



TRV 2010172903
21 PGS

Zoning Case No. C14-2009-0089

AUSTIN CITY CLERK
RECEIVED

RESTRICTIVE COVENANT

2010 DEC 8 PM 1 41

OWNER: CD 116 Indian Hills TX, LLC, a Delaware limited liability company

ADDRESS: 9285 Huntington Square, North Richland Hills, Texas 76180-4366

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: Tract One: A 89.907 acre tract of land, more or less, out of the Reuben Hornsby Survey No. 17, Abstract No. 15, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant; and

Tract Two: A 149.951 acre tract of land, more or less, out of the Reuben Hornsby Survey No. 17, Abstract No. 15, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this 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;

WHEREAS, the Property, along with other property located in Travis County, Texas, is subject to that certain Whisper Valley and Indian Hills Annexation and Development Agreement dated effective as of June 18, 2009, by and among the City of Austin, Texas, and those other parties named in the agreement (the "Development Agreement"), and

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 of the Development Agreement applicable to the Property also known as the Indian Hills Development Project (the "Project").

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.

A. Open Space and Environmental Protection

1. Development of the site shall comply with requirements of the Austin Energy Green Building Program (GBP) multifamily or commercial rating system for a minimum two-star rating. Certification from the GBP shall be required based on the version of the rating system in accordance with the Austin Energy Green Building Program rating packets.

§-26-16 # 6 5

2. Each site plan application filed for open space, commercial and multifamily development shall use plant material recommended in the Grow Green Native and Adapted Landscape Plants list attached as Exhibit "C". Plants on the Invasive Species/Problem Plants list, attached as part of this exhibit, may not be included.
3. For each site plan application filed for commercial, industrial, mixed use, multifamily residential or open space areas for the project, the Owner shall submit an integrated pest management (IPM) plan that complies with Section 1.6.9.2(D) and (F) of the Environmental Criteria Manual to the Director of the Planning and Development Review Department (the "Director") for approval of the plan.
4. As set forth in Section 3.08(e) of the Development Agreement, additional activities prohibited in all open space areas of the Project include the use of biocides, dumping and placement or use of underground storage tanks.
5. The use of tar sealants or other pavement sealants is prohibited in the Project.

B. Affordable Housing

1. As set forth in Section 3.14 of the Development Agreement, the developer shall set aside at least 10% of the owner occupied residential units within the project for occupancy by households whose income is less than 80% of the median family income in the Austin metropolitan statistical area ("Affordable Ownership Requirement").
2. The Affordable Ownership Requirement for condo-style projects shall be based on number of units and calculated on a condo project-by-condo project basis. Condo style projects shall follow the same multi-bedroom unit requirements as are set forth for apartments in subparagraph (5) below. For other forms of single family housing (either attached or detached), affordability shall also be calculated based on the number of units and, to the extent economically feasible, shall be spread across the various product types within the project. Although there shall be no requirement that each project or plat within the project contain a specific number of affordable units, the Developer shall be responsible for ensuring that ultimately the entire project contains the requisite number of affordable ownership units. The Developer shall report to the Director of the Neighborhood Housing Community Development on the status of the number and location of affordable ownership units within the project on a semi-annual basis commencing on the date the first plat is recorded.
3. Notwithstanding the foregoing, if the Developer provides more affordable units in any given apartment project than the ten percent (10%) required per Section 23B of this Ordinance, then the number of units required to meet the Affordable Ownership Requirement in the project shall be reduced (i) on a 1.5:1 ratio for up to three percent (3%) of the ten percent (10%) Affordable Ownership

Requirement for the project; and (ii) on a 4:1 ratio for up to an additional two percent (2%) of the ten percent (10%) Affordable Ownership Requirement for the project. Provided however, in no event shall the number of units required to meet the Affordable Ownership Requirement in the project be reduced below five percent (5%) of total ownership units through the method described above.

4. Pursuant to Section 3.14 of the Development Agreement, the developer shall set aside at least 10 percent of the rental units for multifamily residential within the Project for occupancy by households whose income is less than 60 percent of the median family income in the Austin metropolitan statistical area ("Affordable Rental Requirement").
5. The Affordable Rental Requirement shall be based on number of units and calculated on an apartment project-by-apartment project basis. The ratio of affordable single units to affordable multi-bedroom units shall be equal to the ratio of total single to total multi-bedroom units for the applicable project. The affordable units within any given apartment project shall be interspersed with market rate units.

C. Transportation

1. A site plan or building permit may not be approved, released, or issued, if the completed development or uses in the project, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the project specified in that certain Traffic Impact Analysis ("TIA") prepared by Bury + Partners, Inc., dated July 2009, or as amended and approved by the Director. All development in the project is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Planning and Development Review Department dated June 7, 2010 and the Declaration of Traffic Phasing Restrictive Covenant recorded in the real property records of Travis County. The TIA shall be kept on file at the Planning and Development Review Department.

- D. 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.
- E. 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.
- F. 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.

- G. 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 a majority of the land area of the Property if the modification, amendment or termination affects the entire Property, or, if the modification, amendment or termination only effects a portion of the Property, by the owner(s) of a majority of the land area of that portion of the Property.

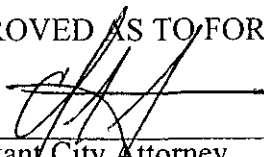
EXECUTED this the 29th day of October, 2010.

OWNER:

CD 116 Indian Hills TX, LLC,
a Delaware limited liability company

By: 
Doug H. Gililand,
general partner

APPROVED AS TO FORM:

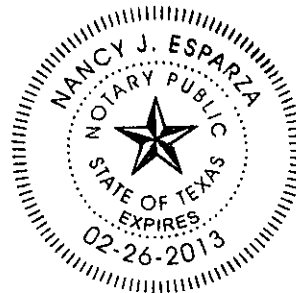


Assistant City Attorney
City of Austin

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 29th day of October, 2010, by Doug H. Gilliland, general partner of CD 116 Indian Hills TX, LLC, a Delaware limited liability company, on its behalf.

Nancy J. Esparza
Notary Public, State of Texas



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

TRACT ONE - EXHIBIT A

89.907 ACRES
INDIAN HILLS
REUBEN HORNSBY SURVEY

FN NO. 10-120(KWA)
JUNE 8, 2010
BPI JOB NO. 1758-05

DESCRIPTION

OF A 89.907 ACRE TRACT OUT OF THE REUBEN HORNSBY SURVEY NO. 17, ABSTRACT NO. 15, SITUATED IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 149.45 ACRE TRACT CONVEYED TO CLUB DEAL 116 INDIAN HILLS, TX, LIMITED PARTNERSHIP, BY DEED OF RECORD IN DOCUMENT NO. 2005232159, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 89.907 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2-inch iron rod found on the easterly right-of-way line of F.M. 973 (R.O.W. Varies), being the southwesterly corner of that certain 18.36 acre tract conveyed to Winding Prairie Grass Trails, Ltd., by Deed of record in Document No. 20000202543, of said Official Public Records, for the northwesterly corner of said 149.45 acre tract and hereof;

THENCE, S56°05'52"E, leaving said easterly right-of-way line, along the southerly line of said 18.36 acre tract, for a portion of the northerly line of said 149.45 acre tract and hereof, a distance of 653.35 feet to a 1/2-inch iron pipe found in concrete at the southeasterly corner of said 18.36 acre tract, being the southwesterly corner of that certain 71.930 acre tract conveyed to Decker Creek Estates Limited, by Deed of record in Volume 12715, Page 1040, of the Real Property Records of Travis County, Texas, also being the northwesterly corner of that certain 12.13 acre tract conveyed to the City of Austin, by Deed of record in Volume 3310, Page 1682, of the Deed Records of Travis County, Texas, for an angle point;

THENCE, along the westerly and southerly lines of said 12.13 acre tract, being the northerly line of said 149.45 acre tract, for a portion of the northerly line hereof, the following four (4) courses and distances:

- 1) S27°24'41"W, a distance of 804.78 feet to a 1/2-inch iron pipe found in concrete at the southwesterly corner of said 12.13 acre tract, for an angle point;
- 2) S61°27'34"E, a distance of 1050.70 feet to a 1/2-inch iron rod found for an angle point;
- 3) S27°34'27"W, a distance of 322.94 feet to a 1/2-inch iron rod found for an angle point;
- 4) S64°13'26"E, a distance of 362.67 feet to a 1/2-inch iron rod with cap found at the southeasterly corner of said 12.13 acre tract, being on the westerly line of that certain 15.586 acre tract conveyed to Jaketown 130 LLC, by Deed of record in Document No. 2007209496, of said Official Public Records, for the northeasterly corner of said 149.45 acre tract and hereof;

THENCE, S27°12'10"W, along the westerly line of said 15.586 acre tract, being the easterly line of said 149.45 acre tract, for a portion of the easterly line hereof, a distance of 1399.85 feet to a 1/2-inch iron rod with cap found at the most southerly corner of said 15.586 acre tract, being an angle point in the westerly right-of-way line of SH 130 (R.O.W. varies), for an angle point;

THENCE, S27°12'02"W, along said westerly right-of-way line of SH 130, being the easterly line of said 149.45 acre tract, for a portion of the easterly line hereof, a distance of 80.83 feet to a calculated point at the beginning of a non-tangent curve to the left, for the southeasterly corner hereof;

THENCE, leaving said westerly right-of-way line, over and across said 149.45 acre tract, for the southerly line hereof, the following seven (7) courses and distances:

- 1) Along said curve, having a radius of 1495.00 feet, a central angle of 17°19'48", an arc length of 452.18 feet, and a chord which bears N58°59'07"W, a distance of 450.46 feet to a calculated point at the point of tangency of said curve;
- 2) N67°39'01"W, a distance of 394.14 feet to a calculated point at the point of curvature of a curve to the right;
- 3) Along said curve, having a radius of 1455.00 feet, a central angle of 18°38'35", an arc length of 473.43 feet, and a chord which bears N58°19'45"W, a distance of 471.35 feet to a calculated point at the point of tangency of said curve;
- 4) N49°00'30"W, a distance of 169.57 feet to a calculated point at the beginning of a non-tangent curve to the left;
- 5) Along said curve, having a radius of 1995.00 feet, a central angle of 03°24'05", an arc length of 118.43 feet, and a chord which bears N50°42'30"W, a distance of 118.41 feet to a calculated point at the end of said curve;
- 6) N28°05'04"E, a distance of 353.62 feet to a calculated point, for an angle point;
- 7) N61°54'56"W, a distance of 483.59 feet to a calculated point on the westerly line of said 149.45 acre tract, being said easterly right-of-way line of F.M. 973, for the southwesterly corner hereof;

THENCE, along said easterly right-of-way line, being the westerly line of said 149.45 acre tract, for the westerly line hereof, the following two (2) courses and distances:

FN NO. 10-120(KWA)

JUNE 8, 2010

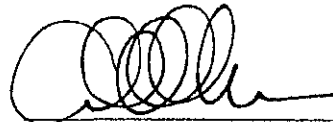
PAGE 3 OF 4

- 1) N27°33'54"E, a distance of 1486.14 feet to a TxDOT Type I monument found for an angle point;
- 2) N27°32'27"E, a distance of 777.67 feet to the **POINT OF BEGINNING**, and containing 89.907 acres (3,916,336 square feet) of land, more or less, within these metes and bounds.

BEARING BASIS: TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(93), UTILIZING LCRA GPS CONTROL MONUMENTATION.

I, ABRAM C. DASHNER, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS DETERMINED BY A SURVEY MADE ON THE GROUND BY ME OR UNDER MY DIRECTION AND SUPERVISION, AND IS TRUE AND CORRECT TO THE BEST OF MY ABILITIES. A SURVEY SKETCH EXHIBIT WAS PREPARED TO ACCOMPANY THIS DESCRIPTION.

BURY + PARTNERS, INC.
ENGINEERING-SOLUTIONS
221 WEST SIXTH ST., SUITE 600
AUSTIN, TEXAS 78701

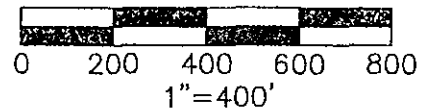


6-8-10

ABRAM C. DASHNER, R.P.L.S.
NO. 5901
STATE OF TEXAS



WINDING PRAIRIE
GRASS TRAIL, LTD.
18.36 ACRES
DOCUMENT NO.
2000202543



DECKER CREEK ESTATES LIMITED
71.930 ACRES
VOLUME 12715, PAGE 1040

P.O.B.

N27°32'27"E 777.67'
N27°33'54"E 1486.14'

S56°05'52"E
653.35'

S27°24'41"W 804.78'

CITY OF AUSTIN
12.13 ACRES
VOLUME 3310, PAGE 1682

S61°27'34"E 1050.70'

89.907 ACRES
(3,916,336 SQ. FT.)

CLUB DEAL 116--INDIAN HILLS
TX, LIMITED PARTNERSHIP
TRACT ONE--149.45 ACRES
DOCUMENT NO. 2005232159

L1

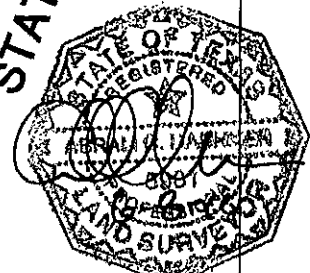
L2

CAP

S27°12'10"W 1399.85'

JAKETOWN 130 LLC
TRACT 2--15.586 ACRES
DOCUMENT NO. 2007209496

STATE HIGHWAY 130
(R.O.W. VARIES)



SHEET 1 OF 2

Bury+Partners
ENGINEERING SOLUTIONS
221 West Sixth Street, Suite 600
Austin, Texas 78701
Tel. (512)328-0011 Fax (512)328-0325
Bury+Partners, Inc. ©Copyright 2010

SKETCH TO ACCOMPANY DESCRIPTION
OF 89.907 ACRES OF LAND OUT OF THE REUBEN HORNSBY SURVEY
NO. 17, ABSTRACT NO. 15, SITUATED IN TRAVIS COUNTY, TEXAS, BEING
A PORTION OF THAT CERTAIN: TRACT--ONE 149.45 ACRES OF LAND
CONVEYED TO CLUB DEAL 116--INDIAN HILLS TX, LIMITED PARTNERSHIP
BY DEED OF RECORD IN DOCUMENT NO. 2005232159 OF THE OFFICIAL
PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

**INSIGHT REAL
ESTATE
STRATEGIES**

DATE: 06/08/10

FILE: H:\1758\05\175805EX2.DWG

FN No.: 10-120(KWA)

DRAWN BY: KWA

PROJ. No: 1758-05

LEGEND

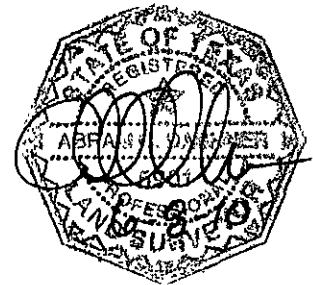
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ⊙ IRON PIPE FOUND
- △ CALCULATED POINT
- MONUMENT FOUND
- P.O.B. POINT OF BEGINNING

LINE TABLE

LINE	BEARING	LENGTH
L1	S27°34'27"W	322.94
L2	S64°13'26"E	362.67
L3	S27°12'02"W	80.83
L4	N67°39'01"W	394.14
L5	N49°00'30"W	169.57
L6	N28°05'04"E	353.62
L7	N61°54'56"W	483.59

CURVE TABLE

No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	17°19'48"	1495.00	452.18	450.46	N58°59'07"W
C2	18°38'35"	1455.00	473.43	471.35	N58°19'45"W
C3	3°24'05"	1995.00	118.43	118.41	N50°42'30"W



SHEET 2 OF 2

Bury+Partners
ENGINEERING SOLUTIONS
221 West Sixth Street, Suite 600
Austin, Texas 78701
Tel. (512)328-0011 Fax (512)328-0325
Bury+Partners, Inc. ©Copyright 2010

SKETCH TO ACCOMPANY DESCRIPTION
OF 89.907 ACRES OF LAND OUT OF THE REUBEN HORNSBY SURVEY
NO. 17, ABSTRACT NO. 15, SITUATED IN TRAVIS COUNTY, TEXAS, BEING
A PORTION OF THAT CERTAIN: TRACT-ONE 149.45 ACRES OF LAND
CONVEYED TO CLUB DEAL 116-INDIAN HILLS TX, LIMITED PARTNERSHIP
BY DEED OF RECORD IN DOCUMENT NO. 2005232159 OF THE OFFICIAL
PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

**INSIGHT REAL
ESTATE
STRATEGIES**

DATE: 06/08/10 FILE: H:\1758\05\175805EX2.DWG FN No.: 10-120(KWA) DRAWN BY: KWA PROJ. No: 1758-05

TRACT TWO - EXHIBIT B

149.951 ACRES
INDIAN HILLS
REUBEN HORNSBY SURVEY

FN NO. 10-121(KWA)
JUNE 8, 2010
BPI JOB NO. 1758-05

DESCRIPTION

OF A 149.951 ACRE TRACT OUT OF THE REUBEN HORNSBY SURVEY NO. 17, ABSTRACT NO. 15, SITUATED IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THOSE CERTAIN TRACTS (TRACT ONE-149.45 ACRES, TRACT TWO-68.99 ACRES, TRACT THREE-7.17 ACRES, TRACT FOUR-7.18 ACRES, TRACT FIVE-7.18 ACRES) CONVEYED TO CLUB DEAL 116 INDIAN HILLS, TX, LIMITED PARTNERSHIP, BY DEED OF RECORD IN DOCUMENT NO. 2005232159, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 149.951 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2-inch iron rod with cap found at the northeasterly corner of that certain 19.67 acre tract conveyed to Gary W. Anderson, by Deed of record in Volume 12342, Page 5, of the Real Property Records of Travis County, Texas, being in the westerly line of that certain 1.067 acre tract conveyed to Jaketown 130 LLC, by Deed of record in Document No. 2007209496, of said Official Public Records, for the southeasterly corner of said 7.18 acre "Tract Five" and hereof;

THENCE, N62°07'59"W, leaving the westerly line of said 1.067 acre tract, along the northerly line of said 19.67 acre tract, for the southerly line of said 7.18 acre "Tract Five" and hereof, a distance of 2067.52 feet to a 1/2-inch iron rod with cap set on the easterly right-of-way line of F.M. 973 (R.O.W. Varies), for the southwesterly corner of said 7.18 acre "Tract Five" and hereof;

THENCE, along said easterly right-of-way line of F.M. 973, being the westerly lines of said 7.18 acre "Tract Five", said 7.18 acre "Tract Four", said 7.17 acre tract, said 68.99 acre tract, and said 149.45 acre tract, for the westerly line hereof, the following six (6) courses and distances:

- 1) N27°36'23"E, a distance of 895.35 feet to a TxDOT Type I monument found at the point of curvature of a curve to the left;
- 2) Along said curve, having a radius of 11510.24 feet, a central angle of 02°56'06", an arc length of 589.61 feet, and a chord which bears N26°08'20"E, a distance of 589.55 feet to a TxDOT Type I monument found at the point of tangency of said curve;
- 3) N24°38'00"E, a distance of 250.71 feet to a 1/2-inch iron rod with cap set at the point of curvature of a curve to the right;

- 4) Along said curve, having a radius of 5679.03 feet, a central angle of $03^{\circ}28'47''$, an arc length of 344.90 feet, and a chord which bears $N26^{\circ}26'44''E$, a distance of 344.85 feet to a TxDOT Type I monument found at the point of tangency of said curve;
- 5) $N28^{\circ}09'22''E$, a distance of 1363.06 feet to a 1/2-inch iron rod with cap set for an angle point;
- 6) $N27^{\circ}33'54''E$, a distance of 23.21 feet to a calculated point, for the northwesterly corner hereof;

THENCE, leaving said easterly right-of-way line, over and across said 149.45 acre tract, for the northerly line hereof, the following seven (7) courses and distances:

- 1) $S61^{\circ}54'56''E$, a distance of 483.59 feet to a calculated point, for an angle point;
- 2) $S28^{\circ}05'04''W$, a distance of 353.62 feet to a calculated point at the beginning of a non-tangent curve to the right;
- 3) Along said curve, having a radius of 1995.00 feet, a central angle of $03^{\circ}24'05''$, an arc length of 118.43 feet, and a chord which bears $S50^{\circ}42'30''E$, a distance of 118.41 feet to a calculated point at the end of said curve;
- 4) $S49^{\circ}00'30''E$, a distance of 169.57 feet to a calculated point at the point of curvature of a curve to the left;
- 5) Along said curve, having a radius of 1455.00 feet, a central angle of $18^{\circ}38'35''$, an arc length of 473.43 feet, and a chord which bears $S58^{\circ}19'45''E$, a distance of 471.35 feet to a calculated point at the point of tangency of said curve;
- 6) $S67^{\circ}39'01''E$, a distance of 394.14 feet to a calculated point at the beginning of a non-tangent curve to the right;
- 7) Along said curve, having a radius of 1495.00 feet, a central angle of $17^{\circ}19'48''$, an arc length of 452.18 feet, and a chord which bears $S58^{\circ}59'07''E$, a distance of 450.46 feet to a calculated point on the easterly line of said 149.45 acre tract, being the westerly right-of-way line of SH 130 (R.O.W. Varies), for the northeasterly corner hereof;

THENCE, along said westerly right-of-way line of SH 130, being the easterly lines of said 149.45 acre tract and said 68.99 acre tract, for a portion of the easterly line hereof, the following five (5) courses and distances:

FN NO. 10-121(KWA)
JUNE 8, 2010
PAGE 3 OF 4


- 1) S27°12'02"W, a distance of 1130.00 feet to a 1/2-inch iron rod found at the easterly common corner of said 149.45 acre tract and said 68.99 acre tract, for an angle point;
- 2) S27°00'08"W, a distance of 233.27 feet to a 1/2-inch iron rod found, for an angle point;
- 3) S26°54'24"W, a distance of 531.43 feet to a 1/2-inch iron rod found, for an angle point;
- 4) S27°39'06"W, a distance of 420.03 feet to a 1/2-inch iron rod found, for an angle point;
- 5) S27°50'00"W, a distance of 14.88 feet to a 1/2-inch iron rod found, for an angle point;

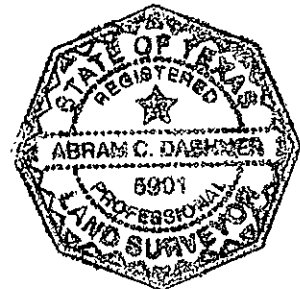
THENCE, S27°40'49"W, in part along said westerly right-of-way line and in part along the westerly line of said 1.067 acre tract, being the easterly lines of said 68.99 acre tract, said 7.17 acre tract, said 7.18 acre "Tract Four", and said 7.18 acre "Tract Five", for a portion of the easterly line hereof, a distance of 700.98 feet to the POINT OF BEGINNING, and containing 149.951 acres (6,531,871 square feet) of land, more or less, within these metes and bounds.

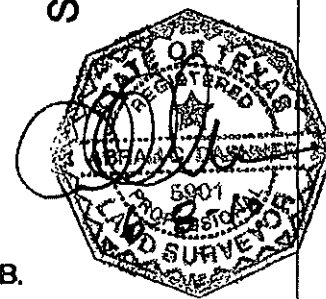
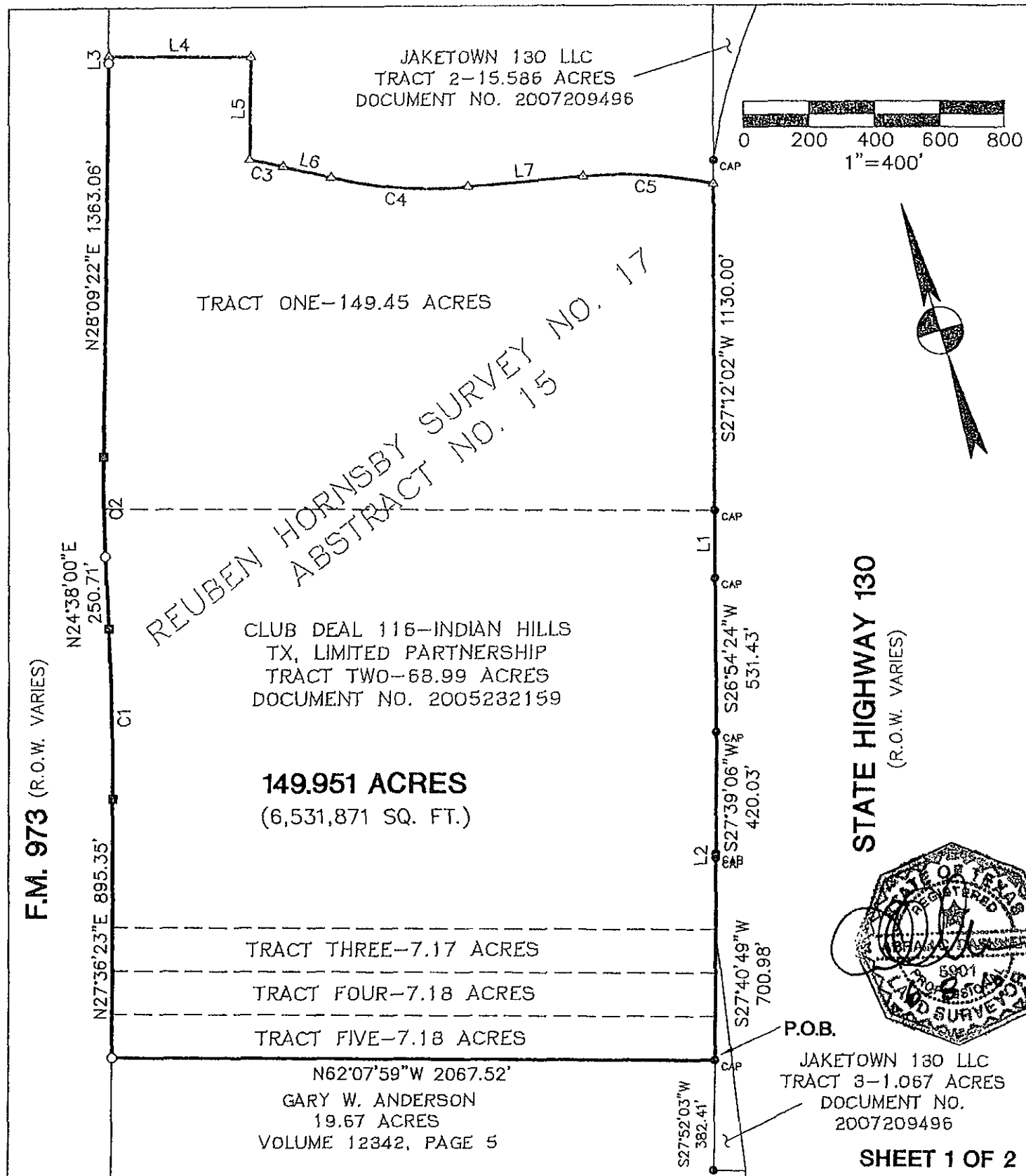
BEARING BASIS: TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(93), UTILIZING LCRA GPS CONTROL MONUMENTATION.

I, ABRAM C. DASHNER, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS DETERMINED BY A SURVEY MADE ON THE GROUND BY ME OR UNDER MY DIRECTION AND SUPERVISION, AND IS TRUE AND CORRECT TO THE BEST OF MY ABILITIES. A SURVEY SKETCH EXHIBIT WAS PREPARED TO ACCOMPANY THIS DESCRIPTION.

BURY + PARTNERS, INC.
ENGINEERING-SOLUTIONS
221 WEST SIXTH ST., SUITE 600
AUSTIN, TEXAS 78701


6-8-10
ABRAM C. DASHNER, R.P.L.S.
NO. 5901
STATE OF TEXAS





SHEET 1 OF 2

Bury+Partners

ENGINEERING SOLUTIONS
221 West Sixth Street, Suite 600
Austin, Texas 78701
Tel. (512)328-0011 Fax (512)328-0325
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SKETCH TO ACCOMPANY DESCRIPTION

OF 149.951 ACRES OF LAND OUT OF THE REUBEN HORNSBY SURVEY NO. 17, ABSTRACT NO. 15, SITUATED IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THOSE CERTAIN: TRACT-ONE 149.45 ACRES, TRACT-TWO 68.99 ACRES, TRACT-THREE 7.17 ACRES, TRACT-FOUR 7.18 ACRES AND TRACT-FIVE 7.18 ACRES OF LAND CONVEYED TO CLUB DEAL 116-INDIAN HILLS TX, LIMITED PARTNERSHIP BY DEED OF RECORD IN DOCUMENT NO. 2005232159 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

INSIGHT REAL ESTATE STRATEGIES

DATE: 06/08/10

FILE: H:\1758\05\175805EX3.DWG

FN No.: 10-121(KWA)

DRAWN BY: KWA

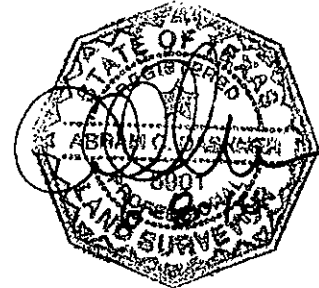
PROJ. No: 1758-05

LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ⊙ IRON PIPE FOUND
- △ CALCULATED POINT
- MONUMENT FOUND
- P.O.B. POINT OF BEGINNING

LINE TABLE

LINE	BEARING	LENGTH
L1	S27°00'08"W	233.27
L2	S27°50'00"W	14.88
L3	N27°33'54"E	23.21
L4	S61°54'56"E	483.59
L5	S28°05'04"W	353.62
L6	S49°00'30"E	169.57
L7	S67°39'01"E	394.14



CURVE TABLE

No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	2°56'06"	11510.24	589.61	589.55	N26°08'20"E
C2	3°28'47"	5679.03	344.90	344.85	N26°26'44"E
C3	3°24'05"	1995.00	118.43	118.41	S50°42'30"E
C4	18°38'35"	1455.00	473.43	471.35	S58°19'45"E
C5	17°19'48"	1495.00	452.18	450.46	S58°59'07"E

SHEET 2 OF 2

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EXHIBIT C

Grow Green Native and Adapted Landscape Plants

Trees

Ash, Texas <i>Fraxinus texensis</i>	Oak, Escarpment Live <i>Quercus fusiformis</i>
Arizona Cypress <i>Cupressus arizonica</i>	Oak, Lacey <i>Quercus glaucoides</i>
Big Tooth Maple <i>Acer grandidentatum</i>	Oak, Monterey (Mexican White) <i>Quercus polymorpha</i>
Cypress, Bald <i>Taxodium distichum</i>	Oak, Shumard <i>Quercus shumardii</i>
Cypress, Montezuma <i>Taxodium mucronatum</i>	Oak, Texas Red <i>Quercus texana</i> (<i>Quercus buckleyi</i>)
Elm, Cedar <i>Ulmus crassifolia</i>	Pecan <i>Carya illinoensis</i>
Elm, Lacebark <i>Ulmus parvifolia</i>	Soapberry <i>Sapindus drummondii</i>
Honey Mesquite <i>Prosopis glandulosa</i>	
Oak, Bur <i>Quercus macrocarpa</i>	
Oak, Chinquapin <i>Quercus muhlenbergii</i>	
Oak, Southern Live <i>Quercus virginiana</i>	

Small Trees/Large Shrubs

Anacacho Orchid Tree <i>Bauhinia congesta</i>	Persimmon, Texas <i>Diospyros texana</i>
Buckeye, Mexican <i>Ungnadia speciosa</i>	Pistachio, Texas <i>Pistacia texana</i>
Buckeye, Rec <i>Aesculus pavia</i>	Plum, Mexican <i>Prunus mexicana</i>
Carolina Buckthorn <i>Rhamnus caroliniana</i>	Pomegranate <i>Punica granatum</i>
Cherry Laurel <i>Prunus caroliniana</i>	Redbud, Mexican <i>Cercis canadensis</i> 'mexicana'
Crape Myrtle <i>Lagerstroemia indica</i>	Redbud, Texas <i>Cercis canadensis</i> var. 'texensis'
Desert Willow <i>Chilopsis linearis</i>	Retama Jerusalem Thorn <i>Parkinsonia aculeata</i>
Dogwood, Roughleaf <i>Cornus drummondii</i>	Senna, Flowering <i>Cassia corymbosa</i>
Escarpment Black Cherry <i>Prunus serotina</i> var. <i>eximia</i>	Smoke Tree, American <i>Cotinus obovatus</i>
Eve's Necklace <i>Sophora affinis</i>	Sumac, Flameleaf <i>Rhus lanceolata</i>
Goldenball Leadtree <i>Leucaena retusa</i>	Viburnum, Rusty Blackhaw <i>Viburnum rufidulum</i>
Holly, Possumhaw <i>Ilex decidua</i>	Viburnum, Sandankwa <i>Viburnum suspensum</i>
Holly, Yaupon <i>Ilex vomitoria</i>	
Mountain Laurel, Texas <i>Sophora secundiflora</i>	

Shrubs

Abelia, Glossy <i>Abelia grandiflora</i>	Nandina <i>Nandina domestica</i> 'Compacta nana' 'Gulf Stream'
Agarita <i>Berberis trifoliata</i>	Oleander <i>Nerium oleander</i>
Agave (Century Plant) <i>Agave sp.</i>	Palmetto <i>Sabal minor</i>
American Beautyberry <i>Callicarpa americana</i>	Prickly Pear <i>Opuntia engelmannii</i> var. <i>lindheimeri</i>
Artemisia <i>Artemisia</i> 'Powis Castle'	Rose, Belinda's Dream <i>Rosa</i> 'Belinda's Dream'
Barbados Cherry <i>Malpighia glabra</i>	Rose, Lamarne <i>Rosa</i> 'Lamarne'
Barberry, Japanese <i>Berberis thunbergii</i> 'Atropurpurea'	Rose, Livin' Easy <i>Rosa</i> 'Livin' Easy'
Basket Grass (Sacahuista) <i>Nolina texana</i>	Rose, Marie Pavie <i>Rosa</i> 'Marie Pavie'
Black Dalea <i>Dalea frutescens</i>	Rose, Martha Gonzales <i>Rosa</i> 'Martha Gonzales'
Bush Germander <i>Teucrium fruticans</i>	Rose, Mutabilis <i>Rosa</i> 'Mutabilis'
Butterfly Bush <i>Buddleia davidii</i>	Rose, Nearly Wild <i>Rosa</i> 'Nearly Wild'
Butterfly Bush, Woolly <i>Buddleia marrubifolia</i>	Rose, Old Blush <i>Rosa</i> 'Old Blush'
Coralberry <i>Symphoricarpos orbiculatus</i>	Rose, Perle d'or <i>Rosa</i> 'Perle d'or'
Cotoneaster <i>Cotoneaster sp.</i>	Rock Rose <i>Pavonia lasiopetala</i>
Eleagnus <i>Eleagnus pungens</i>	Rosemary <i>Rosmarinus officinalis</i>
Esperanza/Yellow Bells <i>Tecoma stans</i>	Sage, Mountain <i>Salvia regia</i>
Flame Acanthus <i>Anisacanthus quadrifidus</i> var. <i>wrightii</i>	Sage, Texas (Cenizo) <i>Leucophyllum frutescens</i>
Fragrant Mimosa <i>Mimosa borealis</i>	Senna, Lindheimer <i>Cassia lindheimeriana</i>
Holly, Burford <i>Ilex cornuta</i> 'Burfordii'	Southern Wax Myrtle <i>Myrica cerifera</i>
Holly, Dwarf Chinese <i>Ilex cornuta</i> 'Rounda nana'	Sumac, Evergreen <i>Rhus virens</i>
Holly, Dwarf Yaupon <i>Ilex vomitoria</i> 'Nana'	Sumac, Fragrant (Aromatic) <i>Rhus aromatica</i>
Jasmine, Primrose <i>Jasminum mesnyi</i>	Texas Sotol <i>Dasylirion texanum</i>
Kidneywood <i>Eysenhardtia texana</i>	Turk's Cap <i>Malvaviscus arboreus</i>
Lantana, Native <i>Lantana horrida</i>	Yucca, Paleleaf <i>Yucca pallida</i>
Mistflower, Blue (Blue Boneset) <i>Eupatorium coelestinum</i>	Yucca, Red <i>Hesperaloe parviflora</i>
Mistflower, White (Shrubby White Boneset) <i>Ageratina havanense</i>	Yucca, softleaf <i>Yucca recurvifolia</i>
Mock Orange <i>Philadelphus coronarius</i>	Yucca, Twistleaf <i>Yucca rupicola</i>

Perennials

Black-eyed Susan <i>Rudbeckia hirta</i>	Lantana, Trailing <i>Lantana montevidensis</i>
Bulbine <i>B. frutescens</i> or <i>caulescens</i>	Marigold, Mexican Mint <i>Tagetes lucida</i>
Bush Morning Glory <i>Ipomoea fistulosa</i>	Obedient Plant, Fall <i>Physostegia virginiana</i>
Butterfly Weed <i>Asclepias tuberosa</i>	Oregano, Mexican <i>Pollomlintha longiflora</i>
Butterfly Weed 'Mexican' <i>Asclepias curassivica</i>	Penstemon <i>Penstemon</i> sp.
Cast Iron Plant <i>Aspidistra elatior</i>	Phlox, Fragrant <i>Phlox pilosa</i>
Chile Pequin <i>Capsicum annuum</i>	Pink Skullcap <i>Scutellaria suffrutescens</i>
Cigar Plant <i>Cuphea micropetala</i>	Plumbago <i>Plumbago auriculata</i>
Columbine, Red <i>Aquilegia canadensis</i>	Poinciana, Red Bird of Paradise, Pride of Barbados
Columbine, Yellow <i>Aquilegia chrysantha</i> 'Texas Gold'	<i>Caesalpinia pulcherrima</i>
Coreopsis <i>Coreopsis lanceolata</i>	Primrose, Missouri <i>Oenothera macrocarpa</i>
Daisy, Blackfoot <i>Melampodium leucanthum</i>	Purple Coneflower <i>Echinacea purpurea</i>
Daisy, Copper Canyon <i>Tagetes lemmonii</i>	Ruellia <i>Ruellia brittoniana</i>
Damiantia <i>Crysactina mexicana</i>	Sage, Cedar <i>Salvia roemeriana</i>
Fall Aster <i>Aster oblongifolius</i>	Sage, Jerusalem <i>Phlomis fruticosa</i>
Fern, River <i>Thelypteris kunthii</i>	Sage, Majestic <i>Salvia guaranitica</i>
Firebush <i>Hamelia patens</i>	Sage, Mealy Blue <i>Salvia farinacea</i>
Gaura <i>Gaura lindeheimeri</i>	Sage, Mexican Bush <i>Salvia leucantha</i>
Gayfeather <i>Liatris mucronata</i>	Sage, Penstemon, Big Red Sage <i>Salvia penstemonoides</i>
Gregg Dalea <i>Dalea greggii</i>	Sage, Russian <i>Perovskia atriclipifolia</i>
Hibiscus, Perennial <i>Hibiscus moscheutos</i> , <i>Hibiscus coccineus</i>	Sage, Scarlet or 'Tropical' <i>Salvia coccinea</i>
Honeysuckle, Mexican <i>Justicia spicigera</i>	Salvia, Gregg (Cherry Sage) <i>Salvia greggii</i>
Hymenoxys (Four Nerve Daisy) <i>Tetranneuris scaposa</i>	Shrimp Plant <i>Justicia brandegeana</i>
Indigo Spires <i>Salvia 'Indigo Spires'</i>	Texas Betony <i>Stachys coccinea</i>
Iris, Bearded <i>Iris albicans</i>	Verbena, Prairie <i>Verbena bipinnatifida</i>
Iris, Butterfly/Bicolor (African) <i>Dietes</i> sp.	Yarrow <i>Achillea millefolium</i>
Lamb's Ear <i>Stachys byzantina</i>	Zexmenia <i>Wedelia texana</i>
Lantana <i>Lantana x hybrida</i> (many varieties)	

Vines

Asian Jasmine <i>Trachelospermum asiaticum</i>	Honeysuckle, Coral <i>Lonicera sempervirens</i>
Carolina Jessamine <i>Gelsemium sempervirens</i>	Lady Banksia Rose <i>Rosa banksiae</i>
Coral Vine <i>Antigonon leptopus</i>	Passion Vine <i>Passiflora incarnata</i>
Crossvine <i>Bignonia capreolata</i>	Trumpet Vine <i>Campsis radicans</i>
Fig Vine <i>Ficus pumila</i>	Virginia Creeper <i>Parthenocissus quinquefolia</i>

Ornamental Grasses

Bluestem, Big *Andropogon gerardii*
 Bluestem, Bushy *Andropogon*
glomeratus
 Bluestem, Little *Schizachyrium*
scoparium
 Fountain Grass, Dwarf *Pennisetum*
alopecuroides
 Indian Grass *Sorghastrum nutans*
 Inland Sea Oats *Chasmanthium*
latifolium

Mexican Feathergrass (Wiregrass) *Stipa*
tenuissima
 Muhly, Bamboo *Muhlenbergia dumosa*
 Muhly, Big *Muhlenbergia lindheimeri*
 Muhly, Deer *Muhlenbergia rigens*
 Muhly, Gulf *Muhlenbergia capillaris*
 Muhly, Seep *Muhlenbergia reverchonii*
 Sideoats Grama *Bouteloua curtipendula*
 Wild Rye *Elymus canadensis*

Groundcover

Aztec Grass *Ophiopogon japonicus*
 Frogfruit *Phyla incisa*
 Horsetail *Calypocarpus vialis*
 Leadwort Plumbago *Ceratostigma*
plumbaginoides
 Liriope *Liriope muscari*
 Monkey Grass (Mondo Grass)
Ophiopogon japonicus
 Oregano *Origanum vulgare*
 Periwinkle, Littleleaf *Vinca minor*
 Pigeonberry *Rivina humilis*

Purple Heart *Secreasea pallida*
 Santolina (Lavender Cotton) *Santolina*
chamaecyparissus
 Sedge, Berkeley *Carex tumulicola*
 Sedge, Meadow *Carex perdentata*
 Sedge, Texas *Carex texensis*
 Sedum (Stonedrop) *Sedum nuttallianum*
 Silver Ponyfoot *Dichondra argentea*
 Woolly Stemodia *Stemodia lanata*
 (*Stemodia tomentosa*)

Turf Grasses

Bermuda 'Tif 419', 'Sahara', 'Baby', 'Common'
 Buffalo '609', 'Stampede', 'Prairie'
 St. Augustine 'Baby', 'Common', 'Raleigh', 'Delmar'
 Zoysia, Fine Leaf 'Matrella', 'Emerald', 'Zorro'
 Zoysia, Coarse Leaf 'Japonica', 'Jamur', 'El Toro', 'Palis'

Invasive Species/Problem Plants

PLANTS TO AVOID

INVASIVES

(Plants that are non-native to the Central Texas ecosystem and tend to out-compete native species)

Do Not Plant

(Travel by seeds, berries, and spores so can be transported long distances. They have already invaded preserves and greenbelts):

- Arizona Ash
- Chinaberry
- Chinese Pistache
- Chinese Tallow
- Chinese Privet
- Elephant Ear
- Holly Fern
- Japanese Honeysuckle
- Ligustrum, Wax Leaf
- Mimosa
- Mulberry, Paper
- Nandina (large, berrying varieties)
- Photinia, Chinese
- Pyracantha
- Tamarisk
- Tree of Heaven

PROBLEM TREES AND SHRUBS

(Typically fast-growing, highly adaptable, but often have weak wood and are short-lived. Most are susceptible to insect and disease problems.)

- Arizona Ash
- Azalea (not adapted to Austin soils)
- Boxelder
- Camellia
- Chinaberry
- Chinese Privet
- Chinese Tallow
- Cottonwood
- Ligustrum
- Lombardy Poplar
- Mimosa
- Mulberry, Paper
- Photinia, Chinese
- Siberian Elm
- Silver Maple
- Sweetgum
- Sycamore
- Tree of Heaven

Do Not Plant Near Parks/Preserves/Greenbelts

(travel by runners, rhizomes, and stems so only invade neighboring areas):

- Bamboo
- English Ivy
- Vinca (Periwinkle)

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Nov 19, 2010 10:58 AM

2010172903

HOLMC: \$96.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS