

A U S T I N C I T Y C O U N C I L

AGENDA



Thursday, April 27, 2006

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**Zone Hearings/App Ordinances/Restrictive Covenants  
RECOMMENDATION FOR COUNCIL  
ACTION**

ITEM NO: 44 PH

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**Subject: C14-85-055(RCA) - Lelah's Crossing - Conduct a public hearing and approve a restrictive covenant amendment for the property located at 1300 West Dittmar Road (South Boggy Creek Watershed). Zoning and Platting Commission Recommendation: To approve the restrictive covenant amendment. Applicant: Dittmar Properties, Ltd. (John R. Kleas). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Walsh, 974-7719**

**Additional Backup Material**

(click to open)

[Staff Report](#)

**For More Information:**

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**RESTRICTIVE COVENANT AMENDMENT REVIEW SHEET**

**CASE:** C14-85-055 (RCA)

**Z.P.C. DATE:** December 6, 2005  
December 20, 2005  
January 31, 2006  
February 21, 2006

**ADDRESS:** 1300 West Dittmar Road

**OWNER:** Dittmar Properties, Ltd. (John Kleas)      **AGENT:** Thrower Design  
(Ron Thrower)

**EXISTING ZONING:** DR; GO    **PROPOSED ZONING:** MF-1    **AREA:** 42.029 acres

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends an Amendment of the Restrictive Covenant.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

December 6, 2005: *POSTPONEMENT REQUEST BY THE STAFF TO 12/20/05.*  
[J. MARTINEZ; M. HAWTHORNE – 2<sup>ND</sup>] (7-0) J. PINNELLI – ILL, K. JACKSON –  
ABSENT

December 20, 2005: *APPROVED A POSTPONEMENT REQUEST BY THE ADJACENT  
PROPERTY OWNER TO 01/31/06.*  
[J. MARTINEZ; T. RABAGO – 2<sup>ND</sup>] (9-0)

January 31, 2006: *POSTPONED TO 02/21/06; BY APPLICANT, NEIGHBORHOOD &  
ADJACENT PROPERTY OWNER.*  
[C.HAMMOND, J.MARTINEZ 2<sup>ND</sup>] (8-0) J.GOHIL – ABSENT

February 21, 2006: *APPROVED AN AMENDMENT TO THE RESTRICTIVE COVENANT,  
AS STAFF RECOMMENDED. [See Item # 4 for Summary]*  
[M.HAWTHORNE, J.MARTINEZ 2<sup>ND</sup>] (8-0) T.RABAGO – LEFT EARLY

**NOTE:** THE NEIGHBORHOOD ASSOCIATION, ADJACENT PROPERTY OWNER AND  
APPLICANT AGREED THAT THE CASE WOULD NOT BE SCHEDULED FOR COUNCIL  
CONSIDERATION UNTIL THE PRIVATE RESTRICTIVE COVENANTS ARE SIGNED.

**ISSUES:**

The Applicant has discussed this case with the Matthews Lane Neighborhood Association (MLNA).

A valid petition of 38.53% has been filed by adjacent property owners in opposition to the corresponding rezoning request to GO (C14-05-0091). Petition information is located at the back of the Staff report.

**DEPARTMENT COMMENTS:**

The subject rezoning area represents a portion of the former Brown School facility (a hospital (general) use), is undeveloped and zoned general office (GO) district by a 1985 case. A companion case is being considered for multi-family residence (MF-1) zoning, in order to provide the opportunity for 236 condominium units to be constructed. Please refer to Exhibit A (Zoning Map).

The Restrictive Covenant attached to the 1985 zoning ordinance for the former Brown School facility carries the provision that if the hospital (general) use is discontinued, then the property owner would not object to a City-initiated rezoning rollback to the rural residence (RR) district. As shown in the 1985 zoning map provided as Exhibit B, the areas to the west, south and north were identified as undeveloped and zoned (I-RR). A copy of the recorded Restrictive Covenant is provided as Exhibit C.

A Restrictive Covenant Amendment request has been filed to delete the rollback provision. Staff supports the Amendment request, as follows: 1) recent residential development in the vicinity (south and west) has changed the character of the area and makes higher density residential uses a reasonable request; 2) condominium development diversifies the types of housing available; and 3) Dittmar Road has been upgraded to a minor arterial between South First Street and Manchaca Road, and is able to accommodate additional residential density.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	DR; GO	Undeveloped
<i>North</i>	DR	Single family homes; Manufactured homes
<i>South</i>	SF-4A; SF-2; P	Single family residences; City park and recreation facility
<i>East</i>	GO; MH; SF-2	Neurological treatment center; Manufactured homes; Single family residences
<i>West</i>	SF-2-CO; SF-2; SF-3; DR; W/LO-CO; LO-CO	Railroad tracks; Single family residences; Church; Undeveloped; Manufactured homes

**AREA STUDY:** N / A

**NTA:** Is required – please refer to C14-05-0091 – Attachment A

**WATERSHED:** South Boggy Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association  
 39 – Matthews Lane Neighborhood Association  
 262 – Beaconridge Neighborhood Association  
 300 – Terrell Lane Interceptor Association  
 428 – Barton Springs / Edwards Aquifer Conservation District  
 511 – Austin Neighborhoods Council      627 – Onion Creek Homeowners Association  
 658 – Texas Oaks North Neighborhood Association  
 672 – Overland Park Homeowners Association  
 742 – Austin Independent School District  
 948 – South by Southeast Neighborhood Organization

**SCHOOLS:**

Casey Elementary School – 110% at capacity in 2005  
 Bedichek Middle School – 83% 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
C14-05-0019	SF-2-CO to SF-4A	Indefinite postponement request by the Applicant; then Expired	N/A
C14-02-0103	DR to SF-3; Amended to SF-4A	To Grant SF-4A	Approved SF-4A (11-21-02).

**RELATED CASES:**

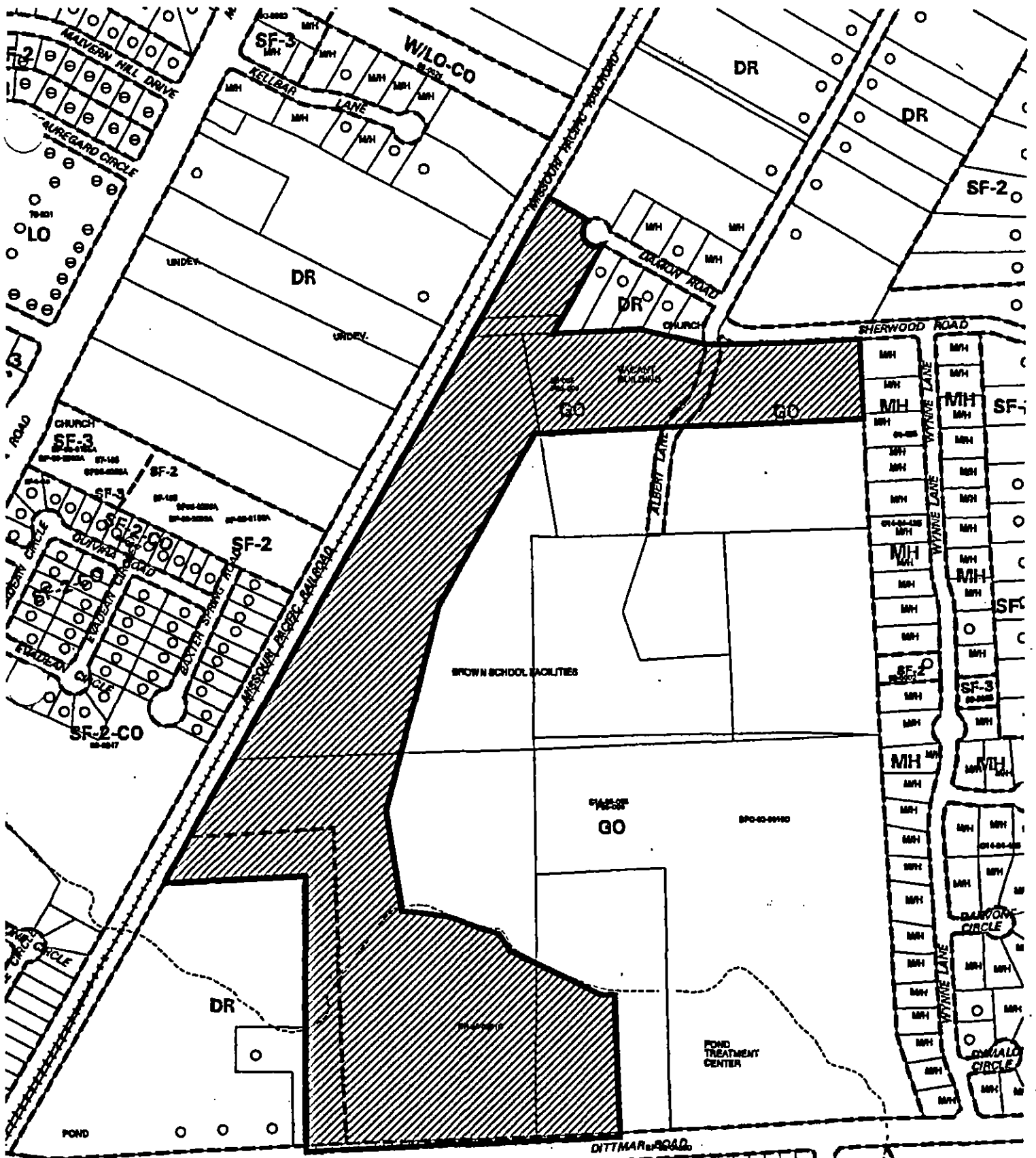
The proposed rezoning area, as well as the adjacent property to the east, was part of the Brown School facility and zoned general office (GO) district in June 1985. A Restrictive Covenant accompanied the zoning ordinance and establishes that if the hospital (general) use was discontinued, then the owner would not object to a rollback to the rural residence (RR) district. An Amendment to the Restrictive Covenant will be considered in conjunction with the proposed rezoning to delete this provision as it applies to this portion of the former Brown School facility (C14-85-055 (RCA)).

There is a preliminary plan application in process for three multi-family residential lots, to be known as Lelah's Crossing (C8-05-0166). Please refer to Exhibit B.

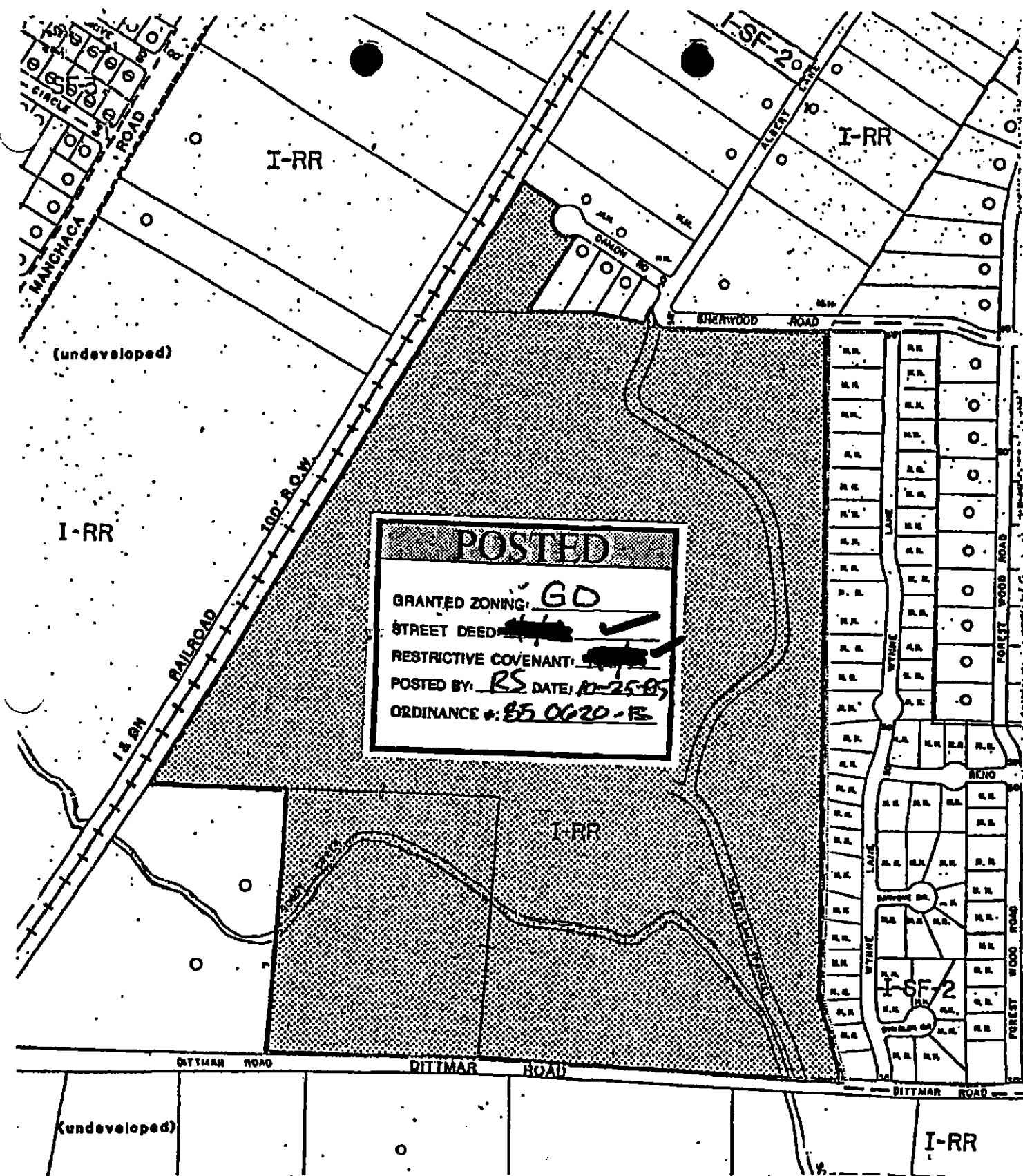
**CITY COUNCIL DATE:** April 27, 2006      **ACTION:**

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Walsh **PHONE:** 974-7719 e-mail: wendy.walsh@ci.austin.tx.us



	SUBJECT TRACT		<b>RESTRICTIVE COVENANT AMENDMENT</b> <b>EXHIBIT A</b> CASE #: C14-85-055(RCA) ADDRESS: 1300 W DITTMAR RD SUBJECT AREA (acres): 42.029	CITY GRID REFERENCE NUMBER <b>F16</b>
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: W. WALSH			
			DATE: 05-11 INTLS: SM	



	NORTH	PENDING CASE .....	SUBJECT TRACT.....	GRID
		ZONING LINE .....	SUBJECT ACREAGE 110.14 Ac.	F
		CYCLE 4/85 INTLS RS	CASE NO: C14-85-055	15&16

Exhibit B  
I-SF-2

THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

1000

107885

37.00 RTEA  
3 02/06/86

WHEREAS, Damon-Brown-Pierce, Inc., a Texas corporation, is the owner of the following described property, to wit:

Those certain six (6) tracts of land in the City of Austin, Travis County, Texas, more particularly described on Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, Healthcare International, Inc., a Texas corporation, is the owner of the following described property, to wit:

Those certain two (2) tracts of land in the City of Austin, Travis County, Texas, more particularly described on Exhibit "B" attached hereto and made a part hereof; and

WHEREAS, Damon-Brown-Pierce, Inc. and Healthcare International, Inc. are owners as tenants in common with undivided interests in the following described property, to wit:

That one (1) certain tract of land in the City of Austin, Travis County, Texas, more particularly described on Exhibit "C" attached hereto and made a part hereof, being that portion of Albert Lane vacated by the Travis County Commissioner's Court on January 9, 1967 (the land described in Exhibits "A", "B" and "C" is collectively hereinafter referred to as the "Property"); and

WHEREAS, the City of Austin, Damon-Brown-Pierce, Inc. and Healthcare International, Inc. agreed that the above described property should be impressed with certain covenants and restrictions running with the land and desire to set forth such agreement in writing:

NOW, THEREFORE, Damon-Brown-Pierce, Inc. and Healthcare International, Inc. for and in consideration of ONE AND NO/100 DOLLARS (\$1.00) and other good and valuable consideration in hand to the undersigned paid by the City of Austin, the receipt of which is hereby acknowledged, does hereby agree with respect to said property described above, such agreement to be deemed and considered as a covenant running with the land, and which shall be binding on them, their successors and assigns, as follows, to wit:

1. In the event that the Property is not at any time in the future used for GO-Office District, Conditional Use-Hospital

Exhibit C



(General) as provided in Conditional Use Permit No. \_\_\_\_\_ as shown from time to time, then the owner of the property will not file an application for the rezoning of the property to RR-Rural Residence by the City of Austin.

It is specifically the intent of the undersigned that the foregoing sentence requiring the undersigned to acquire rollback zoning in the event of change of use of the Property not apply to changes in the site plan or the site conditions of the Property but only applies to changes in the actual use of the Property to something other than GO-Office District, Conditional Hospital (General).

2. If any person, persons, corporation or entity of any other character shall violate or attempt to violate the foregoing agreement and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to bring proceedings at law, or in equity, against said person, or persons, violating or attempting to violate such agreement or covenant.

3. If any part or provision of this agreement or of the herein contained shall be declared invalid, by judgment or court order, the same shall in no wise affect any of the other provisions of this agreement, shall remain in full force and effect.

4. The failure at any time to enforce this agreement by the City of Austin, its successors and assigns, whether any violation hereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

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, or such other governing body as may succeed the City Council of the City of Austin, and (b) the owners of the above described property at the time of modification, amendment or termination.

6. This Correction Restrictive Covenant instrument is intended to amend that Restrictive Covenant instrument executed by Damon

Pierce Ir and Healthcare International, Inc., dated June 17, 1985, and recorded in Volume 9239, Page 11, Real Property Records, Travis County, Texas, wherein by error Exhibits A, B and C describing the Property were inadvertently deleted from the instrument. This Correction Restrictive Covenant does hereby correct the error and confirm the aforesaid Restrictive Covenant and it shall be effective as of and retroactive to June 17, 1985.

EXECUTED this the 31<sup>st</sup> day of January, 1986.

DAMON-BROWN-PIERCE, INC.

By: [Signature]

E. H. WEIR  
(Print Name)

Its: Executive Vice President

HEALTHCARE INTERNATIONAL, INC.

By: [Signature]

E. H. WEIR  
(Print Name)

Its: Executive Vice President

THE STATE OF TEXAS  
COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 31<sup>st</sup> day of January, 1986 by E. H. Weir Executive Vice President of Damon-Brown-Pierce, Inc., a Texas corporation, on behalf of said corporation.

My Commission Expires: \_\_\_\_\_

Rebecca Martin Crook  
Notary Public, State of Texas  
Print Name: \_\_\_\_\_



REBECCA MARTIN CROOK  
State of Texas  
My Commission Expires 10-12-87

NOTARY SEAL

THE STATE OF TEXAS  
COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 31<sup>st</sup> day of January, 1986, by E. H. Weir Executive Vice President of Healthcare International, Inc., a Texas corporation, on behalf of said corporation.

My Commission Expires: \_\_\_\_\_

Rebecca Martin Crook  
Notary Public, State of Texas  
Print Name: \_\_\_\_\_



REBECCA MARTIN CROOK  
State of Texas  
My Commission Expires 10-12-87

NOTARY SEAL

09556 0825

STX2/34,35

# J. LEROY BURN

REGISTERED PUBLIC SURVEYOR

2015 No. 00000

AUSTIN, TEXAS 78701

PHONE 512-0000

April 29, 1985

FIELD NOTES TO 7.76 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE, IN TRAVIS COUNTY, TEXAS, BEING A PART OF THAT CERTAIN (8.28) ACRE TRACT OF LAND CONVEYED TO DAMON-BROWN-PIERCE, INC. BY DEED RECORDED IN VOLUME 3077, PAGE 1407 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 7.76 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pipe found in the south line of Sherwood Road at the Northwest corner of lot 13, Brownleaf Estates, according to the map or plat of said subdivision recorded in Book 31, Page 48 of the Plat Records of Travis County, Texas, same being in the east line of that certain (8.28) acre tract of land conveyed to Damon-Brown-Pierce, Inc. by deed recorded in Volume 3077, Page 1407 of the Deed Records of Travis County, Texas, for the Northeast corner of the tract herein described, from which the Northeast corner of that certain (8.28) acre tract bears N 80 deg. 19' 20" W 48.73 ft.;

THENCE with the east line of said (8.28) acre tract and the west line of lots 13, 12, 11, 10, 9, 8, respectively, Brownleaf Estates, as found fenced, S 00 deg. 19' 20" E 606.43 ft. to an iron rod set at the Northeast corner of a 7.35 acre tract of land conveyed to Damon-Brown-Pierce, Inc. by deed recorded in Volume 2888 Page 537 of the Deed Records of Travis County, Texas, for the Southeast corner of this tract;

THENCE with the south line of said (8.28) acre tract and the north line of the said 7.35 acre tract, N 41 deg. 27' W 450.68 ft. pass an iron rod for the Northwest corner of said 7.35 acre tract, continuing for a total distance of 655.91 ft. to an iron pipe found at the Southeast corner of that certain portion of Albert Lane vacated by the Travis County Commissioners Court on January 9, 1967, for the Southwest corner of this tract;

THENCE with the east line of vacated Albert Lane and the west line of said (8.28) acre tract, N 09 deg. 11' 30" E 77.38 ft. to an iron rod set at the Southwest corner of a 0.22 acre tract of land conveyed to Healthcare International, Inc. by deed recorded in Volume 8171 Page 208 of the Deed Records of Travis County, for a corner of this tract;

THENCE with the south line of said 0.22 acre tract N 78 deg. 29' 30" E 176.25 ft. to an iron rod set at the Southeast corner of said 0.22 acre tract for an inside corner of this tract;

THENCE with the east line of said 0.22 acre tract N 26 deg. 20' 30" W 67.90 ft. to an iron rod set at the Northeast corner of said 0.22 acre tract for an inside corner of this tract;

THENCE with the north line of said 0.22 acre tract S 73 deg. 48' 30" W 137.00 ft. to an iron rod set in the east line of vacated Albert Lane at the Northwest corner of said 0.22 acre tract for a corner of this tract;

THENCE continuing with the east line of said vacated Albert Lane and the west line of said (8.28) acre tract, N 09 deg. 11' 30" E 130.09 ft. to a point of curve, for an angle point in this tract;

THENCE with said curve to the right of which radius is 108.19

EXHIBIT A

09556 0826

ft., the arc distance is 63.13 ft., and the chord bears N 25 deg. 34' 50" E 62.24 ft. to a point of tangency in the said vacated Albert Lane, for an angle point in this tract;

THENCE continuing with the east line of said vacated Albert Lane and the west line of said (8.28) acre tract, N 42 deg. 17' 50" E 84.10 ft. to a point of curve, for an angle point in this tract;

THENCE with said curve to the left of which radius is 220.15 ft., the arc distance is 89.82 ft. and the chord bears N 30 deg. 42' 50" E 88.41 ft. to a point of tangency in the said vacated Albert Lane, for an angle point in this tract;

THENCE continuing with the east line of said vacated Albert Lane and the west line of said (8.28) acre tract, N 19 deg. 07' 50" E 105.95 ft. to a point of curve, for an angle point in this tract;

THENCE with said curve to the left of which radius is 79.88 ft., the arc distance is 55.83 ft. and the chord bears N 00 deg. 53' 30" E 54.70 ft. to a point of reverse curve in the said vacated Albert Lane, for an angle point in this tract;

THENCE with said curve to the right of which radius is 39.98 ft., the arc distance is 2.81 ft. and the chord bears N 18 deg. 50' 55" E 2.81 ft. to a point at the intersection of the curving south line of Sherwood Road with the curving east line of the vacated Albert Lane, for the Northwest corner of this tract;

THENCE along said curve to the left, same being the south line of Sherwood Road of which the radius is 75.36 ft., the arc distance is 53.26 ft. and the chord bears S 68 deg. 56' 30" E 52.16 ft. to an iron pipe found at the point of tangency, for an angle point in this tract;

THENCE continuing with the south line of Sherwood Road, the following two (2) courses:

- (1) S 89 deg. 11' 20" E 75.49 ft. to an 60d nail found,
- (2) S 89 deg. 51' 43" E 333.22 ft. to the Point of Beginning, containing 7.76 acres.

SURVEYED: April, 1985

By:

D. Leroy Bush

EXHIBIT A

09556 0827

April 29, 1985

WILLIAM CANNON, et al.  
 CERTIFICATE NOTES TO 7.35 ACRES OF LAND OUT OF THE WILLIAM CANNON  
 AND PIERCE LEAGUE, IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN  
 OF THE (7.35) ACRE TRACT OF LAND CONVEYED TO DAMON-BROWN-PIERCE,  
 INC. BY DEED RECORDED IN VOLUME 2888, PAGE 537 OF THE DEED  
 RECORDS OF TRAVIS COUNTY, TEXAS, SAID 7.35 ACRE TRACT BEING  
 MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod set at the Southwest corner of lot  
 1, Brownleaf Estates, according to the map or plat of said  
 subdivision recorded in Book 31, Page 48 of the Plat Records  
 of Travis County, Texas, same being the Northwest corner of  
 Travis lot 13, Greenleaf Estates, according to the map or plat of  
 that said subdivision recorded in Book 42, Page 30 of the Plat  
 Records of Travis County, Texas, same being the most Eastern  
 corner of that certain 40.38 acre tract of land  
 conveyed to Damon-Brown-Pierce, Inc. by deed recorded in  
 Volume 2256, Page 229 of the Deed Records of Travis County,  
 Texas, same being the Southeast corner of that certain (7.35)  
 acre tract of land conveyed to Damon-Brown-Pierce, Inc. by  
 deed recorded in Volume 2888, Page 537 of the Deed Records of  
 Travis County, Texas, for the Southeast corner of the tract  
 herein described;

THENCE with the south line of said (7.35) acre tract and a  
 east corner line of the said 40.38 acre tract, S 83 deg. 03' W  
 417.44 ft. to an iron rod set at a corner of the said 40.38  
 acre tract, for the Southwest corner of this tract;

THENCE with the west line of said (7.35) acre tract and a  
 pierce east line of the said 40.38 acre tract, N 80 deg. 35' 20" W  
 276.18 ft. pass an iron rod at the Southeast corner of a 3.33  
 acre tract of land conveyed to Damon-Brown-Pierce, Inc. by  
 deed recorded in Volume 2944, Page 1853 of the Deed Records  
 of Travis County, Texas, and a corner of said 40.38 acre  
 tract, continuing for a total distance of 723.00 ft. to an  
 iron rod set in the south line of a 4.28 acre tract of land  
 conveyed to Damon-Brown-Pierce, Inc. by deed recorded in  
 Volume 3077, Page 1407 of the Deed Records of Travis County,  
 Texas, at the Northeast corner of said 3.33 acre tract, for  
 the Northwest corner of this tract;

THENCE with the north line of said (7.35) acre tract and the  
 south line of said 4.28 acre tract, S 83 deg. 27' E 430.68  
 ft. to an iron rod set in the West line of lot 8, Brownleaf  
 Estates, at the Southeast corner of said 4.28 acre tract, for  
 the Northeast corner of this tract;

THENCE with the east line of said (7.35) acre tract and the  
 west line of lots 8, 7, 6, 5, 4, 3, 2, 1, respectively,  
 Brownleaf Estates, S 80 deg. 19' 20" E 703.42 ft. to the  
 Place of Beginning, containing 7.35 acres.

SURVEYED: April, 1985

BY:

J. Leroy Bush

EXHIBIT A

09556 0828

April 29, 1985

FIELD NOTES TO 3.33 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE, IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN (3.33) ACRE TRACT OF LAND CONVEYED TO DAMON-BROWN-PIERCE, INC. BY DEED RECORDED IN VOLUME 2944, PAGE 1853 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 3.33 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pipe found at the Southwest corner of that certain portion of Albert Lane vacated by the Travis County Commissioners Court on January 9, 1967, same being the Southeast corner of that certain 6.28 acre tract of land conveyed to Healthcare International, Inc. by deed recorded in Volume 8171, Page 208 of the Deed Records of Travis County, Texas, same being a Northerly corner of that certain 40.38 acre tract of land conveyed to Damon-Brown-Pierce, Inc. by deed recorded in Volume 2256, Page 229 of the Deed Records of Travis County, Texas, same being the Northwest corner of that certain (3.33) acre tract of land conveyed to Damon-Brown-Pierce, Inc. by deed recorded in Volume 2944, Page 1853 of the Deed Records of Travis County, Texas, for the Northwest corner of the tract herein described;

THENCE with the south line of said vacated Albert Lane and the north line of said (3.33) acre tract, S 89 deg. 27' E 50.90 ft. pass an iron pipe found at the Southeast corner of said vacated Albert Lane, same being the Southwest corner of a 8.28 acre tract conveyed to Damon-Brown-Pierce, Inc. by deed recorded in Volume 3077, Page 1407 of the Deed Records of Travis County, Texas, continuing for a total distance of 266.13 ft. to an iron rod set at the Northwest corner of that certain 7.33 acre tract conveyed to Damon-Brown-Pierce, Inc. by deed recorded in Volume 2888, Page 537 of the Deed Records of Travis County, Texas, for the Northeast corner of this tract;

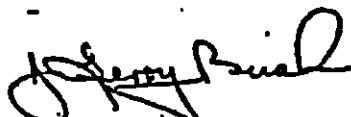
THENCE with the west line of said 7.33 acre tract and east line of said (3.33) acre tract, S 00 deg. 35' 20" E 446.90 ft. to an iron rod set at a corner of said 40.38 acre tract, for the Southeast corner of this tract;

THENCE with a north line of said 40.38 acre tract and the south line of said (3.33) acre tract, S 88 deg. 37' W 308.84 ft. to an iron rod set at a corner of said 40.38 acre tract, for the Southwest corner of this tract;

THENCE with a line of said 40.38 acre tract and the west line of said (3.33) acre tract, the following two (2) courses:  
(1) N 16 deg. 13' W 187.50 ft. to an iron rod set,  
(2) N 18 deg. 05' E 291.23 ft. to the Place of Beginning, containing 3.33 acres.

SURVEYED: April, 1985

BY:



J. Leroy Bush

EXHIBIT A

09556 0829

AUSTIN, TEXAS 78704

May 6, 1985

FIELD NOTES TO 40.33 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE, IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN (40.38) ACRE TRACT OF LAND CONVEYED TO DAMON-BROWN-PIERCE, INC. BY DEED RECORDED IN VOLUME 2256, PAGE 229 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 40.33 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING an iron pipe found in the north line of Pittman Road at the Southeast corner of that certain (40.38) acre tract of land conveyed to Damon-Brown-Pierce, Inc. by deed recorded in Volume 2256, Page 229 of the Deed Records of Travis County, Texas, for the Southeast corner of the tract herein described, from which the Southwest corner of lot 1, Greenleaf Estates, according to the map or plat of said subdivision recorded in Book 42, Page 30 of the Plat Records of Travis County, Texas, bears N 14 deg. 32' W 2.97 ft.,

THENCE with the north line of PITTMAN Road and the south line of said (40.38) acre tract, S 89 deg. 26' 10" W 1270.02 ft. to an iron pipe found at the Southeast corner of that certain 14.86 acre tract of land conveyed to Damon-Brown-Pierce, Inc. by deed recorded in Volume 3387, Page 2045 of the Deed Records of Travis County, Texas, for the Southwest corner of

THENCE with the east line of said 14.87 acre tract and the west line of said (40.38) acre tract, N 02 deg. 42' 40" E 899.70 ft. to an iron pipe found at the Northeast corner of said 14.87 acre tract, same being the Southeast corner of that certain 29.08 acre tract of land conveyed to Damon-Brown-Pierce, Inc. by deed recorded in Volume 3002, Page 328 of the Deed Records of Travis County, Texas, for an angle point in this tract;

THENCE continuing with the west line of said (40.38) acre tract and the east line of said 29.08 acre tract, N 02 deg. 32' 10" E 1044.04 ft. to an iron pipe found at a corner of the said 29.08 acre tract, same being the Northwest corner of said (40.38) acre tract, for the Northwest corner of this tract;

THENCE with the common line of said 29.08 acre tract and said (40.38) acre tract, S 89 deg. 33' 20" E 83.18 ft. to an iron pipe found at a corner of said 29.08 acre tract, same being the Southwest corner of that certain 6.26 acre tract of land conveyed to Healthcare International, Inc. by deed recorded in Volume 8171, Page 208 of the Deed Records of Travis County, Texas, for an angle point in the north line of this tract;

THENCE continuing with the north line of said (40.38) acre tract and south line of said 6.26 acre tract, S 83 deg. 23' 40" E 296.42 ft. to an iron pipe found at the Southeast corner of said 6.26 acre tract, same being the Southwest corner of that certain portion of Albert Lane vacated by the Travis County Commissioners Court on January 9, 1967, same being the Northwest corner of that certain 3.33 acre tract of land conveyed to Damon-Brown-Pierce, Inc. by deed recorded in Volume 2944, Page 1853 of the Deed Records of Travis County, Texas, for a Northerly corner of this tract;

THENCE with the west line of said 3.33 acre tract and a easterly line of said (40.38) acre tract, the following two (2) courses:

EXHIBIT A

09556 0830

- (1) S 18 deg. 05' W 291.23 ft. to an iron rod set,
- (2) S 16 deg. 13' E 187.50 ft. to an iron rod set at the Southwest corner of the said 3.33 acre tract for a corner of this tract;

THENCE with the south line of said 3.33 acre tract and a northerly line of said (40.38) acre tract, N 88 deg. 37' E 308.84 ft. to an iron rod set in the west line of that certain 7.35 acre tract of land conveyed to Damon-Brown-Pierce, Inc. by deed recorded in Volume 2888, Page 537 of the Deed Records of Travis County, Texas, same being the Southeast corner of said 3.33 acre tract, for a corner of this tract;

THENCE with the west line of said 7.35 acre tract and easterly line of said (40.38) acre tract, S 00 deg. 35' 20" E 276.10 ft. to an iron rod set at the Southwest corner of said 7.35 acre tract, for a corner of this tract;

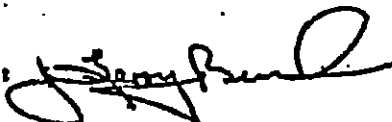
THENCE with the south line of said 7.35 acre tract and a line of said (40.38) acre tract, N 88 deg. 03' E 447.44 ft. to an iron rod set at the Southeast corner of said 7.35 acre tract same being the Southwest corner of lot 1, Brownleaf Estates according to the map or plat of said subdivision recorded in Book 31, Page 42 of the Plat Records of Travis County, Texas, same being the Northwest corner of lot 13, Greenleaf Estates according to the map or plat of said subdivision recorded in Book 42, Page 30 of the Plat Records of Travis County, Texas for the most easterly Northeast corner of this tract;

THENCE with the west line of lots 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, respectively, Greenleaf Estates and the east line of said (40.38) acre tract, as found fenced, S 00 deg. 19' 20" E 925.84 ft. to an iron pipe found, for an angle point in this tract;

THENCE continuing with the east line of said (40.38) acre tract and the west line of lots 3, 2, 1, respectively, Greenleaf Estates, S 14 deg. 39' E 299.22 ft. to the Place of Beginning, containing 40.33 acres.

SURVEYED: April, 1985

By:



J. Leroy Bush

EXHIBIT A

09556 0831



May 7, 1985

FIELD NOTES TO 14.87 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE, IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN (14.86) ACRES OF LAND CONVEYED TO DAMON-BROWN-PIERCE, INC. BY DEED RECORDED IN VOLUME 3387, PAGE 2045 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 14.87 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pipe found in the north line of Dittmar Road at the Southeast corner of that certain 14.85 acre tract of land conveyed to Edwin B. Ernis, et ux by deed recorded in Volume 3387, Page 2048 of the Deed Records of Travis County, Texas, same being the Southwest corner of that certain (14.86) acre tract of land conveyed to Damon-Brown-Pierce, Inc. by deed recorded in Volume 3387, Page 2045 of the Deed Records of Travis County, Texas, for the Southwest corner of the tract herein described;

THENCE with the east line of said 14.85 acre tract and the west line of said (14.86) acre tract, N 82 deg. 37' E 900.29 ft. to an iron rod found in the south line of that certain 29.08 acre tract of land conveyed to Damon-Brown-Pierce, Inc. by deed recorded in Volume 3002, Page 328 of the Deed Records of Travis County, Texas, same being the Northeast corner of said 14.85-acre tract, for the Northwest corner of this tract;

THENCE with the south line of said 29.08 acre tract and the north line of said (14.86) acre tract, S 89 deg. 55' 20" E 721.12 ft. to an iron pipe found in the west line of that certain 40.38 acre tract of land conveyed to Damon-Brown-Pierce, Inc. by deed recorded in Volume 2256, Page 223 of the Deed Records of Travis County, Texas, same being the Southeast corner of said 29.08 acre tract, for the Northeast corner of this tract;

THENCE with the west line of said 40.38 acre tract and the east line of said (14.86) acre tract, S 82 deg. 42' 40" W 899.70 ft. to an iron pipe found in the north line of Dittmar Road at the Southwest corner of said 40.38 acre tract, for the Southeast corner of this tract;

THENCE with the north line of Dittmar Road and the south line of said (14.86) acre tract, N 89 deg. 58' 30" W 719.66 ft. to the Place of Beginning, containing 14.87 acres.

SURVEYED: April, 1985

By:

*J. Leroy Bush*  
J. Leroy Bush

EXHIBIT A

09556 0832

May 7, 1983

FIELD NOTES TO 29.15 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE, IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN (29.08) ACRES OF LAND CONVEYED TO DAMON-BROWN-PIERCE, INC. BY DEED RECORDED IN VOLUME 3002, PAGE 328 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 29.15 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pipe found in the west line of that certain 40.38 acre tract of land conveyed to Damon-Brown-Pierce, Inc. by deed recorded in Volume 2256, Page 329 of the Deed Records of Travis County, Texas, same being the Northeast corner of that certain 14.86 acre tract of land conveyed to Damon-Brown-Pierce, Inc. by deed recorded in Volume 3387, Page 2045 of the Deed Records of Travis County, Texas, same being the Southeast corner of that certain (29.08)-acre tract of land conveyed to Damon-Brown-Pierce, Inc. by deed recorded in Volume 3002, Page 328 of the Deed Records of Travis County, Texas, for the Southeast corner of the tract herein described;

THENCE with the south line of said (29.08) acre tract and the north line of said 14.86 acre tract, N 89 deg. 55' 20" W 721.12 ft. to an iron rod found at the Northwest corner of said 14.86 acre tract, same being the Northeast of that certain 14.85 acre tract of land conveyed to Edwin B. Erwin, et ux by deed recorded in Volume 3387, Page 2048 of the Deed Records of Travis County, Texas, for an angle point in the south line of this tract;

THENCE continuing with the south line of said (29.08) acre tract and the north line of said 14.85 acre tract, N 89 deg. 55' 10" W 455.21 ft. to an iron pipe found in the easterly line of that certain I. & G. W. Railroad at the most northerly Northwest corner of said 14.85 acre tract, for the Southwest corner of this tract;

THENCE with the easterly line of said I. & G. W. Railroad and the westerly line of said (29.08) acre tract, as found fenced, N 32 deg. 16' E 2518.40 ft. to an iron pipe found at the most westerly Southwest corner of that certain 0.79 acre tract of land conveyed to Jasper Williams by deed recorded in Volume 3475, Page 2396 of the Deed Records of Travis County, Texas, for the most northerly Northwest corner of this tract;

THENCE with the south line of said 0.79 acre tract and the north line of said (29.08) acre tract, S 57 deg. 41' E 148.19 ft. to an iron rod found in the west curving line of a cul-de-sac at the west end of Damon Road, same being the Southeast corner of said 0.79 acre tract, for a point of curve in this tract;

THENCE with said curve to the left of which radius is 45.83 ft., the arc distance is 141.37 ft. and the chord bears S 23 deg. 53' E 90.80 ft. to an iron pipe found at the Northwest corner of lot 5, Damon Subdivision, according to the map or plat of said subdivision recorded in Book 6, Page 31 of the Plat Records of Travis County, Texas, for the Northeast corner of this tract;

THENCE with the west line of said lot 5, Damon Subdivision and a east line of said (29.08) acre tract, as found fenced, S 32 deg. 16' W 324.69 ft. to an iron pipe found in the north line of that certain 6.26 acre tract of land conveyed to Healthcare International, Inc. by deed recorded in Volume

EXHIBIT A 09556 0833

AUSTIN, TEXAS 78701

8171, Page 208 of the Deed Records of Travis County, Texas,  
same being the Southwest corner of lot 5, for a Northeasterly  
corner of this tract;

THENCE with the north line of said 6.26 acre tract and a  
northerly line of said (29.08) acre tract, N 89 deg. 23' 45"  
W 92.45 ft. to an iron pipe found at the Northwest corner of  
said 6.26 acre tract, for a corner of this tract;

THENCE with the west line of said 6.26 acre tract and a east  
line of said (29.08) acre tract, S 05 deg. 48' 15" E 657.82  
ft. to an iron pipe found in the north line of said 40.38  
acre tract, same being the Southwest corner of said 6.26 acre  
tract, for a corner of this tract;

THENCE with the north line of said 40.38 acre tract and a  
east line of said (29.08) acre tract, N 89 deg. 33' 20" W 83.18  
ft. to an iron pipe found at the Northwest corner of said  
40.38 acre tract, for a corner of this tract;

THENCE with the west line of said 40.38 acre tract and a east  
line of said (29.08) acre tract, S 82 deg. 32' 10" W 1044.04  
ft. to the Place of Beginning, containing 29.15 acres.

8171, Page

SURVEYED: April, 1983

tract and south  
0° W 296.42  
st line of  
to  
June 2000,  
Travis, Tex 78701

BY:

J. Leroy Bush

EXHIBIT A

May 6, 1985

FIELD NOTES TO 6.26 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE, IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN (6.26) ACRE TRACT OF LAND CONVEYED TO HEALTHCARE INTERNATIONAL, INC. BY DEED RECORDED IN VOLUME 8171, PAGE 208 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 6.26 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pipe found at the Southwest corner of that certain portion of Albert Lane vacated by the Travis County Commissioners Court on January 9, 1967, same being the Northwest corner of that certain 3.33 acre tract of land conveyed to Damon-Brown-Pierce, Inc. by deed recorded in Volume 2944, Page 1833 of the Deed Records of Travis County, Texas, same being a Northerly corner of that certain 40.38 acre tract of land conveyed to Damon-Brown-Pierce, Inc. by deed recorded in Volume 2256, Page 229 of the Deed Records of Travis County, Texas, same being the Southeast corner of that certain (6.26) acre tract of land conveyed to Healthcare International, Inc. by deed recorded in Volume 8171, Page 208 of the Deed Records of Travis County, Texas, for the Southeast corner of the tract herein described;

THENCE with the north line of said 40.38 acre tract and south line of said (6.26) acre tract, N 89 deg. 23' 40" W 296.42 ft. to an iron pipe found at a corner in the east line of that certain 29.08 acre tract of land conveyed to Damon-Brown-Pierce, Inc. by deed recorded in Volume 3002, Page 328 of the Deed Records of Travis County, Texas, for the Southwest corner of this tract;

THENCE with the east line of said 29.08 acre tract and west line of said (6.26) acre tract, W 5 deg. 48' 15" W 637.82 ft. to an iron pipe found at a corner of said 29.08 acre tract, for the Northwest corner of this tract;

THENCE continuing with the common line of said 29.08 acre tract and (6.26) acre tract, S 89 deg. 23' 45" E 92.45 to an iron pipe found at a corner of said 29.08 acre tract, same being the Southwest corner of lot 5, Damon Subdivision, according to the map or plat of said subdivision recorded in Book 6, Page 31 of the Plat Records of Travis County, Texas, same being an angle point in said (6.26) acre tract, for an angle point in the north line of this tract;

THENCE with the south line of lots 5, 4, 3, 2, 1, respectively, Damon Subdivision and north line of said (6.26) acre tract, the following three (3) courses;

- (1) S 89 deg. 20' E 113.31 ft. to an iron pipe found at the Southeast corner of lot 5 and Southwest corner of lot 4;
- (2) S 89 deg. 34' E 168.36 ft. to an iron pipe found at the Southeast corner of lot 3 and Southwest corner of lot 2;
- (3) S 74 deg. 43' 30" E 205.63 ft. to a 60d nail found at the Southeast corner of lot 1, same being a point of reverse curve in the west line of said vacated Albert Lane, same being the Northeast corner of said (6.26) acre tract, for the Northeast corner of this tract;

THENCE with the curving west line to the right of said vacated Albert Lane and the east line of said (6.26) acre tract, of which the radius is 29.48 ft., the arc distance is

20.88 ft. and the chord bears S 00 deg. 53' 30" E 20.46 ft. to a point of tangency in the said vacated Albert Lane, for an angle point in this tract;

THENCE continuing with the west line of said vacated Albert Lane and the east line of said (6.26) acre tract, S 19 deg. 07' 50" W 105.93 ft. to a point of curve, for an angle point in this tract;

THENCE with said curve to the right of which the radius is 170.15 ft., the arc distance is 58.80 ft. and the chord bears S 30 deg. 42' 50" W 68.33 ft. to a point of tangency in said vacated Albert Lane, for an angle point in this tract;

THENCE continuing with the west line of said vacated Albert Lane and the east line of said (6.26) acre tract, S 42 deg. 17' 50" W 84.10 ft. to a point of curve, for an angle point in this tract;

THENCE with said curve to the left of which the radius 158.19 ft., the arc distance is 92.30 ft. and the chord bears S 25 deg. 34' 50" W 91.00 ft. to a point of tangency in said vacated Albert Lane, for an angle point in this tract;

THENCE continuing with the west line of said vacated Albert Lane and the east line of said (6.26) acre tract, S 09 deg. 15' 30" W 279.70 ft. to the place of beginning, containing 6.26 Acres;

SURVEYED: April, 1985

By:

J. Leroy Bush

EXHIBIT B

09556 0836

April 29, 1985

FIELD NOTES TO 0.22 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE, IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN (8.22) ACRE TRACT OF LAND CONVEYED TO HEALTHCARE INTERNATIONAL, INC. BY DEED RECORDED IN VOLUME 8171, PAGE 208 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.22 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod set in the east line of that certain portion of Albert Lane vacated by the Travis County Commissioners Court on January 9, 1967, same being a corner of that certain 8.28 acre tract of land conveyed to Damon-Brown-Pierce, Inc. by deed recorded in Volume 3077, Page 1407 of the Deed Records of Travis County, Texas, from which the Southwest corner of said 8.28 acre tract bears S 09 deg. 11' 30" W 77.38 ft., same being the Southwest corner of a (0.22) acre tract of land conveyed to Healthcare International, Inc. by deed recorded in Volume 8171, Page 208 of the Deed Records of Travis County, Texas, for the Southwest corner of the tract herein described;

THENCE with the west line of said (0.22) acre tract and east line of said vacated Albert Lane, N 09 deg. 11' 30" E 64.87 ft. to an iron rod set at a corner of said 8.28 acre tract, for the Northwest corner of this tract;

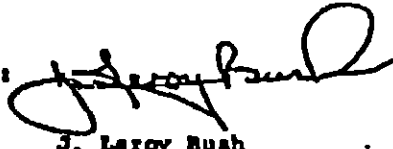
THENCE with the north line of said (0.22) acre tract and a southerly line of said 8.28 acre tract, N 75 deg. 48' 30" E 137.00 ft. to an iron rod set at an inside corner of said 8.28 acre tract, for the Northeast corner of this tract;

THENCE with the east line of said (0.22) acre tract and a westerly line of said 8.28 acre tract, S 20 deg. 20' 30" E 67.90 ft. to an iron rod set at an inside corner of said 8.28 acre tract, for the Southeast corner of this tract;

THENCE with the south line of said (0.22) acre tract and a southerly line of said 8.28 acre tract, S 78 deg. 29' 30" W 170.23 ft. to the Place of Beginning, containing 0.22 acres.

SURVEYED: April, 1985

BY:



J. Leroy Bush

EXHIBIT B

May 7, 1985

FIELD NOTES TO 0.82 ACRES OF LAND OUT OF THE WILLIAM CANNON LEAGUE, IN TRAVIS COUNTY, TEXAS, BEING ALL OF ALBERT LANE VACATED BY THE TRAVIS COUNTY COMMISSIONERS COURT ON JANUARY 9, 1967, SAID 0.82 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING at an iron rod found at the intersection of the south line of Damon Road and the west line of Albert Lane, same being the Northeast corner of lot 1, Damon Subdivision, according to the map or plat of said subdivision recorded in Book 6, Page 31 of the Plat Records of Travis County, Texas, same being the North corner of Albert Lane vacated by the Travis County Commissioners Court on January 9, 1967, for a point of curve and North corner of the tract herein described;

THENCE with said curve to the left of which the radius is 73.76 ft., the arc distance is 106.05 and the chord bears S 08 deg. 31' 35" E 97.51 ft. to a point at the intersection of the curving east line of vacated Albert Lane with the curving south line of Sherwood Road, same being a point in the west line of that certain 8.28 acre tract of land conveyed to Damon-Brown-Pierce, Inc. by deed recorded in Volume 3077, Page 1407 of the Deed Records of Travis County, Texas, for the Northeast corner of this tract;

THENCE along said curve to the left, same being the east line of vacated Albert Lane of which the radius is 39.98 ft., the arc distance is 2.81 ft. and the chord bears S 18 deg. 50' 55" E 2.81 ft. to a point of reverse curve in the said east line of said vacated Albert Lane, for an angle point in this tract;

THENCE with said curve to the right of which the radius is 79.88 ft., the arc distance is 55.83 ft. and the chord bears E 00 deg. 53' 30" E 54.70 ft. to a point of tangency in the east line of said vacated Albert Lane, for an angle point in this tract;

THENCE continuing with the east line of said vacated Albert Lane and the west line of said 8.28 acre tract, S 19 deg. 07' 50" W 105.95 ft. to a point of curve, for an angle point in this tract;

THENCE with said curve to the right of which the radius is 220.15 ft., the arc distance is 83.02 ft. and the chord bears S 30 deg. 42' 50" W 88.41 ft. to a point of tangency in the said vacated Albert Lane, for an angle point in this tract;

THENCE continuing with the east line of said vacated Albert Lane and the west line of said 8.28 acre tract, S 42 deg. 17' 50" W 84.10 ft. to a point of curve, for an angle point in this tract;

THENCE with said curve to the left of which the radius is 108.19 ft., the arc distance is 63.13 ft. and the chord bears S 25 deg. 34' 30" W 62.24 ft. to a point of tangency in the said vacated Albert Lane, for an angle point in this tract;

THENCE continuing with the east line of said vacated Albert Lane and the west line of said 8.28 acre tract, S 09 deg. 11' 30" W 130.09 ft. pass an iron rod found at the Northwest corner of that certain 0.22 acre tract of land conveyed to Healthcare International, Inc. by deed recorded in Volume

EXHIBIT C  
09556

0820

AUSTIN, TEXAS 78701

8171, Page 208 of the Deed Records of Travis County, Texas, continuing 194.96 ft. total pass an iron rod found at the Southwest corner of said 8.22 acre tract, continuing for a total distance of 272.34 ft. to an iron pipe found in the north line of that certain 3.33 acre tract of land conveyed to Damon-Brown-Pierce, Inc. by deed recorded in Volume 2944, Page 1853 of the Deed Records of Travis County, Texas, same being the Southeast corner of said vacated Albert Lane, for the Southeast corner of this tract;

THENCE with the north line of said 3.33 acre tract and the south line of said vacated Albert Lane, N 89 deg. 27' W 50.90 ft. to an iron pipe found at the Northwest corner of said 3.33 acre tract, same being a Northerly corner of that certain 40.38 acre tract of land conveyed to Damon-Brown-Pierce, Inc. by deed recorded in Volume 2256, Page 229 of the Deed Records of Travis County, Texas, same being the Southeast corner of that certain 6.26 acre tract of land conveyed to Healthcare International, Inc. by deed recorded in Volume 8171, Page 208 of the Deed Records of Travis County, Texas, for the Southwest corner of this tract;

THENCE with the west line of said vacated Albert Lane and the east line of said 6.26 acre tract, N 09 deg. 15' 30" E 279.70 ft. to a point of curve, for an angle point in this tract;

THENCE with said curve to the right of which the radius is 152.19 ft., the arc distance is 92.30 ft. and the chord bears N 25 deg. 34' 50" E 91.00 ft. to a point of tangency in the said vacated Albert Lane, for an angle point in this tract;

THENCE continuing with the west line of said vacated Albert Lane and the east line of said 6.26 acre tract, N 42 deg. 17' 50" E 84.10 ft. to a point of curve, for an angle point in this tract;

THENCE with said curve to the left of which the radius is 170.13 ft., the arc distance is 68.80 ft. and the chord bears N 30 deg. 42' 50" E 68.33 ft. to a point of tangency in the said vacated Albert Lane, for an angle point in this tract;

THENCE continuing with the west line of said vacated Albert Lane and the east line of said 6.26 acre tract, N 19 deg. 07' 50" E 103.93 ft. to a point of curve, for an angle point in this tract;

THENCE with said curve to the left of which radius is 29.88 ft., the arc distance is 20.88 ft. and the chord bears N 00 deg. 53' 30" W 20.46 ft. to a 60d nail found at the Northeast corner of said 6.26 acre tract, same being the Southeast corner of lot 1, Damon Subdivision, same being a point of reverse curve in said vacated Albert Lane, for an angle point in tract;

THENCE with said curve to the right of which radius is 89.98 ft., the arc distance is 82.78 ft. and the chord bears N 05 deg. 29' 30" E 79.89 ft. to an iron rod found at a point of tangency in the west line of said vacated Albert Lane and east line of said lot 1, Damon Subdivision, for an angle point in this tract;

THENCE continuing with the west line of said vacated Albert Lane and the east line of said lot 1, Damon Subdivision, N 32 deg. 17' E 44.30 ft. to the Place of Beginning, containing 6.62 acres.

SURVEYED: April, 1985

BY:

J. Leroy Bush

REGISTERED

08556 0820



FILED  
1985 FEB -4 PM 4:49  
CLERK OF COURT  
TRAVIS COUNTY, TEXAS

RETURN TO: Lawyers Title & Abstract Company  
3600 Bee Cave Road Suite 100  
Austin, Texas 78746  
Attn: Lori

STATE OF TEXAS COUNTY OF TRAVIS  
Honorably certify that the foregoing was FILED as  
the original of the instrument herein referred to and  
was duly RETURNED, on the Terms and Page of the  
original RECORDS of Travis County, Texas on

FEB 4 1985



*John A. Spivey*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

09556 0840

December 19, 2005

VIA E-MAIL

Chairman Betty Baker  
Members of the Zoning & Platting Commission

Re: Postponement Request-C14-05-0091 and C14-85-055 (RCA)

Dear Chairman Baker and Members of the Zoning & Platting Commission:

On behalf of the adjacent property owner, Texas NeuroRehab Center, please accept this letter to serve as a postponement request for the above referenced cases, currently on your agenda for December 20, 2005. This is our first postponement request and we ask for a postponement to your February 7, 2006 meeting. In an effort to arrive at the most compatible land use situation possible, we are assisting our client in understanding how the proposed zoning and development permitted with that zoning could affect our hospital and medical office uses. In that regard, we need more time to fully assess the situation which may or may not result in suggested conditions regarding the requested zoning category.

Please contact me should you need more information regarding our request.

Very truly yours,



Annick Beaudet,  
Land Development Coordinator

ab

cc: Wendy Walsh, Senior Planner, Neighborhood Planning & Zoning Department

AUS:2634714.1  
53342.2

**PETITION**

**Date: 1-20-06**

**File Number: C14-05-0091**

**Address of**

## Rezoning Request: 1300 W. Dittmar Lane

**To: Austin City Council**

**We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code, which would zone the property to any classification other than GO.**

This property was zoned General Office, GO, in 1985. Upon that re-zoning a very specific restriction was placed on the property through a Public Restrictive Covenant limiting the property to a Hospital (General) use and further provided that if the property is not used for that use, the property owner will not object to the filing of an application for re-zoning to RR, Rural Residence district zoning.

The property was bought by the current property owner with this restriction, and he is now seeking to change that restriction. We object for a variety of reasons, which we will address at the public hearing.

**(PLEASE USE BLACK INK WHEN SIGNING PETITION)**

[illegible]

**Date: 1-20-06**

**Contact Name:** Annick Beaudet  
**Phone Number:** 512-703-5741

PSYCHIATRIC SOLUTIONS, INC.



**UNANIMOUS WRITTEN CONSENT ACTION  
OF THE GENERAL PARTNER OF  
NEURO INSTITUTE OF AUSTIN, L.P.**

November 15, 2004

Pursuant to the provisions of the limited partnership laws, the Certificate of Limited Partnership and Limited Partnership Agreement of Neuro Institute of Austin, L.P. (the "Company"), the General Partner of the Company hereby adopts, ratifies and approves the following resolutions by consent on behalf of the Company effective as of the date first above written:

**BE IT RESOLVED** that the sole member of the Company does hereby authorize the following individuals to negotiate, on terms and conditions that each may deem advisable, to execute the contract or contracts on behalf of the Corporation, and further each is hereby given the power and authority to do all things necessary to implement, maintain, amend, or renew the contract:

<b>Ed Prettyman</b>	<b>Chief Executive Officer of Texas NeuroRehab Center, Austin, Texas</b>
---------------------	--

<b>Omar Correa</b>	<b>Chief Financial Officer of Texas NeuroRehab Center, Austin, Texas</b>
--------------------	--

This action is hereby taken and approved by the undersigned, being the General Partner of the Company, and is effective as of the date first above written.

**GENERAL PARTNER:**

**NEURO INSTITUTE OF AUSTIN, L.P.**

STATE OF TENNESSEE )

COUNTY OF WILLIAMSON )

By: \_\_\_\_\_

*Joey A. Jacobs,*  
President

SUBSCRIBED and SWORN to  
Before me this 23rd day of  
November, 2004.

*M. Susan Kaban*  
\_\_\_\_\_  
Notary Public

# PETITION

Date: 12-6-05

File Number: C14-05-0091

Address of

Rezoning Request: 1300 W. Dittmar

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SP2 or lower density

(STATE REASONS FOR YOUR PROTEST)

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
	Troy Holland	1401 Wheatfall Ln.
	Shane Adams	8101 Densley Ln.
	Carolyn Hemphill	1313 W Dittmar Rd.
	Neil Slaughter	1146 Brecon Ln
	Nath Lee	1144 Brecon Ln
	Julie Gerdes	8005 Baxter Springs Rd.
	Paul Gerdes	8005 Baxter Springs Rd.
	Clara Torres	8009 Baxter Springs Rd.
	Adrian Lumpkin	8015 Baxter Springs Rd.
	Adrian Lumpkin	8021 Baxter Springs Rd.
	Juan Duran	8025 Baxter Springs Rd.
	NEIL EVERETT	801 BRECON SPRINGS RD
	Sunil Wijenayake	8109 Baxter Springs Rd.
	Vajira Badolagana	8104 Baxter Springs Rd.
	NANCY RITEN	1140 Brecon Ln

Date: 1-25-06

Contact Name: Carol Maya

Phone Number: 658-1894



# PETITION

Case Number:

**C14-05-0091**

Date:

Jan. 25, 2006

Total Area within 200' of subject tract: (sq. ft.)

2,219,353.18

1	<u>04-2415-1523</u>	<u>EVERETTE NEIL W</u>	<u>8,352.18</u>	<u>0.38%</u>
2	<u>04-2415-1524</u>	<u>DURAN JUAN C &amp;</u>	<u>8,283.49</u>	<u>0.37%</u>
3	<u>04-2415-1525</u>	<u>ANITA</u>	<u>7,562.22</u>	<u>0.34%</u>
4	<u>04-2415-1527</u>	<u>HOLCOMB TIMOTHY</u>	<u>9,825.79</u>	<u>0.44%</u>
5	<u>04-2415-1528</u>	<u>&amp; ADRIANA</u>	<u>8,311.72</u>	<u>0.37%</u>
6	<u>04-2415-1529</u>	<u>ANDERSON BRIAN &amp;</u>	<u>8,309.51</u>	<u>0.37%</u>
7	<u>04-2415-1601</u>	<u>THOMAS LUMLEY</u>	<u>751,799.47</u>	<u>33.87%</u>
8	<u>04-2615-0801</u>	<u>TORRES CLARA</u>	<u>15,122.27</u>	<u>0.68%</u>
9	<u>04-2615-1023</u>	<u>GERDES PAUL &amp;</u>	<u>9,512.73</u>	<u>0.43%</u>
10	<u>04-2615-1027</u>	<u>JULIE</u>	<u>7,490.27</u>	<u>0.34%</u>
11	<u>04-2615-1028</u>	<u>NEURO INSTITUTE</u>	<u>8,616.65</u>	<u>0.39%</u>
12	<u>04-2615-1029</u>	<u>OF AUSTIN L P</u>	<u>11,938.39</u>	<u>0.54%</u>
13		<u>HOLLAND TROY G</u>		<u>0.00%</u>
14		<u>HEMPHILL CAROLYN</u>		<u>0.00%</u>
15		<u>DITTMAR</u>		<u>0.00%</u>
16		<u>RILEY NANCY M</u>		<u>0.00%</u>
17		<u>LEE HOAH &amp;</u>		<u>0.00%</u>
18		<u>JENNIFER E PALMER-</u>		<u>0.00%</u>
19		<u>L</u>		<u>0.00%</u>
20		<u>SLAUGHTER NIEL</u>		<u>0.00%</u>
21				<u>0.00%</u>
22				<u>0.00%</u>
23				<u>0.00%</u>
24				<u>0.00%</u>
25				<u>0.00%</u>

Validated By:

Stacy Meeks

Total Area of Petitioner:

855,124.68

Total %

38.53%

January 30, 2005

**TO:** Planning and Zoning Commission, Wendy Walsh

**FROM:** Carol Moya, President Matthews Lane Neighborhood Association

**SUBJECT:** Requested postponement on rezoning hearing, case C14-85-055,  
1300 W. Dittmar, Lelah's Crossing

The Matthews Lane Neighborhood Association is requesting that the 1/31/06 hearing on this case be postponed to 3/21/06 for the following reasons:

- New information has come to our attention that we need to discuss as a neighborhood
- We also need to meet with adjacent property owners concerning this new information

Thank you,



Carol Moya  
President, Matthews Lane Neighborhood Association



**DISCUSSION AND ACTION ON ZONING CASES**

4. **Rezoning:** C14-05-0091 - Lelah's Crossing  
**Location:** 1300 West Dittmar Road, South Boggy Creek Watershed  
**Owner/Applicant:** Dittmar Properties, Ltd. (John Kleas)  
**Agent:** Thrower Design (Ron Thrower)  
**Request:** DR; GO to MF-1  
**Staff Rec.:** RECOMMENDATION OF SF-6-CO WITH CONDITIONS.  
**Staff:** Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us  
Neighborhood Planning and Zoning Department

**APPROVED STAFF'S RECOMMENDATION OF SF-6-CO DISTRICT ZONING, WITH A RESTRICTIVE COVENANT FOR THE NEIGHBORHOOD TRAFFIC ANALYSIS AS RECOMMENDED BY STAFF; WITH ADDITIONAL CONDITIONS OF LIMITING DENSITY TO 6 UNITS PER ACRE AND BUILDING HEIGHT TO 20-FEET. [M.HAWTHORNE, J.MARTINEZ 2<sup>ND</sup>] (8-0) T.RABAGO - LEFT EARLY**

**NOTE: THE NEIGHBORHOOD ASSOCIATION, ADJACENT PROPERTY OWNER AND APPLICANT AGREED THAT THE CASE WOULD NOT BE SCHEDULED FOR COUNCIL CONSIDERATION UNTIL THE PRIVATE RESTRICTIVE COVENANTS ARE SIGNED.**

**SUMMARY**

*Wendy Walsh, staff, stated that the applicant, neighborhood and adjacent property owner have agreed to a conditional overlay and all parties are in agreement.*

*Commissioner Baker - The neighborhood and applicant were asked to negotiate some way; can we hear from them and see how far apart they are and then we'll come back to you, please.*

*Ms. Walsh - That's fine, but I did want you to know that staff, applicant, neighborhood and the adjacent property owner are now in agreement with the addition of two conditional overlays. Those conditional overlays are limiting Sherwood Road to a secondary vehicular access point, prohibiting access to Damon Road (cul-de-sac on north side); limited to 2,000 trips per day; and two additional conditional overlays as agreed to between the parties is limiting the density to 6 units per acre and a building height to 20-feet. There is also a private restrictive covenant regarding future development, emergency access; those are with the Matthews Lane Neighborhood Association and I believe the adjacent property owner. They can discuss those with you, if you wish. There's a neighborhood traffic analysis that is part of the staff recommendation; the applicant is in agreement with that with those conditions. We have the restrictive covenant amendment, which is item #5 and that is amend the covenant to remove the hospital use.*

*Commissioner Baker - And they all agree?*

*Ms. Walsh - Yes.*

*Commissioner Jackson – I do want to make sure that they are all in agreement with the restrictive covenant and I do want to hear that there is a deal, on the record.*

*Commissioner Baker – We don't want to know what the deal is; but do you agree to it?*

*Nikelle Meade, representing the adjacent property owner – It's a lengthy agreement and it is not yet signed, just because we were finalizing it 15 minutes ago; but we do have that and have given it to staff and we'd like to have the Commission to vote tonight, subject to getting that finalized before Council. We even have a copy for staff to have in the record; but we are all in agreement and there's a separate agreement with the neighborhood association and I think they want to handle that agreement the same way.*

*Carolyn Moya, President of the Matthews Lane Neighborhood Association – Yes, we came into an agreement with the developer and we've filed the appropriate paper work with Wendy; so we are supporting their application.*

*Commissioner Baker – I have an idea; we are obviously going to approve this with the conditional overlays and whatever agreements; but this will not be scheduled for Council until the restrictive covenants are signed; all agree?*

*Inaudible – We agree.*

*Commissioner Hawthorne and Martinez moved to close the public hearing for items #4 and #5.*

*Commissioner Hawthorne – I'll make a motion to approve staff recommendation on item #4 as read into the record by Wendy; that would include the density, TIA etc.*

*Commissioner Martinez – Second.*

*Commissioner Jackson – Also, that the private covenant will be signed before it goes to Council?*

*Commissioner Hawthorne – Yes, that's correct.*

*Motion carried. (8-0) T. Rabago – left early*

*For Item #5*

*Commissioner Hawthorne – I approve staff's recommendation.*

*Commissioner Martinez – Second.*

*Motion carried. (8-0) T. Rabago – left early*

**AMENDMENT OF RESTRICTIVE COVENANT**  
**FOR ZONING CASE NO. C14-85-055**

**OWNER:** Dittmar Properties, LP, a Texas limited partnership

**ADDRESS:** 784 Oakdale Drive, Austin, Texas 78745

**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.

**CITY:** The City of Austin, a home-rule city, municipal corporation and political subdivision of the State of Texas, in Travis County, Texas.

**CITY COUNCIL:** The City Council of the City of Austin.

WHEREAS, Dittmar Properties, LP, a Texas limited partnership, is the sole and current owner (the "Owner") of property consisting of 42.029 acres of land, more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant (the "Released Property") on the date of this Amendment; and,

WHEREAS, the Released Property is a portion of all that certain property described in Zoning File No. C14-85-055, consisting of approximately 110 acres of land (the "Property"), as more particularly described in the restrictive covenant recorded in the Real Property Records of Travis County, Texas, in Volume 9556, Page 823, (the "Restrictive Covenant"); and,

WHEREAS, the Restrictive Covenant imposed certain restrictions and covenants on the Property; and

WHEREAS, the Restrictive Covenant provided that the covenant could be modified, amended, or terminated by joint action of both a majority of the members of the City Council and the Owner of the applicable portion of the Property at the time of such modification, amendment or termination; and,

WHEREAS, the Owner desires to amend the Restrictive Covenant as to the Released Property; and

WHEREAS, the City Council and the Owner agree the Restrictive Covenant should be amended as to the Released Property.

NOW, THEREFORE, for and in consideration of the premises and mutual promises, covenants, and agreements hereinafter set forth, the City of Austin and the Owner, agree as follows:

1. The Restrictive Covenant is amended to release the Released Property from the terms and provisions under the Restrictive Covenant which is no longer applicable to or binding on the Released Property.
2. Except as expressly provided for in this Amendment, each and every one of the terms, conditions, and provisions of the Restrictive Covenant, as set forth in the Restrictive Covenant, shall continue in full force and effect on and after the effective date of this Amendment.

3. The City Manager, or her designee, shall execute, on behalf of the City, this Amendment of Restrictive Covenant for Zoning File No. C14-85-055, as authorized by the City Council of the City of Austin. This Amendment of Restrictive Covenant For Zoning File No. C14-85-055 shall be filed in the Official Property Records of Travis County, Texas.

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

**OWNER:**

Dittmar Properties, LP,  
a Texas limited partnership

By: Dittmar Properties GP, Inc.,  
a Texas corporation,  
General Partner

By: \_\_\_\_\_  
John R. Kleas, President

**CITY OF AUSTIN**

By: \_\_\_\_\_  
Laura J. Huffman,  
Assistant City Manager  
City of Austin

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Assistant City Attorney  
City of Austin

**THE STATE OF TEXAS   §**

**COUNTY OF TRAVIS   §**

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2006, by John R. Kleas, President of Dittmar Properties GP, Inc., a Texas corporation, on behalf of the corporation, and the corporation acknowledged this instrument as general partner on behalf of Dittmar Properties, LP, a Texas limited partnership.

\_\_\_\_\_  
Notary Public, State of Texas

**THE STATE OF TEXAS   §**

**COUNTY OF TRAVIS   §**

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2006, by Laura J. Huffman, as Assistant City Manager of the City of Austin, a municipal corporation, on behalf of the municipal corporation.

\_\_\_\_\_  
Notary Public, State of Texas

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



**Professional Land Surveying, Inc.  
Surveying and Mapping**

Office: 512-443-1724  
Fax: 512-441-6987

2807 Manchaca Road  
Building One  
Austin, Texas 78704

**42.029 ACRE TRACT  
WILLIAM CANNON LEAGUE**

A DESCRIPTION OF 42.029 ACRES (1,830,771 S.F.) OF LAND OUT OF THE WILLIAM CANNON LEAGUE, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF A 110.09 ACRE TRACT CONVEYED TO HEALTHCARE REHABILITATION OF AUSTIN, INC., IN THE SPECIAL WARRANTY DEED EXECUTED JULY 24, 1997 OF RECORD IN VOLUME 12988, PAGE 661 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 42.029 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" rebar with cap set in the south line of the remainder of the 110.09 acre tract, being also in the west line of a 67.532 acre tract recorded in Document No. 2001186037, of the Official Public Records of Travis County, Texas, in the north line of West Dittmar Road (right-of-way width varies) and the north line of a 0.063 acre tract recorded in Document No. 2003043681 of the Official Public Records of Travis County, Texas, from which a 1/2" rebar with cap set bears South 01°58'30" East, a distance of 19.58 feet;

**THENCE** with the south line of the remainder of the 110.09 acre tract, the north line of West Dittmar Road and the north line of the 0.063 acre tract, the following five (5) courses:

1. South 86°28'28" West, a distance of 68.64 feet to a 1/2" rebar with cap set;
2. South 87°15'45" West, a distance of 147.84 feet to a 1/2" rebar found;
3. South 87°57'55" West, a distance of 600.72 feet to a 1/2" rebar found for the beginning of a curve to the left;
4. 28.36 feet along the arc of said curve to the left, having a radius of 1745.00, and through a central angle of 00°55'52", the chord of which bears South 87°27'37" West, a distance of 28.36 feet to a 1/2" rebar found;
5. South 87°01'41" West, a distance of 164.10 feet to a 1/2" rebar with cap set for the southwest corner of the remainder of the 110.09 acre tract, being also in the east line of a 14.85 acre tract recorded in Volume 3387, Page 2048 of the Deed Records of Travis County, Texas, the north line of West Dittmar Road, and the northwest corner of the 0.063 acre tract, from which a 1/2" rebar found bears South 00°24'58" East, a distance of 4.37 feet;

**THENCE** with the common line of the 110.09 acre tract and the 14.85 acre tract, the

following two (2) courses:

1. North  $00^{\circ}09'16''$  West, a distance of 872.05 feet to a  $1/2''$  rebar with cap found for an interior corner of the 110.09 acre tract, being also the northeast corner of the 14.85 acre tract;
2. South  $87^{\circ}19'00''$  West, a distance of 455.24 feet to a  $1/2''$  rebar with cap found for a southwest corner of the 110.09 acre tract, being also the northwest corner of the 14.85 acre tract and in the southeast line of the Union Pacific Railroad (formerly the International-Great Northern Railroad)(100' right-of-way width);

**THENCE** North  $29^{\circ}28'41''$  East, along the northwest line of the 110.09 acre tract and the southeast right-of-way line of the Union Pacific Railroad, a distance of 2518.46 feet to a  $1/2''$  iron pipe found for the northwest corner of the 110.09 acre tract, being also in the southeast right-of-way line of the Union Pacific Railroad and being the west corner of a 0.759 acre tract recorded in Volume 11191, Page 130, of the Real Property Records of Travis County, Texas;

**THENCE** leaving the southeast right-of-way line of the Union Pacific Railroad, South  $60^{\circ}30'00''$  East, along the common line of the 110.09 acre tract and the 0.759 acre tract, a distance of 147.94 feet to a 1" iron pipe found for a northeast corner of the 110.09 acre tract, being also in the south line of the 0.759 acre tract and in the northwest right-of-way line of Damon Road (50' right-of-way width)(cul-de-sac) for the beginning of a non-tangent curve to the left;

**THENCE** 141.60 feet along the arc of said curve to the left, having a radius of 45.07 feet, and through a central angle of  $180^{\circ}00'00''$ , the chord of which bears South  $26^{\circ}53'17''$  East, a distance of 90.14 feet to a  $1/2''$  rebar found for a northeast corner of the 110.09 acre tract, being also in the south right-of-way line of Damon Road (cul-de-sac) and the north corner of Lot 5, Damon Subdivision, a subdivision of record in Volume 6, page 31, Plat Records of Travis County, Texas;

**THENCE** leaving the south right-of-way line of Damon Road, along the common line of the 110.09 acre tract and the Damon Subdivision, for the following six (6) courses:

1. South  $29^{\circ}32'10''$  West, a distance of 325.01 feet to a  $1/2''$  iron pipe found for an interior corner of the 110.09 acre tract;
2. North  $87^{\circ}52'02''$  East, a distance 113.24 feet to a 1" iron pipe found for an interior corner of the 110.09 acre tract;

3. North  $87^{\circ}39'28''$  East, a distance of 169.69 feet to a  $1/2''$  rebar found for an exterior corner of the 110.09 acre tract being also an interior corner of the Damon Subdivision;
4. South  $77^{\circ}18'08''$  East, a distance of 205.42 feet to a  $1/2''$  rebar with cap set for the beginning of a non-tangent curve to the right;
5. 83.28 feet along the arc of said non-tangent curve to the right, having a radius of 90.12 feet, and through a central angle of  $52^{\circ}56'42''$ , the chord of which bears North  $02^{\circ}49'00''$  East, a distance of 80.35 feet to a  $1/2''$  rebar found;
6. North  $29^{\circ}49'29''$  East, a distance of 44.54 feet to a  $1/2''$  rebar with cap set for a north corner of the 110.09 acre tract, being also in the southwest line of the Damon Subdivision, the intersecting point of the southwest line of Damon Road with the west line of Sherwood Road (50' right-of-way width) and the northwest corner of a "Street Deed" recorded in Volume 3234, Page 1934, of the Deed Records of Travis County, Texas, for the beginning of a non-tangent curve to the left;

**THENCE** with the common line of the 110.09 acre tract, Sherwood Road and the said "Street Deed", the following three (3) courses:

1. 159.13 feet along the arc of said non-tangent curve to the left, having a radius of 75.36 feet, and through a central angle of  $120^{\circ}59'03''$ , the chord of which bears South  $31^{\circ}14'40''$  East, a distance of 131.17 feet to a  $1/2''$  rebar found;
2. North  $88^{\circ}04'39''$  East, a distance of 75.42 feet to a 60d nail found;
3. North  $87^{\circ}21'59''$  East, a distance of 333.29 feet to a  $5/8''$  iron pipe found for the northeast corner of the 110.09 acre tract, being also in the south line of Sherwood Road, the southeast corner of the said "Street Deed" and the northwest corner of Brownleaf Estates, a subdivision of record in Volume 31, Page 48, Plat Records of Travis County, Texas;

**THENCE** leaving the south line of Sherwood Road, South  $03^{\circ}06'11''$  East, along the common line of the 110.09 acre tract and Brownleaf Estates, a distance of 250.00 feet to a  $1/2''$  rebar with cap set in the east line of the 110.09 acre tract, being also in the west line of Brownleaf Estates and the northeast corner of a 67.532 acre tract recorded in Document No. 2001186037, of the Official Public Records of Travis County, Texas;

**THENCE** leaving the west line of Brownleaf Estates, over and across the 110.09 acre tract, with the north and west lines of the 67.532 acre tract, for the following 4 (four) courses:



1. South 87°21'59" West, a distance of 1058.75 feet to a 1/2" rebar with cap set for the northwest corner of the 67.532 acre tract;
2. South 29°28'31" West, a distance of 633.18 feet to a 1/2" rebar with cap set;
3. South 14°21'26" West, a distance of 673.06 feet to a 1/2" rebar with cap set;
4. South 08°45'22" East, a distance of 327.26 feet to a calculated point in the approximate centerline of a creek;

**THENCE** with the approximate centerline of said creek the following five (5) courses and distances:

1. South 82°28'58" East, a distance of 143.88 feet to a calculated point;
2. South 71°55'49" East, a distance of 178.70 feet to a calculated point;
3. South 34°04'25" East, a distance of 65.09 feet to a calculated point;
4. South 64°29'26" East, a distance of 330.28 feet to a calculated point;
5. South 89°20'05" East, a distance of 41.49 feet to a calculated point;

**THENCE** departing the approximate centerline of said creek, South 01°58'30" East, a distance of 459.74 feet to the **POINT OF BEGINNING**, containing an area of 42.029 acres of land, more or less.

Surveyed on the ground in August 2003. Bearing basis is grid azimuth for Texas central zone, 1983/93 HARN values from LCRA control network.

  
David Klotz

Registered Professional Land Surveyor  
State of Texas No. 5428

