



# City of San Antonio, Texas

Department of Development Services

May 24, 2007

Patrick W. Christensen  
Brown P.C. Attorneys at Law  
112 E. Pecan, Suite 1490  
San Antonio, TX 78205

RE: Rights Determination File: # 07-04-032 (Sandbar Commercial)

Dear Mr. Christensen:

We have reviewed your rights determination that was requested on April 26, 2007. Based on the information provided the following is our official finding:

Approval of rights effective October 3, 1983 for 1.293 acres of commercial development consistent with POADP # 20 and Fair Notice # FN07-0055.

All appeals and resubmittals must be filed with the Director of Development Services within fifteen (15) calendar days from the date the applicant is notified of the adverse decision or action taken under these requirements. Appeals and resubmittals made after fifteen (15) calendar days will not be accepted. If you have any further questions please contact Melissa Ramirez at 207-7038.

Sincerely,

A handwritten signature in black ink, appearing to read "Fernando J. De León".

Fernando J. De León, P.E.  
Assistant Director Development Services Department  
Land Development Division

KENNETH W. BROWN, AICP  
DANIEL ORTIZ  
PATRICK W. CHRISTENSEN  
CONNIE L. BASEL



PAUL M. JUAREZ  
OF COUNSEL

112 E. PECAN STREET  
SUITE 1490  
SAN ANTONIO, TEXAS 78205  
TELEPHONE: 210.299.3704  
FAX: 210.299.4731

April 25, 2007

Mr. Andrew Spurgin  
Development Services Department  
City of San Antonio  
1901 S. Alamo, 2<sup>nd</sup> Floor  
San Antonio, Texas 78204

Via Hand Delivery

Mr. Norbert Hart  
City Attorney's Office  
City of San Antonio  
100 Military Plaza, 3<sup>rd</sup> Floor  
San Antonio, Texas 78205

Via Hand Delivery

Re: Vested Rights for a 1.293-Acre Tract of Land Located within Encino Park more formally described as Lot 1, Block 4, NCB 18218, in San Antonio, Bexar County, Texas (the "Subject Property"); Our File No. 9156.011.

Dear Messrs. Herrera and Hart:

The purpose of this correspondence is to request the City of San Antonio's ("COSA") acknowledgement of "vested rights" as of October 3, 1983 for commercial land uses on a 1.293-acre tract of land, based on the Encino Park Preliminary Overall Area Development Plan No. 20 ("Encino Park POADP #20") and various plats approved by COSA pursuant to such POADP. Attached please find a Vested Rights Application for the above-referenced property (*see* Exhibit "1"). This request is made pursuant to provisions of the COSA Unified Development Code (the "UDC"), Chapter 35, Article 7, Division 2 ("Vested Rights").

To provide for the development of the Subject Property, the developer filed a Preliminary Overall Area Development Plan with COSA, Encino Park POADP #20, which was approved COSA on October 3, 1983 (*see* Exhibit "2"). The Subject Property was subsequently platted pursuant to Plat No. 010155 (*see* Exhibit "3"; Plat No. 010155). The Subject Property is wholly included within Encino Park POADP #20 and the development authorized therein is shown as "C" for commercial development (the "Project")(*see* Exhibit "4"). Encino Park POADP #20 is a required "permit" by a regulatory agency (COSA) and clearly qualifies as the first "permit" in a series of permits necessary for the development of the commercial Project on the Subject Property as those terms are contemplated by Chapter 245 of the Code. The Subject Property is also currently zoned "C-2 N/A ERZD", which expressly permits a commercial land use on the Subject Property (*see* Exhibit "5").

The Project is not “dormant,” as defined by Section 245.005 of the Local Government Code and Section 35-714 of the UDC, because progress toward its completion is evidenced by the filing, approval and recording of the following Plats:

- i) Plat No. 000507, The Village at Encino Park Unit 3, Filed 1/29/2001, Approved 2/14/2001, and Recorded 5/11/2001 (*see* Exhibit “6”);
- ii) Plat No. 000455, The Encino Commons Subdivision Unit 1, Filed 3/7/2001, Approved 3/28/2001, and Recorded 8/30/2002 (*see* Exhibit “7”);
- iii) Plat No. 010155, The Subdivision Plat of the Arkad Subdivision, Filed 4/1/2001, Approved 5/9/2001, and Recorded 8/10/2001 (*see* Exhibit “3”); and,
- iv) Plat No. 010587, The Encino Park Unit 31, Lots 8 & 9, Filed 9/28/2001, Approved 4/10/2002, and Recorded 4/25/2002 (*see* Exhibit “8”).

The above Plats clearly qualify as “permits” and because they were applied for, approved and recorded between the first anniversary of the effective date of Chapter 245 of the Texas Local Government Code (May 11, 2000) and the fifth anniversary of the effective date of such Chapter (May 11, 2004), the Project has demonstrated “progress” according to the City Attorney’s interpretation of the “dormancy” provisions of state law.

In conclusion, Encino Park POADP #20 constitutes a “permit” as defined by Chapter 245 of the Texas Local Government Code, and was a necessary first step in the development of the Subject Property. Furthermore, the Subject Property has not become dormant by virtue of the filing of Plat Nos. 000507, 000455, 010155 and 010587 which were subsequently approved and recorded. The “project” was specifically described as a commercial use on the 1.293 acre Subject Property in Encino Park POADP #20, approved by COSA on October 3, 1983. Therefore, this Firm requests that COSA acknowledge that the 1.293-Acre Subject Property is vested as of October 3, 1983 for a commercial development by virtue of the POADP, and the Plats listed herein.

Included with this correspondence, please find the enclosed check for \$500.00 to cover the costs of processing this application and duplicate copies of the following:

- 1. Vested Rights Permit Application;
- 2. Encino Park POADP #20;
- 3. Plat No. 010155;
- 4. MDP Exhibit from COSA Website;
- 5. COSA Zoning Exhibit;
- 6. Plat No. 000507, The Village at Encino Park Unit 3;
- 7. Plat No. 000455, The Encino Commons Subdivision Unit 1; and,
- 8. Plat No. 010587, Encino Park Unit 31, Lots 8 & 9.

VR P# 07 - 04 - 032

Please do not hesitate to contact me should you have any questions regarding this matter.

Sincerely,

BROWN, P.C.

BY:



Patrick W. Christensen

ljb/PWC

Enclosures: As stated



City of San Antonio
Development Services Department
Local Government Code Chapter 245/Article VII
Unified Development Code
Rights Determination/Consent Agreement

Intake Date: \_\_\_\_\_

Intake By: \_\_\_\_\_

Type: [X] Rights Determination

[ ] Consent Agreement

Instructions:

- 1. All applicable information must be legibly printed or typed for processing. If completed on behalf of the property owner please attach power of attorney or letter of agent.
2. Please complete and attach 2 sets of all applicable documents (i.e. this form, Master Development Plan, P.U.D. plan, plat application, approved plat, building permit) along with appropriate fee.
3. Application must contain all information to establish rights under Chapter 245 of the Local Government Code and Article VII of the Unified Development Code (UDC).
4. Any appeal of the decision of the Director to the Planning Commission will be based on information submitted to the Director for determination of rights.

Note: Must comply with the UDC, §35-B128 Rights Determination for the City of San Antonio.

Owner: Dominion Advisory Group

Agent: Brown, PC

Phone: (210) 299-3704 Fax: (210) 299-3726

Address: 112 East Pecan, Suite 1490

City: San Antonio State: Texas Zip code: 78205

Engineer/Surveyor: Pape-Dawson Engineers, Inc. Contact:

Address: 333 E. Ramsey Phone#: (210) 375-9000

City: San Antonio State: Texas Zip code: 78216

Name of Project: Sandbar Commercial

Site location or address of project and legal description:

Property Description: A 1.293 acre tract of located on U.S. Highway 281, more formally described as Lot 1, Block 4, New City Block 18218, San Antonio, Bexar County, Texas

City Council District(s): 9 ETJ: No Edward's Aquifer Recharge Zone? Yes

1. Describe current use(s) of the property: Vacant

2. Describe the specific Project and the expected use(s) to be created by this Project including the nature, extent, and density or intensity of each use for which rights are being claimed (type of development, number of buildings, type of building(s), specific use(s) of those buildings, etc.)? *Fair Notice of the Project is required with requests based on MDPs, POADPs or plat applications.*

(a) Nature of the project: Commercial Development

(b) Total land area, in square feet: 56,323.08 S.F. (1.293 Acres)

(c) Total area of impervious surface, in square feet: 50,690.77 S.F.

(d) Number of residential dwellings units, by type: N/A

(e) Type and amount of non-residential square footage (ground floor building footprint only):  
50,000 S.F.

(f) Number of buildings: 2

(g) Phases of the development (if applicable): N/A

3. List ordinances to which the Project described in item #2 above will seek exception to based on the date requested for recognition of rights. *State specific sections of the San Antonio Municipal Code and their effective dates:*

Every regulatory agency's, as defined by Chapter 245, Section 245.001(4) of the Texas Local Government Code, orders, regulations, ordinances, rules, expiration dates, or other properly adopted requirements made effective after October 3, 1983.

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

File # \_\_\_\_\_

Assigned by City Staff

4. Please indicate permits or development approvals received that are the basis to establish rights to complete the Project. Please specify all that may be applicable and include copies of the permit.

**PERMIT**

Type of Permit: \_\_\_\_\_ Date of Application: \_\_\_\_\_

Permit Number: \_\_\_\_\_ Date issued: \_\_\_\_\_

Expiration Date: \_\_\_\_\_ Acreage: \_\_\_\_\_

**MASTER DEVELOPMENT PLAN (MDP) (Formerly POADP)**

accepted prior to September 1, 1997 are subject to permit right conditions within 18 months from the effective date of the development rights ordinance (9/25/97) and projects submitted after September 1, 1997 are subject to 24 months for the POADP acceptance date. Fair Notice required with MDP/POADP

Name: Encino Park Preliminary Overall Area Development Plan #20

Date accepted: October 3, 1983 Expiration Date: October 2, 1985 MDP Size: \_\_\_\_\_ acres

**P.U.D. PLAN**

Name: \_\_\_\_\_ # \_\_\_\_\_

Date accepted: \_\_\_\_\_

**PLAT APPLICATION**

Fair Notice required with plat application

Plat Name: \_\_\_\_\_ Plat # \_\_\_\_\_ Acreage: \_\_\_\_\_

Date submitted: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

(Note: Plat must be approved within 24 months of application submittal date)

**APPROVED PLAT**

Plat Name: \_\_\_\_\_ Plat # \_\_\_\_\_ Acreage: \_\_\_\_\_ Approval

Date: \_\_\_\_\_ Plat recording Date: \_\_\_\_\_ Expiration Date: \_\_\_\_\_ Vol./Pg. \_\_\_\_\_

(Note: If plat is not recorded within 3 years of plat approval permit rights will expire)

**OTHER PERMITS:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

File # \_\_\_\_\_

Assigned by City Staff

5. Specify the amount, date and purpose of each expenditure or obligation incurred in reliance on the permits identified above (include copies of contracts): *Please include verified or certified copies of all contracts, appraisals, reports, correspondence, letters, or other documents or materials upon which the Applicant's claim for rights or equitable estoppel is based. Do not include land purchase costs nor payment of taxes.*

N/A

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6. Requested date for claim of rights for this Project: October 3, 1983

7. Describe any construction or related actions that have taken place on the property since that date: *Include the date, cost, nature and extent of each physical improvement to the property including structures, utilities, roads, driveways, etc*

N/A

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**Consent Agreements Only:**

In addition to the required processing as set forth above, a request for Consent Agreement Approval shall include, but shall not be limited to the following:

- A timing and phasing plan for the proposed development;
- A plan for the provision of public facilities and services to the proposed development, by phase;
- The conditions under which the proposed development will be authorized to proceed; and
- The conditions under which approvals or permits will lapse or may be revoked.

*A document shall be considered "verified" or "certified", whether an original or a copy, if it is signed by the official with decision making authority for the permit application.*

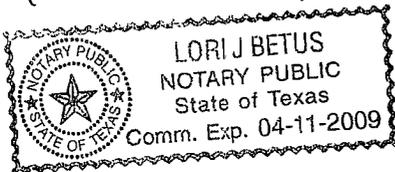
8. Sworn statement:

**NOTE: Filing a knowingly false statement on this document, or any attached document, is a crime under §37.02 and §37.10 of the Texas Penal Code, punishable as a state jail felony by up to two years in jail and fine of up to \$10,000.**

I, the undersigned, hereby certify that all information contained herein and the attached documents are true and correct and that it is my belief that the property owner is entitled to the requested rights for this Project and, during the pendency of this determination, I understand my continuing obligation to notify the Development Services Director in writing of the inaccuracy of any statement or representation which was incorrect when made or which becomes incorrect by virtue of changed circumstances.

Print name: Patrick W. Christensen Signature: [Signature] Date: Apr 25, 2007

Sworn to and subscribed before me by Patrick W. Christensen on this 25th day of April in the year 2007, to certify which witness my hand and seal of office.



[Signature]  
Notary Public, State of Texas

Director's Decision:  Approved  Denied

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
*Development Services Department*

*Terms and conditions required for the continuance of the rights being recognized:*

*This determination is valid only to the extent of the validity of the underlying permit which is the basis for this application. Further subject to all provisions for dormancy and expiration as provided in the Local Government Code Chapter 245 and Article VII of the UDC.*

# encino park master plan

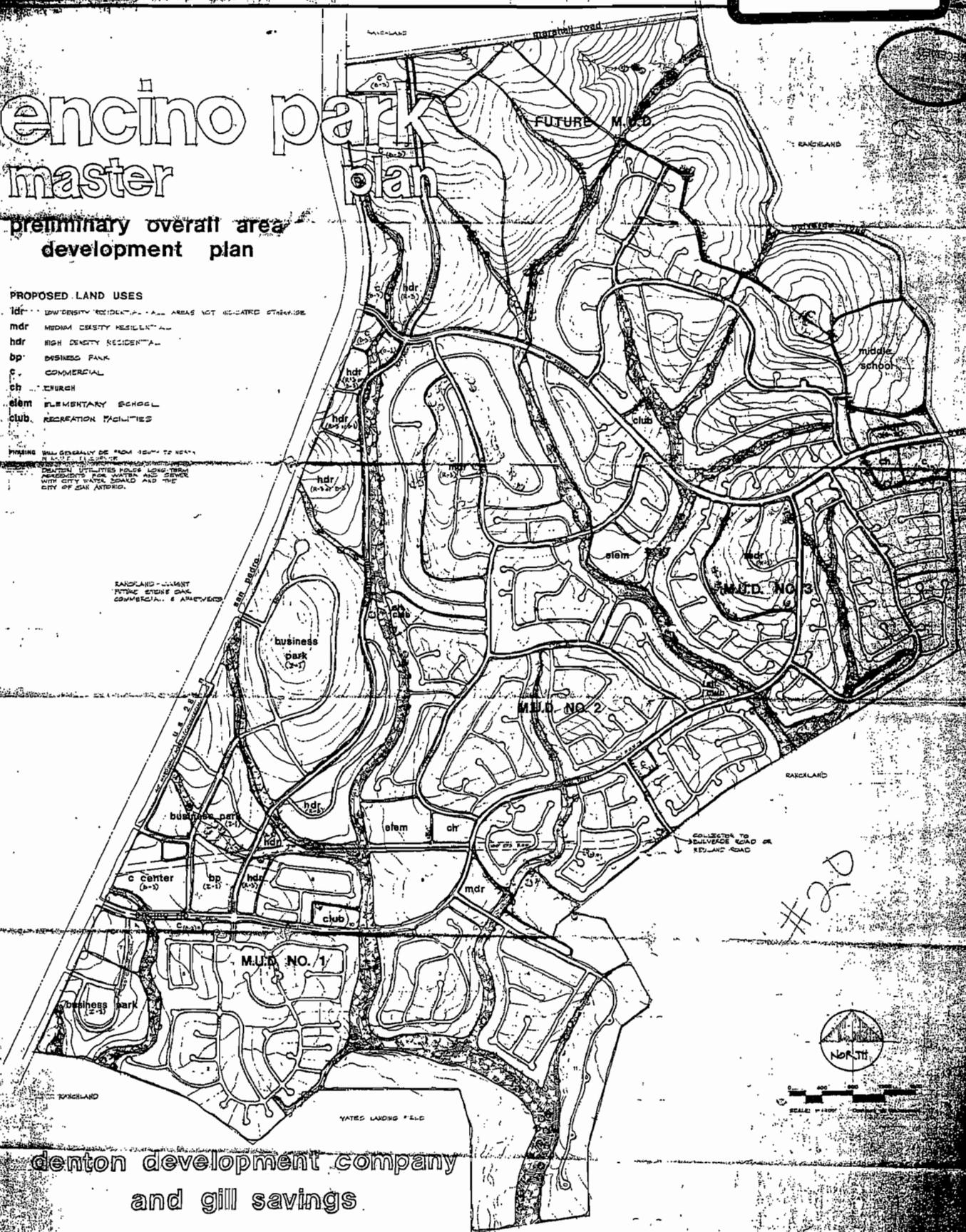
## preliminary overall area development plan

### PROPOSED LAND USES

- ldr... LOW DENSITY RESIDENTIAL... AREAS NOT INDICATED OTHERWISE
- mdr... MEDIUM DENSITY RESIDENTIAL
- hdr... HIGH DENSITY RESIDENTIAL
- bp... BUSINESS PARK
- c... COMMERCIAL
- ch... CHURCH
- elem... ELEMENTARY SCHOOL
- club... RECREATION FACILITIES

PIPING WILL GENERALLY BE FROM 15" TO 24" IN SIZE. DISBURSEMENT OF SEWERAGE SHALL BE BY GRAVITY. THE LOCATION OF UTILITY POLES AND OTHER NECESSITIES FOR WATER AND SEWER WILL BE DETERMINED BY THE CITY OF SAN ANTONIO.

BARCLAND - CURRENT FUTURE STREET PLAN CONVERSION... IS ANTICIPATED



#20



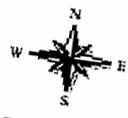
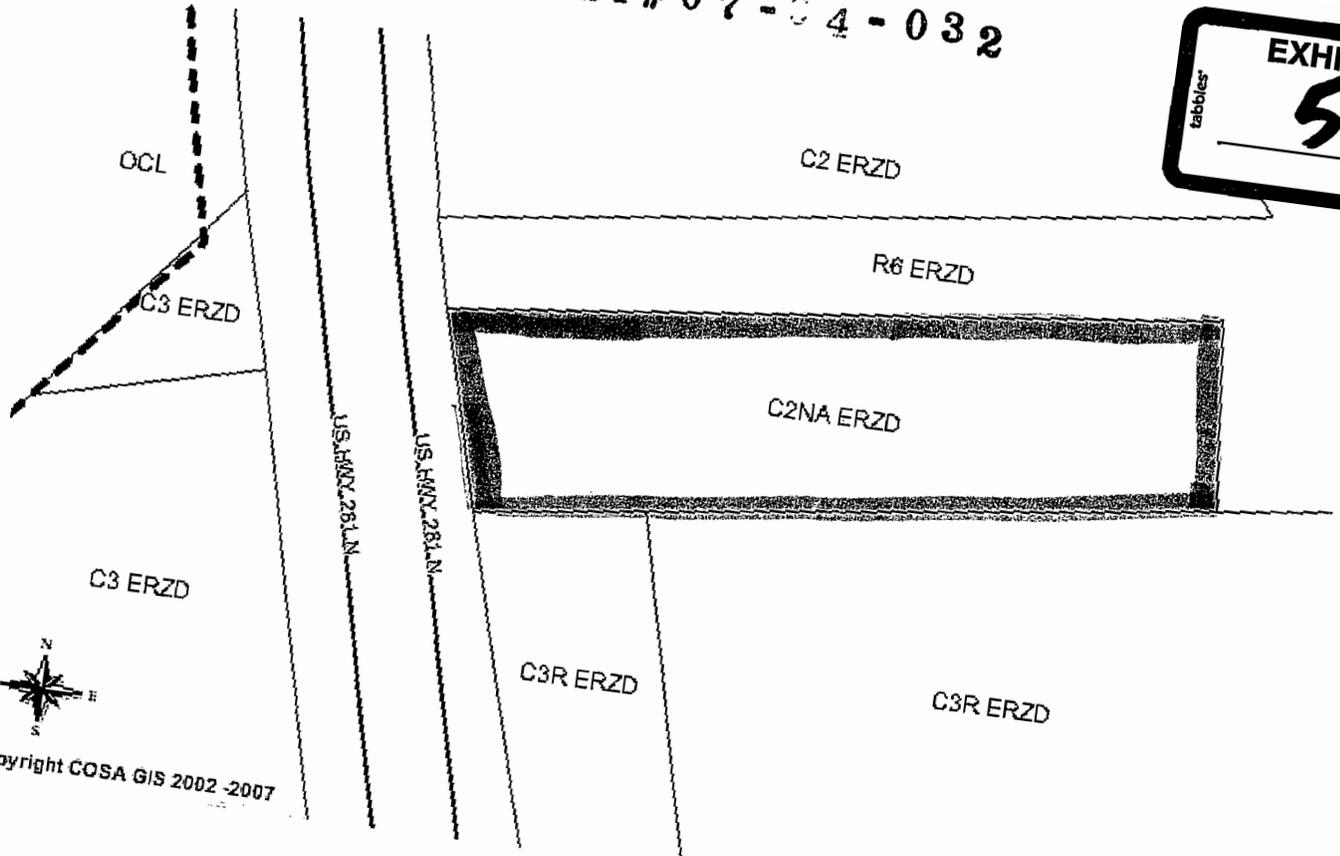
denton development company  
and gill savings

In accordance with master plan in...  
...of...  
...of...



VRP# 07-04-032

EXHIBIT  
5  
tabbles



Copyright COSA GIS 2002-2007



THE OWNER OF THE LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

*Barry Swisher*  
Barry Swisher  
PLATE HOMES  
A.D., 2011

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED *Barry Swisher* known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 5th DAY OF JANUARY A.D., 2011

*David P. Alagona*  
David P. Alagona  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS  
MY COMMISSION EXPIRES: 6-10-2012



THIS PLAT OF THE VILLAGE AT ENCINO PARK SUBDIVISION UNIT 3 - PHO is submitted to and considered by the PLANNING COMMISSION OF THE CITY OF SAN ANTONIO, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THE 14th DAY OF February, A.D., 2011

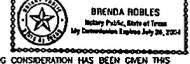
BY: *Robert Williams*  
Robert Williams  
Secretary

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY SUPERVISION.

*Drew A. Mawyer*  
Drew A. Mawyer  
DREW MAWYER, R.P.L.S.  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5348  
MY COMMISSION EXPIRES: 7/28/04

SWORN TO AND SUBSCRIBED BEFORE ME THIS 21st DAY OF FEBRUARY, A.D., 2011.

*Brenda Robles*  
Brenda Robles, Notary Public in and for the State of Texas  
My Commission Expires July 28, 2014



I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LINES TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE UNITED STATES ENGINEERING CODE, EXCEPT FOR THOSE VARIANCES GRANTED BY THE PLANNING COMMISSION OF THE CITY.

*Brenda Robles*  
Brenda Robles, Notary Public in and for the State of Texas  
My Commission Expires July 28, 2014



ALL LOTS THAT DENOTE TRANSFORMATIONS AND SECONDARY DRAINAGE ARE SUBJECT TO TYPICAL FIVE (5) FOOT ELECTRIC EASEMENT UNLESS OTHERWISE DENOTED.

STREET R.O.W.  
5' ELEC. C.A.T.V. & TEL. SERVICE ESMT.  
5' ELEC. C.A.T.V. & TEL. SERVICE ESMT.  
5' ELEC. C.A.T.V. & TEL. SERVICE ESMT.  
LOT LOT  
5' ELEC. C.A.T.V. & TEL. SERVICE ESMT.

REAR E

THE CITY OF SAN ANTONIO AS A PART OF ITS ELECTRIC AND GAS SYSTEM (BY PUBLIC SERVICE COMPANY) IS HEREBY DESIGNATING THE EASEMENTS AND RIGHTS OF FIRST REFERENCE FOR ELECTRIC AND GAS DISTRIBUTION LINES TO BE SHOWN ON THIS PLAT AS "ELECTRIC EASEMENT" AND "GAS EASEMENT" AND IS HEREBY DESIGNATING THE EASEMENTS AND RIGHTS OF FIRST REFERENCE FOR ELECTRIC AND GAS DISTRIBUTION LINES TO BE SHOWN ON THIS PLAT AS "ELECTRIC EASEMENT" AND "GAS EASEMENT". THE PURPOSE OF ACTUALLY LOCATING, IDENTIFYING AND DESIGNATING THESE EASEMENTS IS TO PROVIDE NOTICE TO ALL INTERESTED PARTIES AND TO PROVIDE A BASIS FOR THE CITY OF SAN ANTONIO TO TAKE THE NECESSARY ACTION TO LOCATE AND LOCATE THESE EASEMENTS AND TO PROVIDE A BASIS FOR THE CITY OF SAN ANTONIO TO TAKE THE NECESSARY ACTION TO LOCATE AND LOCATE THESE EASEMENTS AND TO PROVIDE A BASIS FOR THE CITY OF SAN ANTONIO TO TAKE THE NECESSARY ACTION TO LOCATE AND LOCATE THESE EASEMENTS.

STATE OF TEXAS  
COUNTY OF BEAR

*Carmy Keadler*  
Carmy Keadler  
COUNTY CLERK OF SAID COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE 14th DAY OF February, 2011, AND DULY RECORDED THAT DAY AT 2:38 PM, 2011, IN THE RECORDS OF SAID COUNTY, IN BOOK VOLUME 2620 ON PAGE 202.

IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE, THIS 14th DAY OF February, A.D., 2011

*David M. Willey*  
David M. Willey  
COUNTY CLERK, BEAR COUNTY, TEXAS



CURVE TABLE with columns: CURVE, RADIUS, DELTA, LENGTH, CHORD BEARING, CHORD. Includes curves C1 through C51.

CURVE TABLE with columns: CURVE, RADIUS, DELTA, LENGTH, CHORD BEARING, CHORD. Includes curves C1 through C51.

LINE TABLE with columns: LINE, HORIZONTAL, LENGTH. Includes lines L1 through L14.

NOTE:  
1) FIVE (5) FOOT ELECTRIC, C.A.T.V. & TELEPHONE SERVICE EASEMENTS ARE GRANTED ON EACH SIDE OF THE LINE AS SHOWN ABOVE.

2) CONCRETE DRIVEWAY APPROACHES ARE ALLOWED WITHIN FIVE (5) FOOT WIDE ELECTRIC EASEMENTS WHEN LOTS ARE SERVED ONLY BY NEAR UNDERGROUND ELECTRIC FACILITIES. ROOF OVERHANGS ARE ALLOWED WITHIN FIVE (5) FOOT ELECTRIC EASEMENTS WHEN ONLY UNDERGROUND ELECTRIC FACILITIES ARE PROVIDED ON EXISTING WITHIN THOSE FIVE (5) FOOT WIDE EASEMENTS.

3) FINISH FLOOR ELEVATIONS MUST BE A MINIMUM OF 8 INCHES ABOVE FRESH ADJACENT GRADE.

4) AREAS DESIGNATED ON THIS PLAT AS PRIVATE STREETS SHALL BE DEDICATED TO THE PUBLIC AS PUBLIC STREETS, PROVIDED HOWEVER, THAT THE SAME ARE ALSO DESIGNATED AS UNDERGROUND GAS, ELECTRIC, TELEPHONE, CABLE T.V. AND/OR SANITARY SERVICE EASEMENTS OR AS PRIVATE STREETS THEN SUCH AREAS SHALL BE DEDICATED TO THE PUBLIC FOR SUCH EASEMENTS AND PRIVATE STREETS.

5) ALL VEHICLES AND/OR PERSONNEL OF THE CITY OF SAN ANTONIO AND BEAR COUNTY WHEN ON OFFICIAL BUSINESS MAY USE THE PRIVATE STREETS OF THE VILLAGE AT ENCINO PARK, PLUS FOR ANY PURPOSE AT ANY TIME WITHIN THE LIMITS OF THE CITY OF SAN ANTONIO AND BEAR COUNTY MAY REMOVE AT ANY TIME ALL OBSTRUCTIONS OF ANY TYPE IN THE PRIVATE STREETS AND ACCESS THE COST OF THE REMOVAL TO THE OWNER OR OWNERS OF THE OBSTRUCTION.

6) THE MAINTENANCE OF THE PRIVATE STREETS AND DRAINAGE EASEMENTS WITHIN THE VILLAGE AT ENCINO PARK, PLUS, SHALL BE THE RESPONSIBILITY OF THE VILLAGE AT ENCINO PARK HOMEOWNERS ASSOCIATION. THEIR SUCCESSORS OR ASSIGNS, AND NOT THE RESPONSIBILITY OF THE CITY OF SAN ANTONIO AND BEAR COUNTY. PRIVATE STREETS, LOT AND DRAINAGE EASEMENTS ARE ALSO DESIGNATED AS UNDERGROUND GAS, TELEPHONE, CABLE T.V. AND ELECTRIC EASEMENTS.

7) NO STRUCTURES, FENCES, WALL OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT, NO LANDSCAPING OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS-SECTIONS OF THE DRAINAGE EASEMENTS, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE DIRECTOR OF PUBLIC WORKS. THE CITY OF SAN ANTONIO AND BEAR COUNTY SHALL HAVE THE RIGHT OF ENTRY AND EGRESS OVER ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE EASEMENTS.

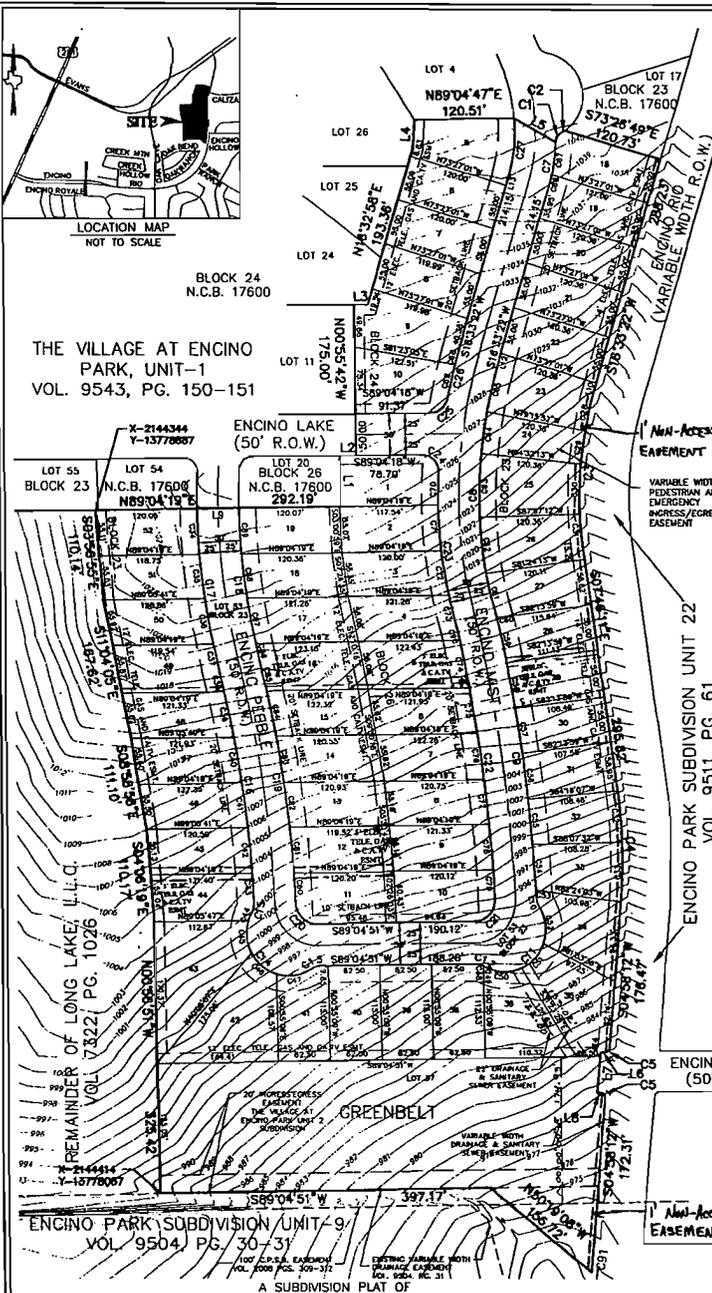
8) THE DEVELOPER DEDICATES THE SANITARY SEWER MAINS UPON COMPLETION BY THE DEVELOPER AND ACCEPTANCE BY THE SAN ANTONIO WATER SYSTEM, THE SAN ANTONIO WATER SYSTEM SHALL OWN AND MAINTAIN SAID MAINS WITHIN THE AREA OF THIS PARTICULAR SUBDIVISION PLAT.

9) THIS SUBDIVISION IS WITHIN THE EXISTING REZONING ZONE, TO THE EXTENT APPLICABLE DEVELOPMENT WITHIN THIS SUBDIVISION IS SUBJECT TO CHAPTER 34, ARTICLE VI, SECTION 8 D OF THE SAN ANTONIO CITY CODE ENTITLED "ADULTER PROTECTION ZONE AND VEHICULAR PROTECTION" OR LATEST REVISIONS THEREOF.

10) NO PERSON SHALL COMMENCE THE CONSTRUCTION OF ANY REGULATED ACTIVITY UNIT, AN EMBARKING ADULTER PROTECTION PLAN ("WATER POLLUTION TREATMENT PLAN") OR MODIFICATION TO AN APPROVED PLAN AS REQUIRED BY 30 TAC 213.5 OF THE TEXAS WATER CODE, OR LATEST REVISION THEREOF, UNLESS SAID PERSON FIRST OBTAINS REGIONAL BARRIERS CONTROLLED ACTIVITY UNIT APPLICATION HAS BEEN APPROVED BY THE EXECUTIVE DIRECTOR OF THE REGIONAL WPPCC OFFICE.

WASTEWATER EDU NOTE:  
The number of wastewater equivalent dwelling units (EDUs) paid for this subdivision plat are kept on file at the San Antonio Water System under the plat number issued by the Planning Department.

DATE: 02/14/2011 JOB NO. 3100034.011.1.5001



THE VILLAGE AT ENCINO PARK SUBDIVISION, UNIT 3 - (PLANNED UNIT DEVELOPMENT)  
13.748 ACRES OF LAND, OUT OF N.C.B. 17600, BEING OUT OF A 48.65 ACRE TRACT OF LAND CONVEYED TO LONG LAKE, L.L.C., RECORDED IN VOLUME 7322, PAGE 1028, REAL PROPERTY RECORDS OF BEAR COUNTY, TEXAS.



EXHIBIT 6  
tabbles

MRP# 07-04-032

RECORDERS VENDOR/CLERK  
AT & TITLE OF RECORDS, BEAR COUNTY, TEXAS  
RECORDS & INFORMATION SERVICES, INC.  
10000 W. LOOP WEST, SUITE 1000  
HOUSTON, TEXAS 77042-4000  
PH: 281-410-0000  
FAX: 281-410-0001  
WWW.RECORDERS-ONLINE.COM

ENCINO PARK SUBDIVISION UNIT 9  
VOL. 9504, PG. 30-31  
A SUBDIVISION PLAT OF













# City of San Antonio

Development Services Department

## Fair Notice Form



Date: April 25, 2007 Notice Number: FN07-0055

1. Original Fair Notice Form Number if Applicable: \_\_\_\_\_
2. Existing Vested Rights Permit No. if applicable: \_\_\_\_\_

**COSA USE ONLY**

Expiration date: 6/10/2007 Authorized Rep: Michael A. Hunter

3. If a permit application identified in item (6) below is not completed (Administratively) within 45 days from the filing date of this form, this notice will be null and void.
4. All submittals with (\*) require a site plan. A site plan shall include lot layout, general building footprint with approximate square footage of building(s), impervious cover, and land use.
5. All single plat, Multiple Land Use projects must complete (# 7) of this form.
6. Permit application Type (Check all appropriate boxes):

- |  |  |
|--|--|
| <input type="checkbox"/> Building Permit: No. _____                                  | <input type="checkbox"/> Military Airport Overlay Zone (MAOZ) No. _____          |
| <input type="checkbox"/> Master Development Plan (MDP)<br>(Formerly POADP) No. _____ | <input type="checkbox"/> P.U.D. Plan<br>No. _____                                |
| <input checked="" type="checkbox"/> MDP/ P.U.D. Plan<br>(Combination) No. <u>20</u>  | <input type="checkbox"/> Mixed Use District (MXD)<br>No. _____                   |
| <input type="checkbox"/> Master Plan Community District (MPCD)<br>No. _____          | <input type="checkbox"/> Traditional Neighborhood Development (TND)<br>No. _____ |
| <input type="checkbox"/> Manufactured Home Park Plan (MHPP)<br>No. _____             | <input type="checkbox"/> Pedestrian Plan (PP) No. _____                          |
| <input type="checkbox"/> Flexible Development District No. _____                     | <input type="checkbox"/> Single-Family (Residential) Plat No. _____              |
| <input type="checkbox"/> Urban Development (UD)                                      | <input type="checkbox"/> Rural Development (RD)                                  |
| <input type="checkbox"/> Farm and Ranch (FR)   | <input type="checkbox"/> Mix Light Industrial (MI-1)                             |

2/16/06

VRP# 07-04-032

04-26-07 P03:22 11

City of San Antonio Development Services Department
Fair Notice Form
(Con't)

The following projects require a site plan.

A site plan shall include, lot layout, general building footprint with approximate square footage of building(s), and land use.

- \* SAWS/ Utilities No.
\* Category Determination Letter from SAWS:
\* CPS Energy/ Utilities No.
\* Other:
\* Application for Letter of Certification (LOC) (Subdivision Plat No. issued):

The following single plat projects require a site plan:

- \* Multi-Family
\* Commercial
\* Office
\* Industrial
\* Multiple Land Use Projects (Complete # 7)
\* Entertainment
\* Special District
\* Other:

7. For all single plat, Multiple Land Use Projects please complete the following:

- (a) Single - Family: Allocation in Square Feet & Acreage
Use Allocation in Square Feet & Acreage
Density
(b) Multi -Family: Land Allocation in Square Feet & Acreage
Use Allocation in Square Feet & Acreage
Density
(c) Commercial: Land Allocation in Square Feet & Acreage 56,323.08 S.F. (1.293 Acres)
Use Allocation in Square Feet & Acreage 56,323.08 S.F.
(d) Office: Allocation in Square Feet & Acreage
Use Allocation in Square Feet & Acreage
(e) Industrial: Allocation in Square Feet & Acreage
Use Allocation in Square Feet & Acreage
(e) Entertainment: Allocation in Square Feet & Acreage
Use Allocation in Square Feet & Acreage
(e) Other Special District(s): Allocation in Square Feet & Acreage
Use Allocation in Square Feet & Acreage

2/16/06

04-26-07 P03:22 IN

VR P# 07 - 04 - 032

**City of San Antonio Development Services Department**  
**Fair Notice Form**  
**(Con't)**

**8. Project Name:** Sandbar Commercial

Property Description: A 1.293 acre tract of located on U.S. Highway 281, more formally described as Lot 1, Block 4, New City Block 18218, San Antonio, Bexar County, Texas.

**Owner:** Dominion Advisory Group Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Address: 12330 West Avenue, Suite 204 City: San Antonio State: Texas Zip Code: 78216

**Agent:** Brown, PC Phone: (210) 299-3704 Fax: (210) 299-4731

Address: 112 E. Pecan, Suite 1490 City: San Antonio State: Texas Zip Code: 78205

**Applicant:** N/A Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State \_\_\_\_\_ Zip Code: \_\_\_\_\_

**Engineer/Surveyor:** Bury & Partners, Inc. Phone: 210-525-9090 Fax: 210-525-0529

Address: 922 Isom Rd., Suite 100 City: San Antonio State: Texas Zip Code: 78216

Contact Person Name: \_\_\_\_\_ E-mail: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Site is over/within/includes:**

Edwards Aquifer Recharge Zone:  Yes  No San Antonio City Limits:  Yes  No

Council District: 9 School District: N.E.I.S.D. Ferguson map grid: 483, D-3

**Owner or Authorized Representative:**

**I certify that this Fair Notice form is true and accurate.**

Print Name: Patrick W. Christensen Signature: 

Address: 112 E. Pecan, Suite 1490 City: San Antonio State: Texas Zip Code: 78205

E-mail: pwc@kbrownpc.com

**NOTE: To be valid, all fields must be completed.**

2/16/2006

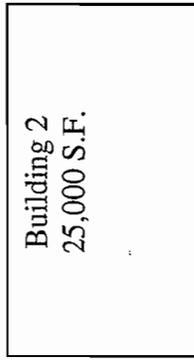
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**VR P# 07 - 04 - 032**

FN07-0055

Sandbar Site Plan  
1.294 Acres out of Lot 1, Block 4, NCB 18218

U.S. Hwy 281



1.293 Acres

Lot 1, Blk 4, NCB 18218





City of San Antonio  
 Development Services Department  
 1901 S. Alamo  
 San Antonio, TX 78204

**SITE WORK OR PLAT  
 TREE AFFIDAVIT / PERMIT APPLICATION**

(Office Use Only) A/P # 1384442

INSPECTOR \_\_\_\_\_ DATE \_\_\_\_\_ PASS / FAIL COMMENTS \_\_\_\_\_  
 APPROVED  NOT APPROVED INITIALS WJR DATE June 29, 07

**Project Address/Location:** South of Intersection of Marshall Road and US Hwy 281 Outside City Limits?  Y  N

**Project Name/Subdivision:** Sandbar Commercial Unit: \_\_\_\_\_ Plat #: \_\_\_\_\_

**Parcel Key #** (<http://maps.sanantonio.gov/website/zoning/viewer.asp>): 377783 Lot No. 1 Block: 4 NCB/ CB: 18218

**Approximate Project Construction Starting Date:** July, 2007

**Class of Work (Check as Appropriate):**  Site Work  Platting  New Structure  Addition (≥ 2500 ft<sup>2</sup>)

**Project Type (Check as Appropriate):**  Commercial # acres 1.293  Residential # lots \_\_\_\_\_

Company ID#: \_\_\_\_\_ Contact ID#: \_\_\_\_\_ Public Funds Used:  Y  N

**Contact Person:** Patrick W. Christensen Phone # 299-3704 Fax # \_\_\_\_\_

**Email:** pwc@kbrownpc.com

**Contractor:** \_\_\_\_\_ Phone # \_\_\_\_\_ Fax # \_\_\_\_\_

**Owner:** Dominion Advisory Group, Inc. Phone # \_\_\_\_\_ Fax # \_\_\_\_\_

**Address:** 12330 West Ave., Suite 204 City San Antonio State TX Zip 78216

I, Patrick W. Christensen (agent), certify that I am aware of the requirements of Article V, section 35-523 of the U.D.C. regarding Tree Preservation. This affidavit verifies that to the best of my knowledge the said property at 2560 Marshall Road Has vested rights as of October 3, 1983. (attach sheet if necessary)

IF A TREE PLAN WAS PREVIOUSL APPROVED, PROVIDE AP# \_\_\_\_\_

- Ordinance** PLEASE MARK THE APPROPRIATE BOX UNDER THE ORDINANCE APPLICABLE TO THE PROJECT (ONLY MARK ONE BOX):  
 2003 1997 If vested from the 2003 ordinance must enter the Vested Rights Permit #: 07-04-032
1. has no Protected, Significant, Heritage, or Historic trees as defined in Article V, section 35-523 of the U.D.C.
2. has Protected, Significant, Heritage or Historic trees, but this work will in no way cause damage to or the destruction of said trees; I understand such is a direct violation of the provisions of the aforementioned ordinance. (PLAT SUBMITTAL REQUIRES AERIAL PHOTO AND BUILDING PERMIT SUBMITTAL REQUIRES SITE PLAN WITH INDICATION OF TREES) *as of 11/3/83 based on POADA 20.*
- \*3. is exempt from the 1997 Tree Preservation Ordinance – VESTED RIGHTS PERMIT # REQUIRED: VRP #07-04-032
- \*4. has Protected, Significant, Heritage or Historic trees that will be removed. (REQUIRES ADDITIONAL SITE PLAN & TREE INVENTORY FOR INSPECTOR)

State of Texas )  
 County of Bexar )

Signature: Patrick W. Christensen

Before me, the undersigned authority on this day personally appeared Patrick W. Christensen known to me to be the person whose name is signed to the foregoing affidavit and sworn by me, states under oath that all of the facts therein set forth are true and correct.

Sworn To Before me, this 20th day of June, 2007

*Lori J. Betus*  
 LORI J. BETUS  
 NOTARY PUBLIC  
 State of Texas  
 Comm. Exp. 04-11-2009

*Howe J. Betus*  
 Notary Public In And For The State of Texas

\* Options 3 & 4 do not require notarization

<http://www.sanantonio.gov/dsd/sections/environmental/index.asp> Development Services Department / Revised August 2005

Sandbar Commercial