

THE STATE OF TEXAS *

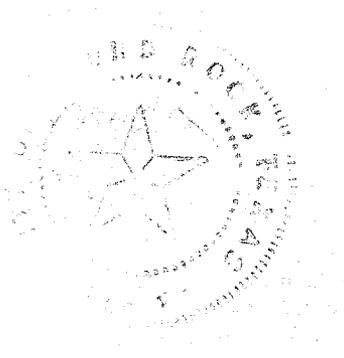
COUNTY OF WILLIAMSON *

CITY OF ROUND ROCK *

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 a meeting held on the 13th day of October, 19 94 which is recorded in the minutes of the City of Round Rock in Book 32.

CERTIFIED by my hand and seal of the City of Round Rock, Texas on this 28th day of October, 19 94.

Joanne Land
JOANNE LAND,
Assistant City Manager/
City Secretary



ORDINANCE NO. Z-94-10-13-9C

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.305(2), CODE OF ORDINANCES, (1990 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO ZONE 4.234 ACRES OF LAND OUT OF THE DAVID CURRY 3/4 LEAGUE, ABSTRACT 130, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS PLANNED UNIT DEVELOPMENT (PUD) NO. 14.

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. 14, 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 21st day of July, 1994, 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 property described in Exhibit "A" be changed to District PUD No. 14 and,

WHEREAS, on the 22nd day of September, 1994, 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, Subchapter A, Texas Local Government Code and Chapter 11, Code of Ordinances (1990 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:

I.

That the City Council has hereby determined the Planned Unit Development (PUD) No. 14 meets the following goals and objectives:

(1) The development in PUD No. 14 is equal to or superior to development that would occur under the standard ordinance requirements.

(2) PUD No. 14 is in harmony with the general purposes, goals, objectives and standards of the General Plan.

(3) PUD No. 14 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.

2.

(4) PUD No. 14 will be adequately provisioned by essential public facilities and services including streets, parking, drainage, water, wastewater facilities, and other necessary utilities.

(5) PUD No. 14 will be developed 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, (1990 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 hereafter designated as District Planned Unit Development (PUD) No. 14, and that the Mayor is hereby authorized and directed to enter into the Agreement regarding the Development Plan for PUD No. 14 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.

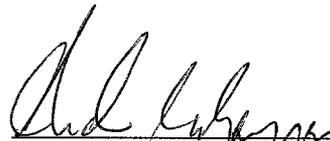
Alternative 1.

READ, PASSED, and ADOPTED on first reading this 13th day of October, 1994.

Alternative 2.

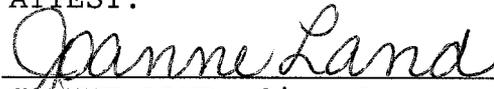
READ and APPROVED on first reading this the _____ day of _____, 1994.

READ, APPROVED and ADOPTED on second reading this the day of _____, 1994.



CHARLES CUIPEPPER, Mayor
City of Round Rock, Texas

ATTEST:



JOANNE LAND, City Secretary

VOL. 2631 PAGE 0160

EXHIBIT "A" TO ORDINANCE NO. Z-94-10-13-9C

EXHIBIT "A"

VOL. 2631 PAGE 0161

FIELD NOTES OF 4.33 ACRES OF LAND, BEING A PORTION OF THE DAVID CURRY 3/4 LEAGUE SURVEY, ABSTRACT #130, IN WILLIAMSON COUNTY, TEXAS, AND BEING A PORTION OF THAT 12.69 ACRE TRACT DESIGNATED AS TRACT NO. 3-B AND SET APART TO LUCRETIA FULKES PETERSON IN A PARTITION DEED OF THE BESSIE FULKES ESTATE AS RECORDED IN VOLUME 559, PAGE 692, WILLIAMSON COUNTY DEED RECORDS, AS PREPARED FOR GARY RALPH PETERSON BY METCALFE ENGINEERING COMPANY, INC., 4800 SOUTH CONGRESS, AUSTIN, TEXAS.

Beginning at an iron stake in the southwest line of the Round Rock-Liberty Hill-Leander Road at the most easterly corner of that 12.69 acre tract, a portion of the David Curry 3/4 League Survey, Abstract #130, designated as Tract No. 3-B and set apart to Lucretia Fulkes Peterson in a partition deed of the Bessie Fulkes Estate as recorded in Volume 559, Page 692, Williamson County Deed Records, said beginning iron stake being also the most northerly corner of that 13.53 acre tract, a portion of the said David Curry 3/4 League Survey, designated as Tract No. 2-A and set apart to Daisy Dell Fulkes Metcalfe in said partition deed of the Bessie Fulkes Estate, said 13.53 acre Tract No. 2-A being also described in a deed from Daisy Dell Fulkes Metcalfe to Marlton J. Metcalfe, Jr., Trustee for Timothy E. Metcalfe, Laverne Rose Metcalfe and Robert Charles Metcalfe, in Volume 597, Page 19, Williamson County Deed Records, said beginning iron stake being the most easterly corner of the herein described tract:

(1) THENCE with the southeast line of the said Peterson Tract J-B of 12.69 acres, being also the northwest line of the said Metcalfe 13.53 acre tract, S $14^{\circ} 55'$ W 312.1 varas to a point in the center of the channel of Brushy Creek at the most southerly corner of said Peterson Tract J-B of 12.69 acres and the most westerly corner of the Metcalfe 13.53 acre tract, for the most southerly corner of this tract;

THENCE with the center of the channel of Brushy Creek, same being the southwest line of the said Peterson Tract J-B of 12.69 acres, courses numbered 2-3 inclusive, as follows:

(2) N $57^{\circ} 25'$ W 61.53 varas to a point;

(3) N $63^{\circ} 56'$ W 32.07 varas to a point for the most westerly corner of this tract and the most southerly corner of that 4.23 acre tract, a portion of said Peterson Tract No. J-B of 12.69 acres, this date describe for Barbara Lou Smothers Caldwell;

(4) THENCE with the northwest line of this tract, same being the southeast line of the said Caldwell 4.23 acre tract, N $20^{\circ} 34'$ E 323.57 varas to a point in the southwest line of the Round Rock-Liberty Hill-Leander Road, being also the northeast line of the said Peterson Tract No. J-B of 12.69 acres, for the most northerly corner of this tract and the most easterly corner of the Caldwell 4.23 acre tract;

(5) THENCE with the southwest line of the Round Rock-Liberty Hill-Leander Road, being also the northeast line of the said Peterson Tract No. J-B of 12.69 acres, S $44^{\circ} 15'$ E 67.81 varas to the place of the beginning, containing 4.23 acres of land.

EXHIBIT "B" TO ORDINANCE NO. Z-94-10-13-9C
(AGREEMENT REGARDING DEVELOPMENT PLAN FOR
GARDENS AT BRUSHY CREEK PUD NO. 14)

THE STATE OF TEXAS
COUNTY OF WILLIAMSON

§
§
§

AGREEMENT REGARDING
DEVELOPMENT PLAN
FOR GARDENS AT BRUSHY
CREEK PUD NO. 14

THIS AGREEMENT 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 L. B. K. Development Inc., its successors and assigns, having its offices at 9390 RESEARCH Blvd, STE 330, Austin, Tx (hereinafter referred to as the "Owner").

78759

WHEREAS, the Owner has submitted a request to the City to re-zone 4.234 acres of land 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 July 21, 1994, 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 Exhibit "B", 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:

1.0 CONFORMITY TO DEVELOPMENT PLAN

That all uses and development within the property shall conform to the Development Plan attached hereto and incorporated herein as Exhibit "B".

2.0 CHANGES AND MODIFICATIONS

That no changes or modifications will be made to the Development Plan unless all provisions pertaining to changes or modifications as stated in Section 13 of the Development Plan are followed.

3.0 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, (1990 Edition), City of Round Rock, Texas.

4.0 LIENHOLDER CONSENT

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

5.0 GENERAL PROVISIONS

- 5.1 Assignment. Neither party may assign its rights and obligations under this Agreement without having first obtained the prior written consent of the other which consent shall not be unreasonably withheld.
- 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

L. K. B. Development, Inc.

221 East Main Street

~~Round Rock, Texas 78664~~

Round Rock, Texas

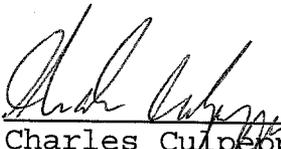
Attn: _____

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.

CITY OF ROUND ROCK

By: 
Charles Culpepper, Mayor

Date: 10-13-94

L. B. K. DEVELOPMENT, INC.

By: 
Printed Name: JAMES KERRY
Title: V.P.

Date: 10-12-94

EXHIBIT "A"
TO THE AGREEMENT REGARDING DEVELOPMENT PLAN
FOR GARDENS AT BRUSHY CREEK PUD NO. 14

EXHIBIT "A"

VOL. 2631 PAGE 0168

FIELD NOTES OF 4.23 ACRES OF LAND, BEING A PORTION OF THE DAVID CURRY 3/4 LEAGUE SURVEY, ABSTRACT #130, IN WILLIAMSON COUNTY, TEXAS, AND BEING A PORTION OF THAT 12.69 ACRE TRACT DESIGNATED AS TRACT NO. 3-B AND SET APART TO LUCRETIA FULKES PETERSON IN A PARTITION DEED OF THE BESSIE FULKES ESTATE AS RECORDED IN VOLUME 559, PAGE 692, WILLIAMSON COUNTY DEED RECORDS, AS PREPARED FOR GARY RALPH PETERSON BY METCALFE ENGINEERING COMPANY, INC., 4800 SOUTH CONGRESS, AUSTIN, TEXAS.

Beginning at an iron stake in the southwest line of the Round Rock-Liberty Hill-Leander Road at the most easterly corner of that 12.69 acre tract, a portion of the David Curry 3/4 League Survey, Abstract #130, designated as Tract No. 3-B and set apart to Lucretia Fulkes Peterson in a partition deed of the Bessie Fulkes Estate as recorded in Volume 559, Page 692, Williamson County Deed Records, said beginning iron stake being also the most northerly corner of that 13.53 acre tract, a portion of the said David Curry 3/4 League Survey, designated as Tract No. 2-A and set apart to Daisy Dell Fulkes Metcalfe in said partition deed of the Bessie Fulkes Estate, said 13.53 acre Tract No. 2-A being also described in a deed from Daisy Dell Fulkes Metcalfe to Marlton O. Metcalfe, Jr., Trustee for Timothy E. Metcalfe, Laverne Rose Metcalfe and Robert Charles Metcalfe, in Volume 597, Page 39, Williamson County Deed Records, said beginning iron stake being the most easterly corner of the herein described tract:

(1) THENCE with the southeast line of the said Peterson Tract 3-B of 12.69 acres, being also the northwest line of the said Metcalfe 11.53 acre tract, S $14^{\circ} 55'$ W 312.1 varas to a point in the center of the channel of Brushy Creek at the most southerly corner of said Peterson Tract 3-B of 12.69 acres and the most westerly corner of the Metcalfe 11.53 acre tract, for the most southerly corner of this tract;

THENCE with the center of the channel of Brushy Creek, same being the southwest line of the said Peterson Tract 3-B of 12.69 acres, courses numbered 2-3 inclusive, as follows:

(2) N $57^{\circ} 25'$ W 61.53 varas to a point;

(3) N $63^{\circ} 56'$ W 32.07 varas to a point for the most westerly corner of this tract and the most southerly corner of that 4.23 acre tract, a portion of said Peterson Tract No. 3-B of 12.69 acres, this date describe for Barbara Lou Smothers Caldwell;

(4) THENCE with the northwest line of this tract, same being the southeast line of the said Caldwell 4.23 acre tract, N $20^{\circ} 34'$ E 323.57 varas to a point in the southwest line of the Round Rock-Liberty Hill-Leander Road, being also the northeast line of the said Peterson Tract No. 3-B of 12.69 acres, for the most northerly corner of this tract and the most easterly corner of the Caldwell 4.23 acre tract;

(5) THENCE with the southwest line of the Round Rock-Liberty Hill-Leander Road, being also the northeast line of the said Peterson Tract No. 3-B of 12.69 acres, S $44^{\circ} 15'$ E 67.81 varas to the place of the beginning, containing 4.23 acres of land.

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EXHIBIT "B"
TO THE AGREEMENT
REGARDING DEVELOPMENT PLAN
FOR GARDENS AT BRUSHY CREEK PUD NO. 14

GARDENS AT BRUSHY CREEK PUD NO. 14
DEVELOPMENT PLAN

DEVELOPMENT PLAN
Regarding Gardens at Brushy Creek Development Plan PUD No. 14

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 4.23 acres of land (hereinafter referred to as the "Property"), located within the city limits of Round Rock, Texas, and more particularly described by metes and bounds in Exhibit "A" to the Agreement Regarding Gardens at Brushy Creek Development Plan PUD No. 14.

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 USE**

The permitted uses of the Property shall be as a residential subdivision with a maximum of 21 single family lots, an amenity lot, a neighborhood postal box unit lot and a private street, which is depicted as a separate lot. The PUD shall conform to all requirements as set forth in this Plan and, if

not set forth in this Plan, by applicable sections in the Code.

5. RESIDENTIAL LOT SIZES

The minimum residential lot size shall be 4,000 square feet.

6. BUILDINGS

6.1 Minimum Square Feet

Each residence shall have a minimum of 1,800 square feet heated and cooled floor area. Each residence shall have an exterior design that is compatible with the architectural renderings as shown on Exhibits A-1 and A-2, attached hereto and incorporated herein.

6.2 Setbacks

All side setbacks shall be a minimum of five (5') feet, rear setbacks shall be a minimum of seven and one-half (7 1/2') feet, and front setbacks shall be a minimum of ten (10') feet.

6.3 Construction

All buildings shall be constructed of at least 75% Tudor Classic King Size bricks (Boral bricks). The front facade shall be constructed of 100% brick, excluding gables, doors, vents, and trim. All other portions of the buildings exterior shall be constructed of at least 75% masonry materials. No 4' by 8' wood or wood composite panels shall be used for siding. Only washboard style (masonite) superside lap siding 12" wide, placed in a horizontal fashion, shall be used on the exterior of the building as allowed for the additional 25% of exterior siding.

6.4 Garages

All residences shall include two-car garages, set back a minimum of twenty-five (25) feet from the street curb, unless utilizing a side entry garage design. All single family lots shall have a minimum of four (4) parking spaces. No garages shall be converted into bedrooms, dens, studies or any living areas for the occupants.

6.3 Roofing Materials

All roofing materials shall be composed of a gray Fire Halt/Architect 80 composition shingles with a thirty (30) year minimum warranty.

8. HEIGHT REQUIREMENTS

All buildings shall not exceed two stories in height. No second story on lots adjacent to lots 8 and 9 of Resubdivision of Oak Springs shall have windows facing lots 8 and 9 of Resubdivision of Oak Springs.

9. LANDSCAPING

9.1 Landscape Plan

A landscape plan indicating the types and locations of plant materials shall be required and the homeowners association described in Section 16, below, shall be responsible for the maintenance of all landscape improvements and irrigation systems.

9.2 Approval of Landscape Plan

The landscape plan must be reviewed and approved by the Director of Planning, the Director of Public Works and the City Attorney before installation of any landscaping.

10. STREETS

10.1 Private Streets

All internal streets shall be private and maintained by the homeowners association. The entry street shall have security gates for restricted access, the location and design for which is depicted on Exhibit "B", attached hereto and incorporated herein. The homeowners association shall be required to finance all repairs and standard maintenance of the streets after the two year warranty bond expires. Funding shall be provided by a monthly assessment established as a sinking fund for street maintenance. the right-of-way shall be a standard cross section of thirty feet (30') of paving in a fifty (50') right-of-way, except the cul-de-sac, which shall be twenty (20') feet of paving and thirty (30') feet of right-of-way. The homeowners association shall fund street repairs for utility service work performed by the City.

10.2 Refusal of City to Accept Streets

The Owner acknowledges that the streets within the PUD are private and not in compliance with all City street width requirements and that the City will not accept any future dedications of any streets within the PUD. Plat notes to this effect shall be placed on all subdivision plats for the Property.

10.3 Entrances and Entry Roadway

Owner may provide one entrance from Sam Bass Road into the PUD, the entrances to be located as shown on Exhibit "C", attached hereto and incorporated herein. The entry roads shall be designed with divided, landscaped medians, mailbox kiosks and stamped concrete. Any other entry structures must be approved by the Director of Public Works, The Director of Planning, and the City Attorney. A licensing agreement shall be entered into between the City and the Owner if required by the City Attorney.

10.4 Cul-de-sacs

By acceptance of this PUD, the maximum length of cul-de-sacs required by the Code is waived.

10.5 Security Gates

Security gates may be installed at the entry. Property owners shall be provided with an electronic gate opener and an alternative code number for entrance in case the electronic opener malfunctions. A call box with a residence listing shall be located next to the mailbox kiosk at the entry, providing visitor access to the PUD. The gate shall be constructed to allow crash entry for fire and other emergency purposes.

10.6 Neighborhood Post Boxes

A postal delivery facility shall be provided at the entrance to the PUD. Postal workers will have access to the rear of all boxes without having to enter the PUD, and shall be provided with adequate parking.

10.7 Distribution Lines

Except where approved in writing by the director of Public Works, all electrical, telephone and cablevision distribution and service lines, other than currently existing overhead lines three-phase or large under ground. No rooftop or anchored antennas of any kind will be allowed within the PUD.

10.8 Public Utility Easements

All water, wastewater, gas and storm sewer lines will be located inside the fifty (50") right-of-way, as depicted in Exhibit "C", unless approved in writing by the Director of Public Works. Electric, telephone, cable line and transformers will be located in the designated public utility easements. The homeowners association shall be responsible for the re-location of any water and wastewater lines.

11. FENCING**11.1 Fence Construction**

All fences shall be constructed pursuant to Section 11.318 of the Code or with wood, woodcrete, masonry or landscaping, or a combination thereof, with rust resistant iron and steel supports. All fencing shall be constructed with the finished side facing outward from the PUD.

11.2 Sam Bass Road Fencing

All fencing fronting on Sam Bass Road shall be professionally designed and shall be built and approved by the Director of Planning and Community Development, or a letter of credit posted in the amount needed to construct the fence, prior to plat recordation. This fence shall be a minimum of four (4') feet high and a maximum of eight (8') feet high and shall be constructed of red cedar with rust resistant metal posts with the finished side facing out. Common concrete, cinder block and chain link fencing are specifically prohibited.

11.3 Other Perimeter Fencing

All other perimeter fencing shall be professionally designed and shall be built and approved by the Director of Planning and Community Development, or a letter of credit posted in the amount needed to construct the fence, prior to plat recordation. The fence along the southern boundary of the PUD shall be a solid design a minimum of six (6') feet in height and a maximum of eight (8') feet in height and shall be constructed of red cedar with heavy lattice and rust resistant metal posts with the finished side facing out.

11.4 Approval of Plans

No construction of fencing shall be commenced until fence construction plans are submitted to and approved by the Director of Planning and Community Development.

12. PARKING

12.1 Adequacy of Parking

The Owner shall provide adequate parking spaces sufficient to accommodate all parking needs for the intended uses within the PUD.

12.2 Off-Street Parking

No recreational vehicles, boats or trailers shall be allowed to be parked within the PUD, except within enclosed garages.

13. SIDEWALKS

All sidewalk requirements pursuant to the Code are waived, except for the sidewalks along Sam Bass Road, which shall be constructed pursuant to Section 8.604 of the Code.

14. GREENBELTS AND AMENITY AREAS

14.1 Greenbelt

The greenbelt, as depicted in Exhibit "C", shall be dedicated to the City said dedication stipulating in writing that the Homeowners Association shall maintain this tract of land until such time as it is utilized by the City as a public park. Access to the greenbelt shall be depicted on all submitted plats. Eight (8') feet of one side of the cul-de-sac depicted in Exhibit "C" shall be designated as a no parking zone, and markings on that side of the cul-de-sac shall identify pedestrian and bicycle access to the amenity area.

14.2 Parkland Dedication

The parkland dedication requirement as stated in Section 8.615 of the Code shall be satisfied with the dedication to the City of the drainage easement and public utility easement as depicted in Exhibit "C", and the construction of the amenity area, which shall include an 800 foot swimming pool and a cabana.

15. CHANGES TO DEVELOPMENT PLAN

15.1 Minor Changes

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

15.2 Major Changes

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

15.3 Changes in Writing

Neither this 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.

16. Homeowner's Association

16.1 Review Before Final Plat

A homeowner's association shall be established at time of final platting for the PUD. The association's creation documents shall be submitted for review to the Director of Planning and Community Development and the City Attorney at the final plat stage. The mechanism for funding and collection of fees will be reviewed and approved by the City Attorney at the final plat stage.

16.2 Responsibilities of Homeowner's Association

In addition to other responsibilities imposed on the homeowner's association in this plan, the association shall be responsible for maintaining all streets, rights-of-way, landscaping, greenbelts and amenity areas within the PUD.

16.3 Enforcement of Deed Restrictions

The homeowner's association shall be the entity responsible for enforcing the deed restrictions. Although the City reserves the right to enforce any provisions in this plan, it is not the intent of the City to assume responsibilities normally reserved to a homeowner's association.

17. BINDING EFFECT

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

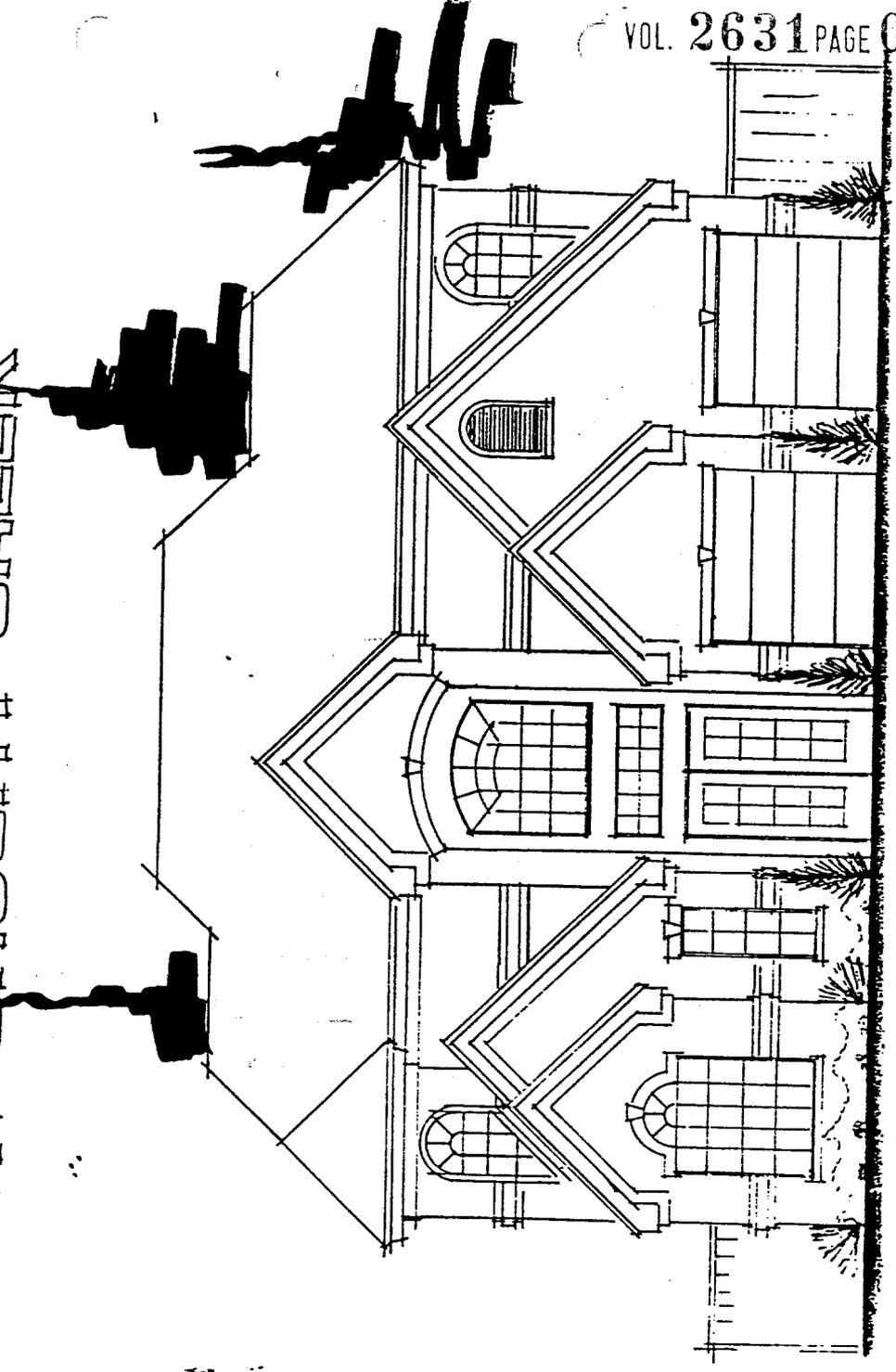
Initialed for Identification:

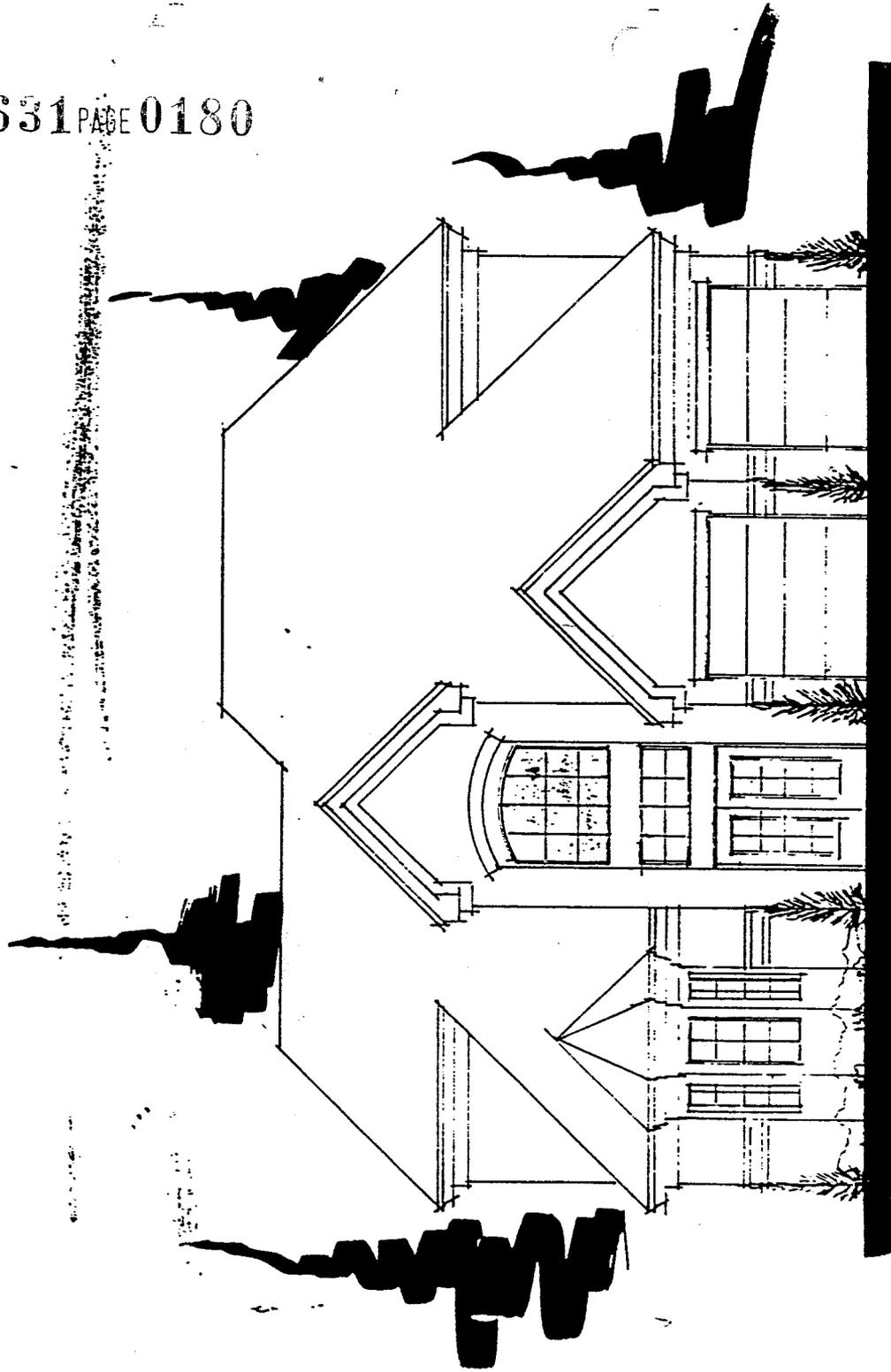
City of Round Rock: ll

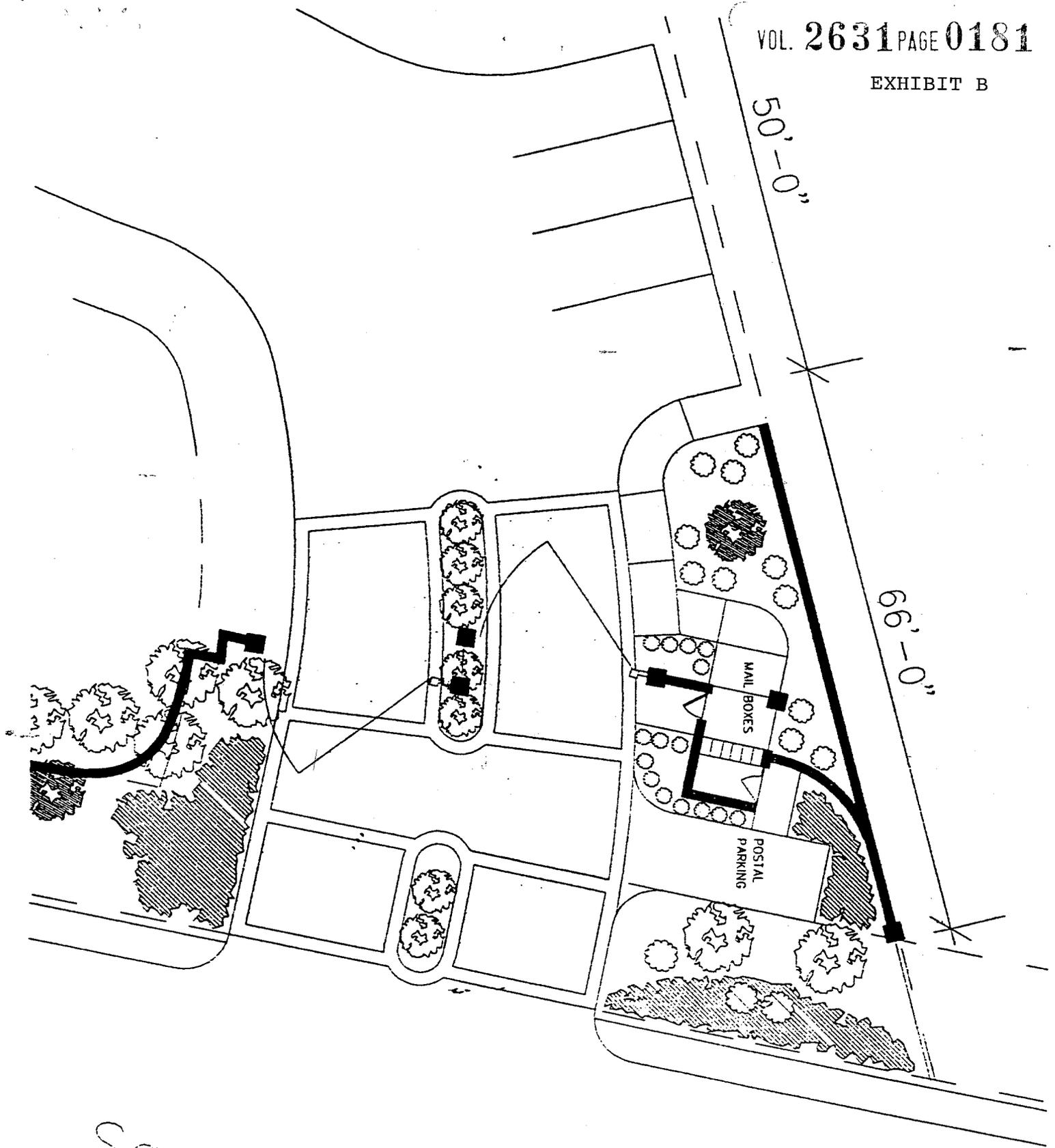
L.B.K. Development, Inc. ll

EXHIBIT
A-1

THE GARDENS
AT BRUSHY CREEK







Sam Bass Road

EXHIBIT "C"
TO THE AGREEMENT
REGARDING DEVELOPMENT PLAN
FOR GARDENS AT BRUSHY CREEK PUD NO. 14

LIENHOLDER RELEASE

There are no lienholders of record.

VOL. 2631 PAGE 0184

Doc# : 9453639
Rec. \$ 67.00
Date : 11-02-1994
Time : 03:10:30 P.M.
Filed & Recorded in
Official Records
of WILLIAMSON County, TX.
ELAINE BIZZELL
COUNTY CLERK

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

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