

THE STATE OF TEXAS *

COUNTY OF WILLIAMSON *

CITY OF ROUND ROCK *

I, CHRISTINE R. MARTINEZ, City Secretary of the City of Round Rock, Texas, do hereby certify that I am the custodian of the public records maintained by the City and that the above and foregoing is a true and correct copy of Ordinance No. Z-02-12-05-7B2, which was approved and adopted by the City Council of the City of Round Rock, Texas, at a meeting held on the 5th day of December, 2002, as recorded in the City Council minutes, Book 48.

CERTIFIED by my hand and seal of the City of Round Rock, Texas on this 9th day of January 2003.

Christine R. Martinez
 CHRISTINE R. MARTINEZ, City Secretary



ORDINANCE NO. Z-02-12-05-7B2

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 ADOPT ORIGINAL ZONING ON 3.29 ACRES OF LAND OUT OF THE SAMUEL JENKINS SURVEY SURVEY, ABSTRACT 347, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS AS PLANNED UNIT DEVELOPMENT (PUD) NO. 58.

WHEREAS, an application has been made to the City Council of the City of Round Rock, Texas to amend the Official Zoning Map to adopt original zoning on 3.29 acres of land described in Exhibit "1" as Planned Unit Development (PUD) No. 58, 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 November, 2002, 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 "1" be classified as PUD No. 58, and

WHEREAS, on the 5th day of December, 2002, 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:**

I.

That the City Council has hereby determined the Planned Unit Development (PUD) No. 58 meets the following goals and objectives:

- (1) The development in PUD No. 58 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) P.U.D. No. 58 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) P.U.D. No. 58 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. 58 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. 58 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 "1", attached hereto and incorporated herein shall be, and is hereafter designated as Planned Unit Development (PUD) No. 53, and that the Mayor is hereby authorized and directed to enter into the Agreement and Development Plan for PUD No. 58 attached hereto as Exhibit "2", 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.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

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 5th day of December, 2002.

Alternative 2.

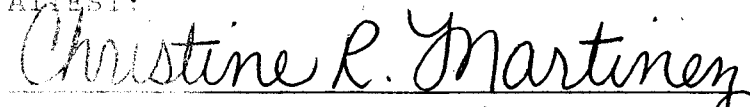
READ and APPROVED on first reading this the _____ day of _____, 2002.

READ, APPROVED and ADOPTED on second reading this the _____ day of _____, 2002.



NILE MAXWELL, Mayor
City of Round Rock, Texas

ATTEST:



CHRISTINE R. MARTINEZ, City Secretary

Walgreens PUD No. 58
Original Zoning District PUD (Planned Unit Development)

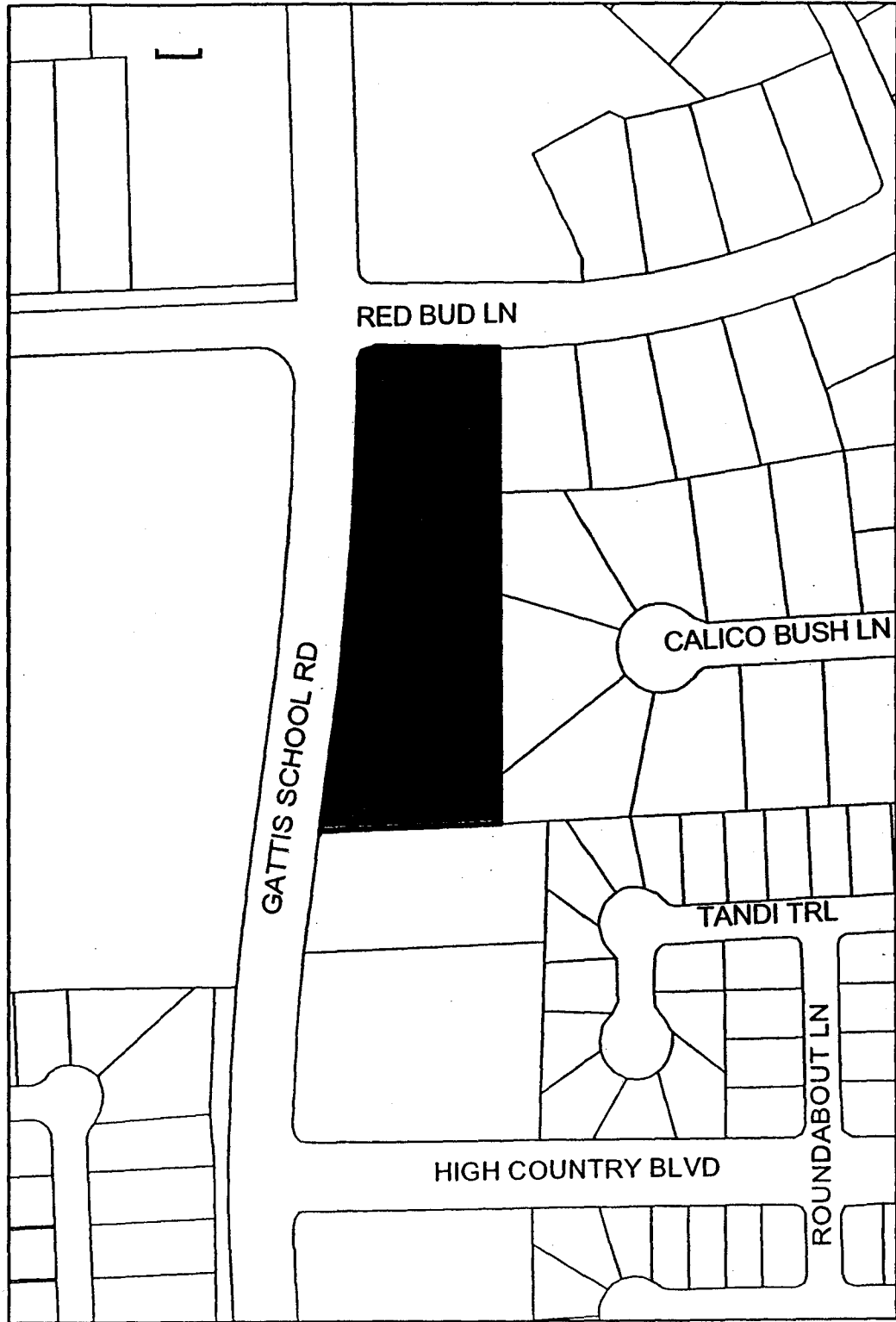


EXHIBIT "1"

3.29 Acres
Gattis School Road
Walgreen's Property
Samuel Jenkins Survey
Abstract No. 347

DESCRIPTION OF A TRACT OF LAND CONTAINING 3.29 ACRES OF LAND OUT OF THE SAMUEL JENKINS SURVEY, ABSTRACT NO. 347, BEING A PORTION OF THAT CERTAIN TRACT OF LAND CALLED TO CONTAIN 120.71 ACRES DESCRIBED IN A DEED TO MARY ELIZABETH BUCK VANCE OF RECORD IN VOLUME 2302, PAGE 480, WILLIAMSON COUNTY, TEXAS. SAID 3.29 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch metal rod found for the southwest corner of the herein described tract, same being the northwest corner of Lot 15 of Morningside Meadows, Section One, a subdivision of record in Cabinet M, Slide 386, Plat Records of Williamson County, Texas

THENCE, with the westerly line of the herein described tract, North 00°28'01" West 274.98 feet to a ½" steel reinforcing rod found, for the northwest corner of the herein described tract, same being in the north line of said Vance Tract, same also being in the south right-of-way line of Gattis School Road (width varies);

THENCE, with the north lines of the herein described tract and said Vance Tract, same being the south lines of said Gattis School Road, the following three (3) courses:

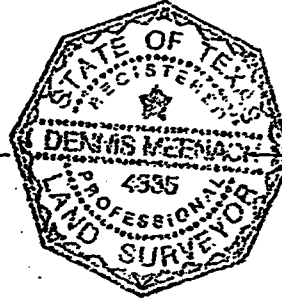
- 1) South 79°22'13" East 362.05 feet to a ½ inch metal rod found;
- 2) South 84°45'12" East 125.31 feet to a ½ inch metal rod found;
- 3) South 89°39'43" East 133.90 feet to the point of curvature transitioning between Gattis School road and Red Bud Lane (formerly County Road No. 122, width varies);

THENCE, with said curve, to the right, having a radius of 25.00 feet, a central angle of 89°57'01" an arc length of 39.25 feet, the chord of which bears South 44°33'56" East 35.34 feet to a ½" steel reinforcing rod set, capped "Meenach 4335" in the east line of the herein described tract and said Vance Tract, same being in the west line of said Red Bud Lane;

THENCE, with the east line of the herein described tract and said Vance Tract, same being the west line of said Red Bud Lane, South 00°29'18" West 175.61 feet to a ½" steel reinforcing rod set, capped "Meenach 4335", for the southeast corner of the herein described tract, and said Vance Tract, same being the northeast corner of Lot 28 as shown on said Morningside Meadows, Section One;

THENCE, with the south line of the herein described tract, same being the North line of said Morningside Meadows, Section One, North 89°33'48" West, at 327.98 feet passing a ½ inch metal rod found for the northwest corner of Lot 17 and the northeast corner of Lot 16 both of said Morningside Meadows, Section One, in all a total distance of 635.60 feet to the POINT OF BEGINNING containing 3.29 acres within these metes and bounds as surveyed by Doucet & Associates in July of 2002.

Dennis Meenach
Dennis Meenach, R.P.L.S. No. 4335



9-20-02
Date

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EXHIBIT "2"

AGREEMENT AND DEVELOPMENT PLAN
PLANNED UNIT DEVELOPMENT NO. 58

THE STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

THIS AGREEMENT and Development Plan is made and entered into 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 Mary Elizabeth Buck Vance, (hereinafter referred to as the "Owner", whether one or more).

WHEREAS, the Owner has submitted a request to the City to zone approximately 3.29 acres of land as a Planned Unit Development ("PUD"), said property being more particularly described in Exhibit "A," attached hereto and made a part hereof (hereinafter referred to as the "Property"), and

WHEREAS, pursuant to Chapter 11, Section 11.314, Code of Ordinances, City of Round Rock, Texas, the Owner has submitted a Development Plan setting forth the development conditions and requirements within the PUD, which Development Plan is contained in Section II of this Agreement; and

WHEREAS, on November 6, 2002, the City's Planning and Zoning Commission recommended approval of the Owner's application for a 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 with Development Plan

All uses and development within the Property shall generally conform to the Development Plan set forth in Section II herein.

2. Changes and Modifications

No changes or modifications will be made to this Agreement or the Development Plan unless all provisions pertaining to changes or modifications as stated in Section II, 7.1 and 7.2 below are followed.

3. Zoning Violation

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 Chapter 11, Section 11.700, Code of Ordinances, City of Round Rock, Texas, as amended.

4. Lienholder Consent

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

5. Miscellaneous Provisions

5.1 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.

5.2 Severability.

In case 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 provisions hereof and in such event, this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

5.3 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.

5.4 Applicable Law.

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

5.5 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.

5.6 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 (and their respective successors and assigns), any rights, benefits or remedies under or by reason of this Agreement.

5.7 Duplicate Originals.

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

5.8 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
Mary Elizabeth Buck Vance
401 Skyline Drive
Austin, TX 78746

CITY OF ROUND ROCK
221 East Main Street
Round Rock, Texas 78664
Attn: Director of Planning

5.9 Effective Date.

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

5.10 Appeals of Administrative Decisions.

Administrative decisions provided for in this Agreement may be appealed to the City Council in writing within 90 days following receipt by the Owner of the written confirmation of the decision.

5.11 Binding Effect.

This Agreement and the Development Plan binds and benefits the Owner and its successors and assigns; provided, however, that an Owner will have no liability hereunder after it sells, and no longer has an interest in, the Property.

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, City of Round Rock, Texas, hereinafter referred to as "the Code."

2. Property

This Development Plan ("Plan") covers approximately 3.29 acres of land, located within the city limits of Round Rock, Texas, and more particularly described in Exhibit "A," attached hereto.

3. Purpose

The purpose of this Plan is to insure a Planned Unit Development ("PUD") development 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 as amended, 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 serviced by essential public facilities and services, and 5) will be developed and maintained so as to not dominate, by scale or 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 of the Code.

4.2 Other Ordinances.

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

5. Permitted Uses.

The Property shall be used and developed for the uses set forth in Exhibit "C," attached hereto and incorporated herein.

6. Building Setbacks and Other Site Regulations.

Building setbacks and other site regulations shall be as permitted in the C-1 General Commercial District as modified in Exhibit "C" attached hereto.

7. **Right of Way Dedication.**

10 feet of additional right of way running parallel and abutting the current Gattis School Road ROW shall be dedicated to the City of Round Rock to widen Gattis School Road. This dedication shall be deeded to the City within 7 days following the adoption of this PUD. And said deed shall be recorded concurrently with this agreement.

8. **Changes to Agreement and Development Plan.**

8.1 Minor Changes.

Minor changes to this Agreement or Plan which do not substantially change this Plan may be approved administratively, if approved in writing, by the Director of Public Works, the Director of Planning and Community Development, and the City Attorney.

8.2 Major Changes.

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

9. **General Plan.**

This agreement conforms with the General Plan.

CITY OF ROUND ROCK, TEXAS

By: _____

[Signature]
NYLLE MAXWELL, Mayor
City of Round Rock, Texas

Date: _____

12-05-02

OWNER

Mary Elizabeth Vance Buck

[Signature]

Mary Elizabeth Buck Vance

Date: _____

NOVEMBER 21, 2002

by Cam Clark
5

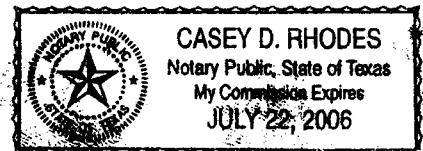


EXHIBIT A

3.29 Acres
Gattis School Road
Walgreen's Property
Samuel Jenkins Survey
Abstract No. 347

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- 2) South 84°45'12" East 125.31 feet to a ½ inch metal rod found;
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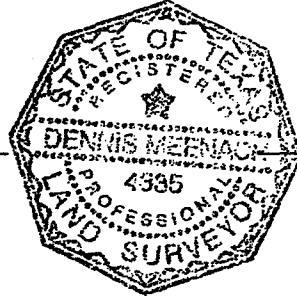
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Dennis Meenach

Dennis Meenach, R.P.L.S. No. 4335



9-20-02

Date

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EXHIBIT B

OWNERSHIP AND LIEN CERTIFICATE

File No. A-028473
HTC GF No. 20420

This is to certify that we have searched the records of Williamson County in the Office of Heritage Title Company of Austin, Inc., through October 15, 2002 at 8:00 a.m. as to the following described property, to-wit:

LEGAL DESCRIPTION

Being all of that certain tract or parcel of land containing 1.92 acres of land out of 3.29 acres, more or less, situated in the Samuel Jenkins Survey, Abstract No. 347, Williamson County, Texas and being more particularly described by metes and bounds as shown on Exhibit A attached hereto.

Note: The Company does not represent that the above acreage or square footage calculations are correct.

RECORD TITLE APPEARS TO BE VESTED IN: Mary Elizabeth Buck Vance

LIENS:

None of Record

The following information is based on a general search, from October 15, 1992 through October 15, 2002 as to the following person(s) and/or entity(ies):

Mary Elizabeth Buck Vance

(None of Record)

This certificate is for the use of and shall inure to the benefit of Doucet & Associates and is issued in consideration of \$0 paid to Heritage Title Company of Austin, Inc., (The Company) by same to whom said sum shall be returned as liquidated damages in the event of any mistake, error and or omissions herein, and by accepting this certificate, same agrees that said sum and no more shall constitute the full measure of damages against the Company. None of the information contained herein, or the absence of other information constitutes a representation to any party as to the status of the title to the subject property. If a title defect and/or encumbrance should exist which is not disclosed herein, the Company shall not be liable by reason of furnishing this certificate or for any verbal statements related thereto. The Company shall not be liable for any title defect

unless a title policy is hereafter issued by its insuring against such title defect, and the applicable title policy premium paid. The company's liability shall then exist only under the terms of its policy as prescribed by the Department of Insurance and as measured and limited thereby.

HERITAGE TITLE COMPANY OF AUSTIN, INC.



Rosie Albritton

Customer Service/Examiner

EXHIBIT C
Tract 1: 1.92 acres
Walgreen's Tract

1. Permitted and Prohibited Uses.

Tract 1, as shown in Exhibit C-1 attached hereto, and as described by metes and bounds in Exhibit C-5, shall be used solely for the purpose of developing and operating a 14,500 or smaller square foot retail drug store generally in accordance with the site layout attached hereto as Exhibit C-2.

2. Outdoor Storage and Display Areas.

No outdoor storage or display shall be permitted on the site.

3. Building Materials.

The exterior of all building shall be 100% masonry (except for glass/metal doors, windows, roofs) and shall be constructed generally in accordance with the elevations attached hereto as Exhibit C-4.

4. Building Setbacks.

Building setbacks shall be in accordance with those shown on "Exhibit C-2".

5. Landscaping.

5.1 Buffer Adjacent to Single Family Uses:

Fencing and landscape buffers shall be provided between the south property line and the driveway curb on the south side of the site, as generally shown on Exhibit C-2 and Exhibit C-3. However, in no case shall the fencing and buffering interfere with the required drainage.

5.1.1. An eight foot (8') high 100 % masonry fence shall be constructed south of the paved parking and drive through aisles on the south side of the building, from a point 20 feet West of Red Bud Lane (CR 122) at approximately 30 feet east of the southwest corner of Tract 1.

5.1.2. A landscape buffer shall be provided immediately south of the paved parking and drive-through aisles on the south side of the building in accordance with the provisions of Section 11.501 (4) (a) of the Zoning Ordinance with the following modifications.

The landscape buffer shall be located between the finished drainage ditch and the south edge of the parking and drive aisle. All large trees species shall be planted a minimum of four feet (4') from both the parking and

drive through aisles and the fence, as shown on Exhibit C-2. Large tree species shall have a minimum caliper size of 3" inches. Medium tree species shall have a minimum caliper size of 2" inches. Small tree species shall have a minimum caliper size of 1" inch.

5.2 General Landscaping Requirements:

General landscaping requirements of the Code shall apply to the remainder of the tract.

6. Utility Lines.

All utility service lines must be underground to connection points provided by the utility service provider. All transformers must be screened.

7. Height.

Building heights on the Property shall be in accordance with the plans attached hereto as "Exhibit C-4".

8. Lighting.

- 8.1 **Minimal Spillover Lighting** located between the building and the south boundary of Tract 1 shall be wall or ceiling mounted fixtures located no more than twelve feet (12') above grade. Such fixtures shall be directed so as to not allow direct light to spill over the boundary of the property onto abutting residential lots.
- 8.2 **Parking Lot Fixtures** Light standards shall be metal poles no more than 25 feet in height including the base with metal halide horizontal shielded lamp fixtures and sharp cut off edges. Light from these fixtures shall be directed so as to not allow direct light to spill over the boundary of the property onto abutting residential lots.
- 8.3 **Site Plan** The site plan submittal for the property shall include lighting specifications and a photometric plan in compliance with this agreement.

9. Driveway Access.

Driveway access to Tract 1 shall be limited to the number and location shown on the site plan attached hereto as "Exhibit C-2".

10. Drainage.

Developer will install a curb along the edge of the south side of the parking lot and drive through lane of the proposed development. Developer will submit a drainage plan, which uses a storm collection system to collect the surface water and disperse this water to collection areas at both the southeast and northeast portions of the parcel. Developer agrees to disperse the majority of the surface water to the northeast corner of the site.

In addition, developer will submit drainage calculations plans to the City showing improvements to the drainage channel on the south side of Tract 2. These improvements will include regrading and re-shaping the channel to be a uniform trapezoidal or "V" shape. The channel will be hydro mulched and seeded to re-establish vegetation along the bottom and sides of the channel. The area just west of three (3)-36 inch culverts under Red Bud Lane where the drainage channel and the west roadside ditch of Red Bud Lane intersect, the developer will add concrete rip-rap, and will install a culvert under the proposed driveway to provide drainage overflow to prevent ponding higher than what is occurring in the existing condition.

11. Wastewater Service.

- 11.1 **Gravity Line.** Owner shall extend the gravity wastewater line located at the intersection of Gattis School Road and High Country Boulevard East to a point determined by the City Engineer to be the most easterly point that can be practically serviced by a gravity wastewater line. This line shall be sized to accommodate all the tracts between High Country Boulevard and County Road 122. Prior to installation, sizing shall be approved by the City Engineer.
- 11.2 **Force Main.** Owner shall install a grinder pump and force main for the sole purpose of serving Tract 1 and extend the force main to the gravity line to be constructed in accordance with Section 11.1 above. The Owner shall maintain this pump and force main. The City shall have no responsibility to maintain said grinder pump and force main.

12. Drive Through Window Noise Regulations.

All speakers located on the site shall be of a nature similar to that utilized by financial institutions at drive through locations and the decibel level from the speakers shall not exceed the following:

Speakers for Lanes 1 & 2: from 7:00 a.m. to 10:00 p.m. 65dBA

Speakers for Lane 1: from 10:00 p.m. to 7:00 a.m. 55 dBA

Speakers for Lane 2: from 10:00 p.m. to 7:00 a.m. 60dBA

13. Delivery Restrictions.

Delivery hours and trash pick-up shall be restricted to the hours of 6:00 AM to 10:00 PM only. No deliveries or trash pick-up shall be permitted between the hours of 10:00 PM and 6:00 AM.

14. Drainage Ditch Maintenance.

Developer shall maintain the drainage easement bordering the south side of the Property, as shown on Exhibit C-3.

EXHIBIT C (continued)
Tract 2: 1.37 acres

1. Permitted and Prohibited Uses.

Tract 2, as shown in Exhibit C-1 attached hereto, and as described in Exhibit C-6, shall be used solely for the uses permitted in the C-1 (General Commercial) Zoning District except for the uses listed in paragraph 2, which have been determined to be non-compatible with the abutting single-family residential uses.

2. Prohibited Uses.

The following uses are prohibited from Tract 2.

1. Flea Markets
2. Sexually Orientated Businesses
3. Amusement Parks or Carnivals
4. Portable Building Sales
5. Recreational Vehicle Parks
6. Outdoor Shooting Ranges
7. Pawn Shops
8. Kennels
9. Truck Stops
10. Towing Companies
11. Automotive Sales or Leasing including boats, RV's, Trailers, Motorized Equipment, Motorized Recreational Vehicles, Trucks.
12. Automotive Service Facilities: Vehicle Repair Facilities and Body Shops.
13. Passenger Terminals
14. Fast Food Eating Establishments with Drive-Through Windows

3. Outdoor Storage and Display Areas.

No outdoor storage or display shall be permitted on the site.

4. Building Materials.

The exterior of all building shall be 100% masonry (except for glass/metal doors, windows, roofs.)

5. Building Setbacks.

Building setbacks shall be in accordance with C-1 Zoning District building setbacks.

6. Landscaping and Buffer Requirements.

All landscaping requirements of the Code shall apply to Tract 2 and shall comply with the C-1 Zoning District landscaping requirements.

7. Utility Lines.

All utility service lines must be underground to connection points provided by the utility service provider. All transformers must be screened.

8. Height.

Building heights on the Property shall be restricted to two stories.

9. Lighting.

- 9.1 Minimal Spillover Lighting located between the building and the south boundary of Tract 2 shall be wall or ceiling mounted fixtures located no more than twelve feet (12') above grade. Such fixtures shall be directed so as to not allow direct light to spill over the boundary of the property onto abutting residential lots.
- 9.2 Parking Lot Fixtures Light standards shall be metal poles no more than 25 feet in height including the base with metal halide horizontal shielded lamp fixtures and sharp cut off edges. Light from these fixtures shall be directed so as to not allow direct light to spill over the boundary of the property onto abutting residential lots.
- 9.3 Site Plan The site plan submittal for the property shall include lighting specifications and a photometric plan in compliance with this agreement.

10. Drainage Calculations.

Drainage calculations and construction details shall be provided with the site plan. The Developer will submit drainage calculations and plans to the City showing improvements to the drainage channel on the south side of Tract 2. These improvements will include regrading and re-shaping the channel to be uniform trapezoidal or "V" shape. The channel will be hydro mulched and seeded to re-establish vegetation along the bottom and sides of the channel.

11. Driveway Access.

Driveway access to Tract 2 shall be limited to one driveway onto Gattis School Road. The location of this driveway shall be determined by the City Traffic Engineer when the Site Development Plan is submitted.

12. Wastewater Service.

- 12.1 Force Main. Owner shall connect to gravity wastewater line constructed by Owner of Tract 1. If a force main is required to make this connection Owner shall install a grinder pump and force main for the sole purpose of serving Tract 2 and extend the force main to the gravity line to be constructed by the owner of Tract 1. The Owner of Tract 2 shall maintain this pump and line. The City shall not be responsible for maintaining this pump and line.

7. Utility Lines.

All utility service lines must be underground to connection points provided by the utility service provider. All transformers must be screened.

8. Height.

Building heights on the Property shall be restricted to two stories.

9. Lighting.

- 9.1 Minimal Spillover Lighting located between the building and the south boundary of Tract 2 shall be wall or ceiling mounted fixtures located no more than twelve feet (12') above grade. Such fixtures shall be directed so as to not allow direct light to spill over the boundary of the property onto abutting residential lots.
- 9.2 Parking Lot Fixtures Light standards shall be metal poles no more than 25 feet in height including the base with metal halide horizontal shielded lamp fixtures and sharp cut off edges. Light from these fixtures shall be directed so as to not allow direct light to spill over the boundary of the property onto abutting residential lots.
- 9.3 Site Plan The site plan submittal for the property shall include lighting specifications and a photometric plan in compliance with this agreement.

10. Drainage Calculations.

Drainage calculations and construction details shall be provided with the site plan. The Developer will submit drainage calculations and plans to the City showing improvements to the drainage channel on the south side of Tract 2. These improvements will include regrading and re-shaping the channel to be uniform trapezoidal or "V" shape. The channel will be hydro mulched and seeded to re-establish vegetation along the bottom and sides of the channel.

11. Driveway Access.

Driveway access to Tract 2 shall be limited to one driveway onto Gattis School Road. The location of this driveway shall be determined by the City Traffic Engineer when the Site Development Plan is submitted.

12. Wastewater Service.

- 12.1 Force Main. Owner shall connect to gravity wastewater line constructed by Owner of Tract 1. If a force main is required to make this connection Owner shall install a grinder pump and force main for the sole purpose of serving Tract 2 and extend the force main to the gravity line to be constructed by the owner of Tract 1. The Owner of Tract 2 shall maintain this pump and line. The City shall not be responsible for maintaining this pump and line.

- 12.2 **Easement.** Owner of Tract 2 shall dedicate an easement across Tract 2 to benefit of Tract 1 that allows for placement, access and future maintenance of the force main.

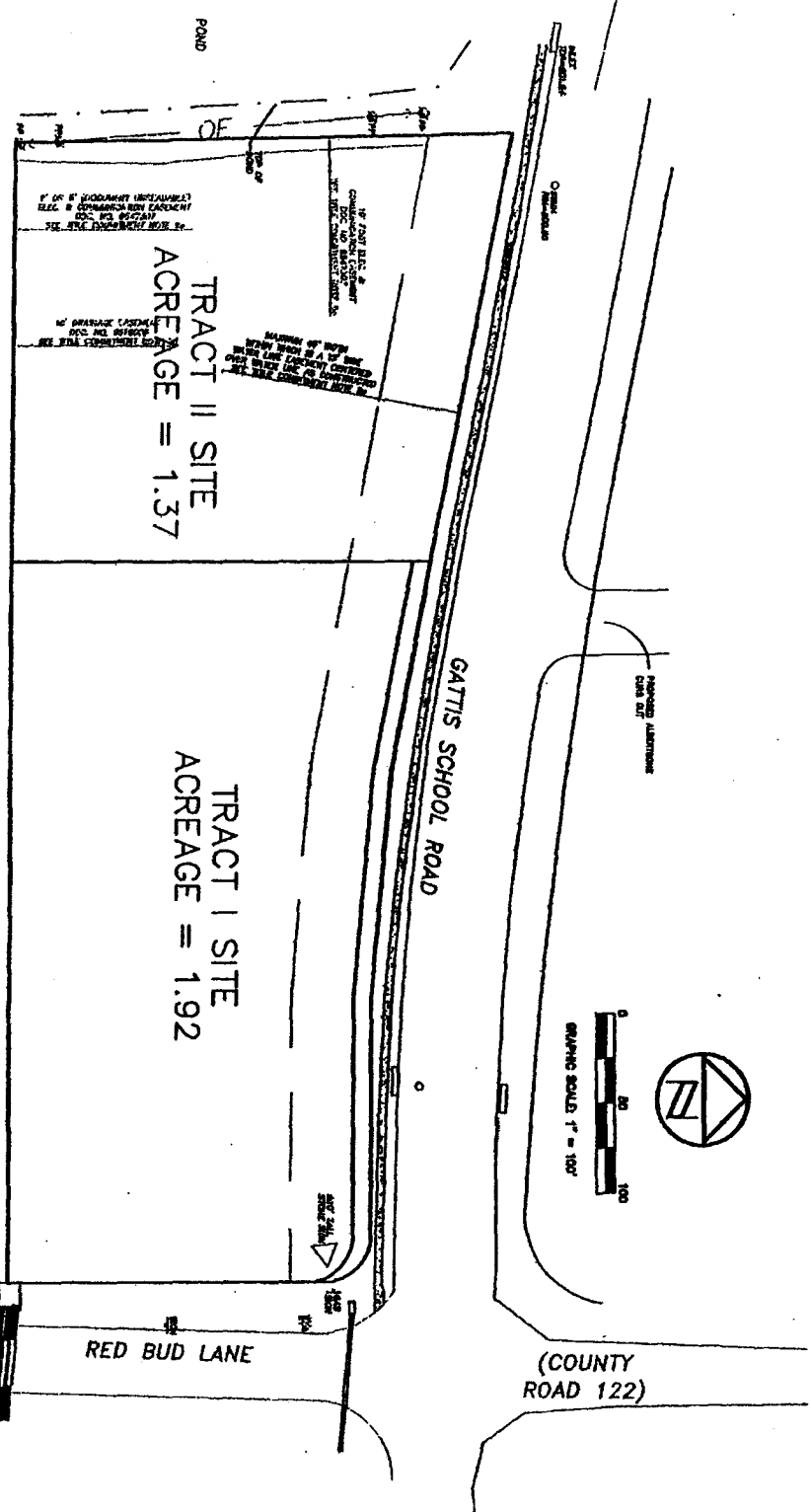
13. Drive Through Window Regulations.

Drive-throughs are permitted with restrictions to location, hours of operation, and noise as follows:

- 13.1 **Location.** The placement of the drive-through shall be restricted to the North, East, or West sides of the building. Drive-through stacking may not occur on the south side of any building.
- 13.2 **Hours of Operation.** The hours of operation for drive-through are limited to 7:00 AM to 9:00 PM.
- 13.3 **Noise.** All speakers located the site shall not exceed 65dB, measured 3' from the speaker.

14. Delivery Restrictions.

Delivery hours and trash pick-up shall be restricted to the hours of 6:00 AM to 10:00 PM only. No deliveries or trash pick-up shall be permitted between the hours of 10:00 PM and 6:00 AM.



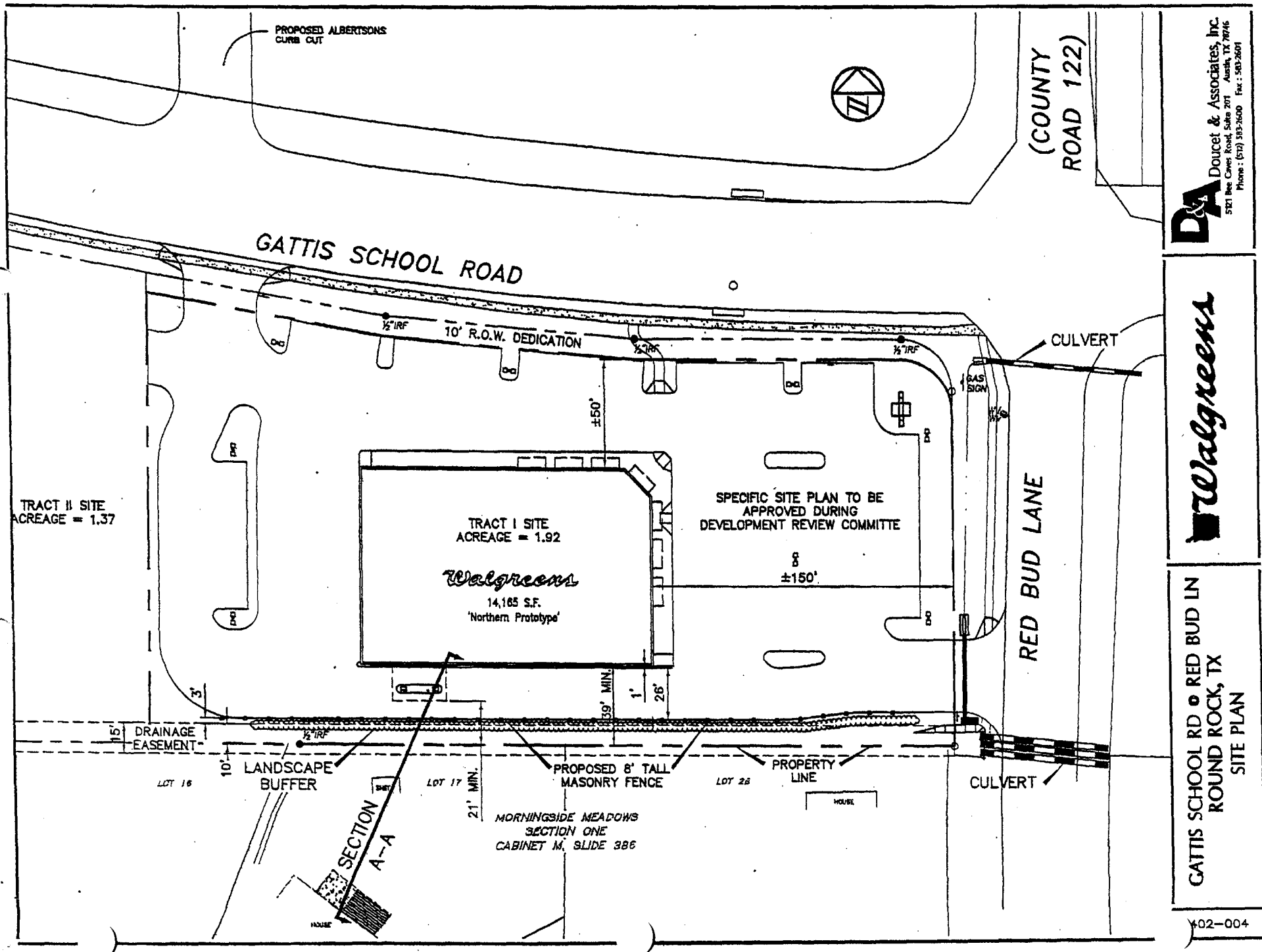
102-004

GATTIS SCHOOL RD • RED BUD LN
 ROUND ROCK, TX
 EXHIBIT C-1



D&A Doucet & Associates, Inc.
 5121 Bee Caves Road, Suite 201 Austin, TX 78746
 Phone : (512) 583-2600 Fax : 583-2601

EXHIBIT C-2

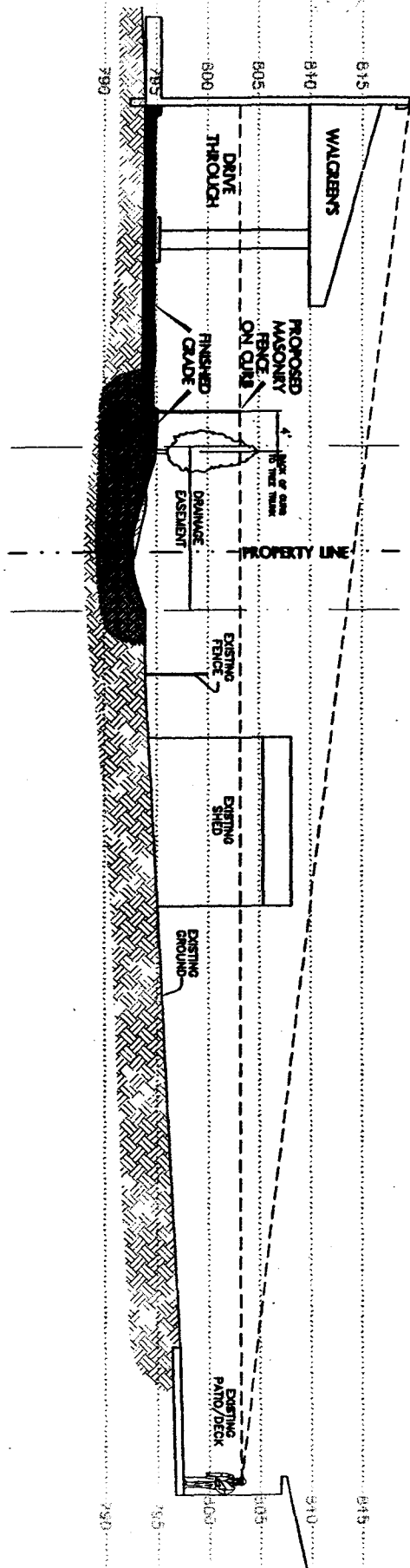


DA Doucet & Associates, Inc.
 5101 Lee Coker Road, Suite 201 Austin, TX 78746
 Phone: (512) 393-2600 Fax: 503-2601

Walgreens

GATTIS SCHOOL RD @ RED BUD LN
 ROUND ROCK, TX
 SITE PLAN

EXHIBIT C-3



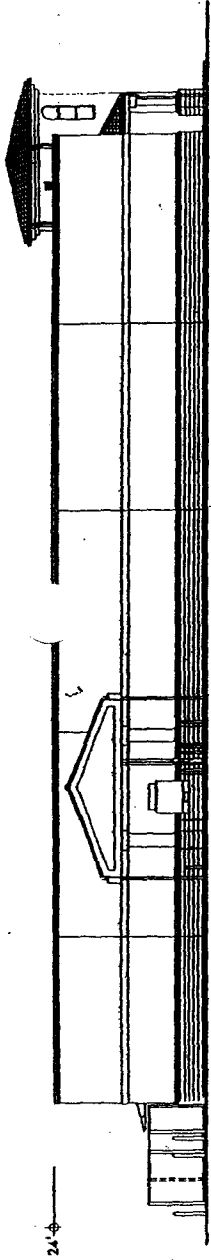
SECTION A-A NOT TO SCALE

CATTIS SCHOOL RD • RED BUD LN
ROUND ROCK, TX
SECTION A-A

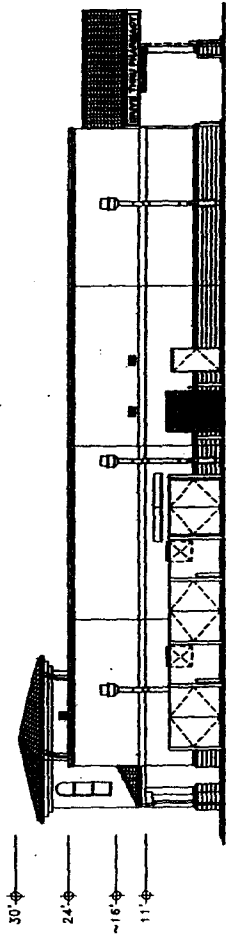


D&A Doucet & Associates, Inc.
5121 Bee Caves Road, Suite 201 Austin, TX 78746
Phone : (512) 583-2600 Fax : 583-2601

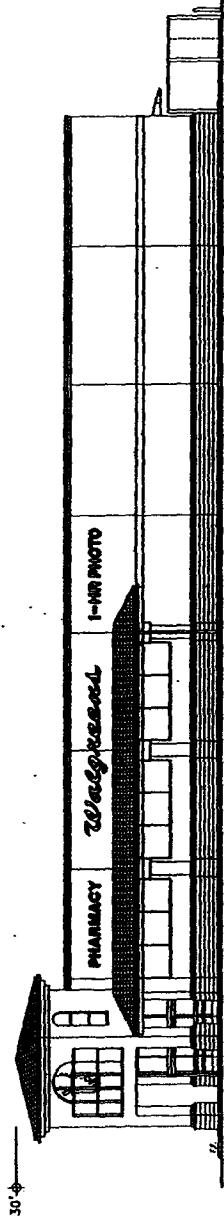
402-004



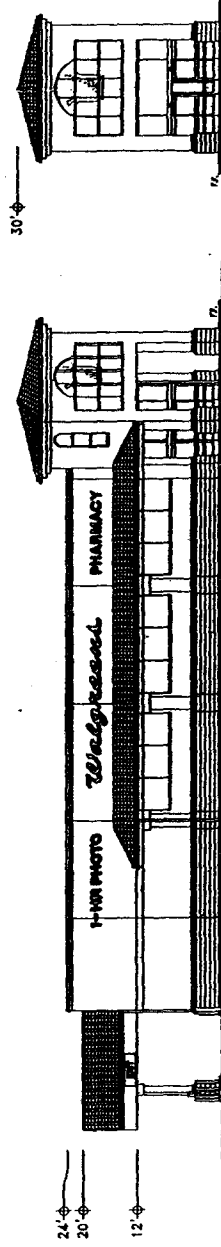
SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION

LAWRENCE S. LEVINSON, A.I.A.
 8117 National Ave. Suite 200 Houston, Texas 77063
 Tel. 713-550-7700 Fax 713-550-8220
 ARCHITECTURE PLANNING INTERIOR DESIGN

WALGREENS DRUGSTORE
 GATTIS SCHOOL ROAD & RED BUD LANE
 ROUND ROCK, TEXAS
 78666-0001 6 AUGUST 2002

THE PLACE REAL ESTATE DEVELOPMENT
 1200 WALKER AVENUE SUITE 110
 SAN ANTONIO, TEXAS 78208
 TEL. 512-382-6777
 FAX 512-382-6771

EXHIBIT C-4

EXHIBIT C-5

1.92 Acres
Gattis School Road
Walgreen's Property
Samuel Jenkins Survey
Abstract No. 347

DESCRIPTION OF A TRACT OF LAND CONTAINING 1.92 ACRES OR 83,754 SQUARE FEET OF LAND OUT OF THE SAMUEL JENKINS SURVEY, ABSTRACT NO. 347 BEING A PORTION OF THAT CERTAIN TRACT OF LAND CALLED TO CONTAIN 120.71 ACRES DESCRIBED IN A DEED TO MARY ELIZABETH BUCK VANCE OF RECORD IN VOLUME 2302, PAGE 480, WILLIAMSON COUNTY, TEXAS. SAID 1.92 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch steel reinforcing rod set for the southwest corner of the herein described tract, said point being in the south line of said Vance Tract and the north line of Morningside Meadows, Section One, a subdivision of record in Cabinet M, Slide 386, Plat Records of Williamson County, Texas and from said point, for reference, a ½ inch metal rod found at the southwest corner of said 3.29 acre tract, same being the northwest corner of Lot 15 of said Morningside Meadows, Section One bears, North 89°33'48" West 233.10 feet;

THENCE, crossing said Vance tract with the westerly line of the herein described tract, North 00°23'07" East 232.29 feet to a ½" steel reinforcing rod set, capped "Meenach 4335", for the northwest corner of the herein described tract, same being in the north line of said Vance Tract, same also being in the south right-of-way line of Gattis School Road (width varies);

THENCE, with the north lines of the herein described tract and said Vance Tract, same being the south lines of said Gattis School Road, the following three (3) courses:

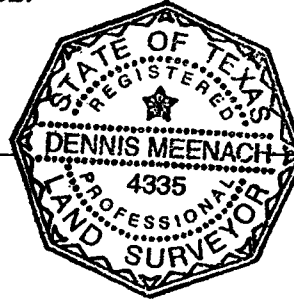
- 1) South 79°22'13" East 121.02 feet to a ½ inch metal rod found;
- 2) South 84°45'12" East 125.31 feet to a ½ inch metal rod found;
- 3) South 89°39'43" East 133.90 feet to the point of curvature transitioning between Gattis School road and Red Bud Lane (formerly County Road No. 122, width varies);

THENCE, with said curve, to the right, having a radius of 25.00 feet, a central angle of 89°57'01" an arc length of 39.25 feet, the chord of which bears South 44°33'56" East 35.34 feet to a ½" steel reinforcing rod set, capped "Meenach 4335" in the east line of the herein described tract and said Vance Tract, same being in the west line of said Red Bud Lane;

THENCE, with the east line of the herein described tract and said Vance Tract, same being the west line of said Red Bud Lane, South 00°29'18" West 175.61 feet to a ½" steel reinforcing rod set, capped "Meenach 4335", for the southeast corner of the herein described tract, and said Vance Tract, same being the northeast corner of Lot 28 as shown on said Morningside Meadows, Section One;

THENCE, with the south line of the herein described tract and said Vance Tract, same being the North line of said Morningside Meadows, Section One, North 89°33'48" West, at 327.98 feet passing a ½ inch metal rod found for the northwest corner of Lot 17 and the northeast corner of Lot 16 both of said Morningside Meadows, Section One, in all a total distance of 402.50 feet to the **POINT OF BEGINNING** containing 1.92 acres within these metes and bounds as surveyed by Doucet & Associates in July of 2002.

Dennis Meenach
Dennis Meenach, R.P.L.S. No. 4335



9-20-02
Date

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EXHIBIT C-6

1.37 Acres
Gattis School Road
Walgreen's Property
Samuel Jenkins Survey
Abstract No. 347

DESCRIPTION OF A TRACT OF LAND CONTAINING 1.37 ACRES OF LAND OUT OF THE SAMUEL JENKINS SURVEY, ABSTRACT NO. 347, BEING A PORTION OF THAT CERTAIN TRACT OF LAND CALLED TO CONTAIN 120.71 ACRES DESCRIBED IN A DEED TO MARY ELIZABETH BUCK VANCE OF RECORD IN VOLUME 2302, PAGE 480, WILLIAMSON COUNTY, TEXAS. SAID 1.37 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch metal rod found for the southwest corner of the herein described tract, same being the northwest corner of Lot 15 of Morningside Meadows, Section One, a subdivision of record in Cabinet M, Slide 386, Plat Records of Williamson County, Texas

THENCE, with the westerly line of the herein described tract, North 00°28'01" West 274.98 feet to a ½" steel reinforcing rod found, for the northwest corner of the herein described tract, same being in the north line of said Vance Tract, same also being in the south right-of-way line of Gattis School Road (width varies);

THENCE, with the north lines of the herein described tract and said Vance Tract, same being the south lines of said Gattis School Road, South 79°22'13" East 241.03 feet to a ½ inch metal rod found;

THENCE, leaving said Gattis School Road, with the east line of the herein described tract and crossing said Vance Tract, South 00°23'07" West 232.29 feet to a ½" steel reinforcing rod set, capped "Meenach 4335", for the southeast corner of the herein described tract;

THENCE, with the south line of the herein described tract, same being the North line of said Morningside Meadows, Section One, North 89°33'48" West, at 233.10 feet to the **POINT OF BEGINNING** containing 1.37 acres within these metes and bounds as surveyed by Doucet & Associates in July of 2002.

Dennis Meenach

Dennis Meenach, R.P.L.S. No. 4335



9-20-02

Date

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FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Nancy E. Rister

01-15-2003 08:22 AM 2003003689
MSTANLEY \$117.00
NANCY E. RISTER, COUNTY CLERK
WILLIAMSON COUNTY, TEXAS

Please Return to:
CITY OF ROUND ROCK
ADMINISTRATION
221 EAST MAIN STREET
ROUND ROCK, TEXAS 78664

2-02-12-05-7B2