



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-21
AGENDA DATE: Thu 12/02/2004
PAGE: 1 of 1

SUBJECT: C14-04-0160 - Harrell Tract #5 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 10184-10224 South IH-35 Service Road Southbound; 10101-10139 Old San Antonio Road (Slaughter Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Applicant: Edwin Tabb Harrell. Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Rogerson Allen). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0160

Z.P.C. DATE: November 2, 2004

ADDRESS: 10184 – 10224 South IH-35 Service Road Southbound; 10101 – 10139 Old San Antonio Road

OWNER AND APPLICANT: Edwin Tabb Harrell

AGENT: Drenner Stuart Wolff
Metcalf von Kreisler, LLP
(Michele Rogerson Allen)

ZONING FROM: I-RR

TO: CS-MU-CO

AREA: 5.162 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant general commercial services – mixed use – conditional overlay (CS-MU-CO) combining district zoning. The Conditional Overlay: 1) prohibits the following uses: equipment sales; pawn shop services; campground; bail bond services; kennels; commercial blood plasma center; adult-oriented uses; exterminating services; monument retail sales; residential treatment; transitional housing; and drop-off recycling collection facility; and 2) limits development on the site to less than 2,000 vehicle trips per day.

ZONING & PLATTING COMMISSION RECOMMENDATION:

November 2, 2004: *APPROVED STAFF'S RECOMMENDATION OF CS-MU-CO ZONING; PROHIBIT AGRICULTURAL SALES & SERVICES; TRANSPORTATION TERMINAL AND LAUNDRY SERVICES. VIA THE RESTRICTIVE COVENANT FOR THE TIA, ESTABLISH THAT THE MINIMUM SQUARE FOOTAGE FOR A RESTAURANT (LIMITED) USE AND RESTAURANT (GENERAL) USE ON A STAND-ALONE PAD SITE IS 300 SQUARE FEET.*

[C.H: T.R 2ND] (8-0) B.B – OFF DAIS

ISSUES:

The applicant is in agreement with the recommendation of the Zoning and Platting Commission.

The applicant has discussed this case with representatives of the Knolls at Slaughter Creek subdivision (southwest) and Park Ridge Homeowners Association (north of Slaughter Lane), as well as the Director of Planning Services at the Austin Independent School District (AISD) and an adjacent property owner. Letters of support from the President of Park Ridge and an adjacent property owner are attached at the back of the staff report.

DEPARTMENT COMMENTS:

The subject rezoning area consists of a portion of the Harrell Ranch, is used for agricultural purposes, accesses the IH-35 frontage road and Old San Antonio Road, and is zoned interim – rural residence (I-RR) district. Within the past 1½ years, zoning for new commercial development and redevelopment has been approved on the south side of West Slaughter Lane in proximity to the IH-35 frontage road and at its intersection with FM 1626 (zoned GR-CO – Wal-Mart, South Park Meadows and CS-CO – Janssen Tract, Double Creek Village). North of Old San Antonio Road and extending between IH-35 and South First Street, other portions of Harrell Ranch are concurrently being

considered for commercial and multi-family residence zoning. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The applicant proposes to zone the property to general commercial services – mixed use – conditional overlay (CS-MU-CO) district for retail development. The Mixed Use designation would allow for residential development to occur in conjunction with retail uses. The applicant has offered to prohibit several uses and these have been incorporated into the staff recommendation.

Staff recommends CS-MU-CO zoning based on the following considerations of the property: 1) location on the southbound IH-35 frontage road which is suitable for commercial uses; 2) properties to the north that access Slaughter Lane and south along the IH-35 frontage road are in the development process, and have been approved for GR-CO or CS-CO zoning for similar commercial and retail development; and 3) a maximum number of daily vehicle trips is established that will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Undeveloped
<i>North</i>	I-RR	Undeveloped and proposed for commercial zoning to accommodate shopping center space with restaurants and an automobile dealership
<i>South</i>	I-RR; MF-2-CO	Undeveloped; Akins High School – football field
<i>East</i>	N/A	IH-35 – frontage road and main lanes
<i>West</i>	I-RR; MF-2-CO; SF-2; GR-MU-H-CO; GR-CO; GR-MU-CO	Undeveloped; Three single family residences

AREA STUDY: N / A

TIA: Is not required

WATERSHED: Slaughter Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

26 – Far South Austin Community Association 300 – Terrell Lane Interceptor Association
 428 – Barton Springs / Edwards Aquifer Conservation District
 627 – Onion Creek Homeowners Association
 948 – South by Southeast Neighborhood Organization

SCHOOLS:

Williams Elementary School

Paredes Middle School

Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0075 (Southpark Meadows)	LO-CO; CS-I-CO to GR-CO	To Grant GR-CO with conditions of the TIA	Approved GR-CO district zoning with a Restrictive Covenant for the TIA, as recommended by the ZAP, on all 3 Readings (7-0).
C14-99-0129 (RCT)	To Terminate the Restrictive Covenant which addresses the discontinuance of a cocktail lounge use.	To Grant a Termination of the Restrictive Covenant	Approved a Termination of the Restrictive Covenant (10-21-04).
C14-04-0059 (Harrell / Gatton)	I-RR to CS	To Grant an Indefinite Postponement; Pending submittal of the TIA	Pending
C14-04-0037 (Slaughter @ Cullen Commercial)	RR to GR	To Grant GR-CO with a list of prohibited uses and conditions of the TIA (7-20-04)	Approved GR-CO with CO for a list of prohibited and conditional uses; the Restrictive Covenant is for the TIA (8-26-04).
C14-03-0186 (Tobin Tract)	SF-2 to GR-CO	To Grant GR-CO	Approved GR-CO with CO for list of prohibited uses, and exterior lighting requirements; fiscal surety (3-4-04).
C14-03-0066 (Wal-mart: III-35 and Slaughter Lane)	RR; SF-2; LI-CO; CS-CO and CS to GR	To Grant GR-CO with conditions of the TIA	Approved GR-CO with CO provide a 6' fence and landscaping along Cullen Lane; 2) direct all traffic south on Cullen Lane by way of limited function driveways onto Cullen Lane that allow right-in and left-out movements only; 3) the use of shielded / hooded lights throughout the site; and, 4) a list of prohibited uses and one accessory use. The Restrictive Covenant is for the TIA memorandum and an Integrated Pest

			Management (IPM) Plan and a landscape plan for the use of native and adapted plant materials. (10-30-03)
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RELATED CASES:

The subject property was annexed into the City limits on December 31, 1997. There are three other related zoning cases under consideration for the Harrell property. Nearly 110 acres along South First Street, the IH-35 frontage road and Old San Antonio Road are proposed to be rezoned in two tracts for unified shopping center and restaurant development (GR-MU – Tract 1A; CS-CO – Tract 1B in C14-04-0124). Nearly 23 acres along South First Street, which is surrounded by Tract 1A, is proposed for MF-2 zoning (C14-04-0125). Approximately 14 acres is proposed for CS-CO zoning, for an automobile dealership and retail uses (C14-04-0126).

There are no related subdivision or site plan cases on the subject property.

ABUTTING STREETS:

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
IH-35 frontage road	380 feet	Varies	Freeway, 6 lanes	115,000 (2000)
Old San Antonio Road	Varies	Varies	Two-lane undivided Collector	1,194 (2000)

- There are no existing sidewalks along Old San Antonio Road or the IH-35 frontage road.
- IH-35 is classified in the Bicycle Plan as a Priority 2 bike route. Old San Antonio Road is not classified in the Austin Bicycle Plan.
- Capital Metro bus service is not available in this area.

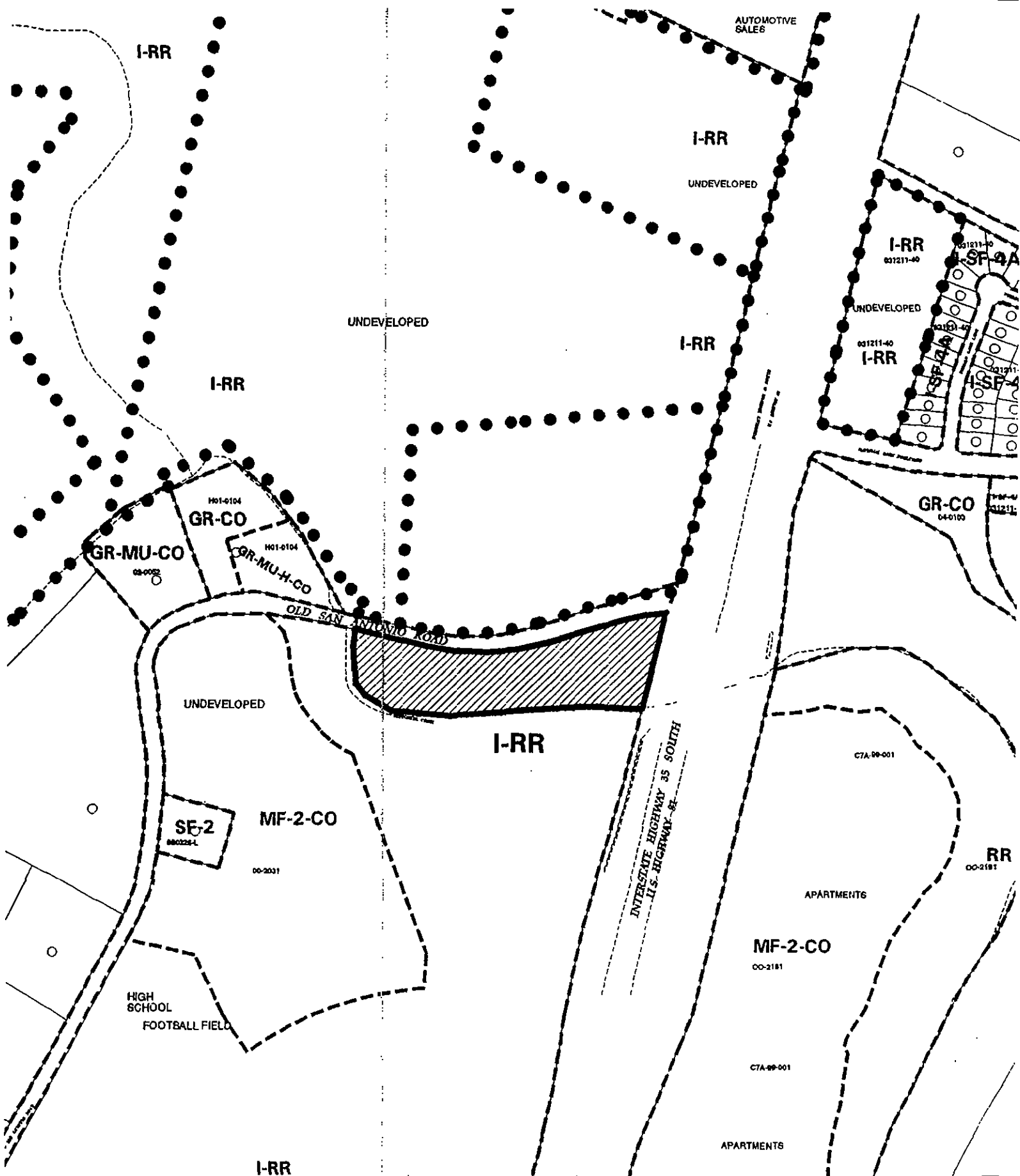
CITY COUNCIL DATE: December 2, 2004 **ACTION:**


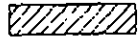


ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719



 1" = 400'	SUBJECT TRACT	  	ZONING <i>EXHIBIT A</i>		CITY GRID REFERENCE NUMBER F12
	PENDING CASE		CASE #: C14-04-0160	DATE: 04-10	
	ZONING BOUNDARY		ADDRESS: 10184-10224 S IH 35 SVC RD SB & 10101-10139 OLD SAN ANTONIO RD	INTLS: SM	
	CASE MGR: W. WALSH		SUBJECT AREA (acres): 5.162		



COUNTY

CANTON

NORTH

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant general commercial services – mixed use – conditional overlay (CS-MU-CO) combining district zoning. The Conditional Overlay: 1) prohibits the following uses: equipment sales; pawn shop services; campground; bail bond services; kennels; commercial blood plasma center; adult-oriented uses; exterminating services; monument retail sales; residential treatment; transitional housing; and drop-off recycling collection facility; and 2) limits development on the site to less than 2,000 vehicle trips per day.

BACKGROUND

The subject rezoning area consists of a portion of the Harrell Ranch, is used for agricultural purposes, accesses the IH-35 frontage road and Old San Antonio Road, and is zoned interim – rural residence (I-RR) district. Within the past 1½ years, zoning for new commercial development and redevelopment has been approved on the south side of West Slaughter Lane in proximity to the IH-35 frontage road and at its intersection with FM 1626 (zoned GR-CO – Wal-Mart, South Park Meadows and CS-CO – Janssen Tract, Double Creek Village). North of Old San Antonio Road and extending between IH-35 and South First Street, other portions of Harrell Ranch are concurrently being considered for commercial and multi-family residence zoning.

The applicant proposes to zone the property to general commercial services – mixed use – conditional overlay (CS-MU-CO) district for retail development. The Mixed Use designation would allow for residential development to occur in conjunction with retail uses. The applicant has offered to prohibit several uses and these have been incorporated into the staff recommendation.

Staff recommends CS-MU-CO zoning based on the following considerations of the property: 1) location on the southbound IH-35 frontage road which is suitable for commercial uses; 2) properties to the north that access Slaughter Lane and south along the IH-35 frontage road are in the development process, and have been approved for GR-CO or CS-CO zoning for similar commercial and retail development; and 3) a maximum number of daily vehicle trips is established that will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

- 1. The proposed zoning should be consistent with the purpose statement of the district sought.*

CS, Commercial Services, zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments. The MU, Mixed-Use district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

The property has access to the IH-35 frontage road, a freeway and Old San Antonio Road, a collector.

- 2. Zoning changes should promote an orderly and compatible relationship among land uses.*

EXISTING CONDITIONS

Site Characteristics

The zoning area is undeveloped and slopes to the south, towards Slaughter Creek.

Impervious Cover

The maximum impervious cover allowed by the CS-MU zoning district would be 80%, which is based on the more restrictive watershed regulations.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Slaughter Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

According to flood plain maps, there is flood plain in, or within close proximity of, the project location. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone shall be limited to 30%.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

TPSD Right-of-Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Transportation

Additional right-of-way will be required at the time of subdivision and/or site plan.

The trip generation under the requested zoning is estimated to be 18,045 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Water and Wastewater

The landowner intends to serve the site, land use and proposed lots with City water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility relocations, and adjustment. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the tap and impact fee once the landowner makes an application for a City water and wastewater utility tap permit.

Compatibility Standards

The site is subject to compatibility standards. Along the west property line, single-family zoned or use property is within 540 feet and the following standards apply:

- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

It appears the tracts to the north that is zoned I-RR, is not used as single family or currently under a change of zoning review. However, if single-family use is established on the I-RR tracts, compatibility would be triggered. Additional design regulations will be enforced at the time a site plan is submitted.

10/28/04 16:39 FAX 512 682 5505

ENDEAVOR RE GROUP LLC

0002

6-21-04 2:34PM

512 665 5251

Park Ridge Homeowners AssociationC/O Lillard Management Co.
12255 Hymeadow Dr., Suite 300
Austin, Texas 78750

May 21, 2004

Wendy Walsh, Neighborhood Planning and Zoning Department
Ms. Betty Baker, Chair
Mr. Joseph Martinez, Vice Chair
Mr. Keith Jackson, Parliamentarian
Ms. Melissa Whaley
Ms. Janie Pinnoli
Mr. Clarke Hammond
Mr. Jay A. Gohl
Mr. John Philip Donisi
Mr. John-Michael Vincent Corlez

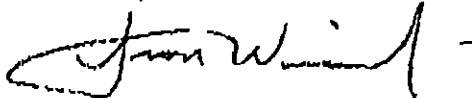
Re: Zoning change proposal for the 165 acre Hamell tract (South of Southpark Meadows)

Members of the Zoning and Platting Commission,

I would like to register Park Ridge's support for the zoning case requested by Endeavor Real-estate Group.

The proposed development plans put desirable retail further down I-35 than the Wal-Mart Super Center development, yet within driving distance of various residential areas. Endeavor has a track record of high-quality centers with a good mix of vendors. For our neighborhood, this kind of development, further down I-35, is a welcome one.

Thank you,



Aron Wisneski
President, Park Ridge Homeowners Association
Cell -- (512) 470-7216

October 28, 2004

Ms. Betty Baker, Chair, and Zoning and Platting Commissioners
City of Austin
Austin, Texas

Re: Harrell Zoning Cases – City File Numbers C14-04-0124; C14-04-0125; C14-04-0126 and
C14-04-0160.

Dear Chairperson Baker and Commissioners:

My wife and I own property adjacent to the proposed zoning cases at 10140 Old San Antonio Road. I recently met with Mr. Andy Pastor of Endeavor Real Estate Group to discuss the proposed zonings and related project. Based upon my review of the proposed zonings, I support the zonings as presented by the applicant and recommended by City Staff.

I am interested in being consulted and involved in the design and location of any water detention pond system on the subject property that would discharge into Slaughter Creek or its tributaries that would affect water levels and flow adjacent to our property.

Please do not hesitate to contact me should you have any questions.

Sincerely,



Michael R. Aulick
10140 Old San Antonio Road
Austin, Texas 78748

cc: Wendy Walsh, Neighborhood Planning and Zoning Department, via hand delivery
✓ Andy Pastor, Endeavor Real Estate Group, via facsimile
✓ Michele Allen, DSWMVK, via facsimile 404-2244

ONION CREEK

HOMEOWNERS ASSOCIATION

10816 Crown Colony, Suite 205

Austin, Texas 78747

Tel: 512.280.8110

Fax: 512.280.8162

November 16, 2004

Ms Wendy Walsh
Neighborhood Planning & Zoning Department
City of Austin
PO Box 1088
Austin, Texas 78767-8835

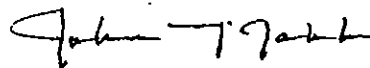
Re: Case No. C14-04-0124 (Tract 1A and Tract 1B)
Case No. C14-04-0125 (Tract 3)
Case No. C14-04-0126 (Tract 4)
Case No. C14-04-0160 (Tract 5)

Dear Ms Walsh:

On behalf of the HOA, we support the zoning applications referenced above. Mr. Pastor of Endeavor Real Estate Group and his representatives graciously took the initiative to meet with us and subsequently took our compatibility requests into account in the form of prohibited uses and restrictive covenant.

Please don't hesitate to contact us if there are any questions, and you can reach me anytime by calling 636-4499.

Sincerely,



John McNabb
President

Cc: Andrew R. Pastor, Principal, Endeavor Real Estate Group

Drenner, Stuart, Wolff, Metcalfe, von Kreisler, LLP (Michele Rogerson Allen)

Harrell Tract 5

List of Additional Prohibited Uses/Conditions

C14-04-0160 – A16

CS-MU (5.126 acres)

Agricultural Sales and Services	Laundry Service
Transportation Terminal	

The minimum square footage for a Restaurant (Limited) use and Restaurant (General) use on a stand-alone pad site is 300 square feet. (Note: No TIA RC for this tract)

ORDINANCE NO. _____

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE
2 PROPERTY LOCATED AT 10184-10224 SOUTH IH-35 SERVICE ROAD
3 SOUTHBOUND AND 10101-10139 OLD SAN ANTONIO ROAD AND CHANGING
4 THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT
5 TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL
6 OVERLAY (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 district from interim rural residence (I-RR) district to general commercial
12 services-mixed use-conditional overlay (CS-MU-CO) combining district on the property
13 described in Zoning Case No. C14-04-0160, on file at the Neighborhood Planning and
14 Zoning Department, as follows:

15
16 A 5.162 acre tract of land, more or less, out of the S.F. Slaughter League Survey
17 No. 1, and the Santiago del Valle Grant, Travis County, the tract of land being
18 more particularly described by metes and bounds in Exhibit "A" incorporated into
19 this ordinance, (the "Property")

20
21 locally known as 10184-10224 South IH-35 Service Road southbound and 10101-10139
22 Old San Antonio Road, in the City of Austin, Travis County, Texas, and generally
23 identified in the map attached as Exhibit "B".

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

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

29 Adult oriented businesses	Agricultural sales and services
30 Bail bond services	Campground
31 Commercial blood plasma center	Drop-off recycling collection facility
32 Equipment sales	Exterminating services
33 Kennels	Laundry Services
34 Monument retail sales	Pawn shop services
35 Residential treatment	Transitional housing
36 Transportation terminal	
37	

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on _____, 2004.

PASSED AND APPROVED

_____, 2004 §
§
§

Will Wynn
Mayor

APPROVED: _____ **ATTEST:** _____
David Allan Smith Shirley A. Brown
City Attorney City Clerk

DESCRIPTION

DESCRIPTION OF 5.162 ACRES OF LAND SITUATED IN THE S. F. SLAUGHTER LEAGUE SURVEY NO. 1, AND THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO EDWIN TABB HARRELL OF RECORD IN VOLUME 13125, PAGE 203 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 5.162 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod with cap set in the west right of way line of Interstate Highway No. 35 (400' R.O.W.) for the northwest corner of that certain tract of land described in Right-Of-Way Deed to the State of Texas of record in Volume 1636, Page 374 of the Deed Records of Travis County, Texas;

THENCE with the west right of way line of said Interstate Highway No. 35, the east line of said Right-Of-Way tract, and with the east line of the herein described tract $S12^{\circ}57'25''W$ at a distance of 20.30 feet passing a 5/8 inch iron rod found (TxDOT Station 1315+00, 200' Rt.), in all a total distance of 320.46 feet to a point in the centerline of Slaughter Creek for the southeast corner of the herein described tract;

THENCE with the meanders of the centerline of said Slaughter Creek and with the south and west line of the herein described tract, the following nine (9) courses:

1. $S86^{\circ}36'09''W$ a distance of 36.60 feet;
2. $N86^{\circ}49'00''W$ a distance of 101.81 feet;
3. $S87^{\circ}57'39''W$ a distance of 151.81 feet;
4. $S85^{\circ}11'25''W$ a distance of 332.60 feet;
5. $N86^{\circ}04'57''W$ a distance of 191.63 feet;
6. $N61^{\circ}11'51''W$ a distance of 100.53 feet;
7. $N39^{\circ}22'29''W$ a distance of 48.76 feet;
8. $N04^{\circ}27'15''W$ a distance of 126.03 feet;
9. $N05^{\circ}39'35''E$ a distance of 53.96 feet to a point for the northwest corner of the herein described tract;

THENCE with a line 28 feet south and parallel with the centerline of pavement of Old San Antonio Road, and with the north line of the herein described tract the following four (4) courses:

1. $S77^{\circ}22'55''E$ a distance of 234.47 feet to a point at the beginning of a curve to the left;
2. With the arc of said curve to the left a distance of 406.98 feet, having a radius of 778.00 feet, a central angle of $29^{\circ}58'19''$, and a chord which bears $N87^{\circ}37'56''E$ a distance of 402.35 feet to a point;
3. $N72^{\circ}38'46''E$ a distance of 256.19 feet to a point at the beginning of a curve to the right;
4. With the arc of said curve to the right a distance of 136.74 feet, having a radius of 547.00 feet, a central angle of $14^{\circ}19'21''$, and a chord which bears $N79^{\circ}48'27''E$ a distance of

136.38 feet to a point for the northeast corner of the herein described tract, from which a 1/2 inch iron rod set in the west right-of-way line of said Interstate Highway 35 (300' R.O.W.), for the southwest corner of that certain tract of land described in Condemnation No. 145 to the State of Texas, of record in Volume 1, Page 212 of the Commissioners Court Records of Travis County, Texas, bears N35°19'42"E a distance of 128.05 feet;

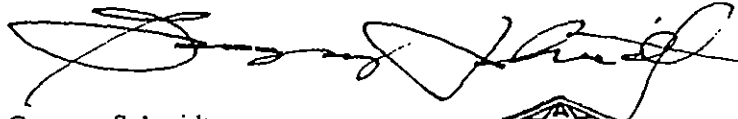
THENCE S35°19'42"W a distance of 2.96 feet to the POINT OF BEGINNING, containing 5.162 acres of land within these metes and bounds.

Reference is herein made to the sketch accompanying this metes and bounds description

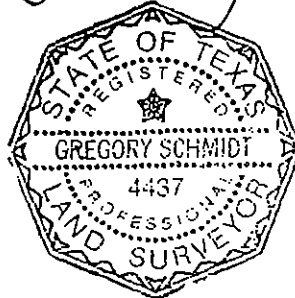
Bearing basis: Grid North, Texas State Plane Coordinate System NAD83 (CORS) Central Zone.

I hereby certify that this description was prepared from a survey made on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.



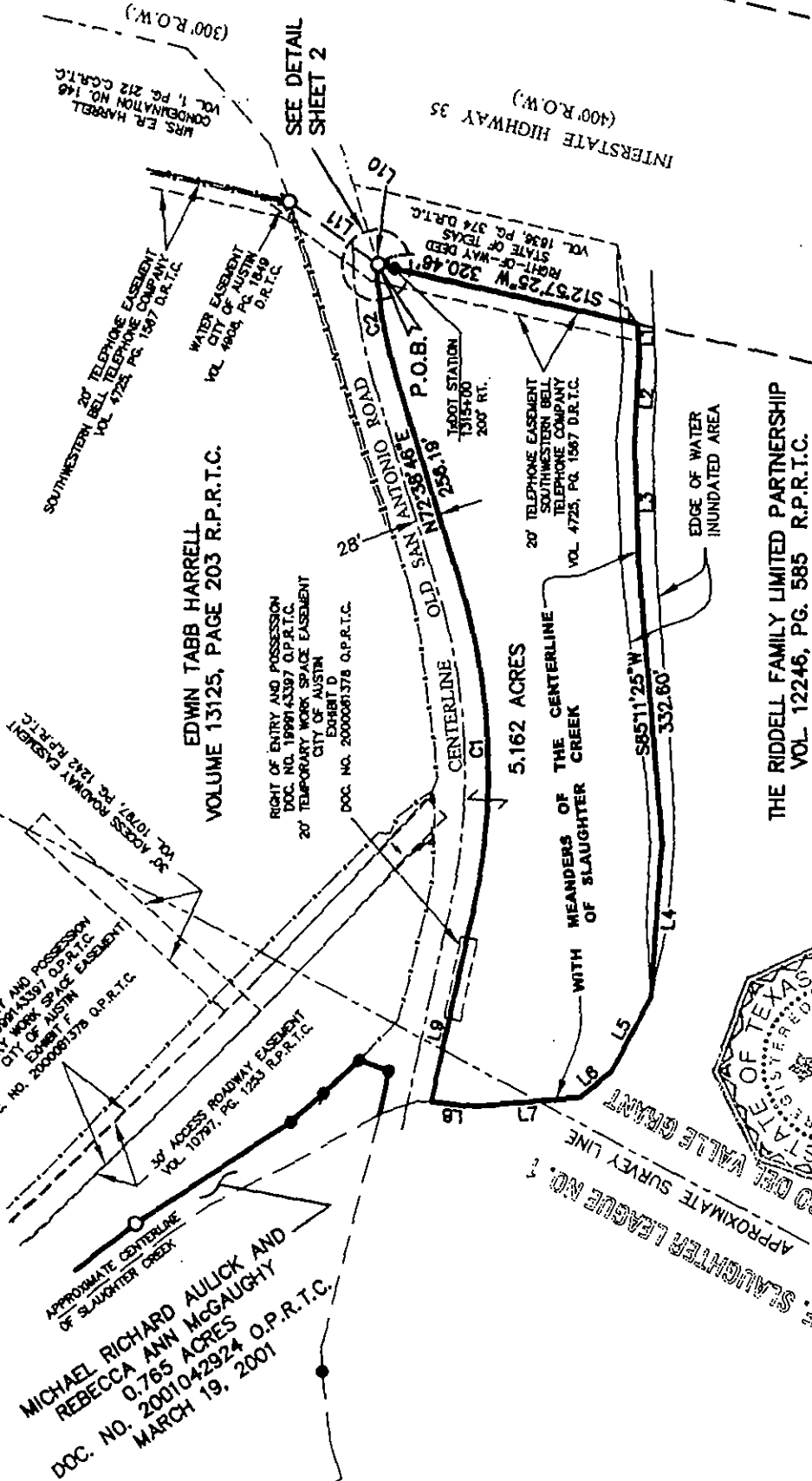
Gregory Schmidt
Registered Professional
Land Surveyor No. 4437
Date: 9/17/04



SCALE 1" = 200'

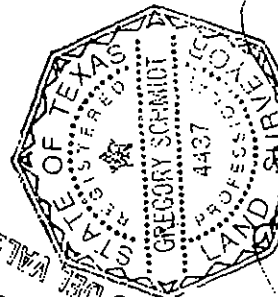
SKETCH TO ACCOMPANY ANY FIELD NOTES

SHEET 1 OF 2



LEGEND

- 1/2" IRON ROD FOUND (UNLESS STATED)
- 1/2" IRON ROD W/CAP SET (UNLESS STATED)
- D.R.T.C. DEED RECORDS OF TRAVIS COUNTY
- R.P.R.T.C. REAL PROPERTY RECORDS OF TRAVIS COUNTY
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY
- P.O.B. POINT OF BEGINNING



SURVEYED BY:

GREGORY SCHMIDT
REG. PROF. LAND SURVEYOR
NO. 4437
DATE: 9/17/04

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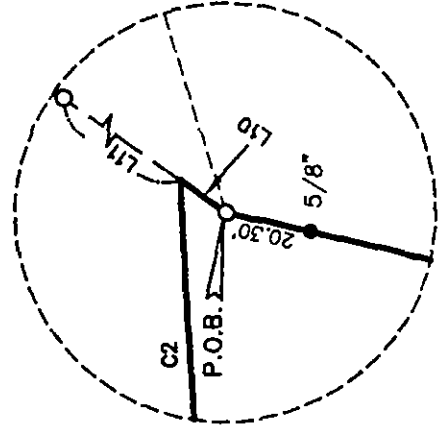
CA
Cunningham | Allen
Engineers • Surveyors
3103 Bee Cave Road, Suite 202
Austin, Texas 78746-6819
Tel.: (512) 327-2946
Fax: (512) 327-2973

SKETCH TO ACCORD WITH ANY FIELD NOTES

SHEET 2 OF 2

LINE TABLE		
LINE	BEARING	LENGTH
L1	S86°36'09"W	36.60'
L2	N86°49'00"W	101.81'
L3	S87°57'39"W	151.81'
L4	N86°04'57"W	191.63'
L5	N61°11'51"W	100.53'
L6	N39°22'29"W	48.76'
L7	N04°27'15"W	126.03'
L8	N05°39'35"E	53.96'
L9	S77°22'55"E	234.47'
L10	S35°19'42"W	2.96'
L11	N35°19'42"E	128.05'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CH--BEARING
C1	406.98	778.00	29°58'19"	208.26	402.35 N87°37'56"E
C2	136.74	547.00	14°19'21"	68.73	136.38 N79°48'27"E



DETAIL
(NOT TO SCALE)

DATE:

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CLIENT: - CRE - F&S -

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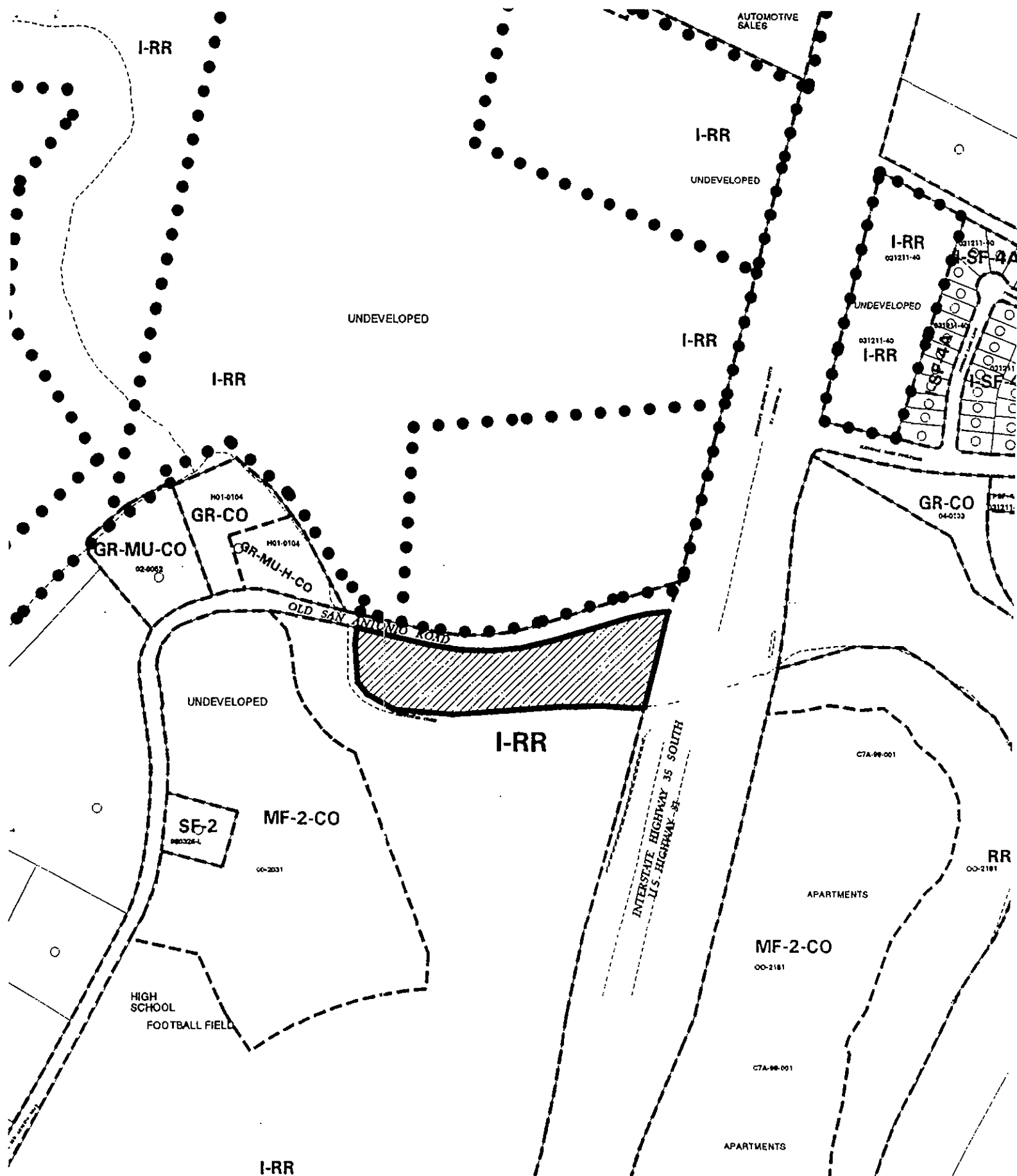
Engineers • Surveyors





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 1" = 400'	<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: W. WALSH</p>	<p align="center">ZONING EXHIBIT B</p> <p>CASE #: C14-04-0160</p> <p>ADDRESS: 10184-10224 S IH 35 SVC RD SB & 10191-10139 OLD SAN ANTONIO RD</p> <p>SUBJECT AREA (acres): 5.162</p> <p>DATE: 04-10</p> <p>INTLS: SM</p>		<p>CITY GRID REFERENCE NUMBER</p> <p align="center">F12</p>
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Zoning Case No. C14-04-0124
Zoning Case No. C14-04-0126
Zoning Case No. C14-04-0160

RESTRICTIVE COVENANT

OWNER: Edwin Tabb Harrell

ADDRESS: 10116 Old San Antonio Road, Austin, TX 78748

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: A 50.805 acre tract of land, more or less, out of the S.F. Slaughter League Survey No. 1, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant; and

A 58.440 acre tract of land, more or less, out of the S.F. Slaughter League Survey No. 1 and the Santiago del Valle Grant, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this covenant; and

A 13.886 acre tract of land, more or less, out of the S.F. Slaughter League Survey No. 1 and the Santiago del Valle Grant, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "C" incorporated into this covenant; and

A 5.162 acre tract of land, more or less, out of the S.F. Slaughter League Survey No. 1 and the Santiago del Valle Grant, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "D" incorporated into this covenant.

WHEREAS, the Owner 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. 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. The minimum square footage for a restaurant (limited) use and restaurant (general) use on a stand-alone pad site is 300 square feet.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, 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 or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.

3. If any part of this agreement or covenant 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 _____, 2004.

OWNER:

Edwin Tabb Harrell

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 ____ day of _____, 2004 by Edwin Tabb Harrell.

Notary Public, State of Texas

DESCRIPTION

DESCRIPTION OF 50.805 ACRES OF LAND SITUATED IN THE S. F. SLAUGHTER LEAGUE SURVEY NO. 1, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO EDWIN TABB HARRELL OF RECORD IN VOLUME 13125, PAGE 203 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 50.805 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod found in the north line of said Harrell tract, for the southeast corner of that certain tract of land described in Street Deed to the City of Austin of record in Volume 11532, page 2216 of the Real Property Records of Travis County, Texas, for the southwest corner of that certain tract of land described in deed to Able J. and Mary Ann Theriot of record in Document No. 1999055181 of the Official Public Records of Travis County, Texas and for the northwest corner and POINT OF BEGINNING of the herein described tract;

THENCE with the north line of said Harrell tract, the south line of said Theriot tract and the north line of the herein described tract, S65°11'44"E at a distance of 1443.78 feet passing a 1/2 inch iron rod with cap set in all a total distance of 1543.17 feet to a point for the northeast corner of the herein described tract, from which a 1/2 inch iron rod with "Chaparral" cap found for the northwest corner of that certain tract of land described in deed to C.M. Gatton, Trustee of record in Document No. 2004059500 of the Official Public Records of Travis County, Texas, bears S65°11'44"E a distance of 922.42 feet;

THENCE over and across said Harrell tract, S12°16'49"W a distance of 2323.85 feet to a point in the centerline of Slaughter Creek, for the southeast corner of the herein described tract;

THENCE with the south line of the herein described tract, with the meanders of the centerline of said Slaughter Creek, the following six (6) courses:

1. S45°45'21"W a distance of 227.21 feet;
2. S43°30'00"W a distance of 191.36 feet;
3. S48°09'12"W a distance of 171.09 feet;
4. S46°46'38"W a distance of 211.45 feet;
5. S47°09'17"W a distance of 254.03 feet;
6. S74°36'31"W a distance of 363.01 feet to a point in the east right of way line of South First Street (120' R.O.W.) as described in Cause No. 2330 of record in Document No. 2000081379 of the Official Public Records of Travis County, Texas, for the southwest corner of the herein described tract;

THENCE with the east right-of-way line of South First Street and the west line of the herein described tract N21°20'02"E, passing at a distance of 96.75 feet a 1/2 inch iron rod found in all a total distance of 249.53 feet to a 1/2 inch iron rod with aluminum cap set;

THENCE leaving the east right-of-way line of South First Street with the west line of the herein described tract the following ten (10) courses:

1. N76°34'45"E a distance of 166.35 feet to a 1/2 inch iron rod with aluminum cap set;
2. N46°56'14"E a distance of 1128.23 feet to a 1/2 inch iron rod with aluminum cap set;
3. N32°19'57"W a distance of 552.11 feet to a 1/2 inch iron rod with aluminum cap set;
4. N05°18'17"E a distance of 429.00 feet to a 1/2 inch iron rod with aluminum cap set;
5. N37°24'55"E a distance of 277.94 feet to a 1/2 inch iron rod with aluminum cap set;
6. N13°13'17"W a distance of 83.26 feet to a 1/2 inch iron rod with aluminum cap set;
7. N88°14'58"W a distance of 437.26 feet to a 1/2 inch iron rod with aluminum cap set;
8. N53°43'58"W a distance of 283.69 feet to a 1/2 inch iron rod with aluminum cap set in the east right-of-way line of said South First Street;

THENCE with the east right-of-way line of said South First Street, the west line of the herein described tract the following two (2) courses:

1. N03°23'56"W a distance of 923.92 feet to a 1/2 inch iron rod with cap found at the beginning of a curve to the left, from which a 1/2 inch iron rod with "Harris" cap found in the west right of way line of said South First Street bears S86°35'25"W a distance of 120.06 feet;
2. With the arc of said curve to the left a distance of 405.76 feet, having a radius of 3952.97 feet, a central angle of 05°52'53", and a chord which bears N06°20'29"W a distance of 405.59 feet to the POINT OF BEGINNING, containing 50.805 acres of land within these metes and bounds.

Reference is herein made to the sketch accompanying this metes and bounds description

Bearing basis: Grid North, Texas State Plane Coordinate System NAD83 (CORS) Central Zone.

I hereby certify that this description was prepared from a survey made on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.

Gregory Schmidt, Registered Professional
Land Surveyor No. 4437

Date:

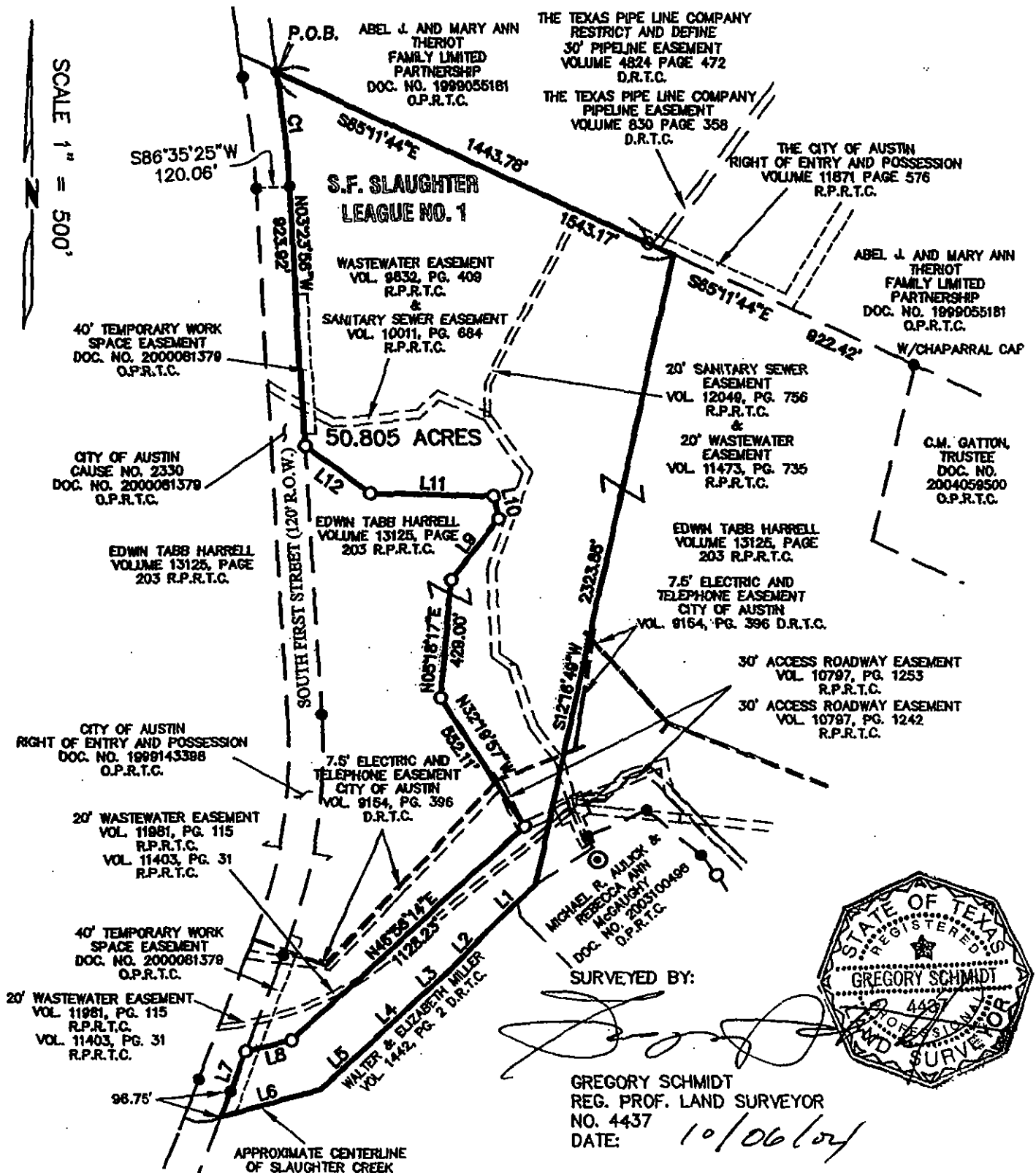
10/06/04



SKETCH TO ACCOMPANY FIELD NOTES

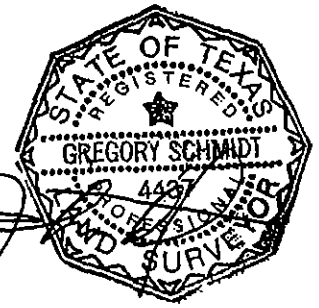
SHEET 1 OF 2

SCALE 1" = 500'



SURVEYED BY:

GREGORY SCHMIDT
REG. PROF. LAND SURVEYOR
NO. 4437
DATE: 10/06/04



CA

Cunningham | Allen

Engineers • Surveyors

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Austin, Texas 78746-6819

Tel.: (512) 327-2946

Fax: (512) 327-2973

SKETCH TO ACCOMPANY FIELD NOTES

SHEET 2 OF 2

LINE TABLE		
LINE	BEARING	LENGTH
L1	S45°45'21"W	227.21'
L2	S43°30'00"W	191.36'
L3	S48°09'12"W	171.09'
L4	S46°46'38"W	211.45'
L5	S47°09'17"W	254.03'
L6	S74°36'31"W	363.01'
L7	N21°20'02"E	249.53'
L8	N76°34'45"E	166.35'
L9	N37°24'55"E	277.94'
L10	N13°13'17"W	83.26'
L11	N88°14'58"W	437.26'
L12	N53°43'58"W	283.69'

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CH-BEARING
C1	405.76	3952.97	5°52'53"	203.06	405.59	N06°20'29"W

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DESCRIPTION

DESCRIPTION OF 58.440 ACRES OF LAND SITUATED IN THE S. F. SLAUGHTER LEAGUE SURVEY NO. 1, AND THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO EDWIN TABB HARRELL OF RECORD IN VOLUME 13125, PAGE 203 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 58.440 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod with "Chaparral" cap found in the west right-of-way line of Interstate Highway 35, same being in the west line of that certain tract of land described in Condemnation No. 145 to the State of Texas, of record in Volume 1, Page 212 of the Commissioners Court Records of Travis County, Texas, and for the southeast corner of that certain tract of land described in deed to C.M. Gatton, Trustee of record in Document No. 2004059500 of the Official Public Records of Travis County, Texas, and for the most easterly northeast corner and POINT OF BEGINNING of the herein described tract, from which a 5/8" iron rod found in the east line of said Gatton tract, the west line of said Condemnation 145 and the west right-of-way line of said Interstate Highway 35, bears N12°58'08"W a distance of 352.75 feet;

THENCE S12°58'08"W with the west right of way line of said Interstate Highway No. 35, the west line of said Condemnation No. 145 and with the east line of the herein described tract, a distance of 433.28 feet to a 1/2 inch iron rod with aluminum cap set, from which a 5/8 inch iron rod found (TxDot Station 1310+00, 150' Rt.) in the west right-of-way line of Interstate Highway No. 35 bears S12°58'08"W a distance of 214.03 feet;

THENCE leaving the west right-of-way line of Interstate Highway No. 35, S85°20'34"W a distance of 1006.93 feet to a 1/2 inch iron rod with aluminum cap set ;

THENCE S03°19'41"W at a distance of 627.60 feet passing a 1/2 inch iron rod with aluminum cap set in a barbed wire fence on the occupied north line of Old San Antonio Road, in all a total distance of 628.84 feet to a point;

THENCE with a line 28 feet north and parallel with the centerline of pavement of Old San Antonio Road, N77°22'55"W a distance of 138.54 feet to a point;

THENCE N19°23'27"E at a distance of 2.90 feet passing a 1/2 inch iron with "Carson Bush" cap found for the most easterly southeast corner of that certain tract of land said to contain 0.765 acres of land in deed to Michael Richard Aulick and Rebecca Ann McGaughy of record in Document No. 2001042924 of the Official Public Records of Travis County, Texas, in all a total distance of 41.54 feet to a 1/2 inch iron rod with "Carson Bush" cap found for the most easterly northeast

corner of said 0.765 acre tract;

THENCE continuing with the south line of the herein described tract and with the northeast line of said 0.765 acre tract the following five (5) courses:

1. N42°04'55"W a distance of 58.26 feet to a 1/2 inch iron rod with "Carson Bush" cap found;
2. N40°44'31"W a distance of 52.55 feet to a 1/2 inch iron rod with "Carson Bush" cap found;
3. N32°40'25"W a distance of 224.97 feet to a 1/2 inch iron rod with cap set;
4. N37°34'57"W a distance of 91.05 feet to a 1/2 inch iron rod with "Carson Bush" cap found;
5. N48°51'32"W a distance of 248.75 feet to a 1/2 inch iron rod with "Carson Bush" cap found for the northernmost corner of said 0.765 acre tract;

THENCE continuing with the south line of the herein described tract and with the northwest line of said 0.765 acre tract, S65°54'44"W a distance of 228.63 feet to a 1/2 inch iron rod with "Carson Bush" cap found for the westernmost corner of said 0.765 acre tract;

THENCE with the southwest line of said 0.765 acre tract, S20°08'36"E a distance of 43.10 feet to the centerline of Slaughter Creek for the southwest corner of said 0.765 acre tract, same being a corner in the north line of that certain tract of land described as Tract 1, said to contain 3.354 acres of land in deed to Michael Richard Aulick and wife Rebecca Ann McGaughy of record in Volume 12070, Page 438 of the Real Property Records of Travis County, Texas, from which a 1/2 inch iron pipe found bears S20°09'26"E a distance of 49.34 feet;

THENCE continuing with the south line of the herein described tract, with the meanders of the centerline of said Slaughter Creek, S55°33'43"W a distance of 244.70 feet to a point for the southwest corner of the herein described tract;

THENCE over and across said Harrell tract with the west line of the herein described tract, N12°16'49"E a distance of 2323.85 feet to a point in the south line of that certain tract of land described in deed to Abel J. Theriot and Mary Ann Theriot of record in Document No. 1999055181 of the Official Public Records of Travis County, Texas, same being a point in the north line of said Harrell tract, for the northwest corner of the herein described tract, from which a 1/2 inch iron rod found in the east right-of-way line of South First Street (120' R.O.W.), for the southeast corner of that certain tract of land described in Street Deed to the City of Austin of record in Volume 11532, Page 2216 of the Real Property Records of Travis County, Texas, for the southwest corner of said Theriot tract, bears N65°11'44"W a distance of 1543.17 feet;

THENCE with the north line of said Harrell tract, the south line of said Theriot tract and the north line of the herein described Tract, S65°11'44"E a distance of 922.42 feet to a 1/2 inch iron rod

with "Chaparral" cap found for the northwest corner of said Gatton tract and for the northernmost northeast corner of the herein described tract, from which a 1/2 inch iron rod found for the southernmost southeast corner of said Theriot tract and the southwest corner of said Janssen tract bears S65°11'44"E a distance of 383.35 feet;

THENCE with the west line of said Gatton tract, S12°58'08"W a distance of 653.06 feet to a 1/2 inch iron rod with "Chaparral" cap found;

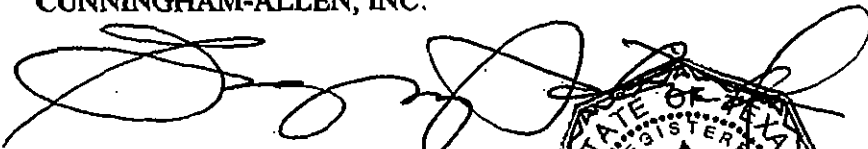
THENCE with the south line of said Gatton tract, S65°05'53"E a distance of 1000.04 feet to the POINT OF BEGINNING, containing 58.440 acres of land within these metes and bounds.

Reference is herein made to the sketch accompanying this metes and bounds description

Bearing basis: Grid North, Texas State Plane Coordinate System NAD83 (CORS) Central Zone.

I hereby certify that this description was prepared from a survey made on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.

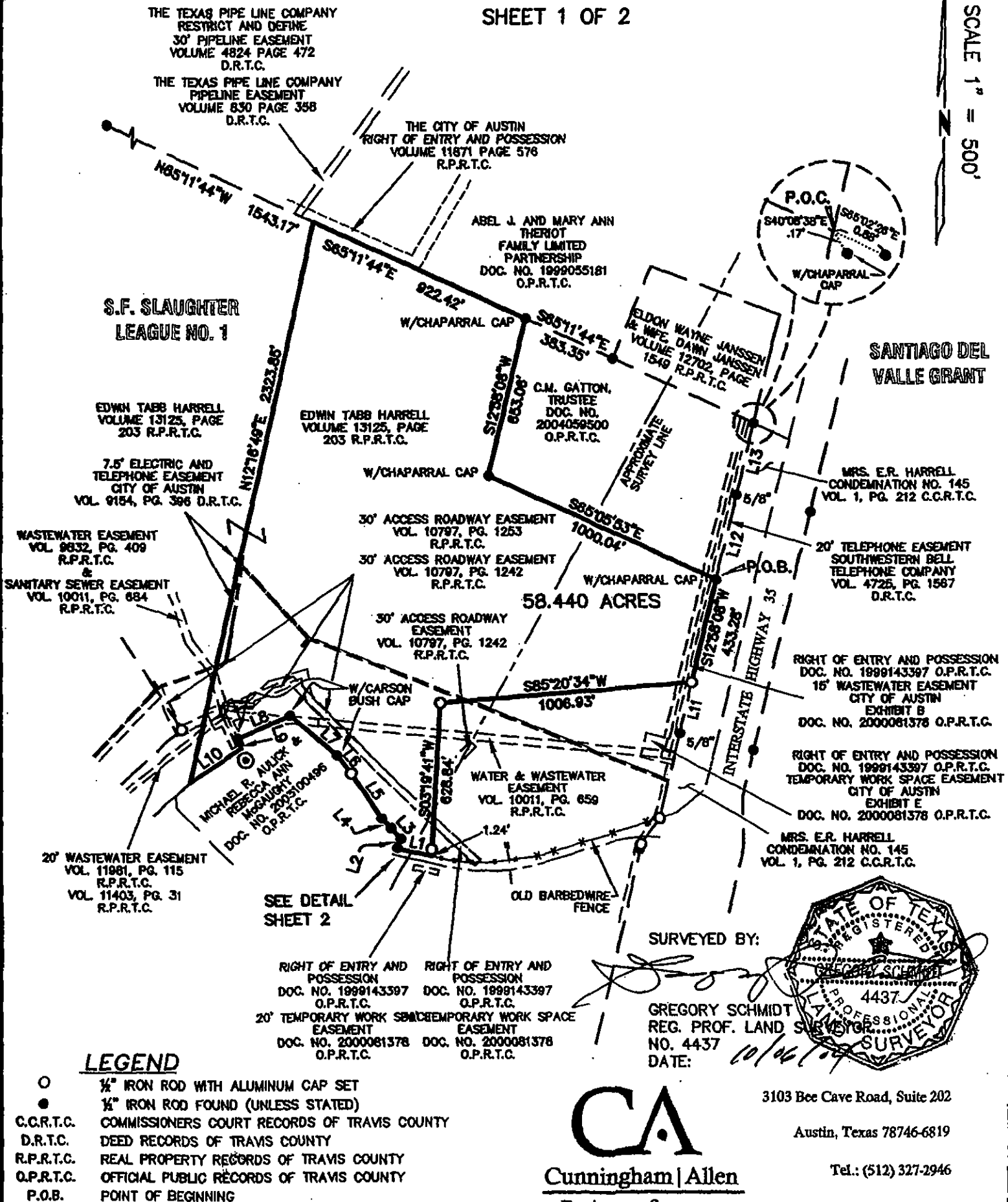

Gregory Schmidt, Registered Professional
Land Surveyor No. 4437
Date: 10/06/04



SKETCH TO ACCOMPANY FIELD NOTES

SHEET 1 OF 2

SCALE 1" = 500'



SKETCH TO ACCOMPANY FIELD NOTES
SHEET 2 OF 2

LINE TABLE		
LINE	BEARING	LENGTH
L1	N77°22'55"W	138.54'
L2	N19°23'27"E	41.54'
L3	N42°04'55"W	58.26'
L4	N40°44'31"W	52.55'
L5	N32°40'25"W	224.97'
L6	N37°34'57"W	91.05'
L7	N48°51'32"W	248.75'
L8	S65°54'44"W	228.63'
L9	S20°08'36"E	43.10'
L10	S55°33'43"W	244.70'
L11	S12°58'08"W	214.03'
L12	N12°58'08"E	352.72'
L13	N12°55'33"E	300.41'



DETAIL
NOT TO SCALE

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C14-04-0126

DESCRIPTION

DESCRIPTION OF 13.886 ACRES OF LAND SITUATED IN THE S. F. SLAUGHTER LEAGUE SURVEY NO. 1 AND THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO EDWIN TABB HARRELL OF RECORD IN VOLUME 13125, PAGE 203 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 13.886 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod with aluminum cap set in the occupied north line of Old San Antonio Road in the west right-of-way line of Interstate Highway No. 35 (300' R.O.W.), for the easternmost southeast corner of the herein described tract, same being the southwest corner of that certain tract of land described in Condemnation No. 145 to the State of Texas, of record in Volume 1, Page 212 of the Commissioners Court Records of Travis County, Texas, from which a fence post of an old barbed wire fence bears N72°13'23"W a distance of 1.37 feet;

THENCE with the west right-of-way line of Interstate Highway No. 35, S35°19'42"W a distance of 58.60 feet to a point for the southernmost southeast corner of the herein described tract, from which a 1/2 inch iron rod for an angle point in the west right-of-way line of Interstate Highway No. 35, and the east line of said Harrell tract, same being the northwest corner of that certain tract of land described in right-of-way deed to the State of Texas of record in Volume 1636, Page 374 of the Deed Records of Travis County, Texas, bears S35°19'42"W a distance of 72.41 feet;

THENCE over and across said Harrell tract with a line 28 feet north and parallel with the centerline of pavement of Old San Antonio Road, the following four (4) courses:

1. With the arc of a curve to the left an arc distance of 193.87 feet, having a radius of 603.00 feet, a central angle of 18°25'16", and a chord which bears S81°51'24"W a distance of 193.04 feet to a point;
2. S72°38'46"W a distance of 256.19 feet to a point at the beginning of a curve to the right;
3. With the arc of said curve to the right a distance of 377.68 feet, having a radius of 722.00 feet, a central angle of 29°58'19", and a chord which bears S87°37'56"W a distance of 373.39 feet to a point;
4. N77°22'55"W a distance of 70.73 feet to a point for the southwest corner of the herein described tract;

THENCE continuing over and across said Harrell tract N03°19'41"E at a distance of 1.24 feet passing a 1/2 inch iron rod with cap set in said barbed wire fence line, in all a total distance of 628.84 feet to a 1/2 inch iron rod with aluminum cap set for the northwest corner of the herein described tract;

THENCE N85°20'34"E a distance of 1006.93 feet to a 1/2 inch iron rod with aluminum cap set in the west right-of-way line of Interstate Highway No. 35 and the west line of said Condemnation No. 145 for the northeast corner of the herein described tract from which a 1/2 inch iron rod with "Chaparral" cap found in the west right-of-way line of Interstate Highway No. 35 bears N12°58'08"E a distance of 433.28 feet;


THENCE with the west right of way line of said Interstate Highway No. 35, the west line of said Condemnation No. 145 and with the east line of the herein described tract, S12°58'08"W passing at a distance of 214.03 feet a 5/8 inch iron rod found (TxDot Station 1310+00, 150' Rt.), in all a total distance of 572.59 feet to the POINT OF BEGINNING containing 13.886 acres within these metes and bounds.

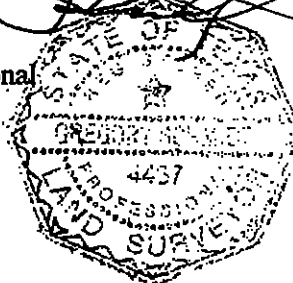
Reference is herein made to the sketch accompanying this metes and bounds description

Bearing basis: Grid North, Texas State Plane Coordinate System NAD83 (CORS) Central Zone.

I hereby certify that this description was prepared from a survey made on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.

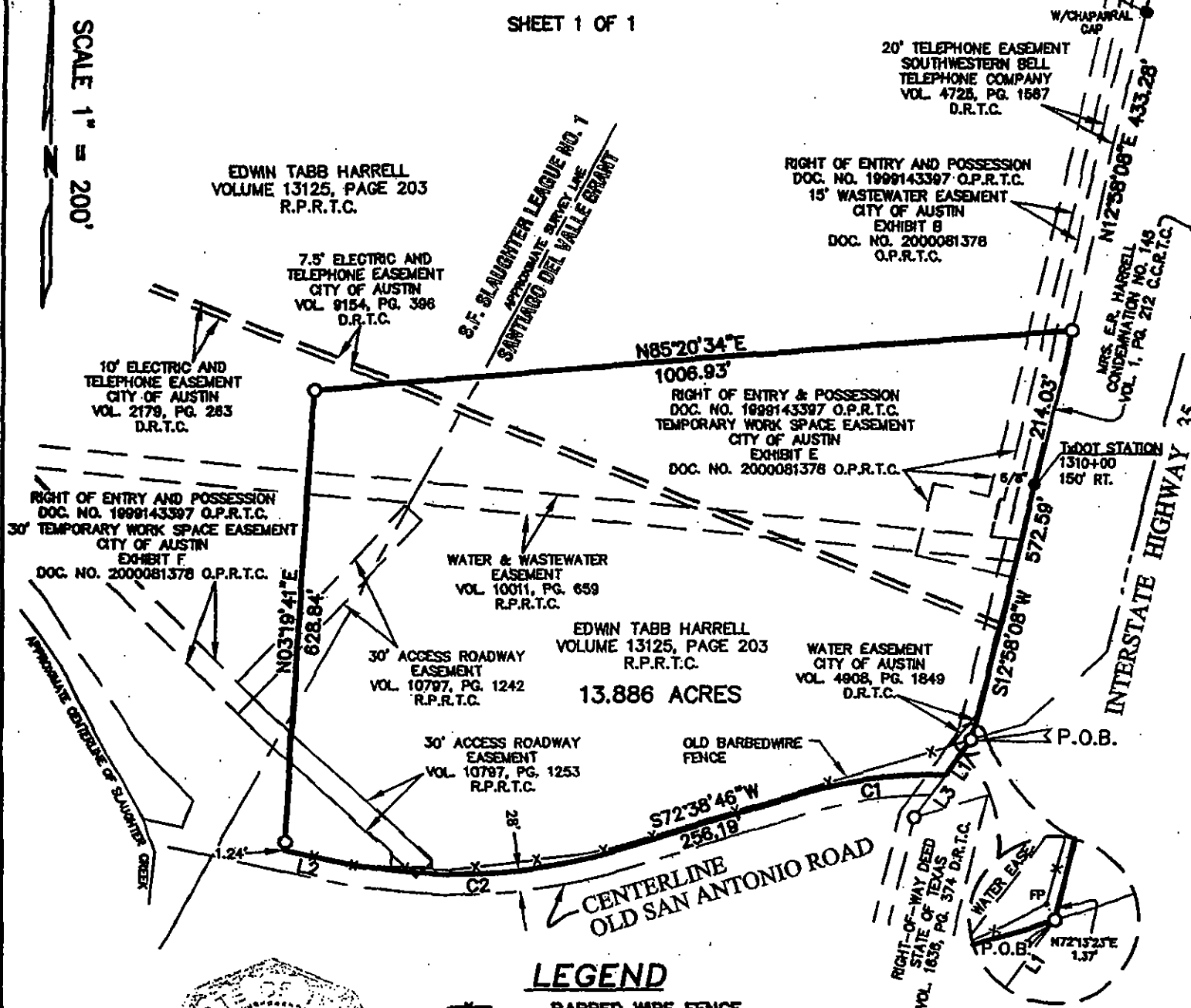

Gregory Schmidt, Registered Professional
Land Surveyor No. 4437
Date: 9/17/04



SKETCH TO ACCOMPANY FIELD NOTES

SHEET 1 OF 1

SCALE 1" = 200'



LEGEND



BARBED WIRE FENCE
FENCE POST



1/2" IRON ROD FOUND (UNLESS STATED)

C.C.R.T.C.

COMMISSIONERS COURT RECORDS OF TRAVIS COUNTY

D.R.T.C.

DEED RECORDS OF TRAVIS COUNTY

R.P.R.T.C.

REAL PROPERTY RECORDS OF TRAVIS COUNTY

O.P.R.T.C.

OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY

P.O.B.

POINT OF BEGINNING

SURVEYED BY

GREGORY SCHMIDT
REG. PROF. LAND SURVEYOR
NO. 4437
DATE: 9/17/04

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CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CH-BEARING
C1	193.87	603.00	18°25'16"	97.78	193.04	S81°51'24"W
C2	377.68	722.00	29°58'19"	193.27	373.39	S87°37'58"W

LINE TABLE		
LINE	BEARING	LENGTH
L1	S35°19'42"W	58.60'
L2	N77°22'55"W	70.73'
L3	S35°19'42"W	72.41'

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CLIENT: -
DATE: 9/16/04

CREW: DED/JP

OFFICE: CG, BW
F.R.: -

PROJ #: 277.1101
FILE NAME: REVISED ZONING AREA 4

C14-04-0160

DESCRIPTION

DESCRIPTION OF 5.162 ACRES OF LAND SITUATED IN THE S. F. SLAUGHTER LEAGUE SURVEY NO. 1, AND THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO EDWIN TABB HARRELL OF RECORD IN VOLUME 13125, PAGE 203 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 5.162 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod with cap set in the west right of way line of Interstate Highway No. 35 (400' R.O.W.) for the northwest corner of that certain tract of land described in Right-Of-Way Deed to the State of Texas of record in Volume 1636, Page 374 of the Deed Records of Travis County, Texas;

THENCE with the west right of way line of said Interstate Highway No. 35, the east line of said Right-Of-Way tract, and with the east line of the herein described tract S12°57'25"W at a distance of 20.30 feet passing a 5/8 inch iron rod found (TxDOT Station 1315+00, 200' Rt.), in all a total distance of 320.46 feet to a point in the centerline of Slaughter Creek for the southeast corner of the herein described tract;

THENCE with the meanders of the centerline of said Slaughter Creek and with the south and west line of the herein described tract, the following nine (9) courses:

1. S86°36'09"W a distance of 36.60 feet;
2. N86°49'00"W a distance of 101.81 feet;
3. S87°57'39"W a distance of 151.81 feet;
4. S85°11'25"W a distance of 332.60 feet;
5. N86°04'57"W a distance of 191.63 feet;
6. N61°11'51"W a distance of 100.53 feet;
7. N39°22'29"W a distance of 48.76 feet;
8. N04°27'15"W a distance of 126.03 feet;
9. N05°39'35"E a distance of 53.96 feet to a point for the northwest corner of the herein described tract;

THENCE with a line 28 feet south and parallel with the centerline of pavement of Old San Antonio Road, and with the north line of the herein described tract the following four (4) courses:

1. S77°22'55"E a distance of 234.47 feet to a point at the beginning of a curve to the left;
2. With the arc of said curve to the left a distance of 406.98 feet, having a radius of 778.00 feet, a central angle of 29°58'19", and a chord which bears N87°37'56"E a distance of 402.35 feet to a point;
3. N72°38'46"E a distance of 256.19 feet to a point at the beginning of a curve to the right;
4. With the arc of said curve to the right a distance of 136.74 feet, having a radius of 547.00 feet, a central angle of 14°19'21", and a chord which bears N79°48'27"E a distance of

136.38 feet to a point for the northeast corner of the herein described tract, from which a 1/2 inch iron rod set in the west right-of-way line of said Interstate Highway 35 (300' R.O.W.), for the southwest corner of that certain tract of land described in Condemnation No. 145 to the State of Texas, of record in Volume 1, Page 212 of the Commissioners Court Records of Travis County, Texas, bears N35°19'42"E a distance of 128.05 feet;

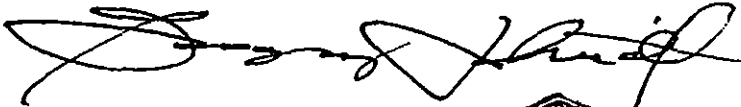
THENCE S35°19'42"W a distance of 2.96 feet to the POINT OF BEGINNING, containing 5.162 acres of land within these metes and bounds.

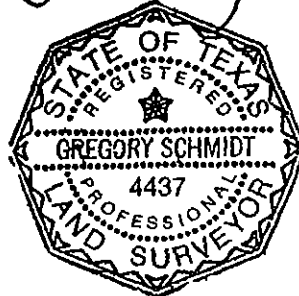
Reference is herein made to the sketch accompanying this metes and bounds description

Bearing basis: Grid North, Texas State Plane Coordinate System NAD83 (CORS) Central Zone.

I hereby certify that this description was prepared from a survey made on the ground under my supervision.

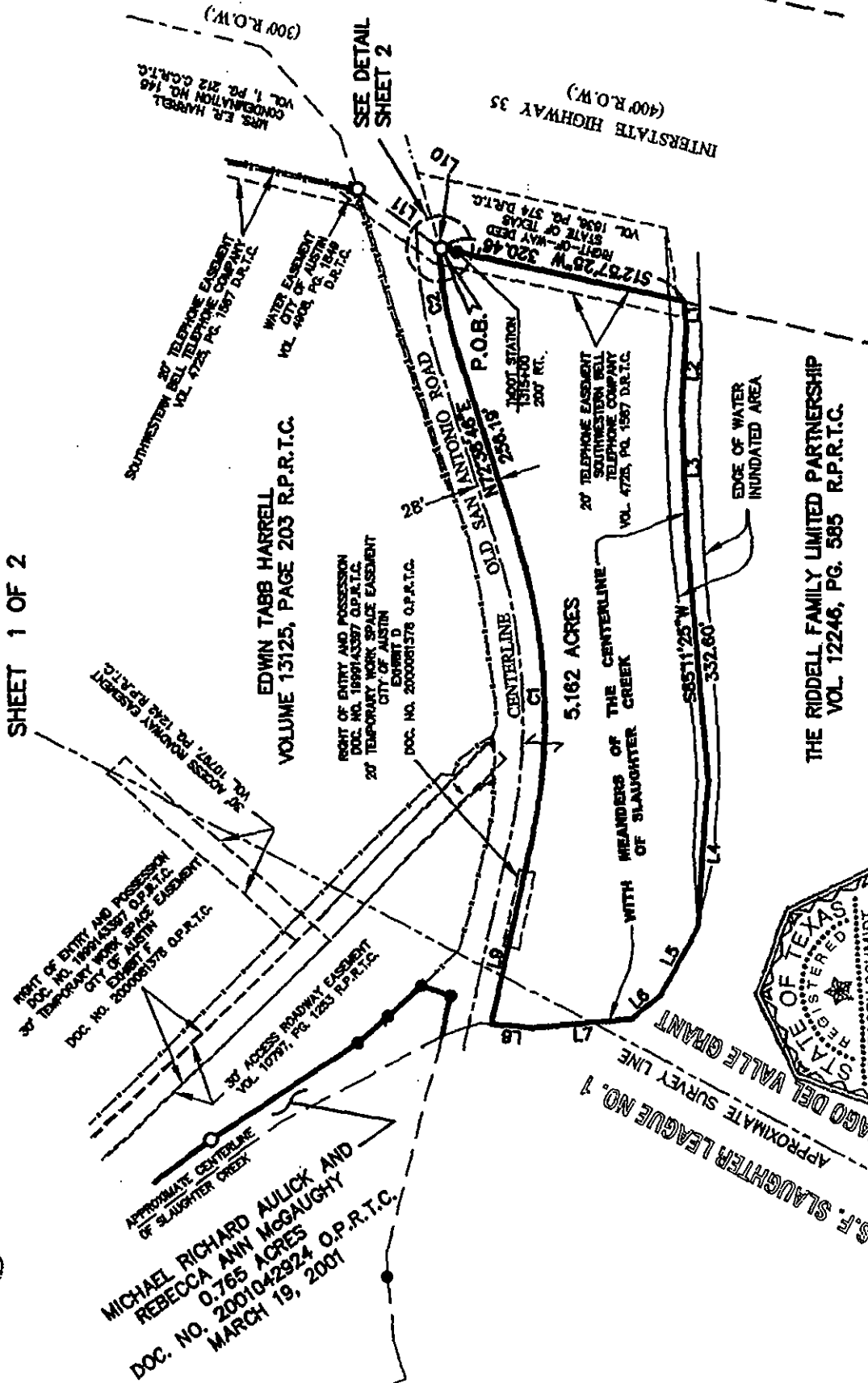
CUNNINGHAM-ALLEN, INC.


Gregory Schmidt
Registered Professional
Land Surveyor No. 4437
Date: 9/17/04





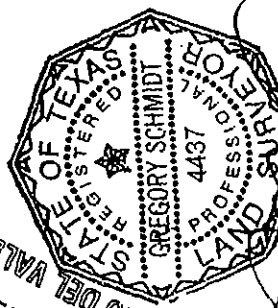
SHEET 1 OF 2



LEGEND

- ½" IRON ROD FOUND (UNLESS STATED)
- ½" IRON ROD W/CAP SET (UNLESS STATED)

D.R.T.C. DEED RECORDS OF TRAVIS COUNTY
R.P.R.T.C. REAL PROPERTY RECORDS OF TRAVIS COUNTY
O.P.R.T.C. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY
P.O.B. POINT OF BEGINNING



SURVEYED BY:

GREGORY SCHMIDT
REG. PROF. LAND SURVEYOR
NO. 4437
DATE: 9/17/04

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Cunningham | Allen

Engineers • Surveyors

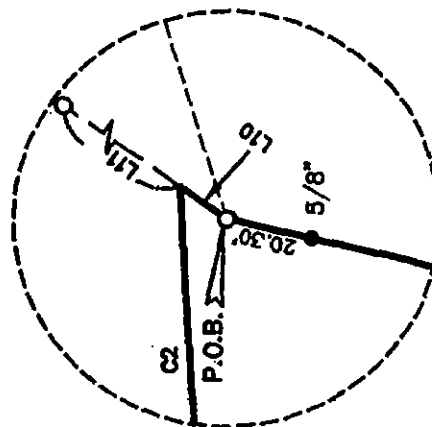
3103 Bee Cave Road, Suite 202
Austin, Texas 78746-6819
Tel.: (512) 327-2946
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SKETCH TO ACCOMPANY FIELD NOTES

SHEET 2 OF 2

LINE TABLE		
LINE	BEARING	LENGTH
L1	S86°36'09"W	38.60'
L2	N86°49'00"W	101.81'
L3	S87°57'39"W	151.81'
L4	N88°04'57"W	191.63'
L5	N61°11'51"W	100.53'
L6	N39°22'29"W	48.76'
L7	N04°27'15"W	128.03'
L8	N05°39'35"E	53.98'
L9	S77°22'55"E	234.47'
L10	S35°19'42"W	2.96'
L11	N35°19'42"E	128.03'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD
C1	406.98	778.00	29°58'19"	208.26	402.35
C2	136.74	547.00	14°19'21"	68.73	136.38



DETAIL
(NOT TO SCALE)

DATE: _____
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 CLIENT: _____

CA
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 Fax: (512) 327-2973

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