STATE OF TEXAS *

COUNTY OF WILLIAMSON *

CITY OF ROUND ROCK *

DOC# 9640650

I, JOANNE LAND, Assistant City Manager/City Secretary of the City of Round Rock, Texas do hereby certify that the above and foregoing is a true and correct copy of an ordinance passed and adopted by the City Council of the City of Round Rock, Texas, at two meetings held on the 9th day of May, 19 96 and the 13th day of June, 19 96 which is recorded in the minutes of the City of Round Rock in book 35.

WITNESSED by my hand and seal of the City of Round Rock, Texas on this 5th day of August, 19 96.

Joanne Land
JOANNE LAND
Assistant City Manager/
City Secretary

OFFICIAL RECORDS
WILLIAMSON COUNTY, TEXAS

ORDINANCE NO. Z-96-06-13-9B

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 RE-ZONE 8.46 ACRES OF LAND OUT OF THE P. A. HOLDER SURVEY, ABSTRACT NO. 297, AND 17.84 ACRES OF LAND OUT OF THE P. A. HOLDER SURVEY, ABSTRACT NO.297, KNOWN AS THE ROCKING HORSE RANCH SUBDIVISION, CURRENTLY ZONED MULTI-FAMILY (MF), IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, TO ROCKING HORSE RANCH PLANNED UNIT DEVELOPMENT (PUD) DISTRICT NO. 26.

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 properties described in Exhibit "A" and Exhibit "B", attached hereto and incorporated herein, as Rocking Horse Ranch Planned Unit Development (PUD) No. 26, said Exhibits 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 the 23rd day of April, 1996, 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 Exhibits "A" and "B" be changed to Rocking Horse Ranch PUD No. 26, and

WHEREAS, on the 9th day of May, 1996, 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. 26 meets the following goals and objectives:

(1) The development in PUD No. 26 is equal to or superior to development that would occur under the standard ordinance requirements.

(2) P.U.D. No. 26 is in harmony with the general purposes, goals, objectives and standards of the General Plan.

(3) P.U.D. No. 26 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. 26 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. 26 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 properties described in Exhibits "A" and "B", attached hereto and incorporated herein shall be, and is heresfter designated as Rocking Horse Ranch Planned Unit Development (PUD) No. 26, and that the Mayor is hereby authorized and directed to enter into the Agreement and Development Plan for PUD No. 26 attached hereto as Exhibit "C", 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 _____ day of _____, 1996.

Alternative 2.

READ and APPROVED on first reading this the 9th day of May, 1996.

READ, APPROVED and ADOPTED on second reading this the 13th day of June, 1996.

CHARLES CULPEPPER, Mayor
City of Round Rock, Texas

ATTEST:

JOANNE LAND, City Secretary

FIELD NOTES
FOR

TRACT ONE - 16.841 ACRE TRACT

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE P.A. HOLDER SURVEY ABSTRACT NO. 297 IN WILLIAMSON COUNTY, TEXAS, BEING THAT SAME TRACT OF LAND DESCRIBED AS A 16.843 ACRE TRACT AS CONVEYED TO FIRST FEDERAL SAVINGS & LOAN ASSOCIATION BY DEED RECORDED IN VOLUME 1524, PAGE 581 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID TRACT BEING MORE PARTICUARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pipe found at the Northeast corner of the said 16.843 acre tract, being at the Northwest corner of that certain 5.84 acre tract of land as conveyed to Erwin Meiske by deed recorded in Volume 589, Page 291 of the Deed Records of Williamson County, Texas, being in the South r.o.w. line of U.S. Hwy No. 79 for the Northeast corner hereof;

THENCE along the East line of the said 16.843 acre tract, being the West line of the said 5.84 acre tract, as fenced and used upon the ground, S 00° 30' 38" E for a distance of 545.52 feet to an iron pin found at the Northeast corner of that certain 0.997 acre tract of land as conveyed to First Federal Savings & Loan Association by deed recorded in Volume 1524, Page 581 of the Deed Records of Williamson County, Texas;

THENCE continuing along the East line of the said 16.843 acre tract, being along the North, the West and the South lines of the said 0.997 acre tract, for the following courses:

S 89° 29' 30" W for a distance of 216.85 feet to an iron pin found

S 20° 23' W for a distance of 156.92 feet to an iron pin found

S 79° 00' E for a distance of 272.55 feet to an iron pin found in the West line of the said 5.84 acre tract, being at the Southeast corner of the said 0.997 acre tract;

THENCE continuing along the East line of the said 16.843 acre tract, being the West line of the said 5.84 acre tract, as fenced and used upon the ground, S 16° 32' W at a distance of 414.7 feet passing the end of a fence and continuing for a total distance of 474.90 feet to a point in the approximate centerline of Brushy Creek, being at the Southeast corner of the said 16.843 acre tract, for the Southeast corner hereof;

THENCE along the South line of the said 16.843 acre tract, being along the approximate centerline of Brushy Creek, N 80 ° 19' W for a distance of 241.50 feet to an angle point and N 64° 56' W for a distance of 479.80 feet to a point, being the Southwest corner of the said 16.843 acre tract, for the Southwest corner hereof;

THENCE along the West line of the said 16.843 acre tract, N 09° 16' 30" E at a distance of 29.16 feet passing a 60-d nail found in a 48" tree and continuing for a total distance of 625.30 feet to an iron pin found;

FIELD NOTES
FOR

16.841 ACRE TRACT - Page Two

THENCE continuing along the West line of the said 16.843 acre tract, N 06° 09' 20" W for a distance of 237.27 feet to an iron pin found at the Northwest corner of the said 16.843 acre tract, being at the Northeast corner of that certain 7.85 acre tract of land as conveyed to Billy Davis by deed recorded in Volume 523, Page 88 of the Deed Records of Williamson County, Texas, being in the South r.o.w. line of U.S. Hwy No. 79, for the Northwest corner hereof;

THENCE along the North line of the said 16.843 acre tract, being the South r.o.w. line of U.S. Hwy No. 79, N 81° 50' E for a distance of 739.07 feet to the PLACE OF BEGINNING and containing 16.841 acres of land, more or less.

AS SURVEYED BY:
W. HARVEY SMITH SURVEYOR, INC

STATE OF TEXAS
REGISTERED
ROY D. SMITH
4094
PROFESSIONAL
LAND SURVEYOR

ROY D. SMITH
REGISTERED PROFESSIONAL SURVEYOR No. 4094
December 6, 1991

Job No. 36437-56

Survey Updated: June 23, 1993

FIELD NOTES
FOR

TRACT TWO - 0.997 ACRE

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE P.A. HOLDER SURVEY ABSTRACT NO. 297 IN WILLIAMSON COUNTY, TEXAS, BEING THAT SAME TRACT OF LAND DESCRIBED AS A 0.997 ACRE TRACT AS CONVEYED TO FIRST FEDERAL SAVINGS & LOAN ASSOCIATION BY DEED RECORDED IN VOLUME 1524, PAGE 581 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at an iron pipe found in the South r.o.w. line of U.S. Hwy No. 79, being at the Northeast corner of that certain 16.843 acre tract of land as conveyed to First Federal Savings and Loan Association by deed recorded in Volume 1524, Page 581 of the Deed Records of Willamson County, Texas, being at the Northwest corner of that certain 5.84 acre tract of land as conveyed to Erwin Meiske by deed recorded in Volume 589, Page 291 of the Deed Records of Williamson County, Texas;

THENCE along the East line of the said 16.843 acre tract, being the West line of the said 5.84 acre tract, as fenced and used upon the ground, S 00° 30' 38" E for a distance of 545.52 feet to an iron pin found at the Northeast corner of the said 0.997 acre tract, for the Northeast corner and PLACE OF BEGINNING hereof;

THENCE along the East line of the said 0.997 acre tract, being the West line of the said 5.84 acre tract, as fenced and used upon the ground, S 00° 30' E for a distance of 182.34 feet to an iron pin found at an angle point and S 16° 32' W for a distance of 19.50 feet to an iron pin found at the Southeast corner of the said 0.997 acre tract, for the Southeast corner hereof;

THENCE along the South line of the said 0.997 acre tract, N 79° 00' W for a distance of 272.55 feet to an iron pin found for the Southwest corner hereof;

THENCE along the West line of the said 0.997 acre tract, N 20° 23' E for a distance of 156.92 feet to an iron pin found for the Northwest corner hereof;

THENCE along the North line of the said 0.997 acre tract, N 89° 29' 30" E for a distance of 216.85 feet to the PLACE OF BEGINNING and containing 0.997 acre of land, more or less.

AS SURVEYED BY:
W. HARVEY SMITH SURVEYOR, INC.

ROY D. SMITH
REGISTERED PROFESSIONAL SURVEYOR NO. 4094
December 6, 1991

STATE OF TEXAS
REGISTERED
ROY D. SMITH
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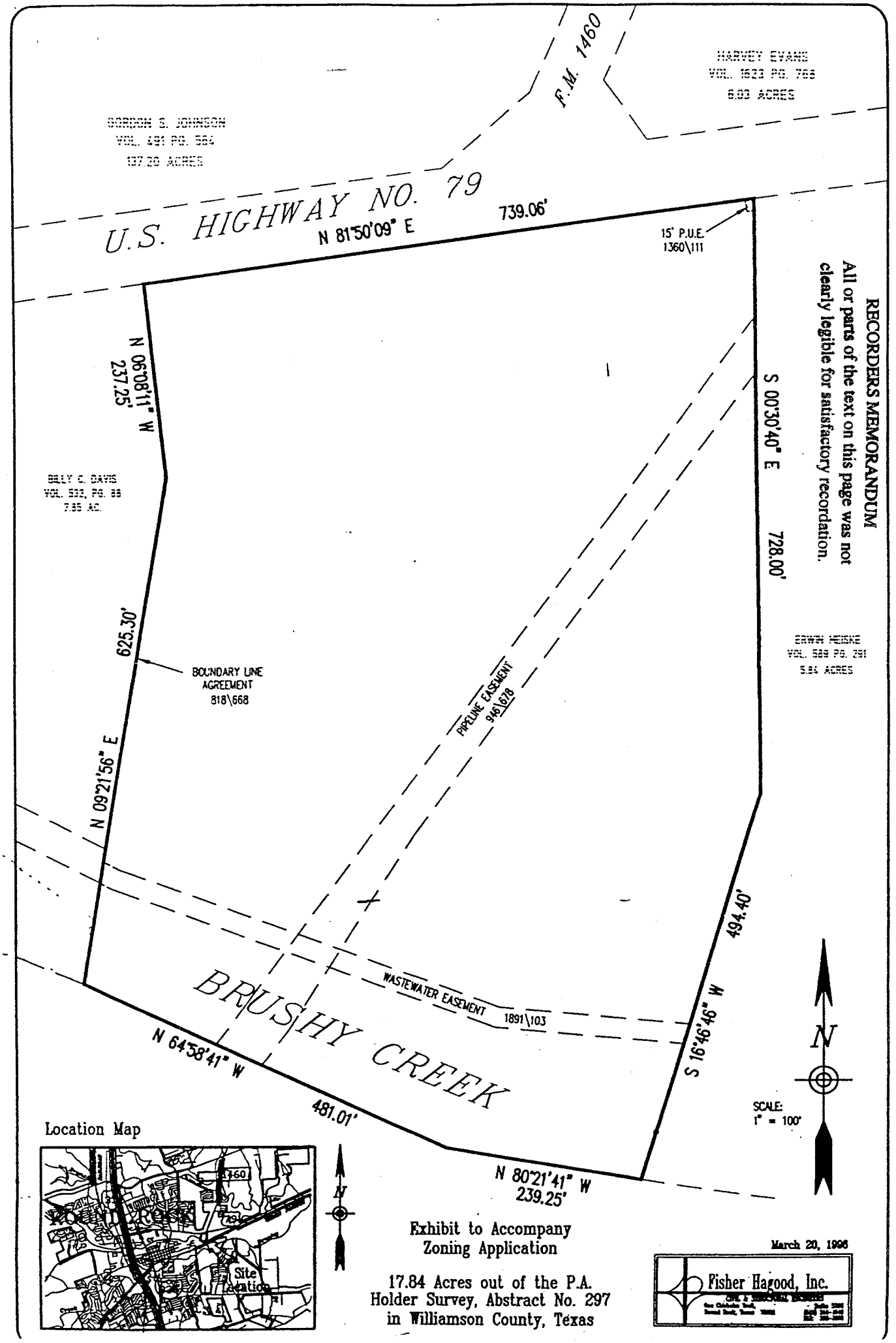
PROFESSIONAL
LAND SURVEYOR

Job No. 36437-56

Survey Updated: June 23, 1993



RECORDERS MEMORANDUM
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Exhibit to Accompany
Zoning Application

17.84 Acres out of the P.A.
Holder Survey, Abstract No. 297
in Williamson County, Texas

March 20, 1996

Fisher Hagood, Inc.

Exhibit B

DESCRIPTION FOR BILLY C. DAVIS

BEING 8.46 acres of the P.A. Holder Survey, Abstract No. 297, in Williamson County, Texas, the same tract described as being 7.85 acres in a deed to Billy C. Davis, et. ux., of record in Vol. 523, Page 88, Deed Records of Williamson County, Texas. Surveyed on the ground in August of 1980, under the direction of Wm. F. Forest, Jr., Registered Public Surveyor No. 1847.

BEGINNING at an iron pin found in the South line of U.S. 79 at the Northeast corner of the said 7.85 acre tract and at the Northwest corner of a 17.84 acre tract owned by Ervin A. Kuatz. Said 17.84 acres being the remainder of a 30 acre tract described in Vol. 434, Page 617, D/R.

THENCE S 06°11' E 237.38 feet with a fence, an iron pin found, and S 09°16' W for 596.7 feet follow a fence, continuing in all 625.3 feet to the center of Brushy Creek.

THENCE upstream with the center of Brushy Creek, N 67°53'40" W 352.09 feet.

THENCE N 00°12'30" E at 220.0 feet join and follow a fence, continuing in all 445.07 feet to an iron pin found at a fence corner.

THENCE N 75°13'10" W at 382.51 feet pass a nail set in a 36 inch Liveoak, continuing in all 456.18 feet to the upper Southwest corner of the 7.85 acre tract. (The East 382.51 feet of this line is fenced.)

THENCE N 09°40'10" E at 36.35 feet pass an iron pin found and join and follow a fence, continuing in all 113.66 feet to an iron pin found. This point is in the South line of U.S. 79.

THENCE 644.35 feet with the arc of a curve having a radius of 2950.87 feet, the chord bears N 88°05'20" E 643.07 feet to a concrete R.O.W. marker at the end of the curve.

THENCE N 81°50' E 180.88 feet with the South R.O.W. line of U.S. 79, to the POINT OF BEGINNING.

STATE OF TEXAS

I KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF WILLIAMSON

I, W.F. FOREST, do hereby certify that the above described tract was surveyed on the ground under my supervision and that the above description is true and correct to the best of my knowledge and belief.

TO CERTIFY WHICH, WITNESS my hand and seal at Georgetown, Texas, this the 25th day of August, 1980, A.D.

William Forest W.F. FOREST
REGISTERED PUBLIC SURVEYOR NO. 101

RECORDERS MEMORANDUM
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McClure Bailiff
454-7701

RECORDERS MEMORANDUM
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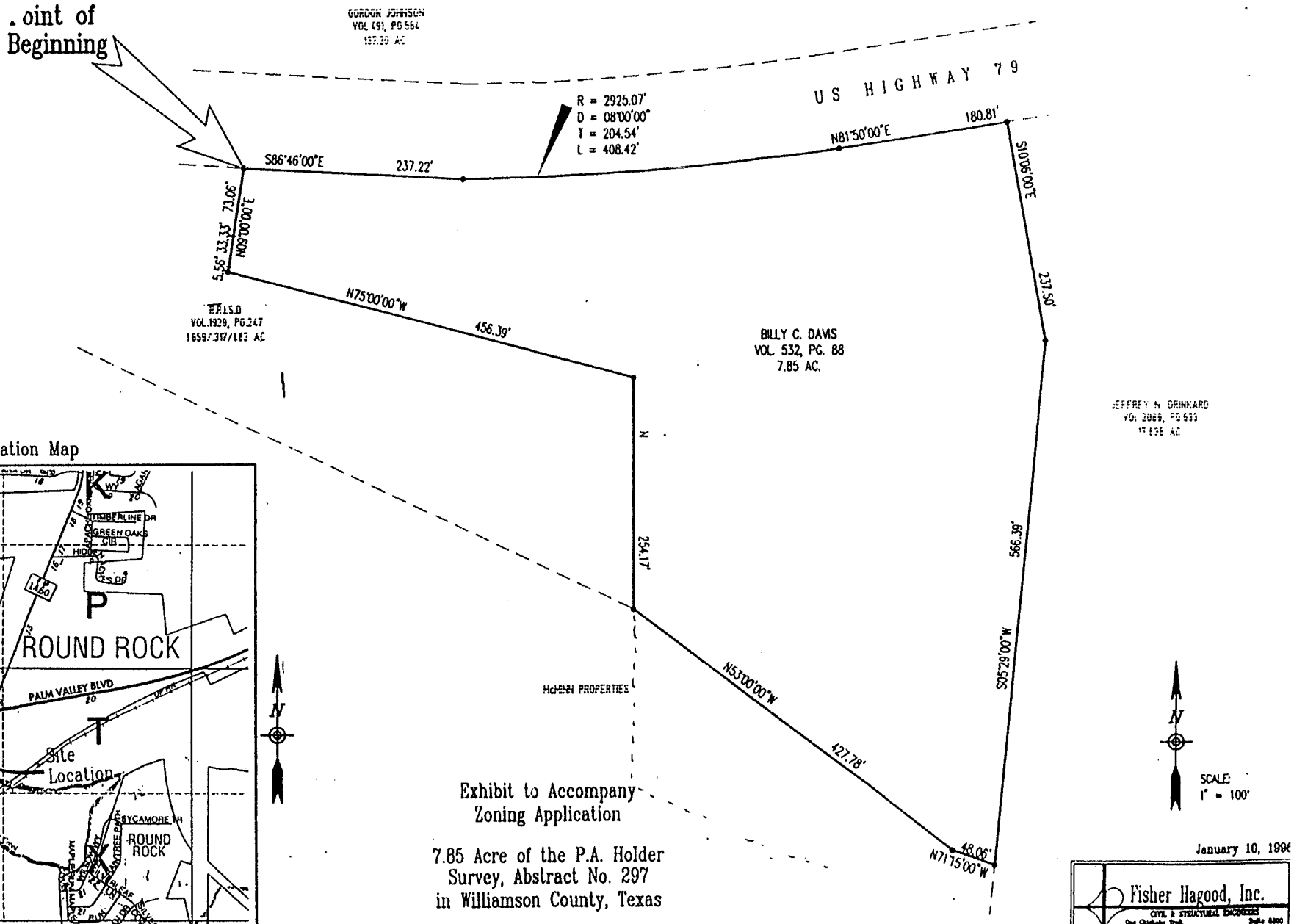
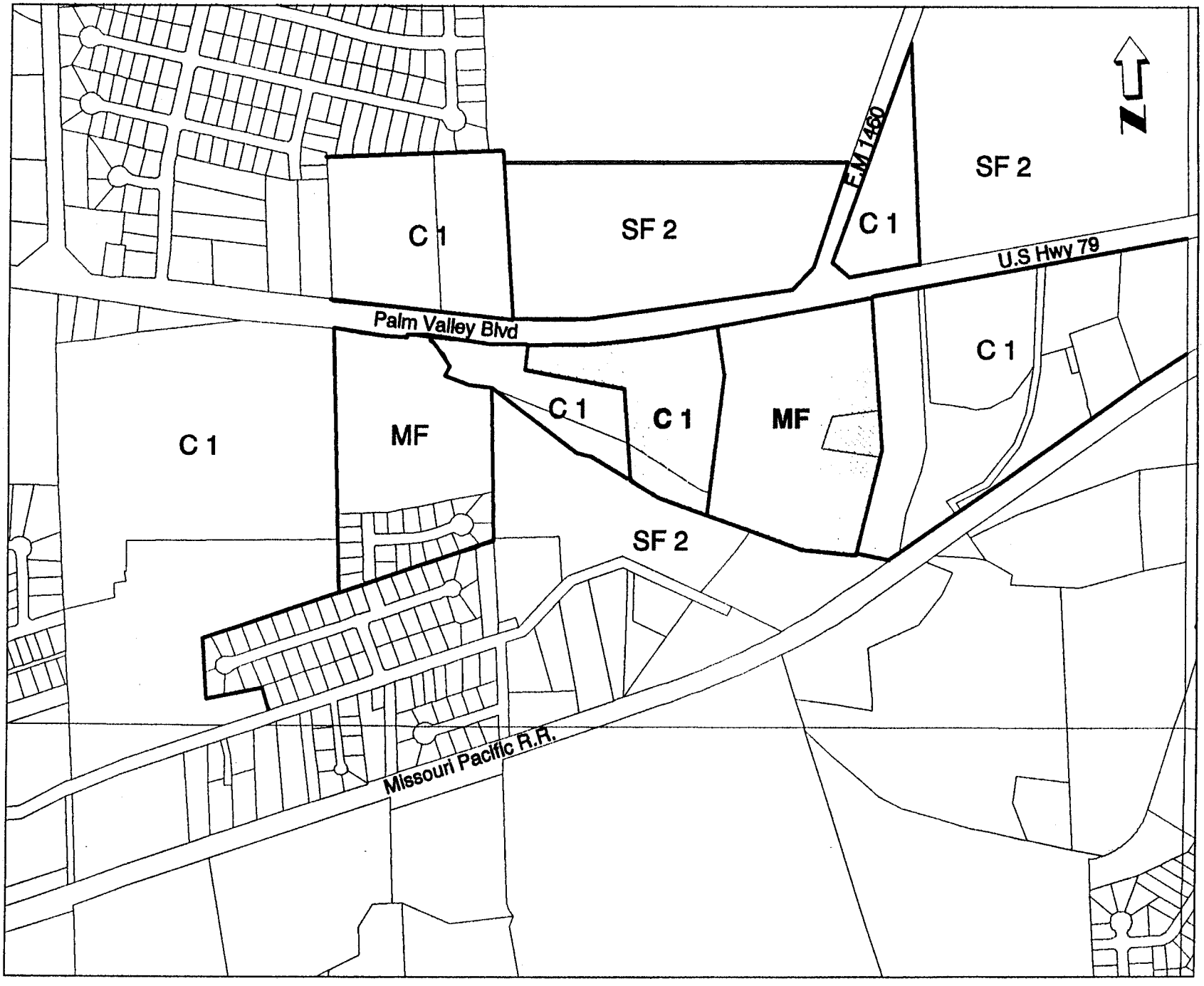


Rocking Horse Ranch
PUD Agreement



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

EXHIBIT B

STATE OF TEXAS §
COUNTY OF WILLIAMSON §

That , Jeffrey N. Drinkard, the outright owner of the certain tract in Volume 2089, Page 633, of the Official Records of Williamson County, Texas do hereby state there are no lien holders of the certain tract of land.

Jeffrey N. Drinkard (Owner)

STATE OF TEXAS §
COUNTY OF WILLIAMSON §

This instrument was acknowledged before me on the 9th day of May, 1996 by Jeffrey N. Drinkard on behalf of said _____.

Virginia M. Moreno
Notary Public, State of Texas
Printed Name: _____
My commission expires: _____

NOTARY PUBLIC STATE OF TEXAS
VIRGINIA M. MORENO
Notary Public, State of Texas
My Commission Expires 01-11-00

EXHIBIT B

STATE OF TEXAS §
COUNTY OF WILLIAMSON §

That I, Billy C. Davis, and Iris J. Davis, the outright owners of the certain tract in Volume 523, Page 88, of the Official Records of Williamson County, Texas do hereby state there are no lien holders of the certain tract of land.

Billy C. Davis

Billy C. Davis (Owner)

STATE OF TEXAS §
COUNTY OF WILLIAMSON §

This instrument was acknowledged before me on the 9th day of May, 1996 by Billy C. Davis on behalf of said _____.

Virginia M. Moreno
Notary Public, State of Texas
Printed Name: VIRGINIA M. MORENO
My commission expires: _____

NOTARY PUBLIC STATE OF TEXAS
VIRGINIA M. MORENO
Notary Public, State of Texas
My Commission Expires 01-11-00

Iris J. Davis

Iris J. Davis (Owner)

This instrument was acknowledged before me on the 9th day of May, 1996 by Iris J. Davis on behalf of said _____.

Virginia M. Moreno
Notary Public, State of Texas
Printed Name: VIRGINIA M. MORENO
My commission expires: _____

NOTARY PUBLIC STATE OF TEXAS
VIRGINIA M. MORENO
Notary Public, State of Texas
My Commission Expires 01-11-00

EXHIBIT "C"

THE STATE OF TEXAS	§	AGREEMENT AND
	§	DEVELOPMENT PLAN
COUNTY OF WILLIAMSON	§	FOR ROCKING HORSE RANCH PUD NO. 26

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 BILLY C. DAVIS and IRIS J. DAVIS and JEFFREY D. DRINKARD, their respective successors and assigns, having its offices at 910 HERITAGE CENTER CIRCLE, SUITE A (hereinafter referred to as the "Owner"). ROUND ROCK, TX 78664

WHEREAS, the Owner has submitted a request to the City to zone 26.3 acres of land as a Planned Unit Development ("PUD"), said acreage being more particularly described by metes and bounds in Exhibits "C-1" and "C-2" attached hereto and made a part hereof (hereinafter referred to as the "Property"), and

WHEREAS, on APRIL 23, 1996, 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 (1995 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. CONFORMITY TO DEVELOPMENT PLAN

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.12, 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 "C-3".

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, or any portion thereof, 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
_____	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 26.3 acres of land, located within the city limits of Round Rock, Texas, and more particularly described by metes and bounds in Exhibits "C-1" and "C-2", 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 Multi-Family Residential

The properties described in Exhibits "C-1" and "C-2" shall be used and developed for standard Multi- Family Residential (MF) uses, except as modified in accordance with the development standards set forth in Exhibit "C-4", attached hereto and incorporated herein.

6. BUILDING DENSITY AND HEIGHT

Building density and height shall be in accordance with the development standards set forth in Exhibit "C-4", attached hereto and incorporated herein

7. LANDSCAPING and BUFFERING

Landscaping and buffering shall be regulated by the development standards set forth in Exhibit "C-4".

8. PARKING AND LOADING

Parking and loading shall be as provided in accordance with the development standards set forth in Exhibit "C-4", attached hereto.

9. UTILITIES

All utilities, other than existing overhead perimeter lines and lines which are three phase or larger shall be installed underground.

10. SIGN STANDARDS

Sign Standards shall be as provided in accordance with the development standards set forth in Exhibit "C-4", attached hereto.

11. PROHIBITION OF MINERAL EXPLORATION

The mining, drilling, exploring, operating, removing or developing of any property within the PUD for oil, gas, or other minerals is prohibited.

12. CHANGES TO AGREEMENT AND DEVELOPMENT PLAN

12.1 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.

12.2 Major Changes

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

12.3 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.

13. GENERAL PLAN AMENDED

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

14. BINDING EFFECT

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

15. EFFECT ON LIVING UNIT EQUIVALENTS, AND OTHER INFRASTRUCTURE

The zoning of the Property as a PUD does not guarantee water and wastewater plant capacity or any rights to Living Unit Equivalents, as defined by the Code of Ordinances of the City of Round Rock.

CITY OF ROUND ROCK

By: _____
Charles Culpepper, Mayor

Date: August 2, 1996

_____
BILLY C. DAVIS

_____
IRIS J. DAVIS

_____
JEFFREY D. DRINKARD

FIELD NOTES
FOR

TRACT ONE - 16.841 ACRE TRACT

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE P.A. HOLDER SURVEY ABSTRACT NO. 297 IN WILLIAMSON COUNTY, TEXAS, BEING THAT SAME TRACT OF LAND DESCRIBED AS A 16.843 ACRE TRACT AS CONVEYED TO FIRST FEDERAL SAVINGS & LOAN ASSOCIATION BY DEED RECORDED IN VOLUME 1524, PAGE 581 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID TRACT BEING MORE PARTICUARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pipe found at the Northeast corner of the said 16.843 acre tract, being at the Northwest corner of that certain 5.84 acre tract of land as conveyed to Erwin Meiske by deed recorded in Volume 589, Page 291 of the Deed Records of Williamson County, Texas, being in the South r.o.w. line of U.S. Hwy No. 79 for the Northeast corner hereof;

THENCE along the East line of the said 16.843 acre tract, being the West line of the said 5.84 acre tract, as fenced and used upon the ground, S 00° 30' 38" E for a distance of 545.52 feet to an iron pin found at the Northeast corner of that certain 0.997 acre tract of land as conveyed to First Federal Savings & Loan Association by deed recorded in Volume 1524, Page 581 of the Deed Records of Williamson County, Texas;

THENCE continuing along the East line of the said 16.843 acre tract, being along the North, the West and the South lines of the said 0.997 acre tract, for the following courses:

S 89° 29' 30" W for a distance of 216.85 feet to an iron pin found

S 20° 23' W for a distance of 156.92 feet to an iron pin found

S 79° 00' E for a distance of 272.55 feet to an iron pin found in the West line of the said 5.84 acre tract, being at the Southeast corner of the said 0.997 acre tract;

THENCE continuing along the East line of the said 16.843 acre tract, being the West line of the said 5.84 acre tract, as fenced and used upon the ground, S 16° 32' W at a distance of 414.7 feet passing the end of a fence and continuing for a total distance of 474.90 feet to a point in the approximate centerline of Brushy Creek, being at the Southeast corner of the said 16.843 acre tract, for the Southeast corner hereof;

THENCE along the South line of the said 16.843 acre tract, being along the approximate centerline of Brushy Creek, N 80 ° 19' W for a distance of 241.50 feet to an angle point and N 64° 56' W for a distance of 479.80 feet to a point, being the Southwest corner of the said 16.843 acre tract, for the Southwest corner hereof;

THENCE along the West line of the said 16.843 acre tract, N 09° 16' 30" E at a distance of 29.16 feet passing a 60-d nail found in a 48" tree and continuing for a total distance of 625.30 feet to an iron pin found;

FIELD NOTES
FOR

16.841 ACRE TRACT - Page Two

THENCE continuing along the West line of the said 16.843 acre tract, N 06° 09' 20" W for a distance of 237.27 feet to an iron pin found at the Northwest corner of the said 16.843 acre tract, being at the Northeast corner of that certain 7.85 acre tract of land as conveyed to Billy Davis by deed recorded in Volume 523, Page 88 of the Deed Records of Williamson County, Texas, being in the South r.o.w. line of U.S. Hwy No. 79, for the Northwest corner hereof;

THENCE along the North line of the said 16.843 acre tract, being the South r.o.w. line of U.S. Hwy No. 79, N 81° 50' E for a distance of 739.07 feet to the PLACE OF BEGINNING and containing 16.841 acres of land, more or less.

AS SURVEYED BY:
W. HARVEY SMITH SURVEYOR, INC

ROY D. SMITH
REGISTERED PROFESSIONAL SURVEYOR No. 4094
December 6, 1991

STATE OF TEXAS REGISTERED ROY D. SMITH 4094 PROFESSIONAL LAND SURVEYOR

Job No. 36437-56

Survey Updated: June 23, 1993

FIELD NOTES
FOR

TRACT TWO - 0.997 ACRE

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE P.A. HOLDER SURVEY ABSTRACT NO. 297 IN WILLIAMSON COUNTY, TEXAS, BEING THAT SAME TRACT OF LAND DESCRIBED AS A 0.997 ACRE TRACT AS CONVEYED TO FIRST FEDERAL SAVINGS & LOAN ASSOCIATION BY DEED RECORDED IN VOLUME 1524, PAGE 581 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at an iron pipe found in the South r.o.w. line of U.S. Hwy No. 79, being at the Northeast corner of that certain 16.843 acre tract of land as conveyed to First Federal Savings and Loan Association by deed recorded in Volume 1524, Page 581 of the Deed Records of Willamson County, Texas, being at the Northwest corner of that certain 5.84 acre tract of land as conveyed to Erwin Meiske by deed recorded in Volume 589, Page 291 of the Deed Records of Williamson County, Texas;

THENCE along the East line of the said 16.843 acre tract, being the West line of the said 5.84 acre tract, as fenced and used upon the ground, S 00° 30' 38" E for a distance of 545.52 feet to an iron pin found at the Northeast corner of the said 0.997 acre tract, for the Northeast corner and PLACE OF BEGINNING hereof;

THENCE along the East line of the said 0.997 acre tract, being the West line of the said 5.84 acre tract, as fenced and used upon the ground, S 00° 30' E for a distance of 182.34 feet to an iron pin found at an angle point and S 16° 32' W for a distance of 19.50 feet to an iron pin found at the Southeast corner of the said 0.997 acre tract, for the Southeast corner hereof;

THENCE along the South line of the said 0.997 acre tract, N 79° 00' W for a distance of 272.55 feet to an iron pin found for the Southwest corner hereof;

THENCE along the West line of the said 0.997 acre tract, N 20° 23' E for a distance of 156.92 feet to an iron pin found for the Northwest corner hereof;

THENCE along the North line of the said 0.997 acre tract, N 89° 29' 30" E for a distance of 216.85 feet to the PLACE OF BEGINNING and containing 0.997 acre of land, more or less.

AS SURVEYED BY:
W. HARVEY SMITH SURVEYOR, INC.

ROY D. SMITH
REGISTERED PROFESSIONAL SURVEYOR NO. 4094
December 6, 1991

STATE OF TEXAS REGISTERED ROY D. SMITH 4094 PROFESSIONAL LAND SURVEYOR

Job No. 36437-56

Survey Updated: June 23, 1993

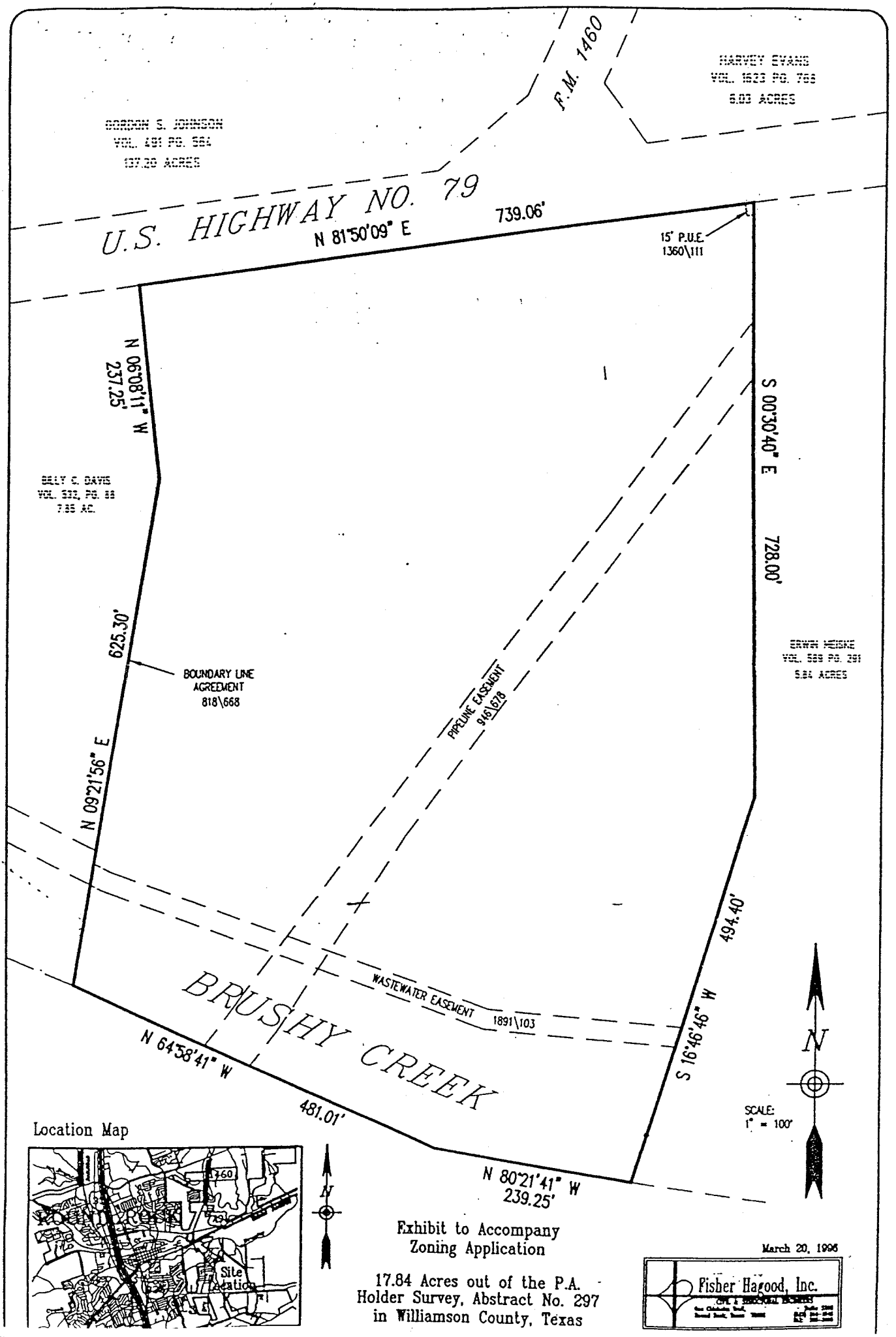


Exhibit to Accompany
Zoning Application

17.84 Acres out of the P.A.
Holder Survey, Abstract No. 297
in Williamson County, Texas

March 20, 1996

Fisher Hagood, Inc.

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

Exhibit "C-2"

DESCRIPTION FOR BILLY C. DAVIS

BEING 8.46 acres of the P.A. Holder Survey, Abstract No. 297, in Williamson County, Texas, the same tract described as being 7.85 acres in a deed to Billy C. Davis, et. ux., of record in Vol. 523, Page 88, Deed Records of Williamson County, Texas. Surveyed on the ground in August of 1980, under the direction of Wm. F. Forest, Jr., Registered Public Surveyor No. 1847.

BEGINNING at an iron pin found in the South line of U.S. 79 at the Northeast corner of the said 7.85 acre tract and at the Northwest corner of a 17.84 acre tract owned by Ervin A. Kaatz. Said 17.84 acres being the remainder of a 30 acre tract described in Vol. 434, Page 617, D/R.

THENCE S 06°11' E 237.38 feet with a fence, an iron pin found, and S 09°16' W for 596.7 feet follow a fence, continuing in all 625.3 feet to the center of Brushy Creek.

THENCE upstream with the center of Brushy Creek, N 67°53'40" W 352.09 feet.

THENCE N 00°12'30" E at 220.0 feet join and follow a fence, continuing in all 445.07 feet to an iron pin found at a fence corner.

THENCE N 75°13'10" W at 382.51 feet pass a nail set in a 36 inch Liveoak, continuing in all 456.18 feet to the upper Southwest corner of the 7.85 acre tract. (The East 382.51 feet of this line is fenced.)

THENCE N 09°40'10" E at 36.35 feet pass an iron pin found and join and follow a fence, continuing in all 113.66 feet to an iron pin found. This point is in the South line of U.S. 79.

THENCE 644.35 feet with the arc of a curve having a radius of 2950.87 feet, the chord bears N 88°05'20" E 643.07 feet to a concrete R.O.W. marker at the end of the curve.

THENCE N 81°50' E 180.88 feet with the South R.O.W. line of U.S. 79, to the POINT OF BEGINNING.

STATE OF TEXAS

I KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF WILLIAMSON

I, W.F. FOREST, do hereby certify that the above described tract was surveyed on the ground under my supervision and that the above description is true and correct to the best of my knowledge and belief.

TO CERTIFY WHICH, WITNESS my hand and seal at Georgetown, Texas, this the 25th day of August, 1980, A.D.

W.F. FOREST
REGISTERED PUBLIC SURVEYOR NO. 101

McClure Bailiff
454-7701

RECORDERS MEMORANDUM
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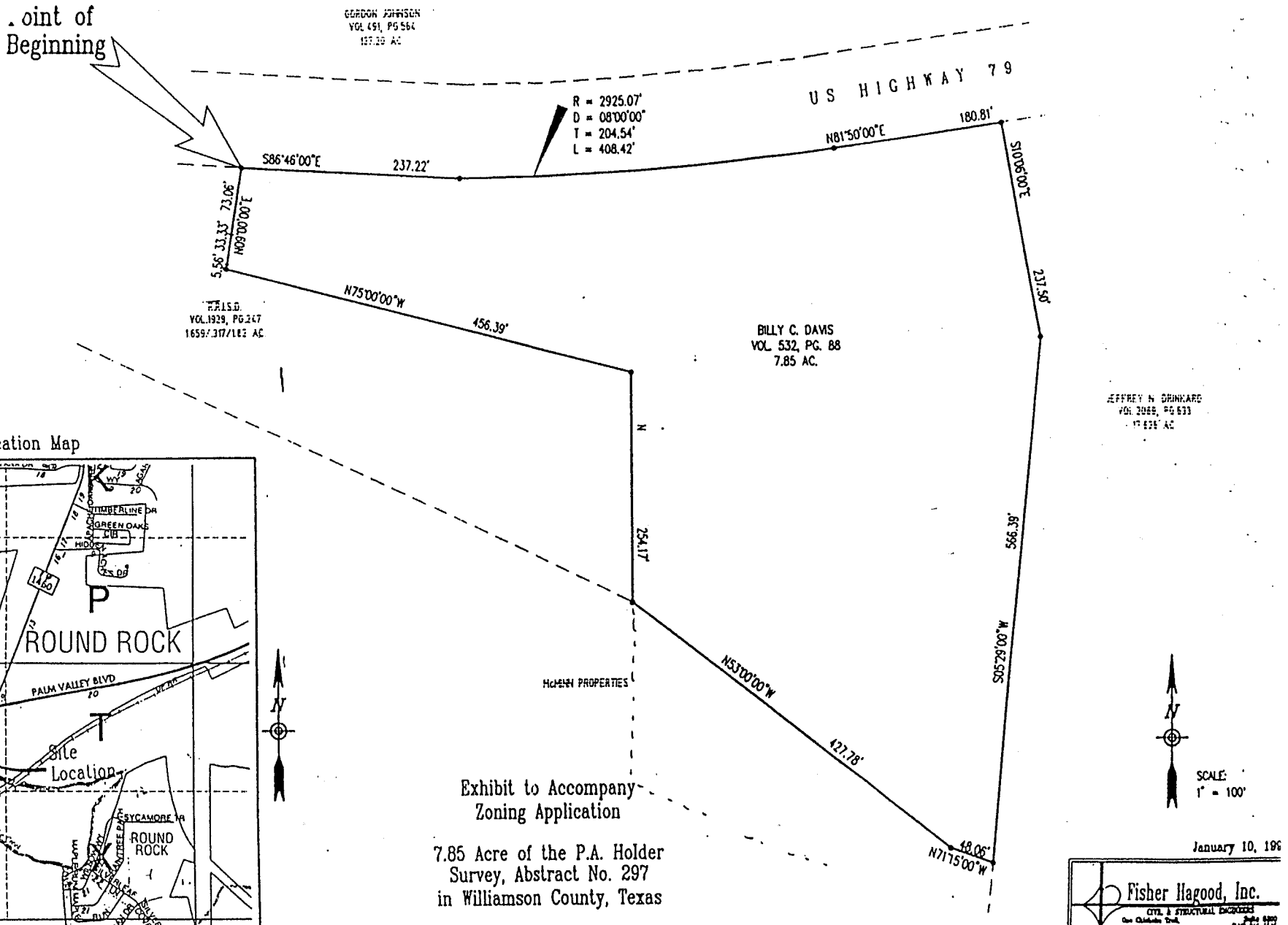


Location Map

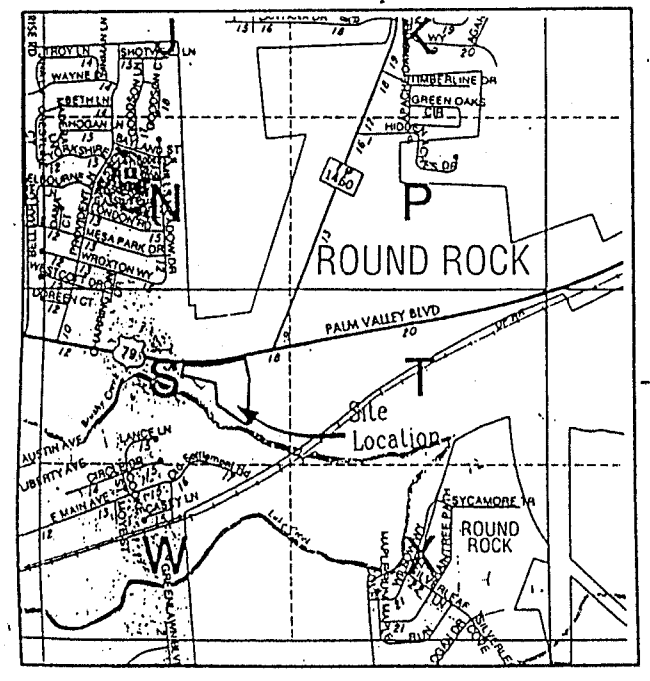


EXHIBIT "C-4"

DEVELOPMENT STANDARDS
MULTI-FAMILY RESIDENTIAL

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

2. **DENSITY AND HEIGHT:**

   2.1 Three Hundred and Fifty-Six (356) units for the entire 26.3 acres.

   2.2 Allow use of 2 and 3 story building design (3 story structure with 2 story height at each end of building) along Hwy. 79 (see sketch attached hereto as Exhibit "C-4.1"). Restrict use of full 3 story buildings to areas outside a 200' setback from the highway.

3. **ACCESS**: Two entrances, pending approval by the Texas Department of Transportation, shall be permitted to the PUD from Palm Valley Boulevard. One primary entrance shall be located directly across from FM 1460 and shall be designed to function with the existing stop light. The secondary entrance shall be for ingress only. This ingress-only entrance may be altered to allow both ingress and egress if supported by a traffic engineering study and if approved by the Department of Planning and Community Development, the Department of Public Works and the Texas Department of Transportation.

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

   4.1 Efficiency units - 1.5 spaces.

   4.2 One bedroom units - 1.5 spaces.

   4.3 One bedroom/den units - 1.75 spaces.

   4.4 Two bedroom units - 2.0 spaces.

   4.5 Three bedroom units - 2.5 spaces.

   4.6 Additional guest spaces shall be provided in a number equal to three percent of the number of

parking spaces required for the total number of units.

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

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

5. **LANDSCAPING & BUFFERING**:

5.1 **Trees**: All trees over 20 inches in diameter shall be accounted for in the site plan presented to the Development Review Board the "DRB". The DRB shall insure that as many of these trees as possible are preserved.

5.2 **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.

5.3 **Site Plan**: The site plan presented to the DRB shall provide adequate screening of all parking facilities from all public streets. Such screening shall consist of trees (minimum three inch caliper), shrubs and/or earthen landscaped berms.

6. **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 shall 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.

7. **SIGNS**:

7.1 All signs shall be masonry monument signs.

7.2 Signs shall not exceed six feet in height.

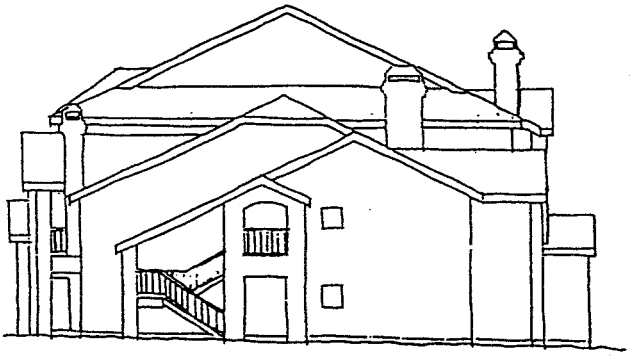
7.3 Signs shall not restrict visibility for traffic entering or leaving the site.

7.4 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 per side. 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. Double sided signage is permitted.

7.5 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.

8. **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 C - 4.1



END

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.

Elaine Bizzell
COUNTY CLERK
WILLIAMSON COUNTY, TEXAS

Doc# 9640650
Pages: 31
Date : 08-05-1996
Time : 04:17:18 P.M.
Filed & Recorded in
Official Records
of WILLIAMSON County, TX.
ELAINE BIZZELL
COUNTY CLERK
Rec. $ 69.00

(1) Please return to:

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