

CONSENT AGREEMENT

BETWEEN THE CITY OF BEE CAVE, TEXAS AND CASSANDRA INTERESTS, LTD

Little Barton Creek Tract Development Project

Whereas, the Subject Property (“Property”), as described in Special Warranty Deed 2010054722 in the Official Public Records of Travis County, Texas and which metes and bounds description is attached in **Exhibit A**, and which is depicted in a sketch in **Exhibit A-1**, is subject to the Cassandra Interests Development Agreement between Cassandra Interests, LTD, who was and remains as of the date of this Consent Agreement (“Agreement”) the Property Owner, and the City of Bee Cave, Texas. The Development Agreement, recorded under document number 2017005834 of the Official Public Records of Travis County, Texas, specifies that, upon submission of a development application, the City will initiate annexation proceedings with the voluntary consent of the Subject Property owner at the time of application, and, upon annexation, the Property will be zoned “Single-Family 20”; and

Whereas, on April 23, 2020 the Property Owner submitted a Vested Rights Claim under Chapter 245 of the Texas Local Government Code referencing grandfathering protections under the CCNG Development Agreement, which was approved by the City of Bee Cave on April 13, 1999 and a copy of which is on file with the City Secretary. The City Manager deemed the application to be administratively incomplete on May 8, 2020; and

Whereas, Property Owner provided the City additional documentation in June 2020 in response to determination of incompleteness; and

Whereas, the City Manager made a determination of denial of the vested rights claim on July 23, 2020; the referenced correspondence between the Property Owner and the City between April 23, 2020 and July 23, 2020 is attached as **Exhibit B**; and

Whereas, pursuant to 30.01.007(f)(8), the landowner appealed staff’s decision to City Council in July 2020; and

Whereas, on August 11, 2020, pursuant to 30.01.007(d)(9), City Council directed staff to attempt to negotiate a consent agreement in an effort to avoid potential litigation and use taxpayer dollars in a fiscally responsible manner.

Now Therefore, the following Agreement is intended to summarize the key terms and provisions for development of a single-family residential project, to be formalized and superseded by final platting, and is entered into by Cassandra Interests, Ltd. or its successor (“Property Owner”) and the City of Bee Cave, Texas (the “City”). This Agreement is applicable to the property described in **Exhibit A**, an approximately 126-acre property located north and south of Little Barton Creek, generally north of the Spanish Oaks Golf Course and southwest of the Shops at the Galleria. This Agreement is non-binding until it is reviewed and approved by the City Council for the City. This Agreement will terminate at the time of final platting or within five years of the date of City approval of this Agreement, whichever occurs first. In the event an application is submitted to develop the property in any manner other than a 30 lot or fewer, single family residential subdivision, as described herein, this Agreement and any claims to vested rights will automatically terminate and this Agreement will be of no effect.

Property Owner	Cassandra Interests, Ltd.
Project Description	<p>The project is proposed to have 30 residential lots with an average size of 26,000 sf and a minimum size of no less than 19,000 sf; each lot shall have a maximum of one unit. The project proposes private streets and shared access driveways to be constructed at the property owner's expense and maintained by a property owners association; and to be connected to adjacent properties via private drives located generally northwest and southeast of the residential lots.</p> <p>The development is permitted up to 40% impervious cover.</p> <p>Pursuant to the Cassandra Development Agreement executed in late 2016 and recorded in early 2017 under document number 2017005834 OPRTCT, upon annexation, the property will be zoned Single-Family 20 ("SF-20"). See Subsection 2(3) of the Agreement.</p>
Applicable Codes & Regulations	
General	The proposed project will comply with Bee Cave Code of Ordinances, as adopted, on October 1, 2020, except for modifications listed below.
Zoning (§32)	<p>32.03.004(d)(1)(A) Minimum Lot Area</p> <p>Lots designated as residential shall average 26,000 square feet or greater. No lot shall be less than 19,000 sf feet.</p>
Subdivision (§30)	<p>30.03.001 (c) (10) (C) Private Streets: Access Onto Public Thoroughfare.</p> <p>The private street subdivision shall provide a number of access points that complies with the International Fire Code and amendments, as applicable, adopted by the City of Bee Cave and in effect at the time of Preliminary Plat approval. Restricted access entrances shall not be allowed. Right-of-way width for the streets shall be a minimum of fifty feet (50') with a minimum of twenty-six feet (26') of pavement width.</p> <p>30.03.001 (o) Block Length</p> <p>The maximum length of any block or street segment shall be two thousand four hundred feet (2,400'), as measured along the street centerline and between the point(s) of intersection with other through, not dead-end or cul-de-sac, streets and there shall be no minimum length of any block or street segment.</p> <p>30.03.001 (p) Cul-de-sac Design.</p> <p>A cul-de-sac street shall not be longer than eight hundred and fifty feet (850'), and at the closed end shall have a turnaround bulb with an outside pavement diameter of at least eighty feet (80') and a right-of-way diameter of at least one hundred feet (100'). The length of a cul-de-sac shall be measured from the centerline of the intersecting street to the centerline of the cul-de-sac bulb.</p>

<p style="text-align: center;">Non-Point Source Pollution (\$20.04)</p>	<p>20.04.045(a) & (b) Water Quality Buffer Zones</p> <p>(a) All development activities, including temporary construction activities and landscaping activities, shall be restricted from the WQBZ, except</p> <p>(1) the following development activities, which shall be allowed</p> <p>(A) Up to six (6) residential lots, each of which may have up to a maximum of 20 percent impervious cover. All impervious cover must be a minimum of 100 feet from the two-year floodplain; and</p> <p>(B) Water Quality controls utilized for compliance with § 20.04.050. Controls must be located a minimum of 100 feet from the two-year floodplain and comply with all other standards in City Code and the City’s adopted Technical Construction Standards and Specifications Manual, including those related to location.</p> <p>(2) and the following development activities, which may be allowed if approved by the city:</p> <p>(A) Roadway and driveway crossings;</p> <p>(B) Hike and bike trails in accordance with the comprehensive plan;</p> <p>(C) Maintenance and restoration of natural vegetation;</p> <p>(D) Water quality control monitoring devices;</p> <p>(E) Removal of trash, debris, and pollutants;</p> <p>(F) Utilities, as subject to the restrictions of subsection (b) of this section;</p> <p>(G) Fences that do not obstruct flood flows;</p> <p>(H) Public and private parks and open space, with development in the parks and open space limited to hiking, jogging, or walking trails, and excluding stables and corrals for animals;</p> <p>(I) Private drives to allow access to property not otherwise accessible.</p> <p>(b) All utilities, roads, and joint access drives shall be located a minimum of one hundred feet (100’) from the two year floodplain. Wastewater lift stations shall be located outside the WQBZ. On-site wastewater disposal systems shall be located outside the WQBZ. Wastewater trunk lines and lateral lines shall be located outside the WQBZ to the maximum extent practical except for crossings. All wastewater trunk lines located in the WQBZ shall meet design standards and construction specifications of testing to a zero (0) leakage allowable.</p>
<p>Permitting Review and Assistance</p>	<p>The project is required to follow the review process and fee schedule in effect at the time the respective application submittal or as otherwise prescribed by State law.</p> <p>The exceptions to Code noted above shall be memorialized as notes on the</p>

	Preliminary and Final Plat.
Performance Metrics	<p>The Developer and City will develop mutually acceptable performance covenants, including without limitation the following:</p> <p>Execution of this consent agreement will be considered a development application pursuant to Section (2)(3) of the development agreement and will be considered a request to initiate annexation proceedings for the portion of the property that is in the Extraterritorial Jurisdiction. Property will be zoned SF-20 upon annexation.</p> <p>Submit preliminary and final plats, and Subdivision Construction Plans.</p>

APPROVED AND EXECUTED THIS THE ___ DAY OF JANUARY 2021.

CASSANDRA INTERESTS, LTD.
A Texas Limited Liability Corporation

Kara King, Mayor
City of Bee Cave

ATTEST:

Kaylynn Holloway, City Secretary

APPROVED AS TO FORM:

William P. McLean
McLean & Howard, L.L.P.

Charles E. Zech, City Attorney
Denton Navarro Rocha Bernal & Zech

EXHIBIT "A"

Property Description

FIELD NOTES DESCRIPTION

METES AND BOUNDS DESCRIPTION OF 126.55 ACRES OF LAND, MORE OR LESS, BEING A PORTION OF THE FOLLOWING SURVEYS, ALL IN TRAVIS COUNTY, TEXAS: A PORTION OF THE MATTHEW WILLIAMS SURVEY NO. 900, ABSTRACT NO. 823; A PORTION OF THE D. BOHLS SURVEY NO. 905, ABSTRACT NO. 129; A PORTION OF THE I. & G. N. R.R. CO. SURVEY NO. 57, ABSTRACT NO. 2109; A PORTION OF THE FREDRICH C. PECHT SURVEY NO. 68, ABSTRACT NO. 635; A PORTION OF THE JARRETT MEDLIN SURVEY NO. 520, ABSTRACT NO. 539; AND A PORTION OF THE ORRAN WADE SURVEY NO. 540, ABSTRACT NO. 811, SAID 126.55 ACRES OF LAND, MORE OR LESS, BEING ALL OF THAT 126.55 ACRE TRACT DESCRIBED IN A WARRANTY DEED FROM DANIEL B. PORTER TO 126 BEE CAVE INVESTMENTS, LP IN DOCUMENT NO. 2003202592, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 126.55 ACRE TRACT, MORE OR LESS, BEING ALL OR A PORTION OF THE FOLLOWING TRACTS OF LAND, ALL IN TRAVIS COUNTY, TEXAS: A PORTION OF THAT 230.92 ACRE TRACT, A PORTION OF THE SAID MATTHEW WILLIAMS SURVEY NO. 900, AND OTHERS, AS DESCRIBED IN A WARRANTY DEED FROM THE NELLIE HAMPE PARTNERSHIP I, LTD. TO DANIEL B. PORTER IN VOLUME 13212, PAGE 2535, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; ALL OF THAT 2.000 ACRE TRACT, A PORTION OF THE SAID MATTHEW WILLIAMS SURVEY NO. 900, AS DESCRIBED IN A SPECIAL WARRANTY DEED FROM CCNG DEVELOPMENT COMPANY, L.P. TO DANIEL B. PORTER IN DOCUMENT NUMBER 2000013836, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; ALL OF THAT 10.548 ACRE TRACT, A PORTION OF THE SAID MATTHEW WILLIAMS SURVEY NO. 900 AND A PORTION OF THE SAID D. BOHLS SURVEY NO. 905, AS DESCRIBED IN A SPECIAL WARRANTY DEED FROM CCNG PROPERTIES, L.P. TO DANIEL B. PORTER IN DOCUMENT NUMBER 2001047244, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 10.548 ACRE TRACT NOW BEING ALL OF LOT 27, BLOCK "A", 11505 TX 71, PHASE ONE, A SUBDIVISION OF A PORTION OF THE SAID D. BOHLS SURVEY NO. 905, AND OTHERS, IN TRAVIS COUNTY, TEXAS, OF RECORD IN DOCUMENT NO. 200100286, OFFICIAL PUBLIC (PLAT) RECORDS OF TRAVIS COUNTY, TEXAS; ALL OF THAT 20.975 ACRE TRACT, A PORTION OF THE SAID ORRAN WADE SURVEY NO. 540, AND OTHERS, AS DESCRIBED IN A SPECIAL WARRANTY DEED FROM CCNG DEVELOPMENT COMPANY, L.P. TO DANIEL B. PORTER IN DOCUMENT NUMBER 2001047246, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; AND A PORTION OF THAT 10.44 ACRE TRACT, A PORTION OF THE SAID MATTHEW WILLIAMS SURVEY NO. 900, AS DESCRIBED IN A SPECIAL WARRANTY DEED FROM CCNG DEVELOPMENT COMPANY, L.P. TO DANIEL B. PORTER IN DOCUMENT NUMBER 2001082946, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AS PREPARED FOR DANIEL B. PORTER BY METCALFE & SANDERS, INC., LAND SURVEYORS, AND REVISED FOR 126 BEE CAVE INVESTMENTS, LP BY LOOMIS PARTNERS, SAID 126.55 ACRES OF LAND, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a 1/2" steel pin in rock found at the most easterly corner of that 230.92 acre tract, a portion of the Matthew Williams Survey No. 900, and others, in Travis County, Texas, as described in a Warranty Deed from the Nellie Hampe Partnership I, Ltd. to Daniel B. Porter in Volume 13212, Page 2535, Real Property Records of Travis County, Texas, and the south corner of that 7.5 acre tract, a portion of the said Matthew Williams Survey No. 900, in Travis County, Texas, as described in a General Warranty Deed from Nellie Moehring to Terry E. Boothe in Volume 12227, Page 343, Real Property Records of Travis County, Texas, said 1/2" steel pin in rock found being also the most southerly west corner of that 47.81 acre tract, a portion of the said Matthew Williams Survey No. 900, and others, in Travis County, Texas, designated as Tract 1 and described in a Special Warranty Deed from NAJD II Corp. to Limestone Springs Properties L.P. in Volume 12661, Page 42, Real Property Records of Travis County, Texas, and the most westerly north corner of that 10.548 acre tract, a portion of the said Matthew Williams Survey No. 900, and others, in Travis County, Texas, as described in a Special Warranty Deed from CCNG Properties, L.P. to Daniel B. Porter in Document Number 2001047244, Official Public Records of Travis County, Texas, said 1/2" steel pin in rock found being also the most westerly north corner of Lot 27, Block "A", 11505 TX 71, Phase One, a subdivision of a portion of the D. Bohls Survey No. 905, Abstract No. 129, and others, in

Travis County, Texas, of record in Document No. 200100286, Official Public (Plat) Records of Travis County, Texas, for the POINT OF BEGINNING of the herein described tract;

THENCE with a northeast, north, northwest, west and north line of the said Porter 10.548 acre tract and a northeast, north, northwest, west and north line of said Lot 27, Block "A", 11505 TX 71, Phase One, being also with a southwest, south, southeast, east and south line of the said Limestone Springs Properties L.P. Tract 1 of 47.81 acres, courses numbered 1 through 8 inclusive as follows:

- (1) S 39°55'30" E 26.54 feet to a calculated point;
- (2) S 44°47'20" E 389.72 feet to a calculated point;
- (3) S 60°02'20" E 202.67 feet to a calculated point;
- (4) S 74°38'20" E 185.51 feet to a calculated point;
- (5) N 54°23'40" E 137.36 feet to a calculated point;
- (6) N 35°14'40" E 158.10 feet to a calculated point;
- (7) N 15°44'40" E 179.73 feet to a calculated point at the most easterly northwest corner of the

said Porter 10.548 acre tract and the most easterly northwest corner of said Lot 27, Block "A", 11505 TX 71, Phase One, said calculated point being also an interior corner of the said Limestone Springs Properties L.P. Tract 1 of 47.81 acres, for the most easterly northwest corner of the herein described tract;

(8) S 79°33'20" E 139.10 feet to a calculated point at the most easterly northeast corner of the said Porter 10.548 acre tract and the most easterly northeast corner of said Lot 27, Block "A", 11505 TX 71, Phase One, said calculated point being also the northwest corner of Lot 1, Block "A" of said 11505 TX 71, Phase One, for the most easterly northeast corner of the herein described tract;

THENCE with an east, southeast, south, southwest, south, southeast, east, northeast, southeast, southwest and east line of the said Porter 10.548 acre tract and an east, southeast, south, southwest, south, southeast, east, northeast, southeast, southwest and east line of said Lot 27, Block "A", 11505 TX 71, Phase One, being also with the west line of said Lot 1, Block "A", 11505 TX 71, Phase One, the west line of Lot 2, Block "A" of said 11505 TX 71, Phase One, the northwest line of Lots 3 and 4, Block "A" of said 11505 TX 71, Phase One, the north line of Lots 11 and 12, Block "A" of said 11505 TX 71, Phase One, the north and northeast line of Lots 17, Block "A" of said 11505 TX 71, Phase One, the northeast line of Lot 18, Block "A" of said 11505 TX 71, Phase One, the northeast, north, northwest and west line of Lot 19, Block "A" of said 11505 TX 71, Phase One, the west line of Lots 20 and 21, Block "A" of said 11505 TX 71, Phase One, the west and southwest line of Lot 22, Block "A" of said 11505 TX 71, Phase One, the curving northwest line of La Barzola Bend, said La Barzola Bend being a portion of Lot 1, Block "H" (Private Street, Electric, Access, Drainage, Water and Wastewater Easement) of said 11505 TX 71, Phase One, the northeast and west line of Lot 23, Block "A" of said 11505 TX 71, Phase One and the west line of Lot 24, Block "A" of said 11505 TX 71, Phase One, courses numbered 9 through 21 inclusive as follows:

- (9) S 28°16'40" W 118.63 feet to a calculated point at the most westerly corner of said Lot 1 and the most northerly corner of said Lot 2, Block "A", 11505 TX 71, Phase One;
- (10) S 33°44'50" W 291.48 feet to a calculated point at the most westerly corner of said Lot 2 and the most northerly corner of said Lot 3, Block "A", 11505 TX 71, Phase One;
- (11) S 47°55'30" W 263.03 feet to a calculated point at the most westerly corner of said Lot 4 and the most northerly or northeast corner of said Lot 11, Block "A", 11505 TX 71, Phase One;
- (12) S 85°49'40" W 441.43 feet to a calculated point;
- (13) N 64°24'30" W 436.02 feet to a calculated point;
- (14) S 65°52'10" W 55.24 feet to a calculated point;
- (15) S 26°40'00" W 84.22 feet to a calculated point;
- (16) S 8°49'10" W 283.28 feet to a calculated point at the most westerly corner of said Lot 21 and the most northerly corner of said Lot 22, Block "A", 11505 TX 71, Phase One;
- (17) S 23°53'10" W 125.57 feet to a calculated point at an interior corner of the said Porter

10.548 acre tract and an interior corner of said Lot 27, Block "A", 11505 TX 71, Phase One, said calculated point being also the most westerly corner of said Lot 22, Block "A", 11505 TX 71, Phase One, for an interior corner of the herein described tract;

(18) S 56°06'30" E 208.67 feet to a calculated point in the curving northwest line of La Barzola Bend (Lot 1, Block "H", 11505 TX 71, Phase One) at an east corner of the said Porter 10.548 acre tract and

an east corner of said Lot 27, Block "A", 11505 TX 71, Phase One, said calculated point being also the most southerly corner of said Lot 22, Block "A", 11505 TX 71, Phase One, for an east corner of the herein described tract;

(19) with a curve to the left an arc distance of 25.02 feet, said curve having a radius of 430.00 feet, a central angle of 3°20'03" and a chord of which bears S 36°08'40" W 25.02 feet to a calculated point at a south corner of the said Porter 10.548 acre tract and a south corner of said Lot 27, Block "A", 11505 TX 71, Phase One, said calculated point being also the most easterly corner of said Lot 23, Block "A", 11505 TX 71, Phase One, for a south corner of the herein described tract;

(20) N 56°06'30" W 203.28 feet to a calculated point at an interior corner of the said Porter 10.548 acre tract and an interior corner of said Lot 27, Block "A", 11505 TX 71, Phase One, said calculated point being also the most northerly corner of said Lot 23, Block "A", 11505 TX 71, Phase One, for an interior corner of the herein described tract;

(21) S 23°53'10" W 235.62 feet to a calculated point at the most southerly corner of the said Porter 10.548 acre tract and the most southerly corner of said Lot 27, Block "A", 11505 TX 71, Phase One, said calculated point being also the southwest corner of said Lot 24, Block "A", 11505 TX 71, Phase One and the northwest corner of Lot 25, Block "A" of said 11505 TX 71, Phase One, for the most southerly corner of the herein described tract;

THENCE with a west line of the said Porter 10.548 acre tract and a west line of said Lot 27, Block "A", 11505 TX 71, Phase One, courses numbered 22 through 23 inclusive as follows:

(22) N 18°05'50" W 47.80 feet to a calculated point;

(23) N 13°05'50" E 282.40 feet to a calculated point in the southwest line of that 0.2000 of one acre tract, a portion of the said D. Bohls Survey No. 905, in Travis County, Texas, as described in a Special Warranty Deed from CCNG Properties, L.P. to Ronald J. Freeman in Document Number 2000052980, Official Public Records of Travis County, Texas, at a northwest corner of the said Porter 10.548 acre tract and a northwest corner of said Lot 27, Block "A", 11505 TX 71, Phase One, for a northwest corner of the herein described tract;

THENCE with a northeast, west and southwest line of the said Porter 10.548 acre tract and a northeast, west and southwest line of said Lot 27, Block "A", 11505 TX 71, Phase One, being also with the southwest and east line of the said Ronald J. Freeman 0.2000 of one acre tract, the east line of that 0.2000 of one acre tract, a portion of the said D. Bohls Survey No. 905, in Travis County, Texas, as described in a Special Warranty Deed from Lawson Boothe to Stephen Karp in Document Number 2002239384, Official Public Records of Travis County, Texas, the east line of that 0.2000 of one acre tract, a portion of the said D. Bohls Survey No. 905, in Travis County, Texas, as described in a Special Warranty Deed from Mark Peters to Chris McKay in Document Number 2002239385, Official Public Records of Travis County, Texas, the east line of that 0.2000 of one acre tract, a portion of the said D. Bohls Survey No. 905, in Travis County, Texas, as described in a Special Warranty Deed from CCNG Properties, L.P. to Eric Woomeer in Document Number 2000052984, Official Public Records of Travis County, Texas, and the east and northeast line of that 0.2000 of one acre tract, a portion of the said D. Bohls Survey No. 905, in Travis County, Texas, as described in a Special Warranty Deed from CCNG Properties, L.P. to David Ruehlman in Document Number 2000052981, Official Public Records of Travis County, Texas, courses numbered 24 through 26 inclusive as follows:

(24) S 57°41'30" E 66.58 feet to a calculated point at an interior corner of the said Porter 10.548 acre tract and an interior corner of said Lot 27, Block "A", 11505 TX 71, Phase One, said calculated point being also the southeast corner of the said Ronald J. Freeman 0.2000 of one acre tract, for an interior corner of the herein described tract;

(25) N 8°49'00" E 300.00 feet to a calculated point at an interior corner of the said Porter 10.548 acre tract and an interior corner of said Lot 27, Block "A", 11505 TX 71, Phase One, said calculated point being also the northeast corner of the said David Ruehlman 0.2000 of one acre tract, for an interior corner of the herein described tract;

(26) N 57°41'30" W 95.02 feet to a calculated point at a southwest corner of the said Porter 10.548 acre tract and a southwest corner of said Lot 27, Block "A", 11505 TX 71, Phase One, for a southwest corner of the herein described tract;

(27) THENCE with a west line of the said Porter 10.548 acre tract and a west line of said Lot 27, Block "A", 11505 TX 71, Phase One, N 12°02'20" E 313.72 feet to a calculated point in a southeast line of that 144.45 acre, save and except 10.500 acres of land, 0.1548 of one acre of land (Parcel "A" WTC Mud #7), 0.1548 of one acre of land (Parcel "B" WTC Mud #7), 0.1547 of one acre of land (Parcel "C" WTC Mud #7), 0.1547 of one acre of land (Parcel "D" WTC Mud #7) and 0.1549 of one acre of land (Parcel "E" WTC Mud #7), a portion of the I. & G. N. R.R. Co. Survey No. 57, Abstract No. 2109, and others, in Travis County, Texas, as described in a Corrected Special Warranty Deed from Daniel B. Porter to CCNG Properties, L.P. in Document Number 2001125785, Official Public Records of Travis County, Texas (CCNG Properties, L.P. 133.18 acre tract) at a northwest corner of the said Porter 10.548 acre tract and a northwest corner of said Lot 27, Block "A", 11505 TX 71, Phase One, for a northwest corner of the herein described tract;

(28) THENCE with a northwest line of the said Porter 10.548 acre tract and a northwest line of said Lot 27, Block "A", 11505 TX 71, Phase One, being also with a southeast line of the said CCNG Properties, L.P. 133.18 acre tract, N 59°47'20" E 67.45 feet to a 1/2" steel pin with plastic cap previously set for the most easterly corner of the said CCNG Properties, L.P. 133.18 acre tract, for an interior corner of the herein described tract;

THENCE with a northeast, north and west line of the said CCNG Properties, L.P. 133.18 acre tract, courses numbered 29 through 37 inclusive as follows:

(29) N 30°12'40" W 85.08 feet to a 1/2" steel pin with plastic cap previously set;
(30) N 49°20'40" W 136.63 feet to a 1/2" steel pin with plastic cap previously set;
(31) N 36°33'00" W 195.96 feet to a 1/2" steel pin with plastic cap previously set in rock;
(32) N 46°33'50" W 225.56 feet to a 1/2" steel pin with plastic cap previously set in rock;
(33) N 34°28'00" W 148.83 feet to a 1/2" steel pin with plastic cap previously set;
(34) N 52°11'50" W 90.70 feet to a 1/2" steel pin with plastic cap previously set in rock;
(35) N 76°47'00" W 159.22 feet to a 1/2" steel pin with plastic cap previously set;
(36) S 58°38'20" W 62.11 feet to a 1/2" steel pin with plastic cap previously set in rock at the most easterly northwest corner of the said CCNG Properties, L.P. 133.18 acre tract, for an interior corner of the herein described tract;

(37) S 21°59'20" E 86.88 feet to a 1/2" steel pin with plastic cap previously set at a northeast corner of that 183.74 acre, save and except 0.1458 of one acre of land and 4.4490 acres of land, a portion of the said I. & G. N. R.R. Co. Survey No. 57, and others, in Travis County, Texas, as described in a Special Warranty Deed from CCNG Properties, L.P. to Spanish Oaks Golf Club, L.P. in Document Number 2001215837, Official Public Records of Travis County, Texas (Spanish Oaks Golf Club, L.P. 179.15 acre tract), for a southeast corner of the herein described tract;

THENCE with a north, east and north line of the said Spanish Oaks Golf Club, L.P. 179.15 acre tract, courses numbered 38 through 59 inclusive as follows:

(38) S 82°53'40" W 237.22 feet to a 1/2" steel pin with plastic cap previously set;
(39) N 89°27'50" W 192.72 feet to a 1/2" steel pin with plastic cap previously set in rock;
(40) S 80°02'30" W 286.47 feet to a 1/2" steel pin with plastic cap previously set;
(41) N 77°36'30" W 110.59 feet to a 1/2" steel pin with plastic cap previously set;
(42) S 88°50'10" W 135.67 feet to a 1/2" steel pin with plastic cap previously set;
(43) S 66°45'10" W 115.95 feet to a 1/2" steel pin with plastic cap previously set;
(44) S 41°55'20" W 82.46 feet to a 1/2" steel pin with plastic cap previously set;
(45) S 65°48'40" W 237.59 feet to a 1/2" steel pin with plastic cap previously set;
(46) S 40°00'50" W 104.94 feet to a 1/2" steel pin with plastic cap previously set;
(47) S 23°48'10" W 47.13 feet to a 1/2" steel pin with plastic cap previously set for an interior corner of the said Spanish Oaks Golf Club, L.P. 179.15 acre tract, for a southeast corner of the herein described tract;

(48) N 65°10'20" W 99.27 feet to a 1/2" steel pin with plastic cap previously set for an interior corner of the said Spanish Oaks Golf Club, L.P. 179.15 acre tract, for a southwest corner of the herein described tract;

(49) N 6°17'10" E 58.04 feet to a 1/2" steel pin with plastic cap previously set;
(50) N 9°52'50" W 188.04 feet to a 1/2" steel pin with plastic cap previously set;
(51) N 0°34'20" W 151.61 feet to a 1/2" steel pin with plastic cap previously set;
(52) N 32°38'50" W 222.66 feet to a 1/2" steel pin with plastic cap previously set;
(53) N 5°02'20" W 66.52 feet to a 1/2" steel pin with plastic cap previously set;
(54) N 12°14'00" W 132.54 feet to a 1/2" steel pin with plastic cap previously set;
(55) N 25°38'20" W 75.19 feet to a 1/2" steel pin with plastic cap previously set;
(56) N 7°35'30" W 253.14 feet to a 1/2" steel pin with plastic cap previously set;
(57) N 17°07'00" W 70.47 feet to a 1/2" steel pin with plastic cap previously set;
(58) N 26°43'10" W 88.42 feet to a 1/2" steel pin with plastic cap previously set;
(59) N 60°19'30" W 55.75 feet to a 1/2" steel pin with plastic cap previously set, for a west corner of the herein described tract;

THENCE crossing the said Porter 230.92 acre tract, courses numbered 60 through 65 inclusive as follows:

(60) N 55°46'00" E 149.78 feet to a 1/2" steel pin with plastic cap previously set, for an interior corner of the herein described tract;
(61) N 21°52'20" W 115.44 feet to a 1/2" steel pin with plastic cap previously set;
(62) N 29°52'40" W 210.32 feet to a 1/2" steel pin with plastic cap previously set, for an interior corner of the herein described tract;
(63) S 63°50'10" W 149.12 feet to a 1/2" steel pin with plastic cap previously set;
(64) S 32°32'00" W 135.99 feet to a 1/2" steel pin with plastic cap previously set;
(65) S 0°04'00" E 123.06 feet to a 1/2" steel pin with plastic cap previously set in a north line of the said Spanish Oaks Golf Club, L.P. 179.15 acre tract, for a southeast corner of the herein described tract;

THENCE with a north line of the said Spanish Oaks Golf Club, L.P. 179.15 acre tract, courses numbered 66 through 67 inclusive as follows:

(66) S 65°09'10" W 129.48 feet to a 1/2" steel pin with plastic cap previously set;
(67) N 86°17'20" W 80.86 feet to a 1/2" steel pin with plastic cap previously set in a west line of the said Porter 230.92 acre tract for an interior corner of the said Spanish Oaks Golf Club, L.P. 179.15 acre tract, for the most westerly southwest corner of the herein described tract;

THENCE with a west line of the said Porter 230.92 acre tract and an east line of the said Spanish Oaks Golf Club, L.P. 179.15 acre tract, courses numbered 68 through 70 inclusive as follows:

(68) N 2°43'10" E 301.02 feet to a 2" metal fence post found;
(69) N 0°57'00" W 19.54 feet to a 1/2" steel pin found;
(70) N 16°14'10" E 55.86 feet to a 1/2" steel pin with plastic cap previously set in rock for a northeast corner of the said Spanish Oaks Golf Club, L.P. 179.15 acre tract, said 1/2" steel pin with plastic cap previously set in rock being also in an east line of that 300.800 acre tract, a portion of the Jarrett Medlin Survey No. 520, Abstract No. 539, and others, in Travis County, Texas, designated as Tract One and described in a Warranty Deed With Vendor's Lien With Correction from Limestone Cooper Properties L.P., et al to CCNG Properties, L.P. in Document Number 2001021869, Official Public Records of Travis County, Texas;

(71) THENCE with a west line of the said Porter 230.92 acre tract and an east line of the said CCNG Properties, L.P. Tract One of 300.800 acres, N 16°14'10" E 84.61 feet to a 1/2" steel pin with plastic cap previously set for the southwest corner of that 0.2000 of one acre tract, a portion of the said Orran Wade Survey No. 540 and a portion of the Jarrett Medlin Survey No. 520, Abstract No. 539, in Travis County, Texas, as described in a Special Warranty Deed With Vendor's Lien from Daniel B. Porter to Thomas Philip Reilly in Document Number 2003009502, Official Public Records of Travis County, Texas, for a northwest corner of the herein described tract;

THENCE with the south and east line of the said Thomas Philip Reilly 0.2000 of one acre tract and the east line of that 0.2000 of one acre tract, a portion of the said Orran Wade Survey No. 540 and a portion of the said Jarrett Medlin Survey No. 520, in Travis County, Texas, as described in a Special Warranty Deed With Vendor's Lien from Daniel B. Porter to Jodi Wellborn Zipp in Document Number 2002239382, Official Public Records of Travis County, Texas, being also with the east line of that 0.2000 of one acre tract, a portion of the said Orran Wade Survey No. 540 and a portion of the said Jarrett Medlin Survey No. 520, in Travis County, Texas, as described in a Special Warranty Deed With Vendor's Lien from Daniel B. Porter to Sara Woomer in Document Number 2002239380, Official Public Records of Travis County, Texas, the east line of that 0.2000 of one acre tract, a portion of the said Orran Wade Survey No. 540 and a portion of the said Jarrett Medlin Survey No. 520, in Travis County, Texas, as described in a Special Warranty Deed With Vendor's Lien from Daniel B. Porter to John L. Briggs in Document Number 2002239378, Official Public Records of Travis County, Texas, and the east line of that 0.2000 of one acre tract, a portion of the said Orran Wade Survey No. 540 and a portion of the said Jarrett Medlin Survey No. 520, in Travis County, Texas, as described in a Special Warranty Deed With Vendor's Lien from Daniel B. Porter to Bryan McMurrey in Document Number 2002239376, Official Public Records of Travis County, Texas, courses numbered 72 through 73 inclusive as follows:

(72) S 73°45'50" E 108.12 feet to a 1/2" steel pin with plastic cap previously set for the southeast corner of the said Thomas Philip Reilly 0.2000 of one acre tract, for an interior corner of the herein described tract;

(73) N 16°14'10" E 415.83 feet to a 1/2" iron pipe found at an interior corner of the said Porter 230.92 acre tract and a southeast corner of the said CCNG Properties, L.P. Tract One of 300.800 acres, said 1/2" iron pipe found being also the northeast corner of the said Bryan McMurrey 0.2000 of one acre tract;

(74) THENCE with a west line of the said Porter 230.92 acre tract and an east line of the said CCNG Properties, L.P. Tract One of 300.800 acres, N 2°19'40" W 60.32 feet to a 1/2" steel pin in rock found in the approximate center line of Little Barton Creek at a northwest corner of the said Porter 230.92 acre tract and the most westerly southwest corner of that 20.975 acre tract, a portion of the said Orran Wade Survey No. 540, and others, in Travis County, Texas, as described in a Special Warranty Deed from CCNG Development Company, L.P. to Daniel B. Porter in Document Number 2001047246, Official Public Records of Travis County, Texas, said 1/2" steel pin in rock found being also a southeast corner of that 122.35 acre, save and except 0.3701 of one acre tract, a portion of the said Orran Wade Survey No. 540, and others, in Travis County, Texas, as described in a Correction Special Warranty Deed from CCNG Development Company, L.P. and CCNG Properties, L.P. to Spanish Oaks Commercial Partnership, L.P. in Document Number 2002082879, Official Public Records of Travis County, Texas (Spanish Oaks Commercial Partnership, L.P. 121.98 acre tract);

THENCE with the most westerly west line of the said Porter 20.975 acre tract and an east line of the said Spanish Oaks Commercial Partnership, L.P. 121.98 acre tract, courses numbered 75 through 76 inclusive as follows:

(75) N 2°19'40" W 30.82 feet to a 1/2" steel pin set in rock found;

(76) N 9°01'20" W 73.48 feet to a 1/2" steel pin found at the most westerly northwest corner of the said Porter 20.975 acre tract and an interior corner of the said Spanish Oaks Commercial Partnership, L.P. 121.98 acre tract, for a northwest corner of the herein described tract;

THENCE with a north, west, north, west, south, west and north line of the said Porter 20.975 acre tract and a south, east, south, east, north, east and south line of the said Spanish Oaks Commercial Partnership, L.P. 121.98 acre tract, courses numbered 77 through 89 inclusive as follows:

(77) S 77°22'10" E 354.86 feet to a 1/2" steel pin with plastic cap found at an interior corner of the said Porter 20.975 acre tract and a southeast corner of the said Spanish Oaks Commercial Partnership, L.P. 121.98 acre tract, for an interior corner of the herein described tract;

(78) N 14°25'30" W 242.13 feet to a 1/2" steel pin with plastic cap found;

(79) N 35°33'00" W 61.34 feet to a 1/2" steel pin with plastic cap found at a northwest corner of the said Porter 20.975 acre tract and an interior corner of the said Spanish Oaks Commercial Partnership, L.P. 121.98 acre tract, for a northwest corner of the herein described tract;

(80) S 56°20'00" E 292.74 feet to a 1/2" steel pin with plastic cap found;

(81) S 60°38'20" E 229.39 feet to a 1/2" steel pin with plastic cap found;

(82) S 62°54'10" E 254.02 feet to a 1/2" steel pin with plastic cap found;

(83) S 75°32'30" E 320.48 feet to a 1/2" steel pin with plastic cap found;

(84) N 64°33'00" E 182.21 feet to a 1/2" steel pin with plastic cap found;

(85) N 11°38'30" E 229.76 feet to a 1/2" steel pin with plastic cap found;

(86) N 1°45'20" E 112.71 feet to a 1/2" steel pin with plastic cap found at an interior corner of

the said Porter 20.975 acre tract and a northeast corner of the said Spanish Oaks Commercial Partnership, L.P. 121.98 acre tract, for an interior corner of the herein described tract;

(87) N 85°20'50" W 60.78 feet to a PK nail found set in the concrete ring of an electric manhole at the most northerly southwest corner of the said Porter 20.975 acre tract and an interior corner of the said Spanish Oaks Commercial Partnership, L.P. 121.98 acre tract, for the most northerly southwest corner of the herein described tract;

(88) N 21°00'00" W 13.05 feet to a 1/2" steel pin with plastic cap found at a northwest corner of the said Porter 20.975 acre tract and an interior corner of the said Spanish Oaks Commercial Partnership, L.P. 121.98 acre tract, for a northwest corner of the herein described tract;

(89) with a curve to the left an arc distance of 25.05 feet, said curve having a radius of 113.58 feet, a central angle of 12°38'12" and a chord of which bears N 62°41'00" E 25.00 feet to a 1/2" steel pin with plastic cap found at a corner of the said Porter 20.975 acre tract and the southwest corner of that 4.029 acre tract, a portion of the said Matthew Williams Survey No. 900 and a portion of the said Orran Wade Survey No. 540, in Travis County, Texas, designated as Tract 1 and described in a deed from The Estate of Nellie Marie Boothe Moehring, Deceased to Terry Boothe in Document Number 2000032029, Official Public Records of Travis County, Texas,

THENCE with a north, northeast, east and northeast line of the said Porter 20.975 acre tract and a south, southwest, west and southwest line of the said Boothe Tract 1 of 4.029 acres, courses numbered 90 through 93 inclusive as follows:

(90) S 85°20'50" E 286.26 feet to a 1/2" steel pin previously set in rock found;

(91) S 50°14'20" E 195.91 feet to a 1/2" steel pin previously set in rock found;

(92) S 34°03'30" W 105.98 feet to a 1/2" steel pin found;

(93) S 52°15'40" E 15.92 feet to a 1" steel pin found in the approximate center line of Little Barton Creek in the top of a concrete structure at a northeast corner of the said Porter 20.975 acre tract and the most southerly corner of the said Boothe Tract 1 of 4.029 acres, said 1" steel pin found being also a corner of that 2.000 acre tract, a portion of the said Matthew Williams Survey No. 900, in Travis County, Texas, as described in a Special Warranty Deed from CCNG Development Company, L.P. to Daniel B. Porter in Document Number 2000013836, Official Public Records of Travis County, Texas, for an interior corner of the herein described tract;

(94) THENCE with the northwest line of the said Porter 2.000 acre tract and the southeast line of the said Boothe Tract 1 of 4.029 acres, and being also with the approximate center line of Little Barton Creek, N 45°07'00" E 208.25 feet to a 5/8" steel pin set in rock found at the most easterly corner of the said Boothe Tract 1 of 4.029 acres and a south corner of the said Spanish Oaks Commercial Partnership, L.P. 121.98 acre tract;

(95) THENCE with the northwest line of the said Porter 2.000 acre tract and a southeast line of the said Spanish Oaks Commercial Partnership, L.P. 121.98 acre tract, and being also with the approximate center line of Little Barton Creek, N 50°01'40" E 135.83 feet to a 5/8" steel pin found at the north corner of the said Porter 2.000 acre tract and a west corner of the said Porter 230.92 acre tract;

THENCE with a northwest, north, northeast and east line of the said Porter 230.92 acre tract and a southeast, south, southwest and west line of the said Spanish Oaks Commercial Partnership, L.P. 121.98

acre tract, and being also with the approximate center line of Little Barton Creek, courses numbered 96 through 103 inclusive as follows:

- (96) N 80°44'50" E 25.82 feet to a 5/8" steel pin found;
- (97) N 41°57'50" E 43.22 feet to a calculated point;
- (98) N 49°15'10" E 49.09 feet to a calculated point;
- (99) N 68°10'10" E 56.13 feet to a calculated point;
- (100) S 86°54'50" E 131.21 feet to a 5/8" steel pin found;
- (101) S 78°01'00" E 132.47 feet to a 1/2" steel pin previously set in rock found;
- (102) S 56°50'30" E 110.16 feet to a 1/2" steel pin previously set in rock found;
- (103) S 26°20'00" E 60.04 feet to a 1/2" steel pin with plastic cap set in rock found at the most

easterly south corner of the said Spanish Oaks Commercial Partnership, L.P. 121.98 acre tract and at an angle point in the most northerly west line of that 10.44 acre tract, a portion of the said Matthew Williams Survey No. 900, in Travis County, Texas, as described in a Special Warranty Deed from CCNG Development Company, L.P. to Daniel B. Porter in Document Number 2001082946, Official Public Records of Travis County, Texas, for an interior corner of the herein described tract;

(104) THENCE with the most northerly west line of the said Porter 10.44 acre tract and the most easterly east line of the said Spanish Oaks Commercial Partnership, L.P. 121.98 acre tract, N 32°44'20" E 195.24 feet to a 1/2" steel pin with plastic cap found at the most northerly corner of the said Porter 10.44 acre tract and a west corner of Lot 2, Block A, Los Robles Addition, a subdivision of a portion of the said Matthew Williams Survey No. 900, in Travis County, Texas, of record in Document No. 200100338, Official Public (Plat) Records of Travis County, Texas, for the most easterly north corner of the herein described tract;

THENCE with a northeast, east and southeast line of the said Porter 10.44 acre tract and a southwest, west and northwest line of said Lot 2, Block A, Los Robles Addition, courses numbered 105 through 110 inclusive as follows:

- (105) S 44°51'00" E 102.39 feet to a 1/2" steel pin with plastic cap previously set;
- (106) S 26°20'00" E 103.00 feet to a 1/2" steel pin with plastic cap previously set;
- (107) S 6°50'20" W 304.80 feet to a 1/2" steel pin with plastic cap previously set;
- (108) S 14°17'40" W 438.56 feet to a 1/2" steel pin with plastic cap previously set;
- (109) S 35°54'00" W 124.49 feet to a 1/2" steel pin with plastic cap previously set;
- (110) S 65°15'20" W 121.27 feet to a 1/2" steel pin with plastic cap previously set;

THENCE with a northwest and west line of said Lot 2, Block A, Los Robles Addition, courses numbered 111 through 114 inclusive as follows:

- (111) S 65°15'20" W 28.45 feet to a calculated point;
- (112) S 12°54'30" W 347.10 feet to a calculated point;
- (113) S 2°13'50" W 107.04 feet to a calculated point;
- (114) S 20°43'20" E 343.52 feet to a 1/2" steel pin with plastic cap previously set in a north line of

that 1.8432 acre tract, a portion of the said Matthew Williams Survey No. 900, in Travis County, Texas, as described in a Special Warranty Deed from CCNG Development Company, L.P. to Terry Boothe in Document Number 2001040747, Official Public Records of Travis County, Texas, for a southeast corner of the said Porter 10.44 acre tract and a southwest corner of said Lot 2, Block A, Los Robles Addition, for a southeast corner of the herein described tract;

THENCE with a south and east line of the said Porter 10.44 acre tract and a north and west line of the said Boothe 1.8432 acre tract, courses numbered 115 through 118 inclusive as follows:

- (115) S 73°36'40" W 44.38 feet to a 1/2" steel pin with plastic cap found;
- (116) S 64°54'10" W 136.60 feet to a 1/2" steel pin with plastic cap found;
- (117) S 10°12'30" W 103.90 feet to a 1/2" steel pin with plastic cap found;
- (118) S 9°02'40" E 33.75 feet to a 1/2" steel pin with plastic cap found in the northwest line of

that 0.8510 of one acre tract, a portion of the said Matthew Williams Survey No. 900, in Travis County, Texas, designated as Tract 3 and described in said deed from The Estate of Nellie Marie Boothe Moehring,

Deceased to Terry Boothe in Document Number 2000032029, Official Public Records of Travis County, Texas, for a corner of the said Porter 10.44 acre tract and the most westerly south corner of the said Boothe 1.8432 acre tract;

(119) THENCE with a southeast line of the said Porter 10.44 acre tract and the northwest line of the said Boothe Tract 3 of 0.8510 of one acre, S 44°42'40" W 25.23 feet to a calculated point at the most southerly corner of the said Porter 10.44 acre tract and the most westerly corner of the said Boothe Tract 3 of 0.8510 of one acre, said calculated point being also in a northeast line of the said Porter 230.92 acre tract and in the approximate center line of Little Barton Creek, for an interior corner of the herein described tract;

(120) THENCE with a northeast line of the said Porter 230.92 acre tract and a southwest line of the said Boothe Tract 3 of 0.8510 of one acre, and with the approximate center line of Little Barton Creek, S 51°10'40" E 30.33 feet to a 5/8" steel pin found;

(121) THENCE with a north line of the said Porter 230.92 acre tract and a south line of the said Boothe Tract 3 of 0.8510 of one acre, N 70°14'40" E 68.80 feet to a 1/2" steel pin found in the approximate center line of Little Barton Creek;

THENCE with a north and northeast line of the said Porter 230.92 acre tract and a south and southwest line of the said Boothe Tract 3 of 0.8510 of one acre, and with the approximate center line of Little Barton Creek, courses numbered 122 through 127 inclusive as follows:

(122) S 83°02'30" E 91.26 feet to a 1/2" steel pin found;

(123) S 49°14'50" E 130.01 feet to a 1/2" steel pin found;

(124) S 69°01'20" E 119.41 feet to a 1/2" steel pin previously set in rock found;

(125) S 56°05'20" E 175.64 feet to a 1/2" steel pin previously set in rock found;

(126) S 40°29'50" E 153.43 feet to a 1/2" steel pin previously set in rock found;

(127) S 49°31'40" E 115.51 feet to a 1/2" steel pin found in a southwest line of the said Boothe 7.5 acre tract at the east corner of the said Boothe Tract 3 of 0.8510 of one acre;

(128) THENCE with a northeast line of the said Porter 230.92 acre tract and a southwest line of the said Boothe 7.5 acre tract, and with the approximate center line of Little Barton Creek, S 44°33'00" E 142.20 feet to the POINT OF BEGINNING of the herein described tract, containing 126.55 acres of land, more or less.

Note: The plastic caps on the steel pins denoted as being previously set or found are inscribed with "M & S 1838".

Bearing basis is Grid North, NAD 27, Texas Plane Coordinate System, Central Zone, as per GPS control provided by Capital Surveying Company, Inc.

Metes and Bounds Description Prepared July 11, 2003
From Previous Surveys and Record Information
By Metcalfe & Sanders, Inc., Land Surveyors, and
Revised February 19, 2010 By Loomis Partners, Inc.

Metcalfe & Sanders, Inc.

Ref: Plan 7839F
Plan 7839G
Plan 7839J
Plan 7839L
Plan 7839Q
Plan 7839R
Plan 7839S.2
Plan 7839U

Job No. 1002001.T (Loomis)

EXHIBIT "A-1 "
Property Sketch

REPLACE WITH STANDTEC SKETCH HERE PRIOR TO EXECUTION

EXHIBIT "B "

***City Manager Vesting Determination and preceding correspondence
between City staff and Property Owner***