



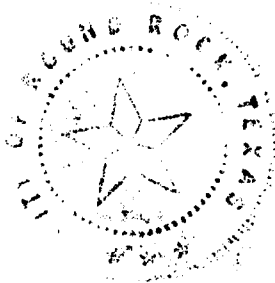
THE STATE OF TEXAS \*

COUNTY OF WILLIAMSON \*

CITY OF ROUND ROCK \*

I, SARA L. WHITE, 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 of Round Rock and the attached is a true and correct copy of Ordinance No. Z-08-05-08-9B2 which zones 23.09 acres of land known as East Rock Cove to PUD No. 80, which was approved and adopted by the Round Rock City Council at a regular meeting held on 8<sup>th</sup> day of May 2008 and recorded in the City Council Minute Book 56.

CERTIFIED by my hand and seal of the City of Round Rock, Texas on this 12<sup>th</sup> day of May 2008.



Sara L. White  
SARA L. WHITE, City Secretary

ORDINANCE NO. 2-08-05-08-982

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.401(2)(a), 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 ORIGINALLY ZONE 23.09 ACRES OF LAND, KNOWN AS EAST ROCK COVE, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, AS PLANNED UNIT DEVELOPMENT (PUD) NO. 80.

WHEREAS, the City of Round Rock, Texas has recently annexed 23.09 acres of land, known as East Rock Cove, in Round Rock, Williamson County, Texas, being more fully described in Exhibit "A" (the "Property"), attached hereto and incorporated herein, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the original zoning of the Property on the 9th day of April, 2008, 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 in Exhibit "A" be originally zoned as Planned Unit Development (PUD) No. 80, and

WHEREAS, on the 8th day of May, 2008, after proper notification, the City Council held a public hearing on the proposed original zoning, 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 and Section 11.400, 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 CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

That the City Council has hereby determined the Planned Unit Development (PUD) No. 80 meets the following goals and objectives:

- (1) The development in PUD No. 80 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) P.U.D. No. 80 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) P.U.D. No. 80 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. 80 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. 80 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 11.401(2)(a), Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended so that the zoning classification of the property described in Exhibit "A", attached hereto and incorporated herein shall be, and is hereafter designated as, Planned Unit Development (PUD) No. 80, and that the Mayor is hereby authorized and directed to enter into the Development Plan for PUD No. 80 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.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance 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.

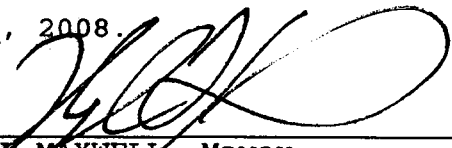
By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this 8<sup>th</sup> day of May, 2008.

Alternative 2.

READ and APPROVED on first reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

READ, APPROVED and ADOPTED on second reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

  
\_\_\_\_\_  
NYLE MAXWELL, Mayor  
City of Round Rock, Texas

ATTEST:

  
\_\_\_\_\_  
SARA L. WHITE, City Secretary

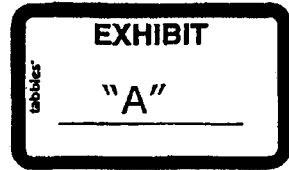


Exhibit A

23.09 acres, more or less, out of the PA Holder Survey, Abstract #297, also known as Round Rock East, Section I, Lots 1 -2 and 7-11, an unrecorded subdivision, save and except 0.058 acres and 0.063 acres deeded as right of way from Lots 1 and 2; further described as:

- 2.44 acres, less 0.058 acres deeded as right of way; also known as Lot 1
- 2.55 acres, less 0.063 acres deeded as right of way; also known as Lot 2
- 4.42 acres; also known as Lot 8
- 4.18 acres; also known as Lot 9
- 4.83 acres; also known as Lot 10
- 4.67 acres; also known as Lot 11;

And more particularly described on the attached field notes.

**DEVELOPMENT PLAN  
EAST ROCK COVE  
PLANNED UNIT DEVELOPMENT NO. 80**

**THE STATE OF TEXAS           §  
COUNTY OF WILLIAMSON   §**

**THIS DEVELOPMENT PLAN** (this "Plan") is adopted and approved by the CITY OF ROUND ROCK, TEXAS (hereinafter referred to as the "City"). For purposes of this Plan, the term Owner shall mean Nick Inman, Elenora Stark, Billy and Rosa Killion, Wilburn Hackbeil, Dan Truong and Michael and Anna Pavlik, their respective successors and assigns; provided, however, upon sale, transfer or conveyance of portions of the hereinafter described property, the duties and obligations of the Owner, as it relates to the respective property, shall be assumed by the new owner, and the Owner shall have no further liability relating to their respective property.

**WHEREAS**, the Owner is the owner of certain real property consisting of 23.09 acres, as more particularly described in **Exhibit "A"**, (herein after referred to as the "Property") attached hereto and made a part hereof; and

**WHEREAS**, the Owner has submitted a request to the City to rezone the Property as a Planned Unit Development (the "PUD"); and

**WHEREAS**, pursuant to Chapter 11, Section 11.314, Code of Ordinances (1995 Edition), City of Round Rock, Texas, the Owner has submitted Development Standards setting forth the development conditions and requirements within the PUD, which Development Standards are contained in Section II of this Plan; and

**WHEREAS**, the City has held two public hearings required by law to solicit input from all interested citizens and affected parties; and

**WHEREAS**, on April 9, 2008, the City's Planning and Zoning Commission recommended approval of the Owner's application for a PUD; and

**WHEREAS**, the City Council has reviewed the proposed Plan and determined that it promotes the health, safety, and general welfare of the citizens of Round Rock and that it complies with the intent of the Planned Unit Development Ordinance of the City;

**NOW THEREFORE:**

I.

**GENERAL PROVISIONS**

**1. CONFORMITY WITH DEVELOPMENT STANDARDS**

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

**2. CHANGES AND MODIFICATIONS**

No changes or modifications will be made to this Plan unless all provisions pertaining to changes or modifications as stated in Section II.13 below are followed.

**3. ZONING VIOLATION**

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

**4. MISCELLANEOUS PROVISIONS**

**4.1. Severability**

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

**4.2. Venue**

All obligations of the Plan are performable in Williamson County, Texas, and venue for any action shall be in Williamson County.

**4.3. Effective Date**

This Plan shall be effective from and after the date of approval by the City Council.



## II.

### DEVELOPMENT STANDARDS

#### 1. DEFINITIONS

Words and terms used herein shall have their usual force and meaning, or as defined in the Code of Ordinances (1995 Edition), as amended, City of Round Rock, Texas, hereinafter referred to as "the Code."

#### 2. PROPERTY

This Plan covers approximately 23.09 acres of land, located within the city limits of Round Rock, Texas, and more particularly described in **Exhibit "A"**.

#### 3. PURPOSE

The purpose of this Plan is to ensure a PUD that 1) is equal to, superior than and/or more consistent than that which would occur under the standard ordinance requirements, 2) is in harmony with the General Plan, as amended, 3) 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 welfare, 4) is adequately provisioned by essential public facilities and services, and 5) will be developed and maintained so as not to dominate, by scale or massing of structures, the immediate neighboring properties or interfere with their development or use.

#### 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 the **General Commercial - Limited (C-1a) and Senior (SR) zoning districts** and other sections of the Code, as applicable, and as amended. If there is a conflict between this Plan and the Code, this Plan shall supersede the specific conflicting provisions of the Code.

##### 4.2. Other Ordinances

All other Ordinances within the Code, as amended, shall apply to the Property, except as clearly modified by this Plan. In the event of a conflict, the terms of this Plan shall control.

5. **DEVELOPMENT LIMITED BY TRAFFIC GENERATION**

5.1. Transportation and traffic generation are the primary factors that restrict the development on the Property. The document contained in Exhibit "B", *An Analysis of Traffic Impacts for the Proposed Development of the East Rock Cove Site* prepared by the City of Round Rock Department of Transportation Services, dated November 14, 2007 (herein after referred to as the "Analysis") shall be the basis of restricting the intensity of development on the Property. Exhibit "C" contains the maximum 24-hour traffic generation assigned to the Property from Table 9 of the Analysis.

5.2. Prior to the submittal of a full site development permit application for any development which proposes access to East Rock Cove, one of the following two conditions shall be met:

5.2.1 East Rock Cove is widened from Gattis School Road to its existing terminus and extended to the east to provide an intersection with A.W. Grimes Boulevard. The roadway section will be designed and constructed as a local collector street with parking in accordance with the City of Round Rock Design and Construction Standards - Transportation Criteria Manual, however parking in the right-of-way shall be prohibited. The eastern extension of East Rock Cove will utilize an alignment described in Exhibit "D", an easement agreement between the Owners and Larry and Nancy Reavis and Larry Wigginton. The dedication of right-of-way and construction of the roadway will be approved through the subdivision process.

5.2.2 Ownership of the Property is consolidated in a manner which eliminates the requirement for any access to East Rock Cove, instead providing direct access to and frontage on Gattis School Road and/or A.W. Grimes Boulevard. Such consolidation of the Property shall eliminate the requirement for the widening and extension of East Rock Cove described above and the existing right-of-way for East Rock Cove may be abandoned.

6. **PERMITTED USES**

The following uses are permitted, subject to the maximum traffic demand levels determined by the Analysis described in Section 9.0 below, and the conditions listed for each use. Unless otherwise indicated, the definitions of all terms used to describe uses in this document shall be those found in the Zoning Code of the City of Round Rock, as amended.

6.1. **Day Care**

- One (1) story height limit

**6.2. Funeral Home**

- One (1) story height limit

**6.3. Office**

- Two (2) story height limit

**6.4. Office, Medical**

- Two (2) story height limit

**6.5. Retail Sales and Services**

- One (1) story height limit
- The following Retail Sales and Services are prohibited:
  - 24-hour service or operations, Convenience stores with fuel facilities, Indoor Entertainment Activities (including bowling alleys, game arcades, pool halls, dance halls and movie or other theaters), Outdoor storage, Overnight accommodations, Pawn shops, Portable building sales except as incidental to other retail sales, Re-sale stores, Sexually-oriented businesses, Tattoo parlors, Auto Service Facilities (including gas stations, quick-lube service, tire sales and installation, and wheel and brake shops), Car wash, Commercial parking

**6.6. Eating Establishments**

- One (1) story height limit
- No drive-through service allowed

**6.7. Senior (apartments, townhouses or group/independent/assisted living)**

- Three (3) story height limit

**6.8. Townhouse**

**6.9. Place of Worship**

**6.10. Community Service**

**6.11. Government Facility**

- 6.12. Utilities (Minor and Intermediate)
- 6.13. Park (Community, Linear/Linkage or Neighborhood)
- 6.14. Attached Wireless Transmission Facilities
- 6.15. Stealth Wireless Transmission Facilities

7. **PROHIBITED USES**

- 7.1. The following uses are prohibited. Unless otherwise indicated, the definitions of all terms used to describe uses in this document shall be those found in the Zoning Code of the City of Round Rock, as amended.
  - Campgrounds, Donation centers, Flea markets, Heavy equipment sales or rental, Industrial building sales, Manufactured home sales, Major recreational equipment sales or rental (including boats, boat trailers, travel trailers, pickup truck campers, camping trailers, tent trailers, converted trucks and buses, recreational vehicles, and other related equipment intended for recreational purposes), Mini warehouses (including self-storage), Outdoor entertainment (including sports arenas, racing facilities, amusement parks, golf driving ranges and miniature golf courses), Outdoor kennels, Passenger terminals, Recreational vehicle parks, Recycling centers, Shooting ranges, Truck service or repair, Truck stops, Trucking terminals, Vehicle sales rental or leasing facilities, Wholesale nurseries, Wireless Transmission Facility - Self-Standing, Wrecking Yards

8. **DEVELOPMENT STANDARDS**

- 8.1. **Setbacks along Eastern Property Boundary:**
  - For the purpose of determining setbacks and buffer requirements from the eastern boundary of the Property, the City of Round Rock's Clay Madsen Center shall be considered a C-1a (Local Commercial) use.
- 8.2. **Signs**
  - All free standing business use signs on any lot of three (3) acres or less in size shall be Monument Signs, with a maximum sign area of 50 square feet and a maximum height of five (5) feet, with no minimum setback.

9. **TRANSPORTATION**

As a part of the development of any portion of the Property, the traffic impacts of the proposed development project shall be addressed according to Exhibit "B", the Analysis and Section 5.2 above.

10. **GENERAL PLAN 2000**

This Development Plan amends the Round Rock General Plan 2000, which was adopted on June 10, 1999.

11. **DEVELOPMENT PROCESS**

As required by City Code, the Owner shall be required to complete the remaining steps in the City's development process. This may include subdivision platting. The subdivision platting process includes a Concept Plan, a Preliminary Plat and a Final Plat. A site development plan must be approved. No site development plan approval on the Property shall be granted until a Final Plat is recorded. No building permit on the Property shall be issued until the site development plan is approved by the Development Review Committee.

12. **UNDERGROUND UTILITY SERVICE**

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

13. **CHANGES TO DEVELOPMENT PLAN**

13.1. **Minor Changes**

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

13.2. **Major Changes**

All changes not permitted under section 13.1 above shall be resubmitted following the same procedure required by the original PUD application.

## LIST OF EXHIBITS

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
Exhibit "A"	Legal Description of Property
Exhibit "B"	<i>An Analysis of Traffic Impacts for the Proposed Development of the East Rock Cove Site</i>
Exhibit "C"	Maximum 24-hour traffic generation by parcel
Exhibit "D"	Easement Agreement

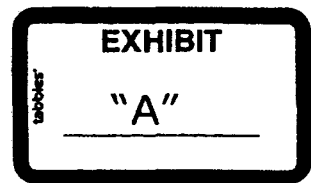


Exhibit A

23.09 acres, more or less, out of the PA Holder Survey, Abstract #297, also known as Round Rock East, Section I, Lots 1 -2 and 7-11, an unrecorded subdivision, save and except 0.058 acres and 0.063 acres deeded as right of way from Lots 1 and 2; further described as:

- 2.44 acres, less 0.058 acres deeded as right of way; also known as Lot 1
- 2.55 acres, less 0.063 acres deeded as right of way; also known as Lot 2
- 4.42 acres; also known as Lot 8
- 4.18 acres; also known as Lot 9
- 4.83 acres; also known as Lot 10
- 4.67 acres; also known as Lot 11;

And more particularly described on the attached field notes.



FIELD NOTES OF 2.44 ACRES OF LAND  
OUT OF THE P.A. HOLDER SURVEY,  
ABSTRACT NO. 297,  
A.K.A. LOT 1, ROUND ROCK EAST,  
WILLIAMSON COUNTY, TEXAS

BEING ALL OF THAT 2.44 ACRES OF LAND, MORE OR LESS, OUT OF THE P.A. HOLDER SURVEY, ABSTRACT NO. 297, IN WILLIAMSON COUNTY, TEXAS, ALSO KNOWN AS LOT 1, ROUND ROCK EAST, AN UNRECORDED SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF THE 115.58 ACRES OF LAND CONVEYED IN A DEED TO GLEN NEANS RECORDED IN VOLUME 590, PAGE 680 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND CONVEYED IN A DEED FROM GLEN NEANS TO BYRON N. & NANCY J. EATON RECORDED IN VOLUME 627, PAGE 889 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, SAVE & EXCEPT THE 0.058 ACRES OF LAND DEDICATED TO THE PUBLIC USE FOR RIGHT OF WAY RECORDED IN VOLUME 1422, PAGE 446 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, HAVING BEEN SURVEYED ON THE GROUND BY SNS ENGINEERING, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at an iron rod found in the northerly Right of Way line of Gattis School Road at the northwest corner of said 0.058 Acres, same being the southeast corner of the City Park, for the Southwest corner of the tract herein described;

THENCE, leaving the northerly Right of Way line of said Gattis School Road and following a fence along the westerly line of said 115.58 Acres, Lot 1 and the tract herein described, same being the easterly line of the City Park, N 04°52'00" W, for a distance of 392.27 feet to an iron rod found, for the Northwest corner of Lot 1 and the tract herein described, same being the southwest corner of Lot 11 of said Round Rock East;

THENCE, following a fence along the northerly line of Lot 1 and the tract herein described, same being the southerly line of said Lot 11, S 89°03'04" E, for a distance of 292.56 feet to an iron rod set for the Northeast corner of Lot 1 and the tract herein described, same being the northwest corner of Lot 2 of said Round Rock East;

THENCE, along the easterly line of Lot 1 and the tract herein described, same being the westerly line of said Lot 2, S 00°53'24" W, for a distance of 389.70 feet to an iron rod set in the northerly Right of way line of said Gattis School Road, for the Southeast corner of the tract herein described, same being the northeast corner of said 0.058 Acres;

THENCE, along the northerly Right of Way line of said Gattis School Road and northerly line of said 0.058 Acres, same being the southerly line of the tract herein described, N 89°10'40" W, for a distance of 253.21 feet to the POINT OF BEGINNING and containing 2.44 Acres of Land, More or Less.



BEGINNING at an iron rod found in the northerly Right of Way line of Gattis School Road at the northwest corner of said 0.058 Acres, same being the southeast corner of the City Park, for the Southwest corner of the tract herein described;

THENCE, leaving the northerly Right of Way line of said Gattis School Road and following a fence along the westerly line of said 115.58 Acres, Lot 1 and the tract herein described, same being the easterly line of the City Park, N 04°52'00" W, for a distance of 392.27 feet to an iron rod found, for the Northwest corner of Lot 1 and the tract herein described, same being the southwest corner of Lot 11 of said Round Rock East;

THENCE, following a fence along the northerly line of Lot 1 and the tract herein described, same being the southerly line of said Lot 11, S 89°03'04" E, for a distance of 292.56 feet to an iron rod set for the Northeast corner of Lot 1 and the tract herein described, same being the northwest corner of Lot 2 of said Round Rock East;

THENCE, along the easterly line of Lot 1 and the tract herein described, same being the westerly line of said Lot 2, S 00°53'24" W, for a distance of 389.70 feet to an iron rod set in the northerly Right of way line of said Gattis School Road, for the Southeast corner of the tract herein described, same being the northeast corner of said 0.058 Acres;

THENCE, along the northerly Right of Way line of said Gattis School Road and northerly line of said 0.058 Acres, same being the southerly line of the tract herein described, N 89°10'40" W, for a distance of 253.21 feet to the POINT OF BEGINNING and containing 2.44 Acres of Land, More or Less.

SNS ENGINEERING, INC.

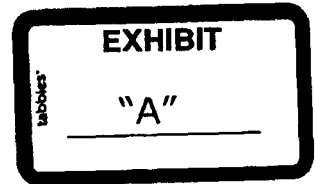
*Leslie Vasterling*  
Leslie Vasterling

Registered Professional Land Surveyor No. 1413



*ML*

Commercial



# SKETCH TO ACCOMPANY FIELD NOTES FOR 0.058 ACRES

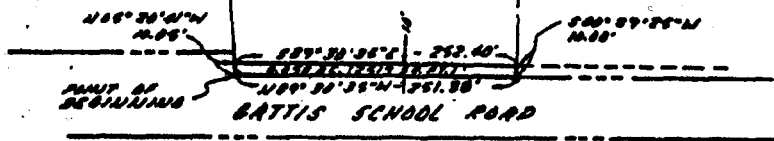


GREENSLOPES AT  
LAKE GREEN  
SECTION TWO  
GRD. Q SLIDE BY  
16.312 AC.  
PARK SITE

ROUND ROCK EAST SECTION ONE  
(UNRECORDED)

LOT 1 - 2.49 AC.  
BYRON H. SATON  
VOL. 637, PG. 389

LOT 2 - 2.55 AC  
FLOYD STARR  
VOL. 612, PG. 948



### LEGEND

• IRON PIN FOUND

STATE OF TEXAS COUNTY OF WILLIAMSON  
I hereby certify that this instrument was FILED  
on the date and at the time stamped hereon  
by me; and was duly RECORDED, in the Volume  
and Page of the named RECORDS of Williamson  
County, Texas, as stamped hereon by me, on

SEP. 19 1966



*James S. Ruppel*  
COUNTY CLERK  
WILLIAMSON COUNTY, TEXAS

FILED FOR RECORD  
WILLIAMSON COUNTY, TX  
638 SEP 17 AM 10 58  
*James S. Ruppel*  
COUNTY CLERK

EXHIBIT "B"  
SHEET 1 OF 1  
JANUARY 24, 1986

Haynie & Kallman Inc.

CONSULTING ENGINEERS  
1106 South Moyle  
Round Rock, Texas 78664  
(817) 255-7261

EXHIBIT  
"A"

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

WARRANTY DEED WITH VENDOR'S LIEN

THE STATE OF TEXAS 793  
COUNTY OF WILLIAMSON

KNOW ALL MEN BY THESE PRESENTS:

That CONANN CONSTRUCTORS, INC. of the County of Travis and State of Texas for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other valuable consideration to the undersigned paid by the grantees herein named, the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery by grantees of their one certain promissory note of even date herewith in the principal sum of \$14,000.00, payable to the order of Peoples Savings and Loan Association, at its office in Llano, Llano County, Texas, as therein provided and bearing interest at the rates therein specified and providing for acceleration of maturity in event of default and for attorneys fees, the payment of which note is secured by the vendor's lien herein retained, and is additionally secured by a deed of trust of even date herewith to D. L. SANSOM, Trustee, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto Floyd E. Stark and wife, Elenora E. Stark of the County of Williamson and State of Texas, all of the following described real property in Williamson County, Texas, to-wit:

2.55 acres of land out of the P. A. Holder Survey in Williamson County, Texas, and being a portion of that certain 115.58 acre tract of land as conveyed to Glenn Neans by Deed recorded in Volume 590, Page 680, Deed Records of Williamson County, Texas; said 2.55 acres of land being more particularly described by metes and bounds in field notes prepared by Ralph W. Harris, Registered Public Surveyor, dated 8/29/75, attached hereto and made a part hereof for all pertinent purposes.

This conveyance is expressly made subject to all conditions, covenants, reservations, restrictions and easements of record or open and obvious upon the ground.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said grantees, their heirs and assigns forever; and it does hereby bind itself, its successors and assigns to WARRANT AND FOREVER DEFEND ALL AND SINGULAR THE SAID PREMISES unto the said grantees, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.



But it is expressly agreed that the VENDOR'S LIEN, as well as the Superior Title in and to the above described premises, is retained against the above described property, premises and improvements until the above described note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

Peoples Savings and Loan Association, at the instance and request of the grantees herein, having advanced and paid in cash to the grantor herein that portion of the purchase price of the herein described property as is evidenced by the hereinbefore described \$14,000.00 note, the vendor's lien, together with the superior title to said property, is retained herein for the benefit of said Peoples Savings and Loan Association and the same are hereby transferred and assigned to said Peoples Savings and Loan Association, and said Association and its successors or assigns, shall have the right to release said vendor's lien upon the payment of said note.

EXECUTED this 7th day of June, A. D. 1978.

NO SEAL

CONANN CONSTRUCTORS, INC.

By: Gladys Cochran

THE STATE OF TEXAS     I  
COUNTY OF                 I

BEFORE ME, the undersigned authority, on this day personally appeared of CONANN CONSTRUCTORS, INC., a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said corporation.

GIVEN under my hand and seal of office, this the 7<sup>th</sup> day of June, A.D. 1978.



Dorothy S. Watson  
Notary Public in and for TRAVIS  
County, Texas

My Commission Expires: 5/3/79  
Name Printed:

DOROTHY S. WATSON  
NOTARY PUBLIC IN AND FOR  
TRAVIS COUNTY, TEXAS  
My Commission Expires 5-3-79

THE STATE OF TEXAS }  
County of Williamson } I, Dick Cervenka, Clerk of the County Court of said County, do hereby certify that the foregoing instrument in writing, with its certificate of authentication, was filed for record in my office on the 12th day of June, A. D. 1978 at 8:50 o'clock A.M. and duly recorded this the 12th day of June, A. D. 1978 at 2:25 o'clock P.M. in the

Deed \_\_\_\_\_ Records of said County, in Vol. 715 pp. 304

WITNESS MY HAND and seal of the County Court of said County, at office in Georgetown, Texas, the date last above written.

By: Kathy Davis Deputy

DICK CERVENKA, CLERK,  
County Court, Williamson County, Texas

DEDICATION OF RIGHT-OF-WAY

THE STATE OF TEXAS )  
THE COUNTY OF WILLIAMSON )

38365

KNOW ALL MEN BY THESE PRESENTS:

THAT FLOYD STARK AND WIFE ELENORA, hereinafter referred to as GRANTORS, whether one or more, for and in consideration of the benefits to be derived by GRANTORS from the public right-of-way across the premises hereinafter described, have this day GRANTED and CONVEYED, and by these presents do hereby GRANT, CONVEY and dedicate to the public use the right-of-way more particularly described as follows, it wit:

All of that certain tract, piece or parcel of land, lying and being situated in the County of Williamson, State of Texas, as described in EXHIBIT "A", attached hereto and made a part hereof for all pertinent purposes, to which reference is here made for a more particular description of said tract:

TO HAVE AND TO HOLD the same perpetually to the Public, together with the right and privilege at any and all times to enter said premises, or any part thereof, for the purpose of ingress and egress to or from any lands adjacent to said premises.

EXECUTED IN WILLIAMSON COUNTY, TEXAS on this the 1 day of July, 1986, A.D.

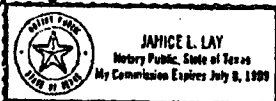
Floyd Stark  
Floyd Stark, Grantor

Elenora Stark  
Elenora Stark, Grantor

THE STATE OF TEXAS )  
COUNTY OF WILLIAMSON )

BEFORE ME, the undersigned authority, on this day personally appeared FLOYD STARK, an individual, known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 1 day of July, 1986, A.D.

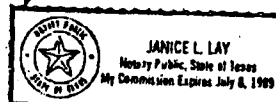


Janice L. Lay  
Notary Public in and for  
the State of Texas  
My Commission Expires: \_\_\_\_\_

THE STATE OF TEXAS )  
COUNTY OF WILLIAMSON )

BEFORE ME, the undersigned authority, on this day personally appeared ELENORA STARK, an individual, known to me to be the person whose name is subscribed to the foregoing instrument, and she acknowledged to me that she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

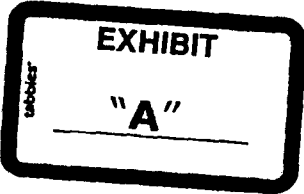
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 1 day of July, 1986, A.D.



Janice L. Lay  
Notary Public in and for  
the State of Texas  
My Commission Expires: \_\_\_\_\_

OFFICIAL RECORDS  
WILLIAMSON COUNTY TEXAS





FIELD NOTES OF 0.063 ACRES

FIELD NOTES describing a 0.063 acre tract or parcel of land, being a strip of land ten (10) feet in width, and being a portion of that certain 2.35 acre Lot 2, Round Rock East, Section One, an unrecorded subdivision, conveyed to Floyd Stark by deed recorded in Volume 618, Page 948 of the Deed Records of Williamson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin found in the north right-of-way line of Gattis School Road, being the southeast corner of Lot 1, of said Section One, also being the southwest corner of said Lot 2, for the southwest corner and POINT OF BEGINNING of the hereinafter described 0.063 acre tract;

THENCE departing said north right-of-way line, along the division line between said Lot 1 and said Lot 2, for the west line hereof, N00°29'25"E, 10.00 feet to a point for the northwest corner hereof;

THENCE along a line being ten (10) feet north of and parallel to the north right-of-way line of said Gattis School Road, for the north line hereof, S89°30'35"E, 277.92 feet to a point in the west right-of-way line of East Rock Cove, a fifty (50) foot wide right-of-way, for the northeast corner hereof;

THENCE along said west right-of-way line of said East Rock Cove, for the east line hereof, along the arc of a curve to the right having elements of delta=70°31'44", radius=15.00 feet, arc=18.46 feet, tangent=10.61 feet, chord and chord bearing=17.32 feet, S55°13'33"W to a point in said north right-of-way line of said Gattis School Road, for a Point of Tangency hereof;

THENCE along said north right-of-way line of said Gattis School Road, along a line being ten (10) feet south of and parallel to the north line herein described, for the south line hereof, N89°30'35"W, 263.78 feet to the POINT OF BEGINNING of the herein described tract, containing 0.063 acres (or 2741 square feet) of land.

I, Steven D. Kallman, a REGISTERED PUBLIC SURVEYOR, do hereby certify that these field notes accurately represent the results of an on-the-ground survey conducted under my direction on the 24th day of January, 1986. All corners located are as described.

HAYWIS & KALLMAN, INC.



*Steven D. Kallman*  
Steven D. Kallman,  
Registered Public Surveyor No. 3337

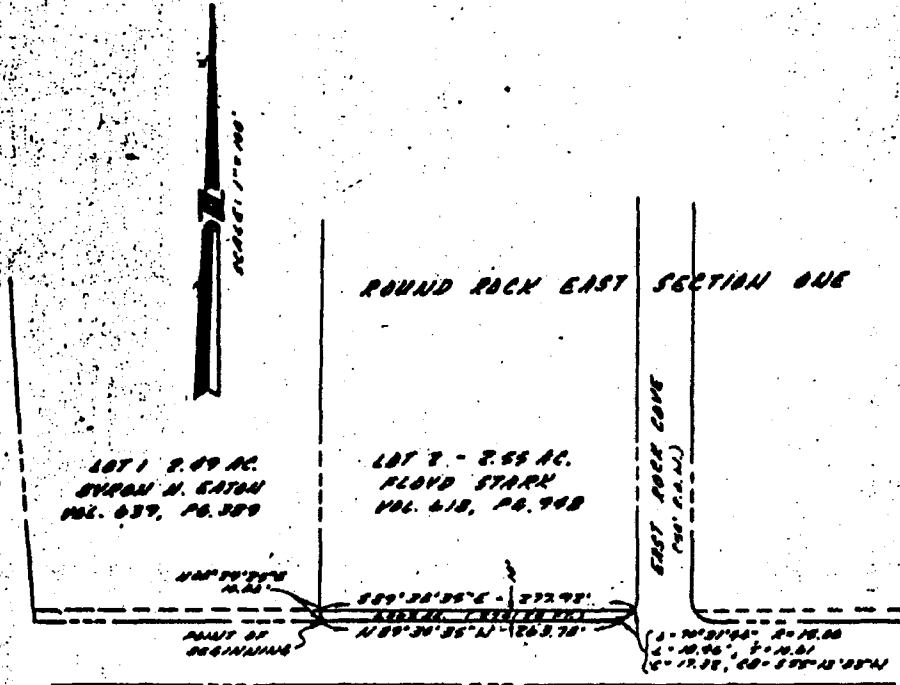
1-24-86  
Date

EXHIBIT

"A"

VOL. 1422 PAGE 451

# SKETCH TO ACCOMPANY FIELD NOTES FOR 0.063 ACRES



### LEGEND

• - IRON PIN FOUND

STATE OF TEXAS COUNTY OF WILLIAMSON  
 I hereby certify that this instrument was FILED  
 on the date and at the time stamped hereon  
 by me, and was duly RECORDED, in the Volume  
 and Page of the named RECORDS of Williamson  
 County, Texas, as stamped hereon by me, on

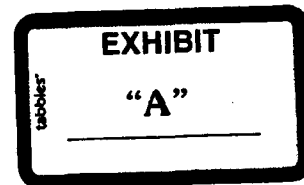


SEP 18 1986  
*James S. Ruppel*  
 COUNTY CLERK  
 WILLIAMSON COUNTY, TEXAS

FILED FOR RECORD  
 WILLIAMSON COUNTY, TX.  
 1986 SEP 17 AM 10:58  
*James S. Ruppel*  
 COUNTY CLERK

EXHIBIT "B"  
 SHEET 1 OF 1  
 JANUARY 20, 1984  
**Haynie & Kallman Inc.**  
 CONSULTING ENGINEERS  
 1108 South May  
 Round Rock, Texas 78664  
 (512) 255-7901

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



WILLIAMSON COUNTY, TEXAS

WARRANTY DEED

GRANTORS: MICHAEL L. PAVLIK and  
ANNA L. PAVLIK, his wife  
1000 East Rock Cove  
Round Rock, TX 78664

GRANTEE: THE MICHAEL L. and ANNA L. PAVLIK FAMILY TRUST  
MICHAEL L. PAVLIK, Trustee  
ANNA L. PAVLIK, Trustee,  
or their successors in trust  
1000 East Rock Cove  
Round Rock, TX 78664

CONVEYANCE:

FOR VALUE RECEIVED, Grantors have conveyed, granted, transferred and assigned, and hereby grant, convey, transfer and assign to Grantee, all, and no less than all, of the following described real property:

**4.42 acres recorded by Deed, Volume 2373, Page 760 in the Deed Records of Williamson County, Texas, being a tract of land out of the P.A. Holder Survey in Williamson County, Texas, and being a portion of that certain 115.58 acre tract of land conveyed to Glenn Neans by Deed Volume 590, Page 680 of the Deed Records of Williamson County, Texas, said tract being also known as Tract 8 of Round Rock East, an unrecorded subdivision, and being more particularly described by Metes and Bounds as follows:**

**BEGINNING at ½” rebar found at the Northwest corner of the above described 115.58 acre Neans tract of land, said rebar being also the Northwest corner of the above described Tract 8, for the Northwest corner and PLACE OF BEGINNING hereof;**

**THENCE, with the North line of said Tract 8, being also the South line of that tract of land conveyed to Carl Anton Forsman in Volume 128, Page 456 of the Deed Records of Williamson County Texas, N 84° 20’ 00” E 926.95 feet to a ½” rebar set at the common Northerly corner of Tract 7 and Tract 8 of said Round Rock East (unrecorded subdivision) for the Northeast corner hereof, from which point a ½” rebar found bears N 84° 20’ 00” E 0.82 feet;**

**THENCE, with the common line between said Tract 7 and Tract 8, S 38° 25’**



00" W 550.44 feet to a ½" rebar set at the common Southern corner of Tract 7 and Tract 8, said rebar beginning in the R.O.W. of a cul-de-sac known as East Rock Cove for the Southeast corner hereof, from which point a ½" rebar found bears N 57° 08' 59" E 0.78 feet;

THENCE, with the R.O.W. line of said cul-de-sac along a curve to the left, having a radius of 50.00 feet, an arc distance of 55.85 feet and a chord which bears S 87° 42' 00" W 52.99 feet to a ½" rebar set at the common Southerly corner of Tract 8 and Tract 9 of said Round Rock East for the Southwest corner hereof;

THENCE, departing said cul-de-sac R.O.W., with the common line between said Tract 8 and Tract 9, N 57° 03' 00" W 628.55 feet to the PLACE OF BEGINNING containing 4.42 acres of land, more or less.

SUBJECT TO: (1) any overlapping of improvements or encroachments which a survey would reveal; (2) valid and enforceable land use regulations, restrictions, and conditions; (3) real property taxes, prorated to date; (4) any recorded right-of-way, easement, or other exception to title (including liens) which an examination of title to the property would reveal; (5) any loan or encumbrance secured by a vendor's lien or deed of trust upon the property; (6) rights of parties in possession under lease or as an inspection of the property would reveal.

FURTHER RESERVATION AND EXCEPTION: THE MICHAEL L. and ANNA L. PAVLIK FAMILY TRUST is a revocable inter vivos trust created by and under the trust laws of the state of Texas and for the use and benefit of MICHAEL L. PAVLIK and ANNA L. PAVLIK . To the extent a transfer to the trust will create a loss or diminution of the exempt property status (i.e., exemption from the claims of creditors) of homestead property under the laws of the state of Texas or a loss of any property tax benefit accorded by the laws of the state of Texas to homestead property, Grantors retain and reserve such estate and title required under the laws of the state of Texas necessary to preserve and protect:

The exempt property status given, or as may be enlarged, by the laws of the State of Texas.

The property tax exemption(s) given, or as may be enlarged, by the laws of the State of Texas.

FURTHER RESERVATION AND EXCEPTION: This transfer of real estate to THE MICHAEL L. and ANNA L. PAVLIK FAMILY TRUST which is encumbered by a mortgage or deed of trust may prohibit any transfer thereof without the consent of the lender and may give the lender the option to call the unpaid portion of an installment note immediately due and payable if a transfer is made without the lender's consent. These restrictions are generally called "due on sale" or "due on transfer" prohibitions. Any transfer directive or contribution directive specified by this instrument is subject to any such prohibition or limitation. Grantors reserve and retain such estate and title to the property as will not violate the due on sale or due on transfers of any mortgage, deed of trust, or other instrument, if any and to the extent applicable to a transfer of this property to THE MICHAEL L. and ANNA L. PAVLIK FAMILY TRUST. To the extent a transfer of this property is limited by

any applicable due on sale prohibition or due on transfer prohibition, ownership will fully vest in THE MICHAEL L. and ANNA L. PAVLIK FAMILY TRUST only upon receipt of lender's consent to the transfer or upon final release of the mortgage or deed of trust lien by the lender or by the assignee thereof.

**OWNERSHIP OF THE PROPERTY PRIOR TO THE TRANSFER TO THE MICHAEL L. and ANNA L. PAVLIK FAMILY TRUST:**

It is acknowledged and agreed that this property is owned, immediately prior to this transfer, as MICHAEL L. PAVLIK and ANNA L. PAVLIK property. This agreement supersedes any other agreement or arrangement to the contrary.

This Trust agreement referred to in this deed is a Qualifying trust in that the agreement creating this Trust provides that the Trustor of the Trust has the right to use and occupy as the Trustor's principal residence residential property rent free and without charge except for taxes and other cost and expenses specified in the instrument until the date the Trust is revoked or terminated.

**CONSIDERATION:**

Ten and no/100 Dollars and other valuable consideration paid to Grantors by Grantee, the receipt and sufficiency of which is hereby acknowledged.

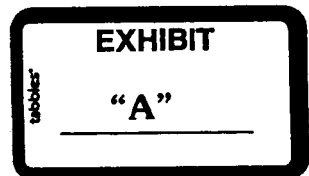
**HABENDUM AND WARRANTY:**

TO HAVE AND TO HOLD the Subject Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, Grantee's successors, personal representatives, and assigns forever; and Grantors do hereby bind Grantors, Grantors' successors, personal representatives and assigns, to warrant and forever defend, all and singular, the said premises unto the Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof. The use of personal pronouns in this instrument shall be construed in context, with the masculine to include the feminine, when appropriate, and the singular to include the plural, when appropriate.

**EFFECTIVE DATE:**

This transfer and conveyance is effective as of the date of this instrument. If this instrument is not immediately recorded, MICHAEL L. PAVLIK and ANNA L. PAVLIK will hold title in trust and as nominee for and on behalf of THE MICHAEL L. and ANNA L. PAVLIK FAMILY TRUST.

DATED and EFFECTIVE this 28 day of March, 2001.



EXHIBIT

"A"

90032482-1

VOL 1895 PAGE 335

WARRANTY DEED

12894

BERNARD P. PROSISE, ACTING BY AND THROUGH HIS ATTORNEY-IN-FACT, EMMA B. PROSISE, and wife, THERESA J. PROSISE, hereinafter called GRANTOR, for the consideration hereinafter stated, does GRANT, SELL and CONVEY unto DAN VI TRUONG, hereinafter called GRANTEE, the following described real estate, together with all improvements thereon, situated in Williamson County, Texas, to-wit:

Approximately 4.18 acres of land, more or less, out of the P. A. Holder Survey in Williamson County, Texas, being the same property described in the Deed from Finis Sweazea and wife, Ina Lou Sweazea to Bernard P. Prosise and wife, Theresa J. Prosise, dated April 28, 1978 and recorded in Volume 710, Page 479, Deed Records of Williamson County, Texas, and being more particularly described by metes and bounds in Exhibit "A" attached hereto.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the GRANTEE, GRANTEE'S heirs, executors and administrators, forever.

And GRANTOR does hereby bind GRANTOR, GRANTOR'S heirs, executors and administrators, to WARRANT AND FOREVER DEFEND, all and singular, the said premises unto the said GRANTEE, GRANTEE'S heirs, executors and administrators, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof, subject however, to all restrictions, easements and mineral reservations, if any, which are of record applicable to the property hereby conveyed.

The consideration for this conveyance, receipt of which is hereby acknowledged, is as follows:

(1) \$10.00 and other valuable consideration paid to GRANTOR for which no lien either expressed or implied is retained.

(2) \$43,000.00 advanced and paid at the instance and request of GRANTEE by GRANTOR for which GRANTEE has executed a promissory interest bearing note to said GRANTOR, as well as a deed of trust to RICK AKINS, Trustee, to secure the payment thereof, all of even date herewith.

(3) The vendor's lien and superior title are specifically retained by GRANTOR against the property described herein until said note and all interest thereon are fully paid.

9REAL148:REAL28

- 1 -

OFFICIAL RECORDS  
WILLIAMSON COUNTY, TEXAS

EXHIBIT  
"A"

Grantee's Mailing Address: 1002 East Rock Cove  
Round Rock, Texas 78664

Executed this 25 day of April, 1990.

Bernard P. Prosize  
BERNARD P. PROSISE, ACTING BY AND  
THROUGH HIS ATTORNEY-IN-FACT,  
EMMA B. PROSISE

BY Emma B. Prosize  
EMMA B. PROSISE

Theresa J. Prosize  
THERESA J. PROSISE

THE STATE OF TEXAS \*  
COUNTY OF WILLIAMSON \*

This instrument was acknowledged before me on the 25  
day of April, 1990, by EMMA B. PROSISE, as Attorney-in-Fact for  
BERNARD P. PROSISE.

Jim Chuangha  
Notary Public - State of Texas  
Printed Name: JIM CHUANGHA  
Commission Expires: 12, 1992

THE STATE OF TEXAS \*  
COUNTY OF WILLIAMSON \*

This instrument was acknowledged before me on the 27  
day of April, 1990, by THERESA J. PROSISE.



Susan Patterson  
Notary Public - State of Texas  
Printed Name  
Commission expires

9REAL148:REAL2S

EXHIBIT

"A"

1549 PAGE 715

EXHIBIT A

METES AND BOUNDS DESCRIPTION

LOT 10

ALL OF THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE P.A. HOLDER SURVEY IN WILLIAMSON COUNTY, TEXAS AND BEING A PORTION OF THAT CERTAIN 115.58 ACRE TRACT OF LAND AS CONVEYED TO GLENN NEANS BY DEED RECORDED IN VOLUME 590, PAGE 680 OF THE WILLIAMSON COUNTY DEED RECORDS, SAID TRACT BEING ALSO KNOWN AS LOT 10, OF AN UNRECORDED SUBDIVISION NAMED "ROUND ROCK EAST SECTION ONE" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at an Iron pin found in the north r.o.w. line of Gattis School Road at the southwest corner of that certain 115.58 acre tract of land as described in Volume 590, page 680 of the Deed Records of Williamson County, Texas;

THENCE N 04°52' W 748.88 feet to an Iron pin set for the southwest corner and PLACE OF BEGINNING hereof;

THENCE continuing N 04°52' W 132.50 feet to a point for an angle point hereof;

THENCE N 07°44' E 214.68 feet to an Iron pin set for the northwest corner hereof;

THENCE S 89°02' E 594.42 feet to an Iron pin found in the west r.o.w. line of East Rock Cove for the Northeast corner hereof;

THENCE with the west r.o.w. line of East Rock Cove, S 0°58' W 345.00 feet to an Iron pin found for the southeast corner hereof;

THENCE N 89°02' W 606.27 feet to the PLACE OF BEGINNING and containing 4.83 acres of land.

AS SURVEYED BY:  
RALPH HARRIS SURVEYOR P.C.

*Ralph W. Harris*

RALPH W. HARRIS  
REG. PUB. SUR. NO. 1729  
1406 HETHER  
AUSTIN, TEXAS 78704

APRIL 20, 1987



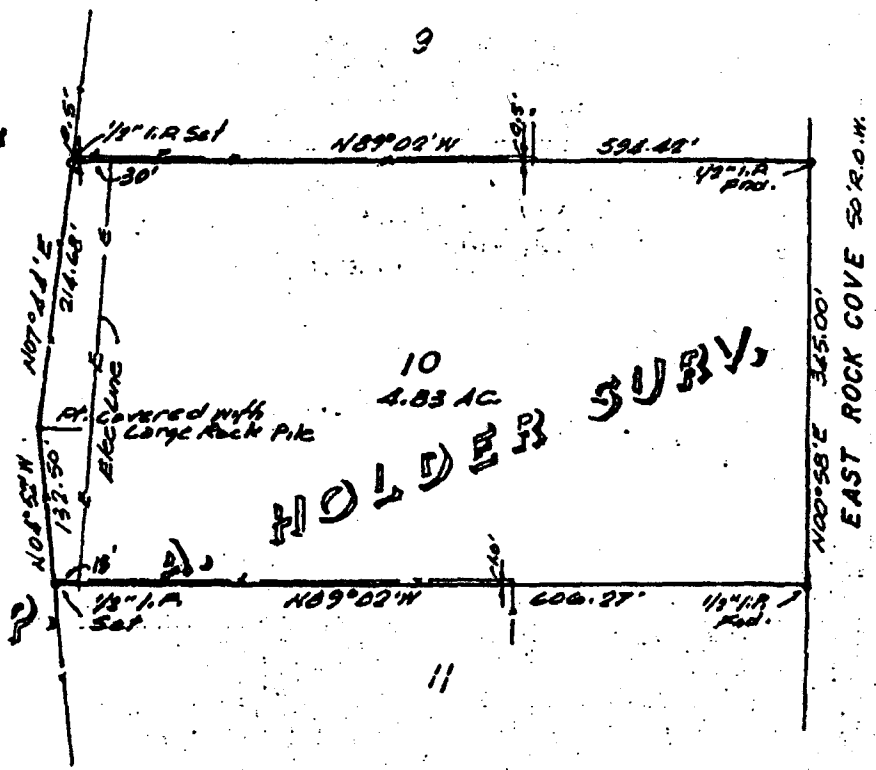
NS7:14261.M&B

EXHIBIT  
"A"

### SURVEY PLAT

I, THE UNDERSIGNED, HAVE, THIS DATE, MADE A CAREFUL AND ACCURATE SURVEY OF PROPERTY LOCATED AT NO. \_\_\_\_\_  
East Rock Cove IN Williamson County, Texas  
 BEING DESCRIBED AS FOLLOWS: Lot 10, Round Rock East No. 1 (Unrecorded) or  
4.83 acres out of the P. A. Holder League in Williamson County, Texas  
 A SUBDIVISION in Williamson COUNTY, TEXAS,  
 ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ OF THE PLAT MAP RECORDS  
 OF \_\_\_\_\_ COUNTY, TEXAS.

REF. \_\_\_\_\_ SELLER: Conard BUYER: Wilburn Hackebell



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

THE UNDERSIGNED DOES HEREBY CERTIFY TO \_\_\_\_\_ AND BUYER AND SELLER ABOVE-  
 NAMED THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY DESCRIBED HEREON AND IS CORRECT, AND  
 THAT THERE ARE NO DISCREPANCIES, CONFLICTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY EASEMENTS OR ROAD-  
 WAYS, EXCEPT AS SHOWN HEREON, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY, EXCEPT AS  
 SHOWN HEREON. THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS OR RESTRICTIONS.

RALPH HARRIS SURVEYORS, INC. 1406 Harber Austin, TX 78704 DATE 4/17/87  
 INVOICE NO. 15617 WORK ORDER NO. 14261 SCALE 1" = 100' Ralph W. Harris, R.P.S.# 1729

EXHIBIT  
"A"

All of that certain parcel or tract of land out of the P.A. Holder Survey in Williamson County, Texas and being a portion of that certain 115.58 acre tract of land as conveyed to Glenn Neans by Deed Recorded in Vol. 590, Page 680, of the Deed Records, Williamson County, Texas. Said Tract being also known as Lot 11 of an unrecorded subdivision named Round Rock East Section One and being more particularly described by metes and bounds as follows:

BEGINNING FOR REFERENCE at an iron pin found in the North r.o.w. line of Gattis School Road at the Southwest corner of that certain 115.58 acre tract of land as described in Vol. 590, Page 680, of the Deed Records, Williamson County, Texas.  
THENCE N04°52'W for a distance of 402.08 feet to an iron pin set for the Southwest corner and PLACE OF BEGINNING hereof  
THENCE N04°52'W for a distance of 346.80 feet to an iron pin set for the Northwest corner hereof.  
THENCE S89°02'E for a distance of 606.27 feet to an iron pin set in the West r.o.w. line of East Rock Cove.  
THENCE with the West r.o.w. line of East Rock Cove, S'0°58'W for a distance of 345.58 feet to an iron pin set for the southeast corner hereof  
THENCE N88°58'30"W for distance of 571.02 feet to the PLACE OF BEGINNING and containing 4.67 acres of land.

FILED FOR RECORD

1983 DEC -6 PM 4:45

*James S. Boydston*  
COUNTY CLERK  
WILLIAMSON COUNTY, TEXAS

STATE OF TEXAS COUNTY OF WILLIAMSON  
I hereby certify that this Instrument was FILED on the date and at the time stamped hereon by me, and was duly RECORDED, in the Volume and Page of the named RECORDS of Williamson County, Texas, as stamped hereon by me, on

DEC 7 1983



*James S. Boydston*  
COUNTY CLERK  
WILLIAMSON COUNTY, TEXAS

**An Analysis of Traffic Impacts for the  
Proposed Development of East Rock Cove Site**

Prepared by  
City of Round Rock  
Department of Transportation Services

November 14, 2007



*T.G. Martin*  
14 Nov 07



**An Analysis of Traffic Impacts for the  
Proposed Development of East Rock Cove Site**

**Background**

The East Rock Cove site under consideration is a 29.77 acre parcel consisting of nine (9) residential lots. The main access to this site is East Rock Cove, a dead-end two lane street, approximately 22-feet in width in a 50' wide right-of-way. Of the nine lots, five have frontage only on East Rock Cove, two have dual frontage on East Rock Cove and A.W. Grimes Blvd., one has dual frontage on East Rock Cove and Gattis School Road, and the final lot has frontage only on Gattis School Road. An aerial photo, showing the arraignment of the existing lots is shown in Attachment "A".

The East Rock Cove site was submitted as a Planned Unified District (PUD) for a future mixed use commercial development consisting of retail, restaurant and office components. As required in the City's Zoning Ordinance for any zoning change including a PUD, a Traffic Impact Analysis (TIA), complying with the requirements the City's Transportation Criteria Manual (TCM), was needed. To address this requirement, the owners of the property within the East Rock Cove site hired the firm of John F. Hickman & Associates to perform the TIA.

The initial TIA submittal from John F. Hickman & Associates was received by the City on or about the last week of March 2007. After extensive review, this submittal was returned to John F. Hickman on April 20, 2007 as **unacceptable**. A copy of our review is contained in Attachment "B".

While the initial submittal had a significant number of technical issues, including not complying with the requirements of the TCM, the major issue in the TIA was the proposal to develop **530,828 square feet** of buildings on the site. The total 24-hour traffic volume for this size development is **22,083 vehicles per day**. A breakdown of these figures is shown in Table 1.

*Table 1*

Proposed Use	Building Sq. Footage	24-Hr. Volume (vtpd)
Retail	450,000	18,052
Office	55,828	852
Restaurant	25,000	3,179
<b>Total</b>	<b>530,828</b>	<b>22,083</b>

It was felt that this level of development was inappropriate for this particular location and would create significant congestion on both A.W. Grimes Blvd. and Gattis School Road. Additionally, there were concerns that there was insufficient acreage available to construct the 530,828 sq. ft. of development and provide required parking, rights-of-way, easements, setbacks and landscaping.

To put the size of development into perspective, at 450,000 sq. ft., the proposed Retail development alone would be approximately 73% larger than IKEA. Further, 24-hour traffic volume for the Retail portion of the proposed development represents a 59% increase in traffic on A.W. Grimes and a 40% increase in traffic on Gattis School Road.

After considerable discussions with the land owners and their representatives, it was decided that the consultant would revise the TIA to address some of the concerns previously provided to John F. Hickman & Associates as well as determining applicable traffic volumes to produce a Level of Service (LOS) not worse than a "D" for the intersections of A.W. Grimes Blvd. @ East Rock Cove, A.W. Grimes Blvd. @ Gattis School Road and East Rock Cove @ Gattis School Road. To make this evaluation, it was assumed that the intensity of the development would be decreased to reduce expected trip generation. It was also assumed that the projected traffic volumes on East Rock Cove would be in compliance with requirements of the TCM.

During the first week of September 2007, the Supplemental Transportation Analysis was received from the consultant by the Department of Transportation. After review, it was determined that the TIA was still **unacceptable**. After several unsuccessful attempts to resolve this problem with John Hickman, this office was directed by the City Manager to complete the analysis and make a determination as to the number of trips that can be feasibly generated by this site without creating unreasonable levels of service.



ROUND ROCK, TEXAS  
PURPOSE. PASSION. PROSPERITY.

### Analysis

In their original TIA submittal, John F. Hickman & Associates noted that the existing East Rock Cove would be expanded to provide connectivity to both A.W. Grimes Blvd. as well as Gattis School Road. It was also noted that East Rock Cove would be classified as a collector street, with 44-feet of pavement within a 65-foot right-of-way. The proposed alignment of East Rock Cove is shown in Attachment "C".

In accordance with the criteria noted in Section 1 of the City's *Transportation Criteria Manual*, East Rock Cove, as proposed, would be classified as a Major Collector Street. By definition, a Major Collector Street "serves as principal access to commercial developments". As also provided in Section 1, Average Daily Traffic (ADT) for this type of street is between 2000 and 6000 vehicle trips per day (vtpd). This range is substantially less than the 22,083 vtpd shown in the original TIA submittal as well as the Supplemental Transportation Analysis submitted by the East Rock Cove Ownership Group's consultant. To allow the most advantageous development of this site, the upper ADT figure of 6000 vtpd was used for this determination.

As a check of the applicability of the 6000 vtpd, and without knowing exact uses other than those shown in the TIA, a model was developed to determine the building square footage that would be allowed for the following blend of uses without exceeding the 6000 vtpd: Shopping Center, general office, and high turnover sit-down restaurant. The results of this modeling are shown in Table 2.

Table 2

Proposed Use	Building Sq. Footage	24-Hr. Volume (vtpd)
Shopping Center	118,444	5,086
Office	57,220	282
Restaurant	2,217	690
Total	177,881	5,998

Determination of "Building Square Footage" and "24-hour Volumes" were made using information contained in the Institute of Transportation Engineers' (ITE) publication "*Trip Generation*", 7<sup>th</sup> Edition.

To complete this analysis, a LOS determination was required for the intersections of East Rock Cove at A.W. Grimes Blvd. and East Rock Cove at Gattis School Road. To make this determination, recent traffic counts on A.W. Grimes Blvd. and Gattis School Road would be required. In accordance to the Guidelines in the TCM for TIA's development, these counts should have been a part of the TIA submitted by John F. Hickman & Associates; however, this work was not done by this consultant. As a result, a real-time count was made on October 17, 2007 by this office. The results of this count are shown in Attachment "D".

Further, it was assumed that the intersection of A.W. Grimes Blvd. at East Rock Cove would be configured as a right-in from A.W. Grimes Blvd. and a right-out from East Rock Cove. At the intersection of Gattis School Road at East Rock Cove would be configured as a right-out from East Rock Cove and right-in and left-in from Gattis School Road.

Finally, it was necessary to make a further breakdown of the 24-hour traffic volumes produced by the model into entering and exiting traffic volumes for the AM Peak Hour and PM Peak Hour. The resulting traffic volumes are shown in Table 3.

Table 3

Proposed Use	AM Peak		PM Peak	
	Enter	Exit	Enter	Exit
Shopping Center	74	48	213	231
Office	78	10	14	71
Restaurant	14	8	15	9
<b>Total</b>	<b>166</b>	<b>66</b>	<b>242</b>	<b>311</b>

Using the Transportation Research Board publication "*Special Report 209 – Highway Capacity Manual*" and the information generated above including the real-time traffic volume counts (prorated to a build out year of 2008) on A.W. Grimes Blvd. and Gattis School Road, LOS for the previously noted intersections was calculated. The results of these calculations are shown in Table 4:

Table 4

Intersection	AM Peak	PM Peak
A.W. Grimes Blvd @ East Rock Cove	N/A D (Rt. Turn)	N/A C (Rt. Turn)
Gattis School Road East Rock Cove	D (Lt. Turn) C (Rt. Turn)	D (Lt. Turn) E (Rt. Turn)

While the trips being generated from the East Rock Cove would remain stable (assumed build-out), the traffic volumes on both A.W. Grimes and Gattis School Road should steadily increase at a rate of approximately 3% annually. With these levels of increase, it is expected that the "D" levels of service will degrade to an unacceptable LOS E in a matter of a few years. To address this, an alternative ADT for East Rock Cove was required. A mid-point ADT of 4000 vtpd was chosen. Using this ADT, the 24-hour traffic volumes for the same Land Uses previously evaluated were calculated and are shown in Table 5.

Table 5

Proposed Use	Building Sq. Footage	24-Hr. Volume (vtpd)
Shopping Center	78,963	3,392
Office	38,147	188
Restaurant	1,478	420
<b>Total</b>	<b>118,588</b>	<b>4,000</b>

As in the earlier analysis, a breakdown of these 24-hour traffic volumes for entering and exiting the site during the AM Peak Hour and PM Peak Hour for the previously assumed Land Uses was calculated. The resulting traffic volumes are shown in Table 6.

Table 6

Proposed Use	AM Peak		PM Peak	
	Enter	Exit	Enter	Exit
Shopping Center	50	31	142	154
Office	52	7	10	47
Restaurant	11	9	15	13
Total	113	47	167	214

Based on the data shown in Table 6 and employing the same techniques used previously, LOS for the intersections of A.W. Grimes Blvd. at East Rock Cove and Gattis School Road at East Rock Cove were calculated. These LOS are shown in Table 7.

Table 7

Intersection	AM Peak	PM Peak
A.W. Grimes Blvd @ East Rock Cove	N/A D (Rt. Turn)	N/A C (Rt. Turn)
Gattis School Road East Rock Cove	C (Lt. Turn) C (Rt. Turn)	C (Lt. Turn) D (Rt. Turn)

Using the 4000 vtpd scenario, two-thirds (2/3) of the intersectional movements were LOS C as opposed to only one-third (1/3) using the 6000 vtpd scenario. Factoring in the anticipated growth of traffic volumes on both A.W. Grimes Blvd. and Gattis School Road, the intersections of A.W. Grimes Blvd. @ East Rock Cove and Gattis School Road @ East Rock Cove should operate at an aggregate Level of Service no worse than a "D" through the foreseeable future.

**Recommendations**

Inasmuch as this office cannot accurately project the type of development which will be used at this location, it is not possible to assign a type of use for each of the lots, or any combination thereof. Therefore, it is recommended that the 24-hour Traffic Generation be used to determine an acreage-based Traffic Generation for each lot.

This analysis evaluated traffic impacts for a 24-hour Traffic generation for traffic volumes of both 6,000 vtpd and 4,000 vtpd. Using each of these volumes, a recommended total 24-hour Traffic Generation for each lot was developed. The results for the 6,000 vtpd scenario are shown in Table 8, while the 4,000 vtpd scenario is shown in Table 9.

A limiting factor in using this methodology would be the ability to construct a specific sized development on a specific lot, while providing parking, set-backs and landscaping in accordance with City Ordinances. Finally, whatever development use is selected, it will be necessary to evaluate the LOS capacity at the intersections of East Rock Cove at A.W. Grimes and East Rock Cove at Gattis School Road to assure that individual movements do not fall below a LOS D.

*Table 8*

Lot No.	Acreage (Ac.)	24-hour Traffic Generation (vtpd)
1	2.38	480
2	2.55	514
3	4.67	941
4	4.83	973
5	4.18	842
6	2.21	445
7	2.21	445
8	3.03	611
9	3.71	748
<b>Total</b>	<b>29.77</b>	<b>6000</b>

*Table 9*

Lot No.	Acreage (Ac.)	24-hour Traffic Generation (vtpd)
1	2.38	320
2	2.55	343
3	4.67	627
4	4.83	649
5	4.18	562
6	2.21	297
7	2.21	297
8	3.03	407
9	3.71	498
<b>Total</b>	<b>29.77</b>	<b>4000</b>

Because of the much improved operation of the intersections of A.W. Grimes Blvd. @ East Rock Cove and Gattis School Road @ East Rock Cove using the a 24-hour total traffic volume of 4000 vtpd, **it is recommended that the results shown in Table 9 be used for the proposed East Rock Cove development.**

To calculate the ultimate square footage of a development on any the lots, the average trip generation rate on a weekday (from the Institute of Transportation Engineers' (ITE) publication "*Trip Generation*", 7<sup>th</sup> Edition) can be used. The factor would be divided into the 24-hour trip generation, with the result being multiplied by 1000 to determine the square footage.

For example, the trip generation rate on a weekday for a *High-Turnover (Sit-Down) Restaurant* is 127.15. Dividing this by the 24-hour Traffic Generation for Lot No.1 above, the result is a building size of 2,517 square feet. However, as noted above, it will still be necessary to include as include parking, setbacks, easements and landscaping to ascertain if this type of development could be sited on this lot.



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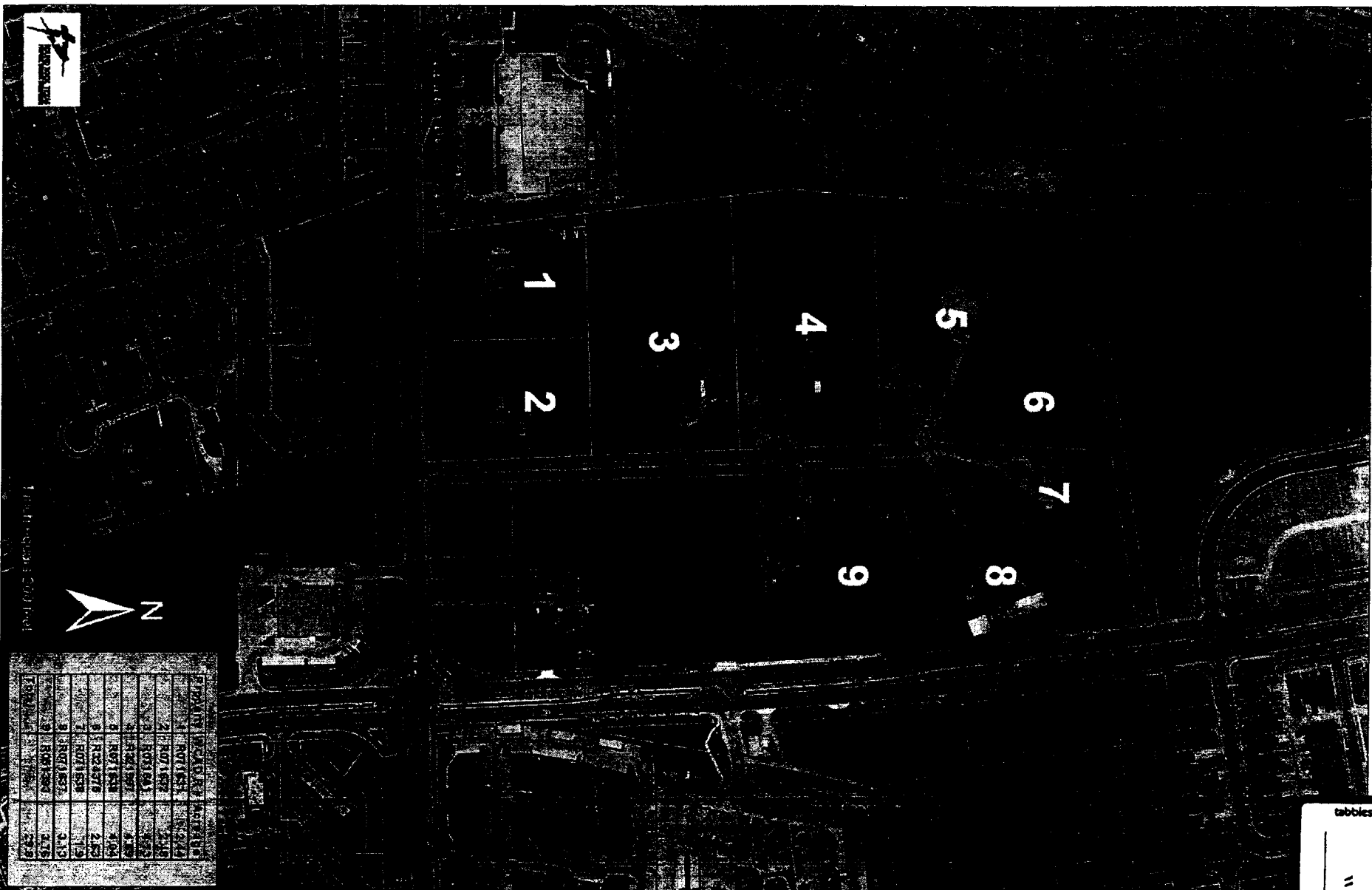
Attachment "A"

ROUND ROCK, TEXAS

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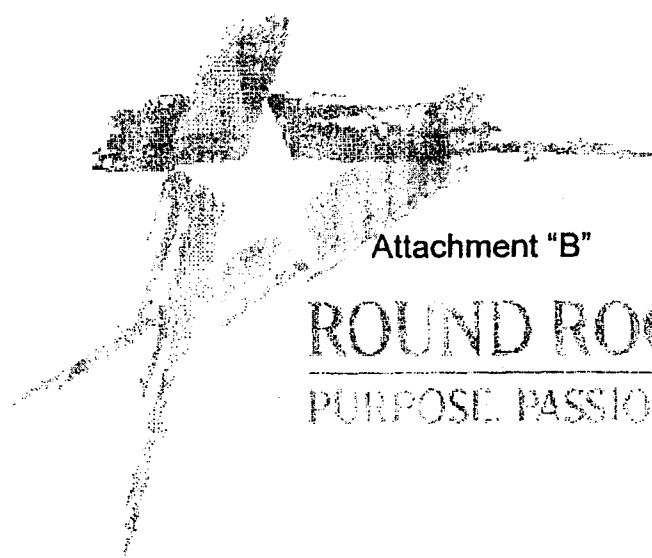


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**EXHIBIT**  
 "B"

PLAT	BOOK	PAGE	DATE	RECORDING
1	R071552	1	11/15/00	2.15
2	R071552	2	11/15/00	2.15
3	R071551	1	11/15/00	2.15
4	R071551	2	11/15/00	2.15
5	R071551	3	11/15/00	2.15
6	R071551	4	11/15/00	2.15
7	R071551	5	11/15/00	2.15
8	R071551	6	11/15/00	2.15
9	R071551	7	11/15/00	2.15

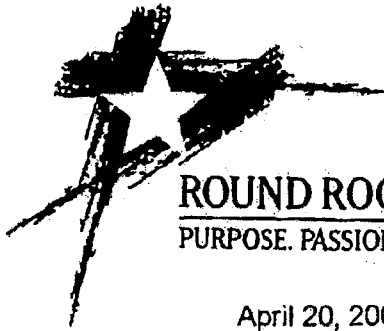


Attachment "B"

**ROUND ROCK, TEXAS**  

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April 20, 2007

John F. Hickman/David Greear  
John F. Hickman & Associates  
101 West Sixth, Suite 820  
Austin, Texas 787701

Re: Traffic Impact Analysis, East Rock Cove Master Plan

Dear Mr. Hickman and Greear:

Based on our review of the Traffic Impact Analysis (TIA) submitted for the referenced development, the TIA submitted by your firm is not acceptable based on the information outlined in the attached comments. On resolution of the identified comments, this report can be submitted for reconsideration.

If you have any questions or require additional information, please contact me at 218-5562.

Sincerely,

Thomas G. Martin, P.E.  
Director of Transportation Services

Mayor  
Nyle Maxwell

Mayor Pro-tem  
Alan McGraw

Council Members  
Rufus Honeycutt  
Joe Clifford  
Carlos T. Salinas  
Scott Rhode  
Ted Williamson

City Manager  
James R. Nuse, P.E.

City Attorney  
Stephan L. Sheets

cc w/encl: Jim Stendebach, Director of Planning  
CORR Development Review Committee



**TIA Submittal Checklist (Site Plans)**

TIA Name: East Rock Cove master Plan

TIA Date: March 2007

	Yes	No	N/A	Comment
<b><u>Scope of TIA</u></b>				
Study area (as defined in consultation with staff).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Target year for project build-out	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b><u>Trip Generation</u></b>				
Proposed land use by square footage for each tract	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b><u>Generation rates based on proposed square footage</u></b>				
Daily	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Peak hour (AM/PM/other)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b><u>Trip Distribution</u></b>				
Percentages for directional distribution	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sources of information	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Traffic Assignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roadway network in study area (existing and proposed)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Driveways	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b><u>Traffic Forecast</u></b>				
Existing 24-hour	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
AM/PM peak traffic	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Copies of field data	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Assumptions on annual growth rate or other source of future background traffic at time of build-out	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Projected site for 24-hour	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Background for 24-hour	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Total traffic for 24-hour	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Projected site for AM/PM peak	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Background for AM/PM peak	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Total traffic for AM/PM peak	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b><u>Capacity Analysis for Street Intersections and Driveways</u></b>				
Intersection/roadway geometry (existing and proposed)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Adverse impacts which cannot be avoided	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transit issues (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b><u>Traffic Impact Assessment</u></b>				
Impacts expressed in quantitative terms	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Adverse impacts which cannot be avoided	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Transit issues (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b><u>Recommendations</u></b>				
Roadway improvements	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Traffic operation modifications	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Limitation of land use intensity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Certification Statement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:****Study area (as defined in consultation with staff)**

Study area is not clearly identified in report. The study area should have been defined in consultation with staff. In addition, the study area (exclusive of staff identified elements) should be more comprehensive to include additional intersections and/or driveways adjacent to the site as well as others to demonstrate impacts upstream and downstream A.W. Grimes and Gattis School Road.

**Target year for project build-out**

- Is 2008 a realistic development horizon for this development?
- What happens in 2018, will there be additional development not shown?
- Why is the development year of 2018 included in this TIA without additional significant correlation?

**Proposed land use by square footage for each tract**

Summarize or separate trip generation by tract or pad.

**Sources of information**

Please include documentation deriving percentages for directional distribution

**Roadway network in study area (existing and proposed)**

- Figure 1 (Site Exhibit) does not identify the study area and intersections as defined in the scope and additional intersections or driveways relative to the site and the study.
- Figure 1 (Site Exhibit) does not accurately represent the proposed roadway network within the study area for the target year. This figure does not show the divided medians on A.W. Grimes or Gattis School Road
- Figure 1 (Site Plan) should be produced to a usable scale (i.e., 1"=200').
- Figure 1 (Site Plan) does not indicate whether driveways/intersections shown are existing or proposed.
- Figure 1 (Site Plan) does not indicate the any of the proposed driveways on East Rock Cove.
- Figure 1 (Site Plan) should identify proposed development tracts associated with proposed driveways.
- Figure 1 (Site Plan) should identify circulation routes within the site and all driveways bordering to the site should be shown, included and accounted for in the analysis.
- Figure 1 (Site Plan) does not reflect the names of surrounding/associated development referenced in the report.
- Figure 2 (Gattis School Rd./AW Grimes Blvd. 2008 Intersection Configuration) does not reflect the geometry of the horizon year to show Gattis School Road with the current proposed improvements. As is, this figure is incorrect relative to the right turn movement from westbound Gattis School Road to northbound A.W. Grimes. This movement currently exists as a shared through-right. The preceding comments also apply to Figures: 4b, 5b, 6b, 7b.



### Roadway network in study area (existing and proposed)- continued

- Roadway Design Concepts section of the appendix does not include a typical section referenced in the text (44' of pavement in 65' right-of-way).
- Recommendations suggest a four-lane alternative to East Rock Cove. Where is the typical section associated with this alternative?
- Where is the detail on the roundabout? Appendix has a generic 4 leg roundabout concept, but lacks one specific to this proposal with dimensions.

### Driveways

- Potential issues exist with the intersection of East Rock Cove and Gattis School Road. The left turn storage for eastbound Gattis School Road to northbound East Rock Cove is limited by additional intersection constraints immediately west of the East Rock Cove intersection. This left turn storage is limited to 90 feet. Current proposed left turn volumes equal or exceed the capacity of the design criteria associated with this left turn bay. Because of the aforementioned constraints, this storage capacity cannot be increased significantly now or in the future.
- Ultimately, Gattis School Road will become a six lane median divided arterial. At that time, it is unlikely that the East Rock Cove/Gattis School Road intersection would remain in its proposed configuration and southbound left turns would likely be prohibited at this location if it remains un-signalized. A signal at this location would also be objectionable due to the intersection spacing of 550' with the A.W. Grimes/Gattis School Road intersection.

### Existing 24-hour

Please provide existing 24-hour counts. Counts submitted derived from TxDOT traffic counts from 2002 are unacceptable. 24-hour counts should be the average of three days of counts not including Friday through Monday.

### AM/PM peak traffic

- Please provide current traffic counts. Counts submitted from 9/2006 do not reflect potential changes in traffic patterns due to the opening of SH 45 (11/2006). AM/PM counts should be the average of three days of counts not including Friday through Monday.
- All 2006 intersection analysis of A.W. Grimes/Gattis School Road is inaccurate due to intersection geometry configurations coded.

### Copies of field data

Please provide copies of all field data.

### Assumptions on annual growth rate or other source of future background traffic at time of build-out

Please include and provide documentation and calculations for the traffic associated with the development located in the northwest quadrant of the A.W. Grimes/Gattis School Road intersection for inclusion in the TIA.



### Background for 24-hour

Please provide background 24 hour projections.

### Total traffic for 24-hour

Please provide total traffic projections (24 hour projections plus projected site).

### Projected site for AM/PM peak

Capture reductions are excessive. Current capture reductions for trip generations from the TIA are as follows:

	<u>Table 1 (ADT vol)</u>	<u>Table 3 (ADT vol)</u>	<u>Reduction</u>
Office	852	809	05%
Sit-Down Restaurant	3,179	1,721	46%
General Retail	18,052	11,319	37%

As stated in the Transportation Criteria Manual – *“Reductions for internal capture, pass-by traffic and transit usage should be discussed with the staff in defining the scope of study and must be supported by adequate documentation. No reductions in trip rates may be made for driveway turning movements unless it can be documented that certain trips will not use the driveway.”*

### Background for AM/PM peak

- Please be consistent for any analysis horizon year in clearly identifying background, site, and total traffic for all intersections and driveways addressed.
- Background traffic should also address the increases in traffic due to the latent demand associated with the 2007 connection of A. W. Grimes with FM 1460 at US 79.

### Total traffic for AM/PM peak

All 2008/2018 intersection analysis of A.W. Grimes/Gattis School Road is inaccurate due to intersection geometry configurations coded.

### Intersection/roadway geometry (existing and proposed)

Please provide illustrations for all intersections and driveways associated with this TIA.

### Adverse impacts which cannot be avoided

Specifically address all impacts which cannot be avoided, those of a Level-of-Service of “D” or worse

### Impacts expressed in quantitative terms

Demonstrate/define pro-rata assumptions and calculations for all recommended improvements.

Impacts should also address:

- Right turn lanes.
- Pro rata share of signal installations.



- ROW dedications and utility modifications associated with improvements (turn lanes and traffic signals).

#### **Roadway Improvements**

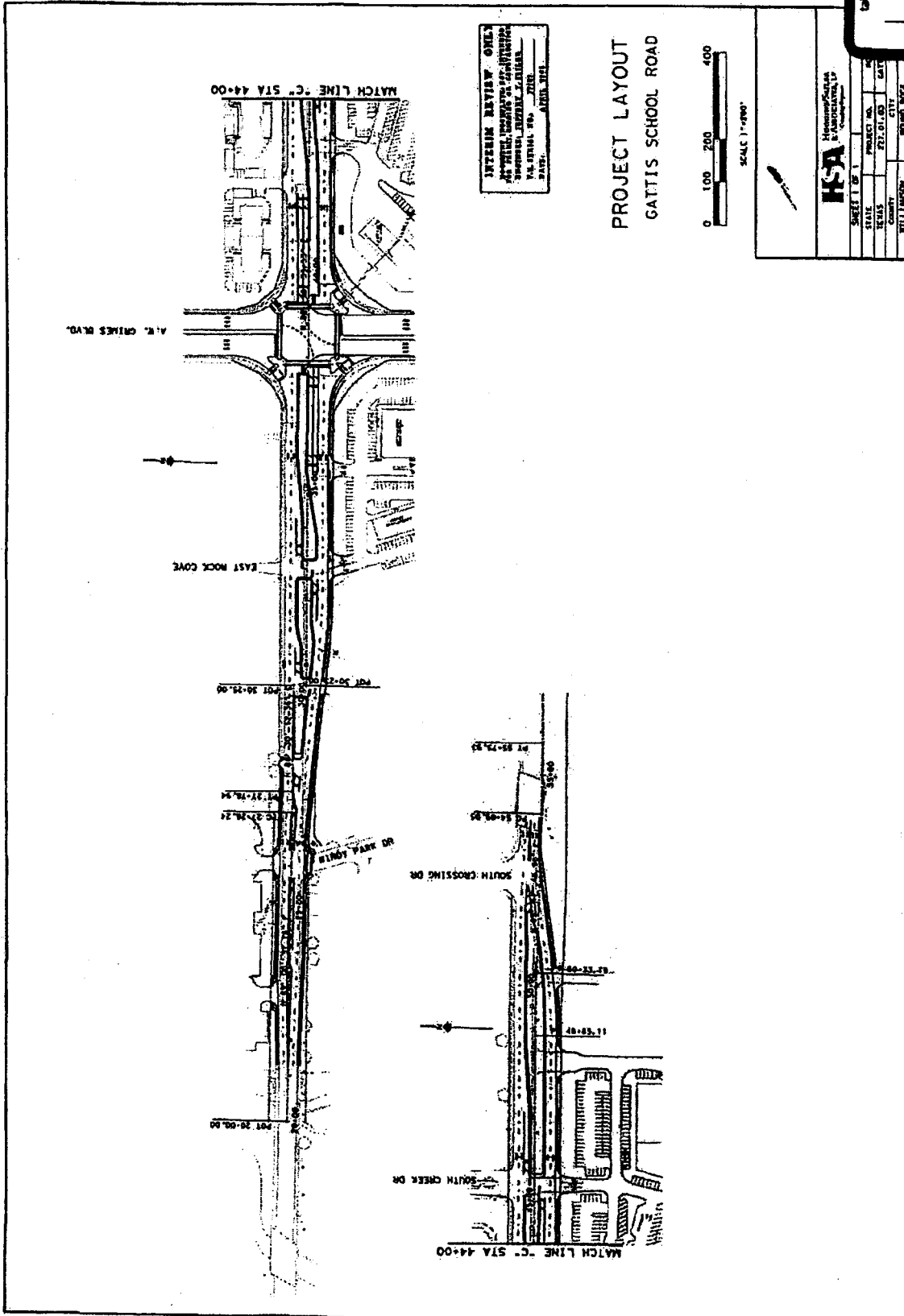
- Suggest reexamination of overall site access considerations with emphasis on the potential loss of the southbound left at the Gattis School Road/East Rock Cove intersection and alternative concepts, especially if a four lane section is to be considered.
- Also suggest roundabout concept be reexamined. Although aesthetic, the application that is being developed in this plan has no positive value and may be more of a negative considering the connectivity of just two legs.

#### **Limitation of land use Intensity**

Limitation of intensity or change of proposed land use may also be valid in considering site access limitations

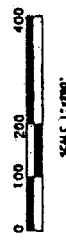


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 AND ARCHITECT

PROJECT LAYOUT  
 GATTIS SCHOOL ROAD



SCALE 1" = 100'

<b>HSA</b>	
HARRIS ENGINEERING & ARCHITECTURE, P.C.	
1000 W. 10TH STREET, SUITE 100, DENVER, CO 80202	
TEL: (303) 733-8800 FAX: (303) 733-8801	
WWW.HSA-PC.COM	
SHEET NO.	PROJECT NO.
DATE	DATE
CITY	CITY
STATE	STATE
COUNTY	COUNTY
CONTRACT NO.	CONTRACT NO.
PROJECT NAME	PROJECT NAME

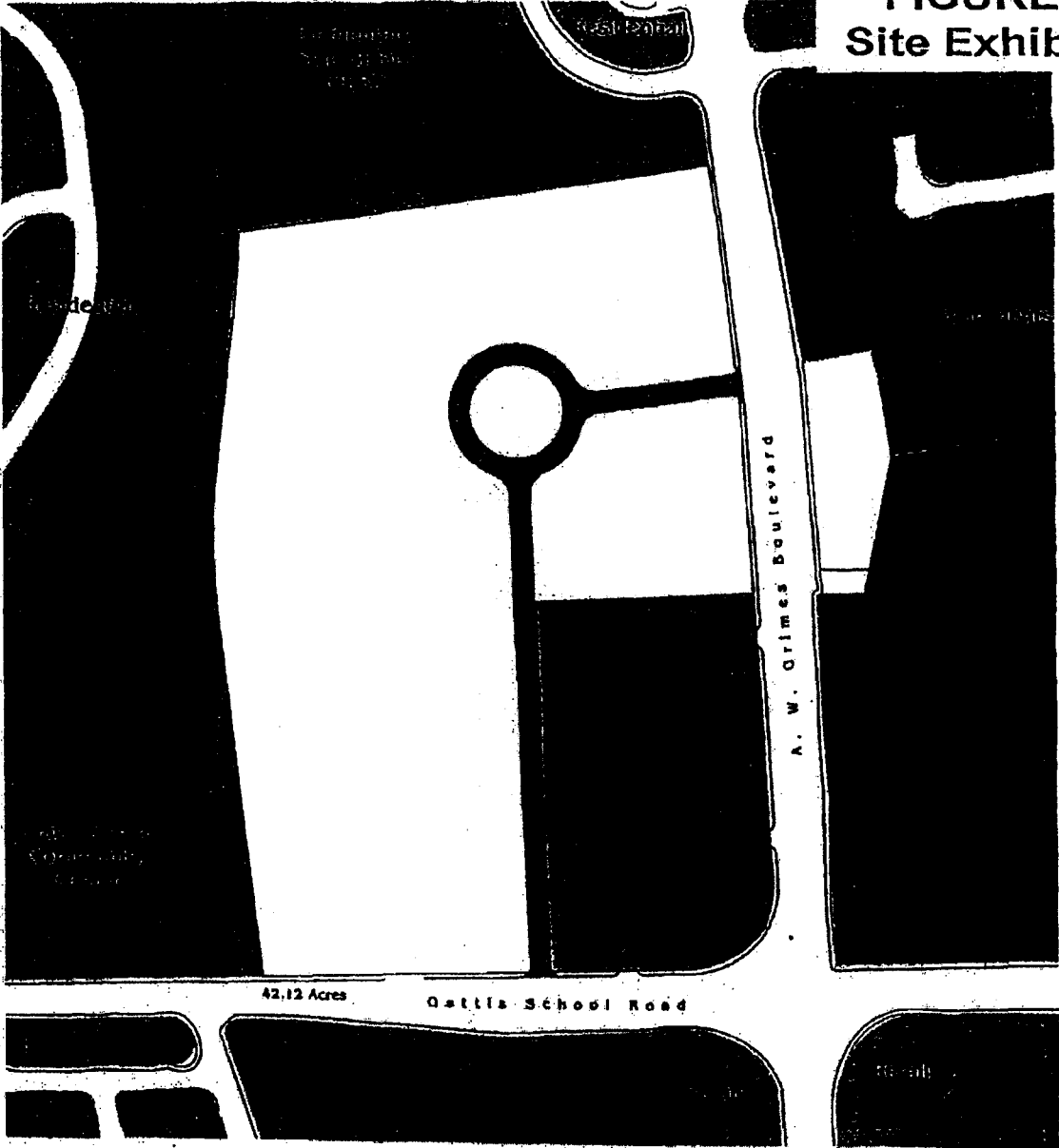
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Attachment C  
**ROUND ROCK, TEXAS**  
PURPOSE. PASSION. PROSPERITY.

**FIGURE 1**  
**Site Exhibit**



**A MASTERPLAN for EAST ROCK COVE**

East Rock Cove - Collector Street - 44' Wide Pavement - 65' ROW  
1,327,070 square feet - Buildable Area

F.A.R. - .25 = 331,767.5 sq.ft.  
Drive-in Restaurant Allocation - 25,000 sq.ft.  
Retail Allocation - 275,000 sq.ft.  
Office Allocation - 31,767.5

F.A.R. - .40 = 530,828 sq.ft.  
Drive-in Restaurant Allocation - 25,000 sq.ft.  
Retail Allocation - 450,000 sq.ft.  
Office Allocation - 55,828 sq.ft.

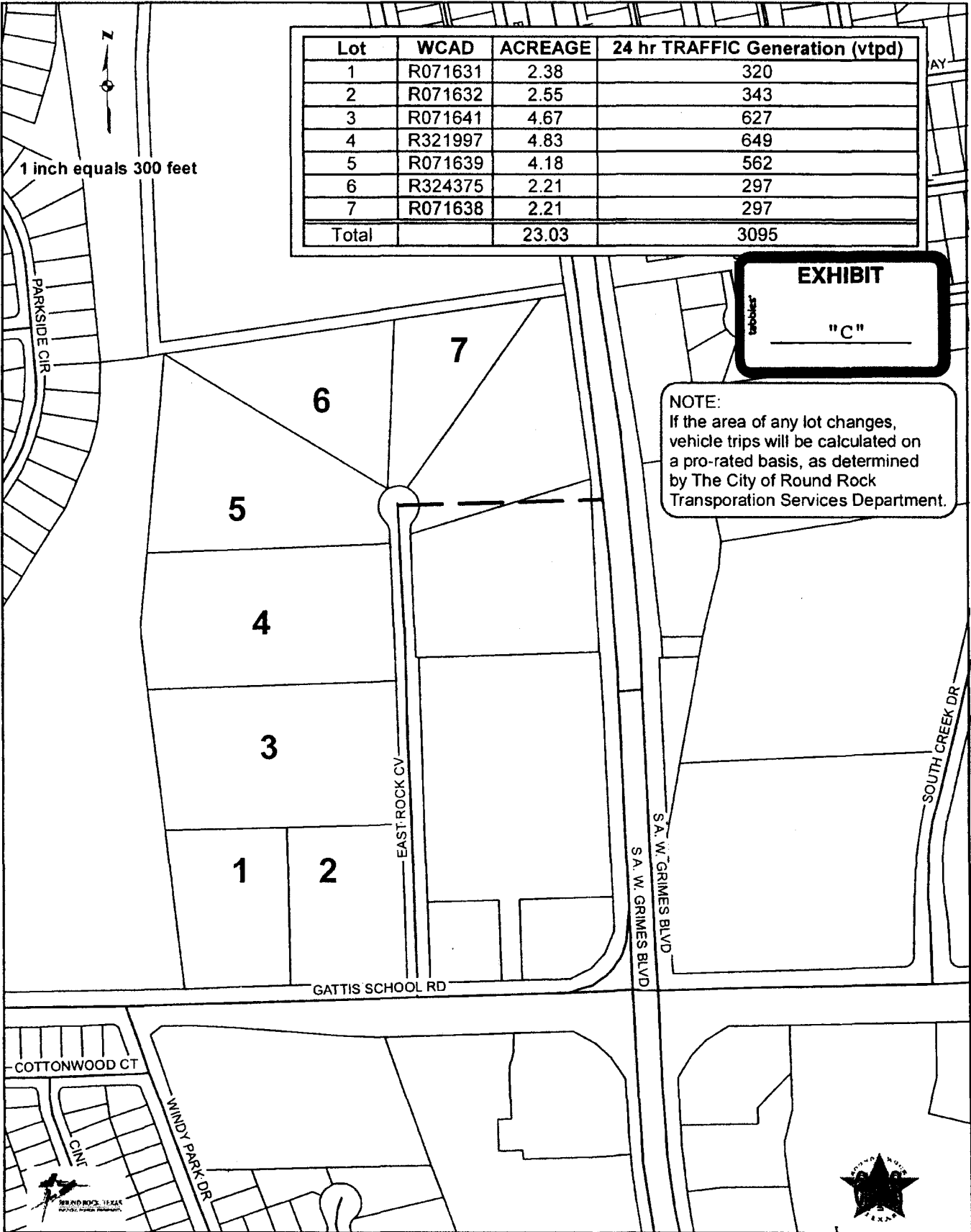
Round Rock, Texas

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Attachment "D"  
**ROUND ROCK, TEXAS**  
PURPOSE. PASSION. PROSPERITY.

HOUR	Gattis School Rd			A.W.Grimes			
	Begin	EASTBOUND	WESTBOUND	TOTAL	NORTHBOUND	SOUTHBOUND	TOTAL
10:00 AM		472	562	1034	234	302	536
11:00 AM		725	554	1279	289	312	601
12:00 PM		724	590	1314	348	350	698
1:00 PM		666	592	1258	332	370	702
2:00 PM		694	542	1236	380	399	779
3:00 PM		732	646	1378	484	414	898
4:00 PM		1050	699	1749	805	504	1309
5:00 PM		1199	894	2093	1084	574	1658
6:00 PM		1087	751	1838	759	487	1246
7:00 PM		888	538	1426	466	366	832
8:00 PM		632	324	956	275	266	541
9:00 PM		486	218	704	264	202	466
10:00 PM		244	121	365	186	115	301
11:00 PM		125	82	207	114	67	181
12:00 AM		84	51	135	62	32	94
1:00 AM		43	36	79	34	19	53
2:00 AM		30	19	49	20	14	34
3:00 AM		22	19	41	22	26	48
4:00 AM		28	80	108	19	46	65
5:00 AM		93	226	319	62	148	210
6:00 AM		422	474	896	206	515	721
7:00 AM		585	904	1489	308	1104	1412
8:00 AM		511	916	1427	380	794	1174
9:00 AM		440	640	1080	242	422	664
TOTAL		11982	10478	22460	7375	7848	15223
GRAND TOTAL FOR APPROACHES =				37683			



Lot	WCAD	ACREAGE	24 hr TRAFFIC Generation (vtpd)
1	R071631	2.38	320
2	R071632	2.55	343
3	R071641	4.67	627
4	R321997	4.83	649
5	R071639	4.18	562
6	R324375	2.21	297
7	R071638	2.21	297
Total		23.03	3095

**EXHIBIT**  
 tabblier  
 "C"

**NOTE:**  
 If the area of any lot changes, vehicle trips will be calculated on a pro-rated basis, as determined by The City of Round Rock Transportation Services Department.





AGR  
8 PGS

2007104747

**EASEMENT AGREEMENT**

Date: August, 2007

Party Granting Easement ("Grantor"): Larry E. Reavis and Nancy L. Reavis, as to Lot 7 of the Servient Estate and Larry Wigginton, as to Lot 6 of the Servient Estate

Grantor's Address: \_\_\_\_\_

Party Receiving Easement ("Grantee"): Nick E. Inman, Elenor Stark, Michael L. Pavlik and Anna L. Pavlik Family Trust, Dan Trong, Wilburn F. Hackebiel and Annie H. Hackebiel, and Billy J. Killion and Rosa Lee Killion

Grantee's Address: \_\_\_\_\_

Property Owned by Grantor ("Servient Estate"):

**TRACT ONE**

6.69 ACRES OF LAND, MORE OR LESS, OUT OF THE P.A. HOLDER SURVEY, ABSTRACT NO. 297, IN WILLIAMSON COUNTY, TEXAS AND BEING THE SAME PROPERTY AS CONVEYED TO LARRY J. WIGGINTON AND WIFE V. ANN WIGGINTON IN THAT DEED DATED JULY 23, 1981, RECORDED IN VOLUME 845, PAGE 264, OFFICIAL RECORDS, WILLIAMSON COUNTY, TEXAS, ALSO REFERRED TO AS LOT 6, EAST ROCK COVE.

SAVE AND EXCEPT THOSE PORTIONS AS CONVEYED TO THE CITY OF ROUND ROCK IN DOCUMENT NO. 2001088103, OFFICIAL PUBLIC RECORDS, WILLIAMSON COUNTY, TEXAS.

**TRACT TWO**

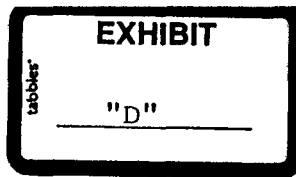
4.45 ACRES OF LAND, MORE OR LESS, OUT OF THE P.A. HOLDER SURVEY, ABSTRACT NO. 297, IN WILLIAMSON COUNTY, TEXAS AND BEING THE SAME PROPERTY AS CONVEYED TO NANCY L. REAVIS AND LARRY E. REAVIS IN THAT DEED DATED OCTOBER 7, 1996, RECORDED IN DOCUMENT NO. 9854037, OFFICIAL RECORDS, WILLIAMSON COUNTY, TEXAS, ALSO REFERRED TO AS LOT 7, EAST ROCK COVE.

SAVE AND EXCEPT THOSE PORTIONS AS CONVEYED TO THE CITY OF ROUND ROCK IN DOCUMENT NO. 2002000800, OFFICIAL PUBLIC RECORDS, WILLIAMSON COUNTY, TEXAS.

Property Owned by Grantee ("Dominant Estate"):

**TRACT ONE**

4.42 ACRES OF LAND, MORE OR LESS, OUT OF THE P.A. HOLDER SURVEY, ABSTRACT NO. 297, IN WILLIAMSON COUNTY, TEXAS AND BEING THE SAME PROPERTY AS CONVEYED TO THE MICHAEL L. AND ANNA L. PAVLIK FAMILY TRUST, MICHAEL L. PAVLIK, TRUSTEE, ANNA L. PAVLIK, TRUSTEE IN THAT DEED DATED



MARCH 28, 2001, PUBLIC RECORDED IN DOCUMENT NO. 2001021234, OFFICIAL RECORDS, WILLIAMSON COUNTY, TEXAS, ALSO REFERRED TO AS LOT 8, EAST ROCK COVE.

TRACT TWO

4.18 ACRES OF LAND, MORE OR LESS, OUT OF THE P.A. HOLDER SURVEY, ABSTRACT NO. 297, IN WILLIAMSON COUNTY, TEXAS AND BEING THE SAME PROPERTY AS CONVEYED TO DAN VI TRUONG IN THAT DEED DATED APRIL 15, 1990, RECORDED IN VOLUME 1895, PAGE 335, DEED RECORDS, WILLIAMSON COUNTY, TEXAS, ALSO REFERRED TO AS LOT 9, EAST ROCK COVE.

TRACT THREE

4.83 ACRES OF LAND, MORE OR LESS, OUT OF THE P.A. HOLDER SURVEY, ABSTRACT NO. 297, IN WILLIAMSON COUNTY, TEXAS AND BEING THE SAME PROPERTY AS CONVEYED TO WILBURN F. HACKBELL IN THAT DEED DATED APRIL 30, 1987, RECORDED IN VOLUME 1549, PAGE 714, DEED RECORDS, WILLIAMSON COUNTY, TEXAS, ALSO REFERRED TO AS LOT 10, EAST ROCK COVE.

TRACT FOUR

4.97 ACRES OF LAND, MORE OR LESS, OUT OF THE P.A. HOLDER SURVEY, ABSTRACT NO. 297, IN WILLIAMSON COUNTY, TEXAS AND BEING THE SAME PROPERTY AS CONVEYED TO BILLY J. KILLION AND WIFE, ROSA LEE KILLION IN THAT DEED DATED DECEMBER 1, 1983, RECORDED IN VOLUME 955, PAGE 544, DEED RECORDS, WILLIAMSON COUNTY, TEXAS, ALSO REFERRED TO AS LOT 11, EAST ROCK COVE.

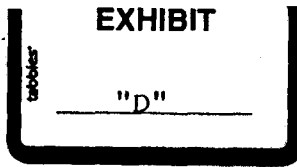
TRACT FIVE

2.44 ACRES OF LAND, MORE OR LESS OUT OF THE P.A. HOLDER SURVEY, ABSTRACT NO. 297, IN WILLIAMSON COUNTY, TEXAS AND BEING THE SAME PROPERTY AS CONVEYED TO NICK E. INMAN IN THAT DEED DATED FEBRUARY 20, 1997 RECORDED DOCUMENT NO. 9707751 OFFICIAL RECORDS, WILLIAMSON COUNTY TEXAS ALSO REFERRED TO AS LOT 1 EAST ROCK COVE EXCEPT THAT PORTION AS CONVEYED TO THE PUBLIC IN VOLUME 1422, PAGE 446

2.55 ACRES OF LAND, MORE OR LESS, OUT OF THE P.A. HOLDER SURVEY, ABSTRACT NO. 297, IN WILLIAMSON COUNTY, TEXAS AND BEING THE SAME PROPERTY AS CONVEYED TO FLOYD E. STARK AND WIFE, ELENORA E. STARK IN THAT DEED DATED JUNE 7, 1978, RECORDED IN VOLUME 715, PAGE 304, DEED RECORDS, WILLIAMSON COUNTY, TEXAS, ALSO REFERRED TO AS LOT 2, EAST ROCK COVE.

**Description Of Easement ("the Easement"):** The Easement, over and across the Servient Estate, is more particularly described as follows: A tract of real property sixty feet in width with a centerline running from the point 30 feet to the north of the point





at which the lot line between Lot 6 and Lot 7 of the Servient Estate intersects East Rock Cove and running to the point 30 feet south of the intersection of the lot line between Lot 6 and Lot 7 with S. A. W. Grimes Blvd.

### RECITAL OF FACTS

1. Grantors and Grantees all desire to facilitate the future construction of a dedicated public street which runs over and across the Easement.
2. They have reached agreement upon the terms and conditions for the construction of the street and its dedication to the public and desire to memorialize their agreement.

### AGREEMENT

#### Creation Of Easement

1. Each Grantor, for a good and valuable consideration receipt of which is acknowledged, grants, sells and conveys the portion of the Easement which is located on their portion of the Servient Estate to Grantee. Grantor also grants a temporary construction easement which extends fifteen feet on either side of the Easement which shall be used only during actual construction of the Public Street along the Easement and shall terminate upon completion of such construction.

#### Purpose of Easement

2. The Easement shall be used exclusively for the construction and dedication of a public street ("Public Street") with the Public Street intersecting East Rock Cove and S. A. W. Grimes Blvd. The Easement may be used by contractors, surveyors, engineers, and other professionals retained by Grantee and Grantor to assist in construction of the Public Street. Until construction of the Public Street is complete, the Easement may not be used by Grantee for access to or from East Rock Cove and S. A. W. Grimes Blvd. The purpose of the Easement is to facilitate construction of the Public Street and not to provide egress or ingress to any party, other than as specifically provided herein.

#### Duration of Easement

3. The Easement is perpetual and shall be appurtenant to the Dominant Estate; however the Easement shall terminate upon dedication of the Public Street. No additional action or documentation shall be required to terminate the Easement other than dedication of the Public Street.

#### Setback Along The Easement

4. All construction on the Servient Estate prior to dedication of the Public Street shall be set back from the Easement as though the Public Street were constructed and in compliance with all ordinances of the City of Round Rock, Texas.



Modification Of Easement

5. If the City of Round Rock does not require a sixty foot wide right-of-way for the Public Street, the parties to this Agreement agree to modify the Easement to reduce its width to the minimum required by the City of Round Rock for the Public Street. If the City of Round Rock requires an adjustment to the location of the Easement, the parties agree that the Easement may be moved up to five feet to the north or the south as required by the City of Round Rock. All parties to this Agreement agree to execute any documents required to modify the Easement.

Exclusiveness of Easement

6. Except as provided below, the easement, rights, and privileges granted herein are nonexclusive and are in common with the right of Grantor to continue to use the Easement as long as such use does not unreasonably interfere with Grantee's use of the Easement.

Maintenance of Easement

7. Grantor shall continue to mow and otherwise maintain the Easement prior to construction of the Public Street.

Construction of Public Street

8. When the City of Round Rock consents to the construction of the Public Street, the parties shall select a certified appraiser mutually acceptable to Grantor and Grantee to appraise the value of the property within the Easement. Grantor shall be paid an amount calculated by multiplying the appraised value of the land within the Easement by a fraction whose numerator is the total number of square feet contained in all of the land owned by the Grantee within the East Rock Cove Subdivision (the "Subdivision") in Round Rock, Williamson County, Texas, and whose denominator is the total number of square feet owned by both Grantor and Grantee in the Subdivision. Each Grantee, Successor, or Assigns shall be responsible for his pro rata portion of the amount payable to Grantor based upon the ratio of the land area of each Grantee to the total amount of land area owned by all Grantees.

A. If a party is required to retain legal counsel and incur other expenses to enforce this agreement and is successful in any litigation initiated under this agreement, such party shall be entitled to collect reasonable attorneys fees and other expenses.



No Merger of Estates

9. If the Easement is created by Grantor prior to conveyance of the Dominant Estate to Grantee, the Easement shall not merge with the estate owned by Grantor in the Dominant Estate.

Entire Agreement

10. This instrument contains the entire agreement between the parties relating to the Easement and the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of no force or effect.

Binding Effect

11. This Agreement shall bind and inure to the benefit of the respective parties, their heirs, personal representatives, successors, and assigns.

Executed on August 29<sup>th</sup>, 2007.

Grantor:

Larry E. Reavis  
Larry E. Reavis

Nancy L. Reavis  
Nancy L. Reavis

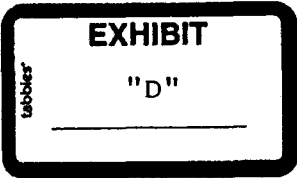
GRANTOR  
Michael L. Pavlik, Trustee  
Michael L. Pavlik

Anna Pavlik Family Trust

By: Anna Pavlik, Trustee  
Anna Pavlik, Trustee

Grantee:

Nick E. Inman  
Nick E. Inman



Elenor Stark  
Elenor Stark

Larry Wigginton  
Larry Wigginton

Dan Trong  
Dan Trong

Wilburn F. Hackebiel  
Wilburn F. Hackebiel Hackebiel

Annie H. Hackebiel  
Annie H. Hackebiel Hackebiel

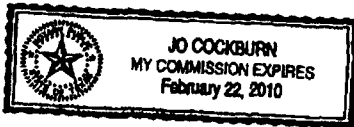
Billy J. Killion  
Billy J. Killion

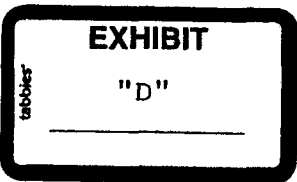
Rosa Lee Killion  
Rosa Lee Killion

STATE OF TEXAS  
COUNTY OF WILLIAMSON

This instrument was acknowledged before me this 11<sup>th</sup> day of September, 2007, by Larry E. Reavis and Nancy L. Reavis.

Jo Cockburn  
Notary Public, State of Texas





STATE OF TEXAS  
COUNTY OF WILLIAMSON

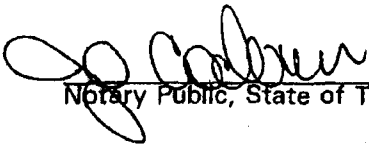
This instrument was acknowledged before me this 17 day of September, 2007, by Larry Wigginton.

  
Notary Public, State of Texas



STATE OF TEXAS  
COUNTY OF WILLIAMSON

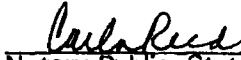
This instrument was acknowledged before me this 11<sup>th</sup> day of September, 2007, by Nick E. Inman.

  
Notary Public, State of Texas



STATE OF TEXAS  
COUNTY OF WILLIAMSON

This instrument was acknowledged before me this 3<sup>rd</sup> day of October, 2007, by Elenor Stark.

  
Notary Public, State of Texas

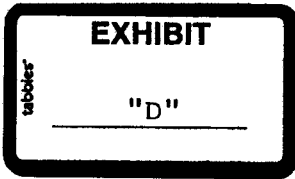


STATE OF TEXAS  
COUNTY OF WILLIAMSON

This instrument was acknowledged before me this 11 day of September, 2007, by Michael L. Pavlik and Anna L. Pavlik as Trustee of the Anna L. Pavlik Family Trust.

  
Notary Public, State of Texas

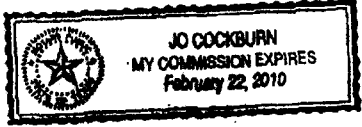




STATE OF TEXAS  
COUNTY OF WILLIAMSON

This instrument was acknowledged before me this 31<sup>st</sup> day of August, 2007, by Dan Trong Truong

Notary Public, State of Texas



STATE OF TEXAS  
COUNTY OF WILLIAMSON

This instrument was acknowledged before me this 21<sup>st</sup> day of August, 2007, by Wilbur F. Hackebiel and Annie H. Hackebiel.  
Hackebiel Hackebiel

Notary Public, State of Texas



STATE OF TEXAS  
COUNTY OF WILLIAMSON

This instrument was acknowledged before me this 21<sup>st</sup> day of August, 2007, by Billy J. Killion and Rosa Lee Killion.

Notary Public, State of Texas

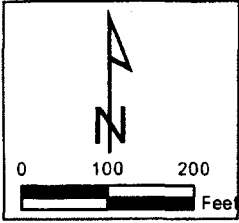


**FILED AND RECORDED**  
OFFICIAL PUBLIC RECORDS 2007104747

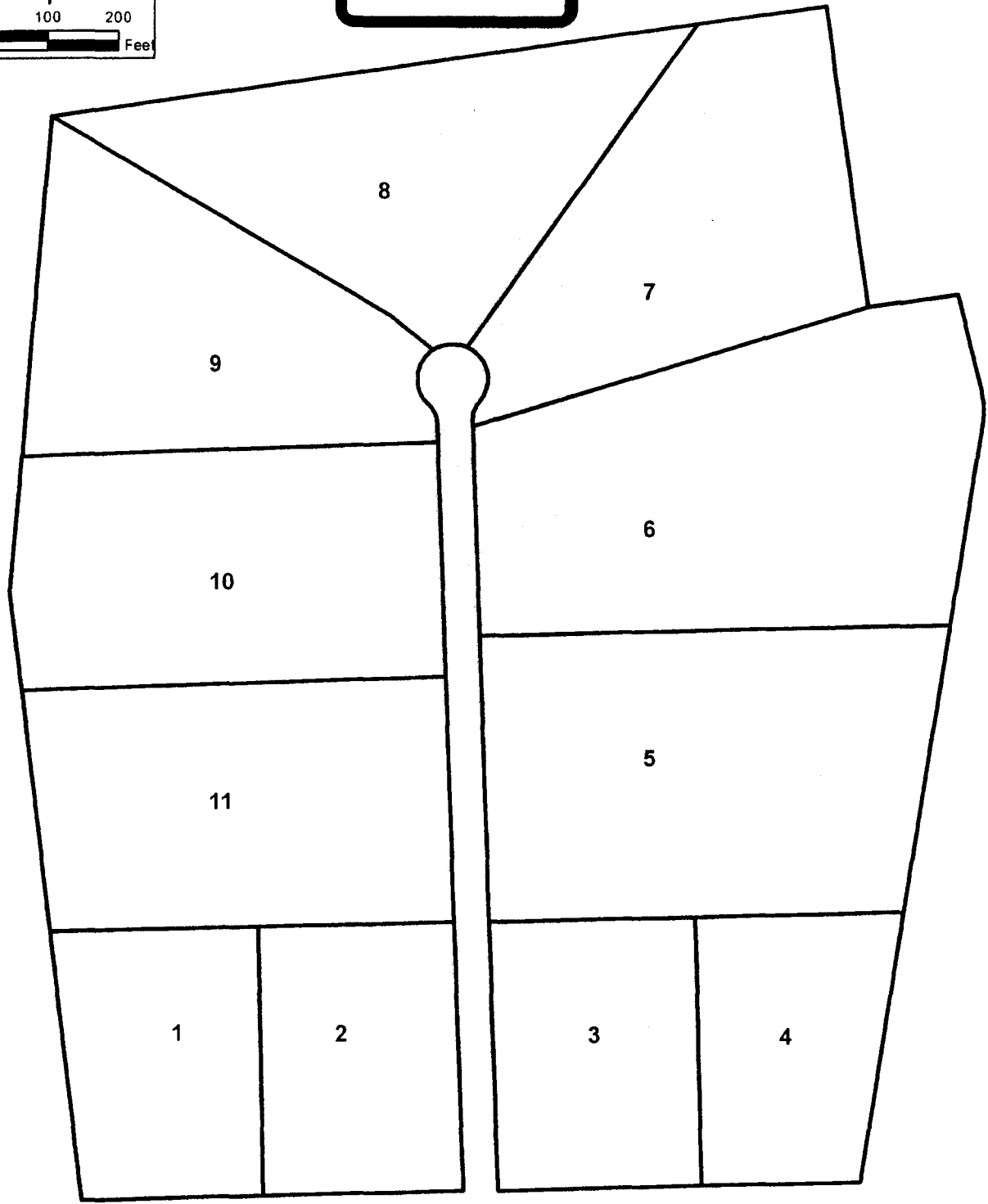
12/19/2007 04:12 PM  
SURRATT \$45.75

NANCY E. RISTER, COUNTY CLERK  
WILLIAMSON COUNTY, TEXAS

① BILLY KILLION  
1807 N MAYS ST.  
ROUND ROCK, TX 78664



**EXHIBIT**  
"D"  
\_\_\_\_\_



**DATE:** May 2, 2008

**SUBJECT:** City Council Meeting – May 8, 2008

**ITEM:** 9B2. Consider an ordinance zoning 23.09 acres of land known as East Rock Cove to Planned Unit Development (PUD) No. 80 zoning district. (First Reading)

**Department:** Planning and Community Development  
**Staff Person:** Jim Stendebach, Planning and Community Development Director

**Justification:**

The site is a portion of an unrecorded subdivision which contains lots ranging from 2-4 acres in size. The PUD contains six of the original eleven lots in the unrecorded subdivision. A previous request for C1-a (General Commercial – Limited) and OF (Office) zoning for the East Rock Cove properties was withdrawn by the applicants prior to the September 20, 2006 Planning and Zoning Commission meeting. At that time, a PUD (Planned Unit Development) was recommended by City staff.

Because proposals by the property owners' transportation consultant did not adequately address the potential for significant traffic congestion on Gattis School Road and A.W. Grimes Boulevard, the City's Transportation Services Department prepared an analysis to determine the maximum number of traffic trips the site could be allowed to generate. The PUD proposes commercial, office and senior housing land uses, to be limited by the total amount of traffic generated for the site. A widening and extension of East Rock Cove, the public street which provides access to the site, will be required to provide an intersection with A.W. Grimes Boulevard unless the lots within the PUD are consolidated so that access is provided directly to Gattis School Road or A.W. Grimes Boulevard.

**Funding:**

Cost: N/A  
Source of funds: N/A

**Outside Resources:** N/A

**Background Information:**

The site was annexed in July of 2006. The Planning and Zoning Commission recommended approval of the proposed zoning at their April 9, 2008 meeting.

**Public Comment:**


Public notice was posted and a public hearing was held in accordance with the City of Round Rock's Zoning Ordinance at the Planning and Zoning Commission meeting on April 9, 2008. No comments were received at the hearing.



Ordinance No. Z-08-05-08-9B2

Zoning 23.09 acres to PUD No. 80

AFTER RECORDING, PLEASE RETURN TO:

 CITY OF ROUND ROCK  
ATTN: CITY SECRETARY  
221 E. MAIN STREET  
ROUND ROCK, TEXAS 78664

**FILED AND RECORDED**  
OFFICIAL PUBLIC RECORDS 2008036906

*Nancy E. Rister*

05/12/2008 01:44 PM

CMCNEELY \$272.00

NANCY E. RISTER, COUNTY CLERK  
WILLIAMSON COUNTY, TEXAS