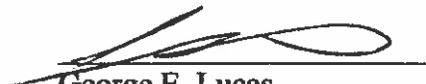
- 1. South 65°09'08" East, a distance of 381.44 feet to an iron rod set, for the Northeast**
- 2. South 24°16'47" West, a distance of 112.20 feet to an iron rod set, for an angle corner of this tract;**
- 3. South 30°57'30" West, a distance of 572.96 feet to an iron rod set in the north line of the remainder of that certain tract of land as described in a deed to Abney and Fritts Garrett, recorded in Volume 3559, Page 639, of the Deed Records of Travis County, Texas and the south line of the said South Austin I-35 Associates tract, for the Southeast corner of this tract;**

THENCE with the south line of the said South Austin I-35 Associates tract, North 65°09'08" West, a distance of 383.60 feet to an iron rod set in the east right-of-way line of said I-35, for the Southwest corner of the said South Austin I-35 Associates tract, and for the Southwest corner of this tract;

THENCE with the east right-of-way line of said I-35 and the west line of the said South Austin I-35 Associates tract, the following two (2) courses:

North 30°57'30" East, a distance of 591.54 feet to a concrete right-of-way monument found, for an angle corner of this tract;

North 24°16'47" East, a distance of 93.73 feet to the POINT OF BEGINNING, containing 6.000 acres of land, more or less.

  
George E. Lucas  
R.P.L.S. No. 4160  
State of Texas  
October 30, 2007



I, GEORGE E. LUCAS, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY SHOWN HEREON ON OCTOBER 30, 2007, UNDER MY DIRECTION AND SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

10/31/2007

DATE:

GEORGE E. LUCAS  
REGISTERED PROFESSIONAL LAND  
SURVEYOR NO. 4160  
STATE OF TEXAS

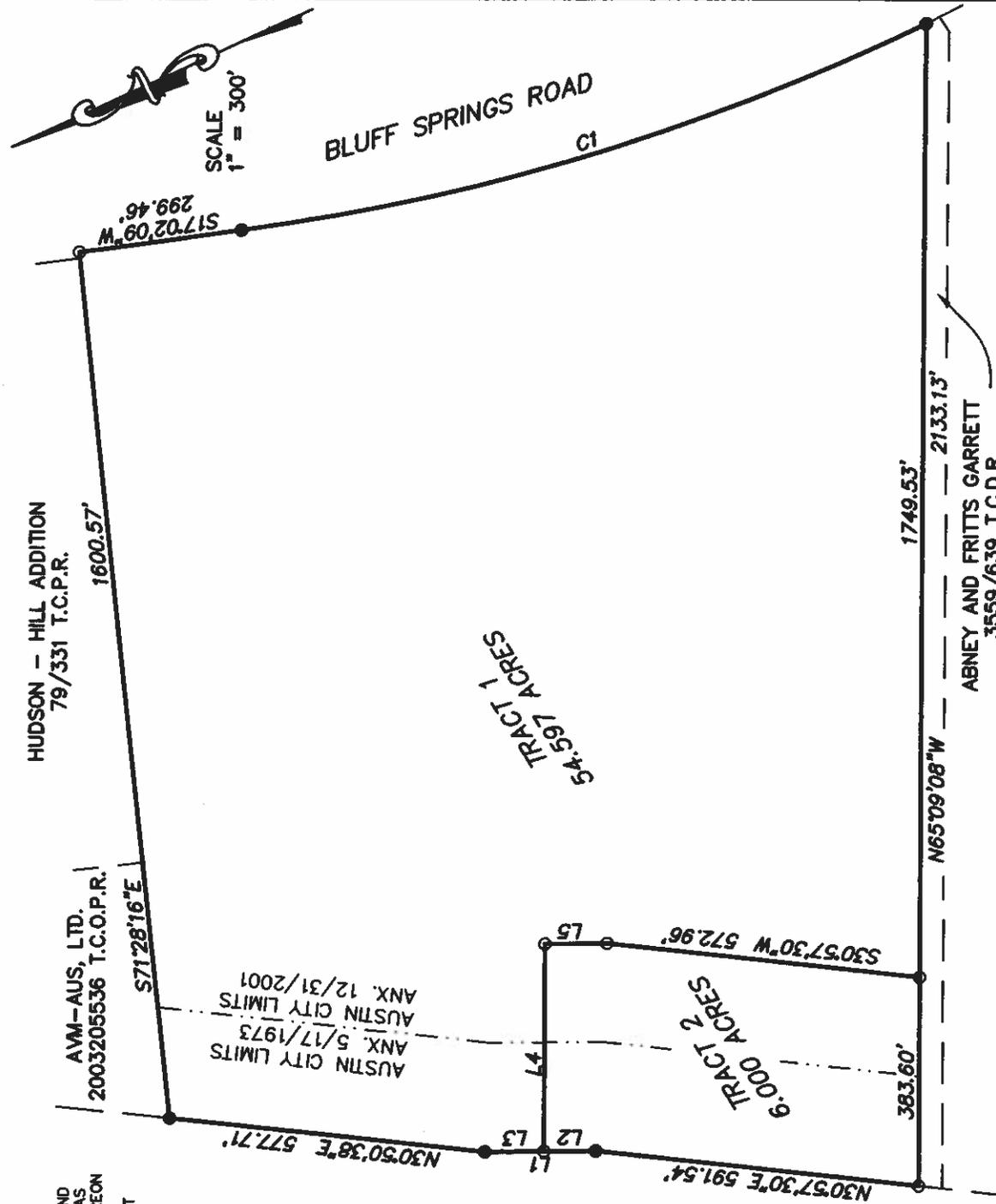


TRACT 1:

A 54.597 ACRES OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, TRAVIS COUNTY, TEXAS, PART OF A TRACT OF LAND RECORDED IN VOLUME 8231, PAGE 932, TRAVIS COUNTY, TEXAS.

TRACT 2:

A 6.000 ACRES OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, TRAVIS COUNTY, TEXAS, PART OF A TRACT OF LAND RECORDED IN VOLUME 8231, PAGE 932, TRAVIS COUNTY, TEXAS.



LEGEND  
 ● = IRON ROD FOUND  
 ○ = IRON ROD SET

THE WATERS AT BLUFF SPRINGS  
 DOC. NO. 200100047 T.C.O.P.R.

LINE TABLE		CURVE TABLE	
LINE	BEARING	RADIUS	TANGENT CHORD
L1	N24°16'47\"E	201.29	658.73
L2	N24°16'47\"E	93.73	1300.34
L3	N24°16'47\"E	107.56	907°50'38\"W
L4	S85°09'08\"E	381.44	18°28'56\"
L5	S24°16'47\"W	112.20	

CURVE TABLE			
CURVE	LENGTH	RADIUS	TANGENT CHORD
C1	1306.00	4045.00	658.73

# CELCO SURVEYING

LAND, ENGINEERING & CONSTRUCTION SURVEYS

435 LITTLE LAKE ROAD HUTTO, TEXAS 78634 (512)635-4857



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

ZONING EXHIBIT *P3*

ZONING CASE#: C14-2008-0123  
 ADDRESS: 7309 S IH 35 SVRD NB  
 SUBJECT AREA: 60.597 ACRES  
 GRID: F14-15 & G14-15  
 MANAGER: W. RHOADES

OPERATOR: S. MEEKS



1" = 1200'

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

**RESTRICTIVE COVENANT**

**OWNER:** South Austin I-35 Associates, a California limited partnership

**ADDRESS:** 24012 Calle de la Plata, Suite 460, Laguna Hills, CA 92653

**CONSIDERATION:** Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

**PROPERTY:** Being 60.597 acres of land consisting of a 54.597 acre tract of land and a 6.0 acre tract of land, more or less, out of the Santiago Del Valle Grant, Abstract No. 24, in Travis County, the tracts of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this restrictive covenant.

WHEREAS, the Owner (the "Owner", whether one or more) of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant ("Agreement"). These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by HDR/WHM Transportation Engineering, Inc., dated October 15, 2009, or as amended and approved by the Director of the Planning and Development Review Department ("PDRD"). All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the PDRD, dated January 14, 2010. The TIA shall be kept on file at the PDRD.
2. Twenty-four hour commercial operations or uses are prohibited within 200 feet of Bluff Springs Road.
3. If any person or entity shall violate or attempt to violate this Agreement, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Agreement, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this Agreement is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Agreement, and such remaining portion of this Agreement shall remain in full effect.

4. If at any time the City of Austin fails to enforce this Agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This Agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**OWNER:**

**South Austin I-35 Associates,  
a California limited partnership**

By: Bennett Realty Group, Inc.,  
a California corporation,  
its managing general partner

By: \_\_\_\_\_  
Delbert C. Bennett,  
President

APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant City Attorney  
City of Austin

THE STATE OF \_\_\_\_\_ §

COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 2010, by Delbert C. Bennett, President of Bennett Realty Group, Inc., a California corporation, managing general partner of South Austin I-35 Associates, a California limited partnership, on behalf of the corporation and the partnership.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Type or Print Name of Notary Public

My Commission Expires: \_\_\_\_\_

**After Recording, Please Return to:**  
**City of Austin**  
**Department of Law**  
**P. O. Box 1088**  
**Austin, Texas 78767-1088**  
**Attention: Diana Minter, Paralegal**

EXHIBIT A

FIELD NOTE DESCRIPTION FOR A 54.597 ACRE TRACT OF LAND:

BEING A TRACT OR PARCEL OF LAND SITUATED IN TRAVIS COUNTY, TEXAS AND BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, AND BEING A PART OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN A DEED TO SOUTH AUSTIN I-35 ASSOCIATES, A CALIFORNIA LIMITED PARTNERSHIP FROM 62 LIMITED, A TEXAS LIMITED PARTNERSHIP, DATED AUGUST 15, 1983, AND RECORDED IN VOLUME 8231, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at an iron rod found in the east right-of-way line of Interstate Highway No. 35, for the Southwest corner of that certain tract of land as described in a deed to AVM-AUS, Ltd. From JadeNYX, L.P., dated August 31, 2003, and recorded in Document No. 2003205536, of the Official Public Records of Travis County, Texas, for the Northwest corner of the said South Austin I-35 Associates tract, and for the Northwest corner and POINT OF BEGINNING of the herein described tract;

THENCE with the north line of the said South Austin I-35 Associates tract, North  $71^{\circ}28'16''$  East, at a distance of 473.53 pass the Southeast corner of the said AVM-AUS tract, the same being the Southwest corner of Hudson - Hill Addition, a subdivision recorded in Volume 79, Page 331, of the Plat Records of Travis County, Texas, in all a total distance of 1,600.57 feet to an iron rod set in the west right-of-way line of Bluff Springs Road, for the Northwest corner of that certain tract of land as described in a deed to Travis County from South Austin I-35 Associates, dated April 28, 1993, recorded in Volume 11952, Page 522, of the Real Property Records of Travis County, Texas, and for the Northeast corner of this tract;

THENCE with the west line of said Bluff Springs Road and the west line of the said Travis County tract, the following two (2) courses:

1. South  $17^{\circ}02'09''$  West, a distance of 299.46 feet to an iron rod found at the beginning of a curve to the left;
2. Along said curve to the left an arc length of 1,306.00 feet, having a radius of 4,045.00 feet, a delta angle of  $18^{\circ}29'56''$ , a chord bearing of South  $07^{\circ}50'39''$  West, and a chord distance of 1,300.34 feet to an iron rod found, for the Northeast corner of the remainder of that certain tract of land as described in a deed to Abney and Fritts Garrett, recorded in Volume 3559, Page 639, of the Deed Records of Travis County, Texas, for the Southwest corner of the said Travis County tract, and for the Southeast corner of this tract;

THENCE with the south line of the said South Austin I-35 Associates tract, North 65°09'08" West, a distance of 1,749.53 feet to an iron rod set, for the southerly most Southwest corner of this tract;

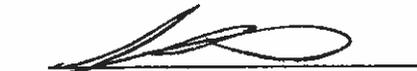
THENCE through the said South Austin I-35 Associates tract, the following three (3) courses:

1. North 30°57'30" East, a distance of 572.96 feet to an iron rod set, for an angle corner of this tract;
2. North 24°16'47" East, a distance of 112.20 feet to an iron rod set, for an interior corner of this tract;
3. North 65°09'08" West, a distance of 381.44 feet to an iron rod set in the east right-of-way line of said I-35, for the northerly most Southwest corner of this tract;

THENCE with the east right-of-way line of said I-35 and the west line of the said South Austin I-35 Associates tract, the following two (2) courses:

North 24°16'47" East, a distance of 107.56 feet to an iron rod found, for an angle corner of this tract;

North 30°50'38" East, a distance of 577.71 feet to the POINT OF BEGINNING, containing 54.597 acres of land, more or less.

  
George E. Lucas  
R.P.L.S. No. 4160  
State of Texas  
October 30, 2007

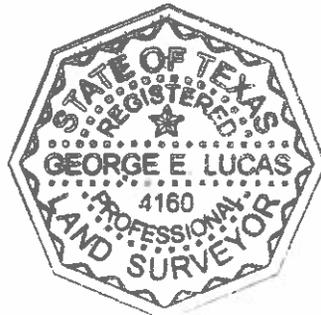


EXHIBIT A

FIELD NOTE DESCRIPTION FOR A 6.000 ACRE TRACT OF LAND:

BEING A TRACT OR PARCEL OF LAND SITUATED IN TRAVIS COUNTY, TEXAS AND BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, AND BEING A PART OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN A DEED TO SOUTH AUSTIN I-35 ASSOCIATES, A CALIFORNIA LIMITED PARTNERSHIP FROM 62 LIMITED, A TEXAS LIMITED PARTNERSHIP, DATED AUGUST 15, 1983, AND RECORDED IN VOLUME 8231, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING for a point of reference at an iron rod found in the east right-of-way line of Interstate Highway No. 35, for the Southwest corner of that certain tract of land as described in a deed to AVM-AUS, Ltd. From JadeNYX, L.P., dated August 31, 2003, and recorded in Document No. 2003205536, of the Official Public Records of Travis County, Texas, and for the Northwest corner of the said South Austin I-35 Associates tract;

THENCE with the east right-of-way line of said I-35, and the west line of the said South Austin I-35 Associates tract, the following two (2) courses:

1. South 30°50'38" West, a distance of 577.71 feet to an iron rod found;
2. South 24°16'47" West, a distance of 107.56 feet to an iron rod set, for the Northwest corner and POINT OF BEGINNING of the herein described tract;

THENCE through the said South Austin I-35 Associates tract, the following three (3) courses:

1. South 65°09'08" East, a distance of 381.44 feet to an iron rod set, for the Northeast
2. South 24°16'47" West, a distance of 112.20 feet to an iron rod set, for an angle corner of this tract;
3. South 30°57'30" West, a distance of 572.96 feet to an iron rod set in the north line of the remainder of that certain tract of land as described in a deed to Abney and Fritts Garrett, recorded in Volume 3559, Page 639, of the Deed Records of Travis County, Texas and the south line of the said South Austin I-35 Associates tract, for the Southeast corner of this tract;

THENCE with the south line of the said South Austin I-35 Associates tract, North 65°09'08" West, a distance of 383.60 feet to an iron rod set in the east right-of-way line of said I-35, for the Southwest corner of the said South Austin I-35 Associates tract, and for the Southwest corner of this tract;

THENCE with the east right-of-way line of said I-35 and the west line of the said South Austin I-35 Associates tract, the following two (2) courses:

North 30°57'30" East, a distance of 591.54 feet to a concrete right-of-way monument found, for an angle corner of this tract;

North 24°16'47" East, a distance of 93.73 feet to the POINT OF BEGINNING, containing 6.000 acres of land, more or less.

  
George E. Lucas  
R.P.L.S. No. 4160  
State of Texas  
October 30, 2007



I, GEORGE E. LUCAS, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY SHOWN HEREON ON OCTOBER 30, 2007, UNDER MY DIRECTION AND SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

10/31/2007

DATE:

GEORGE E. LUCAS  
REGISTERED PROFESSIONAL LAND  
SURVEYOR NO. 4160  
STATE OF TEXAS



INTERSTATE 35

TRACT 1:

A 54.597 ACRES OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, TRAVIS COUNTY, TEXAS, PART OF A TRACT OF LAND RECORDED IN VOLUME 8231, PAGE 932, TRAVIS COUNTY, TEXAS.

TRACT 2:

A 6.000 ACRES OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, TRAVIS COUNTY, TEXAS, PART OF A TRACT OF LAND RECORDED IN VOLUME 8231, PAGE 932, TRAVIS COUNTY, TEXAS.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N24°16'47"E	201.29
L2	N24°16'47"E	93.73
L3	N24°16'47"E	107.56
L4	S65°09'08"E	381.44
L5	S24°16'47"W	112.20

CURVE TABLE

CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING	DELTA
C1	1306.00	4045.00	696.73	1300.34	S07°50'38"W	18°29'58"

AVM-AUS, LTD.  
2003205536 T.C.O.P.R.

S71°28'16"E

AUSTIN CITY LIMITS  
ANX. 5/17/1973  
AUSTIN CITY LIMITS  
ANX. 12/31/2001

TRACT 1  
54.597 ACRES

TRACT 2  
6.000 ACRES

HUDSON - HILL ADDITION  
79/331 T.C.P.R.

1600.57'

S17°02'09"W  
299.46'

SCALE  
1" = 300'

BLUFF SPRINGS ROAD

C1

1749.53'

2133.13'

ABNEY AND FRITTS GARRETT  
3559/639 T.C.D.R.

THE WATERS AT BLUFF SPRINGS  
DOC. NO. 200100047 T.C.O.P.R.

LEGEND

- = IRON ROD FOUND
- = IRON ROD SET

**CELCO SURVEYING**

LAND, ENGINEERING & CONSTRUCTION SURVEYS

435 LITTLE LAKE ROAD HUITO, TEXAS 78634 (512)835-4857

## ACKNOWLEDGMENT

State of California  
County of \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_  
(insert name and title of the officer)

personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

**STREET DEED**

**STATE OF TEXAS**                    §  
   §                    **KNOW ALL MEN BY THESE PRESENTS**  
**COUNTY OF TRAVIS**               §

That South Austin I-35 Associates, A California limited partnership, hereinafter referred to as Grantor, whether one or more, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to Grantor in hand paid by the City of Austin, Texas, P.O. Box 1088, Austin, Texas 78767-1088, the receipt and sufficiency of which is hereby acknowledged and confessed, and for which no lien, expressed or implied, is retained, have this day Granted, Sold and Conveyed, and by these presents do hereby Grant, Sell and Convey, unto the said City of Austin, a municipal corporation situated in Travis County, Texas, for street purposes, the following described property:

A 0.49 acre tract of land, more or less, out of the Santiago Del Valle Grant, Abstract No. 24, in Travis County, and being more particularly described by metes and bounds in Exhibit "A" incorporated into this deed.

TO HAVE AND TO HOLD the above-described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said City of Austin, its successors and assigns forever; and Grantor, whether one or more, does hereby bind itself, its executors, administrators, successors and assigns, to warrant and defend the property against every person whomsoever lawfully claiming or to claim the same or any part hereof.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**GRANTOR:**

South Austin I-35 Associates,  
a California limited partnership

By: Bennett Realty Group, Inc.,  
a California corporation  
its managing general partner

By: \_\_\_\_\_  
Delbert C. Bennett,  
President

THE STATE OF \_\_\_\_\_ §

COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2010, by Delbert C. Bennett, President of Bennett Realty Group, Inc., a California corporation, managing general partner of South Austin I-35 Associates, a California limited partnership, on behalf of the corporation and the partnership.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Type or Print Name of Notary Public

My Commission Expires: \_\_\_\_\_

Address of Grantor:

24012 Calle de la Plata, Suite 460  
Laguna Hills, CA 92563

**AFTER RECORDING RETURN TO:**

City of Austin  
Law Department  
P.O. Box 1088  
Austin, Texas 78767-1088  
Attn: Diana Minter, Paralegal

EXHIBIT A

FIELD NOTE DESCRIPTION FOR A 0.49 ACRE TRACT OF LAND:

BEING A TRACT OR PARCEL OF LAND SITUATED IN TRAVIS COUNTY, TEXAS AND BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, ABD BEING A PART OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO SOUTH AUSTIN I-35 ASSOCIATES, A CALIFORNIA LIMITED PARTNERSHIP FROM 62 LIMITED, A TEXAS LIMITED, 1983. AND RECORDED IN THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½" iron rod found in the west right-of-way line of Bluff Springs Road, said point being the Northwest corner of that certain tract of land as described in a deed to Travis County from South Austin I-35 Associates, dated April 28, 1993, recorded in Volume 11952, Page 522, of the Real Property Records of Travis County, Texas, and for the Northeast corner and POINT OF BEGINNING of the herein described tract;

THENCE with the west line of said Bluff Springs Road and the west line of the said Travis County tract, the following two (2) courses:

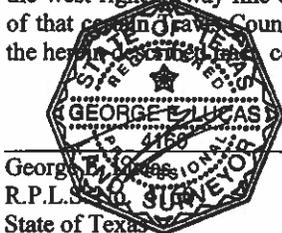
1. South 17°02'09" West at a distance of 299.46 feet pass a ½" iron rod found at the beginning of a curve to the left;
2. Along said curve to the left an arc length of 1,306.00 feet, having a radius of 4,045.00 feet, a chord bearing of South 07°50'39" West, and a chord distance of 1,300.34 feet to an iron rod found for the Northeast corner of the remainder of that certain tract of land as described in a deed to Abney and Fritts Garrett, recorded in Volume 3559, Page 639, of the Deed Records of Travis County, Texas, for the Southwest corner of the said Travis County tract, and for the Southeast corner of this tract;

THENCE with the south line of the said South Austin I-35 Associates tract, North 65°09'08" West, a distance of 14.49 feet to an iron rod set in the south line of the South Austin I-35 Associates tract, and for the Southwest corner of this tract;

THENCE with the south line of this tract the following two (2) courses:

1. Along a curve to the right an arc length of 1,303.79 feet, having a radius of 4,058.00 feet, a chord bearing of North 07°53'22" East, and a chord distance of 1,298.19 feet to an iron rod set at the end of said curve;
2. North 17°02'09" East at a distance of 299.80 feet pass a ½" iron rod set at the Northwest corner of this tract;

THENCE with the north line of the said South Austin I-35 Associates tract, and the north line of this tract, South 71°28'16" East, a distance of 13.00 feet to an iron rod found in the west right-of-way line of Bluff Springs Road, said point being the Northwest corner of that certain Travis County, and the Northeast corner and POINT OF BEGINNING of the herein described tract containing 0.49 acres of land, more or less.

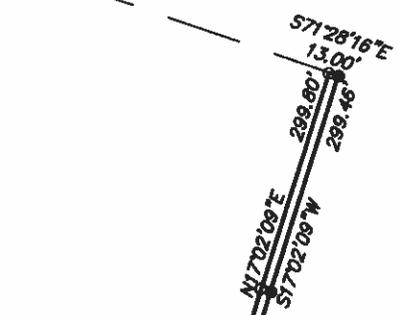


George E. Lucas  
R.P.L.S. No. 4160  
State of Texas  
February 24, 2009

SCALE  
 1" = 200'



HIDSON-HILL ADDITION  
 79/331 T.C.P.R.



13' R.O.W.  
 DEDICATION  
 0.49 ACRES  
 21,235 SQ. FT.

SOUTH AUSTIN I-35 ASSOCIATES  
 PARCEL A

BLUFF SPRINGS ROAD

ABNEY AND FRITTS GARRETT  
 3559/639 T.C.D.R.

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	1303.79	4058.00	1298.19	N07°53'22\"/>
C2	1306.00	4045.00	300.34	S07°50'39\"/>

LEGEND

- = IRON ROD FOUND
- = IRON ROD SET

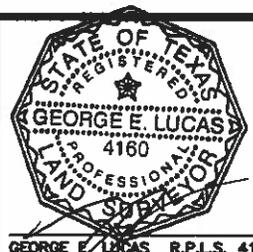
ADDRESS: BLUFF SPRINGS ROAD, AUSTIN, TEXAS

LEGAL DESCRIPTION: SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

CERTIFICATION

THE UNDERSIGNED DOES HEREBY CERTIFY TO THE PARTIES LISTED BELOW THAT THIS PLAN CORRECTLY REPRESENTS A SURVEY MADE UPON THE GROUND OF THE PROPERTY SHOWN HEREON, AND THAT THERE ARE NO ENCROACHMENTS OF VISIBLE IMPROVEMENTS, EXCEPT AS SHOWN HEREON, AND THAT THIS PROPERTY HAS ACCESS TO A PUBLIC ROADWAY, EXCEPT AS SHOWN HEREON.

CLIENT: WILL SCHNIER, P.E.



## ACKNOWLEDGMENT

State of California

County of \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_  
(insert name and title of the officer)

personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)