

ORDINANCE NO. O-2018-5161

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 46-132(b)(1), CODE OF ORDINANCES (2010 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE 18.389 ACRES OF LAND, OUT OF THE EPHRIAM EVANS SURVEY, ABSTRACT NO 212 AND THE DAVID CURRY SURVEY, ABSTRACT NO. 130, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM LI (LIGHT INDUSTRIAL) ZONING DISTRICT TO PUD (PLANNED UNIT DEVELOPMENT) NO. 112 ZONING DISTRICT; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

WHEREAS, the City staff proposes to amend the Official Zoning Map to rezone 18.389 acres of land, out of the Ephriam Evans Survey, Abstract No. 212 and the David Curry Survey, Abstract No. 130, in Round Rock, Williamson County, Texas, being more fully described in Exhibit "A" attached hereto, from LI (Light Industrial) zoning district to Planned Unit Development (PUD) No. 112 zoning district, and

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

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested change on the 10th day of January, 2018, following lawful publication of the notice of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that the Official Zoning Map be amended so that the zoning classification of the property described in Exhibit "A" be changed to PUD No. 112, and

WHEREAS, on the 8th day of February, 2018, after proper notification, the City Council held a public hearing on the requested amendment, and

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

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, and Section 46-92 and Section 46-132, Code of Ordinances (2010 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. 112 meets the following goals and objectives:

- (1) The development in PUD No. 112 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) P.U.D. No. 112 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) P.U.D. No. 112 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. 112 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. 112 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 46-132(b)(1), Code of Ordinances (2010 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. 112, and that the Mayor is hereby authorized and directed to enter into the Development Plan for PUD No. 112 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 Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Alternative 1.


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

READ, PASSED, and ADOPTED on first reading this 8th day of FEBRUARY, 2018.

Alternative 2.

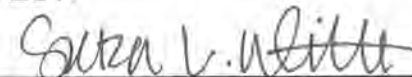
READ and **APPROVED** on first reading this the ____ day of _____, 2018.

READ, APPROVED and **ADOPTED** on second reading this the ____ day of _____, 2018.



CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:



SARA L. WHITE, City Clerk

EXHIBIT
"A"

METES AND BOUNDS DESCRIPTION

FOR A 18.389 ACRE TRACT OF LAND SITUATED IN THE EPHRIAM EVANS SURVEY, ABSTRACT NO. 212 AND THE DAVID CURRY SURVEY, ABSTRACT NO. 130, IN WILLIAMSON COUNTY, TEXAS, BEING ALL OF THE CALLED 14.064 ACRE TRACT OF LAND (TRACT 1), ALL OF THE CALLED 2.00 ACRE TRACT OF LAND (TRACT 2) AND ALL OF THE CALLED 2.35 ACRE TRACT OF LAND (TRACT 3), SAID TRACTS CONVEYED TO THE CITY OF ROUND ROCK, RECORDED IN DOCUMENT NO. 2006087974, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. SAID 18.389 ACRE TRACT OF LAND SURVEYED ON THE GROUND BY DIAMOND SURVEYING, INC. DURING THE MONTH OF AUGUST, 2017 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found (Grid Coordinates: N=10175359.56, E=3127918.13) monumenting the northwest corner of said 14.064 acre (TRACT 1) City of Round Rock tract and the southwest corner of Lot 1, University Oak Shopping Center Section 1, a Replat of Lots 2B & 2C, Block A, East Chandler Retail Center Replat of Lot 2, Recorded in Cabinet CC, Slides 230-233, Plat Records of Williamson County, Texas a subdivision recorded in Cabinet FF, Slides 380-381 of the Plat Records of Williamson County, Texas, same being on the east boundary line of a called 10.881 acre tract of land (PART 1) conveyed to the State of Texas as recorded in Volume 479, Page 85 of the Deed Records of Williamson County, Texas, same being on the east right-of-way line of Interstate Highway No. 35, for the northwest corner and **POINT OF BEGINNING** hereof, from which an iron rod found with cap marked "CS LTD" monumenting the northwest corner of said Lot 1, bears N 02°02'52" W passing at a distance of 112.57 feet an iron rod found with cap marked "CS LTD" monumenting the northeast corner of said 10.881 acre State of Texas tract, in all a total distance of 187.02 feet;

THENCE, departing the east boundary line of said 10.881 acre State of Texas tract and said east right-of-way line of Interstate Highway No. 35, with the north boundary line of said 14.064 acre (TRACT 1) City of Round Rock tract and the south boundary line of Lot 1 and Lot 2 of said University Oak Shopping Center Section 1, a Replat of Lots 2B & 2C, Block A, East Chandler Retail Center Replat of Lot 2, Recorded in Cabinet CC, Slides 230-233, Plat Records of Williamson County, Texas, the following three courses and distances:

1. **S 81°50'22" E** for a distance of **173.32 feet** to a PK Nail set on top of a wall, for an angle point hereof;
2. **S 52°10'22" E** for a distance of **172.57 feet** to a 1/2" iron rod found, for an angle point hereof;
3. **N 75°40'22" E** passing at a distance of 99.56 feet a 1/2" iron rod found monumenting the southeast corner of said Lot 1 and the southwest corner of said

Lot 2, in all a total distance of **171.06 feet** to a 1/2" iron rod found monumenting the northeast corner of said 14.064 acre (TRACT 1) City of Round Rock tract and the most southerly southeast corner of said Lot 2, same being on an angle point in the west boundary line of Lot 2D, Block A, Replat of Lot 2 of East Chandler Retail Center a subdivision recorded in Cabinet CC, Slides 230-233 of the Plat Records of Williamson County, Texas, for the most northerly northeast corner hereof;

THENCE, **S 34°51'57" E** with the east boundary line of said 14.064 acre (TRACT 1) City of Round Rock tract and the west boundary line of said Lot 2D, Block A for a distance of **529.34 feet** to a 1/2" iron rod found monumenting the northwest corner of said 2.00 acre (TRACT 2) City of Round Rock tract and the southwest corner of said Lot 2D, Block A, for an angle point hereof;

THENCE, with the north boundary line of said 2.00 acre (TRACT 2) City of Round Rock tract and the south boundary line of said Lot 2D, Block A, the following two (2) courses and distances:

1. **N 71°07'46" E** for a distance of **229.82 feet** to a 1/2" iron rod found for an angle point hereof;
2. **N 64°25'25" E** for a distance of **164.65 feet** to a 1/2" iron rod found monumenting the northeast corner of said 2.00 acre (TRACT 2) City of Round Rock tract and the northwest corner of said 2.35 acre (TRACT 3) City of Round Rock tract;

THENCE, **N 63°52'39" E** with the north boundary line of said 2.35 acre (TRACT 3) City of Round Rock tract and the south boundary line of Lot 2D, Block A and Lot 2I, Block A of said Replat of Lot 2 of East Chandler Retail Center, passing at a distance of 12.74 feet a 1/2" iron rod found 0.13' south of this line, in all a total distance of **238.32 feet** to a 1/2" iron rod found monumenting the northeast corner of said 2.35 acre (TRACT 3) City of Round Rock tract and the northwest corner of Lot 3, Block B, Oakmont Centre Section Five a subdivision recorded in Cabinet F, Slides 139-142 of the Plat Records of Williamson County, Texas for the most easterly northeast corner hereof;

THENCE, with the east boundary line of said 2.35 acre (TRACT 3) City of Round Rock tract and the west boundary line of said Lot 3, Block B, the following three (3) courses and distances:

1. **S 25°55'00" E** for a distance of **348.40 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying", for an angle point hereof, from which a 1/2" iron rod found bears **N 76°09'32" W** for a distance of 7.24 feet;

2. **S 46°48'00" W** for a distance of **60.46 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying", for an angle point hereof, from which a 1/2" iron rod found bears N 00°11'34" W for a distance of 4.53 feet;
3. **S 02°45'00" W** for a distance of **120.87 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying", for the southeast corner of said 2.35 acre (TRACT 3) City of Round Rock tract, same being on the north boundary line of Lot 1, Final Plat of Cypress Addition, a subdivision recorded in Cabinet N, Slides 266-268 of the Plat Records of Williamson County, Texas, for the southeast corner hereof, from which a 1/2" iron rod found monumenting an angle point in the north boundary line of Lot 2 of said Final Plat of Cypress Addition, bears N 69°27'35" E for a distance of 20.21 feet;

THENCE, with the north boundary line of said Lot 1, Final Plat of Cypress Addition, the south boundary line of said 2.35 acre (TRACT 3) City of Round Rock tract, the south boundary line of said 2.00 acre (TRACT 2) City of Round Rock tract and the south boundary line of said 14.064 acre (TRACT 1) City of Round Rock tract, the following four (4) courses and distances:

1. **S 69°27'35" W** passing at a distance of 266.18 feet a 1/2" iron rod found (spinner) monumenting the southwest corner of said 2.00 acre (TRACT 2) City of Round Rock tract and the southeast corner of said 14.064 acre (TRACT 1) City of Round Rock tract, in all a total distance of **370.88 feet** to a 1/2" iron rod found monumenting an angle point hereof;
2. **S 67°44'06" W** for a distance of **171.32 feet** to a 1/2" iron rod found monumenting an angle point hereof;
3. **S 63°52'09" W** for a distance of **101.47 feet** to a 1/2" iron rod found monumenting an angle point hereof;
4. **S 56°52'26" W** for a distance of **130.20 feet** to a 1/2" iron rod found monumenting the most southerly southwest corner of said 14.064 acre (TRACT 1) City of Round Rock tract and an angle point in said north boundary line of Lot 1, Final Plat of Cypress Addition, same being on an angle point in the east boundary line of a called 26.208 acre tract of land (TRACT 3) conveyed to CRPHYH, L.P. as recorded in Document No. 2005003003 of the Official Public Records of Williamson County, Texas, for the most southerly southwest corner hereof, from which a 1/2" iron rod found monumenting the northwest corner of said Lot 1, Final Plat of Cypress Addition and an angle point in said east boundary line of the 26.208 acre CRPHYH, L.P. tract bears S 56°04'36" W for a distance of 29.17 feet;

THENCE, with the west boundary line of said 14.064 acre (TRACT 1) City of Round Rock tract and said east boundary line of the 26.208 acre CRPHYH, L.P. tract, the following three (3) courses and distances:


1. **N 38°12'07" W** for a distance of **204.53 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying", for an angle point hereof;
2. **N 60°26'12" W** for a distance of **633.89 feet** to the center of a wastewater manhole, for an angle point hereof;
3. **N 55°54'08" W** for a distance of **66.59 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying", for the most westerly southwest corner of said 14.064 acre (TRACT 1) City of Round Rock tract and the north corner of said 26.208 acre CRPHYH, L.P. tract, same being on the east boundary line of said 10.881 acre State of Texas tract and the east right-of-way line of said Interstate Highway No. 35, from which a TXDOT Type 1 concrete monument found monumenting the beginning of a curve to the left in said east boundary line of the 10.881 acre State of Texas tract and said east right-of-way line of Interstate Highway No. 35, bears **S 02°02'52" E** for a distance of 47.16 feet;

THENCE, **N 02°02'52" W** with the west boundary line of said 14.064 acre (TRACT 1) City of Round Rock tract, said east boundary line of the 10.881 acre State of Texas tract and said east right-of-way line of Interstate Highway No. 35 for a distance of **547.98 feet** to the **POINT OF BEGINNING** hereof and containing 18.389 acres of land more or less.

Bearing Basis: State Plane Coordinate System, NAD83, Texas Central Zone (4203).

Distances shown hereon are surface based on a combined surface adjustment factor of 1.00011.

A survey drawing has been prepared to accompany this metes and bounds description.

 **DIAMOND SURVEYING, INC.**
116 SKYLINE ROAD, GEORGETOWN, TX 78628
(512) 931-3100
FIRM REGISTRATION NO. 10006900



January 4, 2018

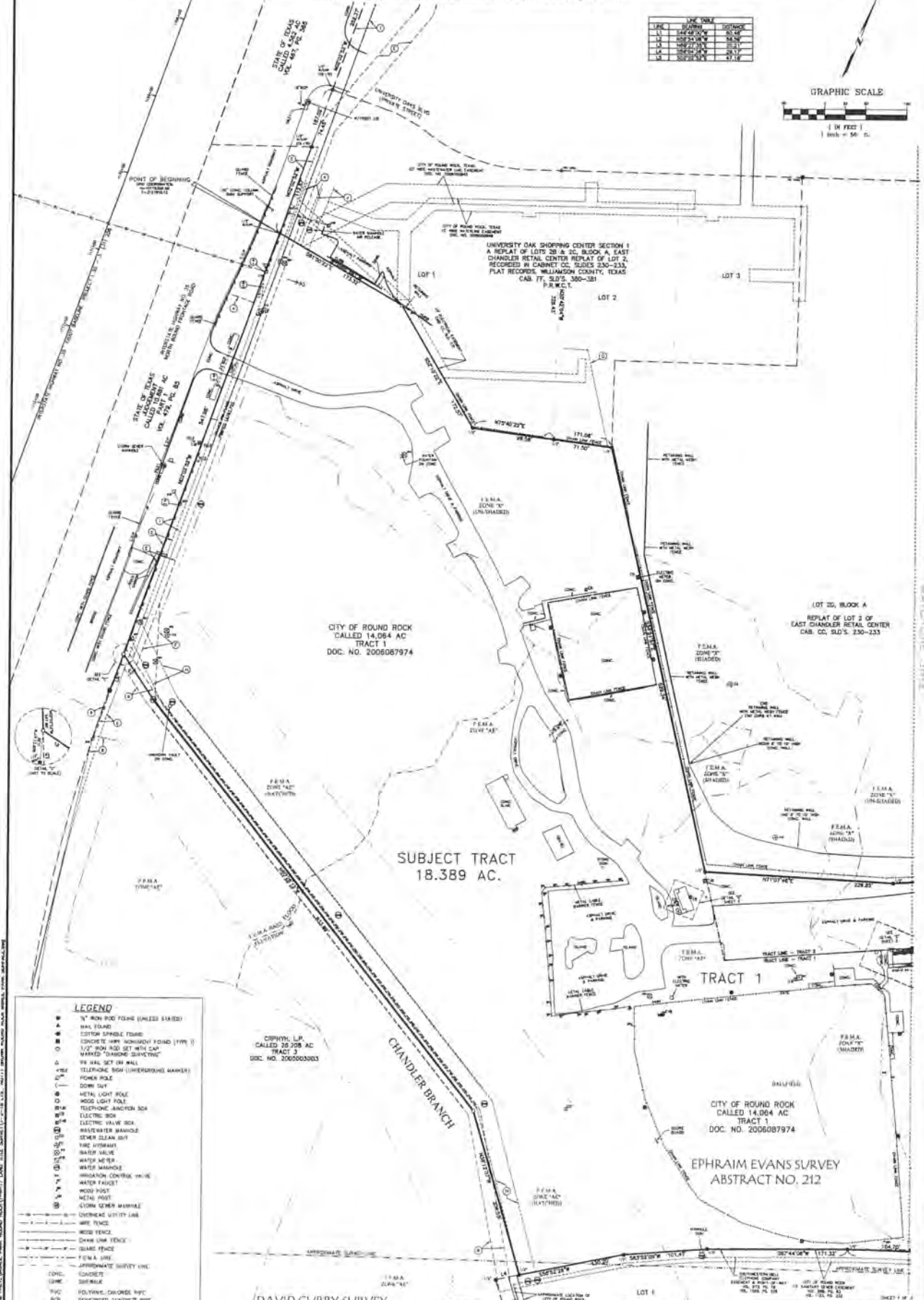
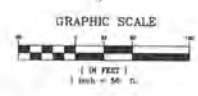
SHANE SHAFER, R.P.L.S. NO. 5281 DATE



Z:\WAELTZ & PRETE\McNEIL PARK ROUND ROCK\1-4-17 LAND TITLE SURVEY\1-02-17 NUTTY BROWN LTS M&B.doc

DRAWING TO ACCOMPANY METES AND BOUNDS DESCRIPTION
 LAND TITLE SURVEY FOR A 18.389 ACRE TRACT OF LAND SITUATED IN THE EPHRAIM EVANS SURVEY, ABSTRACT NO. 212 AND THE DAVID CURRY SURVEY, ABSTRACT NO. 130, IN WILLIAMSON COUNTY, TEXAS, BEING ALL OF THE CALLED 14.064 ACRE TRACT OF LAND (TRACT 1), ALL OF THE CALLED 2.00 ACRE TRACT OF LAND (TRACT 2) AND ALL OF THE CALLED 2.35 ACRE TRACT OF LAND (TRACT 3), SAID TRACTS CONVEYED TO THE CITY OF ROUND ROCK, RECORDED IN DOCUMENT NO. 2006087974, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS.
 PROPERTY ADDRESS: 3701 INTERSTATE HIGHWAY 35 N., ROUND ROCK, TX 78665

LINE	BEARING	DISTANCE
1	N 71° 40' 27" E	171.04'
2	S 71° 40' 27" W	171.04'
3	N 71° 40' 27" E	171.04'
4	S 71° 40' 27" W	171.04'
5	N 71° 40' 27" E	171.04'
6	S 71° 40' 27" W	171.04'



- LEGEND**
- 1/2" IRON PIPE PEGS (UNLESS SHOWN)
 - ▲ NAIL STAKE
 - CONCRETE SPINDLE PEGS
 - CONCRETE WIRE NONGROUT PEGS (TYPE 1)
 - 1/2" IRON ROD SET WITH CAP MARKED "DIAGONAL SURVEYING"
 - IRON SET OR NAIL
 - TELEPHONE SIGN (UNLESS SHOWN)
 - POWER POLE
 - DOWN SPUR
 - METAL LIGHT POLE
 - WOOD LIGHT POLE
 - TELEPHONE JACKBOX
 - ELECTRIC BOX
 - ELECTRIC VALVE BOX
 - WASTEWATER MANHOLE
 - SEWER CLEAN OUT
 - FIRE HYDRANT
 - WATER VALVE
 - WATER METER
 - WATER MANHOLE
 - IRRIGATION CONTROL VALVE
 - WATER TAPPOST
 - WOOD POST
 - METAL POST
 - STORM SEWER MANHOLE
 - CONCRETE UTILITY LINE
 - WIRE FENCE
 - WOOD FENCE
 - CHAIN LINK FENCE
 - QUARTZ FENCE
 - F.E.M.A. LINE
 - APPROXIMATE SURVEY LINE
 - CONCRETE
 - BRICK
 - POLYETHYLENE GLASS REINFORCED CONCRETE PIPE
 - REINFORCED CONCRETE PIPE
 - EDGE OF PAVED DRIVE

DAVID CURRY SURVEY
 ABSTRACT NO. 130

FINAL PLAT OF
 CYPRESS ADDITION
 C.A.B. N. S.D.'S. 286-288

DIAMOND SURVEYING, INC.
 1000 W. WILSON ROAD, SUITE 100, ROUND ROCK, TX 78665
 (512) 255-1111

**EXHIBIT
"B"**

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. 14.

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 1-9, Code of Ordinances, 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.

4.2. Effective Date

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

II.

NUTTY BROWN PLANNED UNIT DEVELOPMENT DEVELOPMENT STANDARDS

1. DEFINITIONS

Words and terms used herein shall have their usual force and meaning, or as defined in the City of Round Rock Code of Ordinances, as amended, hereinafter referred to as “the Code.”

2. PROPERTY

This Plan covers approximately 18.41 acres of land located within the City of Round Rock, Texas, and more particularly as 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 **C-1a (General Commercial – limited)** zoning district 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.

4.3 Concept Plan

This Plan, as depicted in **Exhibit "B"**, shall serve as the Concept Plan required by Section 36-39 of the Code, as amended.

4.4 Traffic Impact Analysis

A traffic impact analysis (TIA) shall not be required for the Plan.

5. PERMITTED USES

5.1 Outdoor music and entertainment venue, including:

- (1) Restaurant/bar
- (2) Stage with loading docks
- (3) Grandstands
- (4) Green Room building
- (5) Arena area for spectators
- (6) Bar and suites
- (7) Festival parking area
- (8) Food truck area
- (9) Paved Parking areas
- (10) Drive aisles
- (11) Existing restrooms building
- (12) Sidewalks
- (13) Retail sales, as an accessory use
- (14) Temporary special events such as: farmer markets, Christmas tree sales, charity events, worship services

6. DEVELOPMENT STANDARDS

6.1 Festival Parking Area

The parking area provided to serve the venue may be provided on an unimproved surface, not subject to the provisions of the off-street parking and loading requirements of the Code. This unimproved parking area shall not exempt any part of the development from City requirements related to emergency access and fire safety.

6.2 Building Design

- (1) The restaurant/bar structure shall meet the design standards of the C-1a (General Commercial – Limited) zoning district.
- (2) All structures which are part of the outdoor music and entertainment venue shall be exempt from design standards of the C-1a (General Commercial – Limited) zoning district.

7. TREE REMOVAL

If the development of the site causes it to become necessary to remove one or more of the protected trees on the site, a limited number of said protected trees may be removed without being subject to the tree replacement requirements of the Code, Section 43-25. In order for the site to qualify under this section, the zoning administrator shall first calculate the total number of diameter inches of protected trees on the site. Then the developer may remove protected trees whose total diameters are not more than 60 percent of the diameter inches of all protected trees on the site. Provided however, this section shall first be applied to the smallest protected tree on the site and then to the remainder of the protected trees in ascending order according to their diameters. If the developer wishes to remove more than 60 percent of the diameter inches of all protected trees on the site, the developer shall comply with the requirements of the Code, Section 43-25 for trees in excess of said 60 percent.

8. SIGNS

8.1 Signs shall be regulated by the Code, with the following exceptions:

- (1) Two freestanding pylon signs shall be allowed on the property, along the frontage with IH 35:

- 8.1.1.1.1 One (1) freestanding pylon sign shall be allowed at a maximum height of sixty-feet (60'), with a maximum sign display area, per side, of 1,068 square feet. The maximum sign display area, per side, may include a maximum of 740 square feet of electronic messaging center display.

- 8.1.1.1.2 One (1) freestanding pylon sign shall be allowed, subject to the height and display area standards of the Code.

- (2) Advertising and informational signs on any structure, listed in Section 5.1 above, except for the restaurant/bar, which are internal to the site and not visible from a public right-of-way, shall be exempt from regulation by the Code.

9. COMPATIBILITY

Amplified music shall be directed in a west-northwest direction from the site, as indicated on **Exhibit "C"**.

10. FINISHED FLOOR ELEVATIONS

All building structures shall be constructed with a finished floor elevation at or above FEMA (Federal Emergency Management Agency) Zone AE BFE (Base Flood Elevation), representing the 1% annual probability.

11. **EXISTING BALL FIELD LIGHTING**

The existing ball field lighting, as indicated on **Exhibit “D”**, shall be exempt from the site lighting design and excessive illumination requirements of the Code.

12. **PARKLAND FEES**

The Plan shall be exempt from Chapter 36, Article III – Parkland Requirement, of the Code.

13. **ACCESS**

When an access drive is provided by the City, making a connection from the Property to North Mays Street, the Owner shall incorporate this additional access into the Plan.

14. **CHANGES TO DEVELOPMENT PLAN**

14.1 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 Director of Planning and Development Services and the City Attorney.

14.2 Major Changes

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

LIST OF EXHIBITS

Exhibit "A"	Survey Field Notes
Exhibit "B"	Concept Plan
Exhibit "C"	Compatibility
Exhibit "D"	Existing Ball Field Lights

EXHIBIT

"A"

METES AND BOUNDS DESCRIPTION

FOR A 18.389 ACRE TRACT OF LAND SITUATED IN THE EPHRIAM EVANS SURVEY, ABSTRACT NO. 212 AND THE DAVID CURRY SURVEY, ABSTRACT NO. 130, IN WILLIAMSON COUNTY, TEXAS, BEING ALL OF THE CALLED 14.064 ACRE TRACT OF LAND (TRACT 1), ALL OF THE CALLED 2.00 ACRE TRACT OF LAND (TRACT 2) AND ALL OF THE CALLED 2.35 ACRE TRACT OF LAND (TRACT 3), SAID TRACTS CONVEYED TO THE CITY OF ROUND ROCK, RECORDED IN DOCUMENT NO. 2006087974, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. SAID 18.389 ACRE TRACT OF LAND SURVEYED ON THE GROUND BY DIAMOND SURVEYING, INC. DURING THE MONTH OF AUGUST, 2017 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found (Grid Coordinates: N=10175359.56, E=3127918.13) monumenting the northwest corner of said 14.064 acre (TRACT 1) City of Round Rock tract and the southwest corner of Lot 1, University Oak Shopping Center Section 1, a Replat of Lots 2B & 2C, Block A, East Chandler Retail Center Replat of Lot 2, Recorded in Cabinet CC, Slides 230-233, Plat Records of Williamson County, Texas a subdivision recorded in Cabinet FF, Slides 380-381 of the Plat Records of Williamson County, Texas, same being on the east boundary line of a called 10.881 acre tract of land (PART 1) conveyed to the State of Texas as recorded in Volume 479, Page 85 of the Deed Records of Williamson County, Texas, same being on the east right-of-way line of Interstate Highway No. 35, for the northwest corner and **POINT OF BEGINNING** hereof, from which an iron rod found with cap marked "CS LTD" monumenting the northwest corner of said Lot 1, bears N 02°02'52" W passing at a distance of 112.57 feet an iron rod found with cap marked "CS LTD" monumenting the northeast corner of said 10.881 acre State of Texas tract, in all a total distance of 187.02 feet;

THENCE, departing the east boundary line of said 10.881 acre State of Texas tract and said east right-of-way line of Interstate Highway No. 35, with the north boundary line of said 14.064 acre (TRACT 1) City of Round Rock tract and the south boundary line of Lot 1 and Lot 2 of said University Oak Shopping Center Section 1, a Replat of Lots 2B & 2C, Block A, East Chandler Retail Center Replat of Lot 2, Recorded in Cabinet CC, Slides 230-233, Plat Records of Williamson County, Texas, the following three courses and distances:

1. **S 81°50'22" E** for a distance of **173.32 feet** to a PK Nail set on top of a wall, for an angle point hereof;
2. **S 52°10'22" E** for a distance of **172.57 feet** to a 1/2" iron rod found, for an angle point hereof;
3. **N 75°40'22" E** passing at a distance of 99.56 feet a 1/2" iron rod found monumenting the southeast corner of said Lot 1 and the southwest corner of said

Lot 2, in all a total distance of **171.06 feet** to a 1/2" iron rod found monumenting the northeast corner of said 14.064 acre (TRACT 1) City of Round Rock tract and the most southerly southeast corner of said Lot 2, same being on an angle point in the west boundary line of Lot 2D, Block A, Replat of Lot 2 of East Chandler Retail Center a subdivision recorded in Cabinet CC, Slides 230-233 of the Plat Records of Williamson County, Texas, for the most northerly northeast corner hereof;

THENCE, **S 34°51'57" E** with the east boundary line of said 14.064 acre (TRACT 1) City of Round Rock tract and the west boundary line of said Lot 2D, Block A for a distance of **529.34 feet** to a 1/2" iron rod found monumenting the northwest corner of said 2.00 acre (TRACT 2) City of Round Rock tract and the southwest corner of said Lot 2D, Block A, for an angle point hereof;

THENCE, with the north boundary line of said 2.00 acre (TRACT 2) City of Round Rock tract and the south boundary line of said Lot 2D, Block A, the following two (2) courses and distances:

1. **N 71°07'46" E** for a distance of **229.82 feet** to a 1/2" iron rod found for an angle point hereof;
2. **N 64°25'25" E** for a distance of **164.65 feet** to a 1/2" iron rod found monumenting the northeast corner of said 2.00 acre (TRACT 2) City of Round Rock tract and the northwest corner of said 2.35 acre (TRACT 3) City of Round Rock tract;

THENCE, **N 63°52'39" E** with the north boundary line of said 2.35 acre (TRACT 3) City of Round Rock tract and the south boundary line of Lot 2D, Block A and Lot 2I, Block A of said Replat of Lot 2 of East Chandler Retail Center, passing at a distance of 12.74 feet a 1/2" iron rod found 0.13' south of this line, in all a total distance of **238.32 feet** to a 1/2" iron rod found monumenting the northeast corner of said 2.35 acre (TRACT 3) City of Round Rock tract and the northwest corner of Lot 3, Block B, Oakmont Centre Section Five a subdivision recorded in Cabinet F, Slides 139-142 of the Plat Records of Williamson County, Texas for the most easterly northeast corner hereof;

THENCE, with the east boundary line of said 2.35 acre (TRACT 3) City of Round Rock tract and the west boundary line of said Lot 3, Block B, the following three (3) courses and distances:

1. **S 25°55'00" E** for a distance of **348.40 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying", for an angle point hereof, from which a 1/2" iron rod found bears **N 76°09'32" W** for a distance of 7.24 feet;

2. **S 46°48'00" W** for a distance of **60.46 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying", for an angle point hereof, from which a 1/2" iron rod found bears N 00°11'34" W for a distance of 4.53 feet;
3. **S 02°45'00" W** for a distance of **120.87 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying", for the southeast corner of said 2.35 acre (TRACT 3) City of Round Rock tract, same being on the north boundary line of Lot 1, Final Plat of Cypress Addition, a subdivision recorded in Cabinet N, Slides 266-268 of the Plat Records of Williamson County, Texas, for the southeast corner hereof, from which a 1/2" iron rod found monumenting an angle point in the north boundary line of Lot 2 of said Final Plat of Cypress Addition, bears N 69°27'35" E for a distance of 20.21 feet;

THENCE, with the north boundary line of said Lot 1, Final Plat of Cypress Addition, the south boundary line of said 2.35 acre (TRACT 3) City of Round Rock tract, the south boundary line of said 2.00 acre (TRACT 2) City of Round Rock tract and the south boundary line of said 14.064 acre (TRACT 1) City of Round Rock tract, the following four (4) courses and distances:

1. **S 69°27'35" W** passing at a distance of 266.18 feet a 1/2" iron rod found (spinner) monumenting the southwest corner of said 2.00 acre (TRACT 2) City of Round Rock tract and the southeast corner of said 14.064 acre (TRACT 1) City of Round Rock tract, in all a total distance of **370.88 feet** to a 1/2" iron rod found monumenting an angle point hereof;
2. **S 67°44'06" W** for a distance of **171.32 feet** to a 1/2" iron rod found monumenting an angle point hereof;
3. **S 63°52'09" W** for a distance of **101.47 feet** to a 1/2" iron rod found monumenting an angle point hereof;
4. **S 56°52'26" W** for a distance of **130.20 feet** to a 1/2" iron rod found monumenting the most southerly southwest corner of said 14.064 acre (TRACT 1) City of Round Rock tract and an angle point in said north boundary line of Lot 1, Final Plat of Cypress Addition, same being on an angle point in the east boundary line of a called 26.208 acre tract of land (TRACT 3) conveyed to CRPHYH, L.P. as recorded in Document No. 2005003003 of the Official Public Records of Williamson County, Texas, for the most southerly southwest corner hereof, from which a 1/2" iron rod found monumenting the northwest corner of said Lot 1, Final Plat of Cypress Addition and an angle point in said east boundary line of the 26.208 acre CRPHYH, L.P. tract bears S 56°04'36" W for a distance of 29.17 feet;

THENCE, with the west boundary line of said 14.064 acre (TRACT 1) City of Round Rock tract and said east boundary line of the 26.208 acre CRPHYH, L.P. tract, the following three (3) courses and distances:


1. **N 38°12'07" W** for a distance of **204.53 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying", for an angle point hereof;
2. **N 60°26'12" W** for a distance of **633.89 feet** to the center of a wastewater manhole, for an angle point hereof;
3. **N 55°54'08" W** for a distance of **66.59 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying", for the most westerly southwest corner of said 14.064 acre (TRACT 1) City of Round Rock tract and the north corner of said 26.208 acre CRPHYH, L.P. tract, same being on the east boundary line of said 10.881 acre State of Texas tract and the east right-of-way line of said Interstate Highway No. 35, from which a TXDOT Type 1 concrete monument found monumenting the beginning of a curve to the left in said east boundary line of the 10.881 acre State of Texas tract and said east right-of-way line of Interstate Highway No. 35, bears S 02°02'52" E for a distance of 47.16 feet;

THENCE, **N 02°02'52" W** with the west boundary line of said 14.064 acre (TRACT 1) City of Round Rock tract, said east boundary line of the 10.881 acre State of Texas tract and said east right-of-way line of Interstate Highway No. 35 for a distance of **547.98 feet** to the **POINT OF BEGINNING** hereof and containing 18.389 acres of land more or less.

Bearing Basis: State Plane Coordinate System, NAD83, Texas Central Zone (4203).

Distances shown hereon are surface based on a combined surface adjustment factor of 1.00011.

A survey drawing has been prepared to accompany this metes and bounds description.

 **DIAMOND SURVEYING, INC.**
116 SKYLINE ROAD, GEORGETOWN, TX 78628
(512) 931-3100
FIRM REGISTRATION NO. 10006900



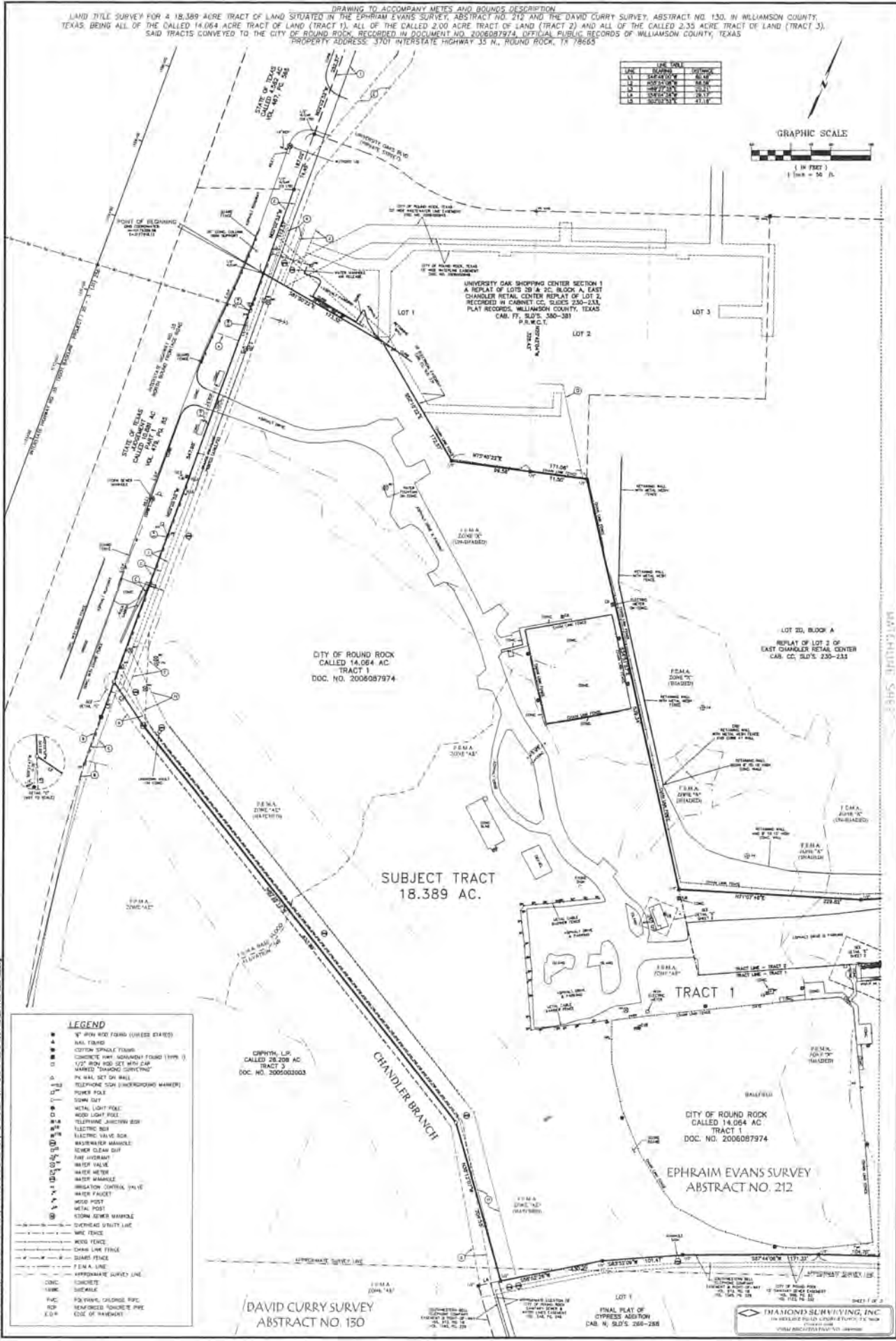
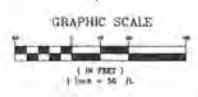
January 4, 2018

SHANE SHAFER, R.P.L.S. NO. 5281 DATE



DRAWING TO ACCOMPANY METES AND BOUNDS DESCRIPTION
 LAND TITLE SURVEY FOR A 18.389 ACRE TRACT OF LAND SITUATED IN THE EPHRAIM EVANS SURVEY, ABSTRACT NO. 212 AND THE DAVID CURRY SURVEY, ABSTRACT NO. 130, IN WILLIAMSON COUNTY, TEXAS, BEING ALL OF THE CALLED 14.064 ACRE TRACT OF LAND (TRACT 1), ALL OF THE CALLED 2.00 ACRE TRACT OF LAND (TRACT 2) AND ALL OF THE CALLED 2.35 ACRE TRACT OF LAND (TRACT 3), SAID TRACTS CONVEYED TO THE CITY OF ROUND ROCK, RECORDED IN DOCUMENT NO. 2006087974, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. PROPERTY ADDRESS: 3701 INTERSTATE HIGHWAY 35 N., ROUND ROCK, TX 78665

LINE	BEARING	DISTANCE
L1	S42°24'00"W	84.48'
L2	S87°27'00"E	88.88'
L3	S82°27'00"E	103.11'
L4	S02°22'30"W	43.14'



- LEGEND**
- 1/2" IRON ROD FOUND (UNLESS NOTED)
 - NAIL FOUND
 - COTTON SPINDLE FOUND
 - CONCRETE MARK FOUND (UNLESS NOTED)
 - 1/2" IRON ROD SET WITH CAP
 - MARKED "DANGEROUS SURVEYING"
 - IN WALL SET ON WALL
 - TELEPHONE SIGN (INDICATING MANNER)
 - POWER POLE
 - DOWN OUT
 - METAL LIGHT POLE
 - WOOD LIGHT POLE
 - TELEPHONE "JUNCTION" BOX
 - ELECTRIC BOX
 - ELECTRIC METER BOX
 - WASTEWATER MANHOLE
 - SEWER CLEAN OUT
 - FINE HYDRANT
 - WATER VALVE
 - WATER METER
 - WATER MANHOLE
 - IRRIGATION CONTROL VALVE
 - WATER FOUNTAIN
 - WOOD POST
 - METAL POST
 - CONCRETE
 - OVERHEAD UTILITY LINE
 - WIRE FENCE
 - WOOD FENCE
 - CHAIN LINK FENCE
 - QUARTZ FENCE
 - F.E.M.A. LINE
 - APPROXIMATE SURVEY LINE
 - CONCRETE
 - SCHEDULE
 - PVC POLYETHYLENE GLASS FIBER OPTIC
 - TRANSFORMER
 - CODE OF WAREHOUSING

GRAPHIC L.P.
 CALLED 28.208 AC.
 TRACT 3
 DOC. NO. 2005002003

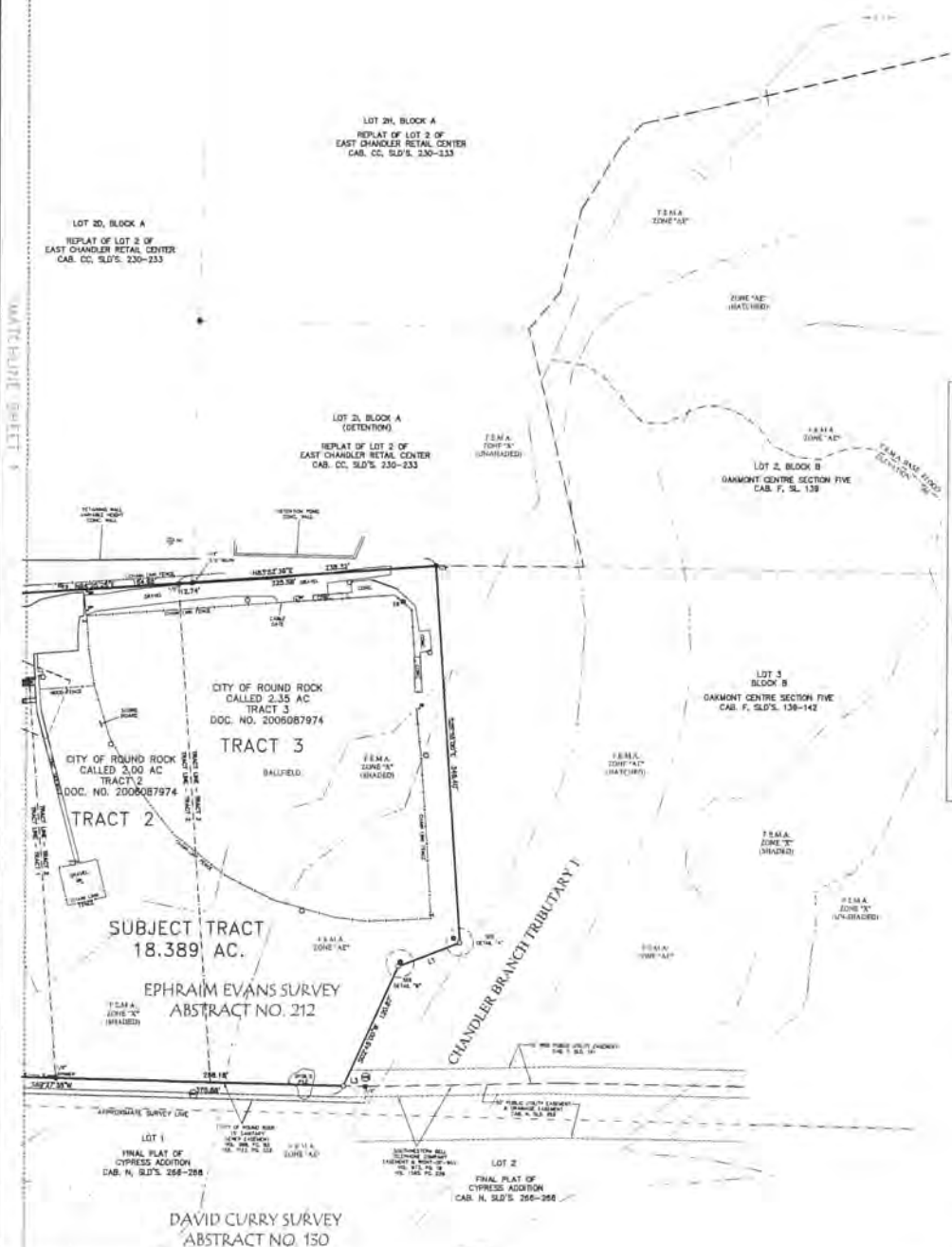
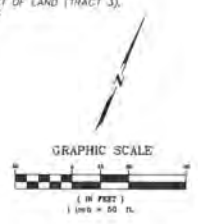
DAVID CURRY SURVEY
 ABSTRACT NO. 130

FINAL PLAT OF
 CROSS SECTION
 CAB. N. S.D.'S 288-288

IMMONO SURVEYING, INC.
 100 W. WILSON ST. SUITE 100
 ROUND ROCK, TX 78665
 (512) 255-1111

MATCHLINE SHEET

DRAWING TO ACCOMPANY METES AND BOUNDS DESCRIPTION
 LAND TITLE SURVEY FOR A 18.389 ACRE TRACT OF LAND SITUATED IN THE EPHRAIM EVANS SURVEY, ABSTRACT NO. 212 AND THE DAVID CURRY SURVEY, ABSTRACT NO. 130, IN WILLIAMSON COUNTY, TEXAS, BEING ALL OF THE CALLED 14.064 ACRE TRACT OF LAND (TRACT 1), ALL OF THE CALLED 2.00 ACRE TRACT OF LAND (TRACT 2) AND ALL OF THE CALLED 2.35 ACRE TRACT OF LAND (TRACT 3), SAID TRACTS CONVEYED TO THE CITY OF ROUND ROCK, RECORDED IN DOCUMENT NO. 2008087974, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. PROPERTY ADDRESS: 3701 INTERSTATE HIGHWAY 35 N., ROUND ROCK, TX 78665.

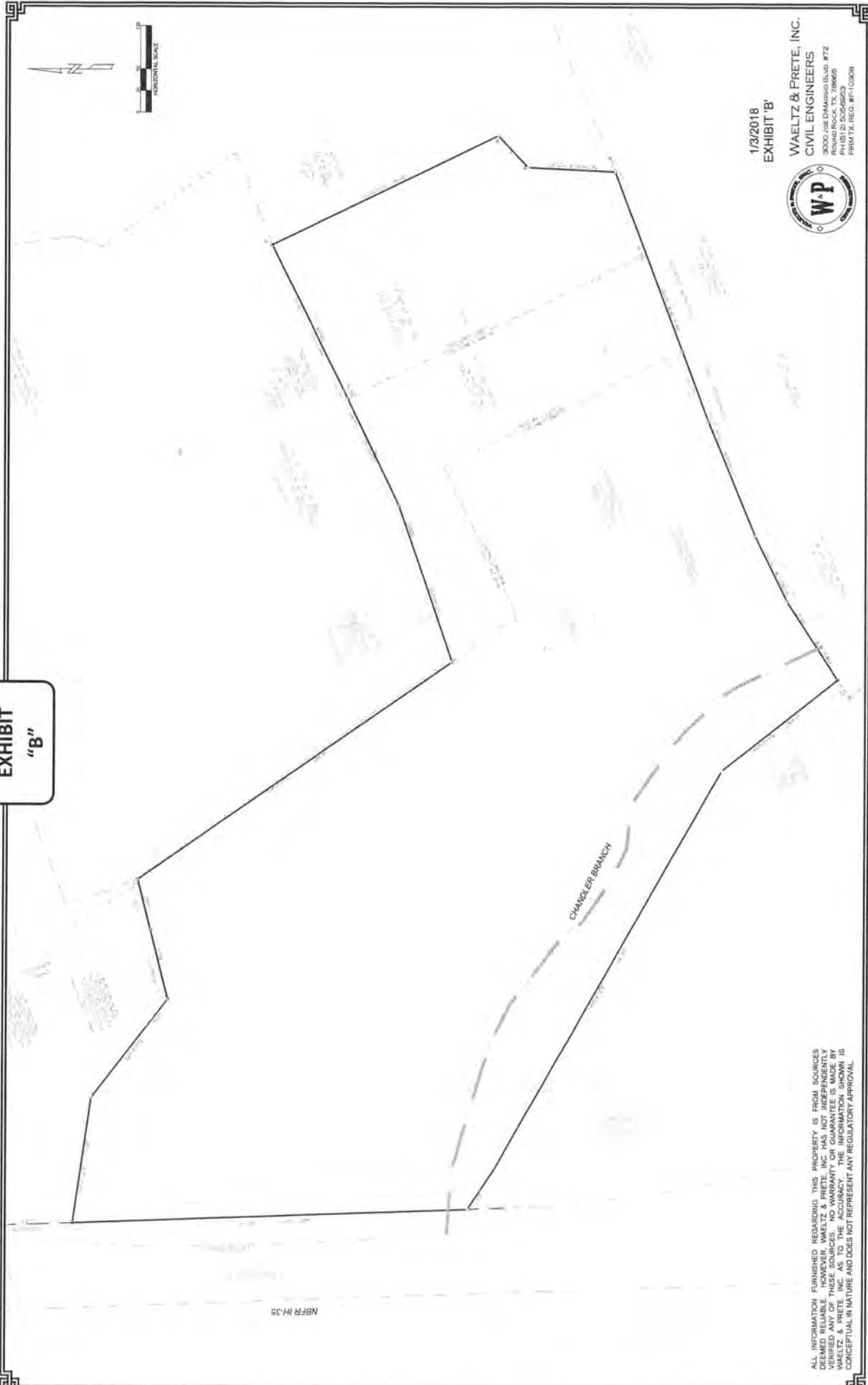


LINE	BEARING	DISTANCE
L1	S 89° 45' 00" W	80.40'
L2	N 00° 00' 00" E	80.40'
L3	S 89° 45' 00" W	23.22'
L4	N 00° 00' 00" E	23.22'
L5	S 89° 45' 00" W	47.14'

- LEGEND**
- 8" IRON ROD FOUND (UNLESS STATED)
 - ▲ NAIL FOUND
 - COTTON SPINDLE FOUND
 - CONCRETE HWY. MARKING FOUND (TYPE I)
 - 1/2" IRON ROD SET WITH CAP MARKED "DIAMOND SURVEYING"
 - IRON NAIL SET ON WALL
 - ⊖ TELEPHONE BOX (UNDERGROUND MARKER)
 - ⊕ POWER POLE
 - ⊖ DOWN GUT
 - ⊖ METAL LIGHT POLE
 - ⊖ WOOD LIGHT POLE
 - ⊖ TELEPHONE JUNCTION BOX
 - ⊖ ELECTRIC BOX
 - ⊖ ELECTRIC VALVE BOX
 - ⊖ WASTE-WATER MANHOLE
 - ⊖ SEWER CLEAN OUT
 - ⊖ FIRE HYDRANT
 - ⊖ WATER VALVE
 - ⊖ WATER METER
 - ⊖ WATER MANHOLE
 - ⊖ WASTEWATER CONTROL VALVE
 - ⊖ WATER FAUCET
 - ⊖ ROAD POST
 - ⊖ METAL POST
 - ⊖ STORM SEWER MANHOLE
- OVERHEAD UTILITY LINE
 --- WIRE FENCE
 --- WOOD FENCE
 --- CHAIN LINK FENCE
 --- GUARD FENCE
 --- E.I.C.M. LINE
 --- APPROXIMATE SURVEY LINE
- CONC. CONCRETE
 CONC. CONCRETE
 P.V.C. POLYVINYL CHLORIDE PIPE
 R.C.P. REINFORCED CONCRETE PIPE
 E.P.A. EDGE OF PAVEMENT



EXHIBIT
"B"



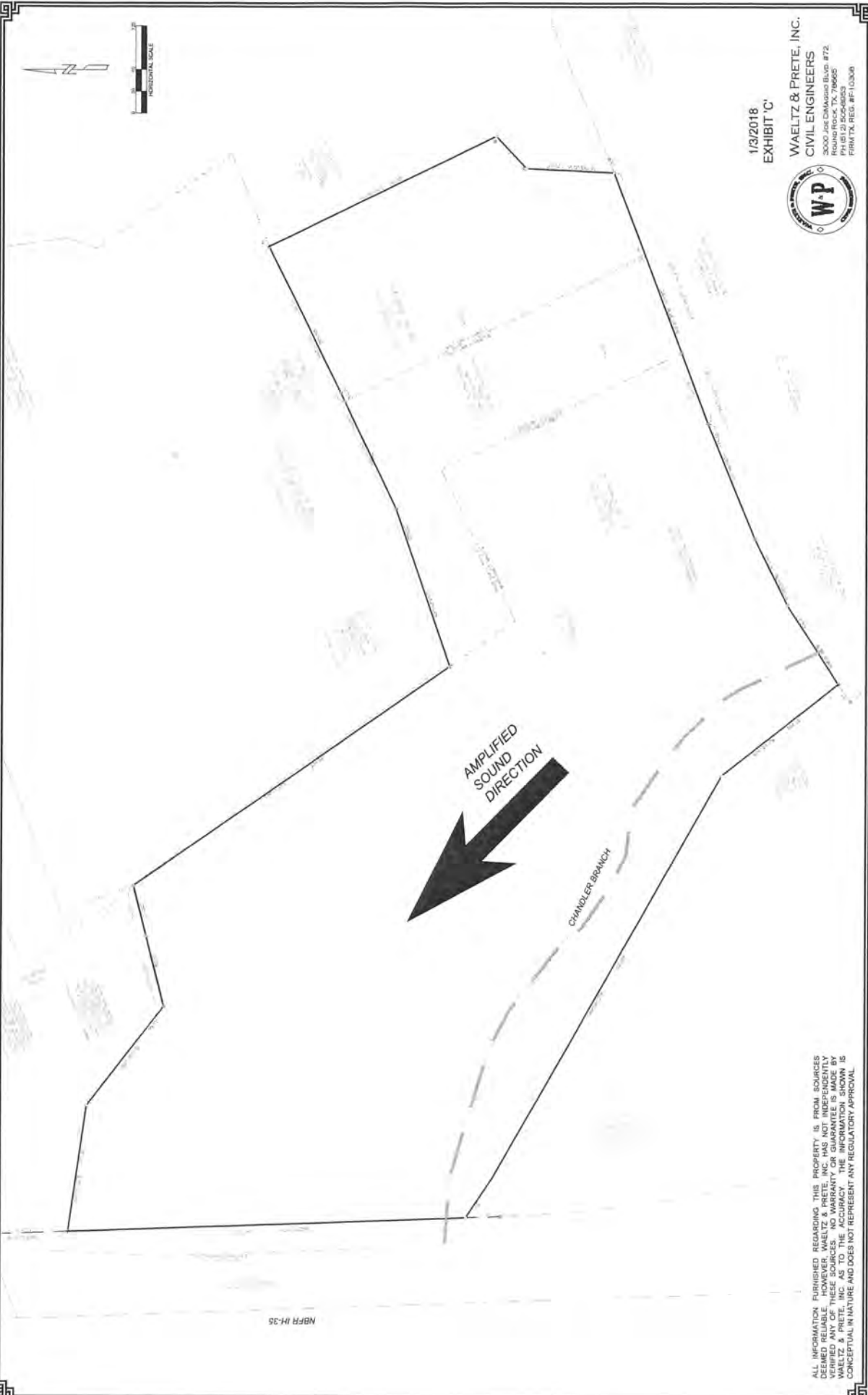
NBR 14-35

1/3/2018
EXHIBIT 'B'



WAELTZ & PRETE, INC.
CIVIL ENGINEERS
3000 J. DE DILLON BLVD #72
DALLAS, TEXAS 75246
PH (512) 555-9853
FIRM TX. REG. #F-10308

ALL INFORMATION FURNISHED REGARDING THIS PROPERTY IS FROM SOURCES
OTHER THAN THE FIELD SURVEY AND HAS NOT BEEN
VERIFIED BY THESE SOURCES. NO WARRANTY OR GUARANTEE IS MADE BY
WAELTZ & PRETE, INC. AS TO THE ACCURACY. THE INFORMATION SHOWN IS
CONCEPTUAL IN NATURE AND DOES NOT REPRESENT ANY REGULATORY APPROVAL.

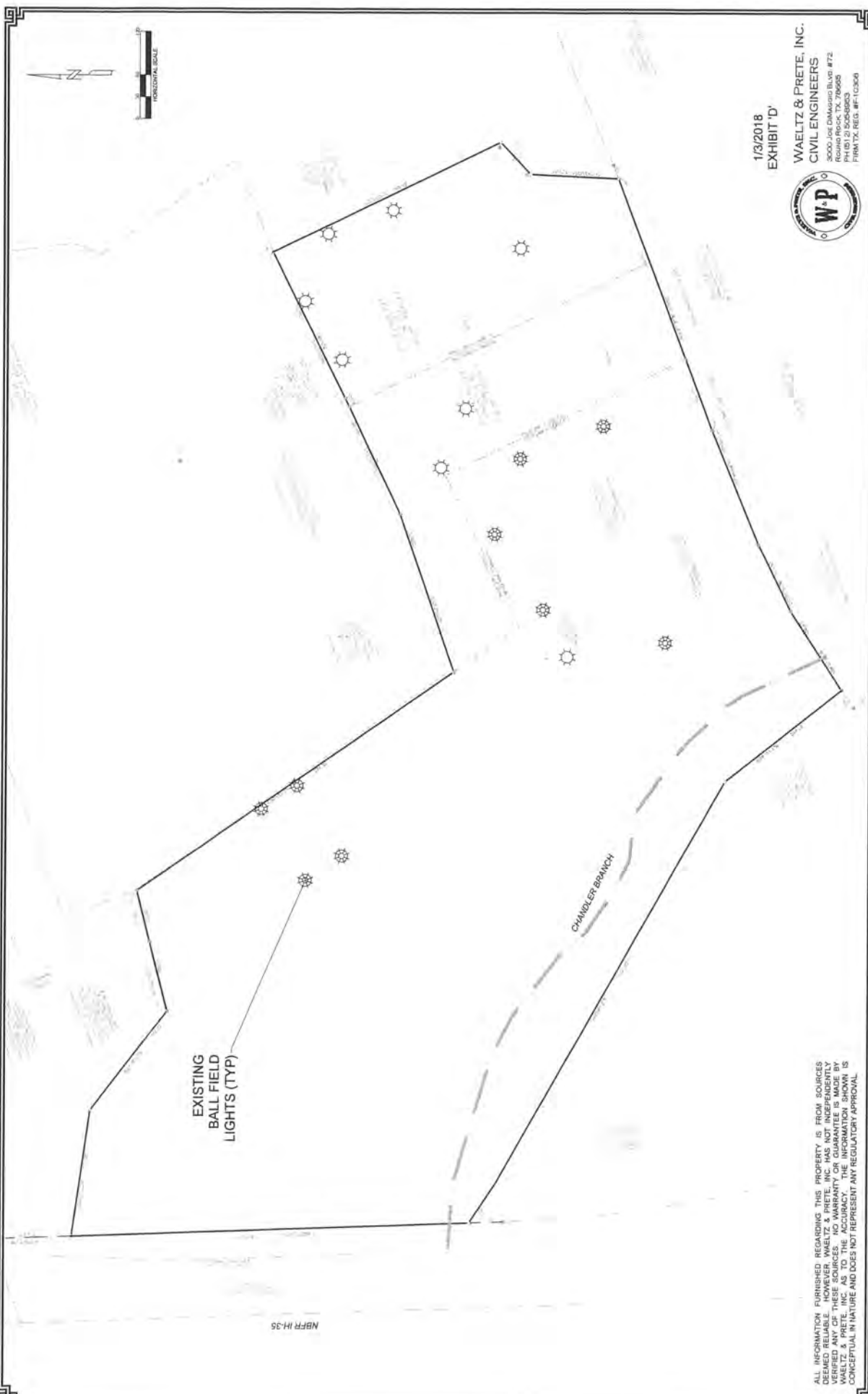
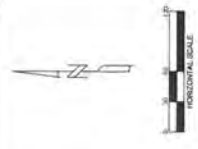


1/3/2018
EXHIBIT 'C'



WAELTZ & PRETE, INC.
CIVIL ENGINEERS
3000 Joe Dumas Blvd. #72
Houston, TX 77058
PH: 281.856.5653
FIRM TX REG. #F10308

ALL INFORMATION FURNISHED REGARDING THIS PROPERTY IS FROM SOURCES
WHICH HAS NOT BEEN INDEPENDENTLY VERIFIED BY WAELTZ &
PRETE, INC. AS TO THE ACCURACY OF THESE SOURCES, WAELTZ &
PRETE, INC. DOES NOT REPRESENT ANY REGULATORY APPROVAL
CONCEPTUAL IN NATURE AND DOES NOT REPRESENT ANY REGULATORY APPROVAL



EXISTING
BALL FIELD
LIGHTS (TYP)

CHANDLER BRANCH

NBRF H-35

1/3/2018
EXHIBIT 'D'



WAEALTZ & PRETE, INC.
CIVIL ENGINEERS
3600 Joe Chandler Blvd #72
Rowland Park, TX 78668
PH (817) 506-8903
FIRM TX REG. #F110306

ALL INFORMATION FURNISHED REGARDING THIS PROPERTY IS FROM SOURCES
DEEMED RELIABLE. HOWEVER, WAEALTZ & PRETE, INC. HAS NOT INDEPENDENTLY
VERIFIED ANY OF THESE SOURCES. NO WARRANTY OR GUARANTEE IS MADE BY
WAEALTZ & PRETE, INC. AS TO THE ACCURACY. THE INFORMATION SHOWN IS
CONCEPTUAL IN NATURE AND DOES NOT REPRESENT ANY REGULATORY APPROVAL.

THE STATE OF TEXAS *

COUNTY OF WILLIAMSON *

CITY OF ROUND ROCK *

I, SARA L. WHITE, City Clerk 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. O-2018-5161 which approves Planned Unit Development No. 112 zoning district for an outdoor music amphitheater with restaurant and bar facility, located southeast of the intersection of N. IH-35 and University Blvd. This ordinance was approved and adopted at a regular meeting held by the City Council on the 8th day of February 2018, recorded in the City Council minute book no. 62.

CERTIFIED by my hand and seal of the City of Round Rock, Texas on this 9th day of February 2018.



SARA L. WHITE, TRMC, City Clerk



ORDINANCE NO. O-2018-5161

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 46-132(b)(1), CODE OF ORDINANCES (2010 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE 18.389 ACRES OF LAND, OUT OF THE EPHRIAM EVANS SURVEY, ABSTRACT NO 212 AND THE DAVID CURRY SURVEY, ABSTRACT NO. 130, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM LI (LIGHT INDUSTRIAL) ZONING DISTRICT TO PUD (PLANNED UNIT DEVELOPMENT) NO. 112 ZONING DISTRICT; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

WHEREAS, the City staff proposes to amend the Official Zoning Map to rezone 18.389 acres of land, out of the Ephriam Evans Survey, Abstract No. 212 and the David Curry Survey, Abstract No. 130, in Round Rock, Williamson County, Texas, being more fully described in Exhibit "A" attached hereto, from LI (Light Industrial) zoning district to Planned Unit Development (PUD) No. 112 zoning district, and

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

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested change on the 10th day of January, 2018, following lawful publication of the notice of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that the Official Zoning Map be amended so that the zoning classification of the property described in Exhibit "A" be changed to PUD No. 112, and

WHEREAS, on the 8th day of February, 2018, after proper notification, the City Council held a public hearing on the requested amendment, and

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

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, and Section 46-92 and Section 46-132, Code of Ordinances (2010 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. 112 meets the following goals and objectives:

- (1) The development in PUD No. 112 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) P.U.D. No. 112 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) P.U.D. No. 112 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. 112 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. 112 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 46-132(b)(1), Code of Ordinances (2010 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. 112, and that the Mayor is hereby authorized and directed to enter into the Development Plan for PUD No. 112 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 Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Alternative 1.

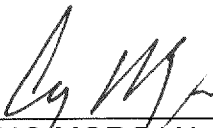
By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this 8th day of FEBRUARY, 2018.

Alternative 2.


READ and **APPROVED** on first reading this the ____ day of _____, 2018.

READ, APPROVED and **ADOPTED** on second reading this the ____ day of _____, 2018.



CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:



SARA L. WHITE, City Clerk

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION

FOR A 18.389 ACRE TRACT OF LAND SITUATED IN THE EPHRIAM EVANS SURVEY, ABSTRACT NO. 212 AND THE DAVID CURRY SURVEY, ABSTRACT NO. 130, IN WILLIAMSON COUNTY, TEXAS, BEING ALL OF THE CALLED 14.064 ACRE TRACT OF LAND (TRACT 1), ALL OF THE CALLED 2.00 ACRE TRACT OF LAND (TRACT 2) AND ALL OF THE CALLED 2.35 ACRE TRACT OF LAND (TRACT 3), SAID TRACTS CONVEYED TO THE CITY OF ROUND ROCK, RECORDED IN DOCUMENT NO. 2006087974, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. SAID 18.389 ACRE TRACT OF LAND SURVEYED ON THE GROUND BY DIAMOND SURVEYING, INC. DURING THE MONTH OF AUGUST, 2017 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found (Grid Coordinates: N=10175359.56, E=3127918.13) monumenting the northwest corner of said 14.064 acre (TRACT 1) City of Round Rock tract and the southwest corner of Lot 1, University Oak Shopping Center Section 1, a Replat of Lots 2B & 2C, Block A, East Chandler Retail Center Replat of Lot 2, Recorded in Cabinet CC, Slides 230-233, Plat Records of Williamson County, Texas a subdivision recorded in Cabinet FF, Slides 380-381 of the Plat Records of Williamson County, Texas, same being on the east boundary line of a called 10.881 acre tract of land (PART 1) conveyed to the State of Texas as recorded in Volume 479, Page 85 of the Deed Records of Williamson County, Texas, same being on the east right-of-way line of Interstate Highway No. 35, for the northwest corner and **POINT OF BEGINNING** hereof, from which an iron rod found with cap marked "CS LTD" monumenting the northwest corner of said Lot 1, bears N 02°02'52" W passing at a distance of 112.57 feet an iron rod found with cap marked "CS LTD" monumenting the northeast corner of said 10.881 acre State of Texas tract, in all a total distance of 187.02 feet;

THENCE, departing the east boundary line of said 10.881 acre State of Texas tract and said east right-of-way line of Interstate Highway No. 35, with the north boundary line of said 14.064 acre (TRACT 1) City of Round Rock tract and the south boundary line of Lot 1 and Lot 2 of said University Oak Shopping Center Section 1, a Replat of Lots 2B & 2C, Block A, East Chandler Retail Center Replat of Lot 2, Recorded in Cabinet CC, Slides 230-233, Plat Records of Williamson County, Texas, the following three courses and distances:

1. **S 81°50'22" E** for a distance of **173.32 feet** to a PK Nail set on top of a wall, for an angle point hereof;
2. **S 52°10'22" E** for a distance of **172.57 feet** to a 1/2" iron rod found, for an angle point hereof;
3. **N 75°40'22" E** passing at a distance of 99.56 feet a 1/2" iron rod found monumenting the southeast corner of said Lot 1 and the southwest corner of said

Lot 2, in all a total distance of **171.06 feet** to a 1/2" iron rod found monumenting the northeast corner of said 14.064 acre (TRACT 1) City of Round Rock tract and the most southerly southeast corner of said Lot 2, same being on an angle point in the west boundary line of Lot 2D, Block A, Replat of Lot 2 of East Chandler Retail Center a subdivision recorded in Cabinet CC, Slides 230-233 of the Plat Records of Williamson County, Texas, for the most northerly northeast corner hereof;

THENCE, **S 34°51'57" E** with the east boundary line of said 14.064 acre (TRACT 1) City of Round Rock tract and the west boundary line of said Lot 2D, Block A for a distance of **529.34 feet** to a 1/2" iron rod found monumenting the northwest corner of said 2.00 acre (TRACT 2) City of Round Rock tract and the southwest corner of said Lot 2D, Block A, for an angle point hereof;

THENCE, with the north boundary line of said 2.00 acre (TRACT 2) City of Round Rock tract and the south boundary line of said Lot 2D, Block A, the following two (2) courses and distances:

1. **N 71°07'46" E** for a distance of **229.82 feet** to a 1/2" iron rod found for an angle point hereof;
2. **N 64°25'25" E** for a distance of **164.65 feet** to a 1/2" iron rod found monumenting the northeast corner of said 2.00 acre (TRACT 2) City of Round Rock tract and the northwest corner of said 2.35 acre (TRACT 3) City of Round Rock tract;

THENCE, **N 63°52'39" E** with the north boundary line of said 2.35 acre (TRACT 3) City of Round Rock tract and the south boundary line of Lot 2D, Block A and Lot 2I, Block A of said Replat of Lot 2 of East Chandler Retail Center, passing at a distance of 12.74 feet a 1/2" iron rod found 0.13' south of this line, in all a total distance of **238.32 feet** to a 1/2" iron rod found monumenting the northeast corner of said 2.35 acre (TRACT 3) City of Round Rock tract and the northwest corner of Lot 3, Block B, Oakmont Centre Section Five a subdivision recorded in Cabinet F, Slides 139-142 of the Plat Records of Williamson County, Texas for the most easterly northeast corner hereof;

THENCE, with the east boundary line of said 2.35 acre (TRACT 3) City of Round Rock tract and the west boundary line of said Lot 3, Block B, the following three (3) courses and distances:

1. **S 25°55'00" E** for a distance of **348.40 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying", for an angle point hereof, from which a 1/2" iron rod found bears **N 76°09'32" W** for a distance of 7.24 feet;

2. **S 46°48'00" W** for a distance of **60.46 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying", for an angle point hereof, from which a 1/2" iron rod found bears N 00°11'34" W for a distance of 4.53 feet;
3. **S 02°45'00" W** for a distance of **120.87 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying", for the southeast corner of said 2.35 acre (TRACT 3) City of Round Rock tract, same being on the north boundary line of Lot 1, Final Plat of Cypress Addition, a subdivision recorded in Cabinet N, Slides 266-268 of the Plat Records of Williamson County, Texas, for the southeast corner hereof, from which a 1/2" iron rod found monumenting an angle point in the north boundary line of Lot 2 of said Final Plat of Cypress Addition, bears N 69°27'35" E for a distance of 20.21 feet;

THENCE, with the north boundary line of said Lot 1, Final Plat of Cypress Addition, the south boundary line of said 2.35 acre (TRACT 3) City of Round Rock tract, the south boundary line of said 2.00 acre (TRACT 2) City of Round Rock tract and the south boundary line of said 14.064 acre (TRACT 1) City of Round Rock tract, the following four (4) courses and distances:

1. **S 69°27'35" W** passing at a distance of 266.18 feet a 1/2" iron rod found (spinner) monumenting the southwest corner of said 2.00 acre (TRACT 2) City of Round Rock tract and the southeast corner of said 14.064 acre (TRACT 1) City of Round Rock tract, in all a total distance of **370.88 feet** to a 1/2" iron rod found monumenting an angle point hereof;
2. **S 67°44'06" W** for a distance of **171.32 feet** to a 1/2" iron rod found monumenting an angle point hereof;
3. **S 63°52'09" W** for a distance of **101.47 feet** to a 1/2" iron rod found monumenting an angle point hereof;
4. **S 56°52'26" W** for a distance of **130.20 feet** to a 1/2" iron rod found monumenting the most southerly southwest corner of said 14.064 acre (TRACT 1) City of Round Rock tract and an angle point in said north boundary line of Lot 1, Final Plat of Cypress Addition, same being on an angle point in the east boundary line of a called 26.208 acre tract of land (TRACT 3) conveyed to CRPHYH, L.P. as recorded in Document No. 2005003003 of the Official Public Records of Williamson County, Texas, for the most southerly southwest corner hereof, from which a 1/2" iron rod found monumenting the northwest corner of said Lot 1, Final Plat of Cypress Addition and an angle point in said east boundary line of the 26.208 acre CRPHYH, L.P. tract bears S 56°04'36" W for a distance of 29.17 feet;

THENCE, with the west boundary line of said 14.064 acre (TRACT 1) City of Round Rock tract and said east boundary line of the 26.208 acre CRPHYH, L.P. tract, the following three (3) courses and distances:


1. **N 38°12'07" W** for a distance of **204.53 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying", for an angle point hereof;
2. **N 60°26'12" W** for a distance of **633.89 feet** to the center of a wastewater manhole, for an angle point hereof;
3. **N 55°54'08" W** for a distance of **66.59 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying", for the most westerly southwest corner of said 14.064 acre (TRACT 1) City of Round Rock tract and the north corner of said 26.208 acre CRPHYH, L.P. tract, same being on the east boundary line of said 10.881 acre State of Texas tract and the east right-of-way line of said Interstate Highway No. 35, from which a TXDOT Type 1 concrete monument found monumenting the beginning of a curve to the left in said east boundary line of the 10.881 acre State of Texas tract and said east right-of-way line of Interstate Highway No. 35, bears S 02°02'52" E for a distance of 47.16 feet;

THENCE, **N 02°02'52" W** with the west boundary line of said 14.064 acre (TRACT 1) City of Round Rock tract, said east boundary line of the 10.881 acre State of Texas tract and said east right-of-way line of Interstate Highway No. 35 for a distance of **547.98 feet** to the **POINT OF BEGINNING** hereof and containing 18.389 acres of land more or less.

Bearing Basis: State Plane Coordinate System, NAD83, Texas Central Zone (4203).

Distances shown hereon are surface based on a combined surface adjustment factor of 1.00011.

A survey drawing has been prepared to accompany this metes and bounds description.

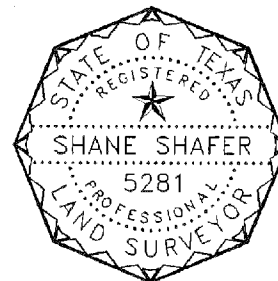
 **DIAMOND SURVEYING, INC.**
116 SKYLINE ROAD, GEORGETOWN, TX 78628
(512) 931-3100
FIRM REGISTRATION NO. 10006900



January 4, 2018

SHANE SHAFER, R.P.L.S. NO. 5281

DATE



DRAWING TO ACCOMPANY NOTES AND RECORDS DESCRIPTIONS
LAND TITLE SURVEY FOR A 18,389 ACRE TRACT OF LAND SITUATED IN THE EPHRAIM EVANS SURVEY, ABSTRACT NO. 212 AND THE DAVID CURRY SURVEY, ABSTRACT NO. 130 IN WILLIAMSON COUNTY, TEXAS, BEING ALL OF THE CALLED 14,064 ACRE TRACT OF LAND (TRACT 1), ALL OF THE CALLED 2.00 ACRE TRACT OF LAND (TRACT 2) AND ALL OF THE CALLED 2.35 ACRE TRACT OF LAND (TRACT 3), SAID TRACTS CONVEYED TO THE CITY OF ROUND ROCK, RECORDED IN DOCUMENT NO. 2008087974, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS
PROPERTY ADDRESS: 3701 INTERSTATE HIGHWAY 35 N., ROUND ROCK, TX 78665

Legal description of land:

- TRACT 1: Being all of that certain tract or parcel of land containing 14,064 acres, more or less, situated in the E. Evans Survey, Abstract No. 212, Williamson County, Texas.
- TRACT 2: Being all of that certain tract or parcel of land containing 2.00 acres, more or less, situated in the E. Evans Survey, Abstract No. 212, Williamson County, Texas.
- TRACT 3: Being all of that certain tract or parcel of land containing 2.35 acres, more or less, situated in the E. Evans Survey, Abstract No. 212, Williamson County, Texas.

TITLE COMMITMENT NOTICES

Only those easements and restrictions listed in Abstracts 130 and 212, The Insurance Company, Title Commitment of No. 201701094, issued by Heritage Title Company of Austin, TX, which have an effective date of July 26, 2017 and/or issued date of August 02, 2017, were reviewed by the surveyor. No other easement factored research was performed by Diamond Surveying, Inc.

The following restrictive covenants of record pertained below:

- Volume 178, Page 330 of the Deed Records of Williamson County, Texas, Abstract Tract 1 Volume 871, Page 388 of the Deed Records of Williamson County, Texas, Abstract Tract 3 Volume 871, Page 374 of the Deed Records of Williamson County, Texas, Abstract Tract 2 Document No. 2008087974 in the Official Public Records of Williamson County, Texas, Abstract Tracts 1, 2 and 3.
- 101) An electric transmission and/or distribution line and appurtenances easement granted to Texas Power & Light Company, by instrument dated August 12, 1938, recorded in Volume 285, Page 309 of the Deed Records of Williamson County, Texas, (herein to determine exact location of said easement due to a vague description, easement not locatable).
- 102) An electric transmission and/or distribution line and appurtenances easement granted to Texas Power & Light Company, by instrument dated February 11, 1948, recorded in Volume 337, Page 11 of the Deed Records of Williamson County, Texas, Not a part of subject tracts.
- 103) The terms, conditions and stipulations of that certain Oil, Gas and/or Mineral Lease dated August 16, 1947, recorded in Volume 345, Page 247 of the Deed Records of Williamson County, Texas, recorded by and between Leonard Decker, Henry Allen Decker, Ivan, Geo. Leary and Robert Leary, as Lessor, and C. R. Lundquist, as Lessee, Not a survey matter.
- 104) An electric transmission and/or distribution line and appurtenances easement granted to Texas Power & Light Company, by instrument dated September 15, 1948, recorded in Volume 353, Page 331 of the Deed Records of Williamson County, Texas, Not a part of subject tracts.
- 105) An undivided 1/4th royalty interest in oil, gas and other minerals, together with all rights relating thereto, surface or implied, reserved in instrument recorded in Volume 418, Page 302 of the Deed Records of Williamson County, Texas, Not a survey matter.
- 106) An undivided 1/4th royalty interest in oil, gas and other minerals, together with all rights relating thereto, surface or implied, reserved in instrument recorded in Volume 418, Page 336 of the Deed Records of Williamson County, Texas, Not a survey matter.
- 107) An electric power line and communication line and appurtenances easement granted to Texas Power & Light Company, by instrument dated December 12, 1962, recorded in Volume 357, Page 306 of the Deed Records of Williamson County, Texas, Not a part of subject tracts.
- 108) An easement for the sewage, permanent storage and temporary detention of water granted to Brandy Creek Water Control and Improvement District No. 1, by instrument dated February 21, 1962, recorded in Volume 456, Page 151 of the Deed Records of Williamson County, Texas, Not a part of subject tracts.
- 109) An electric power line and communication line and appurtenances easement granted to Texas Power & Light Company, by instrument dated September 10, 1964, recorded in Volume 414, Page 119 of the Deed Records of Williamson County, Texas, Not a part of subject tracts.
- 110) An electric power line and communication line and appurtenances easement granted to Texas Power & Light Company, by instrument dated January 8, 1965, recorded in Volume 477, Page 358 of the Deed Records of Williamson County, Texas, in a part of Tract 1 as shown hereon.
- 111) An easement for the sewage, permanent storage and temporary detention of water granted to Brandy Creek Water Control and Improvement District No. 1, by instrument dated February 21, 1962, recorded in Volume 456, Page 151 of the Deed Records of Williamson County, Texas, May be a part of the subject tracts (unable to determine exact location of said easement due to a vague description, easement not locatable).
- 112) An electric power line and communication line and appurtenances easement granted to Texas Power & Light Company, by instrument dated December 10, 1965, recorded in Volume 465, Page 400 of the Deed Records of Williamson County, Texas, Not a part of subject tracts.
- 113) An electric power line and communication line and appurtenances easement granted to Texas Power & Light Company, by instrument dated July 6, 1967, recorded in Volume 463, Page 813 of the Deed Records of Williamson County, Texas, in a part of Tract 1 as shown hereon.
- 114) A communication easement granted to Southwestern Bell Telephone Company, by instrument dated October 18, 1971, recorded in Volume 543, Page 301 of the Deed Records of Williamson County, Texas, in a part of Tract 1 as shown hereon.
- 115) A sanitary sewer or water line easement granted to the City of Round Rock, by instrument dated April 10, 1972, recorded in Volume 548, Page 822 of the Deed Records of Williamson County, Texas, in a part of Tract 1 as shown hereon.
- 116) A sanitary sewer or water line easement granted to the City of Round Rock, by instrument dated April 20, 1978, recorded in Volume 708, Page 438 and Volume 714, Page 672 of the Deed Records of Williamson County, Texas, Not a part of subject tracts.
- 117) A sanitary sewer or water line easement granted to the City of Round Rock, by instrument dated May 10, 1978, recorded in Volume 715, Page 742 of the Deed Records of Williamson County, Texas, in a part of Tract 1 as shown hereon.
- 118) A delineation and appurtenances, cathodic protection equipment and optical markers easement granted to Epsom Distribution, by instrument dated August 23, 1979, recorded in Volume 741, Page 379 of the Deed Records of Williamson County, Texas, Not a part of subject tracts.
- 119) An electric power line and telephone line and appurtenances easement granted to Southwestern Bell Telephone Company, by instrument dated February 23, 1979, recorded in Volume 761, Page 624 of the Deed Records of Williamson County, Texas, Not a part of subject tracts.
- 120) The terms, conditions and stipulations of that certain Deed for Community Park dated October 3, 1979, recorded in Volume 778, Page 330 of the Deed Records of Williamson County, Texas, Abstract Tract 1.
- 121) An electric distribution line and telephone line and appurtenances easement granted to Texas Power & Light Company, by instrument dated September 13, 1979, recorded in Volume 782, Page 35 of the Deed Records of Williamson County, Texas, Not a part of subject tracts, (easement is shown hereon).
- 122) The terms, conditions and stipulations of that certain Deed for Community Park dated December 17, 1981, recorded in Volume 871, Page 359 of the Deed Records of Williamson County, Texas, Abstract Tract 3.
- 123) The terms, conditions and stipulations of that certain Community Deed dated December 16, 1923, recorded in Volume 871, Page 374 of the Deed Records of Williamson County, Texas, Abstract Tract 2.
- 124) A waterpower line easement granted to the City of Round Rock, by instrument dated December 16, 2003, recorded under Document No. 200312816 in the Official Public Records of Williamson County, Texas, in a part of Tract 1 as shown hereon.
- 125) The terms, conditions and stipulations of that certain Deed of Gift dated September 28, 2006, recorded under Document No. 2005087374 in the Official Public Records of Williamson County, Texas, Abstract Tracts 1, 2 and 3.

EASEMENT LEGEND	
①	TEXAS POWER & LIGHT COMPANY EASEMENT (14064 ACRES UNLOCATED)
②	UNLOCATED EASEMENT
③	END EASEMENT
④	TEXAS POWER & LIGHT COMPANY EASEMENT (2.00 ACRES UNLOCATED)
⑤	TEXAS POWER & LIGHT COMPANY EASEMENT (2.35 ACRES UNLOCATED)
⑥	SOUTHWESTERN BELL TELEPHONE COMPANY COMMUNICATION EASEMENT (2.35 ACRES UNLOCATED)
⑦	CITY OF ROUND ROCK SANITARY SEWER EASEMENT (2.35 ACRES UNLOCATED)
⑧	CITY OF ROUND ROCK SANITARY SEWER EASEMENT (2.35 ACRES UNLOCATED)
⑨	CITY OF ROUND ROCK SANITARY SEWER EASEMENT (2.35 ACRES UNLOCATED)
⑩	TEXAS POWER & LIGHT COMPANY EASEMENT AND ACQUISITION (2.35 ACRES UNLOCATED)
⑪	CITY OF ROUND ROCK SANITARY SEWER EASEMENT (2.35 ACRES UNLOCATED)
⑫	ADJACENT EASEMENT LEGEND
⑬	ADJACENT EASEMENT (DOC NO. 200312816)
⑭	ADJACENT EASEMENT (DOC NO. 2005087374)

GENERAL NOTES

1) BEARING BASES, STATE PLANE COORDINATE SYSTEM AND BEARING (NAD 83) ARE USED FOR ALL MEASUREMENTS ESTABLISHED ON THIS SURVEY UNLESS OTHERWISE NOTED. SURFACE DISTANCES SHOWN ON A COMPOUND SURFACE ADJUSTMENT FACTOR OF 1.0001.

2) ALL EASEMENTS LISTED HEREON ARE RECORDED IN THE OFFICE OF THE COUNTY CLERK OF WILLIAMSON COUNTY, TEXAS.

3) IF THE TRACT NUMBER HEREON DOES NOT MATCH THE UNDIVIDED BEING OFFERED TO BE SURVEYED, THE DISTRICT CHANCE FLOODING, STATE OF TEXAS, CHANCE OF DISTRICT CHANCE FLOODING, BEING OF 10 ANNUAL CHANCE FLOOD WITH EXTRACT DRAINAGE OF LESS THAN 1 FOOT IN WIDTH ORANGE HAZARD LESS THAN 1 COMBINE METERS AND ARE NOT BEING SURVEYED BY THIS SURVEY. FLOODING IS NOT BASE FLOODING OF DEPARTMENT AND ZONE 100. BEHIND THE FLOOD WALL OF THE CHANNEL OF A STREAM OR ANY ADJACENT FLOODING ARE NOT BEING SURVEYED BY THIS SURVEY. IF THE TRACT NUMBER IS NOT LISTED IN THE FLOOD INSURANCE RATE MAP NO ASSURANCE GATE DETERMINED BY 2006 AND FLOOD INSURANCE RATE MAP NO ASSURANCE GATE DETERMINED BY 2006 FOR WILLIAMSON COUNTY, TEXAS.

4) THE FLOOD INSURANCE RATE MAPS ARE APPROVED BY GRADING, PLANNING, AND PUBLIC WORKS FROM THE FLOOD INSURANCE RATE MAPS. THE DISTRICT CHANCE FLOODING IS NOT BEING SURVEYED BY THIS SURVEY. THE DISTRICT CHANCE FLOODING IS NOT BEING SURVEYED BY THIS SURVEY. THE DISTRICT CHANCE FLOODING IS NOT BEING SURVEYED BY THIS SURVEY.

To: All Property Owners, All Insurance Companies and Mortgage Lender Company of Austin, TX.

I, Steve Decker, Registered Professional Land Surveyor in the State of Texas, hereby certify that this map represents a true and correct survey of the ground under or over which easements are shown on August 27, 2017 at the time of this survey. There were no encroachments, conflicts or provisions against the easements shown on this map. This survey was conducted in accordance with the standards for a professional land survey as set forth in the Texas Surveying and Mapping Act, Chapter 81, Texas Government Code. I, Steve Decker, Registered Professional Land Surveyor, am not responsible for any loss resulting therefrom.



Steve Decker, Registered Professional Land Surveyor
 Steve Decker, Registered Professional Land Surveyor
 Steve Decker, Registered Professional Land Surveyor

RECORDERS MEMORANDUM

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



<p style="text-align: center;">EXHIBIT "B"</p>
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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. 14.

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 1-9, Code of Ordinances, 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.

4.2. Effective Date

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

II.

NUTTY BROWN PLANNED UNIT DEVELOPMENT DEVELOPMENT STANDARDS

1. DEFINITIONS

Words and terms used herein shall have their usual force and meaning, or as defined in the City of Round Rock Code of Ordinances, as amended, hereinafter referred to as “the Code.”

2. PROPERTY

This Plan covers approximately 18.41 acres of land located within the City of Round Rock, Texas, and more particularly as 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 **C-1a (General Commercial – limited)** zoning district 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.

4.3 Concept Plan

This Plan, as depicted in **Exhibit “B”**, shall serve as the Concept Plan required by Section 36-39 of the Code, as amended.

4.4 Traffic Impact Analysis

A traffic impact analysis (TIA) shall not be required for the Plan.

5. PERMITTED USES

5.1 Outdoor music and entertainment venue, including:

- (1) Restaurant/bar
- (2) Stage with loading docks
- (3) Grandstands
- (4) Green Room building
- (5) Arena area for spectators
- (6) Bar and suites
- (7) Festival parking area
- (8) Food truck area
- (9) Paved Parking areas
- (10) Drive aisles
- (11) Existing restrooms building
- (12) Sidewalks
- (13) Retail sales, as an accessory use
- (14) Temporary special events such as: farmer markets, Christmas tree sales, charity events, worship services

6. DEVELOPMENT STANDARDS

6.1 Festival Parking Area

The parking area provided to serve the venue may be provided on an unimproved surface, not subject to the provisions of the off-street parking and loading requirements of the Code. This unimproved parking area shall not exempt any part of the development from City requirements related to emergency access and fire safety.

6.2 Building Design

- (1) The restaurant/bar structure shall meet the design standards of the C-1a (General Commercial – Limited) zoning district.
- (2) All structures which are part of the outdoor music and entertainment venue shall be exempt from design standards of the C-1a (General Commercial – Limited) zoning district.

7. TREE REMOVAL

If the development of the site causes it to become necessary to remove one or more of the protected trees on the site, a limited number of said protected trees may be removed without being subject to the tree replacement requirements of the Code, Section 43-25. In order for the site to qualify under this section, the zoning administrator shall first calculate the total number of diameter inches of protected trees on the site. Then the developer may remove protected trees whose total diameters are not more than 60 percent of the diameter inches of all protected trees on the site. Provided however, this section shall first be applied to the smallest protected tree on the site and then to the remainder of the protected trees in ascending order according to their diameters. If the developer wishes to remove more than 60 percent of the diameter inches of all protected trees on the site, the developer shall comply with the requirements of the Code, Section 43-25 for trees in excess of said 60 percent.

8. SIGNS

8.1 Signs shall be regulated by the Code, with the following exceptions:

- (1) Two freestanding pylon signs shall be allowed on the property, along the frontage with IH 35:
 - 8.1.1.1.1 One (1) freestanding pylon sign shall be allowed at a maximum height of sixty-feet (60'), with a maximum sign display area, per side, of 1,068 square feet. The maximum sign display area, per side, may include a maximum of 740 square feet of electronic messaging center display.
 - 8.1.1.1.2 One (1) freestanding pylon sign shall be allowed, subject to the height and display area standards of the Code.
- (2) Advertising and informational signs on any structure, listed in Section 5.1 above, except for the restaurant/bar, which are internal to the site and not visible from a public right-of-way, shall be exempt from regulation by the Code.

9. COMPATIBILITY

Amplified music shall be directed in a west-northwest direction from the site, as indicated on Exhibit "C".

10. FINISHED FLOOR ELEVATIONS

All building structures shall be constructed with a finished floor elevation at or above FEMA (Federal Emergency Management Agency) Zone AE BFE (Base Flood Elevation), representing the 1% annual probability.

11. EXISTING BALL FIELD LIGHTING

The existing ball field lighting, as indicated on **Exhibit “D”**, shall be exempt from the site lighting design and excessive illumination requirements of the Code.

12. PARKLAND FEES

The Plan shall be exempt from Chapter 36, Article III – Parkland Requirement, of the Code.

13. ACCESS

When an access drive is provided by the City, making a connection from the Property to North Mays Street, the Owner shall incorporate this additional access into the Plan.

14. CHANGES TO DEVELOPMENT PLAN

14.1 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 Director of Planning and Development Services and the City Attorney.

14.2 Major Changes

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

LIST OF EXHIBITS

Exhibit "A"	Survey Field Notes
Exhibit "B"	Concept Plan
Exhibit "C"	Compatibility
Exhibit "D"	Existing Ball Field Lights

EXHIBIT
"A"

METES AND BOUNDS DESCRIPTION

FOR A 18.389 ACRE TRACT OF LAND SITUATED IN THE EPHRIAM EVANS SURVEY, ABSTRACT NO. 212 AND THE DAVID CURRY SURVEY, ABSTRACT NO. 130, IN WILLIAMSON COUNTY, TEXAS, BEING ALL OF THE CALLED 14.064 ACRE TRACT OF LAND (TRACT 1), ALL OF THE CALLED 2.00 ACRE TRACT OF LAND (TRACT 2) AND ALL OF THE CALLED 2.35 ACRE TRACT OF LAND (TRACT 3), SAID TRACTS CONVEYED TO THE CITY OF ROUND ROCK, RECORDED IN DOCUMENT NO. 2006087974, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. SAID 18.389 ACRE TRACT OF LAND SURVEYED ON THE GROUND BY DIAMOND SURVEYING, INC. DURING THE MONTH OF AUGUST, 2017 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found (Grid Coordinates: N=10175359.56, E=3127918.13) monumenting the northwest corner of said 14.064 acre (TRACT 1) City of Round Rock tract and the southwest corner of Lot 1, University Oak Shopping Center Section 1, a Replat of Lots 2B & 2C, Block A, East Chandler Retail Center Replat of Lot 2, Recorded in Cabinet CC, Slides 230-233, Plat Records of Williamson County, Texas a subdivision recorded in Cabinet FF, Slides 380-381 of the Plat Records of Williamson County, Texas, same being on the east boundary line of a called 10.881 acre tract of land (PART 1) conveyed to the State of Texas as recorded in Volume 479, Page 85 of the Deed Records of Williamson County, Texas, same being on the east right-of-way line of Interstate Highway No. 35, for the northwest corner and **POINT OF BEGINNING** hereof, from which an iron rod found with cap marked "CS LTD" monumenting the northwest corner of said Lot 1, bears N 02°02'52" W passing at a distance of 112.57 feet an iron rod found with cap marked "CS LTD" monumenting the northeast corner of said 10.881 acre State of Texas tract, in all a total distance of 187.02 feet;

THENCE, departing the east boundary line of said 10.881 acre State of Texas tract and said east right-of-way line of Interstate Highway No. 35, with the north boundary line of said 14.064 acre (TRACT 1) City of Round Rock tract and the south boundary line of Lot 1 and Lot 2 of said University Oak Shopping Center Section 1, a Replat of Lots 2B & 2C, Block A, East Chandler Retail Center Replat of Lot 2, Recorded in Cabinet CC, Slides 230-233, Plat Records of Williamson County, Texas, the following three courses and distances:

1. **S 81°50'22" E** for a distance of **173.32 feet** to a PK Nail set on top of a wall, for an angle point hereof;
2. **S 52°10'22" E** for a distance of **172.57 feet** to a 1/2" iron rod found, for an angle point hereof;
3. **N 75°40'22" E** passing at a distance of 99.56 feet a 1/2" iron rod found monumenting the southeast corner of said Lot 1 and the southwest corner of said

Lot 2, in all a total distance of **171.06 feet** to a 1/2" iron rod found monumenting the northeast corner of said 14.064 acre (TRACT 1) City of Round Rock tract and the most southerly southeast corner of said Lot 2, same being on an angle point in the west boundary line of Lot 2D, Block A, Replat of Lot 2 of East Chandler Retail Center a subdivision recorded in Cabinet CC, Slides 230-233 of the Plat Records of Williamson County, Texas, for the most northerly northeast corner hereof;

THENCE, **S 34°51'57" E** with the east boundary line of said 14.064 acre (TRACT 1) City of Round Rock tract and the west boundary line of said Lot 2D, Block A for a distance of **529.34 feet** to a 1/2" iron rod found monumenting the northwest corner of said 2.00 acre (TRACT 2) City of Round Rock tract and the southwest corner of said Lot 2D, Block A, for an angle point hereof;

THENCE, with the north boundary line of said 2.00 acre (TRACT 2) City of Round Rock tract and the south boundary line of said Lot 2D, Block A, the following two (2) courses and distances:

1. **N 71°07'46" E** for a distance of **229.82 feet** to a 1/2" iron rod found for an angle point hereof;
2. **N 64°25'25" E** for a distance of **164.65 feet** to a 1/2" iron rod found monumenting the northeast corner of said 2.00 acre (TRACT 2) City of Round Rock tract and the northwest corner of said 2.35 acre (TRACT 3) City of Round Rock tract;

THENCE, **N 63°52'39" E** with the north boundary line of said 2.35 acre (TRACT 3) City of Round Rock tract and the south boundary line of Lot 2D, Block A and Lot 2I, Block A of said Replat of Lot 2 of East Chandler Retail Center, passing at a distance of 12.74 feet a 1/2" iron rod found 0.13' south of this line, in all a total distance of **238.32 feet** to a 1/2" iron rod found monumenting the northeast corner of said 2.35 acre (TRACT 3) City of Round Rock tract and the northwest corner of Lot 3, Block B, Oakmont Centre Section Five a subdivision recorded in Cabinet F, Slides 139-142 of the Plat Records of Williamson County, Texas for the most easterly northeast corner hereof;

THENCE, with the east boundary line of said 2.35 acre (TRACT 3) City of Round Rock tract and the west boundary line of said Lot 3, Block B, the following three (3) courses and distances:

1. **S 25°55'00' E** for a distance of **348.40 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying", for an angle point hereof, from which a 1/2" iron rod found bears **N 76°09'32" W** for a distance of 7.24 feet;

2. **S 46°48'00" W** for a distance of **60.46 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying", for an angle point hereof, from which a 1/2" iron rod found bears N 00°11'34" W for a distance of 4.53 feet;
3. **S 02°45'00" W** for a distance of **120.87 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying", for the southeast corner of said 2.35 acre (TRACT 3) City of Round Rock tract, same being on the north boundary line of Lot 1, Final Plat of Cypress Addition, a subdivision recorded in Cabinet N, Slides 266-268 of the Plat Records of Williamson County, Texas, for the southeast corner hereof, from which a 1/2" iron rod found monumenting an angle point in the north boundary line of Lot 2 of said Final Plat of Cypress Addition, bears N 69°27'35" E for a distance of 20.21 feet;

THENCE, with the north boundary line of said Lot 1, Final Plat of Cypress Addition, the south boundary line of said 2.35 acre (TRACT 3) City of Round Rock tract, the south boundary line of said 2.00 acre (TRACT 2) City of Round Rock tract and the south boundary line of said 14.064 acre (TRACT 1) City of Round Rock tract, the following four (4) courses and distances:

1. **S 69°27'35" W** passing at a distance of 266.18 feet a 1/2" iron rod found (spinner) monumenting the southwest corner of said 2.00 acre (TRACT 2) City of Round Rock tract and the southeast corner of said 14.064 acre (TRACT 1) City of Round Rock tract, in all a total distance of **370.88 feet** to a 1/2" iron rod found monumenting an angle point hereof;
2. **S 67°44'06" W** for a distance of **171.32 feet** to a 1/2" iron rod found monumenting an angle point hereof;
3. **S 63°52'09" W** for a distance of **101.47 feet** to a 1/2" iron rod found monumenting an angle point hereof;
4. **S 56°52'26" W** for a distance of **130.20 feet** to a 1/2" iron rod found monumenting the most southerly southwest corner of said 14.064 acre (TRACT 1) City of Round Rock tract and an angle point in said north boundary line of Lot 1, Final Plat of Cypress Addition, same being on an angle point in the east boundary line of a called 26.208 acre tract of land (TRACT 3) conveyed to CRPHYH, L.P. as recorded in Document No. 2005003003 of the Official Public Records of Williamson County, Texas, for the most southerly southwest corner hereof, from which a 1/2" iron rod found monumenting the northwest corner of said Lot 1, Final Plat of Cypress Addition and an angle point in said east boundary line of the 26.208 acre CRPHYH, L.P. tract bears S 56°04'36" W for a distance of 29.17 feet;

THENCE, with the west boundary line of said 14.064 acre (TRACT 1) City of Round Rock tract and said east boundary line of the 26.208 acre CRPHYH, L.P. tract, the following three (3) courses and distances:


1. **N 38°12'07" W** for a distance of **204.53 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying", for an angle point hereof;
2. **N 60°26'12" W** for a distance of **633.89 feet** to the center of a wastewater manhole, for an angle point hereof;
3. **N 55°54'08" W** for a distance of **66.59 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying", for the most westerly southwest corner of said 14.064 acre (TRACT 1) City of Round Rock tract and the north corner of said 26.208 acre CRPHYH, L.P. tract, same being on the east boundary line of said 10.881 acre State of Texas tract and the east right-of-way line of said Interstate Highway No. 35, from which a TXDOT Type 1 concrete monument found monumenting the beginning of a curve to the left in said east boundary line of the 10.881 acre State of Texas tract and said east right-of-way line of Interstate Highway No. 35, bears S 02°02'52" E for a distance of 47.16 feet;


THENCE, **N 02°02'52" W** with the west boundary line of said 14.064 acre (TRACT 1) City of Round Rock tract, said east boundary line of the 10.881 acre State of Texas tract and said east right-of-way line of Interstate Highway No. 35 for a distance of **547.98 feet** to the **POINT OF BEGINNING** hereof and containing 18.389 acres of land more or less.

Bearing Basis: State Plane Coordinate System, NAD83, Texas Central Zone (4203).

Distances shown hereon are surface based on a combined surface adjustment factor of 1.00011.

A survey drawing has been prepared to accompany this metes and bounds description.

 **DIAMOND SURVEYING, INC.**
116 SKYLINE ROAD, GEORGETOWN, TX 78628
(512) 931-3100
FIRM REGISTRATION NO. 10006900

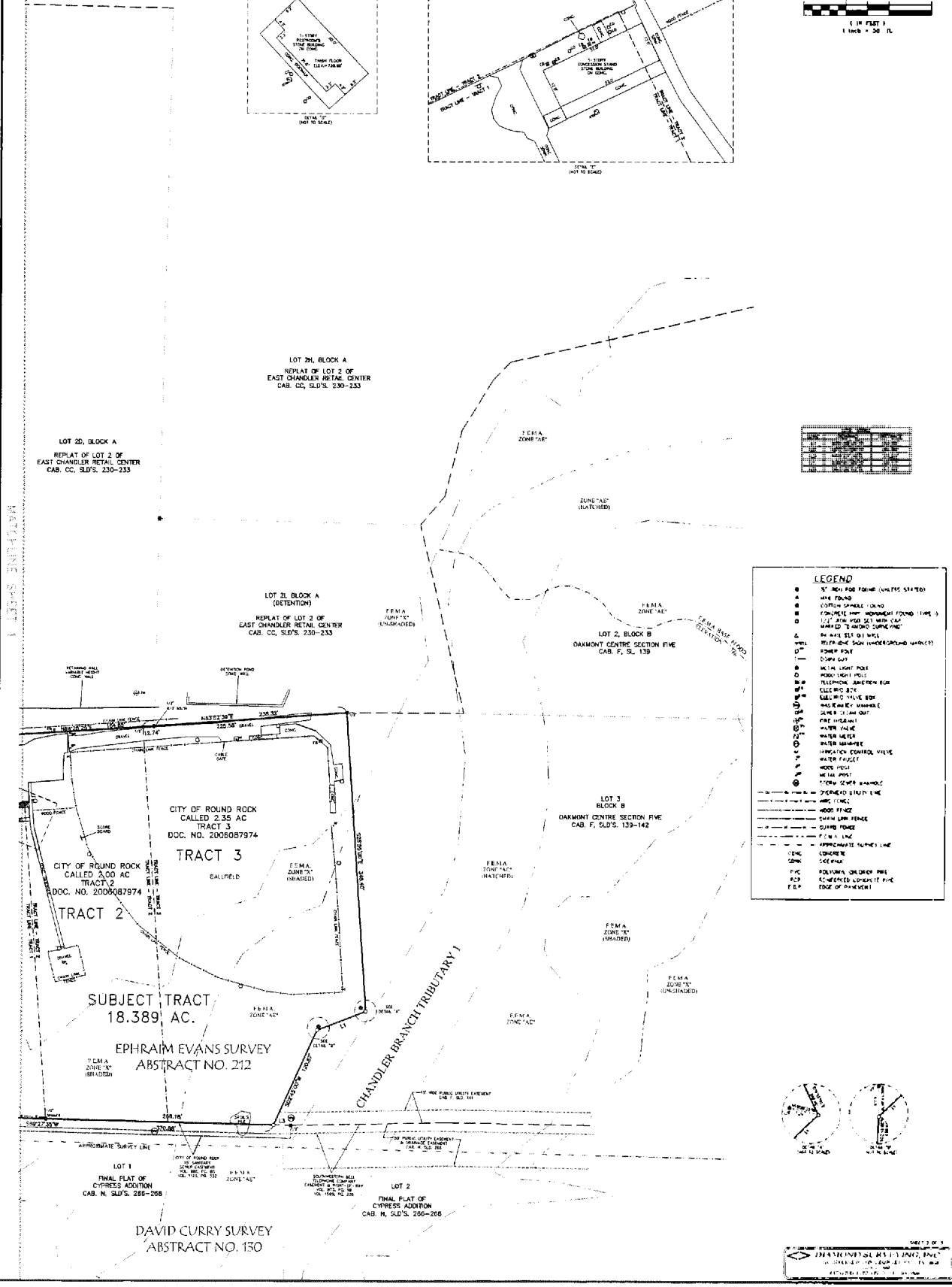
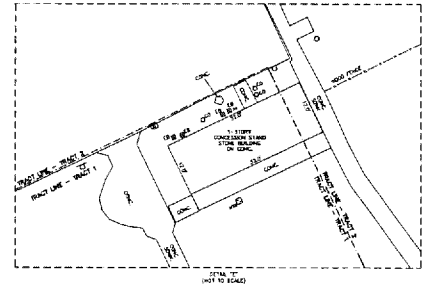
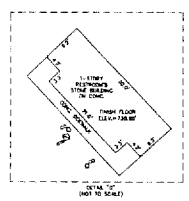
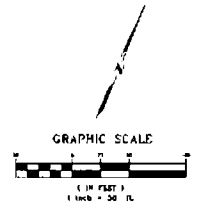


January 4, 2018

SHANE SHAFER, R.P.L.S. NO. 5281 DATE



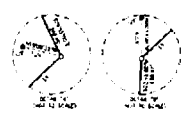
DRAWING TO ACCOMPANY METES AND BOUNDS DESCRIPTION
 LAND TITLE SURVEY FOR A 18.389 ACRE TRACT OF LAND SITUATED IN THE EPHRAIM EVANS SURVEY, ABSTRACT NO. 212 AND THE DAVID CURRY SURVEY, ABSTRACT NO. 130, IN WILLIAMSON COUNTY, TEXAS, BEING ALL OF THE CALLED 14.064 ACRE TRACT OF LAND (TRACT 1), ALL OF THE CALLED 2.00 ACRE TRACT OF LAND (TRACT 2) AND ALL OF THE CALLED 2.35 ACRE TRACT OF LAND (TRACT 3), SAID TRACTS CONVEYED TO THE CITY OF ROUND ROCK, RECORDED IN DOCUMENT NO. 2006087974, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS.
 PROPERTY ADDRESS: 3701 INTERSTATE HIGHWAY 35 N., ROUND ROCK, TX 78665



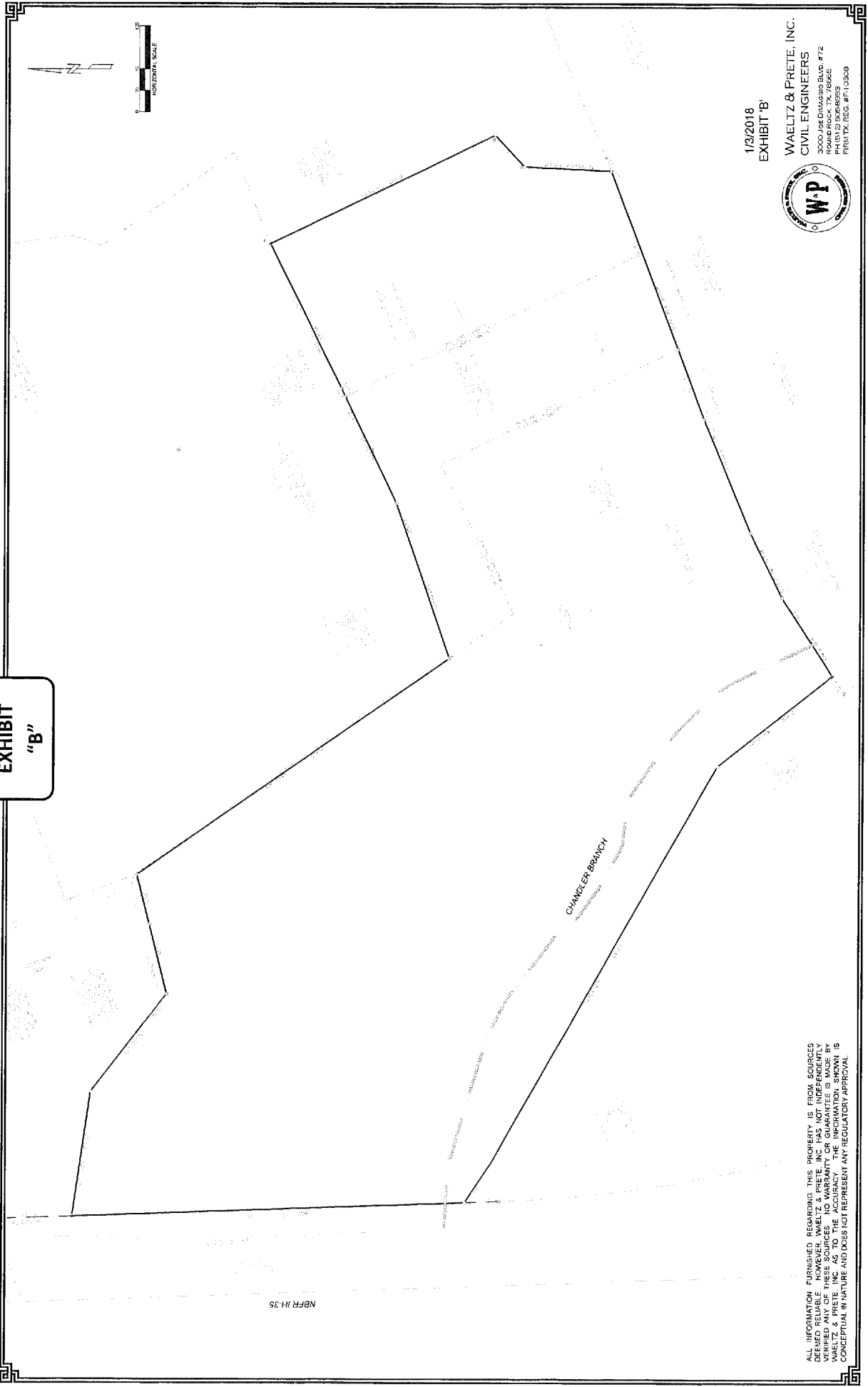
LEGEND

- 1" X 1" HOLE FOUND (WHERE SHOWN)
- ▲ HOLE FOUND
- CONCRETE SPALL FOUND
- CONCRETE CHIP FOUND (TYPE 1)
- CONCRETE CHIP FOUND (TYPE 2)
- CONCRETE CHIP FOUND (TYPE 3)
- CONCRETE CHIP FOUND (TYPE 4)
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- CONCRETE CHIP FOUND (TYPE 100)

RECORDERS MEMORANDUM
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**EXHIBIT
"B"**



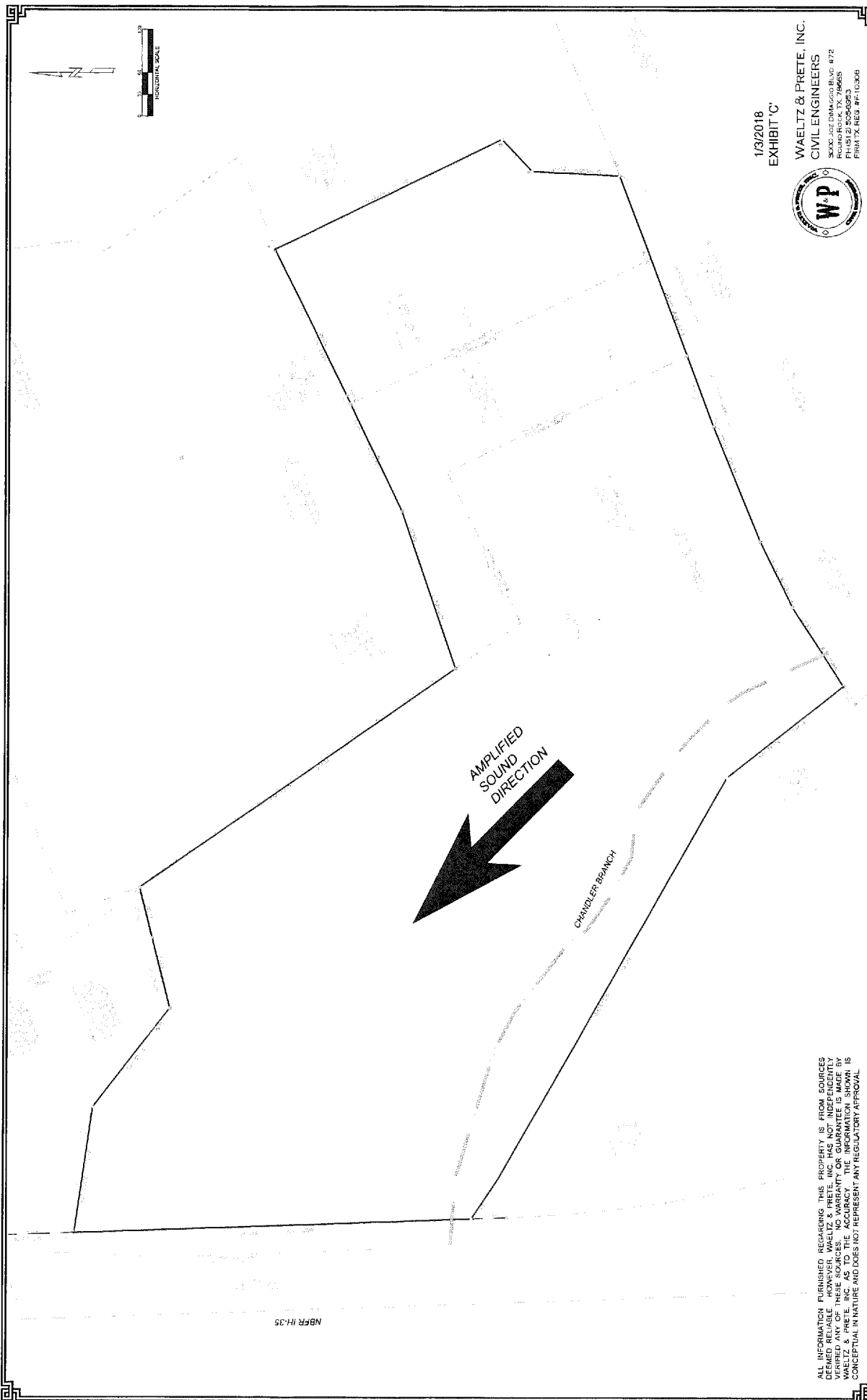
1/3/2018
EXHIBIT "B"



WAELTZ & PRETE, INC.
CIVIL ENGINEERS
 2505 LEE ROAD, SUITE #72
 HOUSTON, TEXAS 77058
 PH (817) 506-8893
 FIRM TX. REG. #F105538

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NBRF 11-35



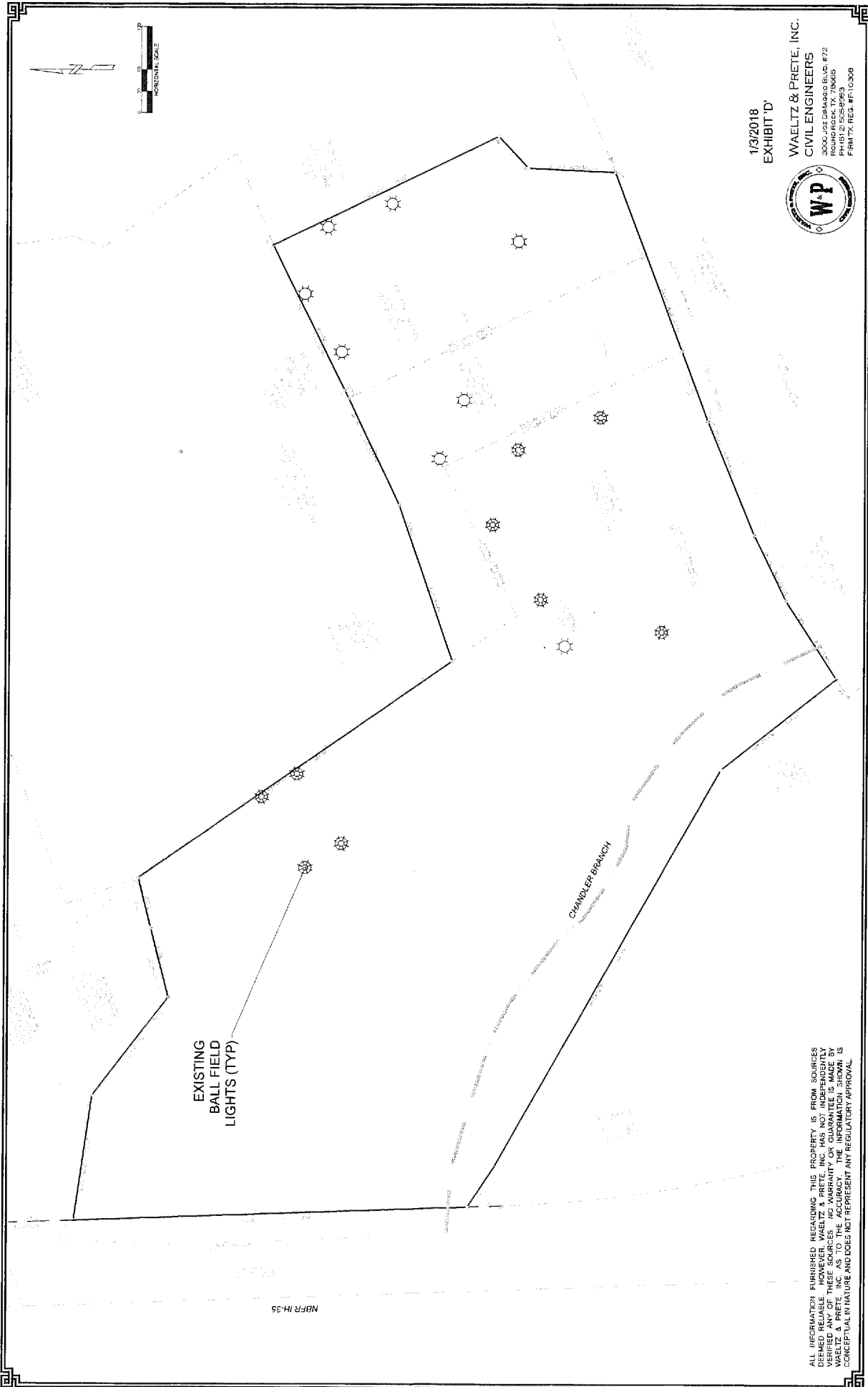
1/3/2018
EXHIBIT 'C'



WAELTZ & PRETE, INC.
 CIVIL ENGINEERS
 3000 CEDAR CREEK BLVD. #72
 FORT WORTH, TEXAS 76109
 PH: (817) 509-9923
 FIRMTX REG. #F-10308

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NBR-11-35



1/3/2018
EXHIBIT 'D'



WAELTZ & PRETE, INC.
 CIVIL ENGINEERS
 3000 JST DAMASCO BLVD. #72
 ROUND ROCK, TX 78665
 PH (512) 505-5963
 FIRM TX REG. #F110309

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**ELECTRONICALLY RECORDED
OFFICIAL PUBLIC RECORDS**

2018011229

Pages: 29 Fee: \$153.00
02/09/2018 01:49 PM



Nancy E. Rister

Nancy E. Rister, County Clerk
Williamson County, Texas