

ORDINANCE NO. 040311-Z-2

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY KNOWN AS COLORADO CROSSING LOCATED AT 6800 BURLESON ROAD IN THE SOUTHEAST NEIGHBORHOOD PLAN AREA FROM LIMITED INDUSTRIAL SERVICES-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (LI-CO-NP) COMBINING DISTRICT AND RURAL RESIDENCE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (RR-CO-NP) COMBINING DISTRICT TO LIMITED INDUSTRIAL SERVICES PLANNED DEVELOPMENT AREA-NEIGHBORHOOD PLAN (LI-PDA-NP) COMBINING DISTRICT.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base districts on the property described in Zoning Case No.C14-03-0116, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district to limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district.

Lots 1, 4, and 5, Lockheed Martin Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 98, Pages 73-77, of the Plat Records of Travis County, Texas, and

A 19.651 acre tract of land, more or less, out of the Santiago del Valle Grant, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance,

SAVE AND EXCEPT the following:

A tract of land described in Exhibits A-4 and B-4 of an instrument titled Drainage Easement No. 4, recorded in Volume 12806, Page 16, of the Real Property Records of Travis County, Texas; and

A 0.651 acre tract of land out of Lot 4, of the Lockheed Martin Subdivision; and

A 0.372 acre tract of land out of Lot 4, of the Lockheed Martin Subdivision; and

A 0.103 acre tract of land out of Lot 5, of the Lockheed Martin Subdivision;

the above tracts more particularly described in Exhibit "B", incorporated into this ordinance,

Tract Two: From rural residence-conditional overlay-neighborhood plan (RR-CO-NP) combining district to limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district.

A tract of land described in Exhibits A-4 and B-4 in an instrument titled Drainage Easement No. 4, recorded in Volume 12806, Page 16, of the Real Property Records of Travis County, Texas;

SAVE AND EXCEPT a 3.259 acre tract of land, more or less, out of Lot 2, of the Lockheed Martin Subdivision, the tract being more particularly described by metes and bounds in Exhibit "C" incorporated into this ordinance, (the "Property")

locally known as 6800 Burleson Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "D".

PART 2. Except as otherwise provided in this ordinance the Property is subject to Ordinance No. 021010-12c that established the Southeast neighborhood plan combining district.

PART 3. Development of the Property shall comply with Section 25-2-648 (*Planned Development Area Performance Standards*) of the City Code.

PART 4. Definitions.

As used in this ordinance:

- a. *Industrial Collector* means a street as defined by the Transportation Criteria Manual.
- b. *Commercial Collector* means a street as defined by the Transportation Criteria Manual.

c. *Residential Uses* means the following:

Single-family residential	Single-family attached residential
Small lot single-family residential	Townhouse residential
Duplex residential	Two-family residential
Condominium residential	Multifamily residential
Retirement housing (small site)	Retirement housing (large site)
Congregate living	Convalescent services

d. *Special Industrial Uses* means the following:

General warehousing and distribution
Light manufacturing

e. *Lockheed Lots* means the property described as Lot 2 and 3, Lockheed Martin Subdivision, Resubdivision of Lots 1 and 1A, Lockheed Addition, a subdivision in the City of Austin, Travis County, according to the map or plat recorded in Plat Book 98, Page 73, Plat Records of Travis County, Texas.

f. *Burleson Business Park* means the property described as Lots 7-14, Burleson Business Park Subdivision, a subdivision in the City of Austin, Travis County, according to the map or plat recorded in Plat Book 77, Page 15, Plat Records of Travis County, Texas.

PART 5. Development of the Property shall comply with the following use regulations:

1. Except as provided in Section 3, all permitted and conditional limited industrial (LI) uses are permitted and conditional uses of the Property.
2. The following are additional permitted uses of the Property:

Single-family residential	Single-family attached residential
Small lot single-family residential	Townhouse residential
Duplex residential	Two-family residential
Condominium residential	Multifamily residential
Retirement housing (small site)	Retirement housing (large site)
Consumer repair services	Research assembly services
Research testing services	Research warehousing services
Pet services	Recreation equipment sales
Recreation equipment maintenance and storage	Administrative services
	Postal facilities

Convalescent services
Private primary educational facilities
Private secondary educational facilities

Public primary educational facilities
Public secondary educational facilities

3. The following uses are prohibited uses of the Property:

Monument retail sales
Basic industry
Resource extraction

Scrap and salvage
Recycling center

4. Residential Uses are prohibited on the property described in Exhibit "E".

PART 6. Development of the Property shall comply with the following site development regulations:

1. Setbacks

The Property is subject to the terms set forth in a document identified as a *Declaration of Restrictive Covenants Regarding Water Quality Setbacks* recorded in Document No. 2003216558 in the Official Public Records of Travis County attached as Exhibit "F" to this ordinance.

2. Except as provided in Section 3, LI site development standards apply to the Property.

3. The development of the uses identified in Part 5, Section 2 and in Exhibit "G" shall comply with the following site development standards:

- a. Except for impervious cover and front setback standards for Residential Uses, the site development standards set forth in Section 25-2-492 (*Site Development Regulations*) of the City Code for the zoning districts identified in Section 4; or
- b. The PDA Optional Site Development Regulations for Residential Uses, Civic and Neighborhood Commercial Uses set forth in Exhibit "G incorporated into this ordinance.

4.	<u>Use</u>	<u>Zoning District</u>
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Single-family residential	SF-2
Single-family attached residential	SF-3
Small lot single-family residential	SF-4A
Townhouse residential	SF-6
Duplex residential	SF-3
Two-family residential	SF-3
Condominium residential	SF-6
Multifamily residential	MF-6
Retirement housing (small site)	SF-3
Retirement housing (large site)	MF-4
Consumer repair services	MF-6
Research assembly services	MF-6
Research testing services	MF-6
Research warehousing services	MF-6
Pet services	MF-6
Recreation equipment maintenance and storage	MF-6
Recreation equipment sales	MF-6
Administrative services	MF-6
Postal facilities	MF-6
Convalescent services	MF-6
Public primary educational facilities	MF-6
Private primary educational facilities	MF-6
Public secondary educational facilities	MF-6
Private secondary educational facilities	MF-6

5. A preliminary plan or a revision to an existing preliminary plan for any portion of the Property that identifies the uses in Section 6 must identify if the property will be developed under Section 3a or Section 3b. The site development regulations must be uniformly applied within each phase or section of a final plat.

6. The uses in this section are subject to Section 5.

Single-family residential	Two-family residential
Single-family attached residential	Condominium residential
Small lot single-family residential	Multifamily residential
Townhouse residential	Duplex residential

Retirement housing (small site)
Convalescent services

Retirement housing (large site)

7. A final plat for any portion of the Property that identifies the uses in Section 8 must identify if the property will be developed under Section 3a or Section 3b. The site development regulations must be uniformly applied within each phase or section of a final plat.
8. The uses in this section are subject to Section 7.

Consumer repair services
Research assembly services
Research testing services
Research warehousing services
Pet services
Recreation equipment maintenance
and storage

Recreation equipment sales
Administrative services
Postal facilities
Public primary educational facilities
Private primary educational facilities
Public secondary educational facilities
Private secondary educational facilities

9. For Residential Uses, the maximum zoning impervious cover is 65 percent and the minimum front yard setback is 15 feet.
10. A 25-foot wide vegetative buffer to provide screening shall be established and maintained between property developed with Residential Uses and a commercial or industrial use with the exception of the following uses:

Administrative and business office
Consumer convenience services
Medical offices
Personal improvement services
Pet services
Restaurant (general)

Arts and crafts studio (limited)
General retail sales (convenience)
Outdoor sports and recreation
Personal services
Professional office
Restaurant (limited)

Improvements permitted within the buffer zone are limited to hike and bike trails, drainage, underground utility improvements, overhead electric or communication lines, or those improvements that may be otherwise required by the City of Austin.

11. A 100-foot wide buffer zone shall be established and maintained between property developed with the Residential Uses and the following uses within the Property and in the Lockheed Lots:

Agricultural sales and services	Construction sales and services
Equipment repair services	Equipment sales
Research services	Research testing services
Research assembly services	Research warehousing services
Limited warehousing and distribution	Custom manufacturing
Maintenance and service facilities	Postal facilities (exceeding 10,000 sq. ft.)
Railroad facilities	

The 100-foot buffer zone shall be measured from the property line for property developed with Residential Uses to a building with a commercial, industrial, or civic use.

If a portion of the property developed with Residential Uses is in a flood plain, the buffer zone shall be measured from the boundary of the flood plain within that residential lot, or, from the property line for property developed with Residential Uses, whichever is furthest from the building with a commercial, industrial, or civic use.

Improvements permitted within the buffer zone are limited to streets, access easements, driveways, parking facilities, solid fences, pedestrian trails, hike and bike pathways, recreational facilities, detention and water quality re-irrigation facilities, underground utility improvements, overhead electric or communication lines, or those improvements that may be otherwise required by the City of Austin.

Notwithstanding the requirements of this section, a driveway, access easement, or private street that serves a building with a commercial, industrial or civic use, may not be constructed within 50 feet of a property line or flood plain line, as applicable, of a lot with Residential Uses.

12. A 200-foot wide buffer zone shall be established and maintained between a property developed with the Residential Uses and the Special Industrial Uses within the Property and the Special Industrial Uses located in Burleson Business Park and the Lockheed Lots.

The 200-foot buffer zone shall be measured from the property line of property developed with Residential Uses to a building with a Special Industrial Use.

If a portion of the property developed with Residential Uses is in a flood plain, the buffer zone shall be measured from the boundary of the flood plain within that residential lot, or, from the property line for property developed with Residential Uses, whichever is furthest from the building with a Special Industrial Use.

Improvements permitted within the buffer zone are limited to streets, access easements, driveways, parking facilities, solid fences, pedestrian trails, hike and bike pathways, recreational facilities, detention and water quality re-irrigation facilities, underground utility improvements, overhead electric or communication lines, or those improvements that may be otherwise required by the City of Austin.

Notwithstanding the requirements of this section, a driveway, access easement, or private street that serves a building with a commercial, industrial, or civic use, may not be constructed within 100 feet of a property line or flood plain line, as applicable, of a lot with Residential Uses.

13. A 50-foot wide buffer zone shall be established and maintained between property developed with Residential Uses and the exterior perimeter of the Property.

The 50-foot buffer zone shall be measured between the exterior perimeter property line and a building used for Residential Uses.

Improvements permitted within the buffer zone are limited to streets, access easements, driveways, parking facilities, solid fences, pedestrian trails, hike and bike pathways, recreational facilities, detention and water quality re-irrigation facilities, underground utility improvements, overhead electric or communication lines, or those improvements that may be otherwise required by the City of Austin.

14. Notwithstanding the requirements of this ordinance, development of the Property is subject to Chapter 25-2, Subchapter C, Article 10 (*Compatibility Standards*).

15. The number of dwelling units of the following uses may not exceed a cumulative total of 5,500 units:

Single-family residential	Single-family attached residential
Small lot single-family residential	Townhouse residential
Duplex residential	Two-family residential

Condominium residential
Retirement housing (large site)
Convalescent services

Retirement housing (small site)
Congregate living
Multifamily residential

16. Development of the Property may not exceed a density of 1,500 multifamily residential units.
17. A subdivision that includes any of the following uses must have access to Burleson Road, McKinney Falls Parkway or U.S. Highway 183 ("Roads") by a right-of-way or a private road, other than an Industrial Collector. The subdivision may also have access to the Roads by an Industrial Collector.

Single-family residential
Small lot single-family residential
Duplex residential
Condominium residential

Single-family attached residential
Townhouse residential
Two-family residential

18. A development that includes any of the following uses must abut an Industrial Collector or have access to it by a Commercial Collector or private driveway or street:

General warehousing and distribution
Light manufacturing

Limited warehousing and distribution
Custom manufacturing

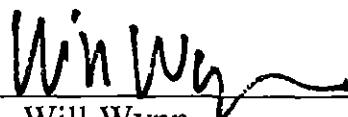
19. All residential development within the PDA shall comply with the existing Austin Energy Green Building Program standards. Single family and multifamily residential development shall meet a minimum one star rating.

PART 7. This ordinance takes effect on March 22, 2004.

PASSED AND APPROVED


March 11, 2004

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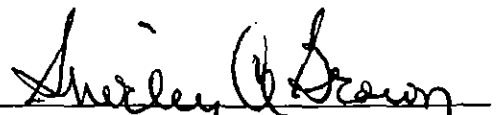
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk

C14-23-2112

EXHIBIT A

FIELD NOTES
FOR

FIELD NOTES FOR TRACT 1

TRACT 3 - 19.651 ACRES

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN (19.6511 ACRE) TRACT AS CONVEYED TO LOCKHEED MISSILES AND SPACE CO., INC. AS DESCRIBED IN VOLUME 12114, PAGE 2971 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron pin with aluminum cap found in the northeast R.O.W. line of Burleson Road, at a relocated re-entrant corner of Lot 1, Lockheed Addition, a subdivision in Travis County, Texas, according to the map or plat of record in Plat Book 83 Pages 20-23 of the Plat Records of Travis County, Texas, same being at the most Northerly corner of that certain 32,067 Square foot tract of land conveyed to Travis County by Instrument of record in Volume 10689 Page 916 of the Real Property Records of Travis County, Texas, same being at the most Easterly corner of that certain 27,664 Square foot tract of land conveyed to Travis County by instrument of record in Vol. 10999 Pg. 679 of the Real Property Records of Travis County, Texas, same being at the most Southerly corner of that certain (19.6511 Acre) tract of land conveyed to Lockheed Missiles and Space Co., Inc. by instrument of record in Volume 12114 Pg. 2971 of the Real Property Records of Travis County, Texas, for the most Southerly corner and PLACE OF BEGINNING hereof;

THENCE along the Northeast R.O.W. line of Burleson Road, same being the northeast line of the said Travis County 27,664 Square foot tract, the following courses:

N 47 deg. 19' 59" W for a distance of 576.25 feet to a 1/2 inch iron pin with aluminum cap found.

N 46 deg. 22' 18" W for a distance of 379.73 feet to a 1/2 inch iron pin with aluminum cap found at a point of curve to the left, for an angle point in this tract;

THENCE continuing along the northeast R.O.W. line of Burleson Road, along said curve to the left, whose radius is 5774.43 feet, whose arc distance is 219.23 feet, and whose chord bears N 47 deg. 27' 10" W for a distance of 219.22 feet to a 1/2 inch iron pin with aluminum cap found at the point of tangency, for an angle point in this tract;

THENCE continuing along the northeast R.O.W. line of Burleson Road, N 48 deg. 29' 43" W for a distance of 202.51 feet to a 60D Nail Found in a Hackberry Stump at a relocated re-entrant corner of said Lot 1, Lockheed Addition, same being at the most Northerly corner of the said Travis County 27,664 Square foot tract, same

FIELD NOTES FOR

TRACT 3 - 19.651 ACRES

being at the most Westerly corner of the said Lockheed Missiles and Space Co. tract, for the most Westerly corner of this tract;

THENCE along the common dividing lines of the said Lockheed Missiles and Space Co. tract, and the said Lot 1, the following courses:

N 42 deg. 22' 47" E for a distance of 617.35 feet to a concrete monument found

S 47 deg. 38' 49" E for a distance of 1381.86 feet to a concrete monument found

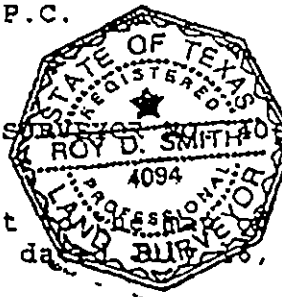
S 42 deg. 46' 13" W for a distance of 626.72 feet to the PLACE OF BEGINNING, containing 19.651 acres of land.

I hereby certify that this metes and bounds description is based upon the Land Title Survey and Plat made by Roy D. Smith, Registered Professional Surveyor No. 4094.

AS SURVEYED BY:
ROY D. SMITH SURVEYORS, P.C.

Roy D. Smith
ROY D. SMITH

REGISTERED PROFESSIONAL SURVEYOR No. 4094 July 16, 1996



Prepared as an attachment to Survey No. 4094 Tract 3 as surveyed by Roy D. Smith Surveyors, P.C. dated July 16, 1996

lock20.wp

EXHIBIT FOR TRACTS 1 & 2

FIELD NOTES
FOR

DRAINAGE EASEMENT NO. 4

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 1, LOCKHEED ADDITION, A SUBDIVISION RECORDED IN PLAT BOOK 83, PAGES 20, 21, 22 AND 23 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN DRAINAGE EASEMENT RECORDED IN VOLUME 7887, PAGE 32 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING A DRAINAGE EASEMENT AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a concrete monument found at the Northwest corner of the said Lot 1, Lockheed Addition;

THENCE along the Northwest line of the said Lot 1, S 42°24'14" W for a distance of 140.00 feet to a point for the Northwest corner and PLACE OF BEGINNING hereof;

THENCE along the North line of the herein described easement for the following courses:

S 16°53'45" W for a distance of 200.07 feet to an angle point
S 14°51'15" E for a distance of 170.00 feet to an angle point
S 47°06'15" E for a distance of 613.63 feet to an angle point
S 55°13'18" E for a distance of 139.57 feet to an angle point
S 78°15'25" E for a distance of 161.03 feet to an angle point
N 77°35'51" E for a distance of 418.47 feet to an angle point
S 78°10'13" E for a distance of 76.16 feet to an angle point
S 70°44'21" E for a distance of 236.76 feet to an angle point
S 86°03'41" E for a distance of 332.19 feet to an angle point
N 71°41'30" E for a distance of 234.98 feet to an angle point
N 51°38'45" E for a distance of 117.37 feet to an angle point
S 69°07'42" E for a distance of 127.00 feet to an angle point
N 61°31'13" E for a distance of 173.40 feet to an angle point
S 87°46'03" E for a distance of 473.57 feet to an angle point
N 84°41'56" E for a distance of 250.54 feet to an angle point

EXHIBIT A - 4

6 pages

12806 0025
REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

FIELD NOTES
FOR

DRAINAGE EASEMENT NO. 4 - Page Two

S 85°28'12" E for a distance of 132.45 feet to an angle point
N 23°29'04" E for a distance of 129.88 feet to an angle point
N 55°49'51" E for a distance of 214.91 feet to an angle point
N 38°41'41" E for a distance of 261.09 feet to an angle point
N 86°44'20" E for a distance of 313.35 feet to an angle point
S 60°05'04" E for a distance of 506.34 feet to an angle point
S 42°44'26" E for a distance of 355.14 feet to an angle point
S 75°07'29" E for a distance of 150.90 feet to an angle point
S 69°17'20" E for a distance of 221.07 feet to an angle point
S 44°48'37" E for a distance of 430.71 feet to an angle point
S 31°09'05" E for a distance of 281.62 feet to an angle point
S 34°23'18" E for a distance of 413.39 feet to an angle point
S 15°39'27" E for a distance of 246.83 feet to an angle point
S 40°45'24" E for a distance of 145.85 feet to an angle point

S 47°24'45" E for a distance of 77.30 feet to a point in the Southeast line of the said Lot 1, being in the Northerly line of McCall Lane, for the Northeast corner hereof;

THENCE along the Southeast line of the said Lot 1, being along the Northerly r.o.w. line of McCall Lane, S 42°35'15" W for a distance of 709.06 feet to a point for the Southeast corner hereof;

THENCE along the South line of the herein described easement for the following courses:

N 47°24'45" W for a distance of 111.93 feet to an angle point
N 13°52'53" W for a distance of 873.66 feet to an angle point
N 38°57'48" W for a distance of 592.53 feet to an angle point

FIELD NOTES
FOR

DRAINAGE EASEMENT NO. 4 - Page Three

N 59°24'48" W for a distance of 319.00 feet to an angle point
N 48°24'37" W for a distance of 439.56 feet to an angle point
N 39°42'06" W for a distance of 248.84 feet to an angle point
N 66°32'13" W for a distance of 141.95 feet to an angle point
S 74°38'33" W for a distance of 219.85 feet to an angle point
S 36°54'20" W for a distance of 137.19 feet to an angle point
S 54°39'20" W for a distance of 218.58 feet to an angle point
S 84°34'55" W for a distance of 704.64 feet to an angle point
S 79°47'42" W for a distance of 283.28 feet to an angle point
N 73°00'05" W for a distance of 169.79 feet to an angle point
S 74°51'01" W for a distance of 347.04 feet to an angle point
N 89°25'24" W for a distance of 350.80 feet to an angle point
N 84°24'01" W for a distance of 61.69 feet to an angle point
N 69°50'55" W for a distance of 161.92 feet to an angle point
N 79°49'27" W for a distance of 262.66 feet to an angle point
S 83°13'44" W for a distance of 163.28 feet to an angle point
S 69°12'10" W for a distance of 162.56 feet to an angle point
N 71°48'45" W for a distance of 440.56 feet to an angle point
N 45°29'32" W for a distance of 402.89 feet to an angle point
N 34°28'39" W for a distance of 241.29 feet to an angle point
N 13°45'08" W for a distance of 233.58 feet to a point in the
Northwest line of the said Lot 1, for the Southwest corner hereof;

THENCE along the Northwest line of the said Lot 1, N 42°24'14" E for a
distance of 275.54 feet to the PLACE OF BEGINNING hereof.

AS SURVEYED BY:
ROY D. SMITH SURVEYORS, P.C.

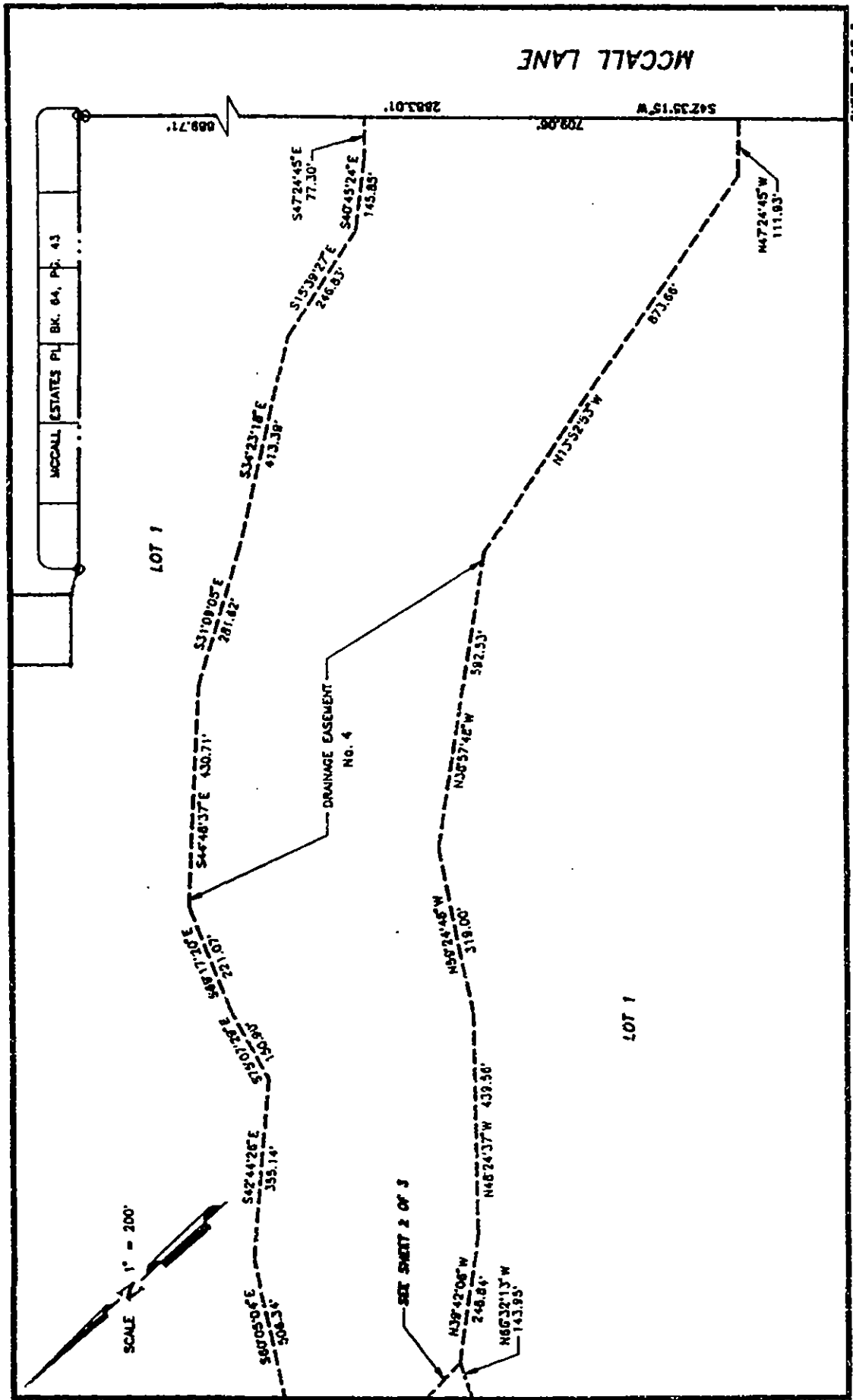
Roy D. Smith
ROY D. SMITH
REGISTERED PROFESSIONAL SURVEYOR
September 18, 1996



Job No. 1519-93

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12806 0027



SHEET 3 OF 3

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12806 0030

0.651 ACRES
PORTION OF LOT 4
LOCKHEED MARTIN SUBDIVISION

FN. NO. 00-513(MM)
DECEMBER 29, 2000
BPI JOB NO. 1094-01.00

DESCRIPTION *SAVE 9 EXCEPT FROM TRACT 1*

OF A 0.651 ACRE TRACT OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 4, LOCKHEED MARTIN SUBDIVISION RESUBDIVISION OF LOTS 1 AND 1A LOCKHEED ADDITION, A SUBDIVISION OF RECORD IN VOLUME 98, PAGES 73-77 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.651 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: *(#2)*

BEGINNING, at a 1/2 inch iron rod found at the southeasterly corner of Lot 3 of said Lockheed Martin Subdivision, being a point in the irregular westerly line of said Lot 4 for the southwesterly corner hereof;

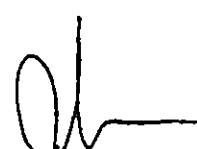
THENCE, N42°26'41"E, along the easterly line of said Lot 3, being in part the irregular westerly line of said Lot 4, same being the westerly line hereof, a distance of 515.45 feet to the northwesterly corner hereof;

THENCE, leaving the easterly line of said Lot 3, over and across said Lot 4, along the northerly, easterly and southerly lines hereof, the following three (3) courses and distances:

- 1) S47°32'24"E, a distance of 55.00 feet to the northeasterly corner hereof;
- 2) S42°26'41"W, a distance of 515.35 feet to the southeasterly corner hereof;
- 3) N47°38'49"W, a distance of 55.00 feet to the POINT OF BEGINNING, containing an area of 0.651 acres (28,347 sq. ft.) of land, more or less, within these metes and bounds.

I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY EXHIBIT WAS PREPARED TO ACCOMPANY THIS FILED NOTE DESCRIPTION.

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVE ROAD, SUITE 200
AUSTIN, TEXAS 78746


JOHN T. BILNOSKI
R.P.L.S. NO. 4998
STATE OF TEXAS

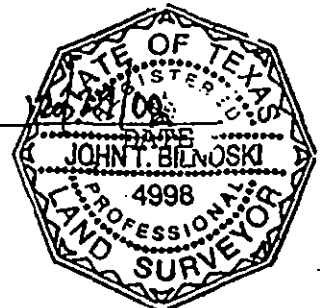


EXHIBIT B
page 1 of 6



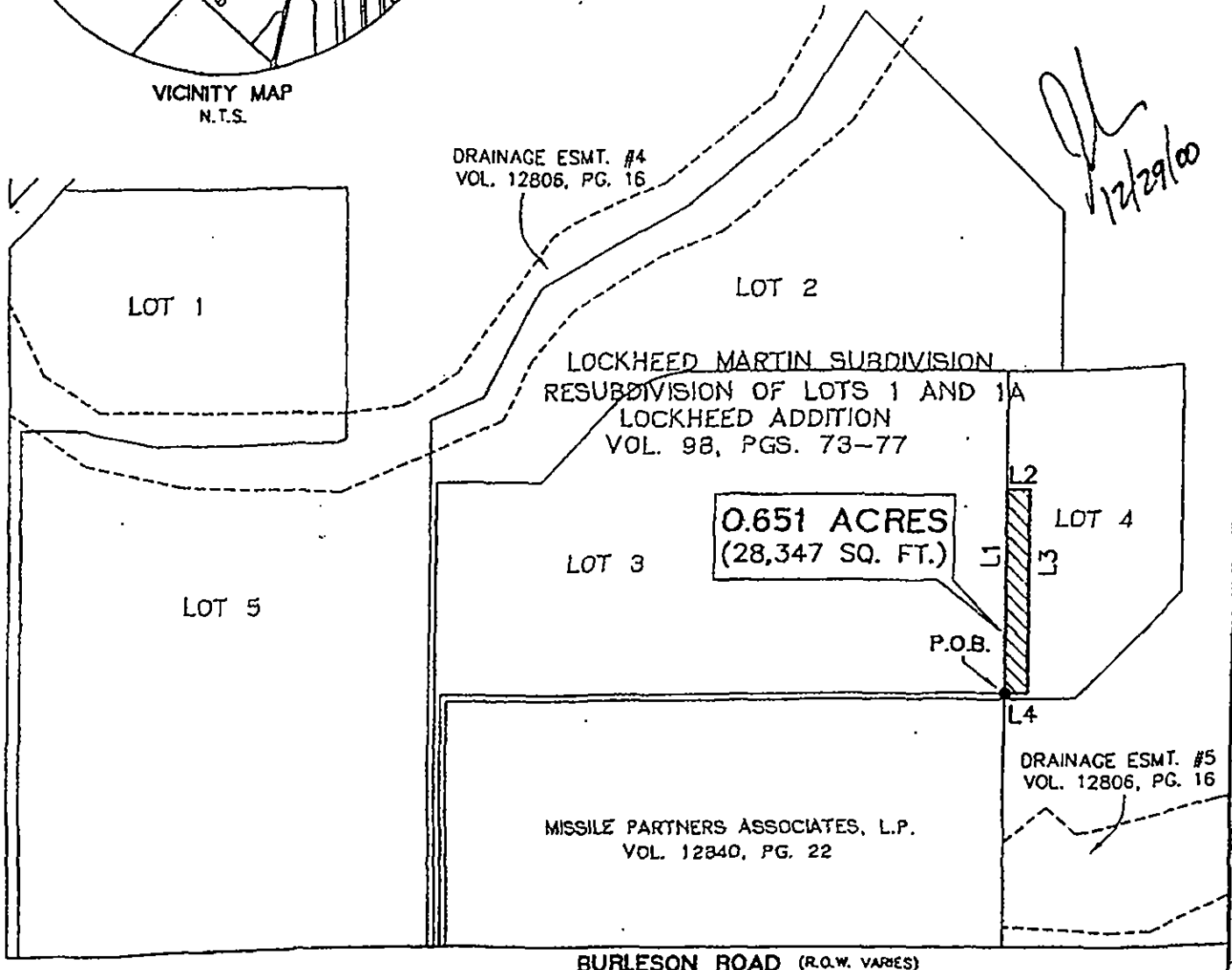
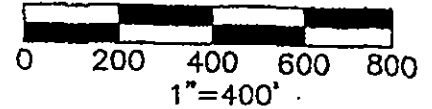
VICINITY MAP
N.T.S.

LINE TABLE

No.	Bearing	Distance
L1	N42°26'41"E	515.45'
L2	S47°32'24"E	55.00'
L3	S42°26'41"W	515.35'
L4	N47°38'49"W	55.00'

LEGEND

- 1/2" IRON ROD FOUND
- P.O.B. POINT OF BEGINNING



BURLESON ROAD (R.O.W. VARIES)

EXHIBIT 8
page 2 of 6

Bury+ Partners
Consulting Engineers and Surveyors
Austin, Texas Tel 512/328-0211 Fax 512/328-0323
Bury+Partners, Inc. Copyright 2000

SKETCH TO ACCOMPANY DESCRIPTION
OF A 0.651 ACRE TRACT OF LAND SITUATED IN THE CITY OF
AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 4,
LOCKHEED MARTIN SUBDIVISION RESUBDIVISION OF LOTS 1 AND
1A LOCKHEED ADDITION OF RECORD IN VOL. 98, PGS. 73-77
OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS

**LOCKHEED MARTIN
SUBDIVISION**

DATE: 12/29/00 FILE: H:\1094\01\109401ex3.dwg FN No.: 00-513MM DRAWN BY: MTH PROJ. No: 1094-01.00

0.372 ACRES
PORTION OF LOT 4
LOCKHEED MARTIN SUBDIVISION

FN. NO. 00-514(MM)
DECEMBER 29, 2000
BPI JOB NO. 1094-01.00

DESCRIPTION

SAVE & EXCEPT FROM TRITET!

OF A 0.372 ACRE TRACT OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 4, LOCKHEED MARTIN SUBDIVISION RESUBDIVISION OF LOTS 1 AND 1A LOCKHEED ADDITION, A SUBDIVISION OF RECORD IN VOLUME 98, PAGES 73-77 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.372 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2 inch iron rod found at the northeasterly corner of Lot 3 of said Lockheed Martin Subdivision, being the northwesterly corner of said Lot 4, same being a point in the southerly line of Lot 2 of said Lockheed Martin Subdivision for the northwesterly corner hereof;

THENCE, S47°32'24"E, along the northerly line of said Lot 4, being the southerly line of said Lot 2, same being the northerly line hereof, a distance of 55.00 feet to the northeasterly corner hereof, from which a 1/2 inch iron rod found at the southeasterly corner of said Lot 2 bears S47°32'24"E, a distance of 78.07 feet;

THENCE, leaving the southerly line of said Lot 2, over and across said Lot 4, along the easterly and southerly lines hereof, the following two (2) courses and distances:

- 1) S42°26'41"W, a distance of 295.02 feet to the southeasterly corner hereof;
- 2) N47°32'24"W, a distance of 55.00 feet to a point in the irregular westerly line of said Lot 4, being the easterly line of said Lot 3 for the southwesterly corner hereof;

THENCE, N42°26'41"E, along the irregular westerly line of said Lot 4, being the easterly line of said Lot 3, same being the westerly line hereof, distance of 295.02 feet to the POINT OF BEGINNING, containing an area of 0.372 acres (16,226 sq. ft.) of land, more or less, within these metes and bounds.

I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY EXHIBIT WAS PREPARED TO ACCOMPANY THIS FILED NOTE DESCRIPTION.

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVE ROAD, SUITE 200
AUSTIN, TEXAS 78746

JOHN T. BILNOSKI
R.P.L.S. NO. 4998
STATE OF TEXAS



EXHIBIT B
page 3 of 6



VICINITY MAP
N.T.S.

LINE TABLE

No.	Bearing	Distance
L1	S47°32'24"E	55.00'
L2	S42°26'41"W	295.02'
L3	N47°32'24"W	55.00'
L4	N42°26'41"E	295.02'
L5	S47°32'24"E	78.07'

LEGEND

- 1/2" IRON ROD FOUND
- P.O.B. POINT OF BEGINNING

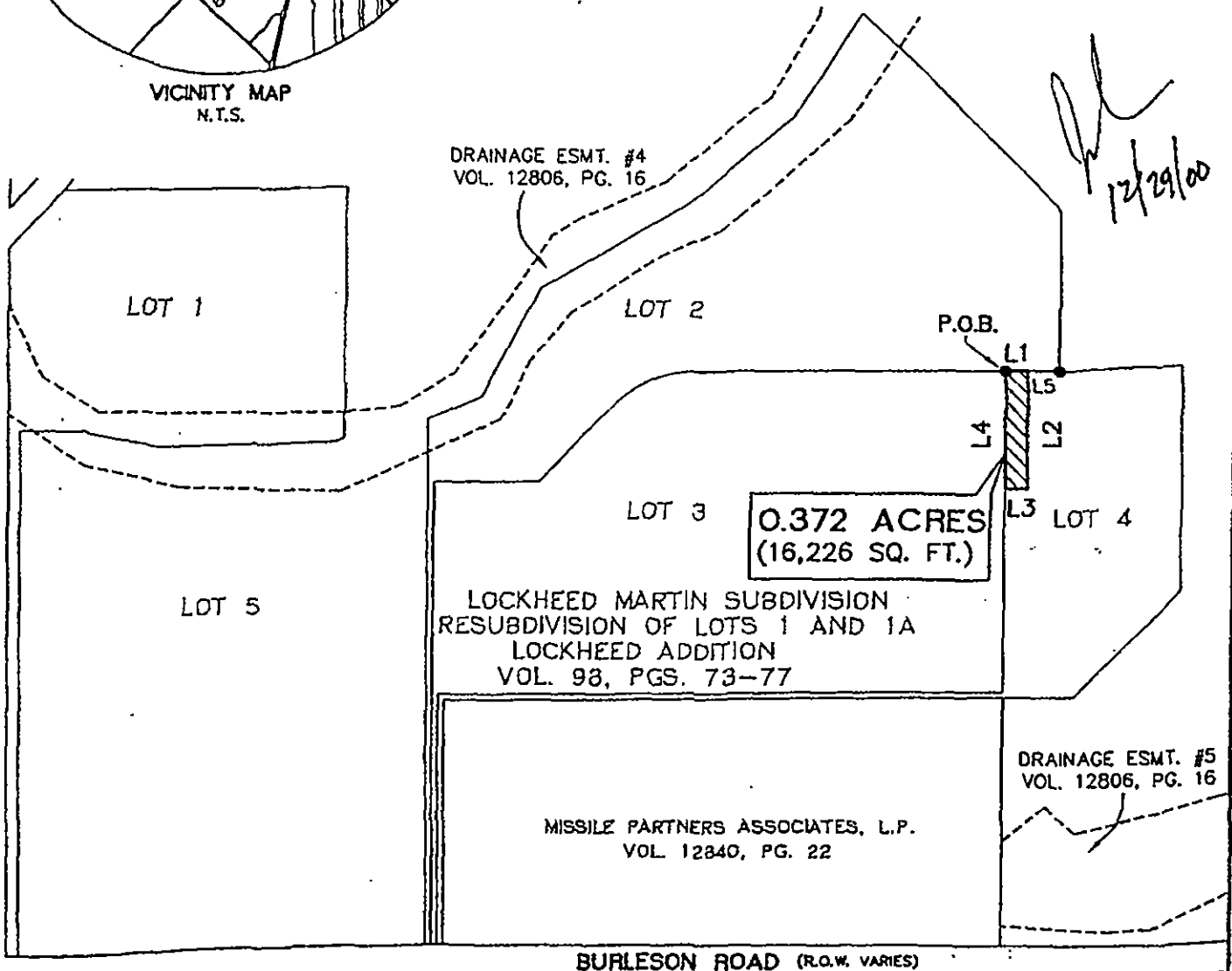
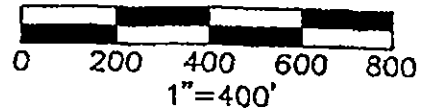


EXHIBIT B
page 4 of 6

Bury+Partners
Consulting Engineers and Surveyors
Austin, Texas Tel 512/328-0011 Fax 512/328-0325
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SKETCH TO ACCOMPANY DESCRIPTION
OF A 0.372 ACRE TRACT OF LAND SITUATED IN THE CITY OF
AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 4,
LOCKHEED MARTIN SUBDIVISION RESUBDIVISION OF LOTS 1 AND
1A LOCKHEED ADDITION OF RECORD IN VOL. 98, PGS. 73-77
OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS

**LOCKHEED MARTIN
SUBDIVISION**

DATE: 12/29/00 FILE: H:\1094\01\109401ex4.dwg FN No.: 00-514MM DRAWN BY: MTH PROJ. No: 1094-01.00

0.103 ACRES
PORTION OF LOT 5
LOCKHEED MARTIN SUBDIVISION

FN. NO. 00-518(MM)
DECEMBER 29, 2000
BPI JOB NO. 1094-01.00

DESCRIPTION *SAVE & EXCEPT FROM TRACT 1*

OF A 0.103 ACRE TRACT OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 5, LOCKHEED MARTIN SUBDIVISION RESUBDIVISION OF LOTS 1 AND 1A LOCKHEED ADDITION, A SUBDIVISION OF RECORD IN VOLUME 98, PAGES 73-77 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 01.03 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: *(#4)*

COMMENCING, at a 1/2 inch iron rod found in the northerly right-of-way line of Burleson Road (80' R.O.W.), being the southwesterly corner of Lot 2 of said Lockheed Martin Subdivision, same being a point in the southerly line of said Lot 5;

THENCE, leaving the northerly line of Burleson Road, along the westerly line of said Lot 2, being the southerly line of said Lot 5, a distance of 633.02 feet to the POINT OF BEGINNING and southeasterly corner hereof;

THENCE, leaving the westerly line of said Lot 2, over and across said Lot 5, along the southerly, westerly and northerly lines hereof, the following three (3) courses and distances:

- 1) N47°38'49"W, a distance of 6.50 feet to the southwesterly corner hereof;
- 2) N42°22'47"E, a distance of 691.81 feet to the northwesterly corner hereof;
- 3) S70°10'00"E, a distance of 7.04 feet to a 1/2 inch iron rod with cap set for the northeasterly corner hereof, being the northwesterly corner of said Lot 2, same being an angle point in the southerly line of said Lot 5;

THENCE, S42°22'47"E, along the westerly line of said Lot 2, being the southerly line of said Lot 5, same being the easterly line hereof, a distance of 694.51 feet to the POINT OF BEGINNING, containing an area of 0.103 acres (4,506 sq. ft.) of land, more or less, within these metes and bounds,

I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY EXHIBIT WAS PREPARED TO ACCOMPANY THIS FILED NOTE DESCRIPTION.

EXHIBIT B

page 5 of 6

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVE ROAD, SUITE 200
AUSTIN, TEXAS 78746

[Signature]
JOHN T. BILNOSKI
R.P.L.S. NO. 4998
STATE OF TEXAS

12/29/00
DATE



VICINITY MAP
N.T.S.

LINE TABLE

No.	Bearing	Distance
L1	N42°22'47"E	633.02'
L2	N47°38'49"W	6.50'
L3	N42°22'47"E	691.81'
L4	S70°10'00"E	7.04'
L5	S42°22'47"W	694.51'

LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

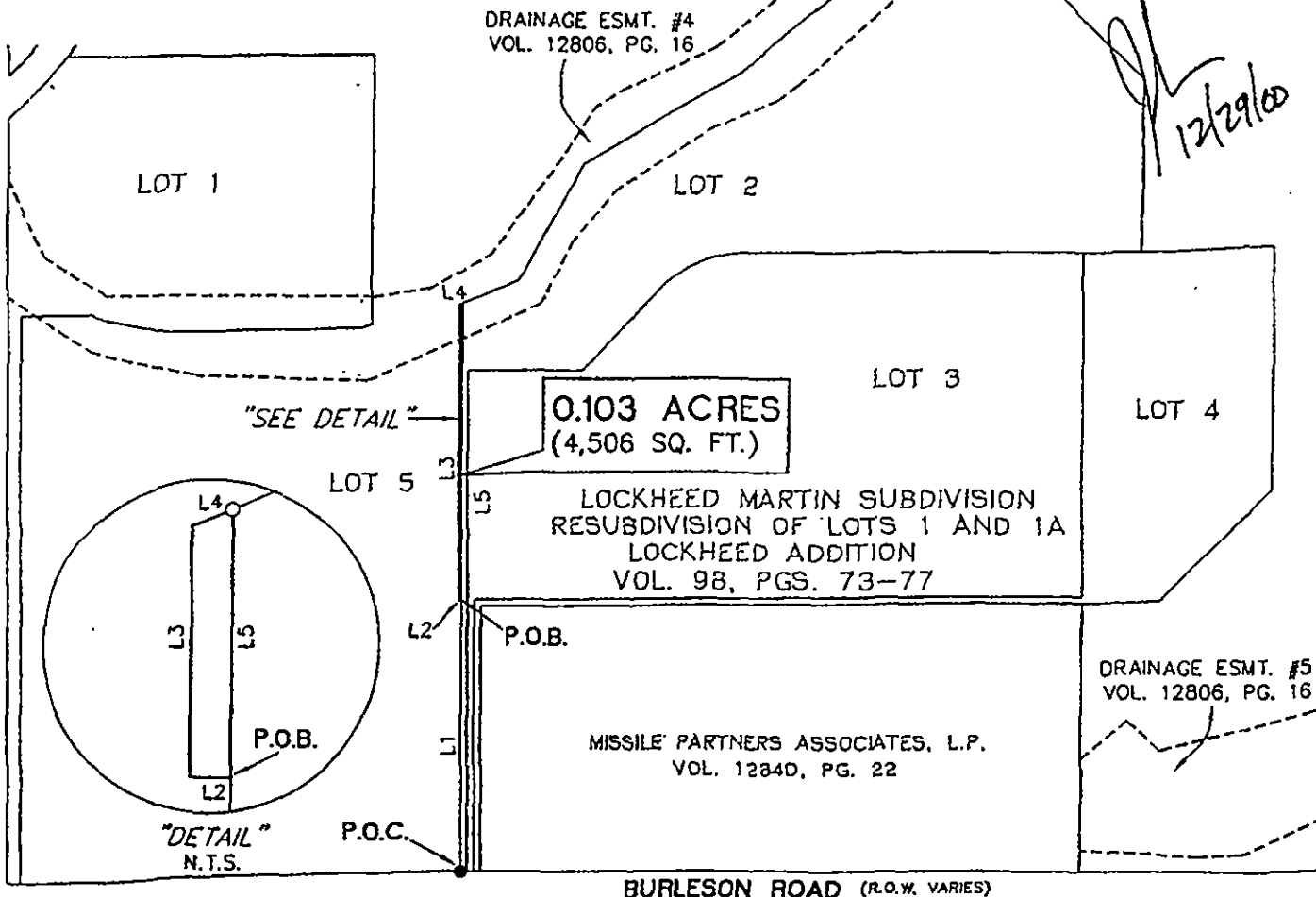
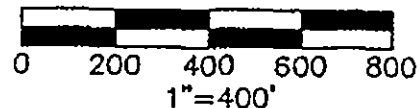


EXHIBIT B
Page 6 of 6

Bury+Partners
Consulting Engineers and Surveyors
Austin, Texas Tel 512/328-0011 Fax 512/328-0025
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SKETCH TO ACCOMPANY DESCRIPTION
OF A 0.103 ACRE TRACT OF LAND SITUATED IN THE CITY OF
AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 5,
LOCKHEED MARTIN SUBDIVISION RESUBDIVISION OF LOTS 1 AND
1A LOCKHEED ADDITION OF RECORD IN VOL. 98, PGS. 73-77
OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS

**LOCKHEED MARTIN
SUBDIVISION**

04-93-312

3.259 ACRES
PORTION OF LOT 2
LOCKHEED MARTIN SUBDIVISION

FN. NO. 00-515(MM)
DECEMBER 29, 2000
BPI JOB NO. 1094-01.00

DESCRIPTION *SAVE : EXCEPT FROM TRACT 2.*

OF A 3.259 ACRE TRACT OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 2, LOCKHEED MARTIN SUBDIVISION RESUBDIVISION OF LOTS 1 AND 1A LOCKHEED ADDITION, A SUBDIVISION OF RECORD IN VOLUME 98, PAGES 73-77 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 3.259 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

(41)
SUBMIT

COMMENCING, at a 1/2 inch iron rod found at the southeasterly corner of said Lot 2, being a point in the northerly line of Lot 4 of said Lockheed Martin Subdivision, same being an angle point in the irregular southerly line of Lot 5 of said Lockheed Martin Subdivision;

THENCE, leaving the northerly line of said Lot 4, along the easterly and in part the northerly lines of said Lot 2, being the irregular southerly line of said Lot 5, the following two (2) courses and distances:

- 1) N42°26'08"E, a distance of 401.23 feet to a 1/2 inch iron rod found at the northeasterly corner of said Lot 2;
- 2) N02°33'53"W, a distance of 568.83 feet to the POINT OF BEGINNING and southeasterly corner hereof, being in the southerly line of that certain Drainage Easement No. 4 of record in Volume 12806, Page 16 of the Real Property Records of Travis County, Texas;

THENCE, leaving the northerly line of said Lot 2, over and across said Lot 2, along the southerly line hereof, being the southerly line of said Drainage Easement No. 4, the following eight (8) courses and distances:

- 1) S74°49'45"W, a distance of 213.50 feet to an angle point;
- 2) N89°25'44"W, a distance of 350.80 feet to an angle point;
- 3) N84°24'21"W, a distance of 61.69 feet to an angle point;
- 4) N69°51'15"W, a distance of 161.92 feet to an angle point;
- 5) N79°49'47"W, a distance of 262.66 feet to an angle point;
- 6) S83°13'24"W, a distance of 163.28 feet to an angle point;
- 7) S69°11'50"W, a distance of 162.56 feet to an angle point;

EXHIBIT C
page 1 of 3

FN. NO. 00-515(MM)
DECEMBER 29, 2000
PAGE 2 of 2

- 8) N71°48'48"W, a distance of 199.47 feet to a point in the westerly line of said Lot 2, being the irregular southerly line of said Lot 5, for the southwesterly corner hereof;

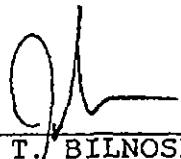
THENCE, N42°22'47"E, leaving the southerly line of said Drainage Easement No. 4, in part along the westerly line of said Lot 2, being the irregular southerly line of said Lot 5, same being the westerly line hereof, a distance of 82.51 feet to a 1/2 inch iron rod with cap set for the northwesterly corner hereof, being the northwesterly corner of said Lot 2;

THENCE, in part along the northerly line of said Lot 2, being the irregular southerly line of said Lot 5, same being the northerly line hereof, the following six (6) courses and distances:

- 1) S70°10'00"E, a distance of 142.09 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) N71°00'00"E, a distance of 310.52 feet to a 1/2 inch iron rod with cap set for an angle point;
- 3) S76°54'59"E, a distance of 427.90 feet to a 1/2 inch iron rod with cap set for an angle point;
- 4) S86°59'59"E, a distance of 332.35 feet to a 1/2 inch iron rod with cap set for an angle point;
- 5) N74°17'01"E, a distance of 306.75 feet to a 1/2 inch iron rod with cap set for an angle point hereof, being the most northerly corner of said Lot 2;
- 6) S02°33'53"E, a distance of 123.83 feet to the POINT OF BEGINNING, containing an area of 3.259 acres (141,983 sq. ft.) of land, more or less, within these metes and bounds.

I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY EXHIBIT WAS PREPARED TO ACCOMPANY THIS FILEDNOTE DESCRIPTION.

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVE ROAD, SUITE 200
AUSTIN, TEXAS 78746


JOHN T. BILNOSKI
R.P.L.S. NO. 4998
STATE OF TEXAS

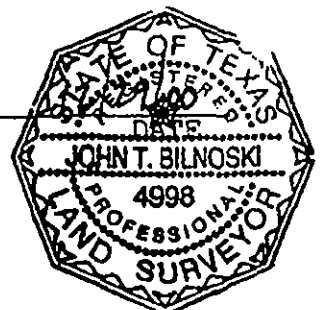
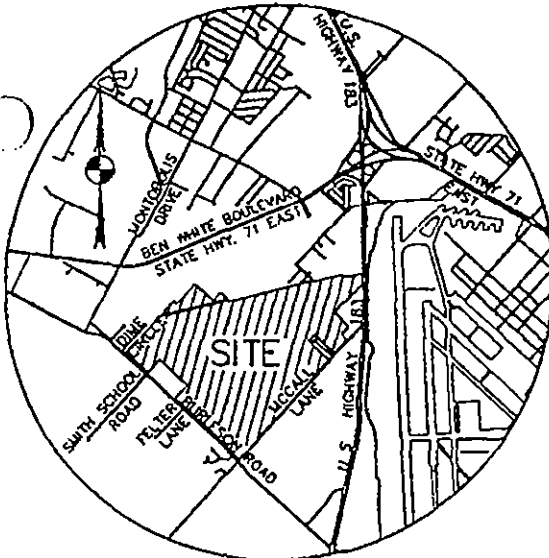
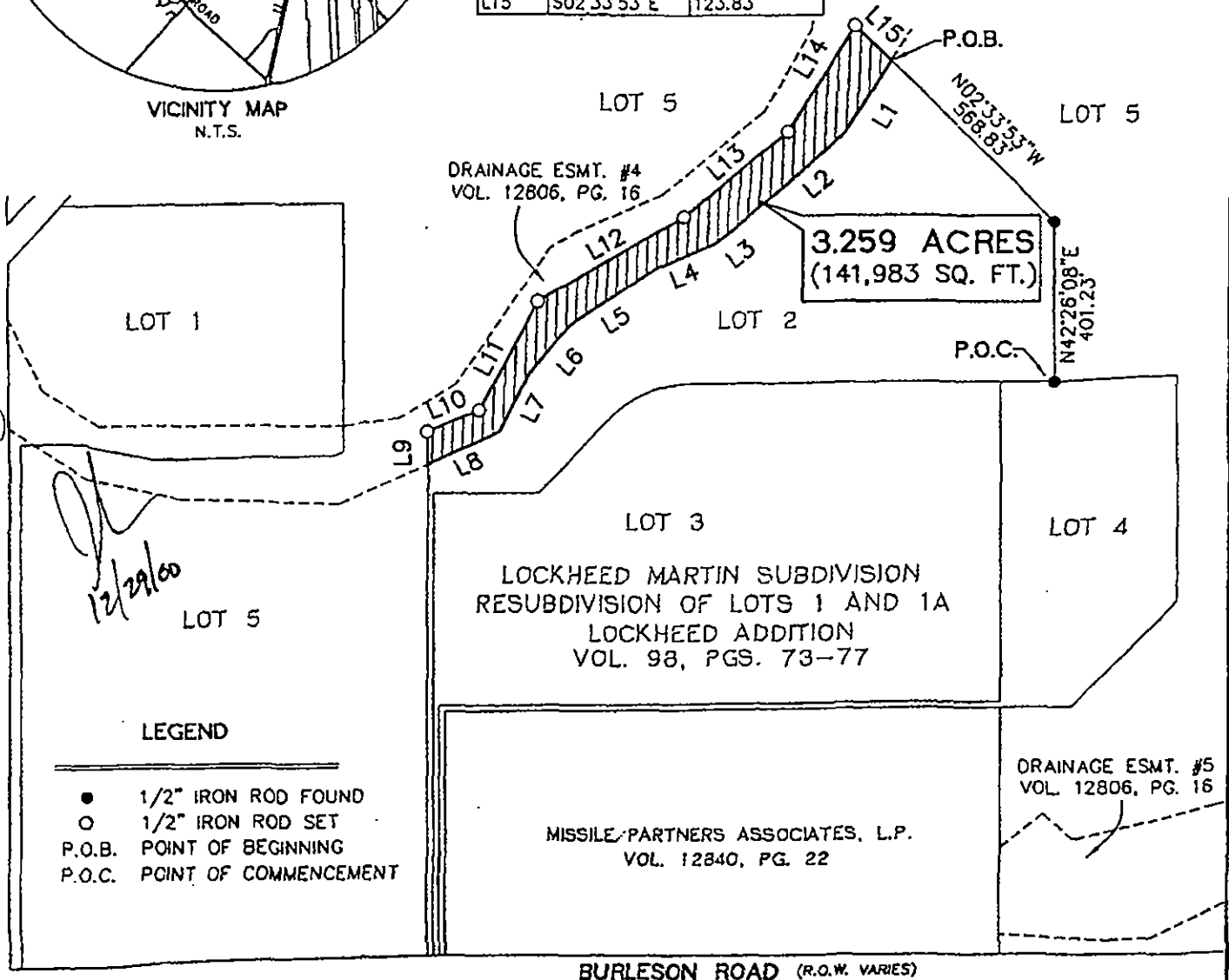
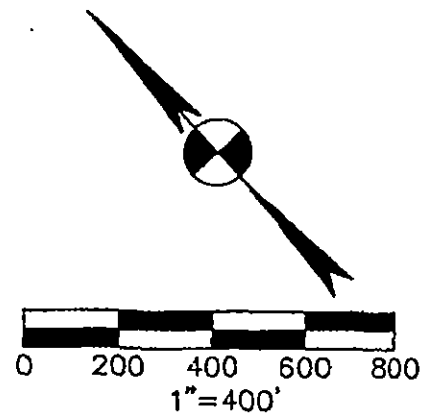


EXHIBIT C
page 2 of 3



VICINITY MAP
N.T.S.

LINE TABLE		
No.	Bearing	Distance
L1	S74°49'45"W	213.50'
L2	N89°25'44"W	350.80'
L3	N84°24'21"W	61.69'
L4	N69°51'15"W	161.92'
L5	N79°49'47"W	262.66'
L6	S83°13'24"W	163.28'
L7	S69°11'50"W	162.56'
L8	N71°48'48"W	199.47'
L9	N42°22'47"E	82.51'
L10	S70°10'00"E	142.09'
L11	N71°00'00"E	310.52'
L12	S76°54'59"E	427.90'
L13	S86°59'59"E	332.35'
L14	N74°17'01"E	306.75'
L15	S02°33'53"E	123.83'



LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

BURLESON ROAD (R.O.W. VARIES)

EXHIBIT C

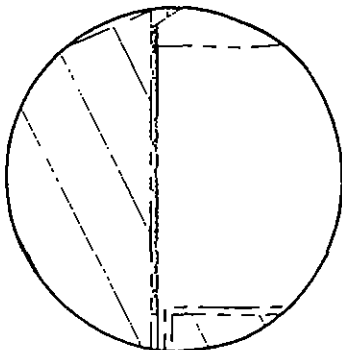
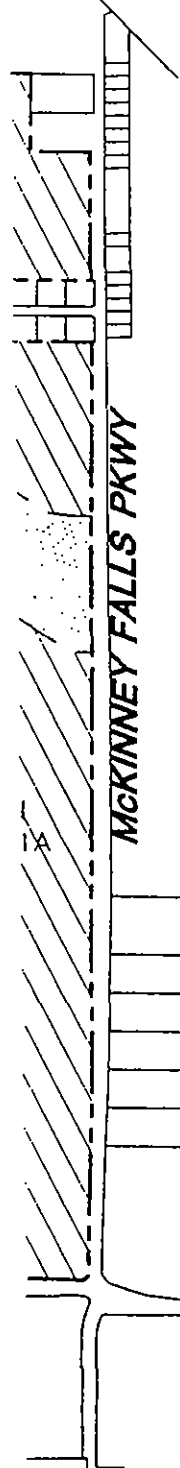
Page 3 of 3

Bury+ Partners
Consulting Engineers and Surveyors
Austin, Texas Tel 512/328-0911 Fax 512/328-0325
bury+partners, Inc. ©Copyright 2000

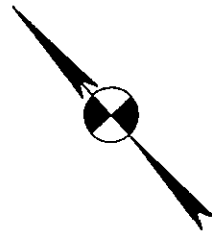
SKETCH TO ACCOMPANY DESCRIPTION
OF A 3.259 ACRE TRACT OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 2, LOCKHEED MARTIN SUBDIVISION RESUBDIVISION OF LOTS 1 AND 1A LOCKHEED ADDITION OF RECORD IN VOL. 98, PGS. 73-77 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS








**LOCKHEED MARTIN
SUBDIVISION**

WAY 183



BLOW UP OF: (4) 0.103
AC. OUT OF LOT 5
SCALE: 1" = 400'



-  TRACT 1 = LOTS 1, 4, 5 AND 19.6511 AC. TRACT
SAVE AND EXCEPT:
-  (1) COA DRAINAGE EASEMENT #4
 -  (2) 0.651 AC. OUT OF LOT 4
 -  (3) 0.372 AC. OUT OF LOT 4
 -  (4) 0.103 AC. OUT OF LOT 5
-  TRACT 2 = COA DRAINAGE EASEMENT #4
SAVE AND EXCEPT:
-  (1) 3.259 AC. OUT OF LOT 2

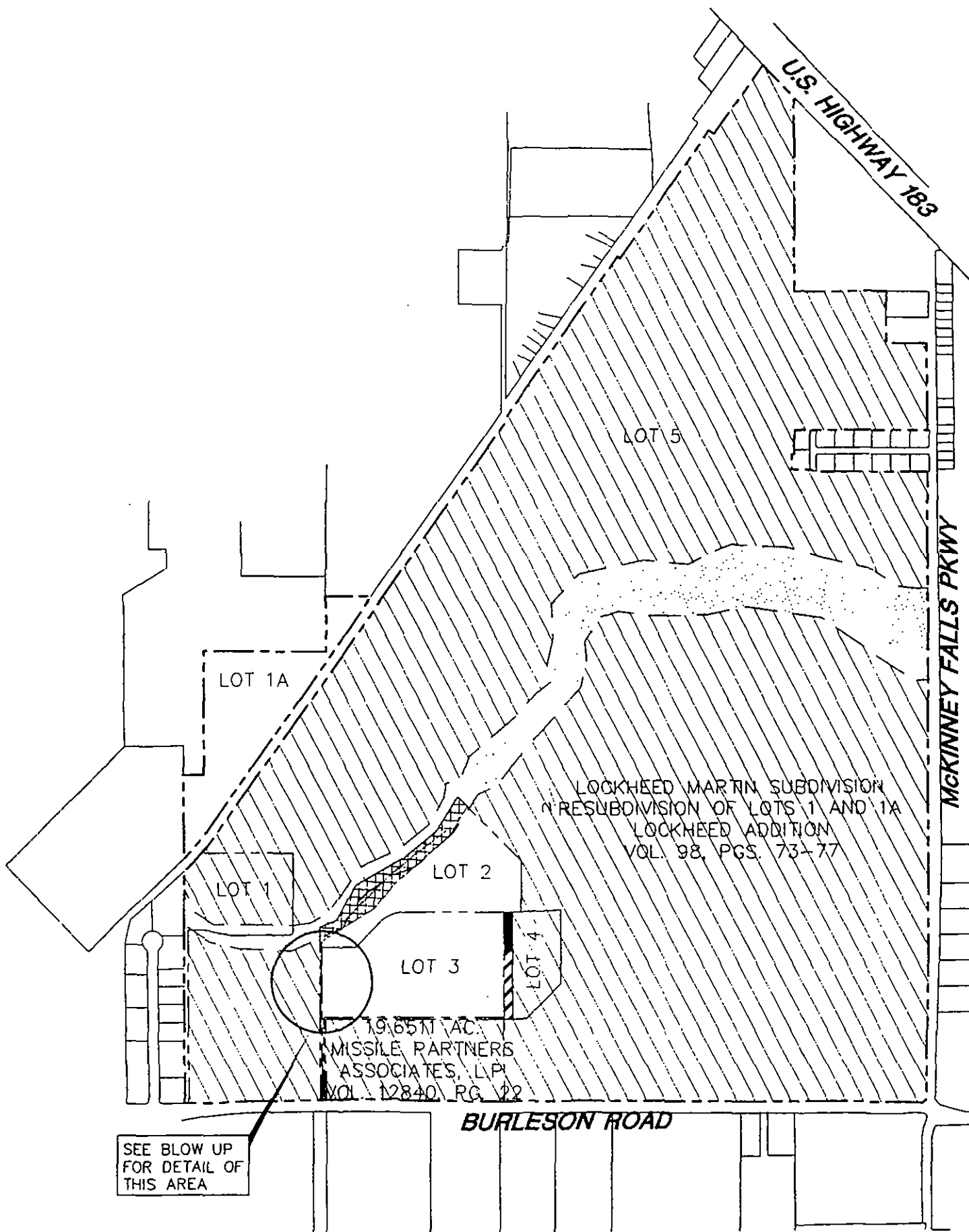
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Consulting Engineers and Surveyors
Austin, Texas Tel. 512/328-0011 Fax 512/328-0325
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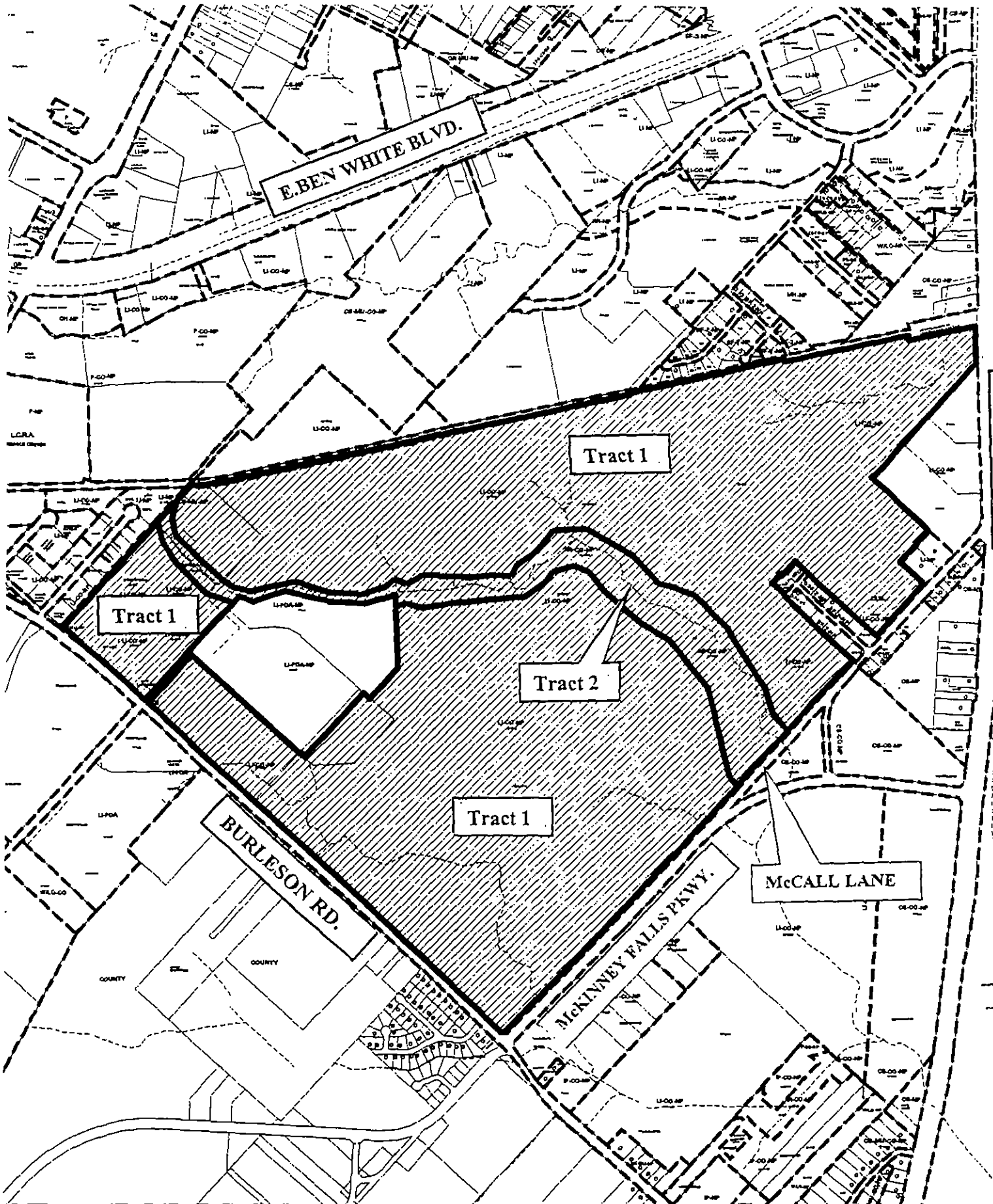
**COLORADO CROSSING
FIELDNOTES EXHIBITS**


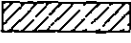


**CATELLUS COMMERCIAL
DEVELOPMENT CORPORATION**
FORMER LOCKHEED TRACT

SCALE: 1"=1000' DATE: 07/28/03
FILE G:\30\CDM\1400506\0532
DRAWN BY: SB
DESIGNED BY: B.L.
REVIEWED BY: J.B.K.
PROJECT NO.: 1400-52.08

SHEET
XX





 1" = 1200'	SUBJECT TRACT		ZONING EXHIBIT D	CITY GRID REFERENCE NUMBER L16,L17
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: W.WALSH			
CASE #: C14-03-0116			DATE: 03-11	
ADDRESS: 6800 BURLESON RD.			INTLS: TRC	
SUBJECT AREA (acres): 644.192				

149.228 ACRES
LOCKHEED MARTIN SUBDIVISION
BERGSTROM PARTNERS

FN NO. 04-009(MJJ)
JANUARY 12, 2004
BPI JOB NO. 1400-50

DESCRIPTION

OF A 149.228 ACRE TRACT OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 5, LOCKHEED MARTIN SUBDIVISION RESUBDIVISION OF LOTS 1 AND 1A LOCKHEED ADDITION, A SUBDIVISION OF RECORD IN VOLUME 98, PAGES 73-77 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 149.228 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a concrete monument found in the westerly right-of-way line of U.S. Highway 183 (R.O.W varies), being the northeasterly corner of said Lot 5, same being the southeasterly corner of that certain tract of land conveyed to the City of Austin by deed of record in Volume 3139, Page 297 of the Deed Records of Travis County, Texas for the northeasterly corner hereof;

THENCE, S01°56'09"E, along the westerly line of U.S. Highway 183, being the easterly line of said Lot 5, same being the easterly line hereof, a distance of 353.28 feet to a 1/2 inch iron rod found at the northeasterly corner of that certain 16.00 acre tract of land conveyed to Chester C. Buratti by deed of record in Volume 1061, Page 612 of said Deed Records for an angle point hereof;

THENCE, leaving the westerly line of U.S. Highway 183, along the northerly and in part the westerly line of said 16.00 acre tract, being the easterly line of said Lot 5, same being the easterly line hereof, the following two (2) courses and distances:

- 1) S42°22'47"W, a distance of 1482.85 feet to a concrete monument found at the northwesterly corner of said 16.00 acre tract for an angle point hereof;
- 2) S47°29'25"E, a distance of 731.10 feet to a concrete monument found at the northeasterly corner of that certain tract of land conveyed to Helen Ward by deed of record in Volume 7228, Page 1369 of said Deed Records for an angle point hereof;

THENCE, leaving the westerly line of said Buratti tract, along the northerly line of said Ward tract and the northerly and westerly lines of that certain tract of land conveyed to Charles Lackey by deed of record in Volume 7228, Page 1369 of said Deed Records, being a portion of the easterly line of said Lot 5, and hereof, the following two (2) courses and distances:

- 1) S42°25'43"W, a distance of 400.67 feet to a concrete monument found at the northwesterly corner of said Lackey tract for an angle point;
- 2) S47°22'59"E, a distance of 308.45 feet to a concrete monument found in the northerly right-of-way line of McCall Lane (R.O.W. varies), being the southeasterly corner of said Lot 5 for the southeasterly corner hereof;

THENCE, S42°11'47"W, along the northerly line of McCall Lane, being the southerly line of said Lot 5, same being the southerly line hereof, a distance of 670.33 feet to a 1/2 inch iron rod found in the easterly line of Lot 1, McCall Estates, a subdivision of record in Volume 64, Page 43 of said Plat Records for an angle point hereof;

THENCE, leaving the northerly line of McCall Lane, along the easterly, northerly and westerly lines of said McCall Estates and the easterly and westerly terminus of Boulevare Drive (50' R.O.W.), being the southerly line of said Lot 5, same being the southerly line hereof, the following eight (8) courses and distances:

- 1) N47°25'26"W, a distance of 1043.01 feet to a concrete monument found at the northeasterly corner of Lot 13 of said McCall Estates for an angle point;
- 2) S42°36'57"W, a distance of 151.73 feet to a 60d nail found for an angle point;
- 3) S42°28'52"W, a distance of 34.11 feet to a 1 inch iron pipe found for an angle point;
- 4) N48°45'41"W, a distance of 20.43 feet to a 1 inch iron pipe found;
- 5) S42°20'28"W, a distance of 116.67 feet to a 60d nail found at the northwesterly corner of Lot 14 of said McCall Estates for an angle point;
- 6) S47°17'45"E, a distance of 139.77 feet to a 1/2 inch iron rod found at the northerly corner of the westerly terminus of Boulevare Drive for an angle point;
- 7) S29°20'31"E, a distance of 52.75 feet to a concrete monument found at the southerly corner of the westerly terminus of Boulevare Drive for an angle point;
- 8) S47°23'58"E, a distance of 875.37 feet to a concrete monument found in the northerly line of McCall Lane for an angle point;

THENCE, leaving the westerly line of McCall Estates, along the northerly line of McCall Lane and the northerly right-of-way line of McKinney Falls Parkway (80' R.O.W.), being the southerly line of said Lot 5, same being the southerly line hereof, the following two (2) courses and distances:

- 1) S41°55'53"W, a distance of 14.25 feet to a 1/2 inch iron rod with cap set for an angle point;

- 2) S42°35'22"W, a distance of 2101.59 feet to the southwesterly corner hereof, from which a 1/2 inch iron rod with cap set for an angle point in the southerly line of said Lot 5 bears S42°35'22"W, a distance of 781.60 feet;

THENCE, leaving the northerly line of McKinney Falls Parkway, over and across said Lot 5, for the westerly line hereof, the following twenty-nine (29) courses and distances:

- 1) N03°48'40"E, a distance of 339.08 feet to a point;
- 2) N04°26'40"E, a distance of 671.02 feet to a point;
- 3) N15°09'15"E, a distance of 12.43 feet to a point;
- 4) N02°44'27"E, a distance of 47.05 feet to a point;
- 5) N06°01'19"E, a distance of 173.96 feet to a point;
- 6) N06°12'12"E, a distance of 115.68 feet to a point;
- 7) N04°28'02"E, a distance of 96.29 feet to a point;
- 8) N03°23'29"E, a distance of 135.24 feet to a point;
- 9) N03°17'13"E, a distance of 148.24 feet to a point;
- 10) N03°03'59"E, a distance of 126.18 feet to a point;
- 11) N01°46'11"E, a distance of 89.04 feet to a point;
- 12) N00°00'00"E, a distance of 52.00 feet to a point;
- 13) N02°47'34"W, a distance of 41.05 feet to a point;
- 14) N05°25'51"W, a distance of 71.32 feet to a point;
- 15) N06°48'01"W, a distance of 240.69 feet to a point;
- 16) N08°45'47"W, a distance of 255.99 feet to a point;
- 17) N08°46'40"W, a distance of 172.01 feet to a point;
- 18) N08°51'19"W, a distance of 139.66 feet to a point;
- 19) N10°24'33"W, a distance of 417.88 feet to a point;
- 20) N04°45'49"W, a distance of 12.04 feet to a point;
- 21) N18°26'06"W, a distance of 9.49 feet to a point;
- 22) N10°02'58"W, a distance of 160.46 feet to a point;


- 23) N05°11'40"W, a distance of 11.05 feet to a point;
- 24) N17°21'14"W, a distance of 8.38 feet to a point;
- 25) N09°35'48"W, a distance of 175.46 feet to a point;
- 26) N09°37'17"W, a distance of 296.17 feet to a point;
- 27) N04°54'42"W, a distance of 32.12 feet to a point;
- 28) N15°18'46"W, a distance of 21.77 feet to a point;
- 29) N08°46'17"W, a distance of 163.99 feet to a point in the southerly line of said City of Austin tract, being the northerly line of said Lot 5, for the northwesterly corner hereof, from which a concrete monument found for an angle point in the northerly line of said Lot 5 bears S77°35'41"W, a distance of 504.88 feet;

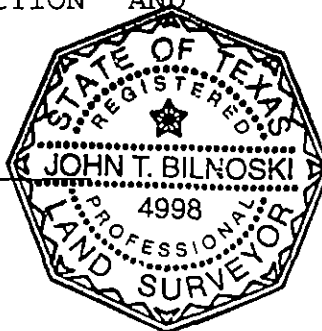
THENCE, along the southerly line of said City of Austin tract, being a portion of the northerly line of said Lot 5, for the northerly line hereof, the following five (5) courses and distances:

- 1) N77°35'41"E, a distance of 988.24 feet to a 1/2 inch iron rod found for an angle point;
- 2) S12°38'50"E, a distance of 24.89 feet to a 1/2 inch iron rod found for an angle point;
- 3) N77°35'59"E, a distance of 1199.86 feet to a concrete monument found for an angle point;
- 4) S13°01'32"E, a distance of 50.03 feet to a concrete monument found for an angle point;
- 5) N77°35'24"E, a distance of 653.28 feet to the **POINT OF BEGINNING**, containing an area of 149.228 acres (6,500,361 sq. ft.) of land, more or less, within these metes and bounds.

I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVES ROAD, SUITE 200
AUSTIN, TEXAS 78746

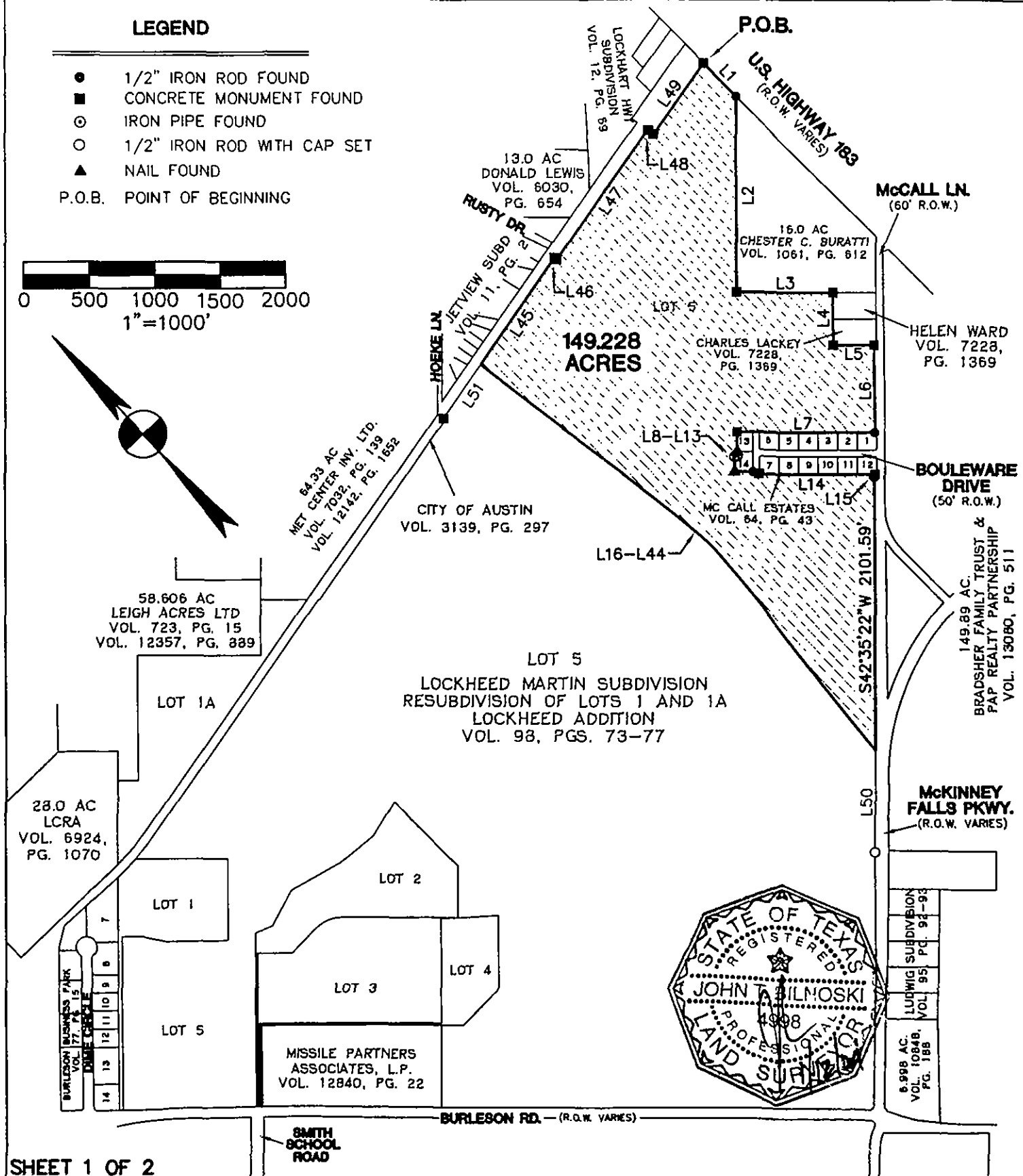
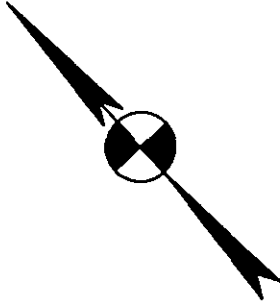

JOHN T. BILNOSKI
R.P.L.S. NO. 4998
STATE OF TEXAS



LEGEND

- 1/2" IRON ROD FOUND
- CONCRETE MONUMENT FOUND
- IRON PIPE FOUND
- 1/2" IRON ROD WITH CAP SET
- ▲ NAIL FOUND
- P.O.B. POINT OF BEGINNING

0 500 1000 1500 2000
1"=1000'



SHEET 1 OF 2

Bury+ Partners
Consulting Engineers and Surveyors
Austin, Texas Tel 512/328-0011 Fax 512/328-0325
Bury+Partners, Inc. ©Copyright 2004

SKETCH TO ACCOMPANY DESCRIPTION

OF 149,228 ACRES OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 5, LOCKHEED MARTIN SUBDIVISION RESUBDIVISION OF LOTS 1 AND 1A LOCKHEED ADDITION, A SUBDIVISION OF RECORD IN VOLUME 96, PAGES 73-77 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

BERGSTROM PARTNERS LP

LOCKHEED TRACT

DATE: 01/12/04

FILE: H:\1400\50\140050EX2.dwg

FN No.: FN04-009(MJJ)

DRAWN BY: M.J.J.

PROJ. No: 1400-50.981

LINE TABLE

No.	Bearing	Distance
L1	S01°56'09"E	353.28'
L2	S42°22'47"W	1482.85'
L3	S47°29'25"E	731.10'
L4	S42°25'43"W	400.67'
L5	S47°22'59"E	308.45'
L6	S42°11'47"W	670.33'
L7	N47°25'26"W	1043.01'
L8	S42°36'57"W	151.73'
L9	S42°28'52"W	34.11'
L10	N48°45'41"W	20.43'
L11	S42°20'28"W	116.67'
L12	S47°17'45"E	139.77'
L13	S29°20'31"E	52.75'
L14	S47°23'58"E	875.37'
L15	S41°55'53"W	14.25'
L16	N03°48'40"E	339.08'
L17	N04°26'40"E	671.02'
L18	N15°09'15"E	12.43'
L19	N02°44'27"E	47.05'
L20	N06°01'19"E	173.96'
L21	N06°12'12"E	115.68'
L22	N04°28'02"E	96.29'
L23	N03°23'29"E	135.24'
L24	N03°17'13"E	148.24'
L25	N03°03'59"E	126.18'
L26	N01°46'11"E	89.04'

No.	Bearing	Distance
L27	N00°00'00"E	52.00'
L28	N02°47'34"W	41.05'
L29	N05°25'51"W	71.32'
L30	N06°48'01"W	240.69'
L31	N08°45'47"W	255.99'
L32	N08°46'40"W	172.01'
L33	N08°51'19"W	139.66'
L34	N10°24'33"W	417.88'
L35	N04°45'49"W	12.04'
L36	N18°26'06"W	9.49'
L37	N10°02'58"W	160.46'
L38	N05°11'40"W	11.05'
L39	N17°21'14"W	8.38'
L40	N09°35'48"W	175.46'
L41	N09°37'17"W	296.17'
L42	N04°54'42"W	32.12'
L43	N15°18'46"W	21.77'
L44	N08°46'17"W	163.99'
L45	N77°35'41"E	988.24'
L46	S12°38'50"E	24.89'
L47	N77°35'59"E	1199.86'
L48	S13°01'32"E	50.03'
L49	N77°35'24"E	653.28'
L50	S42°35'22"W	781.60'
L51	S77°35'41"W	504.88'

BEARING BASIS:

THE BEARING BASIS OF THE SURVEY SHOWN HEREON IS TEXAS STATE PLANE COORDINATES CENTRAL ZONE (HARN-NAD83) AND WERE DETERMINED BY GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS CONNECTED TO THE FOLLOWING:

BM0920-DESIGNATION MARBRIDGE LOCATED IN TRAVIS COUNTY, TEXAS, USGS, QUAD-OAK HILL (1988), 1.25 MILES WEST-SOUTHWEST OF MANCHACA IN FLAT GRASS NEAR THE BACKSTOP AT THE SOUTHWEST CORNER OF A BASEBALL DIAMOND AT THE MARBRIDGE HOME FOR BOYS.

AUSTIN RRP-COOPERATIVE BASE NETWORK CONTROL STATION AND AN "A" ORDER HARN STATION LOCATED ON THE ROOF OF BUILDING 4 OF THE TEXAS DEPARTMENT OF TRANSPORTATION OFFICES AT CAMP HUBBARD, LOOP 1 @ 35th STREET, AUSTIN, TEXAS 78731.

SHEET 2 OF 2

Bury+ Partners
Consulting Engineers and Surveyors
Austin, Texas Tel 512/328-0911 Fax 512/328-0325
Bury+Partners, Inc. ©Copyright 2004

SKETCH TO ACCOMPANY DESCRIPTION

OF 149.228 ACRES OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 5, LOCKHEED MARTIN SUBDIVISION RESUBDIVISION OF LOTS 1 AND 1A LOCKHEED ADDITION, A SUBDIVISION OF RECORD IN VOLUME 96, PAGES 73-77 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

BERGSTROM PARTNERS LP

LOCKHEED TRACT

DATE: 01/12/04

FILE: H:\1400\50\140050EX2.dwg

FN No.: FN04-009(MJJ)

DRAWN BY: M.J.J.

PROJ. No: 1400-50.981

**DECLARATION OF RESTRICTIVE COVENANTS REGARDING
WATER QUALITY SETBACKS**

THIS DECLARATION OF RESTRICTIVE COVENANTS REGARDING WATER QUALITY SETBACKS (this "Declaration") is entered into and effective as of the 11th day of August, 2003, by Bergstrom Partners, L.P., a Delaware limited partnership ("Declarant").

zh

**I.
GENERAL RECITALS:**

- A. Declarant is the owner of that certain tract of land more particularly described on the attached **EXHIBIT "A"** (the "Property");
- B. Definitions.
1. Owners. The term "Owner" means, individually, and the term "Owners" means, collectively, Developer and all future owners of the fee interest or any portion of the Property (whether such fee interest is obtained through a purchase from Developer or through a purchase at a foreclosure sale or trustee's sale or through a deed in lieu of foreclosure) and their successors and assigns.
 2. Creeks A, B, C, and D. The term "Creek A" means the creek identified on the Property part of which is classified as minor, intermediate, or major waterway under City Code Section 25-8-91 and identified on **EXHIBIT "B"** attached and incorporated by reference. The term "Creek B" means the creek part of which is classified as minor, intermediate, or major waterway under City Code Section 25-8-91 and identified on **EXHIBIT "B"**. The term "Creek C" means the unclassified creek on the Property identified on **EXHIBIT "C"** attached and incorporated by reference. The term "Creek D" means the unclassified creek on the Property identified on **EXHIBIT "C"**.
- C. Declarant has agreed to impose certain covenants and conditions for the benefit of the Property in order to maintain or enhance the water quality of Creeks A, B, C, and D as described in this Declaration.

NOW, THEREFORE, it is hereby declared that the Property be subject to the following covenants, conditions and restrictions which shall run with the Property and shall be binding upon all parties having right, title, or interest in or to such portion of the Property or any part, their heirs, successors, and assigns and shall inure to the benefit of each Owner. Each contract, deed or conveyance of any kind conveying all or a portion of such Property shall conclusively be held to have been executed, delivered, and accepted subject to the following covenants, conditions and restrictions, regardless of whether or not the same are set out in full or by reference in said contract, deed or conveyance.

II. SPECIFIC AGREEMENTS AND RESTRICTIONS:

1. Recitals Incorporated. The above Recitals and all terms defined therein are incorporated into this Restrictive Covenant for all purposes.
2. Creeks A and B. For the portions of each of Creeks A and B that are unclassified, the building setback shall be 50 feet on either side of the centerline of the affected Creek. Improvements permitted within such setback are limited to utility crossings, hike and bike trails, driveway crossings and roadway crossings, or those improvements that may be otherwise required by the City. For the portions of each of Creeks A and B that are classified, declarant shall maintain Creeks A and B in their current, natural condition. Declarant may not make floodplain modifications, and Declarant agrees that the City's regulations apply to development on or near Creeks A and B. Notwithstanding the above, Declarant may:
 - (a) use Creeks A and B in a manner allowed by City Code; and
 - (b) use Creeks A and B in a manner authorized in a recorded document accepted and signed by the City; and
 - (c) use Creeks A and B in a manner authorized in writing by the City under Section 25-8-42 of the City Code.
3. Creeks C and D. Except as otherwise provided in this Declaration, Declarant shall not allow improvements other than utility crossings, hike and bike trails, driveway crossings, and roadway crossings within fifty feet (50') of the centerline of either Creek C or Creek D (the "50' Setback") without the prior written consent of the Director of the City's Department of Watershed Protection and Development Review (or successor department), provided, however, that notwithstanding the foregoing, the 50' Setback shall not apply if an owner or developer of any part of the Property otherwise affected by the 50' Setback (a "Developer") provides for a water quality system with the following three characteristics:

- (a) Construction of a water quality system that incorporates a "wet pond/detention" facility, which system provides equal or greater water quality and erosion control protection than would be provided pursuant to applicable standards under the City's Land Development Code (or successor ordinance) in effect at the time of the application for development within the 50' Setback (the "Code"), as determined by generally accepted engineering and other relevant data; and
- (b) Water quality capture volume equal to at least 125% of the capture volume required for minor waterways in a suburban watershed, as well as detention of the 1-year storm event, both as required under the Code; and
- (c) A water quality/detention pond of an area at least as large as would be covered by the 50' Setback, which pond does not have to be constructed "in line" with the existing drainage way but does have to be located in the same drainage basin as the affected creek. The drainage way may be rerouted to meet site development standards. The water quality pond must only be sized for property being permitted and not for off-site areas. Declarant must provide both maintenance of the pond/s and makeup water to maintain the permanent pool level/s.

4. General Provisions.

- A. Inurement. This Declaration shall inure to the benefit of and be binding upon each of Declarant and the City, and their respective successors, assigns, transferees, and grantees.
- B. Duration. Unless terminated under Paragraph 4(C), this Declaration shall remain in full force and effect in perpetuity.
- C. Modification or Cancellation. Except as otherwise provided in paragraph 3 with regard to variations within the 50' Setback, this Declaration may not be modified in any respect or canceled, in whole or part, except with the consent of each of Declarant and the City and then only by written instrument duly executed and acknowledged by both of such parties and recorded in the Real Property Records, in Travis County, Texas. Nothing herein contained shall give any occupant or user (other than the Declarant or a Developer) any right to object to any such modification or cancellation.
- D. Severability. If any provision of this Declaration shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable, unless enforcement of the Declaration as so invalidated would be unreasonable or grossly inequitable under the circumstances or would frustrate the purpose of this Declaration.

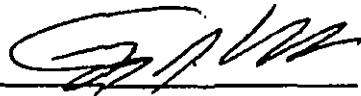
- E. Entire Agreement. This Declaration contains all the representations and the entire agreement of the Declarant with respect to the subject matter hereof. Any prior correspondence, memoranda, or agreements are superseded in total by this Declaration. The provisions of this Declaration shall be construed as a whole according to their common meaning and not strictly for or against Declarant or the City.
- F. Captions. The captions preceding the text of each Article and Subsection hereof are included only for convenience of reference and shall be disregarded in the construction and interpretation of this Declaration.
- G. Governing Law: Place of Performance. This Declaration and all rights and obligations created hereby shall be governed by the laws of the State of Texas. This Declaration is performable only in Travis County, Texas.
- H. Negation of Partnership. None of the terms or provisions of this Declaration shall be deemed to create a partnership between or among Declarant and the City or any owners, mortgagees, occupants, users or other persons in their respective businesses or otherwise; nor shall it cause them to be considered joint venturers or members of any joint enterprise. This Declaration is not intended nor shall it be construed to create any third party beneficiary rights in any person.
- I. Enforcement. If any person, persons, corporation, or entity of any other character shall violate or attempt to violate this Declaration, it shall be lawful for the City of Austin, a municipal corporation, and its successors to prosecute proceedings at law, or in equity, against said person or entity violating or attempting to violate such covenant and to prevent said person or entity from violating or attempting to violate such covenant. The failure at any time to enforce this Declaration by the City of Austin or its successors, whether any violations hereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

DECLARANT:

BERGSTROM PARTNERS, L.P.,
a Delaware limited partnership

By: Bergstrom Business Center, L.P.,
a Delaware limited partnership,
its: General & Administrative Partner

By: Catellus McKinney Falls, LLC,
a Delaware limited liability company,
its: general partner

By: 
Name: Gregory J. Weaver
Title: Vice President, Development

and

By: Farallon Missile Management, LLC,
a Delaware limited liability company,
its Co-general partner

By: Farallon Missile Investors, LLC,
a Delaware limited liability company,
its manager

By: Farallon Capital Management, L.L.C.,
a Delaware limited liability
company,
its manager

By: _____
Name: _____
Title: _____

ACCEPTED:THE CITY OF AUSTIN

By: _____
Name: _____
Title: _____
Date : _____

APPROVED AS TO FORM:

By: 
Assistant City Attorney

By: Catellus McKinney Falls, LLC,
a Delaware limited liability company,
its: general partner

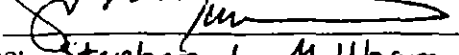
By: _____
Name: Gregory J. Weaver
Title: Vice President, Development

and

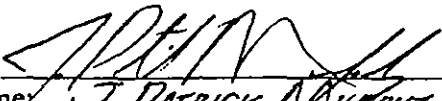
By: Farallon Missile Management, LLC,
a Delaware limited liability company,
its Co-general partner

By: Farallon Missile Investors, LLC,
a Delaware limited liability company,
its manager

By: Farallon Capital Management, L.L.C.,
a Delaware limited liability
company,
its manager

By: 
Name: Stephen L. Millham
Title: Managing Member

ACCEPTED: THE CITY OF AUSTIN

By: 
Name: J. PATRICK MURPHY
Title: ENVIRONMENTAL OFFICER
Date: 9/10/03

APPROVED AS TO FORM:

By: _____
Assistant City Attorney

STATE OF Texas

§

COUNTY OF Travis

§

§

This instrument was acknowledged before me on August 6, 2003,
by Gregory J. Weaver of Catellus McKinney Falls, LLC, a Delaware limited
liability company, general partner of Bergstrom Business Center, L.P., a Delaware limited
partnership, General and Administrative Partner of Bergstrom Partners, L.P., a Delaware limited
partnership, on behalf of said limited liability company and limited partnerships.



Notary Public in and for the State of TX

STATE OF _____

§

COUNTY OF _____

§

§

This instrument was acknowledged before me on _____, 2003,
by _____, _____ of Farallon Capital Management, LLC, a Delaware
limited liability company, manager of Farallon Missile Investors, LLC, a Delaware limited
liability company, manager of Farallon Missile Management, LLC, a Delaware limited liability
company, Co-general partner of Bergstrom Partners, L.P., a Delaware limited partnership, on
behalf of said limited liability companies and limited partnership.

Notary Public in and for the State of _____

STATE OF _____ §
COUNTY OF _____ §

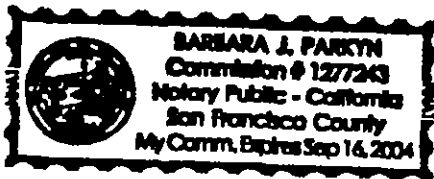
This instrument was acknowledged before me on _____, 2003,
by _____ of Catellus McKinney Falls, LLC, a Delaware limited
liability company, general partner of Bergstrom Business Center, L.P., a Delaware limited
partnership, Co-general partner of Bergstrom Partners, L.P., a Delaware limited partnership, on
behalf of said limited liability company and limited partnerships.

Notary Public in and for the State of _____

STATE OF California §
COUNTY OF San Francisco §

This instrument was acknowledged before me on August 11, 2003,
by Stephen L. Millham, Managing Member of Farallon Capital Management, LLC, a Delaware
limited liability company, manager of Farallon Missile Investors, LLC, a Delaware limited
liability company, manager of Farallon Missile Management, LLC, a Delaware limited liability
company, Co-general partner of Bergstrom Partners, L.P., a Delaware limited partnership, on
behalf of said limited liability companies and limited partnership.

Notary Public in and for the State of California



Barbara J. Parkyn
Barbara J. Parkyn, Notary Public

AFTER RECORDING RETURN TO:

LAW DEPARTMENT
CITY OF AUSTIN
P.O. BOX 1088
AUSTIN, TEXAS 78767
ATTN: DIANA MINTER, PARALEGAL

Exhibit "A"

Description or Depiction of Property

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

DESCRIPTION OF LAND

All of Lot 5, Lockheed Martin Subdivision, Re-subdivision of Lots 1 and 1A Lockheed Addition, a subdivision of record in Volume 98, 73-77, Plat Records of Travis County, Texas, together with a 19.6511 acre tract of land being more particularly on Exhibit "A-1" attached hereto.

EXHIBIT A-1

FIELD NOTES
FOR

TRACT 3 - 19.651 ACRES

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN (19.6511 ACRE) TRACT AS CONVEYED TO LOCKHEED MISSILES AND SPACE CO., INC. AS DESCRIBED IN VOLUME 12114, PAGE 2971 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron pin with aluminum cap found in the northeast R.O.W. line of Burleson Road, at a relocated re-entrant corner of Lot 1, Lockheed Addition, a subdivision in Travis County, Texas, according to the map or plat of record in Plat Book 83 Pages 20-23 of the Plat Records of Travis County, Texas, same being at the most Northerly corner of that certain 32,067 Square foot tract of land conveyed to Travis County by Instrument of record in Volume 10689 Page 916 of the Real Property Records of Travis County, Texas, same being at the most Easterly corner of that certain 27,664 Square foot tract of land conveyed to Travis County by instrument of record in Vol. 10999 Pg. 679 of the Real Property Records of Travis County, Texas, same being at the most Southerly corner of that certain (19.6511 Acre) tract of land conveyed to Lockheed Missiles and Space Co., Inc. by instrument of record in Volume 12114 Pg. 2971 of the Real Property Records of Travis County, Texas, for the most Southerly corner and PLACE OF BEGINNING hereof;

THENCE along the Northeast R.O.W. line of Burleson Road, same being the northeast line of the said Travis County 27,664 Square foot tract, the following courses:

N 47 deg. 19' 59" W for a distance of 576.25 feet to a 1/2 inch iron pin with aluminum cap found.

N 46 deg. 22' 18" W for a distance of 379.73 feet to a 1/2 inch iron pin with aluminum cap found at a point of curve to the left, for an angle point in this tract;

THENCE continuing along the northeast R.O.W. line of Burleson Road, along said curve to the left, whose radius is 5774.43 feet, whose arc distance is 219.23 feet, and whose chord bears N 47 deg. 27' 10" W for a distance of 219.22 feet to a 1/2 inch iron pin with aluminum cap found at the point of tangency, for an angle point in this tract;

THENCE continuing along the northeast R.O.W. line of Burleson Road, N 48 deg. 29' 43" W for a distance of 202.51 feet to a 60D Nail Found in a Hackberry Stump at a relocated re-entrant corner of said Lot 1, Lockheed Addition, same being at the most Northerly corner of the said Travis County 27,664 Square foot tract, same

FIELD NOTES FOR

TRACT 3 - 19.651 ACRES

being at the most Westerly corner of the said Lockheed Missiles and Space Co. tract, for the most Westerly corner of this tract;

THENCE along the common dividing lines of the said Lockheed Missiles and Space Co. tract, and the said Lot 1, the following courses:


N 42 deg. 22' 47" E for a distance of 617.35 feet to a concrete monument found

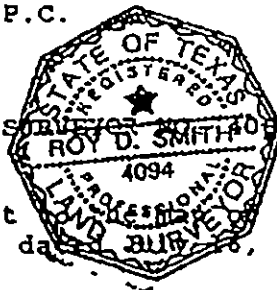
S 47 deg. 38' 49" E for a distance of 1381.86 feet to a concrete monument found

S 42 deg. 46' 13" W for a distance of 626.72 feet to the PLACE OF BEGINNING, containing 19.651 acres of land.

I hereby certify that this metes and bounds description is based upon the Land Title Survey and Plat made by Roy D. Smith, Registered Professional Surveyor No. 4094.

AS SURVEYED BY:
ROY D. SMITH SURVEYORS, P.C.


ROY D. SMITH
REGISTERED PROFESSIONAL SURVEYOR



July 16, 1996

Prepared as an attachment to the Survey of Tract 3 as surveyed by Roy D. Smith Surveyors, P.C. dated July 16, 1996

lock20.wp

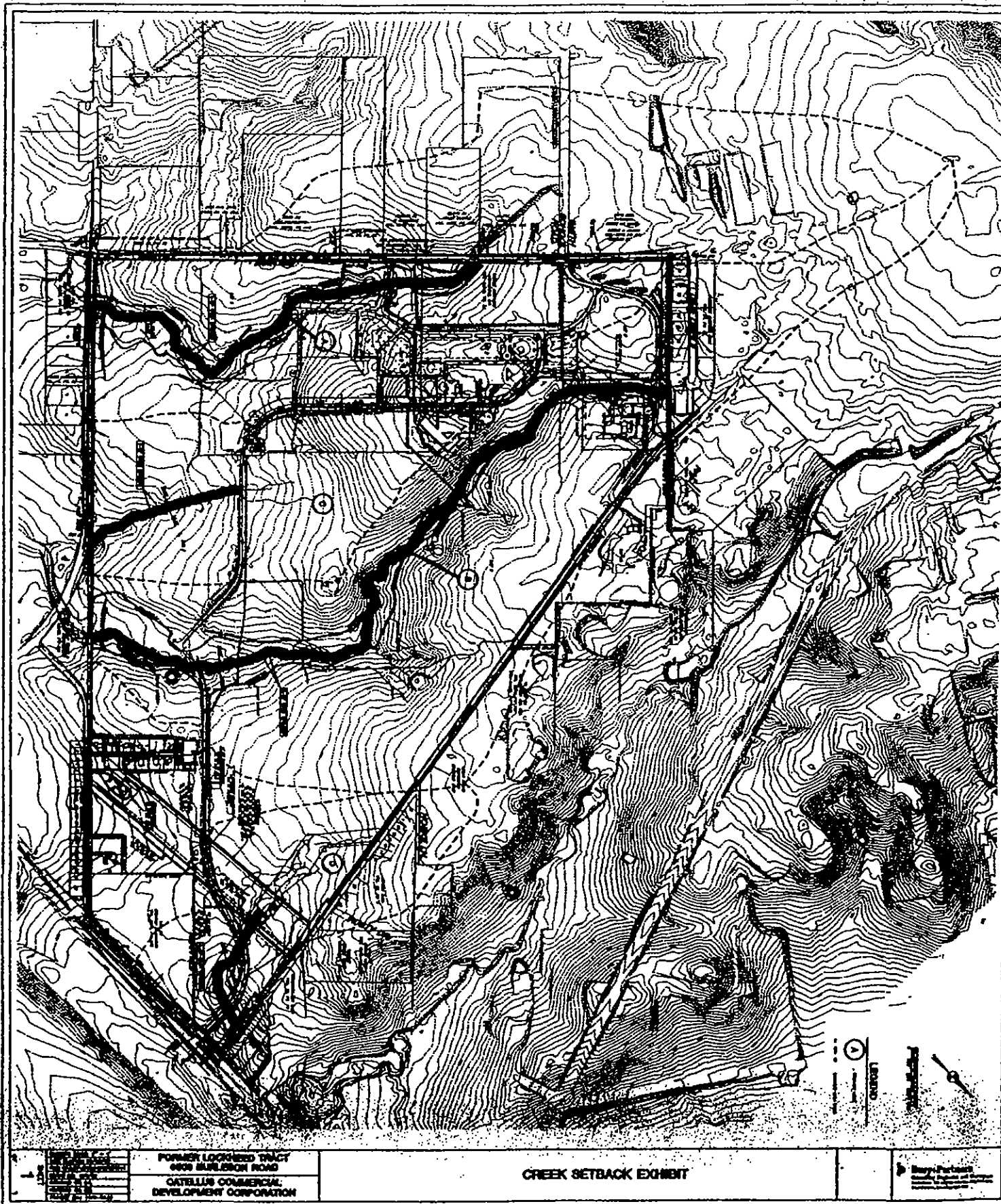


EXHIBIT "B"

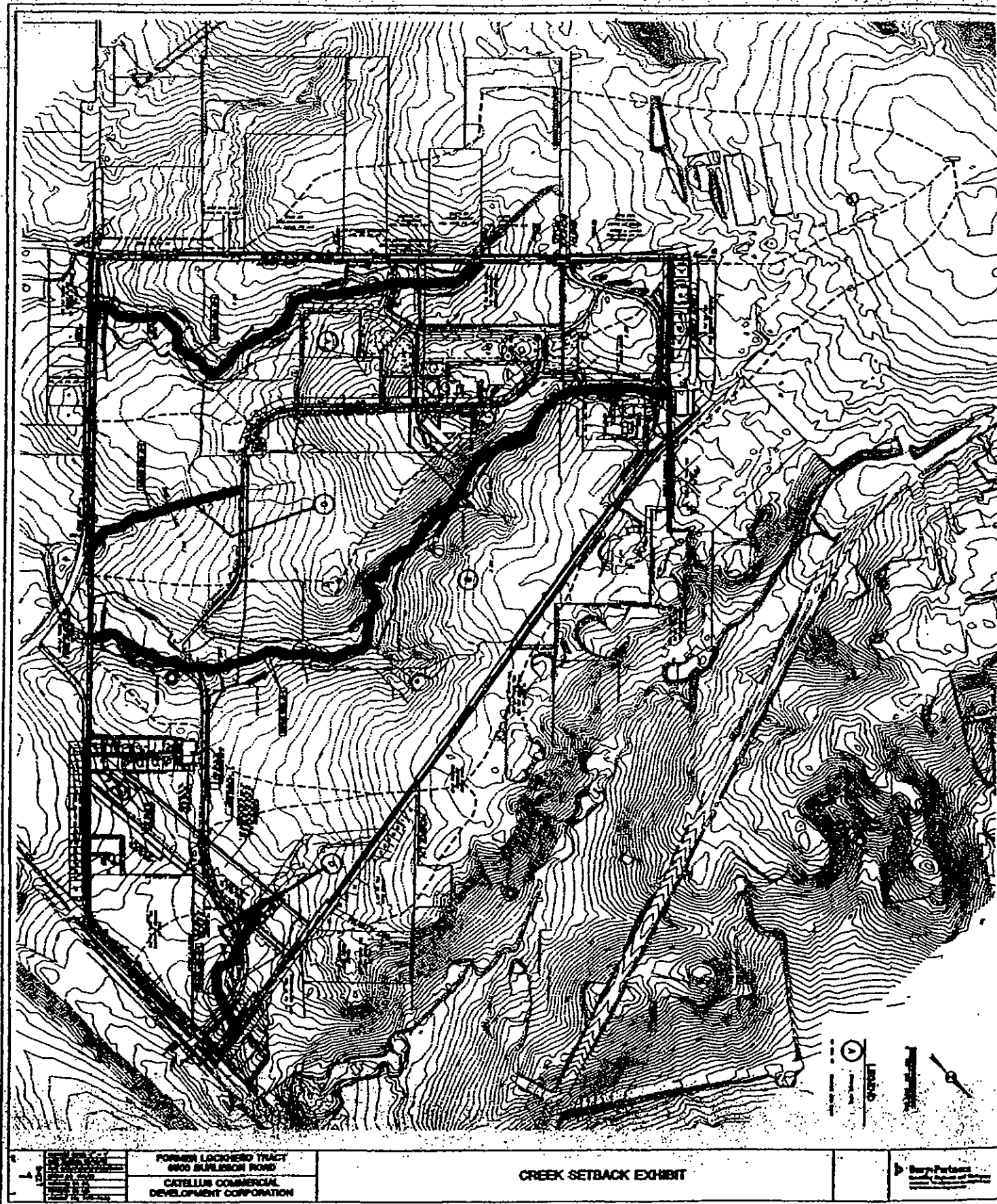


EXHIBIT "C"

NOTHING FURTHER CERTIFICATE

File No. A-038739

This is to certify that we have searched the records of Travis County in the Office of Heritage Title Company of Austin, Inc., from April 7, 2003 at 8:00 a.m. through July 25, 2003 at 8:00 a.m. as to the following described property, to-wit:

LEGAL DESCRIPTION

624.238 acre tract of land situated in the City of Austin, Travis County, Texas, being all of Lot 5, Lockheed Martin Subdivision, Resubdivision of Lots 1 & 1A, Lockheed Addition, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 98, Pages 73-77, of the Plat Records of Travis County, Texas, and also being that certain 19.6511 acre tract of land conveyed to Missile Partners Association. Said tract being more particularly described by metes and bounds as shown on Exhibit A attached hereto.

Note: The Company does not represent that the above acreage or square footage calculations are correct.

RECORD TITLE APPEARS TO BE VESTED IN: Bergstrom Partners, L. P., by deed recorded under Document No. 2003076290, Official Public Records of Travis County, Texas.

The following matters of record affect title to the subject property as follows to wit:

1. Warranty Deed dated April 4, 2003, recorded under Document No. 2003076290, Official Public Records of Travis County, Texas, executed by Missile Partners Associates, L. P., to Bergstrom Partners, L. P.

The following information is based on a general search, from July 25, 1993 through July 25, 2003 as to the following person(s) and/or entity(ies):

Bergstrom Partners, L. P.

(None of Record)

This certificate is for the use of and shall inure to the benefit of Republic Title of Texas, Inc., and is issued in consideration of \$125.00 paid to Heritage Title Company of Austin, Inc., (The Company) by same to whom said sum shall be returned as liquidated damages in the event of any mistake, error and or omissions herein, and by accepting this certificate, same agrees that said sum and no more shall constitute the full measure of

damages against the Company. None of the information contained herein, or the absence of other information constitutes a representation to any party as to the status of the title to the subject property. If a title defect and/or encumbrance should exist which is not disclosed herein, the Company shall not be liable by reason of furnishing this certificate or for any verbal statements related thereto. The Company shall not be liable for any title defect unless a title policy is hereafter issued by its insuring against such title defect, and the applicable title policy premium paid. The company's liability shall then exist only under the terms of its policy as prescribed by the Department of Insurance and as measured and limited thereby.

HERITAGE TITLE COMPANY OF AUSTIN, INC.

R. Albritton

Rosie Albritton

Customer Service/Examiner

EXHIBIT A

624.238 ACRES
LOT 5, LOCKHEED MARTIN SUBDIVISION
AND MISSILE PARTNERS TRACT

FN NO. 02-374(MM)
DECEMBER 15, 2001
BPI JOB NO. 1094-01.92

DESCRIPTION

OF A 624.238 ACRE TRACT OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING ALL OF LOT 5, LOCKHEED MARTIN SUBDIVISION RESUBDIVISION OF LOTS 1 AND 1A LOCKHEED ADDITION, A SUBDIVISION OF RECORD IN VOLUME 98, PAGES 73-77 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND ALSO BEING THAT CERTAIN 19.6511 ACRE TRACT OF LAND CONVEYED TO MISSILE PARTNERS ASSOCIATES, L.P. BY DEED OF RECORD IN VOLUME 12840, PAGE 22 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID LOT 5 HAVING BEEN CONVEYED TO MISSILE PARTNERS ASSOCIATES, L.P. BY DEED OF RECORD IN VOLUME 12840, PAGE 22 OF SAID REAL PROPERTY RECORDS; SAID 624.238 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a concrete monument found in the westerly right-of-way line of U.S. Highway 183 (R.O.W varies), being the northeasterly corner of said Lot 5, same being the southeasterly corner of that certain tract of land conveyed to the City of Austin by deed of record in Volume 3139, Page 297 of the Deed Records of Travis County, Texas for the northeasterly corner hereof;

THENCE, S01°56'09"E, along the westerly line of U.S. Highway 183, being the easterly line of said Lot 5, same being the easterly line hereof, a distance of 353.28 feet to a 1/2 inch iron rod found at the northeasterly corner of that certain 16.00 acre tract of land conveyed to Chester C. Buratti by deed of record in Volume 1061, Page 612 of said Deed Records for an angle point hereof;

THENCE, leaving the westerly line of U.S. Highway 183, along the northerly and in part the westerly line of said 16.00 acre tract, being the easterly line of said Lot 5, same being the easterly line hereof, the following two (2) courses and distances:

- 1) S42°22'47"W, along that certain Boundary Line Agreement of record in Document No. 2002002742 of the Official Public Records of Travis County, Texas, a distance of 1482.85 feet to a concrete monument found at the end of said Boundary Line Agreement of record, for an angle point hereof;
- 2) S47°29'25"E, a distance of 731.10 feet to a concrete monument found at the northeasterly corner of that certain tract of land conveyed to Helen Ward by deed of record in Volume 7228, Page 1369 of said Deed Records for an angle point hereof;

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THENCE, leaving the westerly line of said Buratti tract, along the northerly line of said Ward tract and the northerly and westerly lines of that certain tract of land conveyed to Charles Lackey by deed of record in Volume 7228, Page 1369 of said Deed Records, being a portion of the easterly line of said Lot 5, and hereof, the following two (2) courses and distances:

- 1) S42°25'43"W, a distance of 400.67 feet to a concrete monument found at the northwesterly corner of said Lackey tract for an angle point;
- 2) S47°22'59"E, a distance of 308.45 feet to a concrete monument found in the northerly right-of-way line of McCall Lane (R.O.W. varies), being the southeasterly corner of said Lot 5 for the southeasterly corner hereof;

THENCE, S42°11'47"W, along the northerly line of McCall Lane, being the southerly line of said Lot 5, same being the southerly line hereof, a distance of 670.32 feet to a 1/2 inch iron rod found in the easterly line of Lot 1, McCall Estates, a subdivision of record in Volume 64, Page 43 of said Plat Records for an angle point hereof;

THENCE, leaving the northerly line of McCall Lane, along the easterly, northerly and westerly lines of said McCall Estates and the easterly and westerly terminus of Bouleware Drive (50' R.O.W.), being the southerly line of said Lot 5, same being the southerly line hereof, the following eight (8) courses and distances:

- 1) N47°25'26"W, a distance of 1043.01 feet to a concrete monument found at the northeasterly corner of Lot 13 of said McCall Estates for an angle point;
- 2) S42°36'57"W, a distance of 151.73 feet to a 60d nail found for an angle point;
- 3) S42°28'52"W, a distance of 34.11 feet to a 1 inch iron pipe found for an angle point;
- 4) N48°45'41"W, a distance of 20.43 feet to a 1 inch iron pipe found;
- 5) S42°20'28"W, a distance of 116.67 feet to a 60d nail found at the northwesterly corner of Lot 14 of said McCall Estates for an angle point;
- 6) S47°17'45"E, a distance of 139.77 feet to a 1/2 inch iron rod found at the northerly corner of the westerly terminus of Bouleware Drive for an angle point;

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- 7) S29°20'31"E, a distance of 52.75 feet to a concrete monument found at the southerly corner of the westerly terminus of Bouleware Drive for an angle point;
- 8) S47°23'58"E, a distance of 875.37 feet to a concrete monument found in the northerly line of McCall Lane for an angle point;

THENCE, leaving the westerly line of McCall Estates, along the northerly line of McCall Lane and the northerly right-of-way line of McKinney Falls Parkway (80' R.O.W.), being the southerly line of said Lot 5, same being the southerly line hereof, the following four (4) courses and distances:

- 1) S41°55'53"W, a distance of 14.25 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) S42°35'22"W, a distance of 2883.19 feet to a 1/2 inch iron rod with cap set for an angle point;
- 3) S42°25'40"W, a distance of 1014.74 feet to a 1/2 inch iron rod with cap set for an angle point;
- 4) S43°51'43"W, a distance of 942.91 feet to a 1/2 inch iron rod with cap set for the southwesterly corner hereof, being the southwesterly corner of said Lot 5;

THENCE, S87°31'20"W, leaving the northerly line of McKinney Falls Parkway, along the irregular westerly line of said Lot 5, being the northeasterly right-of-way cutback of the intersection of McKinney Falls Parkway and Burleson Road (90' R.O.W.), same being the irregular westerly line hereof, a distance of 34.47 feet to a 1/2 inch iron rod with cap set in the easterly line of Burleson Road for an angle point hereof;

THENCE, along the easterly line of Burleson Road, being the irregular westerly line of said Lot 5 and the westerly line of said 19.6511 acre tract, same being the irregular westerly line hereof, the following eight (8) courses and distances:

- 1) Along a non-tangent curve to the left having a radius of 1699.71 feet, a central angle of 05°04'44", an arc distance of 150.67 feet and a chord which bears N44°25'01"W, a distance of 150.62 feet to a 1/2 inch iron rod with cap set for the end of said non-tangent curve;
- 2) N46°59'45"W, a distance of 865.74 feet to a 1/2 inch iron rod found for an angle point;

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- 3) N47°13'03"W, a distance of 1857.00 feet to a 1/2 inch iron rod with cap set for an angle point;
- 4) N47°12'59"W, a distance of 389.62 feet to a 1/2 inch iron rod found at the most southerly corner of said 19.6511 acre tract for an angle point;
- 5) N47°20'34"W, a distance of 576.22 feet to a 1/2 inch iron rod with cap set for an angle point;
- 6) N46°21'34"W, a distance of 379.68 feet to a 1/2 inch iron rod with cap set for the point of curvature of a non-tangent curve to the left;
- 7) Along said non-tangent curve to the left having a radius of 5774.43 feet, a central angle of 02°10'31", an arc distance of 219.22 feet and a chord which bears N47°27'04"W, a distance of 219.21 feet to a 1/2 inch iron rod with cap set for the end of said non-tangent curve;
- 8) N48°29'35"W, a distance of 202.49 feet to a 1/2 inch iron rod with cap set for the most westerly corner of said 19.6511 acre tract, being an angle point in the westerly line of Lot 4 of said Lockheed Martin Subdivision for an angle point hereof;

THENCE, leaving the easterly line of Burleson Road, along the northerly and westerly lines of said 19.6511 acre tract, being the southerly line of said Lot 4, same being the irregular westerly line hereof, the following two (2) courses and distances:

- 1) N42°20'21"E, a distance of 617.45 feet to a concrete monument found at the most northerly corner of said 19.6511 acre tract for an angle point;
- 2) S47°38'49"E, a distance of 1382.17 feet to a 1/2 inch iron rod found at the most easterly corner of said 19.6511 acre tract, being an angle point in the irregular westerly line of said Lot 5 for an angle point hereof;

THENCE, along the irregular westerly line of said Lot 5, being the irregular westerly line hereof, same being the westerly, southerly and easterly lines of said Lot 4 and the southerly, easterly and northerly lines of Lot 2 of said Lockheed Martin Subdivision, the following thirteen (13) courses and distances:

- 1) S47°38'49"E, a distance of 173.86 feet to a 1/2 inch iron rod found for an angle point;

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- 2) N87°18'24"E, a distance of 380.80 feet to a cut "X" found in concrete at the southeasterly corner of said Lot 4 for an angle point;
- 3) N42°27'43"E, a distance of 570.76 feet to a PK nail found in asphalt at the northeasterly corner of said Lot 4 for an angle point;
- 4) N50°39'31"W, a distance of 288.89 feet to a 1/2 inch iron rod found for an angle point;
- 5) N47°32'24"W, a distance of 20.98 feet to a 1/2 inch iron rod found for an angle point;
- 6) N42°26'08"E, a distance of 401.23 feet to a 1/2 inch iron rod found at the southeasterly corner of said Lot 2 for an angle point;
- 7) N02°33'53"W, a distance of 692.36 feet to a 1/2 inch iron rod with cap set for an angle point hereof, being the most northerly corner of said Lot 2;
- 8) S74°17'01"W, a distance of 306.75 feet to a 1/2 inch iron rod with cap set for an angle point;
- 9) N86°59'59"W, a distance of 332.35 feet to a 1/2 inch iron rod with cap set for an angle point;
- 10) N76°54'59"W, a distance of 427.90 feet to a 1/2 inch iron rod with cap set for an angle point;
- 11) S71°00'00"W, a distance of 310.52 feet to a 1/2 inch iron rod with cap set for an angle point;
- 12) N70°10'00"W, a distance of 142.09 feet to a 1/2 inch iron rod with cap set for an angle point, being the most northwesterly corner of said Lot 2;
- 13) S42°22'47"W, a distance of 1327.53 feet to a 1/2 inch iron rod found in the easterly line of Burleson Road, being the southernmost corner of said Lot 2 for an angle point hereof;

THENCE, along the easterly line of Burleson Road, being the irregular westerly line of said Lot 5, same being the irregular westerly line hereof, the following three (3) courses and distances:

- 1) N48°31'03"W, a distance of 609.00 feet to a 1/2 inch iron rod with cap set for the point of curvature of a non-tangent curve to the left;

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- 2) Along said non-tangent curve to the left having a radius of 2835.50 feet, a central angle of $04^{\circ}14'53''$, an arc distance of 210.23 feet and a chord which bears $N50^{\circ}47'42''W$, a distance of 210.19 feet to a 1/2 inch iron rod with cap set for the end of said non-tangent curve;
- 3) $N48^{\circ}19'29''W$, a distance of 248.01 feet to a 1/2 inch iron rod found at the most westerly corner of said Lot 5, being an angle point in the westerly line of Lot 1 of said Lockheed Martin Subdivision for the most westerly corner hereof;

THENCE, leaving the easterly line of Burleson Road, continuing along the irregular westerly line hereof, being the common line of said Lot 5, and said Lot 1, the following eight (8) courses and distances:

- 1) $N42^{\circ}24'02''E$, a distance of 1327.08 feet to a 1/2 inch iron rod found for an angle point;
- 2) $S47^{\circ}36'17''E$, a distance of 166.22 feet to a 1/2 inch iron rod found for an angle point;
- 3) $S14^{\circ}32'22''E$, a distance of 14.48 feet to a 1/2 inch iron rod found for an angle point;
- 4) $S35^{\circ}59'50''E$, a distance of 163.52 feet to a 1/2 inch iron rod found for an angle point;
- 5) $S48^{\circ}31'04''E$, a distance of 451.09 feet to a 1/2 inch iron rod found for an angle point;
- 6) $S70^{\circ}10'05''E$, a distance of 25.19 feet to a 1/2 inch iron rod with cap set for an angle point hereof;
- 7) $N42^{\circ}23'33''E$, a distance of 624.03 feet to a 1/2 inch iron rod found for an angle point hereof, being the most easterly corner of said Lot 1;
- 8) $N47^{\circ}37'44''W$, a distance of 707.40 feet to a 1/2 inch iron rod found in the southerly line of said City of Austin tract, being the northeasterly corner of said Lot 1, same being the northwesterly corner of said Lot 5 for the northwesterly corner hereof;

THENCE, along the northerly line of said Lot 5, being the northerly line hereof, same being the southerly line of said City of Austin tract, the following ten (10) courses and distances:

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- 1) Along a non-tangent curve to the left having a radius of 1945.09 feet, a central angle of $05^{\circ}40'44''$, an arc distance of 192.79 feet and a chord which bears $N80^{\circ}23'10''E$, a distance of 192.71 feet to a 1/2 inch iron rod found at the end of said curve;
- 2) $N77^{\circ}36'05''E$, a distance of 2240.05 feet to a concrete monument found for an angle point;
- 3) $S51^{\circ}10'16''E$, a distance of 8.94 feet to a concrete monument found for an angle point;
- 4) $N77^{\circ}35'57''E$, a distance of 1665.20 feet to a concrete monument found for an angle point;
- 5) $N43^{\circ}28'22''E$, a distance of 29.80 feet to a concrete monument found for an angle point;
- 6) $N77^{\circ}35'41''E$, a distance of 1493.11 feet to a 1/2 inch iron rod found for an angle point;
- 7) $S12^{\circ}38'50''E$, a distance of 24.89 feet to a 1/2 inch iron rod found for an angle point;
- 8) $N77^{\circ}35'59''E$, a distance of 1199.86 feet to a concrete monument found for an angle point;
- 9) $S13^{\circ}01'32''E$, a distance of 50.03 feet to a concrete monument found for an angle point;
- 10) $N77^{\circ}35'24''E$, a distance of 653.28 feet to the POINT OF BEGINNING, containing an area of 624.238 acres (27,191,770 sq. ft.) of land, more or less, within these metes and bounds.

I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVES ROAD, SUITE 200
AUSTIN, TEXAS 78746

JOHN T. BILNOSKI DATE
R.P.L.S. NO. 4998
STATE OF TEXAS

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

09-11-2003 04:18 PM 2003216558
BENAVIDESV \$35.00
DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

Recorders Memorandum-At the time of recordation
this instrument was found to be inadequate for the best
reproduction, because of illegibility, carbon or
photocopy, discolored paper, etc. All blockouts,
additions and changes were present at the time the
instrument was filed and recorded.

EXHIBIT G

PDA OPTIONAL SITE DEVELOPMENT REGULATIONS FOR RESIDENTIAL USES, CIVIC AND NEIGHBORHOOD COMMERCIAL USES

1. Section 25-2-492(A) of the Land Development Code establishes the principal site development regulations for each zoning district listed therein. Notwithstanding the foregoing, however, any residential, civic and neighborhood commercial uses permitted under this PDA may, at the election of the owner, be developed using either (i) the regulations set out in Section 25-2-492(A) for that base district, or (ii) the table below. Any site development regulations criteria not noted shall still comply with the provisions of Section 25-2-492(A) of the Land Development Code. The base districts shown at the top of the relevant column in the table below shall determine the site development regulations and all other applicable regulations for each lot, unless otherwise stated in the PDA standards.

OPTIONAL SITE DEVELOPMENT REGULATIONS FOR RESIDENTIAL, CIVIC AND NEIGHBORHOOD COMMERCIAL USES

The following table lists the optional site development regulations for residential, civic and neighborhood commercial uses (see attached Schedule 1).

Accessory Uses

Notwithstanding Section 25-2-893 (Accessory Uses for a Principal Residential Use), one accessory cottage containing not more than 700 square feet of gross building area is permitted as an accessory to a residential use provided that the principal use is a PDA-SF2, PDA-SF3, PDA-SF-4A, Single Family, Duplex or Two-Family Residential use located on a lot with at least 3,600 square feet of area. An accessory cottage may be occupied by family members, occasional nonpaying guests of the permanent residents, by a family that has a person employed on-site for security, maintenance, management, supervision or personal service, or by at least one person who is 60 years of age or older or physically disabled. An accessory cottage may be either attached or detached to the principal dwelling unit.

Transportation – Streets and Sidewalks

Subdivision layout requirements set forth in Section 25-3-52 of the Traditional Neighborhood District, including provisions for use of TND street types, alleys and street layout, shall be required when establishing optional site development regulations for residential, civic, and neighborhood commercial uses, except that:

- (i) due to the proximity to adjacent arterial streets and buffer zones and setbacks associated with four creeks on-site, referenced in item 12 of the PDA, perimeter block lengths shall comply with provisions of Section 25-4-154 BLOCK LENGTH. Block lengths for internal streets shall comply with Section 25-3-52 (N), and
- (ii) minimum lot size, maximum lot size, and minimum lot width are as specified in the chart in this Schedule 1.

The director may approve the use of innovative roadway designs serving the residential, civic and neighborhood commercial uses of the PDA that are not listed in the Traditional Neighborhood District Criteria Manual.

In accordance with Section 25-2-411 of the Land Development Code, the PDA standards identified herein shall apply in lieu of otherwise applicable Code sections, City regulations or the City policies, subject to approval by fire protection and emergency medical services.

Schedule 1

REGULATION	PDA-SF-2, PDA-SF-3, PDA-SF-4A SINGLE FAMILY DUPLEX TWO-FAMILY RESIDENTIAL	PDA-SF-5 TOWNHOUSE	PDA-MF, PDA-SF-6 PDA-LR, PDA-LO MULTIFAMILY CONDOMINIUM NEIGHBORHOOD COMMERCIAL ⁴	PDA-CIVIC	PDA - SIDE YARD HOUSE ³
<i>Minimum Lot Size</i>	3,600 SF 4,000 SF on corner lot	2,000 SF 2,500 SF on corner lot	3,600 SF 4,000 SF on corner lot	3,600 SF 4,000 SF on corner lot	2,400 SF 2,800 SF on corner lot
<i>Minimum Width¹</i>	40 FT 45 FT on corner lot	20 FT 25 FT on corner lot	40 FT 45 FT on corner lot	40 FT 45 FT on corner lot	30 FT 35 FT on corner lot
<i>Maximum Height</i>	35 FT	35 FT	35 FT	35 FT	35 FT
<i>Minimum Front Yard Setback</i>	10 FT	5 FT	5 FT	5 FT	5 FT
<i>Minimum Front Garage Setback</i>	20 FT	20 FT	20 FT	20 FT	20 FT
<i>Minimum Street Side Yard Setback</i>	10 FT	10 FT	10 FT	10 FT	10 FT
<i>Minimum Interior Side Yard Setback</i>	5 FT	0 FT	5 FT	5 FT	0 FT ²
<i>Minimum Rear Yard Setback</i>	5 FT	5 FT	10 FT	10 FT	10 FT
<i>Maximum Building Coverage</i>	55%	70%	70%	55%	55%
<i>Maximum Impervious Cover</i>	65%	75%	75%	65%	65%

Schedule 1

¹ ON A COURTYARD OR CURVED STREET, THE MINIMUM LOT WIDTH BETWEEN THE FRONT LOT LINE AND THE MINIMUM FRONT YARD SETBACK IS 15 FEET FOR A TOWNHOUSE LOT AND 30 FEET FOR OTHER LOTS.

² The minimum required side yard between structures is ten feet.

³ An owner of a lot must impose the following limitations on the lot by the filing of appropriate deed restrictions:

- 1) A structure may be erected adjacent to an interior side lot line. The wall of a structure erected adjacent to an interior side lot line must be solid and opaque with no openings of any kind, except for transom windows with a sill a minimum of six feet above the floor. The eaves of a structure may extend across the interior side lot line not more than three feet.
- 2) Except for a patio or patio cover, the minimum distance between structures on adjoining lots is ten feet. The minimum distance between a patio or patio cover and a structure on an adjoining lot is six feet.
- 3) An easement is required on each lot that abuts a lot with a structure adjacent to a common interior side lot line. The easement is for the purpose of construction and maintenance of the structure and drainage. The easement must be not less than five feet wide and extend the full length of the interior side lot line.

⁴ PDA NEIGHBORHOOD COMMERCIAL USES ARE AS FOLLOWS:

- administrative & business office
- arts and crafts studio (limited)
- consumer convenience services
- general retail sales (convenience) - maximum single building size: 25,000 SF
- medical offices
- outdoor sports & recreation
- personal improvement services – maximum single building size: 25,000 SF
- personal services
- pet services – maximum single building size: 25,000 SF
- professional office
- restaurant (general)
- restaurant(limited)

Note:

1. Variance to Section 25-2-775(H)(1)(a) of the Land Development Code which requires a minimum of 100 feet between townhouse groups when abutting a local street is reduced to 15 feet.
2. Variance to Section 25-2-775(H)(1)(b) of the Land Development Code which restricts a townhouse group when abutting a local street to no more than 6 units is adjusted to allow up to 8 units in a townhouse group.
3. A residential use may be located above the first floor of a commercial building.