



City of San Antonio, Texas

Department of Development Services

May 30, 2007

Shea Soria
33 Lynn Batts #1205
San Antonio, TX 78218

RE: Rights Determination File: # 07-05-033 (Soria Residence)

Dear Mr. Soria:

We have reviewed your rights determination that was requested on May 11, 2007. Based on the information provided the following is our official finding:

Approval of rights effective July 24, 1989 for a single family dwelling consistent with Plat # 890065 and Fair Notice FN07-0057.

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,

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

Picked up:
DATE: 6-6-07



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: 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: SHEA & JACQUELINE SORIA

Agent: NAUTILUS DESIGNS

Phone: 240-3423 Fax: 829-1034

Address: 33 LYNN BATTIS # 1205

City: SAN ANTONIO State: TX Zip code: 78218

Engineer/Surveyor: ADVANCED ENGINEERING Contact: DANIEL FRAGOZO

Address: 11929 STARCREST Phone#: 572-9340

City: SAN ANTONIO State: TX Zip code: 78247

Name of Project: SORIA RESIDENCE

Site location or address of project and legal description:

8 VILLA VERDE
NCB 17355 LOT 117 BLOCK A

City Council District(s): 8 ETJ: Yes / No Edward's Aquifer Recharge Zone? Yes / No

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

VACANT LOT

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:

SINGLE FAMILY RESIDENCE

(b) Total land area, in square feet:

1,700 sq ft

(c) Total area of impervious surface, in square feet:

3,800 sq ft

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

1

(e) Type and amount of non-residential square footage (ground floor building footprint only):

N/A

(f) Number of buildings:

1

(g) Phases of the development (if applicable):

NONE

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:

TREE ORDINANCE

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: _____ # _____

Date accepted: _____ Expiration Date: _____ 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: ELM CREEK U-11 Plat # 890065 Acreage: 8.09 Approval

Date: _____ Plat recording Date: 7-24-89 Expiration Date: _____ Vol./Pg. 9520/199-200

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

OTHER PERMITS:

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.

NONE

6. Requested date for claim of rights for this Project: 7.24.89

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

SUBDIVISION BUILT OUT

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: SHEA SORIA Signature: [Signature] Date: 5/9/07

Sworn to and subscribed before me by Shea Soria on this 9th day of May in the year 2007, to certify which witness my hand and seal of office.



Jacqueline A. Soria
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.



City of San Antonio
Development Services Department
Rights Determination/Consent Agreement
Completeness Review



Note: All Applications must comply with the Unified Development Code (UDC), §35-B128 Vested Rights Determination for the City of San Antonio.

An Application for a Rights Determination shall contain at least the following information:

1. Appropriate filing fee:
 - \$160 homestead property (1 lot up to 3 acres)
 - \$500 single family residential (greater than 1 lot or 3 acres)
 - \$500 commercial

2. Completed application form:
 - Name and address of Applicant;
 - Project description and name of subdivision or development, if applicable;
 - A legal description of the property;
 - Description of current use;
 - Project description including total land area, impervious cover, number of dwelling units by type, non-residential square footage; and phases of the development;
 - Complete permit history and expenditures or obligations incurred in reliance on such permits. Include verified or certified copies of all development permits, contracts, appraisals, reports, correspondence, letters, or other documents or materials upon which the Applicant's claim for vested rights or equitable estoppel is based;
 - Date for claim of rights based on permit history;
 - Description of construction or related actions that have taken place on the property since the date for which rights are claimed;
 - A Sworn Statement, in a form prescribed by the City, and signed by the Applicant; and

3. Fair Notice Form including the items specified by §35-B132 (required effective February 5, 2007 for all rights determinations based on MDPs, POADPs, or plat applications.)

In addition to the required processing as set forth above, an Application 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.

Accepted

Rejected

Completeness Review By: Michelle A. Hunter **Date:** 11 MAY 07

City of San Antonio

Development Services Department

Fair Notice Form



Date: 5-10-07 Notice Number: FN07-0057

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

COSA USE ONLY	
Expiration date: <u>6/25/2007</u>	Authorized Rep: <u>Michael D. Lenth</u>

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)
(Formerly POADP) No. _____ | <input type="checkbox"/> P.U.D. Plan
No. _____ |
| <input type="checkbox"/> MDP/ P.U.D. Plan
(Combination) No. _____ | <input type="checkbox"/> Mixed Use District (MXD)
No. _____ |
| <input type="checkbox"/> Master Plan Community District (MPCD)
No. _____ | <input type="checkbox"/> Traditional Neighborhood Development (TND)
No. _____ |
| <input type="checkbox"/> Manufactured Home Park Plan (MHPP)
No. _____ | <input type="checkbox"/> Pedestrian Plan (PP) No. _____ |
| <input type="checkbox"/> Flexible Development District No. _____ | <input checked="" type="checkbox"/> Single-Family (Residential) Plat No. <u>89-0065</u> |
-
- | | |
|---|--|
| <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) |

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 _____
Use Allocation in Square Feet & Acreage _____
- (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 _____

City of San Antonio Development Services Department
Fair Notice Form

(Con't)

8. Project Name: SORIA RESIDENCE

Property Description: SINGLE FAMILY DWELLING

Owner: SHEA & JACQUELINE SORIA Phone: 210-408-1685 Fax: 210-654-7511

Address: P.O. BOX 782364 City: SAN ANTONIO State TX Zip Code: 78278

Agent: NAUTILUS DESIGNS & CONSTRUCTION Phone: 210-3423 Fax: 829-1039

Address: 33 LYNN BATTIS SUITE 1205 City: SAN ANTONIO State TX Zip Code: 78218

Applicant: SHEA & JACQUELINE SORIA Phone: 210-408-1685 Fax: 210-654-7511

Address: P.O. BOX 782364 City: SAN ANTONIO State TX Zip Code: 78278

Engineer/Surveyor: ADVANCED ENGINEERING Phone: 572-9340 Fax: 572-9344

Address: 11929 STAR CREST City: SAN ANTONIO State TX Zip Code: 78247

Contact Person Name: SHEA SORIA E-mail: SXSORIA@SHEANAR.COM

Phone: 210-389-1326 Fax: 210-654-7511

Site is over/within/includes:

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

Council District: 8 School District: N.I.S.D. Ferguson map grid: _____

Owner or Authorized Representative:

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

Print Name: SHEA SORIA Signature: *[Handwritten Signature]*

Address: P.O. BOX 782364 City: SAN ANTONIO State TX Zip Code: 78278

E-mail: SXSORIA@SHEANAR.COM

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

1785886

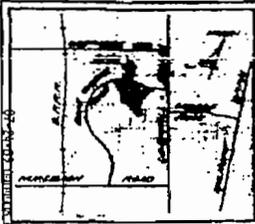
716 COUNTY OFFICE
ROBERT D GREEN
COUNTY CLERK PL. 905 CO

1988 JUL 24 PM 2:50

1044

520/200

EA107-0057



LOCATION MAP

NO.	STREET NAME
1	VILLA JARDIN
2	VILLA BOUNTA
3	VILLA MAX
4	VILLA MADIOSA
5	VILLA VERDE

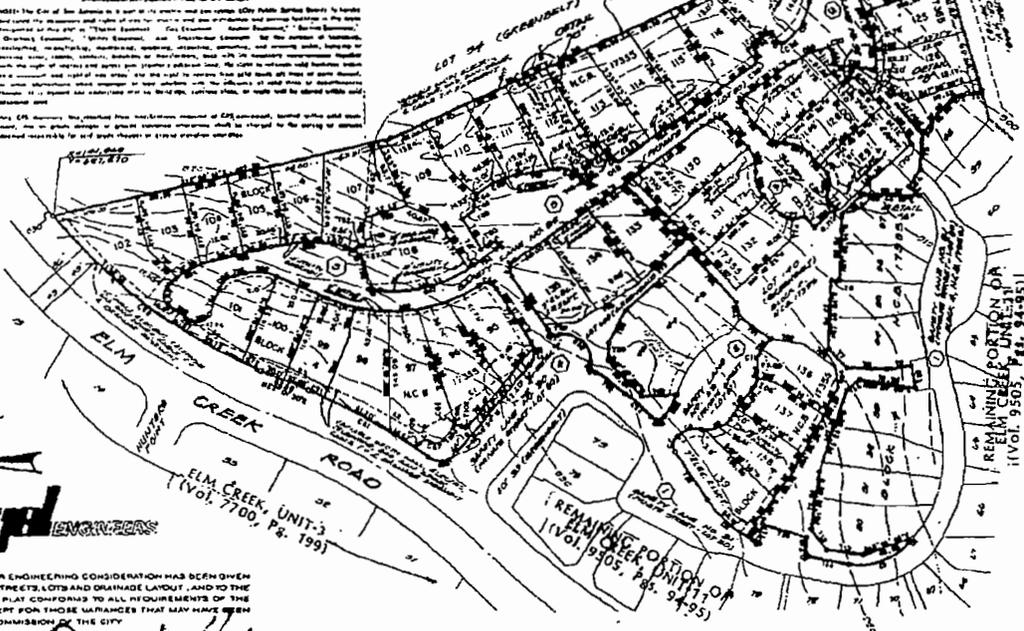
NO.	BEARING	DISTANCE
1	S 32° 00' 00" W	140.00'
2	S 41° 00' 00" W	78.72'
3	S 10° 00' 00" W	140.32'
4	S 87° 00' 00" W	82.84'
5	N 48° 30' 00" E	113.12'
6	N 00° 00' 00" E	18.00'
7	S 30° 00' 00" W	15.00'
8	S 60° 30' 00" W	37.61'
9	S 30° 00' 00" W	60.30'
10	N 00° 00' 00" E	18.00'
11	N 48° 30' 00" E	82.84'
12	S 30° 00' 00" W	33.44'

NOTE:
 1. LOT 118 (GREENBELT) IS AN ELECTRIC TRANSMISSION, GAS, SEWER, TELEPHONE, CABLE TV, AND DRAINAGE EASEMENT.
 2. LOT 119 (GREENBELT) ALSO HAS ELECTRIC, TELEPHONE, GAS, SEWER, CABLE TV, AND DRAINAGE EASEMENTS.
 3. ALL EASEMENTS INCLUDE POWER, GAS, ELECTRIC, TELEPHONE, CABLE TV, AND DRAINAGE EASEMENTS.

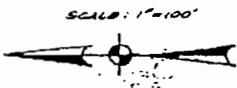


DETAIL "A" | DETAIL "C"

NOTE: FOR DETAILS "D" AND "E" SEE SHEET 1 OF 2



CURVE DATA		TANGENT DATA	
1	100.00'	1	100.00'
2	100.00'	2	100.00'
3	100.00'	3	100.00'
4	100.00'	4	100.00'
5	100.00'	5	100.00'
6	100.00'	6	100.00'
7	100.00'	7	100.00'
8	100.00'	8	100.00'
9	100.00'	9	100.00'
10	100.00'	10	100.00'
11	100.00'	11	100.00'
12	100.00'	12	100.00'
13	100.00'	13	100.00'
14	100.00'	14	100.00'
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19	100.00'	19	100.00'
20	100.00'	20	100.00'
21	100.00'	21	100.00'
22	100.00'	22	100.00'
23	100.00'	23	100.00'
24	100.00'	24	100.00'
25	100.00'	25	100.00'
26	100.00'	26	100.00'
27	100.00'	27	100.00'
28	100.00'	28	100.00'
29	100.00'	29	100.00'
30	100.00'	30	100.00'
31	100.00'	31	100.00'
32	100.00'	32	100.00'
33	100.00'	33	100.00'
34	100.00'	34	100.00'
35	100.00'	35	100.00'
36	100.00'	36	100.00'
37	100.00'	37	100.00'
38	100.00'	38	100.00'
39	100.00'	39	100.00'
40	100.00'	40	100.00'
41	100.00'	41	100.00'
42	100.00'	42	100.00'
43	100.00'	43	100.00'
44	100.00'	44	100.00'
45	100.00'	45	100.00'
46	100.00'	46	100.00'
47	100.00'	47	100.00'
48	100.00'	48	100.00'
49	100.00'	49	100.00'
50	100.00'	50	100.00'
51	100.00'	51	100.00'
52	100.00'	52	100.00'
53	100.00'	53	100.00'
54	100.00'	54	100.00'
55	100.00'	55	100.00'
56	100.00'	56	100.00'
57	100.00'	57	100.00'
58	100.00'	58	100.00'
59	100.00'	59	100.00'
60	100.00'	60	100.00'
61	100.00'	61	100.00'
62	100.00'	62	100.00'
63	100.00'	63	100.00'
64	100.00'	64	100.00'
65	100.00'	65	100.00'
66	100.00'	66	100.00'
67	100.00'	67	100.00'
68	100.00'	68	100.00'
69	100.00'	69	100.00'
70	100.00'	70	100.00'
71	100.00'	71	100.00'
72	100.00'	72	100.00'
73	100.00'	73	100.00'
74	100.00'	74	100.00'
75	100.00'	75	100.00'
76	100.00'	76	100.00'
77	100.00'	77	100.00'
78	100.00'	78	100.00'
79	100.00'	79	100.00'
80	100.00'	80	100.00'
81	100.00'	81	100.00'
82	100.00'	82	100.00'
83	100.00'	83	100.00'
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92	100.00'	92	100.00'
93	100.00'	93	100.00'
94	100.00'	94	100.00'
95	100.00'	95	100.00'
96	100.00'	96	100.00'
97	100.00'	97	100.00'
98	100.00'	98	100.00'
99	100.00'	99	100.00'
100	100.00'	100	100.00'



DAVE DAWSON ENGINEERS

STATE OF TEXAS
 COUNTY OF BEAR
 I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAN TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT, AND TO THE BEST OF MY KNOWLEDGE THIS PLAN CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE, EXCEPT FOR THOSE VARIANCES THAT MAY HAVE BEEN GRANTED BY THE PLANNING COMMISSION OF THE CITY.

David K. Wolf
 REGISTERED PROFESSIONAL ENGINEER

INCORPORATED AND SUBSCRIBED BEFORE ME THIS THE 28th DAY OF JULY A.D. 1988

Richard Williams
 NOTARY PUBLIC
 BEAR COUNTY, TEXAS

STATE OF TEXAS
 COUNTY OF BEAR
 THE OWNER OF THE LAND SHOWN ON THIS PLAN IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DECLARED TO THE USE OF THE PUBLIC FOR ALL STREETS, ALLEYS, PAVES, WATER COURSES, DRAINAGE EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

Richard Williams
 DULY AUTHORIZED AGENT

STATE OF TEXAS
 COUNTY OF BEAR
 BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED *Richard Williams* 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 EXERCISED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 28th DAY OF JULY A.D. 1988

Richard Williams
 NOTARY PUBLIC
 BEAR COUNTY, TEXAS

Replat of
ELM CREEK UNIT-11
 (PLANNED UNIT DEVELOPMENT)

BEING 8.000 ACRES OF LAND OUT OF LOTS 1 THROUGH 49, LOTS 46 THROUGH 49 AND LOTS 80 THROUGH 83 (GREENBELT) OF ELM CREEK UNIT-11 PLANNED UNIT DEVELOPMENT AS RECORDED IN VOLUME 9005, PAGES 34-35 OF THE DEED AND PLAT RECORDS OF BEAR COUNTY, TEXAS.



THIS PLAN OF ELM CREEK UNIT-11 (P.U.D.) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 28th DAY OF JULY A.D. 1988

Richard Williams
 CITY CLERK



DETAIL "B"

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

Richard Williams
 REGISTERED PUBLIC SURVEYOR

INCORPORATED AND SUBSCRIBED BEFORE ME THIS THE 28th DAY OF JULY A.D. 1988

Richard Williams
 NOTARY PUBLIC
 BEAR COUNTY, TEXAS

STATE OF TEXAS
 COUNTY OF BEAR
 I HEREBY CERTIFY THAT THIS PLAN WAS FILED FOR RECORD IN MY OFFICE, ON THE 28th DAY OF JULY A.D. 1988 AT 2:50 P.M. AND DULY RECORDED THE 28th DAY OF JULY A.D. 1988 AT 2:50 P.M. IN THE RECORDS OF THE 9005 VOLUME 1000 ON PAGE 200 OF SAID COUNTY.

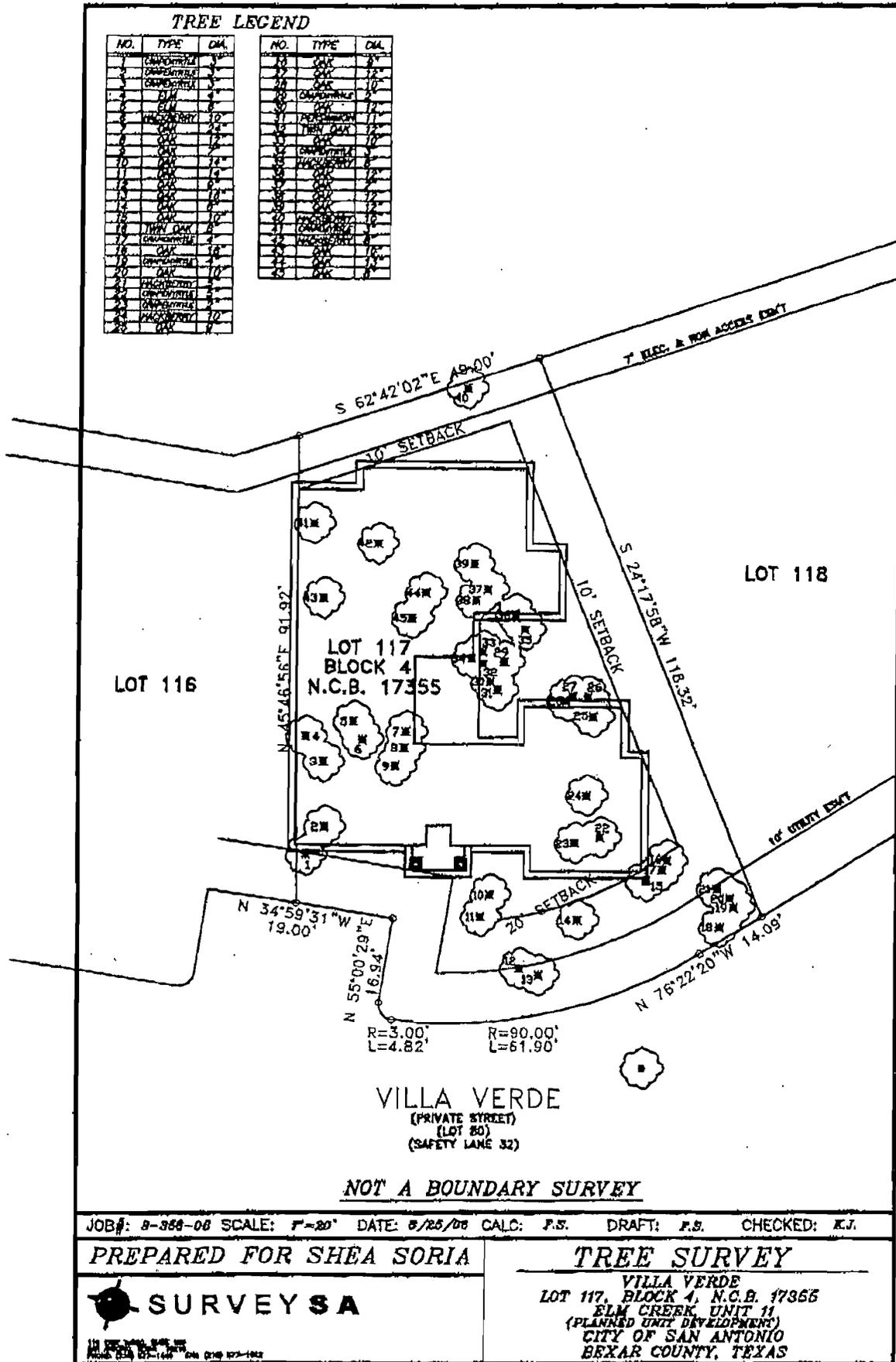
TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE, THIS 28th DAY OF JULY A.D. 1988

Richard Williams
 COUNTY CLERK, BEAR COUNTY, TEXAS

L. 9520 200

05-11-07 A10:57 IN
VRP#UV-05-038

FN07-0057



VRP#07-05-033

05-11-07 A10:58 IN



LA MAR

VILLA VERDE

100