(re-record due to county error) * per Christine Martinez 2.8.96

DOC# 9549250 DOC# 9601667

ORDINANCE NO. Z-95-09-28-9I

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.305(2), CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO ZONE 26.773 ACRES OF LAND OUT OF THE ASA THOMAS SURVEY, ABSTRACT NO. 609 AND THE C.E. ROWE SURVEY, ABSTRACT 871, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS PLANNED UNIT DEVELOPMENT (PUD) DISTRICT NO. 20.

WHEREAS, an application has been made to the City Council of the City of Round Rock, Texas to amend the Official Zoning Map to zone the property described in Exhibit "A" as District Planned Unit Development (PUD) No. 20, said exhibit being attached hereto and incorporated herein, and

WHEREAS, the City Council has submitted the requested change in the Official Zoning Map to the Planning and Zoning Commission for its recommendation and report, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested change on the 6th day of September, 1995, following lawful publication of the notice of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that the Official Zoning Map be amended so that the zoning classification of the property described in Exhibit "A" be changed to District PUD No.20, and

OFFICIAL RECORDS
WILLIAMSON COUNTY, TEXAS

WHEREAS, on the 14th day of September, 1995, after proper notification, the City Council held a public hearing on the requested amendment, and

WHEREAS, the City Council determines that the zoning provided for herein promotes the health, safety, morals and protects and preserves the general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, and Section 11.300, Code of Ordinances (1995 Edition), City of Round Rock, Texas concerning public notices, hearings, and other procedural matters has been fully complied with, Now Therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS, THAT:

I.

That the City Council has hereby determined the Planned Unit Development (PUD) No. 20 meets the following goals and objectives:

(1) The development in PUD No.20 is equal to or superior to development that would occur under the standard ordinance requirements.

(2) P.U.D. No. 20 is in harmony with the general purposes, goals, objectives and standards of the General Plan.

(3) P.U.D. No. 20 does not have an undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and general welfare.

(4) P.U.D. No. 20 will be adequately provisioned by essential public facilities and services including streets, parking, drainage, water, wastewater facilities, and other necessary utilities.

(5) P.U.D. No. 20 will be constructed, arranged and maintained so as not to dominate, by scale and massing of structures, the immediate neighboring properties or

interfere with their development or use in accordance with any existing zoning district.

II.

That the Official Zoning Map adopted in Section 11.305(2), Code of Ordinances (1995 Edition), City of Round Rock, Texas is hereby amended so that the zoning classification of the property described in Exhibit "A", attached hereto and incorporated herein shall be, and is heresfter designated as District Planned Unit Development (PUD) No. 20, and that the Mayor is hereby authorized and directed to enter into the Agreement and Development Plan for PUD No. 20 attached hereto as Exhibit "B", which agreement shall govern the development and use of said property.

III.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

Alternative 1.

By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and **ADOPTED** on first reading this 28th day of September, 1995.

Alternative 2.

READ and **APPROVED** on first reading this the _____ day of _____, 1995.

READ, APPROVED and **ADOPTED** on second reading this the _____ day of _____, 1995.

CHARLES CULPEPPER, Mayor
City of Round Rock, Texas

ATTEST:

JOANNE LAND, City Secretary

THE STATE OF TEXAS	§	AGREEMENT AND
	§	DEVELOPMENT PLAN
COUNTY OF WILLIAMSON	§	FOR BCWB
		PUD NO. 20

THIS AGREEMENT and Development Plan is made and entered by and between the City of Round Rock, Texas, a Texas municipal corporation, having its offices at 221 East Main Street, Round Rock, Texas 78664(hereinafter referred to as the "City"), and BCWB JOINT VENTURE, their respective successors and assigns, having its offices at 4131 Spicewood Springs Road, Suite C-1, Austin, Texas 78759 (hereinafter referred to as the "Owner").

WHEREAS, the Owner has submitted a request to the City to zone 26.773 acres of land, more or less, as a Planned Unit Development ("PUD"), said acreage being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as the "Property"), and

WHEREAS, on Septeber 6, 1995, the Planning and Zoning Commission recommended approval of the Owner's application for a PUD, and

WHEREAS, pursuant to Chapter 11, Section 11.316(8), Code of Ordinances (1990 Edition), City of Round Rock, Texas, the Owner has submitted a Development Plan, attached hereto and incorporated herein as a part of this Agreement, said Development Plan stating in detail all development conditions and requirements within the PUD,

NOW THEREFORE BY THIS AGREEMENT WITNESSETH that, in consideration of the covenants and conditions set forth herein, the City and the Owner agree as follows:

I.

GENERAL PROVISIONS

1. <u>CONFORMITY TO DEVELOPMENT PLAN</u>

That all uses and development within the Property shall conform to the Development Plan included in Section II herein.

2. CHANGES AND MODIFICATIONS

That no changes or modifications will be made to this Agreement unless all provisions pertaining to changes or modifications as stated in Section II.15 below are followed.

3. ZONING VIOLATION

That the Owner understands that any person, firm, corporation or other entity violating any conditions or terms of the Development Plan shall be subject to any and all penalties for the violation of any zoning ordinance as stated in Section 1.601, Code of Ordinances, (1995 Edition), City of Round Rock, Texas, as amended.

4. LIENHOLDER CONSENT

That the lienholder of record has consented to this Agreement and Development Plan, including any and all dedications to the public. A lienholder consent is attached hereto and incorporated herein as Exhibit "B".

5. MISCELLANEOUS PROVISIONS

5.1 Assignment.

Neither party may assign its rights and obligations pertaining to Living Unit Equivalents, water usage and land use, under this Agreement without having first obtained the prior written consent of the other which consent shall not be unreasonably withheld. This section does not prevent the Owner from conveying the property, together with all development rights and obligations contained in this Agreement and Development Plan.

5.2 Necessary Documents and Actions.

Each party agrees to execute and deliver all such other and further instruments and undertake such actions as are or may become necessary or convenient to effectuate the purposes and intent of this Agreement.

5.3 Severability.

In case any one or more provisions contained herein are deemed invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof and in such event, this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

5.4 Entire Agreement.

This Agreement constitutes the entire agreement of the parties and supersedes any prior or contemporaneous oral or written understandings or representations of the parties respecting the subject matter hereof.

5.5 Applicable Law.

This Agreement shall be construed under and in accordance with the laws of the State of Texas.

5.6 Venue.

All obligations of the parties created hereunder are performable in Williamson County, Texas and venue for any action arising hereunder shall be in Williamson County.

5.7 No Third Party Beneficiaries.

Nothing in this Agreement, express or implied, is intended to confer upon any person or entity, other than the parties hereto, any rights, benefits, or remedies under or by reason of this Agreement.

5.8 Duplicate Originals.

This Agreement may be executed in duplicate originals each of equal dignity.

5.9 Notices.

Until changed by written notice thereof any notice required under this Agreement may be given to the respective parties by certified mail, postage prepaid or by hand-delivery to the address of the other party shown below:

OWNER	**ROUND ROCK**
BCWB Joint Venture 4131 Spicewood Springs Road Suite C-1 Austin, Texas 78759 Attn: Elnora Bird	City of Round Rock, Texas 221 East Main Street Round Rock, Texas 78664 Attn: Director of Planning

5.10 Effective Date.

This Agreement shall be effective from and after the date of due execution hereof by all parties.

II.

DEVELOPMENT PLAN

1. DEFINITIONS

Words and terms used herein shall have their usual force and meaning, or as defined in the Code of Ordinances (1990 Edition), City of Round Rock, Texas, hereinafter referred to as "the Code".

2. PROPERTY

This Development Plan ("Plan") covers 26.773 acres of land, located within the city limits of Round Rock, Texas, and more particularly described by metes and bounds in Exhibit "A", attached hereto and incorporated herein.

3. PURPOSE

The purpose of this Plan is to insure a Planned Unit Development ("PUD") that 1) is equal to or superior to development that would occur under the standard ordinance requirements, 2) is in harmony with the General Plan, 3) does not have an undue adverse affect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and welfare, 4) is adequately provisioned by essential public facilities and services, and 5) will be developed and maintained so as to not dominate, by scale and massing of structures, the immediate neighboring properties or interfere with their development or use in accordance with any existing zoning district.

4. APPLICABILITY OF CITY ORDINANCES

4.1 Zoning and Subdivision Ordinances

The Property shall be regulated for purposes of zoning and subdivision by this Plan. All aspects not specifically covered by this Plan shall be regulated by applicable sections in the Code.

4.2 Other Ordinances

All other Ordinances within the Code shall apply to the Property, except where clearly modified by this Plan.

5. **PERMITTED USES**

The property listed below shall be used and developed as follows and shall conform to all requirements as set forth in this Agreement and Plan and, if not set forth herein, by applicable sections in the Code:

5.1 **Parcel One**

The permitted uses of Parcel One, more particularly described in Exhibit "C", attached hereto and incorporated herein, shall be either as (MF) Multi-Family Residential, except as modified in Exhibit "D", attached hereto and incorporated herein, or as (I-2) Industrial Park, except as modified in Exhibit "E", attached hereto and incorporated herein, but not both.

5.2 **Parcel Two**

The permitted uses of Parcel Two, more particularly described in Exhibit "C", attached hereto and incorporated herein, shall be either as (MF) Multi-Family Residential, except as modified in Exhibit "D", attached hereto and incorporated herein, or as (I-2) Industrial Park, except as modified in Exhibit "E", attached hereto and incorporated herein, but not both.

5.3 **Parcel Three**

The permitted use for Parcel Three, more particularly described in Exhibit "C", shall be as C-1 (General Commercial).

6. **LOT SIZES**

The minimum lot size shall be as modified in Exhibit "E", attached hereto, as applicable to each parcel and its designated use.

7. **BUILDINGS**

Building size, dimension, height, and setbacks for all parcels shall be as modified in Exhibits "D" and "E", attached hereto, as applicable to each parcel and its designated use.

8. **LANDSCAPING and BUFFERING**

Landscaping and buffering shall be as modified in Exhibits "D" and "E", attached hereto, as applicable to each parcel and its designated use.

9. UTILITIES

9.1 Public Improvement District

The Property is included within the Southeast Public Improvement District, which was created to construct a 16 inch waterline loop connecting an existing 16 inch waterline in Louis Henna Boulevard to a 16 inch waterline in High Country Boulevard. The City of Round Rock shall make its best efforts to design and commence construction of the 16 inch waterline within thirty (30) days after final adoption of the Southeast Public Improvement District.

9.2 Water and Wastewater Line Capacity

The creation of the Southeast Public Improvement District will accommodate approximately 263 Living Unit Equivalents (LUE's) within the PUD. Living Unit Equivalents shall be calculated as follows:

Single family residence: 1.0 LUE

Apartment of Condominium unit: 0.5 LUE

Business park: 2.4 LUE/acre

Commercial: 2.4 LUE/acre

9.3 Public Utility Easement

The Owner shall grant a fifteen (15) foot public utility easement along with an additional thirty-five (35) foot temporary easement, along the norhtern boundary of Parcel Three, as shown in Exhibit "C".

10. AMENITY AREAS

Private amenity areas may be developed, owned and maintained by the Owner or a Property Owner's Association and such amenities other than swimming pools and buildings may be located within the 100 year flood plain, provided said construction is approved by the Director of Public Works.

11. RIGHT OF FIRST REFUSAL

As a condition of this Agreement, the Owner agrees to grant to Williamson County a right of first refusal for a period of five (5) years from the date of this Agreement to acquire additional right of way along Louis Henna Boulevard, as more particularly described as Parcel 3 in Exhibit "C".

12. CONSTRUCTION

12.1 Utilities

Except where approved in writing by the Director of Public Works, all electrical, telephone and cablevision distribution and service lines, other than overhead lines three-phase or larger, shall be placed underground.

12.2 Access

Approved driveway access to Louis Henna Boulevard from Parcels One and Two, as shown on Exhibit "C" shall be provided by private access easement across Parcel Three as shown on Exhibit "C".

12.3 Sidewalks

All sidewalks shall be constructed pursuant to Section 8.604 of the Code, except that sidewalks shall not be required along Louis Henna Boulevard.

13. CHANGES TO AGREEMENT AND DEVELOPMENT PLAN

13.1 Minor Changes

Minor changes to this Agreement or Plan required by engineering or other circumstances which do not substantially change this Plan may be approved by the Director of Planning and the Director of Public Works.

13.2 Major Changes

Major changes shall be resubmitted following the same procedure required in the original PUD application.

13.3 Changes in Writing

Neither this Agreement or Plan nor any provision hereof may be waived, modified, amended, discharged, or terminated except by an instrument in writing signed by the City and the current Owner.

14. PROPERTY OWNER'S ASSOCIATION

14.1 Review and Approval Before Recordation of Final Plat

A Property Owner's Association shall be established at time of final platting of any Single Family residential property located within the PUD. The association's creation documents shall be submitted for review and

approval to the Director of Planning and Community Development and the City Attorney at the final plat stage. These documents shall be recorded with the final plat and shall contain all of the items listed in Exhibit "F", attached hereto and incorporated herein, to insure incorporation of the items listed in Exhibit "F".

14.2 Responsibilities of Association

In addition to other responsibilities imposed on the association in this Plan, the association shall be responsible for maintaining all landscaping, irrigation systems, greenbelts and amenity areas within the PUD not dedicated to the City.

14.3 Enforcement of Deed Restrictions

The Property Owner's Association shall be the entity responsible for enforcing the deed restrictions. Although the City reserves the right to review, approve and enforce deed restrictions as well as any amendments or modifications to the deed restrictions, it is not the intent of the City to assume responsibilities normally reserved to a Property Owner's Association.

15. GENERAL PLAN AMENDED

The Round Rock General Plan 1990 is hereby amended to reflect the provisions of this agreement.

16. BINDING EFFECT

This Agreement and Plan binds and is to the benefit of the respective heirs, successors and assigns of the Owner.

CITY OF ROUND ROCK

By: _____
Charles Culpepper, Mayor

Date: 9-28-95

BCWB Joint Venture

By: _____
ELNORA BIRD, Trustee

CITY OF ROUND ROCK

By: _____
Charles Culpepper, Mayor

Date: 9-28-95

BCWB Joint Venture

By: _____
ELNORA BIRD, Trustee

EXHIBIT A

26.773 ACRE TRACT
WILLIAMSON COUNTY, TEXAS

A DESCRIPTION OF A 26.773 ACRE TRACT OF LAND OUT OF THE ASA THOMAS SURVEY, ABSTRACT NO. 609, AND C. E. ROWE SURVEY, ABSTRACT NO. 871, WILLIAMSON COUNTY, TEXAS, AND BEING A PORTION OF A 100.16 ACRE TRACT CONVEYED TO NCNB TEXAS NATIONAL BANK AS RECORDED IN VOLUME 1861, PAGE 743 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a concrete monument found being the northeast corner of said 100.16 acre tract, and being in the west right-of-way line of County Road 169;

THENCE S 00°22'44" W, along the west right-of-way line of said County Road 169, a distance of 535.49 feet to a 1/2-inch rebar set for the point of curvature of a curve to the right;

THENCE continuing along the west right-of-way line of said County Road 169, along a curve to the right having a central angle of 05°39'11", a radius of 2000.00 feet, an arc distance of 197.33 feet, and whose chord bears S 03°04'59" W, a distance of 197.25 feet to a 1/2-inch rebar set for the Point of Compound Curvature;

THENCE with the south line of the herein described 26.773 acre tract same being the north right-of-way line of County Road 169 (120-foot width) as dedicated by a right-of-way deed recorded in Volume 1526, Page 8 of the Deed Records of Williamson County, Texas, the following three (3) courses:

1. Along a curve to the right having a central angle of 89°08'36", a radius of 25.00 feet, an arc distance of 38.90 feet, and whose chord bears S 50°37'07" W, a distance of 35.09 feet to a P-K nail set for the Point of Reverse Curvature;

2. Along a curve to the left having a central angle of 21°06'26", a radius of 2120.00 feet, an arc distance of 780.99 feet, and whose chord bears S 84°37'49" W, a distance of 776.58 feet to a 1/2-inch rebar set for the Point of Tangency;

3. S 74°04'36" W, a distance of 1008.74 feet to a 1/2-inch rebar found in the east line of a 19.00 acre tract as described in Volume 1866, Page 440 of the Deed Records of Williamson County, Texas;

THENCE N 19°25'30" W, along the west line of said 100.19 acre tract same being the east line of said 19.00 acre tract, a distance of 508.94 feet to a 1/2-inch rebar found being the southeast corner of Lot 7, Block B, of the Interchange Business Park Section Two as recorded in Cabinet J, Slide 27 of the Plat Records of Williamson County, Texas;

THENCE N 19°01'11" W, along the east line of said Lot 7, a distance of 69.76 feet to a 1/2-inch rebar found being the northwest corner of said 100.19 acre tract;

THENCE N 74°13'44" E, along the north line of said 100.19 acre tract, a distance of 2053.82 feet to the POINT OF BEGINNING and containing 26.773 acres of land, more or less.

I, Michael Snyder, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

Michael Snyder 9-27-90
Michael Snyder, Registered
Professional Land Surveyor
State of Texas - No. 4648

K.C. Engineering
2800 Industrial Terrace
Austin, Texas 78759
(512) 836-4040

file:26_773ac
Ref.

EXHIBIT B

STATE OF TEXAS §
COUNTY OF WILLIAMSON §

That I, _____, the outright owner of the certain tract of land recorded in Volume _____, Page _____, of the Official Records of Williamson County, Texas do hereby state there are no lien holders of the certain tract of land.

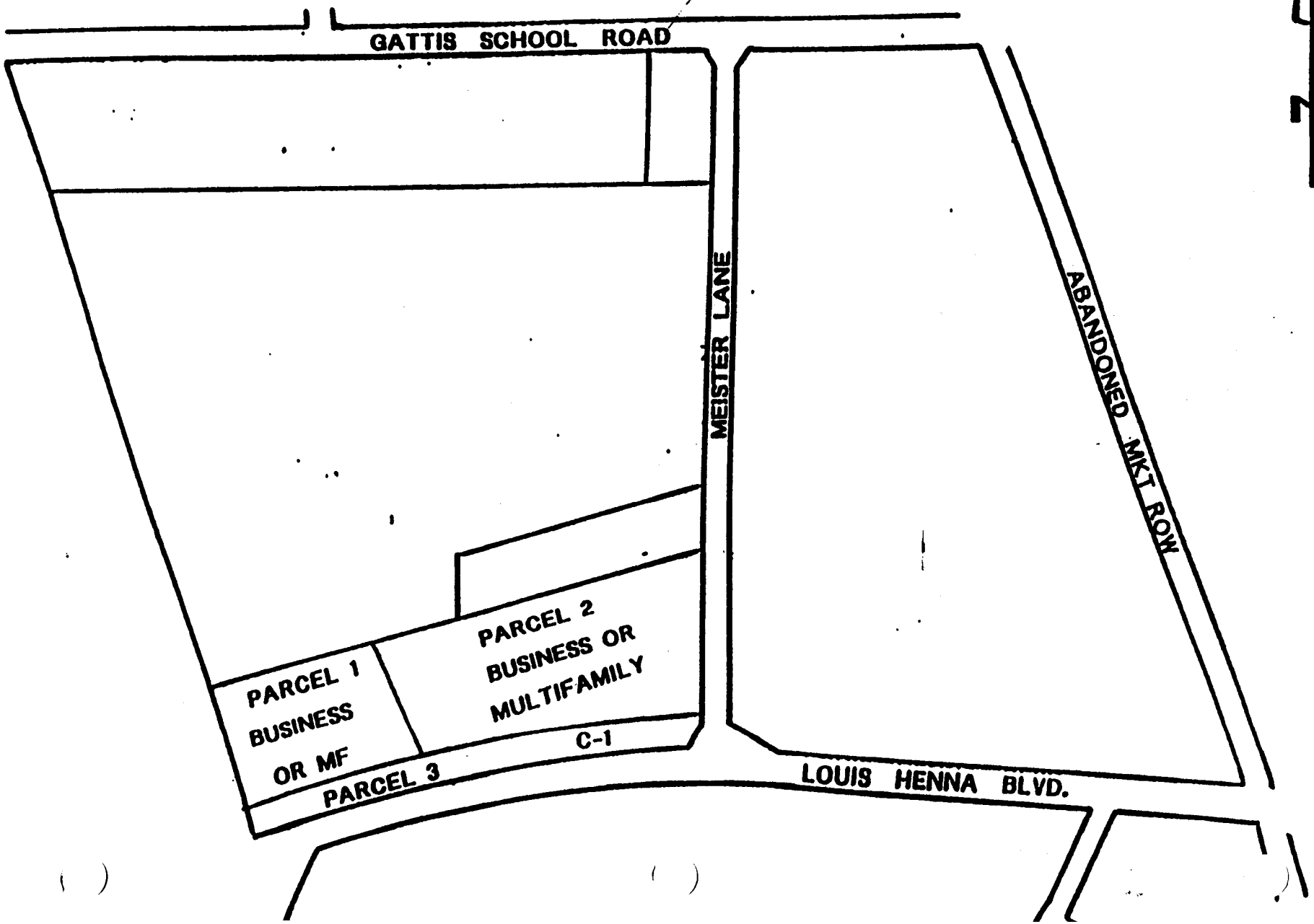
_____
Owner

STATE OF TEXAS §
COUNTY OF WILLIAMSON §

This instrument was acknowledged before me on the _____ day of _____, 199__, by _____, _____, of _____, on behalf of said _____.

_____
Notary Public, State of Texas
Printed Name: _____
My commission expires: _____

EXHIBIT C


GATTIS SCHOOL ROAD
MEISTER LANE
ABANDONED MKT ROW
PARCEL 1
BUSINESS
OR MF
PARCEL 2
BUSINESS OR
MULTIFAMILY
C-1
PARCEL 3
LOUIS HENNA BLVD.

K.C. ENGINEERING, INC.
CONSULTING ENGINEERS AND SURVEYORS

4601 SOUTH LAMAR BOULEVARD
SUITE 230
PHONE: (512) 892-5585

AUSTIN, TEXAS 78745
FAX: (512) 892-5586
MODEM: (512) 892-6165

TRACT 1 - 14.442 ACRES OF LAND
WILLIAMSON COUNTY, TEXAS
ATTACHMENTS: DRAWING 12 P-1

A DESCRIPTION OF 14.442 ACRES OF LAND OUT OF THE ASA THOMAS SURVEY, ABSTRACT NO. 609, IN WILLIAMSON COUNTY, TEXAS AND ALSO BEING A PORTION OF THAT CERTAIN 26.773 ACRES OF LAND AS CONVEYED TO BCWB JOINT VENTURE BY SPECIAL WARRANTY DEED FROM THE FEDERAL DEPOSIT INSURANCE CORPORATION FILED OF RECORD ON FEBRUARY 22, 1994, IN VOLUME 2472, PAGES 0403-0410 IN THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 14.442 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a concrete monument found at the northeast corner of the aforementioned 26.773 acres of land and the herein described tract, said monument also being in the west right-of-way line of Williamson County Road No. 169 known as Meister Lane (a public road having a right-of-way width that varies);

THENCE South 00°22'44" West, with the east line of the 26.773 acre tract of land and west right-of-way line of Meister Lane, a distance of 535.49 feet to a 1/2-inch rebar found for a Point of Curvature (record - S 00°22'44" W, 535.49');

THENCE continuing with the east line of the 26.773 acres of land and west right-of-way line of Meister Lane, a curve to the right having a central angle of 2°21'01", a radius of 2000.00 feet, and an arc distance of 82.04 feet (chord bears South 01°25'54" West, a distance of 82.04 feet) to a 1/2-inch rebar set for a Point on Curve;

THENCE a curve to the left having a central angle of 21°41'38", a radius of 2260.00 feet, and an arc distance of 855.70 feet (chord bears South 84°55'25" West, a distance of 850.60 feet) to a 1/2-inch rebar set for a Point of Tangency;

THENCE South 74°04'36" West, a distance of 329.79 feet to a 1/2-inch rebar set;

THENCE North 31°47'19" West, a distance of 453.35 feet to a 1/2-inch rebar set in the north line of the 26.773 acres of land;

THENCE North 74°13'44" East, passing a 1/2-inch rebar found on-line at a distance of 279.03 feet, passing a 1/4-inch rebar found 1.67 feet left of line at a distance of 666.03 feet, a total distance of 1463.92 feet to the POINT OF BEGINNING.

This tract contains 14.442 acres of land,more or less, out of the Asa Thomas Survey, Abstract No. 609 in Williamson County, Texas.

This description was prepared from an on the ground survey made during August-September, 1990 and September, 1995. Bearing basis is the description of the 26.773 acre tract of land contained in Volume 2472, Pages 0403-0410 of the Official Records of Williamson County, Texas.

Curtis D. Wilson 9-5-95

Curtis D. Wilson
Registered Professional Land Surveyor
State of Texas No. 4763

K.C. ENGINEERING, INC.
CONSULTING ENGINEERS AND SURVEYORS

4601 SOUTH LAMAR BOULEVARD
SUITE 230
PHONE: (512) 892-5585

AUSTIN, TEXAS 78745
FAX: (512) 892-5586
MODEM: (512) 892-6165

TRACT 2 - 6.406 ACRES OF LAND
WILLIAMSON COUNTY, TEXAS
ATTACHMENTS: DRAWING 12 P-1

A DESCRIPTION OF 6.406 ACRES OF LAND OUT OF THE ASA THOMAS SURVEY, ABSTRACT NO. 609, IN WILLIAMSON COUNTY, TEXAS AND ALSO BEING A PORTION OF THAT CERTAIN 26.773 ACRES OF LAND AS CONVEYED TO BCWB JOINT VENTURE BY SPECIAL WARRANTY DEED FROM THE FEDERAL DEPOSIT INSURANCE CORPORATION FILED OF RECORD ON FEBRUARY 22, 1994, IN VOLUME 2472, PAGES 0403-0410 IN THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 6.406 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch rebar found for the northwest corner of the aforementioned 26.773 acres of land and the herein described tract, said rebar also being in the east line of Lot 7, Block B of the Interchange Business Park, Section Two, a subdivision of record in Cabinet J, Slide 27, of the Plat Records of Williamson County, Texas;

THENCE North 74°13'44" East, with the north line of said 26.773 acres of land, a distance of 589.90 feet to a 1/2-inch rebar set, from which a concrete monument found for the northeast corner of the said 26.773 acres of land bears North 74°13'44" East, a distance of 1463.92 feet;

THENCE South 31°47'19" East, a distance of 453.35 feet to a 1/2-inch rebar set;

THENCE South 74°04'36" West, a distance of 687.55 feet to a 1/2-inch rebar set in the west line of said 26.773 acres of land, same being the east line of a 19.00 acre tract of land described in Volume 1866, Page 440 of the Official Records of Williamson County, Texas;

THENCE North 19°25'30" West, with the west line of said 26.773 acres of land and same being the east line of the 19.00 acre tract, a distance of 368.68 feet to a 1/2-inch rebar found for the southeast corner of the previously mentioned Lot 7;

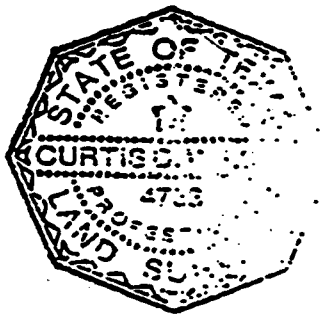
THENCE North 19°01'11" West, a distance of 69.76 feet to the POINT OF BEGINNING (record - N 19°01'11" W, 69.76').

This tract contains 6.406 acres of land,more or less, out of the Asa Thomas Survey, Abstract No. 609 in Williamson County, Texas.

This description was prepared from an on the ground survey made during August-September, 1990 and September, 1995. Bearing basis is the description of the 26.773 acre tract of land contained in Volume 2472, Pages 0403-0410 of the Official Records of Williamson County, Texas.

Curtis D. Wilson 9-5-95

Curtis D. Wilson
Registered Professional Land Surveyor
State of Texas No. 4763



K.C. ENGINEERING, INC.
CONSULTING ENGINEERS AND SURVEYORS

4601 SOUTH LAMAR BOULEVARD
SUITE 230
PHONE: (512) 892-5585

AUSTIN, TEXAS 78745
FAX: (512) 892-5586
MODEM: (512) 892-6165

TRACT 3 - 5.925 ACRES OF LAND
WILLIAMSON COUNTY, TEXAS
ATTACHMENTS: DRAWING 12 P-1

A DESCRIPTION OF 5.925 ACRES OF LAND OUT OF THE ASA THOMAS SURVEY, ABSTRACT NO. 609, IN WILLIAMSON COUNTY, TEXAS AND ALSO BEING A PORTION OF THAT CERTAIN 26.773 ACRES OF LAND AS CONVEYED TO BCWB JOINT VENTURE BY SPECIAL WARRANTY DEED FROM THE FEDERAL DEPOSIT INSURANCE CORPORATION FILED OF RECORD ON FEBRUARY 22, 1994, IN VOLUME 2472, PAGES 0403-0410 IN THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 5.925 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch rebar found for the southwest corner of the aforementioned 26.773 acres of land, said rebar also being in the north right-of-way line of Williamson County Road No. 170 known as Louis Henna Boulevard (a public road having a right-of-way width of 120 feet), from which a concrete monument in the south right-of-way line of said roadway bears South 19°25'30" East, a distance of 120.22 feet;

THENCE North 19°25'30" West, with the west line of the said 26.773 acres of land, a distance of 140.26 feet to a 1/2-inch rebar set;

THENCE North 74°04'36" East, a distance of 1017.34 feet to a 1/2-inch rebar set for a Point of Curvature;

THENCE a curve to the right having a central angle of 21°41'38", a radius of 2260.00 feet, and an arc distance of 855.70 feet (chord bears North 84°55'25" East, a distance of 850.60 feet) to a 1/2-rebar set for a Point of Curve Terminus, said rebar also being on the curving east line of the said 26.773 acres of land, same being the curving west right-of-way line of Williamson County Road No. 169 known as Meister Lane (a public road having a right-of-way width that varies);

THENCE with the east and south lines of the said 26.773 acres of land, same being the west and north right-of-way lines of Meister Lane and Louis Henna Boulevard, respectively, the following four (4) courses:

(1) A curve to the right having a central angle of 3°18'10", a radius of 2000.00 feet, and an arc distance of 115.29 feet (chord bears South 04°15'29" West, a distance of 115.27 feet) to a 1/2-inch rebar found for a Point of Compound Curvature;

(2) A curve to the right having a central angle of 89°08'36", a radius of 25.00 feet, and an arc distance of 38.90 feet (chord bears South 50°37'07" West, a distance of 35.09 feet) to a P-K nail found for a Point of Reverse Curve (record - CA = 89°08'36", R = 25.00', A = 38.90', CH = S 50°37'07" W, 35.09');

(3) A curve to the left having a central angle of 21°06'26", a radius of 2120.00 feet, and an arc distance of 780.99 feet (chord bears South 84°37'49" West, a distance of 776.58 feet) to a 1/2-inch rebar found for a Point of Tangency (record - CA = 21°06'26", R = 2120.00', A = 780.89', CH = S 84°37'49" W, 776.58');

(4) South 74°04'36" West, a distance of 1008.77 feet to the POINT OF BEGINNING (record - S 74°04'36" W, 1008.74').

This tract contains 5.925 acres of land,more or less, out of the Asa Thomas Survey, Abstract No. 609 in Williamson County, Texas.

This description was prepared from an on the ground survey made during August-September, 1990 and September, 1995. Bearing basis is the description of the 26.773 acre tract of land contained in Volume 2472, Pages 0403-0410 of the Official Records of Williamson County, Texas.

Curtis D. Wilson 9-5-95

Curtis D. Wilson
Registered Professional Land Surveyor
State of Texas No. 4763

EXHIBIT D

DEVELOPMENT STANDARDS
MULTI-FAMILY RESIDENTIAL

1. **PERMITTED USE**: Apartments and Condominiums.

2. **DENSITY AND HEIGHT:**

   2.1 Twenty (20) units per acre, provided all other requirements of this Agreement are met.

   2.2 Allowed height 3 stories.

3. **BUILDINGS**:

   3.1 **Setbacks:**

      3.1.1 Front yard 50 feet.

      3.1.2 Rear yard 25 feet.

      3.1.3 Side yard (interior) 25 feet.

      3.1.4 Side yard (street) 50 feet.

   3.2 **Carports**: Carports may be constructed, provided the design is first approved by the Director of Planning. Carports shall meet the following setback requirements;

      3.2.1 Front yard - 25 feet.

      3.2.2 Rear yard - 5 feet from the edge of the roof.

      3.2.3 Side yard (interior) - 5 feet from the edge of the roof.

      3.2.4 Side yard (street) - 25 feet from the edge of the roof.

4. **ACCESS**: Driveway access points shall contain a divided drive with a landscaped median separating ingress and egress lanes with each a minimum of 24 feet wide.

5. **RECREATIONAL AMENITIES**: The following private recreational facilities shall be provided on site in lieu of parkland dedication:

5.1 One swimming pool, a minimum of 500 square feet.

5.2 A clubhouse with a minimum of 1,000 square feet plus sales leasing and office space. Only one clubhouse shall be required for the entire multi-family development if the development contains more than one of the parcels identified for multi-family use on Exhibit C of this agreement.

6. **PARKING REQUIREMENTS**: Parking shall be provided as follows:

6.1 Efficiency units - 1.5 spaces.

6.2 One bedroom units - 1.5 spaces.

6.3 Two bedroom units - 2.0 spaces.

6.4 Three bedroom units - 3.0 spaces.

6.5 Additional guest spaces shall be provided in a number equal to five percent of the number of parking spaces required for the total number of units.

6.6 All parking spaces shall be a minimum of nine feet (9') wide.

6.7 No recreational vehicles, boats of trailers shall be allowed to be parked in any street yard.

7. **LANDSCAPING & BUFFERING**:

7.1 **Trees**: Trees shall be planted in all street yards in accordance with the following standards:

7.1.1 One tree for each (25) feet of frontage.

7.1.2 Each tree shall have a minimum caliper size of two inch and a minimum height of six feet for softwoods and eight feet for hardwoods. Trees shall be alternated between hardwoods and softwoods.

7.2 **Maintenance**: All landscaping shall be maintained and irrigated by the property owner or a property owners association which has been approved by the City Attorney.

7.3 **Berms**: A landscaped berm with a minimum height of three (3) feet shall be provided adjacent to all public streets.

8. **FENCING**:

All perimeter fences shall be constructed as part of a comprehensively designed fence. Fencing materials shall be woodcrete, rust resistant iron, masonry, or masonry posts with wood fence. Fence supports shall be masonry or rust resistant steel or iron. All fencing ~~sh~~all be constructed so that a finished surface faces out. Fence construction plans shall be approved by the Director of Planning prior to construction to ensure stability, durability and aesthetics.

9. **SIGNS**:

9.1 All signs shall be masonry monument signs.

9.2 Signs shall not exceed six feet in height.

9.3 Signs shall not restrict visibility for traffic entering or leaving the site.

9.4 One sign shall be permitted at each entrance to the site. The maximum area of each sign, defined as the area contained within a polygon containing the actual lettering and any logo, shall be fifty square feet. Portions of the masonry structure on which the sign is located is not counted as part of this fifty feet provided it is not contained within the polygon.

9.5 Directional signs solely for the purpose of directing traffic or identifying buildings and facilities shall be permitted provided they are restricted to a size required for their function as determined by the Director of Planning.

10. **NEIGHBORHOOD BOX UNITS**: A postal delivery facility shall be provided and shall include parking and shall be handicapped accessible.

11. **DEVELOPMENT REVIEW BOARD (DRB)**: A site plan shall be approved by the City DRB prior to the issuance of a building permit. The DRB shall review the site plan for compliance with the provisions of this agreement and other Code requirements.

EXHIBIT E

DEVELOPMENT STANDARDS
BUSINESS PARK

1. **PERMITTED USES**:

   1.1 **Primary Uses**: Including, but not limited to, office, office/warehouse, research & development, technical schools, light manufacturing and assembly, conducted wholly within a building.

   1.2 **Secondary uses**: Including, but not limited to, caretakers residence, the sale of goods produced or assembled on site, day care and other employee services.

2. **PROHIBITED USES**: Including, but not limited to, automotive and machinery repair, automotive and machinery painting, wrecking yard, sexually oriented businesses, transmission and communication towers, trucking depots, bulk distribution centers and mini-warehouses.

3. **OUTDOOR STORAGE**: Outdoor storage of materials or equipment and loading docks shall provide a visual screen from abutting properties or city streets. All screening shall be approved by the Director of Planning prior to construction.

4. **INTERPRETATION OF USE**: Interpretation of uses not clearly permitted or prohibited shall be made in writing by the Director of Planning. A copy of interpretations shall be provided to the owner and the City Building Inspector.

5. **DENSITY**: Minimum lot size one (1) acre.

6. **BUILDINGS SETBACKS**:

   6.1 Front yard - 50 feet.

   6.2 Rear yard - 25 feet.

   6.3 Side yard (internal) - 25 feet.

   6.4 Side yard (street) - same as front yard.

7. **SIGN REGULATIONS**:

7.1 All freestanding signs shall be monument signs.

7.2 Freestanding signs shall not exceed six feet in height.

7.3 Freestanding signs shall not restrict visibility for traffic entering or leaving the site.

7.4 One freestanding sign shall be permitted for lots of less than three acres in size. The maximum area of the sign, defined as the area contained within a polygon containing the actual lettering and any logo, shall be fifty square feet. Portions of the masonry structure on which the sign is located are not counted as part of the fifty square feet provided they are not contained within the polygon.

7.5 Additional freestanding monument signs shall be permitted for lots of three acres or larger in accordance with the regulations contained in the City Sign Ordinance.

7.6 Directional signs solely for the purpose of directing traffic or identifying buildings and facilities shall be permitted provided they are restricted to a size required for their function as determined by the Director of Planning.

8. **LANDSCAPING & BUFFERING**:

8.1 If any parcel abuts Gattis School Road or if any visitor parking is provided in any front yard, then a landscaped berm shall be installed in accordance with the following design standards:

8.1.1 The height of the berm shall be a minimum of three feet in height and be landscaped to provide a complete visual screen of any parking, loading or storage areas. A site plan shall be approved by the Director of Planning prior to the issuance of any building permit. The Director of Planning shall review the landscaping, elevations and abutting uses to ensure that the required visual screen will be provided. Trees shall be planted no less than thirty feet apart.

8.2 Trees shall be planted in all street yards. Said trees shall have a minimum caliper of two inches and a minimum height of six feet for softwoods and eight feet for hardwoods. Trees shall consist of a mix of hardwoods and softwoods to provide for both rapidly growing and slower growing species.

8.3 A minimum of 75 percent of required front yards and side street yards shall be landscaped, excluding driveways.

9. **PARKING & LOADING REQUIREMENTS:**

9.1 Parking and loading shall be provided in accordance with the current standards set forth in the Code.

9.2 No parking or loading shall be permitted in any required front yard or street side yard, except that visitor parking may be permitted in up to twenty-five percent of the streetyard if a landscaped screen & berm is first approved in writing by the Director of Planning and is installed in accordance with Section 8.1, above.

EXHIBIT F

1. **MULTI FAMILY LOTS**: The following items shall be included in the restrictive covenants which shall be recorded with a final plat for Multi Family lots:

1.1 **Amendment**: This Declaration may be amended by recording in the Williamson County Real Property Records an instrument executed and acknowledge by the sole owners or if the development is a condominium by the President and Secretary of the Association setting forth the amendment and certifying that such amendment has been approved by Owners of at least two thirds (2/3) of the number of Lots entitled to be cast, and the Mayor on behalf of the Round Rock City Council as any amendment pertains to any item in this exhibit.

1.2 **Masonry Requirements**: Each Building constructed shall have at least eighty percent (80%) of its exterior walls, facing a public street, constructed of stone or masonry construction. In computing these percentages (1) all gables shall be excluded from the total area of exterior walls; (2) all windows and door openings shall be excluded from the total area of the exterior walls; (3) masonry used to a fireplace or chimney may be included in the computation as masonry used; and (4) Stucco and all "Hardi plank" products may be included in the computation as masonry used.

1.3 **Roofing Materials**: All roofing materials shall meet or exceed 20 year warranty composition shingles. Non-reflective metal, tile or similar quality materials are acceptable.

1.4 **Antennas**: No exterior radio, television antenna, satellite dishes or aerial shall be erected or maintained without prior written approval of the City of Round Rock Director of Planning.

1.5 **Signs**: All entry monumentation shall be constructed of low maintenance materials approved in advance by the Director of Planning. In the event that the sign is not properly maintained, the City may give the sign owner written notice that repairs must be

made within 14 business days of notification or the City shall have the right, but not the obligation, to have the repairs made and charged to the owner.

Prohibited signs include bench signs, billboards, signs with flashing or blinking lights or mechanical movement, dayglo colors, signs that make or create noise, animated or moving signs, exposed neon illumination, painted wall signs, pennants, trailer signs, signs with beacons, and any sign that obstructs the view in any direction of an intersection. Appropriate materials shall be made of masonry with a maximum height of six feet.

The Property Owners Association shall own and maintain all entry signs.

Doc# 9549250
Pages: 34
Date : 11-01-1995
Time : 10:28:14 A.M.
Filed & Recorded in
Official Records
of WILLIAMSON County, TX.
ELAINE BIZZELL
COUNTY CLERK
Rec. $ 75.00

THE STATE OF TEXAS
COUNTY OF WILLIAMSON

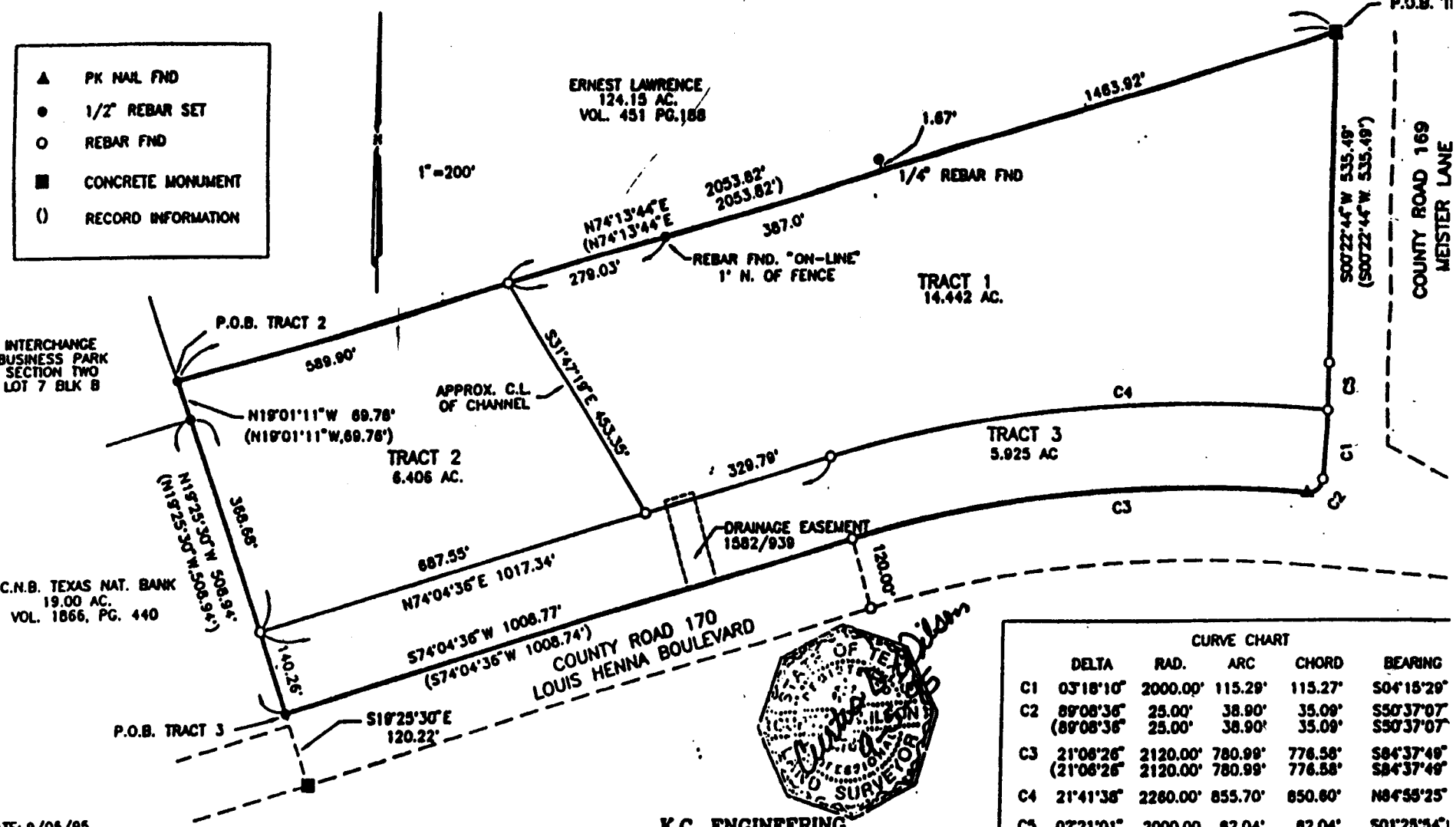
This is to certify that this document was FILED and RECORDED in the Official Public Records of Williamson County, Texas on the date and time stamped thereon.

COUNTY CLERK
WILLIAMSON COUNTY, TEXAS

Please return to:

CITY OF ROUND ROCK
ADMINISTRATION
221 EAST MAIN STREET
ROUND ROCK, TEXAS 78664

A ...RVEY OF THREE TRACTS OF LAND AS SHOWN OUT OF THE ASA THOMAS SURVEY, A-609, IN WILLIAMSON COUNTY, TEXAS.
...ING A PORTION OF 26.773 ACRES OF LAND AS DESCRIBED IN VOLUME 2472, P... 0403-0410 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS



CURVE CHART

	DELTA	RAD.	ARC	CHORD	BEARING
C1	03°18'10"	2000.00'	115.29'	115.27'	S04°15'29"
C2	89°08'36"	25.00'	38.90'	35.09'	S50°37'07"
	(89°08'36"	25.00'	38.90'	35.09'	S50°37'07"
C3	21°06'26"	2120.00'	780.99'	776.58'	S84°37'49"
	(21°06'26"	2120.00'	780.99'	776.58'	S84°37'49"
C4	21°41'38"	2260.00'	855.70'	850.60'	N84°55'25"
C5	02°21'01"	2000.00	82.04'	82.04'	S01°25'54"

DATE: 9/05/95
DWG: 12 P-1
DISK: MISC 51
JOB NO.:359-95001

BEARING BASIS: VOLUME 2472 PAGE 0403
ATTACHMENTS: METES AND BOUNDS DESCRIPTION.

K.C. ENGINEERING
CONSULTING ENGINEERS AND SURVEYORS

RECORDERS MEMORANDUM
All or parts of the text on this page was not clearly legible for satisfactory recordation.