

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-2
AGENDA DATE: Thu 03/23/2006
PAGE: 1 of 1**

SUBJECT: C14-05-0175 - Newmark Homes - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the City Code by zoning property locally known as Northwest corner of South First Street and West FM 1626 (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning for Tract 1 and single-family residence-standard lot (SF-2) district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and single-family residence-standard lot (SF-2) district zoning for Tract 2 with conditions. Applicant: Riddell Family Limited Partnership (Wayne J. Riddell); 1626 Willows, L.P. (Jack D. Holford). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0175

Z.P.C. DATE: January 17, 2006
January 31, 2006

ADDRESS: Northwest corner of South First Street and West FM 1626

OWNER: Riddell Family Limited Partnership
(Wayne J. Riddell);
1626 Willows, L.P. (Jack D. Holford)

AGENT: Bury & Partners, Inc.
(Rusty Roussel)

ZONING FROM: I-RR **TO:** GR for Tract 1; **AREA:** Tract 1: 27.310 acres;
SF-2 for Tract 2 Tract 2: 3.266 acres
TOTAL: 30.576 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and single family residence standard lot (SF-2) district zoning for Tract 2. On Tract 1, the Conditional Overlay prohibits the following uses: automotive rentals; automotive sales; bail bond services; drop-off recycling collection facility; exterminating services; hotel-motel; outdoor entertainment; pawn shop services; indoor entertainment; residential treatment; and theater.

The Restrictive Covenant includes all recommendations listed in the Traffic Impact Analysis memorandum, dated January 9, 2006, as provided in Attachment A.

ZONING & PLATTING COMMISSION RECOMMENDATION:

January 17, 2006: *APPROVED A POSTPONEMENT REQUEST TO 01/31/06 (STAFF)*
[J. MARTINEZ; M. HAWTHORNE – 2ND] (7-0) J. GOHIL; K. JACKSON –
ABSENT

January 31, 2006: *APPROVED STAFF'S RECOMMENDATION OF GR-CO DISTRICT ZONING FOR TRACT 1, SF-2 DISTRICT ZONING FOR TRACT 2, WITH A RESTRICTIVE COVENANT FOR THE TRAFFIC IMPACT ANALYSIS; APPLICANT IS WILLING TO ACCEPT A PRIVATE RESTRICTIVE COVENANT REGARDING THE INSTALLATION OF VIDEO GAMES ON TRACT 1; BY CONSENT.*
[J. MARTINEZ; M. HAWTHORNE 2ND] (8-0) J. GOHIL – ABSENT

ISSUES:

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

DEPARTMENT COMMENTS:

The subject tract is undeveloped, zoned interim-rural residence (I-RR), and situated at the northwest corner of South First Street, a minor arterial roadway and FM 1626, a major arterial roadway. The Knolls at Slaughter Creek, a single family residential subdivision, is located to the west (SF-2; SF-1). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and A-2 (Vicinity Map).

The Applicant proposes to develop the property with commercial and residential uses. Community commercial (GR) zoning is requested for Tract 1, situated at the northwest corner of FM 1626 and South First Street, and single family residence (SF-2) zoning is proposed for the remainder of the property. The proposed GR and SF-2 zonings and land uses are consistent with the Preliminary Plan of Stablewood at Slaughter Creek, Revision No. 3 that is presently in process. Please refer to Exhibit B.

Consistent with the GR-CO zoning to the east (C14-04-0018) and in consideration of this property's proximity to the AISD – Charles Akins High School, the Staff recommends a Conditional Overlay that would prohibit the more intensive GR land uses in accordance with an expressed AISD policy for zoning requests that are in close proximity to high schools. In accordance with that policy and consistent with the zoning case across South First Street to the east, the prohibited uses are: automotive rentals; automotive sales; bail bond services; drop-off recycling collection facility; exterminating services; hotel-motel; outdoor entertainment; pawn shop services; indoor entertainment; residential treatment; and theater.

Staff recommends the Applicant's zoning requests as follows: 1) GR-CO zoning for Tract 1 given: a) its frontage on F.M. 1626 and South First Street, both arterial roadways, b) existing GR-CO zoning to the east with the conditional overlay prohibiting more intensive GR uses and is consistent with AISD policy; c) traffic improvements outlined in the Traffic Impact Analysis for the subject property will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections; and 2) SF-2 zoning for Tract 2 based on its compatibility with the single family residential subdivision to the west, access to a fully-improved South First Street, and planned commercial development on the east side of South First Street and along FM 1626.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Undeveloped
<i>North</i>	I-RR	Undeveloped
<i>South</i>	N/A – County	Undeveloped; Warehouse; Marble / granite company; Office-warehouse
<i>East</i>	I-RR; GR-CO	Water quality pond; Undeveloped; AISD – Akins High School
<i>West</i>	I-RR; SF-1; SF-2	Undeveloped; Single family residences

AREA STUDY: N / A**TIA:** Is required – Please refer to Attachment A**WATERSHED:** Onion Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association
 300 – Terrell Lane Interceptor Association
 428 – Barton Springs / Edwards Aquifer Conservation District
 499 – Park Ridge Owners Association
 627 – Onion Creek Homeowners Association
 692 – Knolls at Slaughter Creek
 742 – Austin Independent School District
 948 – South by Southeast Neighborhood Organization

SCHOOLS:

Menchaca Elementary School
 Paredes Middle School – 117% at capacity in 2005
 Charles Akins High School – 101 % at capacity in 2005

The optimal capacity is between 100% and 110% of permanent capacity. Those schools over 125% are considered to be in excess of the desired capacity and in need of relief.
Source: Mr. Dan Robertson, Director of Planning Services at Austin Independent School District.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0020	I-RR (Upon Annexation) to CS-MU for Tract 1; MF-3 for Tract 2	To Grant CS-MU-CO with conditions of the TIA for Tract 1; MF-3 with conditions of the TIA for Tract 2. The CO on Tract 1 is for a list of prohibited uses.	Approved CS-MU-CO district zoning for Tract 1; MF-2 district zoning for Tract 2, with a Restrictive Covenant for the TIA, as recommended by ZAP (6-17-04).
C14-04-0019	I-RR to CS	To Grant CS-CO with conditions. The CO is for a list of prohibited uses.	Approved CS-CO district zoning with a Restrictive Covenant for the TIA, as recommended by the

			ZAP Commission (6-17-04).
C14-04-0018	I-RR to GR	To Grant GR-CO with conditions. The CO is for a list of prohibited uses, prohibit access to Old San Antonio Road, and requires pedestrian and bicycle easement.	Approved GR-CO district zoning as recommended by ZAP with a Restrictive Covenant for the Traffic Impact Analysis (6-17-04).
C14-03-0053	I-RR to CS	To Grant CS-CO for Tract 1; GR-CO for Tract 2, with conditions. CO is for list of prohibited uses; and prohibit access to Old San Antonio Road. Restrictive Covenant for the Traffic Impact Analysis.	Approved ZAP recommendation (12-11-03).

RELATED CASES:

The property was annexed into the City limits on December 31, 1997. The subject zoning area occupies the central portion of the Preliminary Plan of Stablewood at Slaughter Creek, Revision No. 3. The Preliminary Plan is for 126 single family residential lots and one retail lot on 30.648 acres (C8-95-0211.04, presently in process). Primary access is taken to F.M. 1626 and South First Street. Please refer to Exhibit B.

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	SIDEWALKS	CAPITAL METRO	BICYCLE PLAN
South First Street	120 feet	2 @ 30 feet	Major arterial, 4 lanes, divided	No	No	No
FM 1626	80 feet	36 feet	Minor arterial	No	No	Yes
Wayne Riddell Loop	60 feet	45 feet	Neighborhood collector, 4 lanes	Yes	No	No





CITY COUNCIL DATE: March 23, 2006**ACTION:****ORDINANCE READINGS:** 1st2nd3rd

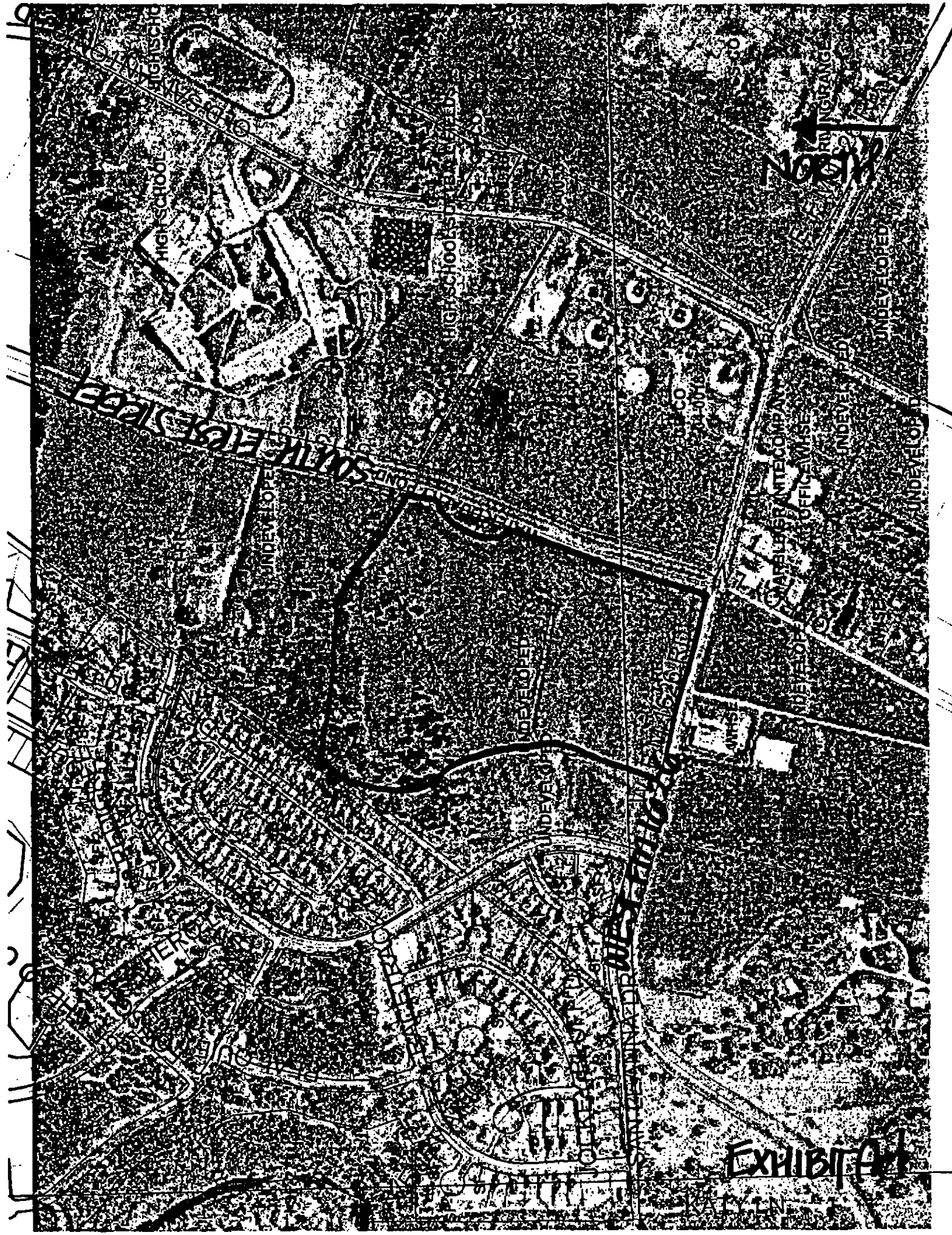
ORDINANCE NUMBER:

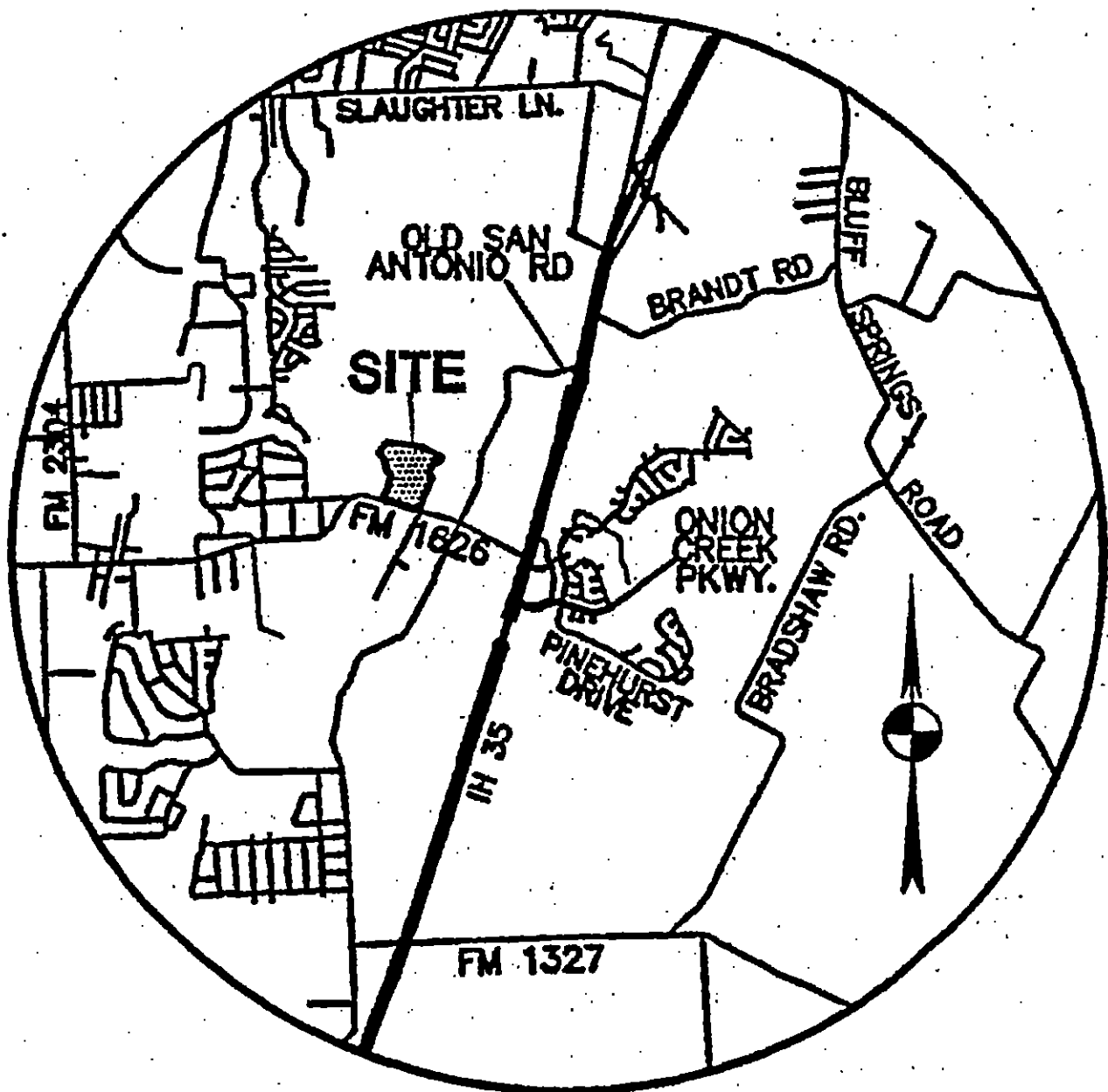
CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719



 1" = 400'	SUBJECT TRACT 	ZONING EXHIBIT A		CITY GRID REFERENCE NUMBER F12
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-05-0175	DATE: 06-01	
	CASE MGR: W. WALSH	ADDRESS: NORTHWEST CORNER SOUTH FIRST ST @ W FM 1626 SUBJECT AREA (ACRES): 30.576	INTLS: 8M	



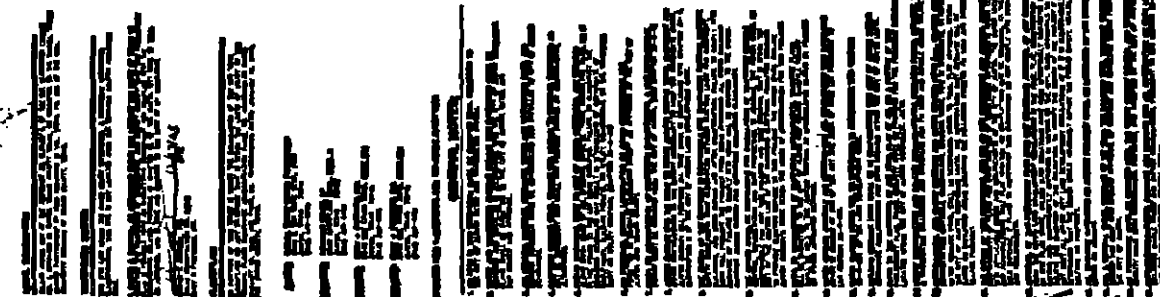


VICINITY MAP
N.T.S.

EXHIBIT A-2

NEWARK HOMES, LP

Bury+Partners
ENGINEERING SOLUTIONS
With the same hard, fast and
loyal team spirit
that has made us the nation's
premier firm for over 40 years





Date: January 9, 2006
To: Wendy Walsh, Case Manager
CC: Robert Halls, Robert J. Halls and Associates
Reference: Newmark Homes (aka Double Creek North) TIA, C14-05-0175

The Transportation Review Section has reviewed the Traffic Impact Analysis for the Double Creek North Subdivision TIA, dated September 2005, prepared by Robert Halls., Robert J. Halls and Associates, and offers the following comments:

TRIP GENERATION

The Double Creek North Subdivision 30.648-acre development located in south Austin at the northwest corner of South 1st Street and FM 1626.

The property is currently undeveloped and zoned Interim Rural Residence (I-RR). The applicant has requested a zoning change to Single Family Residence (SF-2) and Commercial Services (CS). The estimated completion of the project is expected in the year 2007.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 6,663 unadjusted average daily trips (ADT).

The table below shows the adjusted trip generation by land use for the proposed development:

Table 1. Trip Generation						
			AM Peak		PM Peak	
LAND USE	Size	ADT	Enter	Exit	Enter	Exit
Retail	32,000sf	1,651	27	17	65	70
Fast Food Without Drive Thru	3,000sf	1,439	53	35	27	26
Single Family	125du	1,277	24	73	83	48
Total		4,367	104	125	175	144

ASSUMPTIONS

1. Traffic growth rates provided by the City of Austin were as follows:

Table 2. Growth Rates per Year	
Roadway Segment	%
All Roads	2%

ATTACHMENT a

2. In addition to these growth rates, background traffic volumes for 2005 included estimated traffic volumes for the following projects:

Double Creek Village*	C14-03-0053
Double Creek*	C14-04-0018, C14-04-0019, C14-04-0020
South Park Meadows Property	
Slaughter at Cullen Commercial*	C14-04-0037
South Park Meadows Tract 1*	C14-04-0075
Janssen Tract*	C14-04-0094
Quick Tract*	C14-05-0002
Gatton Tract*	C14-04-0059
Rhodes Congress Ave LTD	SP-03-0198C
Stone Creek Ranch Apartments	SP-02-0158C.SH; SP-01-0527D
Capital View Estates	SP-01-0354D
Slaughter Lane Commercial Park	C8-01-0074.0A
Harrell Property Single Family	C14-05-0014

3. Reductions were taken for pass-by for the following uses:

Table 3. Summary of Pass-By, Internal Capture and Transit Reductions	
Land Use	Pass-By Reductions %
Retail	49%
Fast Food Restaurant wo/ Drive Thru	34%

EXISTING AND PLANNED ROADWAYS

South 1st Street – This roadway is classified as a major arterial and was recently upgraded within the area of the subject site to a four lane divided arterial.

FM 1626 – This roadway is classified as a minor arterial and is planned to become a four lane major arterial by the year 2025. FM 1626 is included in the Bicycle Plan.

Wayne Riddell Loop – This roadway is classified as a four lane neighborhood collector and is not included in the Bicycle Plan.

INTERSECTION LEVEL OF SERVICE (LOS)

The TIA analyzed 7 intersections, 3 of which are signalized. Existing and projected levels of service are as follows:

Table 4. Level of Service				
Intersection	2005 Existing		2008 Site + Forecasted	
	AM	PM	AM	PM
Slaughter Lane and South 1 st Street*	A	A	A	B
FM 1626 and Wayne Riddell Loop*	B	C	B	C
FM 1626 and IH-35 WFR*	C	D	C	C

Road A and FM 1626		B	C
Road B and South 1 st Street		A	B
Driveway 1 and FM 1626		E	E
Driveway 2 and South 1 st Street		A	B

* = SIGNALIZED

RECOMMENDATIONS

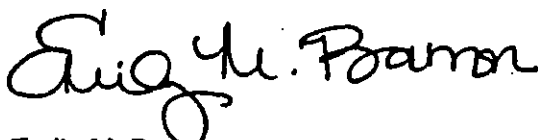
- 1) Prior to 3rd Reading at City Council fiscal is required to be posted for the following improvements:

Intersection	Improvement	Pro Rata Share (%)	Pro Rata Share (\$)
Wayne Riddell Loop/FM 1626	Signal*	8.2%	tbd

*A signal will not be installed until warrants are met as determined by DPWT and TXDOT

- 2) Boundary street fiscal will be required at the time of subdivision and/or site plan for the upgrade of FM 1626 as recommended in the TIA.
- 3) All streets and driveways should be constructed to the recommended widths as outlined in the TIA.
- 4) Approval from TXDOT and DPWT is required prior to 3rd Reading.
- 5) Two copies of the final TIA are required to be provided prior to 3rd Reading at City Council.
- 6) Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact me at 974-2788.



Emily M. Barron
Sr. Planner - Transportation Review Staff
Watershed Protection and Development Review

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and single family residence standard lot (SF-2) district zoning for Tract 2. On Tract 1, the Conditional Overlay prohibits the following uses: automotive rentals; automotive sales; bail bond services; drop-off recycling collection facility; exterminating services; hotel-motel; outdoor entertainment; pawn shop services; indoor entertainment; residential treatment; and theater.

The Restrictive Covenant includes all recommendations listed in the Traffic Impact Analysis memorandum, dated January 9, 2006, as provided in Attachment A.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

For Tract 1: The GR, Community Commercial district is intended for an office or other commercial use that serves neighborhood and community needs and is generally accessible from major traffic ways. *This property is accessible from South First Street and FM 1626, both of which are arterial roadways.*

For Tract 2: The single family residence standard lot (SF-2) district is intended for a moderate density single-family residential use on a lot that is a minimum of 5,750 square feet. This district is appropriate for existing single-family neighborhoods having moderate sized lots or to new development of single-family housing areas with minimum land requirements.

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

Staff recommends the Applicant's zoning requests as follows: 1) GR-CO zoning for Tract 1 given: a) its frontage on F.M. 1626 and South First Street, both arterial roadways, b) existing GR-CO zoning to the east with the conditional overlay prohibiting more intensive GR uses and is consistent with AISD policy; c) traffic improvements outlined in the Traffic Impact Analysis for the subject property will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections; and 2) SF-2 zoning for Tract 2 based on its compatibility with the single family residential subdivision to the west, access to a fully-improved South First Street, and planned commercial development on the east side of South First Street and along FM 1626.

EXISTING CONDITIONS

Site Characteristics

The property is undeveloped. The site is relatively flat and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 80%, based on the more restrictive watershed regulations. The maximum impervious cover allowed by the SF-2 zoning district would be 45%, which is based on the more restrictive zoning regulations.

Environmental

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

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

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

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

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

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

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

Transportation

A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142]. Comments are provided in Attachment A.

Water and Wastewater

The landowner intends to serve each lot with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, and system upgrades to serve each lot. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

Compatibility Standards

There are no existing site plans in review.

The site is subject to compatibility standards. Along the west property line, the following standards apply:

- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

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

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.cl.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-05-0175

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 17, 2006 Zoning and Platting Commission

<input checked="" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

Your Name (please print)
Theresa P Secret

11029 Mint Valley Dr.

Your address(es) affected by this application

Wendy Walsh

Signature

Date

1/05/06

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

ORDINANCE NO. _____

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE
2 PROPERTY LOCATED AT THE NORTHWEST CORNER OF SOUTH FIRST
3 STREET AND WEST FM 1626 HIGHWAY AND CHANGING THE ZONING MAP
4 FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO COMMUNITY
5 COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT
6 FOR TRACT ONE AND SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2)
7 DISTRICT FOR TRACT TWO.
8

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

10
11 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
12 change the base districts on the property described in Zoning Case No. C14-05-0175, on
13 file at the Neighborhood Planning and Zoning Department, as follows:
14

15 Tract One: From interim rural residence (I-RR) district to community commercial-
16 conditional overlay (GR-CO) combining district.
17

18 A 3.266 acre tract of land, more or less, out of the S.F. Slaughter League No. 1,
19 Travis County, the tract of land being more particularly described by metes and
20 bounds in Exhibit "A" incorporated into this ordinance, and
21

22 Tract Two: From interim rural residence (I-RR) district to single family residence
23 standard lot (SF-2) district.
24

25 A 27.310 acre tract of land, more or less, out of the S.F. Slaughter League No. 1,
26 Travis County, the tract of land being more particularly described by metes and
27 bounds in Exhibit "B" incorporated into this ordinance (the "Property"),
28

29 locally known as the property located at the northwest corner of South First Street and
30 West FM 1626 Highway, in the City of Austin, Travis County, Texas, and generally
31 identified in the map attached as Exhibit "C".
32

33 PART 2. The Property identified as Tract One within the boundaries of the conditional
34 overlay combining district established by this ordinance is subject to the following
35 conditions:
36
37

1 The following uses are prohibited uses of the Property:

2
3 Automotive rentals
4 Bail bond services
5 Exterminating services
6 Indoor entertainment
7 Pawn shop services
8 Theater

Automotive sales
Drop-off recycling collection facility
Hotel-motel
Outdoor entertainment
Residential treatment

9
10 Except as specifically restricted under this ordinance, the Property may be developed and
11 used in accordance with the regulations established for the community commercial (GR)
12 base district and other applicable requirements of the City Code.

13
14 **PART 3.** This ordinance takes effect on _____, 2006.

15
16 **PASSED AND APPROVED**

17
18
19 §
20 §
21 §
22 _____, 2006

Will Wynn
Mayor

23
24
25 **APPROVED:**

26 David Allan Smith
27 City Attorney
28

ATTEST:

Shirley A. Gentry
City Clerk

C14-05-0175
TRACT 1

3.266 ACRES
PORTION OF RIDDELL TRACT
ZONING TRACT 2

EXHIBIT A

FN. NO. 05-659 (MJJ)
DECEMBER 20, 2005
BPI JOB NO. 1559-03.08

DESCRIPTION

OF A 3.266 ACRE TRACT OF LAND OUT OF THE S.F. SLAUGHTER LEAGUE NO. 1, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 229.899 ACRE TRACT OF LAND CALLED "TRACT ONE" CONVEYED TO THE RIDDELL FAMILY LIMITED PARTNERSHIP BY DEED OF RECORD IN VOLUME 12246, PAGE 585 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 3.266 ACRE TRACT OF LAND BEING DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a 1/2 inch iron rod with cap found in the northerly line of F.M. 1626 (R.O.W. varies), being the southeasterly corner of that certain 169.808 acre tract of land conveyed to Pulte Homes of Texas, L.P. by deed of record in Document No. 1999112072 of the Official Public Records of Travis County, Texas and the southwesterly corner of the remaining portion of said "Tract One";

THENCE, S75°06'11"E, along the northerly line of F.M. 1626, being a portion of the southerly line of the remaining portion of said "Tract One", a distance of 356.66 feet to a 1/2 inch iron rod with cap set for the POINT OF BEGINNING and southwesterly corner hereof;

THENCE, leaving the southerly line of F.M. 1626, over and across said "Tract One", for the westerly and northerly lines hereof, the following five (5) courses and distances:

- 1) N14°53'10"E, a distance of 220.00 feet to a 1/2 inch iron rod with cap set for the westernmost northwesterly corner hereof;
- 2) S75°06'11"E, a distance of 246.34 feet to a 1/2 inch iron rod with cap set for an angle point;
- 3) N59°55'30"E, a distance of 75.84 feet to a 1/2 inch iron rod with cap set for an angle point;
- 4) N14°53'10"E, a distance of 101.40 feet to a 1/2 inch iron rod with cap set for an angle point;
- 5) S75°06'11"E, a distance of 200.00 feet to a 1/2 inch iron rod with cap set in the westerly line of South First Street (120' R.O.W.), for the northeasterly corner hereof;

THENCE, along the westerly line of South First Street, being the easterly line hereof, the following two (2) courses and distances:

- 1) S14°53'10"W, a distance of 345.12 feet to the point of curvature of a curve to the right;
- 2) Along said curve to the right having a radius of 30.00 feet, a central angle of 89°45'49", an arc length of 47.00 feet and a chord which bears S60°00'33"W, a distance of 42.34 feet to a point in the northerly line of F.M. 1626, for the southeasterly corner hereof;

FN NO. 05-659 (MJJ)
DECEMBER 20, 2005
PAGE 2 OF 2

THENCE, N75°06'11"W, along the northerly line of F.M. 1626, being a portion of the southerly line of the remaining portion of said "Tract One", for the southerly line hereof, a distance of 470.00 feet to the POINT OF BEGINNING, containing an area of 3.266 acres (142,245 sq. ft.) of land, more or less, within these metes and bounds.

BEARING BASIS IS TEXAS CENTRAL ZONE NAD83. CONTROL MONUMENTS USED FOR THIS SURVEY ARE CITY OF AUSTIN AND LOWER COLORADO RIVER AUTHORITY MONUMENTATION.

I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT THIS DESCRIPTION IS BASED UPON A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY EXHIBIT WAS PREPARED TO ACCOMPANY THIS FIELDNOTE DESCRIPTION.

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

Mark J. Jezisek
MARK J. JEZISEK DATE
NO. 5267
STATE OF TEXAS



C14-05-0175
TRACT 2

27.310 ACRES
PORTION OF RIDDELL TRACT
ZONING TRACT 1

FN. NO. 05-658 (MJJ)
DECEMBER 20, 2005
BPI JOB NO. 1559-03.08

EXHIBIT B

DESCRIPTION

OF A 27.310 ACRE TRACT OF LAND OUT OF THE S.F. SLAUGHTER LEAGUE NO. 1, "SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 229.899 ACRE TRACT OF LAND CALLED "TRACT ONE" CONVEYED TO THE RIDDELL FAMILY LIMITED PARTNERSHIP BY DEED OF RECORD IN VOLUME 12246, PAGE 585 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 27.310 ACRE TRACT OF LAND BEING DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2 inch iron rod with cap found in the northerly line of F.M. 1626 (R.O.W. varies), being the southeasterly corner of that certain 169.808 acre tract of land conveyed to Pulte Homes of Texas, L.P. by deed of record in Document No. 1999112072 of the Official Public Records of Travis County, Texas and the southwesterly corner of the remaining portion of said "Tract One", for the southwesterly corner hereof;

THENCE, leaving the northerly line of F.M. 1626, along a portion of the easterly line of said 169.808 acre tract, being a portion of the westerly line of the remaining portion of said "Tract One" and a portion of the westerly line hereof, the following nine (9) courses and distances:

- 1) N23°50'44"E, a distance of 142.30 feet to a 1/2 inch iron rod with cap found for an angle point;
- 2) N24°32'47"E, a distance of 50.84 feet to a 1/2 inch iron rod with cap found for an angle point;
- 3) N18°35'15"E, a distance of 195.31 feet to a 1/2 inch iron rod with cap set for an angle point;
- 4) N03°43'16"W, a distance of 168.47 feet to a 1/2 inch iron rod with cap found for an angle point;
- 5) N22°42'02"W, a distance of 96.29 feet to a 1/2 inch iron rod with cap found for an angle point;
- 6) N45°40'22"W, a distance of 60.83 feet to a 1/2 inch iron rod with cap found for an angle point;
- 7) N17°56'28"W, a distance of 129.22 feet to a 1/2 inch iron rod with cap found for an angle point;
- 8) N13°04'21"W, a distance of 109.74 feet to a 1/2 inch iron rod with cap found for an angle point;
- 9) N45°56'08"W, a distance of 201.95 feet to a 1/2 inch iron rod found in the easterly line of Lot 58, Block VV Stablewood at Slaughter Creek Section Three, a subdivision of record in Document No. 199900385 of said Official Public Records, for an angle point hereof;

THENCE, along a portion of the easterly line of said Lot 58, being the westerly line of the remaining portion of said "Tract One" and a portion of the westerly line hereof, the following two (2) courses and distances:

- 1) N37°57'44"E, a distance of 209.65 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) N35°37'50"E, a distance of 16.86 feet to a 1/2 inch iron rod with cap set for the northwesterly corner hereof;

THENCE, leaving the easterly line of said Lot 58, over and across said "Tract One", along the northerly line hereof, the following three (3) courses and distances:

- 1) N68°44'05"E, a distance of 154.05 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) S87°05'03"E, a distance of 675.00 feet to a 1/2 inch iron rod with cap set for an angle point;
- 3) S63°25'10"E, a distance of 496.84 feet to a 1/2 inch iron rod with cap set in the westerly line of South First Street (120' R.O.W.), for the northeasterly corner hereof;

THENCE, along the westerly line of South First Street, being a portion of the easterly line hereof, the following two (2) courses and distances:

- 1) S12°30'48"W, a distance of 15.76 feet to a 1/2 inch iron rod with cap set for the point of curvature of a curve to the right;
- 2) Along said curve to the right having a radius of 940.00 feet, a central angle of 05°57'31", an arc length of 97.76 feet and a chord which bears S15°29'34"W, a distance of 97.71 feet to a 1/2 inch iron rod with cap set at the northeasterly corner of that certain 0.254 acre tract of land conveyed to the City of Austin, Texas by deed of record in Document No. 2000101517 of said Official Public Records, for an angle point hereof;

THENCE, leaving the westerly line of South First Street, along the northerly, westerly and southerly lines of said 0.254 acre tract, being a portion of the easterly line hereof, the following five (5) courses and distances:

- 1) N71°31'43"W, a distance of 30.00 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) S67°15'19"W, a distance of 103.30 feet to a 1/2 inch iron rod with cap set for an angle point;
- 3) S22°15'19"W, a distance of 224.68 feet to a 1/2 inch iron rod with cap set for an angle point;

- 4) S22°44'45"E, a distance of 106.10 feet to a 1/2 inch iron rod with cap set for an angle point;
- 5) S67°44'13"E, a distance of 30.00 feet to a 1/2 inch iron rod with cap set in the westerly line of South First Street, being the southeasterly corner of said 0.254 acre tract, for an angle point hereof;

THENCE, along the westerly line of South First Street, being a portion of the easterly line hereof, the following three (3) courses and distances:

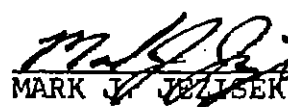
- 1) S22°15'19"W, a distance of 214.87 feet to a 1/2 inch iron rod with cap set for the point of curvature of a curve to the left;
- 2) Along said curve to the left having a radius of 1060.00 feet, a central angle of 07°22'09", an arc length of 136.33 feet and a chord which bears S18°34'14"W, a distance of 136.24 feet to a 1/2 inch iron rod with cap set for the end of said curve;
- 3) S14°53'10"W, a distance of 85.01 feet to an angle point;

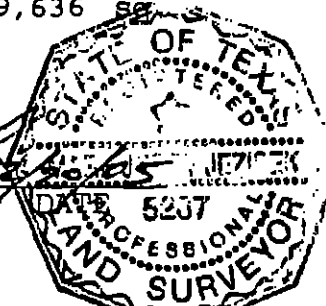
THENCE, leaving the westerly line of South First Street, over and across said "Tract One", for a portion of the easterly line hereof, the following five (5) courses and distances:

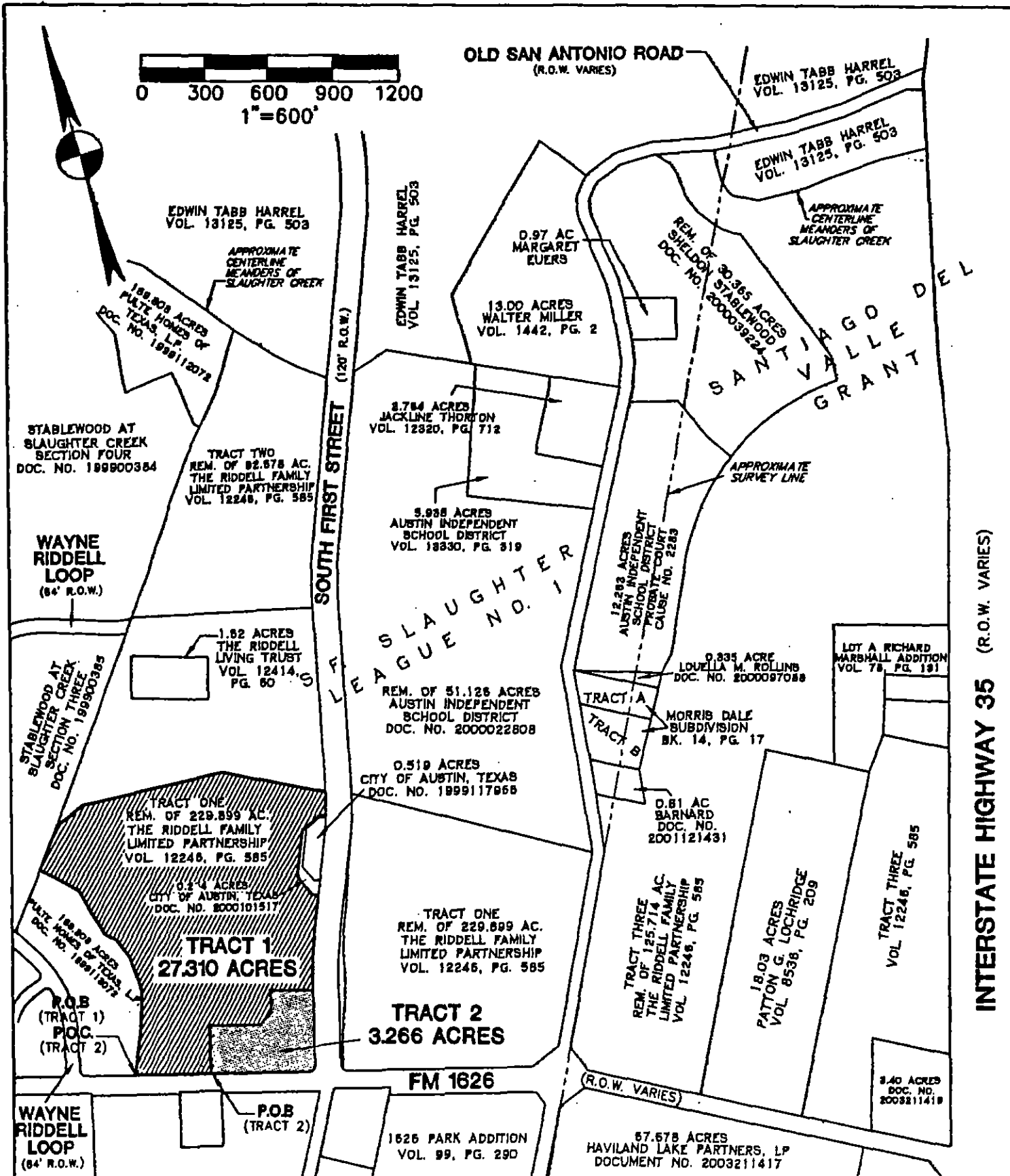
- 1) N75°06'11"W, a distance of 200.00 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) S14°53'10"W, a distance of 101.40 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) S59°55'30"W, a distance of 75.84 feet to a 1/2 inch iron rod with cap set for an angle point;
- 4) N75°06'11"W, a distance of 246.34 feet to a 1/2 inch iron rod with cap set for an angle point;
- 5) S14°53'10"W, a distance of 220.00 feet to a 1/2 inch iron rod with cap set, in the northerly line of F.M. 1626, being the southerly line of the remaining portion of said "Tract One", for the southeasterly corner hereof;

THENCE, N75°06'11"W, along the northerly line of F.M. 1626, being the southerly line of the remaining portion of said "Tract One" and the southerly line hereof, a distance of 356.66 feet to the POINT OF BEGINNING, containing an area of 27.310 acres (1,189,636 sq. ft.) of land, more or less, within these metes and bounds.

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


MARK J. JEZISEK
NO. 5267
STATE OF TEXAS





Bury+Partners

ENGINEERING SOLUTIONS
3345 Bee Cave Road, Suite 200
Austin, Texas 78748
Tel. (512)328-0011 Fax (512)328-0323
Bury+Partners, Inc. ©Copyright 2003

SKETCH TO ACCOMPANY DESCRIPTION

OF TWO (2) TRACTS OF LAND OUT OF THE RIDDELL FAMILY LIMITED PARTNERSHIP TRACT DESCRIBED AS "TRACT ONE", OF RECORD IN VOLUME 12246, PAGE 585 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

NEWMARK HOMES

RIDDELL TRACT

DATE: 12/20/05

FILE: H:\1559\03\155903EX2.dwg

FN No.: 05-658/659(MJJ)

DRAWN BY: MJJ

PROJ. No: 1559-03.08



 1" = 400'	SUBJECT TRACT		ZONING EXHIBIT C CASE #: C14-05-0175 ADDRESS: NORTHWEST CORNER SOUTH FIRST ST @ W FM 1626 SUBJECT AREA (acres): 30.576	DATE: 06-01 INTLS: SM	CITY GRID REFERENCE NUMBER F12
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: W. WALSH				

RESTRICTIVE COVENANT

OWNER: Riddell Family Limited Partnership, a Texas limited partnership

ADDRESS: 2028 East Ben White Blvd., #508, Austin, Texas 78741

OWNER: 1626 Willows, L.P., a Texas limited partnership

ADDRESS: 4833 Spicewood Springs Road, #100, Austin, Texas 78759

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

PROPERTY: Two tracts of land, being a 3.266 acre tract and a 27.310 acre tract, out of the S.F. Slaughter League No. 1, in Travis County, the tracts being more particularly described by metes and bounds in Exhibits "A" and "B" attached and incorporated into this covenant.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

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

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by Robert J. Halls and Associates, dated September 2005, or as amended and approved by the Director of the Watershed Protection and Development Review Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated January 9, 2006. The TIA shall be kept on file at the Watershed Protection and Development Review Department.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.

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

EXECUTED this the 15th day of March, 2006.

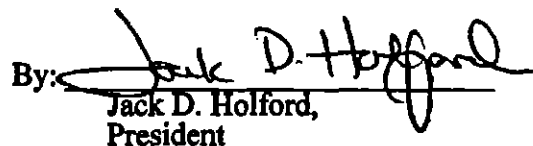
OWNER:

**Riddell Family Limited Partnership,
a Texas limited partnership**

By: 
Wayne J. Riddell,
General Partner

**1626 Willows, L.P.,
a Texas limited partnership**

By: **Holford Project Management, L.L.C.,
a Texas limited liability company,
its sole general partner**

By: 
Jack D. Holford,
President

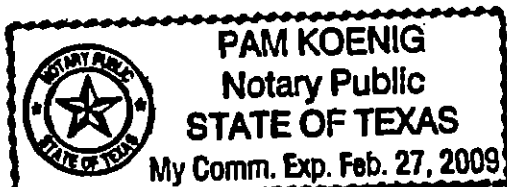
APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 15 day of March, 2006, by Wayne J. Riddell, General Partner of Riddell Family Limited Partnership, a Texas limited partnership, on behalf of the partnership.

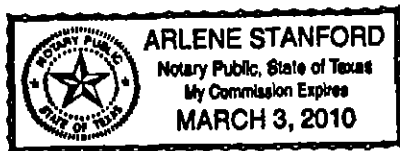


Pam Koenig
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 14th day of March, 2006, by Jack D. Holford, President of Holford Project Management, L.L.C., a Texas limited liability company, General Partner of 1636 Willows, L.P., a Texas limited partnership, on behalf of the partnership.



Arlene Stanford
Notary Public, State of Texas

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

3.266 ACRES
PORTION OF RIDDELL TRACT
ZONING TRACT 2

C14-05-0175
TRACT 1
FN. NO. 05-659(MJJ)
DECEMBER 20, 2005
BPI JOB NO. 1559-03.08

DESCRIPTION

OF A 3.266 ACRE TRACT OF LAND OUT OF THE S.F. SLAUGHTER LEAGUE NO. 1, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 229.899 ACRE TRACT OF LAND CALLED "TRACT ONE" CONVEYED TO THE RIDDELL FAMILY LIMITED PARTNERSHIP BY DEED OF RECORD IN VOLUME 12246, PAGE 585 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 3.266 ACRE TRACT OF LAND BEING DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a 1/2 inch iron rod with cap found in the northerly line of F.M. 1626 (R.O.W. varies), being the southeasterly corner of that certain 169.808 acre tract of land conveyed to Pulte Homes of Texas, L.P. by deed of record in Document No. 1999112072 of the Official Public Records of Travis County, Texas and the southwesterly corner of the remaining portion of said "Tract One";

THENCE, S75°06'11"E, along the northerly line of F.M. 1626, being a portion of the southerly line of the remaining portion of said "Tract One", a distance of 356.66 feet to a 1/2 inch iron rod with cap set for the POINT OF BEGINNING and southwesterly corner hereof;

THENCE, leaving the southerly line of F.M. 1626, over and across said "Tract One", for the westerly and northerly lines hereof, the following five (5) courses and distances:

- 1) N14°53'10"E, a distance of 220.00 feet to a 1/2 inch iron rod with cap set for the westernmost northwesterly corner hereof;
- 2) S75°06'11"E, a distance of 246.34 feet to a 1/2 inch iron rod with cap set for an angle point;
- 3) N59°55'30"E, a distance of 75.84 feet to a 1/2 inch iron rod with cap set for an angle point;
- 4) N14°53'10"E, a distance of 101.40 feet to a 1/2 inch iron rod with cap set for an angle point;
- 5) S75°06'11"E, a distance of 200.00 feet to a 1/2 inch iron rod with cap set in the westerly line of South First Street (120' R.O.W.), for the northeasterly corner hereof;

THENCE, along the westerly line of South First Street, being the easterly line hereof, the following two (2) courses and distances:

- 1) S14°53'10"W, a distance of 345.12 feet to the point of curvature of a curve to the right;
- 2) Along said curve to the right having a radius of 30.00 feet, a central angle of 89°45'49", an arc length of 47.00 feet and a chord which bears S60°00'33"W, a distance of 42.34 feet to a point in the northerly line of F.M. 1626, for the southeasterly corner hereof;

FN NO. 05-659 (MJJ)
DECEMBER 20, 2005
PAGE 2 OF 2

THENCE, N75°06'11"W, along the northerly line of F.M. 1626, being a portion of the southerly line of the remaining portion of said "Tract One", for the southerly line hereof, a distance of 470.00 feet to the POINT OF BEGINNING, containing an area of 3.266 acres (142,245 sq. ft.) of land, more or less, within these metes and bounds.

BEARING BASIS IS TEXAS CENTRAL ZONE NAD83. CONTROL MONUMENTS USED FOR THIS SURVEY ARE CITY OF AUSTIN AND LOWER COLORADO RIVER AUTHORITY MONUMENTATION.

I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT THIS DESCRIPTION IS BASED UPON A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY EXHIBIT WAS PREPARED TO ACCOMPANY THIS FIELDNOTE DESCRIPTION.

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

Mark J. Jezisek
MARK J. JEZISEK
NO. 5267
STATE OF TEXAS

12/20/05
DATE



27.310 ACRES
PORTION OF RIDDELL TRACT
ZONING TRACT 1

C14-05-0175
TRACT 2

FN. NO. 05-658 (MJJ)
DECEMBER 20, 2005
BPI JOB NO. 1559-03.08

DESCRIPTION

OF A 27.310 ACRE TRACT OF LAND OUT OF THE S.F. SLAUGHTER LEAGUE NO. 1, "SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 229.899 ACRE TRACT OF LAND CALLED "TRACT ONE" CONVEYED TO THE RIDDELL FAMILY LIMITED PARTNERSHIP BY DEED OF RECORD IN VOLUME 12246, PAGE 585 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 27.310 ACRE TRACT OF LAND BEING DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2 inch iron rod with cap found in the northerly line of F.M. 1626 (R.O.W. varies), being the southeasterly corner of that certain 169.808 acre tract of land conveyed to Pulte Homes of Texas, L.P. by deed of record in Document No. 1999112072 of the Official Public Records of Travis County, Texas and the southwesterly corner of the remaining portion of said "Tract One", for the southwesterly corner hereof;

THENCE, leaving the northerly line of F.M. 1626, along a portion of the easterly line of said 169.808 acre tract, being a portion of the westerly line of the remaining portion of said "Tract One" and a portion of the westerly line hereof, the following nine (9) courses and distances:

- 1) N23°50'44"E, a distance of 142.30 feet to a 1/2 inch iron rod with cap found for an angle point;
- 2) N24°32'47"E, a distance of 50.84 feet to a 1/2 inch iron rod with cap found for an angle point;
- 3) N18°35'15"E, a distance of 195.31 feet to a 1/2 inch iron rod with cap set for an angle point;
- 4) N03°43'16"W, a distance of 168.47 feet to a 1/2 inch iron rod with cap found for an angle point;
- 5) N22°42'02"W, a distance of 96.29 feet to a 1/2 inch iron rod with cap found for an angle point;
- 6) N45°40'22"W, a distance of 60.83 feet to a 1/2 inch iron rod with cap found for an angle point;
- 7) N17°56'28"W, a distance of 129.22 feet to a 1/2 inch iron rod with cap found for an angle point;
- 8) N13°04'21"W, a distance of 109.74 feet to a 1/2 inch iron rod with cap found for an angle point;
- 9) N45°56'08"W, a distance of 201.95 feet to a 1/2 inch iron rod found in the easterly line of Lot 58, Block VV Stablewood at Slaughter Creek Section Three, a subdivision of record in Document No. 199900385 of said Official Public Records, for an angle point hereof;

THENCE, along a portion of the easterly line of said Lot 58, being the westerly line of the remaining portion of said "Tract One" and a portion of the westerly line hereof, the following two (2) courses and distances:

- 1) N37°57'44"E, a distance of 209.65 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) N35°37'50"E, a distance of 16.86 feet to a 1/2 inch iron rod with cap set for the northwesterly corner hereof;

THENCE, leaving the easterly line of said Lot 58, over and across said "Tract One", along the northerly line hereof, the following three (3) courses and distances:

- 1) N68°44'05"E, a distance of 154.05 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) S87°05'03"E, a distance of 675.00 feet to a 1/2 inch iron rod with cap set for an angle point;
- 3) S63°25'10"E, a distance of 496.84 feet to a 1/2 inch iron rod with cap set in the westerly line of South First Street (120' R.O.W.), for the northeasterly corner hereof;

THENCE, along the westerly line of South First Street, being a portion of the easterly line hereof, the following two (2) courses and distances:

- 1) S12°30'48"W, a distance of 15.76 feet to a 1/2 inch iron rod with cap set for the point of curvature of a curve to the right;
- 2) Along said curve to the right having a radius of 940.00 feet, a central angle of 05°57'31", an arc length of 97.76 feet and a chord which bears S15°29'34"W, a distance of 97.71 feet to a 1/2 inch iron rod with cap set at the northeasterly corner of that certain 0.254 acre tract of land conveyed to the City of Austin, Texas by deed of record in Document No. 2000101517 of said Official Public Records, for an angle point hereof;

THENCE, leaving the westerly line of South First Street, along the northerly, westerly and southerly lines of said 0.254 acre tract, being a portion of the easterly line hereof, the following five (5) courses and distances:

- 1) N71°31'43"W, a distance of 30.00 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) S67°15'19"W, a distance of 103.30 feet to a 1/2 inch iron rod with cap set for an angle point;
- 3) S22°15'19"W, a distance of 224.68 feet to a 1/2 inch iron rod with cap set for an angle point;

- 4) S22°44'45"E, a distance of 106.10 feet to a 1/2 inch iron rod with cap set for an angle point;
- 5) S67°44'13"E, a distance of 30.00 feet to a 1/2 inch iron rod with cap set in the westerly line of South First Street, being the southeasterly corner of said 0.254 acre tract, for an angle point hereof;

THENCE, along the westerly line of South First Street, being a portion of the easterly line hereof, the following three (3) courses and distances:

- 1) S22°15'19"W, a distance of 214.87 feet to a 1/2 inch iron rod with cap set for the point of curvature of a curve to the left;
- 2) Along said curve to the left having a radius of 1060.00 feet, a central angle of 07°22'09", an arc length of 136.33 feet and a chord which bears S18°34'14"W, a distance of 136.24 feet to a 1/2 inch iron rod with cap set for the end of said curve;
- 3) S14°53'10"W, a distance of 85.01 feet to an angle point;

THENCE, leaving the westerly line of South First Street, over and across said "Tract One", for a portion of the easterly line hereof, the following five (5) courses and distances:

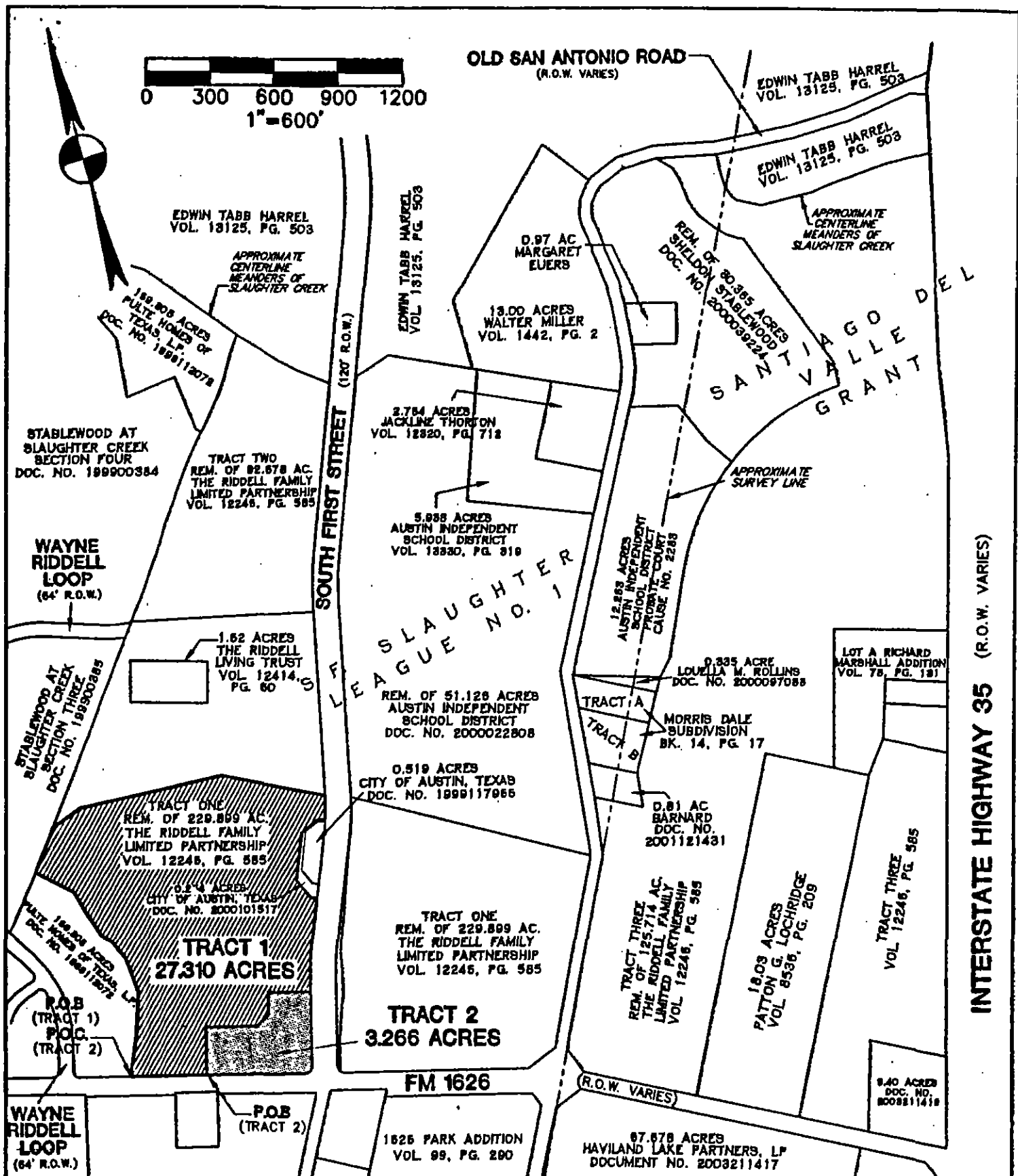
- 1) N75°06'11"W, a distance of 200.00 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) S14°53'10"W, a distance of 101.40 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) S59°55'30"W, a distance of 75.84 feet to a 1/2 inch iron rod with cap set for an angle point;
- 4) N75°06'11"W, a distance of 246.34 feet to a 1/2 inch iron rod with cap set for an angle point;
- 5) S14°53'10"W, a distance of 220.00 feet to a 1/2 inch iron rod with cap set, in the northerly line of F.M. 1626, being the southerly line of the remaining portion of said "Tract One", for the southeasterly corner hereof;

THENCE, N75°06'11"W, along the northerly line of F.M. 1626, being the southerly line of the remaining portion of said "Tract One" and the southerly line hereof, a distance of 356.66 feet to the POINT OF BEGINNING, containing an area of 27.310 acres (1,189,636 sq. ft.) of land, more or less, within these metes and bounds.

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

Mark J. Jezisek
MARK J. JEZISEK
NO. 5267
STATE OF TEXAS





Bury+Partners

ENGINEERING SOLUTIONS
8345 Bee Caves Road, Suite 200
Austin, Texas 78746
Tel. (512)328-8011 Fax (512)328-8325
Bury+Partners, Inc. ©Copyright 2005

SKETCH TO ACCOMPANY DESCRIPTION

OF TWO (2) TRACTS OF LAND OUT OF THE RIDDLELL FAMILY LIMITED PARTNERSHIP TRACT DESCRIBED AS "TRACT ONE", OF RECORD IN VOLUME 12248, PAGE 585 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

NEWMARK HOMES

RIDDLELL TRACT

DATE: 12/20/05

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FN No.: 05-658/659(MJJ)

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