



**Annexation
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 56
AGENDA DATE: Thu 06/23/2005
PAGE: 1 of 1**

SUBJECT: Adopt first reading of an ordinance approving a regulatory plan for the Watersedge area, which is being annexed for limited purposes of planning and zoning.

AMOUNT & SOURCE OF FUNDING: Limited purpose annexation does not have a significant impact on the general fund.

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Neighborhood Planning **DIRECTOR'S**
DEPARTMENT: and Zoning **AUTHORIZATION:** Alice Glasco

FOR MORE INFORMATION CONTACT: Virginia Collier, 974-2022; Sylvia Arzola, 974-6448

PRIOR COUNCIL ACTION: Public hearings held on May 9 and May 26, 2005.

BOARD AND COMMISSION ACTION: N/A

In accordance with Section 43.125 of the Texas Local Government Code (LGC), the City must adopt by ordinance a regulatory plan for areas being annexed for limited purposes. In a related agenda item, the City Council is scheduled to adopt an ordinance on first reading annexing the Watersedge Area. To comply with state law, Council must also adopt the Watersedge regulatory plan.

The owners of Watersedge have requested limited purpose annexation in accordance with Section 43.127 of the LGC, waiving the requirement for conversion to full purpose status in three years. The owners' written request for limited purpose annexation will be included as an attachment to the regulatory plan.

ORDINANCE NO.

**AN ORDINANCE ADOPTING A REGULATORY PLAN FOR AN AREA
ANNEXED FOR LIMITED PURPOSES, REFERRED TO AS THE
WATERSEDGE AREA.**

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

PART 1. The Council finds that:

- (A) The area referred to as the Watersedge Area is being annexed by Ordinance No. _____, for the limited purposes of planning and zoning, and a Planning Study and Regulatory Plan for the area were prepared as required by state law.
- (B) The Regulatory Plan included in Exhibit A attached to this ordinance serves the public health, safety and welfare, and the interests of the current and future residents of the City of Austin.

PART 2. The Regulatory Plan included in Exhibit A attached to this ordinance is approved as the Regulatory Plan for the Watersedge Area limited purpose annexation area.

PART 3. This ordinance takes effect on _____, 2005.

PASSED AND APPROVED

_____, 2005 §
 §
 § _____
 Will Wynn
 Mayor

APPROVED: _____
 David Allan Smith
 City Attorney

ATTEST: _____
 Shirley A. Brown
 City Clerk



DRAFT

Watersedge

Limited Purpose Annexation Planning Study and Regulatory Plan

Planning Study

Background

The owners of Watersedge have petitioned the City to annex the property for limited purposes pursuant to Sec. 43.129 of the Texas Local Government Code.

As part of their request for limited purpose annexation, the owners have waived the requirement of Sec. 43.123 (d) (2) of the Texas Local Government Code that the property be annexed for full purposes within three years of the effective date of its limited purpose annexation.

Watersedge is proposed for annexation for the limited purposes of planning and zoning.

Area Description

The proposed annexation area covers approximately 418 acres in Travis County east of the Austin Bergstrom International Airport at the northwest corner of the intersection of State Highway 71 East and Doctor Scott Drive.

The proposed annexation area is currently undeveloped.

Projected Ten Year Development With and Without Annexation

Watersedge is proposed as a mixed-use development with single-family, multi-family residential, and commercial uses. A Planned Unit Development (PUD) zoning case (C814-05-0069) has been submitted for this site. If annexed, the property will be developed in accordance with the PUD as finally approved.

The proposed Watersedge PUD includes approximately 1,356 single-family units, 400 multi-family units, 300 townhomes, and 469,142 square feet of retail use.

Given market forces, it is reasonable to assume that development of approximately same density and intensity of use as the development proposal provided to the City will be built on the tract irrespective of whether or not it is annexed.

If annexed, the property will be developed in accordance with the City's zoning and site development standards.

Issues Supporting Annexation

The area must be annexed for limited purposes prior to final approval of the proposed PUD zoning case.

Public Benefit from the Annexation

Limited purpose annexation and PUD zoning will result in higher quality development than would otherwise occur.

The Economic, Environmental and other Impacts of the Proposed Annexation on Residents, Landowners Businesses and in the Proposed Annexation Area

Limited purpose annexation with a future conversion to full purpose status will be of economic benefit to the owners of the property. Currently, there are no residents in the proposed annexation area. There is no business activity in the proposed annexation area.

The proposed annexation and the imposition of City zoning and development standards will benefit residents and property owners in the area surrounding the Watersedge project by requiring higher quality development than would otherwise occur.

The proposed limited purpose annexation will protect the local environment by ensuring that future development will be in compliance with the City's zoning and Title 30 development standards.

Proposed Zoning for the Area

The area will be zoned in accordance with the procedures required by state law and Title 25 of the Code of the City of Austin (the Land Development Code).

From the effective date of the limited purpose annexation until the property is zoned, the area will be treated for development purposes in accordance with Section 25-2-222 (Designation of Annexed Land) of the Code.

Comments regarding the proposed zoning will be considered at the public hearings for the proposed limited purpose annexation.

Regulatory Plan

Development Regulations

Annexation of the area for the limited purposes of planning and zoning will extend the full range of City regulatory authority regarding development, construction, land use, and environmental quality to the area. This authority includes the application of all regulations pertaining to planning and zoning including but not limited to, regulations within the City's Land Development and related technical manuals, and all rules adopted pursuant thereto.

Future Full Purpose Annexation

The owners of Watersedge have waived the requirements of Sec. 43.123 (d) (2) of the Texas Local Government Code that the property be annexed for full purposes within three years of the effective date of its limited purpose annexation.

Full purpose annexation of the area proposed for limited purpose annexation will take place as individual tracts within Watersedge receive subdivision plat approval and are recorded or, in case of tracts not requiring plat approval, site plan approval. If necessary to establish contiguity or to provide services, the City will annex any additional Watersedge land between the tract being converted to full purpose status and the then-existing full purposes City limits. To the extent

feasible in the City's determination, the City will attempt to establish contiguity along public rights of way.

As part of their request for limited purpose annexation, the owners have requested that limited purpose territory which has not been annexed for full purposes may be annexed for full purposes after December 31, 2013. The property owner's letter requesting annexation is attached to this Regulatory Plan as Exhibit 1.



The Honorable Will Wynn, Mayor
And Members of the Austin City Council
c/o Virginia Collier
Department of Transportation & Sustainability Department
Sustainability Division
P.O. Box 1088
Austin, TX 78767

RE: Owner's Petition for Limited and Full Purpose Annexation of Watersedge

Dear Mayor Wynn:

Pursuant to §43.129 of the Texas Local Government Code, the undersigned owner ("the Owner") of the approximately 417.93 acres of land commonly known as Watersedge, which land is further described in Exhibit A (the "Project"), does hereby petition the City of Austin ("City"), Texas to annex the Project for the limited purposes of planning and zoning.

Further, pursuant to §43.127(a) of the Texas Local Government Code, Owner hereby waives the City's obligation to annex the land described in Exhibit A for full purposes within three years of the date of limited purpose annexation and instead request and authorize the City to annex the land described in Exhibit A for full purposes according to the following schedule:

1. Beginning on December 31, 2005, full purpose annexation of any portion of the land described in Exhibit A for which a final plat has been duly recorded in the Plat Records of Travis County, Texas and any land described in Exhibit A determined to be necessary, in the City's sole discretion, to establish contiguity between the platted land and the existing full purpose corporate limits.
2. Full purpose annexation of additional areas within the land described in Exhibit A for which a final plat has been duly recorded in the Plat Records of Travis County, Texas (and including any land necessary to establish contiguity with the full purpose corporate limits) effective on or before December 31st of each year thereafter until December 31, 2013, at which time all remaining portions of the land described in Exhibit A not previously annexed for full purposes may be annexed for full purposes.

208093-2 03/03/2005

OWNER:

MAK MARSHALL RANCH, L.P. a Delaware
Limited Partnership

By: MAK Marshall Ranch, Inc. a Delaware
corporation its general partner

By: [Signature]
Curtis S. Davidson, Vice President

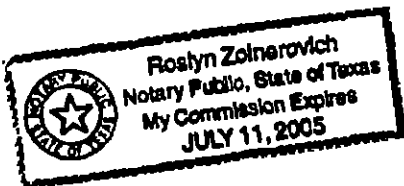
Date: MARCH 10, 2005

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 10th day of March, 2005, by Curtis S. Davidson, Vice President of MAK Marshall Ranch, Inc. a Delaware corporation on behalf of MAK Marshall Ranch, L.P., a Delaware limited partnership, on behalf of said partnership.

Roslyn Zolnerovich
Notary Public, State of Texas

(Seal)



METCALFE & SANDERS, INC./LAND SURVEYORS

4800 SOUTH CONGRESS
ALBUQUERQUE, TEXAS 77143
(512) 442-3363

SURVEYS & RECORDS SINCE 1904

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 417.93 ACRES OF LAND, MORE OR LESS, A PORTION OF THE JOSE ANTONIO NAVARRO SEVEN LEAGUE GRANT, ABSTRACT NO. 18, IN TRAVIS COUNTY, TEXAS, SAID 417.93 ACRES OF LAND, MORE OR LESS, BEING ALL OF THAT 417.93 ACRE TRACT, A PORTION OF THE SAID JOSE ANTONIO NAVARRO SEVEN LEAGUE GRANT, AS DESCRIBED IN A WARRANTY DEED FROM E. H. SMARTT TO PERCY A. MARSHALL AND WIFE, AILEEN C. MARSHALL IN VOLUME 4540, PAGE 1618, DEED RECORDS OF TRAVIS COUNTY, TEXAS, THE SAID 417.93 ACRES OF LAND, MORE OR LESS, BEING COMPOSED OF THE FOLLOWING TRACTS: BEING ALL OF THAT 408.27 ACRE TRACT, SAVE AND EXCEPT THAT 9.656 ACRE TRACT, BOTH A PORTION OF THE SAID 417.93 ACRE TRACT, AS CONVEYED IN A SPECIAL WARRANTY DEED FROM MARSHALL FAMILY PARTNERSHIP TO LEWIS MARSHALL, KATHLEEN MARSHALL HARDIN AND AILEEN MARSHALL ROBERTS IN VOLUME 12297, PAGE 1776, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT ONE-HALF OF AN UNDIVIDED ONE-THIRD INTEREST IN SAID 408.27 ACRE TRACT, SAVE AND EXCEPT THAT 9.656 ACRE TRACT, AS CONVEYED IN A SPECIAL WARRANTY DEED FROM LEWIS MARSHALL TO SANDRA LYNN MARSHALL IN DOCUMENT NUMBER 2000053239, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 5.07 ACRE TRACT, DESIGNATED AS TRACT ONE AND ALL OF THAT 5.0 ACRE TRACT, DESIGNATED AS TRACT TWO, BOTH A PORTION OF THE SAID 417.93 ACRE TRACT AND BOTH BEING DESCRIBED IN A SPECIAL WARRANTY DEED FROM AILEEN MARSHALL ROBERTS, INDEPENDENT EXECUTOR OF THE ESTATE OF AILEEN C. MARSHALL, DECEASED TO LEWIS MARSHALL, KATHLEEN MARSHALL HARDIN AND AILEEN MARSHALL ROBERTS IN VOLUME 13379, PAGE 216, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; AND BEING ALL OF THAT 9.656 ACRE TRACT, A PORTION OF THE SAID 417.93 ACRE TRACT, AS DESCRIBED IN A WARRANTY DEED FROM MARSHALL FAMILY PARTNERSHIP TO LEWIS MARSHALL IN VOLUME 9700, PAGE 615, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 9.656 ACRE TRACT BEING ALSO DESIGNATED AS TRACT ONE AND CONVEYED (ONE-HALF INTEREST) IN A SPECIAL WARRANTY DEED FROM LEWIS MARSHALL TO SANDRA LYNN MARSHALL IN DOCUMENT NUMBER 2000053238, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, THE SAID 417.93 ACRES OF LAND, MORE OR LESS, BEING ALSO ALL OF THE FOLLOWING TRACTS CONVEYED TO THE S. R. SCOTT FAMILY LIMITED PARTNERSHIP: ALL OF THAT 408.27 ACRE TRACT, 417.93 ACRES, SAVE AND EXCEPT 9.656 ACRES, AS DESCRIBED IN A GENERAL WARRANTY DEED FROM SANDRA LYNN MARSHALL-DETEN AND DALE DETEN TO THE S.R. SCOTT FAMILY LIMITED PARTNERSHIP IN DOCUMENT NO. 2004005120, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; ALL OF THAT 408.27 ACRE TRACT, 417.93

EXHIBIT A

ACRES, SAVE AND EXCEPT 9.656 ACRES, AS DESCRIBED IN A GENERAL WARRANTY DEED FROM LEWIS MARSHALL, AILEEN MARSHALL ROBERTS, KATHLEEN MARSHALL HARDIN TO THE S.R. SCOTT FAMILY LIMITED PARTNERSHIP IN DOCUMENT NO. 2004005121, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; AND ALL OF THAT 9.656 ACRE TRACT AS DESCRIBED IN A GENERAL WARRANTY DEED FROM SANDRA LYNN MARSHALL-DETEN AND DALE DETEN TO THE S.R. SCOTT FAMILY LIMITED PARTNERSHIP IN DOCUMENT NO. 2004005123, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AS ORIGINALLY SURVEYED FOR E. H. SMARTT BY METCALFE ENGINEERING COMPANY, INC. AND UPDATED FOR STEVE SCOTT, THE S.R. SCOTT FAMILY LIMITED PARTNERSHIP AND MAK MARSHALL RANCH, L.P. BY METCALFE & SANDERS, INC., LAND SURVEYORS, 4800 SOUTH CONGRESS AVENUE, AUSTIN, TEXAS, SAID 417.93 ACRES OF LAND, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" steel pin with plastic cap set near corner of fence for the northeast corner of Lot 4-B of the Partition of the Ida Mae Burch Estate, a subdivision of a portion of the Jose Antonio Navarro Seven League Grant, Abstract No. 18, in Travis County, Texas, of record in Plat Book 9, Page 35, Plat Records of Travis County, Texas, and for an interior corner of that 417.93 acre tract, a portion of the said Jose Antonio Navarro Seven League Grant, as described in a Warranty Deed from E. H. Smartt to Percy A. Marshall and wife, Aileen C. Marshall in Volume 4540, Page 1618, Deed Records of Travis County, Texas, said 1/2" steel pin with plastic cap set being also the northwest corner of that 5.0 acre tract of land, a portion of the said 417.93 acre tract, designated as Tract Two and described in a Special Warranty Deed from Aileen Marshall Roberts, Independent Executor of the Estate of Aileen C. Marshall, Deceased to Lewis Marshall, Kathleen Marshall Hardin and Aileen Marshall Roberts in Volume 13379, Page 216, Real Property Records of Travis County, Texas, for the POINT OF BEGINNING and an interior corner of the herein described tract;

THENCE with the north line of said Lot 4-B and with the north end of Burch Drive and with the north line of Lot 5-B, of said Partition of the Ida Mae Burch Estate, and being also with a south line of the said Marshall 417.93 acre tract of record in Volume 4540, Page 1618, Deed Records of Travis County, Texas, courses numbered 1 through 4 inclusive as follows:

- (1) N 68°45' W 562.85 feet to a 1/2" steel pin found;
- (2) N 70°48' W 188.89 feet to a 3/4" iron pipe previously set and found this date;
- (3) N 70°15' W 241.67 feet to a 3/4" iron pipe previously set and found this date;
- (4) N 69°30' W 95.56 feet to a 1/2" iron pipe found at the northwest corner of said Lot 5-B and near a northeast corner of that 91.49 acre tract of land, a portion of the said Jose Antonio Navarro Seven League Grant, in Travis County, Texas, as described in a Special Warranty Deed from The Hills of Onion Creek Joint Venture to Travis County, Texas, in Volume 13165, Page 954, Real Property Records of Travis County, Texas;

- (5) THENCE with a south line of the said Marshall 417.93 acre tract of record in Volume 4540, Page 1618, Deed Records of Travis County, Texas, and being along or near a

north line of the said Travis County 91.49 acre tract, N 69°12' W 89.34 feet to a 3/4" iron pipe previously set and found this date at corner of fence for a southwest corner of the said Marshall 417.93 acre tract of record in Volume 4540, Page 1618, Deed Records of Travis County, Texas, and a northwest corner of the said Travis County, Texas 91.49 acre tract, said 3/4" iron pipe previously set and found this date being also the northeast corner of that 2.0 acre cemetery tract, a portion of the said Jose Antonio Navarro Seven League Grant, in Travis County, Texas, as described in a deed from R. F. Jones to E. P. Norwood, et al, in Volume 87, Page 242, Deed Records of Travis County, Texas, for a southwest corner of the herein described tract;

(6) THENCE with the average of an old and crooked fence along a west line of the said Marshall 417.93 acre tract of record in Volume 4540, Page 1618, Deed Records of Travis County, Texas, and the most northerly east line of the said Travis County, Texas 91.49 acre tract, N 30°10' E 2639.0 feet to a 1" iron pipe previously set in the center of a gully and found this date at an interior corner of the said Marshall 417.93 acre tract of record in Volume 4540, Page 1618, Deed Records of Travis County, Texas, and the most northerly northeast corner of the said Travis County, Texas 91.49 acre tract, for an interior corner of the herein described tract;

(7) THENCE with a south line of the said Marshall 417.93 acre tract of record in Volume 4540, Page 1618, Deed Records of Travis County, Texas, and the most northerly north line of the said Travis County, Texas 91.49 acre tract, N 60°38' W at 594.09 feet passing the most northerly northwest corner of the said Travis County, Texas 91.49 acre tract, in all 616.11 feet to a 1" iron pipe previously set on the south bank of Onion Creek at the most northerly southwest corner of the said Marshall 417.93 acre tract of record in Volume 4540, Page 1618, Deed Records of Travis County, Texas, for the most northerly southwest corner of the herein described tract;

THENCE downstream with the meanders of the southeast, east and south bank of Onion Creek and being also with the northwest, west and north line of the said Marshall 417.93 acre tract of record in Volume 4540, Page 1618, Deed Records of Travis County, Texas, courses numbered 8 through 39 as follows:

- (8) N 64°25' E 175.56 feet to a 3/4" iron pipe previously set and found November 14, 2003;
- (9) N 65°47' E 147.85 feet to an iron stake;
- (10) N 53°42' E 94.5 feet to an iron stake;
- (11) N 59°48' E 158.8 feet to a 3/4" iron pipe previously set and found November 14, 2003;
- (12) N 53°11' E 200.35 feet to an iron stake;
- (13) N 22°17' E 126.8 feet to an iron stake;
- (14) N 14°16' E 230.55 feet to an iron stake;
- (15) N 9°30' E 122.8 feet to a 3/4" iron pipe previously set and found November 14, 2003;
- (16) N 5°40' W 92.7 feet to a 3/4" iron pipe previously set and found November 14, 2003;
- (17) N 0°05' W 312.9 feet to an iron stake;

- (18) N 7°35' W 187.0 feet to an iron stake;
- (19) N 2°35' W 155.2 feet to an iron stake;
- (20) N 2°03' E 199.3 feet to an iron stake;
- (21) N 12°09' E 54.95 feet to an iron stake;
- (22) N 20°47' E 89.35 feet to an iron stake;
- (23) N 40°43' E 223.0 feet to an iron stake;
- (24) N 64°16' E 176.65 feet to an iron stake;
- (25) N 89°58' E 142.8 feet to an iron stake;
- (26) S 75°41' E 174.7 feet to an iron stake;
- (27) S 64°09' E 185.5 feet to an iron stake;
- (28) S 61°24' E 94.8 feet to an iron stake;
- (29) S 59°50' E 161.15 feet to an iron stake;
- (30) S 57°23' E 259.9 feet to an iron stake;
- (31) S 60°53' E 370.3 feet to an iron stake;
- (32) S 58°07' E 132.6 feet to an iron stake;
- (33) S 70°01' E 233.4 feet to an iron stake;
- (34) S 80°35' E 242.1 feet to an iron stake;
- (35) S 86°28' E 343.3 feet to an iron stake;
- (36) N 82°38' E 350.4 feet to an iron stake;
- (37) N 70°57' E 297.1 feet to an iron stake;
- (38) N 67°58' E 91.05 feet to an iron stake;
- (39) N 66°49' E 274.65 feet to an iron stake at the intersection of the wet bank of
Onion Creek with the old bed of Onion Creek;

THENCE with the meanders of the south bank of old Onion Creek and the north line of the said Marshall 417.93 acre tract, courses numbered 40 through 42 inclusive as follows:

- (40) N 88°44' E 76.0 feet to an iron stake;
- (41) N 78°18' E 237.9 feet to an iron stake;
- (42) N 74°27' E 333.84 feet to a 1" iron pipe previously set and found this date on the south bank of the old bed of Onion Creek at the northeast corner of the said Marshall 417.93 acre tract and in or near the most northerly west line of that 284.0563 acre tract, a portion of the said Jose Antonio Navarro Seven League Grant, as described in Warranty Deed with Vendor's Lien from The Johnson Family Limited Partnership to David L. Mellenbruch, et ux in Volume 12352, Page 1108, Real Property Records of Travis County, Texas, for the northeast corner of the herein described tract, and from which 1" iron pipe found a 36" Cottonwood (now dead) marked x bears S 85°30' E 66.6 feet and a 30" Elm marked x bears S 0°05' E 27.1 feet;

THENCE with the northerly prolongation of a fence and with said fence, and being also with the most northerly east line of the said Marshall 417.93 acre tract and along or near the most northerly west line of the said Mellenbruch 284.0563 acre tract, and being also along or near the west line of that 25.0000 acre tract of land, a portion of the said Jose Antonio Navarro Seven League Grant, as described in a Warranty Deed from David L. Mellenbruch, et ux, to Claire W. Dees in Volume 12352, Page 1104, Real Property Records of Travis County, Texas, and being also with the east line of that 9.656 acre tract, a portion of the said 417.93 acre tract, as described

in a Warranty Deed from Marshall Family Partnership to Lewis Marshall in Volume 9700, Page 615, Real Property Records of Travis County, Texas, courses numbered 43 through 44 inclusive as follows:

(43) S 29°57' W 3419.47 feet to a 3/4" iron pipe previously set and found this date at the northeast corner of the said Marshall 9.656 acre tract;

(44) S 29°10' W 364.91 feet to a 3/4" iron pipe previously set and found this date at the northeast corner of that 2.8 acre tract of land, a portion of the said Jose Antonio Navarro Seven League Grant, described as a forty foot wide lane for a County Road in a deed from Mrs. Ella J. Washington, Individually and as Independent Executrix of the T. P. Washington Estate to Travis County, Texas, in Volume 548, Page 273, Deed Records of Travis County, Texas, and the southeast corner of the said Marshall 9.656 acre tract, said 3/4" iron pipe found being the most northerly southeast corner of the said Marshall 417.93 acre tract and the present northeast corner of Dr. Scott Drive, for the most northerly southeast corner of the herein described tract;

(45) THENCE with the north line of the said Travis County, Texas 2.8 acre tract as fenced and the south line of the said Marshall 9.656 acre tract and being also with the north line of Dr. Scott Drive as fenced and used on the ground and a south line of the said Marshall 417.93 acre tract, N 59° 06' W 95.20 feet to a 1 1/4 " drill stem with 3/4" threads at the top previously set and found this date for the northwest corner of Dr. Scott Drive as fenced and used upon the ground and an interior corner of the said Marshall 417.93 acre tract, for an interior corner of the herein described tract;

THENCE with the west line of Dr. Scott Drive, as found fenced and used upon the ground, and the most southerly east line of the said Marshall 417.93 acre tract, courses numbered 46 through 48 inclusive as follows:

(46) S 28°50' W 2512.76 feet to a 3/4" iron pipe previously set and found this date;

(47) S 27°43' W 369.66 feet to a 3/4" iron pipe previously set and found this date;

(48) S 25°19' W 378.33 feet to a square head bolt found;

(49) THENCE with the west line of Dr. Scott Drive, as found fenced and used upon the ground, and the most southerly east line of the said Marshall 417.93 acre tract, S 29°33' W 390.99 feet to a concrete highway marker found at the intersection of the west line of Dr. Scott Drive with the north line of Texas State Highway No. 71, said concrete highway marker found being also the most southerly southeast corner of the said Marshall 417.93 acre tract, for the most southerly southeast corner of the herein described tract;

THENCE with the north line of Texas State Highway No. 71 and the most southerly south line of the said Marshall 417.93 acre tract, courses numbered 50 through 51 inclusive as follows:

(50) S 83°07' W 639.64 feet to a concrete highway marker found;

(51) S 83°06' W 1027.80 feet to a 3/4" iron pipe previously set and found this date at the most southerly southwest corner of the said Marshall 417.93 acre tract and the southeast corner of that 1.0 acre tract, a portion of the said Jose Antonio Navarro Seven League Grant, as described in a deed from Richard Sterling, et ux, to Israel Thompson, et ux, in Volume 1058;

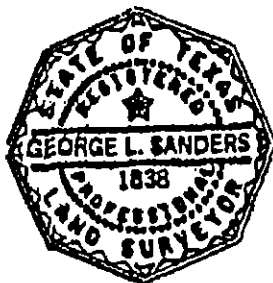
Page 512, Deed Records of Travis County, Texas, for the most southerly southwest corner of the herein described tract;

(52) THENCE with the most southerly west line of the said Marshall 417.93 acre tract and the east line of the Thompson 1.0 acre tract, N 7°02' W 340.6 feet to a 3/4" iron pipe previously set and found this date at the north corner of the said Thompson 1.0 acre tract in the east line of Lot 1-B of said Partition of the Ida Mae Burch Estate, of record in Plat Book 9, Page 35, Plat Records of Travis County, Texas;

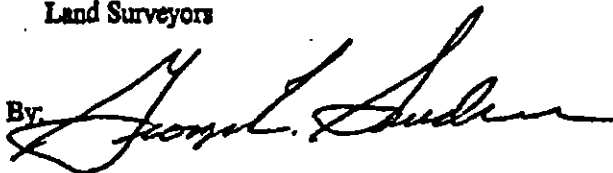
(53) THENCE with the most southerly west line of the said Marshall 417.93 acre tract and the east line of said Lot 1-B and the east line of Lots 2-B and 3-B of said Partition of the Ida Mae Burch Estate, and with the east line of said Lot 4-B, and being also with the west line of the said Marshall Tract Two of 5.0 acres of record in Volume 13379, Page 216, Real Property Records of Travis County, Texas, N 30°00' E at 120.12 feet passing a 3/4" iron pipe found at the northeast corner of said Lot 1-B and the southeast corner of said Lot 2-B, in all 1716.90 feet to POINT OF BEGINNING of the herein described tract, containing 417.93 acres of land, more or less.

Note: The plastic caps on the steel pins set which are denoted as being capped are inscribed with "M & S 1838".

Metes and Bounds Description Revised January 7, 2005
From A Metes and Bounds Description Prepared December, 1972.
Survey Last Updated January 4, 2005
From A Survey Completed December 1972.



METCALFE & SANDERS, INC.
Land Surveyors

By: 

George L. Sanders
Texas Registered Professional
Land Surveyor No. 1838

Plan 8595
FB 891, P 1-9 & DC
FB 509, P 40-49

Job No. 05003.01

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