

THE STATE OF TEXAS)
)
COUNTY OF TRAVIS)

9-30-04
#6

**ORDER
OF THE SPECIAL BOARD OF REVIEW
REGARDING THE TRIANGLE SQUARE DEVELOPMENT PLAN**

This Order, with the exhibits hereto, approves a substantial amendment and revision of the Triangle Square Development Plan established by the Special Board of Review by Order dated October 13, 1998, and as amended by Order dated June 25, 2001 (the "Development Plan"), to govern the use of a tract of land located in the city of Austin, Travis County, Texas, consisting of approximately 23.159 acres, (the "Triangle Tract"), as provided in Texas Natural Resources Code, Sec. 31.161 et seq. (Vernon 2003).

WHEREAS, pursuant to Chapter 533, Texas Health and Safety Code, the Texas Legislature authorized the lease for non-governmental purposes of certain property then belonging to the Texas Department of Mental Health and Mental Retardation ("TDMHMR"), including the Triangle Tract, which is more fully described by metes and bounds in the Order dated October 13, 1998 and incorporated herein;

WHEREAS, pursuant to leases and amendments thereto properly authorized by the State of Texas, acting by and through TDMHMR, as Lessor, the Triangle Tract is covered by two separate leases, as follows: (i) Lease Agreement (Retail Tract), dated May 15, 2001, covering that portion of the Triangle Tract that is to be developed primarily for retail purposes and is described in such lease agreement (the "Retail Component Lease"), and (ii) that certain Lease Agreement (Residential Tract), dated May 15, 2001, covering the balance of the Triangle Tract that is intended to be developed primarily for residential purposes and is described in such Lease Agreement;

WHEREAS, on March 1, 2001, the Texas Board of Mental Health and Mental Retardation adopted a resolution which recognized that subsequent actions by the Special Board of Review regarding the Development Plan would be deemed to be approved by the Texas Board of Mental Health and Mental Retardation;

WHEREAS, the Triangle Tract was conveyed by TDMHMR to the Permanent School Fund;

WHEREAS, the lessee under the Retail Component Lease, acting on behalf of and as the agent of the Asset Management Division of the General Land Office, submitted to the City of Austin an application for a substantial amendment to the Development Plan as it affects the portion of the Triangle Tract covered by the Retail Component Lease (the "Retail Amendment");

WHEREAS, a majority of the members of the Special Board of Review (the "Board") duly requested a meeting of the Board to review the requested Retail Amendment;

WHEREAS, a public hearing before the Board was held on _____ 2004, and all five members of the Board were present at the hearing;

WHEREAS, the political subdivisions in which the land is located (i.e., Travis County, the City of Austin, and the Austin Independent School District) were duly notified of the public hearing;

WHEREAS, the Triangle Tract is located in only one city, the City of Austin, and only one county, Travis County, Texas;

WHEREAS, the Board considered the Development Plan and the requested Retail Amendment at its _____, 2004 meeting, in accordance with rules promulgated by the General Land Office for conduct of such special review;

WHEREAS, the hearing was conducted in Austin, Travis County, Texas, the county where the Triangle Tract is located, and the Board invited and discussed public and governmental input; and

WHEREAS, following testimony and discussion at the _____, 2004 hearing described in this Order, a majority of the members of the Board voted to adopt a resolution and order to approve the Retail Amendment, and to delegate to staff of the General Land Office the authority to reduce the resolution and order to a recordable form,

NOW THEREFORE, the Board hereby issues this Order in conformance with its Resolution and with the Texas Natural Resources Code, Sections 31.161-167 (Vernon 2003):

1. The Triangle Square Development Plan as amended by the Retail Amendment in the form attached to this Order as Exhibit "A" together with all of its exhibits, which are incorporated herein (the "Revised Development Plan"), is hereby approved and adopted.

2. Development of the Triangle Tract shall be in accordance with the Revised Development Plan and this Order, and must comply with all local rules, regulations, orders, or ordinances except as specifically identified in the Revised Development Plan and this Order.

3. Pursuant to Section 31.167, Tex. Nat. Res. Code Ann, the Revised Development Plan is final and binding on this State, its lessees, successors in interest and assigns, and affected local governments or political subdivisions unless revised by the Board.

4. The Revised Development Plan may not be modified by a local government, political subdivision, owner, builder, developer, or any other person without (i) specific approval by the Board, or (ii) as otherwise permitted pursuant to the Revised Development Plan adopted by this Order.

5. A copy of the Revised Development Plan shall be filed in the Official Public Records of Travis County, Texas.

Given under my hand and seal of office this the ____ day of _____, 2004.

SPECIAL BOARD OF REVIEW
For the Triangle Square Revised Development Plan

By: _____
Jerry Patterson, Chairman, Special Board of Review
Commissioner, Texas General Land Office
Chairman, School Land Board

Exhibit "A" Revised Development Plan