



City of San Antonio, Texas

Department of Development Services

June 27, 2007

Connie Basel
Brown P.C. Attorneys at Law
112 E. Pecan, Suite 1490
San Antonio, TX 78205

RE: Rights Determination File: # 07-05-034R (Rialto Village) Resubmittal

Dear Ms. Basel:

We have reviewed your rights determination that was resubmitted on June 6, 2007. Based on the information provided the following is our official finding:

Recommend denial of rights effective August 19, 1986. The applicant's assertion of rights based on a *Preliminary Engineering Report on The Feasibility of the City Water Board Providing Water Service to the Saunders Tract in Service Level 11 Outside the Service Area* with a proposal for commercial, single family residential and multi-family somewhere within a 268 acre tract of land does not describe a project.

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 "F. 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

May 9, 2007

Ms. Melissa Ramirez
Development Services Department
City of San Antonio
1901 S. Alamo, 2nd Floor
San Antonio, TX 78204

Via Hand Delivery

Mr. Norbert Hart
City Attorney's Office
City of San Antonio
100 Military Plaza, 3rd Floor
San Antonio, TX 78205

Via Hand Delivery

Re: Vested Rights for a 23.91-acre tract of land, generally located west of the intersection of Interstate Highway 10 and Ralph Fair Road in San Antonio, Bexar County, Texas (the "Subject Property"); *Our File No. 9093.002*

Dear Ms. Ramirez and Mr. Hart:

The purpose of this correspondence is to request COSA's acknowledgement of "vested rights" as of **August 19, 1986** for a mixed-use commercial residential project on the Subject Property, based upon the Water Commitment for Service to a 268 acre Saunders Tract, approved by the Water Works Board of Trustees on August 19, 1986. Accordingly, please find attached a Vested Rights Application and Fair Notice Form for the Subject Property (*see Exhibit 1*). This request is made pursuant to provisions of the City of San Antonio's (the "COSA") Unified Development Code (the "UDC"), Chapter 35, Article 7, Division 2 ("Vested Rights").

The Subject Property is a 23.91-acre tract of land, generally located west of the intersection of Interstate Highway 10 and Ralph Fair Road in San Antonio, Texas, and as further illustrated on the map attached hereto (*see Exhibit 2: "Rialto Village"*). The Property is wholly included within the "Saunders Tract," which was originally validated by virtue of a Water Commitment for Service to a 268 acre Saunders Tract, as approved by the Water Works Board of Trustees on August 19, 1986 (*see Exhibit 3: the "Water Commitment"*). The Water Commitment was approved based upon, and incorporates, an Engineering Report dated August 4, 1986, describing a *commercial, single family residential, and multi-family use* (*see Exhibit 4: the "Preliminary Engineering Report on the Feasibility"*).

The Water Commitment constitutes the first "permit" in a series of permits necessary for the development of the Subject Property, as that term is contemplated by Chapter 245 of the Texas Local Government Code (the "Code"). Perhaps more importantly, the Water Commitment authorized the development of the Subject Property for a commercial, single-family residential and multi-family use (the "Project"). The Subject Property is also currently zoned "PUD "C-3 GC-1" (Planned Unit

Development General Commercial Gateway Corridor District – 1), and PUD “MF-25 GC-1” (Planned Unit Development Multi-Family Gateway Corridor District – 1), which expressly permits commercial and residential uses on the Subject Property (*see Exhibit 5*).

Further, the following is a sample of approvals, which are hereby submitted as evidence of “progress” toward completion of the Project pursuant to the City Attorney’s interpretation of Section 245.005 of the Code:

- 1) On August 26, 1999, an application for the Boerne Preliminary Overall Development Plan No. 665 was submitted to the COSA, for a commercial and residential project in connection with the Saunders Tract.
- 2) Stage Run, Unit 1 Plat No. 010146 and Unit 2 Plat No. 010242 approved November 14, 2001.
- 3) Boerne Stage Road Plat No. 010110 approved May 8, 2002.
- 4) Stage Run Unit No. 5 Plat No. 020193 and Unit No. 6 Plat No. 020266 approved June 25, 2003.
- 5) Boerne Stage Run U-5A Plat No. 030479 approved November 26, 2003.
- 6) Stage Run U-3 Plat No. 020376 approved July 23, 2003.

Finally, our Firm submits the following documentation as evidence that the terms of the Water Commitment were honored:

- 1) A SAWS Water Commitment and Contract for Participation in the Babcock Water Main Extension Project submitted to SAWS on October 9, 1986, and executed May 4, 1988, encompassing the Saunders Tract and the Subject Property.
- 2) On May 26, 1998, SAWS issued correspondence confirming that “[t]he *developer executed the water commitment by installing the approach mains and all necessary on-site facilities in accordance with the Board’s Regulations and at his total cost.*” (emphasis added) (*see Exhibit 6*).
- 3) On July 13, 1999, SAWS again issued correspondence confirming that a “water commitment to provide water was approved by the City Water Board on October 9, 1986 to Boerne Stage Road Joint Venture for 1,750 (EDU’s).” “*This commitment was exercised through a joint venture of several developers who installed water mains along Babcock Road, Camp Bullis and IH10.*” (emphasis added) (*see Exhibit 7*).

As you can see, the infrastructure improvements called for by the Water Commitment have been fulfilled.

Please note that COSA has already issued Development Rights Permit No. 251, which grants “development rights” for the Subject Property dating back to October 9, 1986 (*see Exhibit 8*). Moreover, the COSA has already issued Vested Rights Permit No. 03-09-108, which acknowledges “vested rights” pursuant to Chapter 245 of the Code for the Subject Property also dating back to

October 9, 1986 (*see Exhibit 9*). Both of these acknowledgments by COSA were based upon the SAWS Water Commitment and Contract for Participation in the Babcock Water Main Extension Project, dated October 9, 1986, which relates to the Water Commitment. As you know, the UDC requires continued recognition of previously-issued "development rights" and the Code requires continued recognition of "vested rights." Therefore, we are simply seeking the COSA's re-acknowledgement of "vested rights" for a tract of land for which "development rights" and "vested rights" have already been acknowledged. Finally, it is important to note that over \$48,066 has been spent thus far for land clearing activity pursuant to Tree Permit No. 1121657 (*see Exhibits 10 and 11*), which was based upon VRP No. 03-09-108.

In conclusion, the Water Commitment constitutes a "permit" as defined by Chapter 245 of the Code, and was a necessary first step in the development of the Subject Property, which has always been included within the Saunders Tract. The Water Commitment authorized the commercial, single-family residential and multi-family Project from its inception. Progress for this project has been maintained by virtue of the approvals listed herein. Finally, "development rights" and "vested rights" have been previously reviewed and acknowledged by the COSA, as evidenced by Development Rights Permit No. 251 and Vested Rights Permit No. 03-09-108.

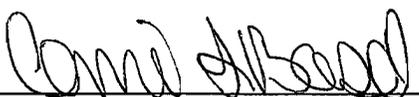
Included with this correspondence, please find enclosed a check for \$500.00 to cover the costs of processing this application and duplicate copies of the following:

- 1) Vested Rights Permit Application and Fair Notice Form;
- 2) Rialto Village;
- 3) Water Commitment;
- 4) Preliminary Engineering Report on the Feasibility;
- 5) COSA Zoning Ordinances Nos. 2007-01-04-0044 and 2006-08-17-0949;
- 6) May 26, 1998 Letter from SAWS;
- 7) July 13, 1999 Letter from SAWS;
- 8) COSA Development Rights Permit No. 251;
- 9) COSA Vested Rights Permit No. 03-09-108;
- 10) Spreadsheet Illustrating Land Clearing Costs; and
- 11) Tree Permit No. 1121657.

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

Sincerely,

BROWN, P.C.

By: 
Connie L. Basel

CLB/ea
Enclosures: As stated

City of San Antonio

Development Services Department

Fair Notice Form



Date: May 8, 2007 Notice Number: FN07-0058

1. Original Fair Notice Form Number if Applicable: N/A
2. Existing Vested Rights Permit No. if applicable: 03-09-108

COSA USE ONLY

Expiration date: 6/28/07 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):
 Building Permit: No. _____
Military Airport Overlay Zone (MAOZ) No. _____
 Master Development Plan (MDP) P.U.D. Plan
(Formerly POADP) No. _____ No. _____
 MDP/ P.U.D. Plan Mixed Use District (MXD)
(Combination) No. (665 but N/A) No. _____
 Master Plan Community District (MPCD) Traditional Neighborhood Development (TND)
No. _____ No. _____
 Manufactured Home Park Plan (MHPP) Pedestrian Plan (PP) No. _____
No. _____
 Flexible Development District No. _____ Single-Family (Residential) Plat No. _____
 Urban Development (UD) Rural Development (RD)
 Farm and Ranch (FR) Mix Light Industrial (MI-1)

VR P# 07 - 05 - 034

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 ± 230,345 sq. ft. ± 5.3 acres
 Use Allocation in Square Feet & Acreage ± 207,310 sq. ft. ± 4.7 acres
 Density ± 132 units
- (c) **Commercial:** Land Allocation in Square Feet & Acreage ± 811,522.8 sq. ft. ± 18.6 acres
 Use Allocation in Square Feet & Acreage ± 730,370.5 sq. ft. ± 16.77 acres
- (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 _____

VRP# 07-05-034

City of San Antonio Development Services Department
Fair Notice Form

(Con't)

8. Project Name: Rialto Village

Property Description: 23.91-acre tract of land, generally located west of the intersection of Interstate Highway 10 and Ralph Fair Road in San Antonio, Bexar County, Texas; more particularly described as NCB 16380, San Antonio, Bexar County, Texas.

Owner: Fair Prospects L.P. Phone: _____ Fax: _____

Address: 298 Ocean Ave. City: Marblehead State MA Zip Code: 01945

Agent: Brown P.C. Phone: (210) 299-3704 Fax: (210) 299-4731

Address: 112 E. Pecan, Ste 1490 City: San Antonio State TX ZipCode: 78205

Applicant: Brown P.C. Phone: (210) 299-3704 Fax: (210) 299-4731

Address: 112 E. Pecan, Ste 1490 City: San Antonio State TX ZipCode: 78205

Engineer/Surveyor: David Allen, Macina Bose Copeland and Associates, Inc.

Address: 1035 Central Parkway North Phone#: (210) 545-1122 ext. 107

City: San Antonio State: TX Zip code: 78232

Contact Person Name: Connie L. Basel E-mail: Connie@KBrownPC.com

Phone: (210) 299-3704 Fax: (210) 299-4731

Site is over/within/includes:

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

Council District: 8 School District: NSISD Ferguson map grid: 447, E-8

Owner or Authorized Representative:

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

Print Name: Connie L. Basel Signature: Connie L. Basel

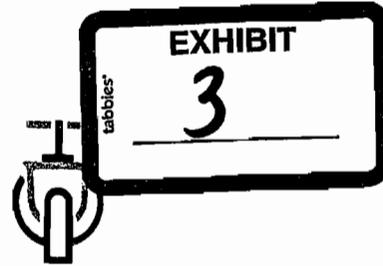
Address: 112 E. Pecan, Ste. 1490 City: San Antonio State TX ZipCode: 78205

E-mail: Connie@KBrownPC.com

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

CITY WATER BOARD

1001 E. MARKET ST. P. O. BOX 2449 • SAN ANTONIO, TEXAS 78298-2449 • (512) 225-7461



GENERAL MANAGER
ROBERT P. VAN DYKE
BOARD OF TRUSTEES
ROBERT L. M. HILLIARD, M. D.
CHAIRMAN
ROBERT L. GRAGG
VICE-CHAIRMAN
NELDA WEATHERLY
SAMUEL C. LOPEZ
HENRY G. CISNEROS
MAYOR

22 August 1986

PAPE DAWSON
ENGINEERS, INC.
RECEIVED

AUG 26 1986

Mr. Jim Overby, P.E.
Vice President
Pape-Dawson Engineers
9310 Broadway
San Antonio, Texas 78217

FILE 9313-21

Re: Water Service
268 acre Saunders Tract
Northwest corner of I.H. 10 and
Boerne Stage Road
(C.W.B. Project File A-6676)

Dear Mr. Overby:

The Water Works Board of Trustees on 19 August 1986 authorized water service to the referenced property which is located outside the Board's present service area but partially within the City of San Antonio's Extraterritorial Jurisdiction. This authorization was based on the staff recommendations and conditions as contained in the Engineering Report dated 4 August 1986.

The developer is to pay the total cost of the required 20-inch approach main, without refund, as well as the total cost of local benefit facilities, contribute a total of \$157,500 for the required flow charge, and contribute a total of \$1,006,250 for the required system development charge.

The Board's commitment to serve the property is subject to the Public Utility Commissions's approval of the City Water Board serving the area. The City Water Board will honor this commitment for a period of three (3) months from 19 August 1986. A new application for service must be submitted if this commitment is not exercised by the developer during this period.

Very truly yours,

Wayne Bitzkie, Director
Mains and Services Department

WB:eaf

VRP#07-05-034

05-11-07 P03:45 IN

PRELIMINARY ENGINEERING REPORT
ON THE FEASIBILITY OF THE CITY WATER BOARD
PROVIDING WATER SERVICE TO
THE SAUNDERS TRACT
IN SERVICE LEVEL 11
OUTSIDE THE SERVICE AREA

4 August 1986

- I. Pape-Dawson Engineers on behalf of Doug Saunders, Jr. has requested that the City Water Board provide water service to the Saunders tract outside the service area, but partially within the City of San Antonio's Extraterritorial Jurisdiction. A copy of the letter requesting service is attached.
- II. The 268 acre tract is located at the northwest corner of the intersection of I.H. 10 and Boerne Stage Road as shown on the attached sketch.
- III. Subject to the Board's approval of this preliminary engineering report, an application will be filed with the Texas Water Commission to include this 268 acre tract in the Board's service area.
- IV. The tract is proposed to be developed for commercial, single family residential, and multi-family use. The ultimate demand on the City Water Board's system is anticipated to be equivalent to 1,750 dwelling units. Water supply to the area will be from Service Level 11.
- V. To provide water supply for domestic and fire protection service in accordance with the Board's Criteria, the capacity of a 20-inch main is required. A 20-inch main currently exists on I.H. 10 at Dominion Drive, but does not have adequate excess capacity to supply the required water demand. The 1986 Bond funded 24-inch main installation projects on Babcock and Heuerman Roads are the supply lines to the proposed Heuermann Reservoir and have no excess capacity. The nearest source of available water is the Hills Booster Station. Approximately 33,200 feet of looped 20-inch and 3,500 feet of single feed 24-inch approach main will be required to be extended along Babcock, Heuermann, and I.H. 10 from the Hills Booster Station to the tract. The estimated cost of installing such an approach main is \$2,286,000. Also, a 12-inch connection across I.H. 10 will be required by the Board's Criteria for providing an alternate feed. This 12-inch crossing is estimated to cost \$38,400. The developer will also be required to install the necessary on-site mains and facilities in accordance with the Board's Regulations.

VR P# 07 - 05 - 034

05-11-07 P03:45 IN

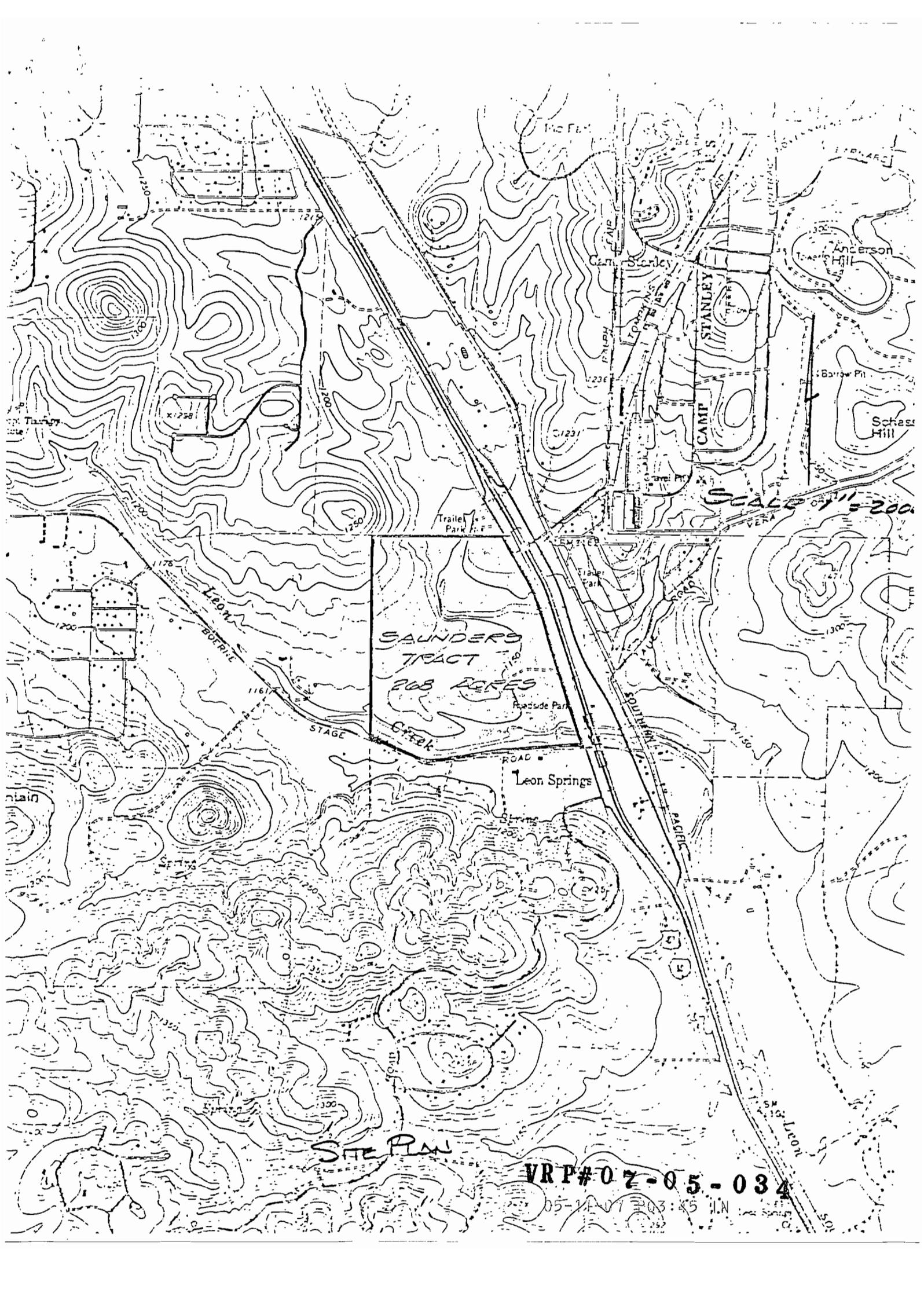
- VI. In accordance with the Board's Regulations for Water Service a flow charge will be required for connection to the Hills Booster Station since it is currently under construction and will be in operation after 2 February 1984. A flow charge in the amount of \$157,500 will be required.
- VII. Also, in accordance with the Board's Regulations for Water Service a non-refundable system development charge is to be assessed for providing water service to an applicant outside the Board's service area. A system development charge in the amount of \$1,006,250 will be required.
- VIII. It is recommended that Pape-Dawson Engineers be informed that the City Water Board can provide water service to the Saunders tract on a developer customer basis as provided for in the Board's Regulations. Such a water service commitment will require the applicant to pay the total cost of the required 20-inch approach main, without refund, as well as the total cost of local benefit facilities, contribute a total of \$157,500 for the required flow charge, and contribute a total of \$1,006,250 for the required system development charge. The Board's commitment to serve the property is also subject to the Texas Water Commission's approval of the City Water Board serving this area. It is also recommended that this commitment to serve be honored for three months, and if not exercised during that period, the application must be resubmitted.


Lowell E. Roberts, P.E.
Director of Engineering

Attachments

VRP#07-05-034

05-11-07 P03:45 IN



SITE PLAN

VRP#07-05-034

05-11-07 03:45 J.N.

Saunders Tract
268 Acres



E.T.J.

E.T.J.

Outside Service Area

Outside Service Area

Outside Service Area

36,700 L.F. of
20-inch approach main

Outer Service Zone
Inner Service Zone

Outer Service Zone
Inner Service Zone

Inner Service Zone
Outer Service Zone

Hills Booster Station

DEVELOPER CUSTOMER
DOUG SAUNDERS, JR.
(A-6676)

05-11-87 PDS:45-11
VRP#07-05-034

City Water Board
San Antonio, Texas
28 July 1986

SG: 01-04-07
Item No. Z-31.



CASE NO. Z2007039

AN ORDINANCE 2007-01-04-0044

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, SECTION 35-304, OF THE CITY CODE OF SAN ANTONIO, TEXAS BY CHANGING THE ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.

* * * * *

WHEREAS, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of 5.288 acres out of NCB 16390 from PUD "RM-4" GC-1 Planned Unit Development Residential Mixed Gateway Corridor Overlay District-1 to PUD "MF-25" GC-1 Planned Unit Development Multi-Family Gateway Corridor Overlay District-1.

SECTION 2. A description of the property is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

SECTION 3. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

SECTION 4. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 5. This Ordinance shall become effective on January 14, 2007.

PASSED AND APPROVED this 4th day of January, 2007.

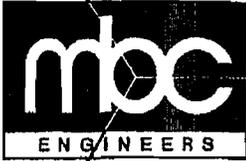
Phil Hardberger
M A Y O R

ATTEST: *Laura M. West*
City Clerk

APPROVED AS TO FORM: *Diana Stein*
City Attorney
for 1

VRP# 07-05-034

05-11-07 P03:45 IN



2.007039

MACINA · BOSE · COPELAND and ASSOCIATES, INC
CONSULTING ENGINEERS AND LAND SURVEYORS

1035 Central Parkway North, San Antonio, Texas 78232
(210) 545-1122 FAX (210) 545-9302
www.mbcengineers.com

METES AND BOUNDS
DESCRIPTION FOR

5.288 ACRES (230,362 SQUARE FEET) OUT OF LOT 2, BLOCK 3, BOERNE
STAGE CROSSING SUBDIVISION (PLAT REFERENCE: VOLUME 9559, PAGE
197), NEW CITY BLOCK 16390, CITY OF SAN ANTONIO, BEXAR COUNTY,
TEXAS, SITUATED IN THE JOHN W. SMITH SURVEY NO. 27, ABSTRACT NO.
708, BEXAR COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED
IN A CLOCKWISE MANNER AS FOLLOWS:

COMMENCING: At a found 1/2" iron rod at the northeast corner of
said Lot 2, said found 1/2" iron rod also marks the
southeast corner of Lot 13, Block 2, C.B. 4733,
Eye Ten Investments Development Subdivision as
recorded in Volume 9546, Page 149, Deed and Plat
Records of Bexar County, Texas and in the
southwest right-of-way line of I.H. 10 (Also
Known As U.S. Hwy. 87, a varying width public
right-of-way recorded in Volume 4963, Page 271 of
the Deed Records of Bexar County, Texas);

THENCE: S 89°51'58" W, 353.82 feet along and with the
south property line of the aforementioned Lot 13,
to a point for the **POINT OF BEGINNING** of this
tract;

THENCE: S 00°05'37" E, 184.51 feet to a point;

THENCE: S 16°36'42" W, 141.64 feet to a point;

THENCE: S 02°40'20" W, 97.48 feet to a point;

THENCE: S 23°25'22" W, 95.84 feet to a point;

THENCE: S 19°14'43" W, 104.95 feet to a point;

THENCE: S 01°51'13" W, 125.13 feet to a point;

THENCE: S 07°01'55" E, 134.31 feet to a point;

THENCE: S 81°39'55" E, 87.09 feet to a point;

P:\0879\29081-Untermeyer Cr

ROBERT A.
SAMUEL B. BLEDSOE

EXHIBIT A
To Ordinance No. _____
Passed on January 4, 2007

AN, PE.
A. COPELAND, JR., PE.

VR P# 07-05-034

Item No. Z-16.

AN ORDINANCE 2006-08-17-0949

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, SECTION 35-304, OF THE CITY CODE OF SAN ANTONIO, TEXAS BY CHANGING THE ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.

* * * * *

WHEREAS, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary from "C-2" Commercial District to PUD "RM-4" Planned Unit Development Residential Mixed District on 5.288 acres out of NCB 16390 and PUD "C-3" Planned Unit Development General Commercial District on 18.63 acres out of NCB 16390.

SECTION 2. A description of the property is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

SECTION 3. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

SECTION 4. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 5. This ordinance shall become effective on August 27, 2006.

PASSED AND APPROVED this 17th day of August, 2006.

Phil Hardberger
M A Y O R

PHIL HARDBERGER

ATTEST: *Siticia N. Vaco*
City Clerk

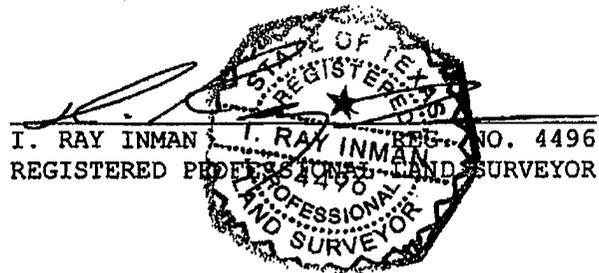
APPROVED AS TO FORM: *Diana Duen*
for City Attorney

VRP# 07-05-034

2007039

- THENCE: S 08°20'05" W, 156.77 feet to a point in the north line of a variable width drainage easement of said Boerne Stage Crossing Subdivision;
- THENCE: N 71°55'22" W (measured), 282.75 feet, along the aforementioned variable width drainage easement, to a found ½" iron rod and cap "PD";
- THENCE: N 04°14'50" W (measured), N 04°18'00" W (plat), 313.04 feet to a point;
- THENCE: N 13°45'41" E (measured), N 13°46'00" E (plat), 275.94 feet to a point;
- THENCE: N 04°48'22" E (measured), N 04°46'46" E (plat), 363.96 feet to a found ½" iron rod on the south line of a called 80.12 acre tract as recorded in Volume 4725, Page 1375 of the Official Public Records of Real Property of Bexar County, Texas;
- THENCE: S 89°39'45" E (measured), S 89°44'29" E, (plat), 50.87 feet, along and with the south line of said 80.12 acre tract to a found ½" iron rod at the southwest corner of said Lot 13;
- THENCE: N 89°51'58" E (measured), N 89°50'22" E, (plat) 186.56 feet to the **POINT OF BEGINNING** of this 5.288 acre tract.

I, I. Ray Inman, Registered Professional Land Surveyor do hereby affirm that this description is based on the results of a survey made on the ground of said Lot 2, Block 3 by the firm of Macina, Bose, Copeland and Associates, Inc., of which a sketch has been prepared.



29081-0879
May 19, 2006
IRI/DWM/lk

Page 2 of 2

P:\0879\29081-Untermeyer Comm\Letters\5.288 Ac.doc



05-11-07 P03:45 IN

VR P# 07-05-034

Agenda Voting Results

Name: Z-16.

Date: 08/17/06

Time: 03:01:15 PM

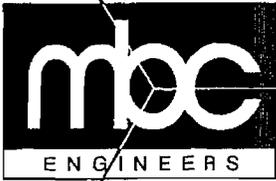
Vote Type: Multiple selection

Description: ZONING CASE #Z2006065 (District 8): An Ordinance changing the zoning district boundary from "C-2" GC-1 Commercial Gateway Corridor District -1 to PUD "RM-4" GC-1 Planned Unit Development Residential Mixed Gateway Corridor District -1 on 5.288 acres out of NCB 16390 and to PUD "C-3" GC-1 Planned Unit Development General Commercial Gateway Corridor District -1 District on 18.63 acres out of NCB 16390, 25111 IH-10 West as requested by Brown, P. C., Applicant, for Fair Prospects, L. P., Owner(s). Staff and Zoning Commission recommend Approval.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9	Not present			
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

VRP#07-05-034

05-11-07 P03:45 IN



MACINA · BOSE · COPELAND and ASSOCIATES, INC
CONSULTING ENGINEERS AND LAND SURVEYORS

1035 Central Parkway North, San Antonio, Texas 78232
(210) 545-1122 FAX (210) 545-9302
www.mbcengineers.com

22006-065

Rec. 5/25/06

PUD RM-4

METES AND BOUNDS
DESCRIPTION FOR

5.288 ACRES (230,362 SQUARE FEET) OUT OF LOT 2, BLOCK 3, BOERNE STAGE CROSSING SUBDIVISION (PLAT REFERENCE: VOLUME 9559, PAGE 197), NEW CITY BLOCK 16390, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, SITUATED IN THE JOHN W. SMITH SURVEY NO. 27, ABSTRACT NO. 708, BEXAR COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN A CLOCKWISE MANNER AS FOLLOWS:

- COMMENCING: At a found ½" iron rod at the northeast corner of said Lot 2, said found ½" iron rod also marks the southeast corner of Lot 13, Block 2, C.B. 4733, Eye Ten Investments Development Subdivision as recorded in Volume 9546, Page 149, Deed and Plat Records of Bexar County, Texas and in the southwest right-of-way line of I.H. 10 (Also Known As U.S. Hwy. 87, a varying width public right-of-way recorded in Volume 4963, Page 271 of the Deed Records of Bexar County, Texas);
- THENCE: S 89°51'58" W, 353.82 feet along and with the south property line of the aforementioned Lot 13, to a point for the **POINT OF BEGINNING** of this tract;
- THENCE: S 00°05'37" E, 184.51 feet to a point;
- THENCE: S 16°36'42" W, 141.64 feet to a point;
- THENCE: S 02°40'20" W, 97.48 feet to a point;
- THENCE: S 23°25'22" W, 95.84 feet to a point;
- THENCE: S 19°14'43" W, 104.95 feet to a point;
- THENCE: S 01°51'13" W, 125.13 feet to a point;
- THENCE: S 07°01'55" E, 134.31 feet to a point;
- THENCE: S 81°39'55" E, 87.09 feet to a point;

22006-065

THENCE: S 08°20'05" W, 156.77 feet to a point in the north line of a variable width drainage easement of said Boerne Stage Crossing Subdivision;

THENCE: N 71°55'22" W (measured), 282.75 feet, along the aforementioned variable width drainage easement, to a found ½" iron rod and cap "PD";

THENCE: N 04°14'50" W (measured), N 04°18'00" W (plat), 313.04 feet to a point;

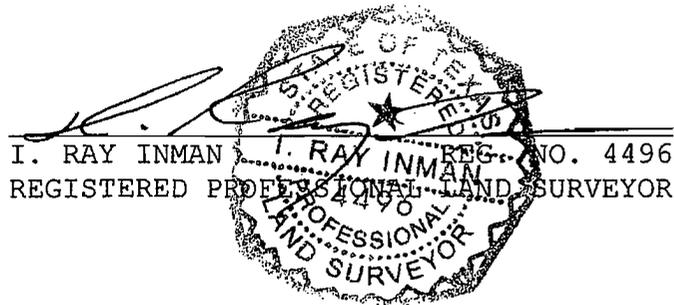
THENCE: N 13°45'41" E (measured), N 13°46'00" E (plat), 275.94 feet to a point;

THENCE: N 04°48'22" E (measured), N 04°46'46" E (plat), 363.96 feet to a found ½" iron rod on the south line of a called 80.12 acre tract as recorded in Volume 4725, Page 1375 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: S 89°39'45" E (measured), S 89°44'29" E, (plat), 50.87 feet, along and with the south line of said 80.12 acre tract to a found ½" iron rod at the southwest corner of said Lot 13;

THENCE: N 89°51'58" E (measured), N 89°50'22" E, (plat) 186.56 feet to the **POINT OF BEGINNING** of this 5.288 acre tract.

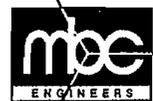
I, I. Ray Inman, Registered Professional Land Surveyor do hereby affirm that this description is based on the results of a survey made on the ground of said Lot 2, Block 3 by the firm of Macina, Bose, Copeland and Associates, Inc., of which a sketch has been prepared.



29081-0879
May 19, 2006
IRI/DWM/lk

Page 2 of 2

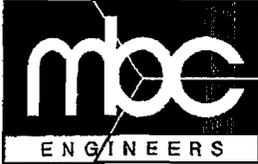
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MRP#07-05-034

05-11-07 P03:45 IN

Rec. 6/27/06 Z-2006-065



MACINA • BOSE • COPELAND and ASSOCIATES, INC
CONSULTING ENGINEERS AND LANDSURVEYORS

1035 Central Parkway North, San Antonio, Texas 78232
(210) 545-1122 FAX (210) 545-9302
www.mbcengineers.com

METES AND BOUNDS
DESCRIPTION

C-2 to ^{Pubd} C-3

BEING ACRES 18.63 (811,364 SQUARE FEET) OUT OF LOT 2, BLOCK 3, BOERNE STAGE CROSSING SUBDIVISION (PLAT REFERENCE: VOLUME 9559, PAGE 197), NEW CITY BLOCK 16390, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, SITUATED IN THE JOHN W. SMITH SURVEY NO. 27, ABSTRACT NO. 708, BEXAR COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN A CLOCKWISE MANNER AS FOLLOWS:

BEGINNING: At a found 1/2 inch iron rod at the northeast corner of said Lot 2, said found 1/2 inch iron rod also marks the southeast corner of Lot 13, Block 2, C.B. 4733, Eye Ten Investments Development Subdivision as recorded in Volume 9546, Page 149, Deed and Plat Records of Bexar County, Texas and in the southwest right-of-way line of I.H. 10 (Also Known As U.S. Hwy. 87, a varying width public right-of-way as recorded in Volume 4963, Page 271 of the Deed Records of Bexar County, Texas);

THENCE: S 30°36'00" E, 781.32 feet (Measured), 780.70 feet (Plat), along and with the southwest right of way line of said I.H. 10, to found Texas Department of Transportation (TxDOT) concrete monument at the point of curvature of a curve to the right;

THENCE: 564.95 feet (Measured), 565.11 feet (Plat), along and with the southwest right-of-way line of said I.H. 10 and curve to the right, having a radius of 3,563.83 feet, a central angle of 09°04'58" (Measured), 09°05'07" (Plat), a chord bearing and distance of S 26°06'04" E, 564.36 feet (Measured), S 26°05'26" E, 564.52 feet (Plat) to a found 1/2" iron rod and cap "PD" at the southeast corner of this tract and at the northeast corner of a variable width drainage easement of said Boerne Stage Crossing Subdivision;

ROBERT A. COPELAND, P.E. (Inactive) ROBERT A. LIESMAN, P.E.
SAMUEL B. BLEDSOE, III, P.E. DAVID L. ALLEN, P.E. ROBERT A. COPELAND, JR., P.E.

THENCE: S 68°08'29" W, 43.41 feet (Measured), S 68°27'07" W, 43.33 feet (Plat), along and with the north line of said variable width drainage easement and leaving the southwest right-of-way line of said I.H. 10 to a found 1/2" iron rod and cap "PD";

THENCE: N 82°28'41" W (Measured) 380.00 feet along the aforementioned variable width drainage easement to a found 1/2" iron rod and cap "PD";

THENCE: The following courses and distances are along the north line of said variable width drainage easement as follows:

N 36°02'10" W (measured), 64.20 (measured),
N 36°15'00" W, 64.00 feet (plat) feet to a found 1/2" iron rod and cap "PD";

N 62°06'50" W (measured), 80.02 feet (measured),
N 62°00'00" W, 80.00 feet (plat) to a found 1/2" iron rod and cap "PD";

S 82°02'14" W (measured), 99.97 feet (measured),
S 82°00'00" W, 100.00 feet (plat) to a found 1/2" iron rod and cap "PD";

N 76°02'00" W (measured), 80.04 feet (measured),
N 76°00'00" W, 80.00 feet (plat) to a found 1/2" iron rod and cap "PD";

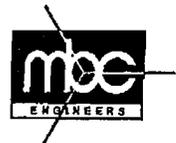
S 77°21'39" W (measured), 170.04 feet (measured),
S 77°15'00" W, 170.00 feet (plat) to a found 1/2" iron rod and cap "PD";

N 71°55'22" W, 182.32 feet to a point;

THENCE: N 08°20'05" E, 156.77 feet to a point;

THENCE: N 81°39'55" W, 87.09 feet to a point;

THENCE: N 07°01'55" W, 134.31 feet to a point;

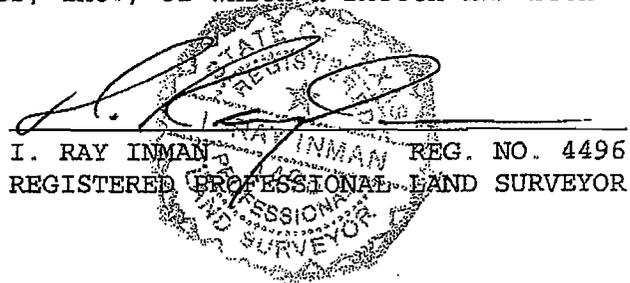


22006-065

THENCE: N 01°51'13" E, 125.13 feet to a point;
THENCE: N 19°14'43" E, 104.95 feet to a point;
THENCE: N 23°25'22" E, 95.84 feet to a point;
THENCE: N 02°40'20" E, 97.48 feet to a point;
THENCE: N 16°36'42" E, 141.64 feet to a point;
THENCE: N 00°05'37" W, 184.51 feet to a point in the
aforementioned south line of Lot 13;
THENCE: N 89°51'58" E, 353.82 feet to the **POINT OF
BEGINNING** of this 18.63 acre tract.

I, I. Ray Inman, Registered Professional Land Surveyor do hereby affirm that this description is based on the results of a survey made on the ground of Lot 2, Block 3 by the firm of Macina, Bose, Copeland and Associates, Inc., of which a sketch has been prepared.

I. RAY INMAN
REGISTERED PROFESSIONAL LAND SURVEYOR

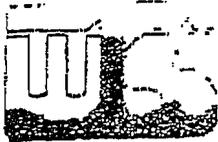


29081-0879
June 26, 2006
IRI/DWM/dd



VRP# 07-05-034

05-11-07 P03:45 IN



WATER SYSTEM

PAPE-DAWSON
ENGINEERS, INC.
RECEIVED

JUN 18 1998

May 26, 1998

FILE

EXHIBIT
6

Mr. Arnulfo Gonzalez, PE
Pape-Dawson Engineers
555 East Ramsey
San Antonio, Texas, 78216

Re: Water and Waste water services availability
to the Boerne Stage Road Joint Venture

Dear Mr. Gonzalez:

This is in response to your request for an assessment of the availability of water service to the above referenced property, located east of IH 10, from Camp Bullis Road to Aue Road in northern San Antonio.

A water commitment was made to this property in October 1986 for 1,000 equivalent dwelling units (EDU). Development on this property has not occurred and all the EDU's are available for the tract. The water supply to the tract is through Service Level 11. The developer has executed the water commitment by installing the approach mains and installing all necessary on-site facilities in accordance with the Board's Regulations and at his total cost. Costs and requirements for providing additional water service may include on site main costs, service connection fees, and payment of flow impact fees and payment of system development impact fees. The water commitment is an agreement between the developer and San Antonio Water System; which has no expiration date.

If additional information is required, please feel free to contact me at 704-7173.

Sincerely,

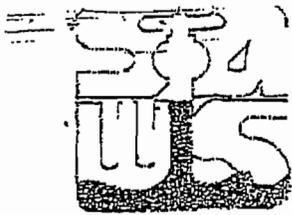
Jose Limon, Manager
Development Services

CITY OF SAN ANTONIO
DEPT. OF PLANNING
OFFICE OF DIRECTOR
03 Jun 20 AM 7:22

1001 MARKET ST P.O. BOX 2449 SAN ANTONIO, TEXAS 78298 2447-230-704-7173

MRP# 07-05-034

05-11-07 P03:46 IN



San Antonio Water System



July 13, 1999

Mr. Gene Dawson Jr., P.E.
President
Pape-Dawson Engineers, Inc.
555 East Ramsey
San Antonio, Texas 78216

Re: Water services availability to 267-Acre Tract on Boerne Stage Road

Dear Mr. Dawson:

This is in response to your request for an assessment of the availability of water service to the above referenced property, located along Boerne Stage Road west of IH 10 in northwest San Antonio.

A water commitment to provide water was approved by the City Water Board on October 9, 1986 to Boerne Stage Road Joint Venture for 1,750 (EDU's). The above referenced property appears to be part of this commitment. This commitment was exercised through a joint venture of several developers who installed water mains along Babcock Road, Camp Bullis and IH 10. Cost and requirements for providing water service to the property may include construction of a 24-inch border main along IH 10, on site main costs and service connection fees.

If additional information is required, please feel free to contact me at 704-7105.

Sincerely,

Leland G. Verheyen, P.E., Manager
Infrastructure Master Planning

03 AUG 20 AM 7: 22
CITY OF SAN ANTONIO
DEPT. OF PLANNING
OFFICE OF DIRECTOR

1001 E. MARKET ST. P.O. BOX 2449 SAN ANTONIO, TEXAS 78298-2449 210-704-7297

Prepared by: Claudia Lina

CAJ998avail1998 Avail267-ACRE-Boerne Stage Rd.doc

VRP# 07-05-034

05-11-07 P03:46 IN

D. R. P.

Permit # 251

Starts October 1986
until expired without P-1B

Expires without future commitment

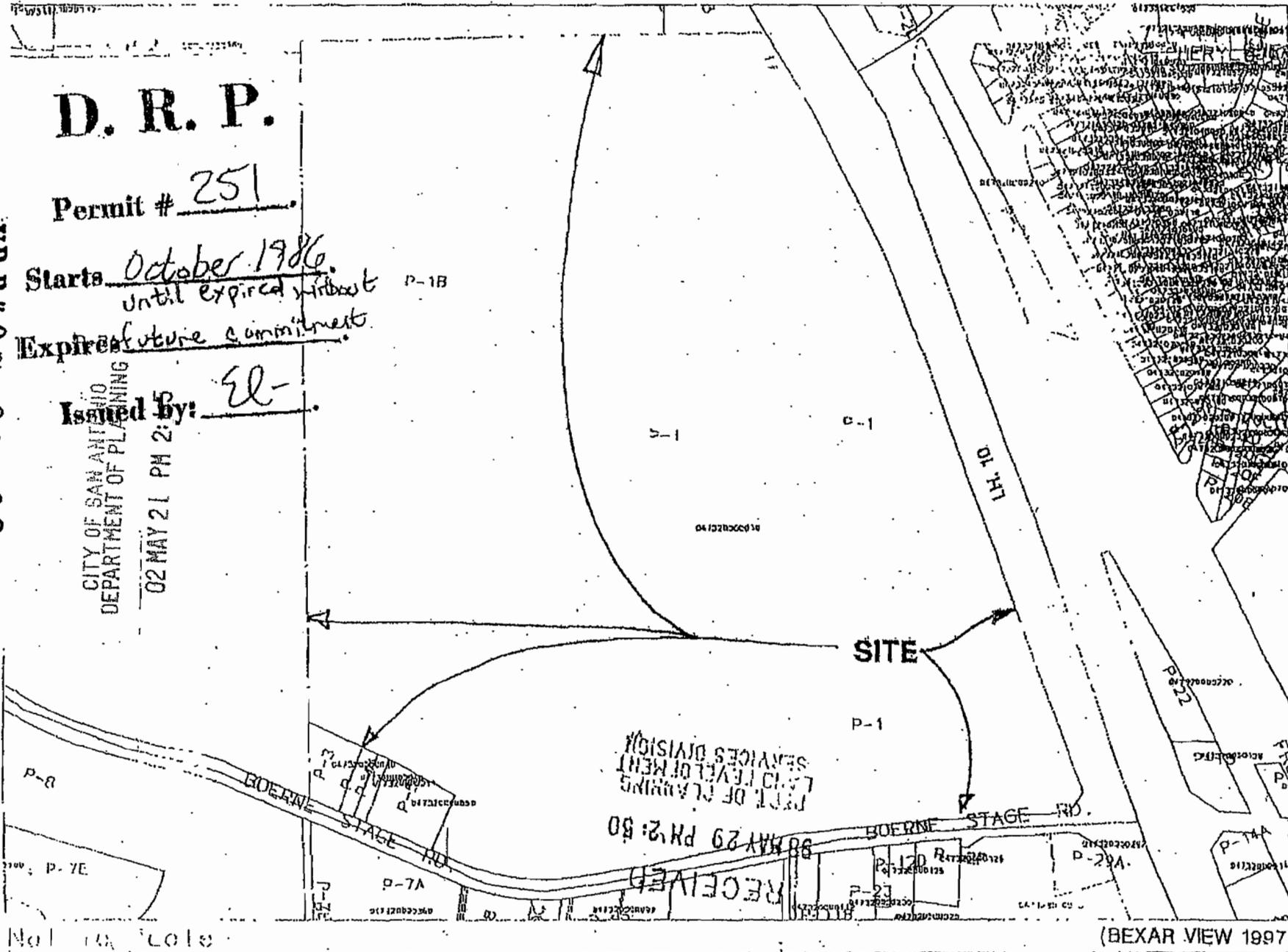
Issued by: EL

CITY OF SAN ANTONIO
DEPARTMENT OF PLANNING

02 MAY 21 PM 2:50

VRP# 07-05-034

05-11-07 P03:43 IN



(BEXAR VIEW 1997)



EXHIBIT
9

RECEIVED

03 AUG 11 AM 9:09



City of San Antonio

New

**Vested Rights Permit
APPLICATION**

LAND DEVELOPMENT
SERVICES DIVISION
CITY OF SAN ANTONIO
DEPT. OF PLANNING
OFFICE OF DIRECTOR

03
AUG 12 AM 7:15

Permit File: # VRP 03-09-108
Assigned by city staff

Date: _____

1. All applicable information on application must be legibly printed or typed for processing. If application is completed on behalf of the property owner please attach power of attorney or letter of agent.
2. Please complete this application and attach 2 maps of the property and 2 sets of all supporting documents.

Note: All Applications must have a Site Map showing the Area Boundary (Attached).

Owner/Agent: Boerne Stage Crossing LP Phone: 366-3500 Fax: _____

Address: 70 NE Loop 410, Suite 750, San Antonio, TX Zip code: 78216

Engineer/Surveyor: Pape-Dawson Engineers, Inc. Phone: 375-9000 Fax: 375-9010

Address: 555 East Ramsey, San Antonio, TX Zip code: 78216

1. Name of Project: Boerne Stage Road Tract
2. Site location or address of Project: Northwest corner of IH-10 West & Boerne Stage Rd.
(see attached map)

3. Council District 8 ETJ Over Edward's Aquifer Recharge? () yes (x) no

4. What is the specific purpose of this Project and the expected use(s) to be created by this Project (type of development, number of buildings, type of building(s), specific use(s) of those buildings, etc.)? Please be aware that the city must understand exactly what this Project is expected to accomplish in order to evaluate this application.
Mixed use development

5. What is the date the applicant claims rights vested for this Project? October 1986

6. What, if any, construction or related actions have taken place on the property since that date? extension of waste water facilities, construction of public road, drainage facilities,

CITY OF SAN ANTONIO
DEPT. OF PLANNING
OFFICE OF DIRECTOR

CITY OF SAN ANTONIO
DEPT. OF PLANNING
OFFICE OF DIRECTOR
03
AUG 20 AM 7:22



City of San Antonio

CITY OF SAN ANTONIO
DEPT. OF PLANNING
OFFICE OF DIRECTOR

Vested Rights Permit
APPLICATION

03 SEP 12 PM 1:43

Permit File: # 03-09-08

RECOMMENDATION OF THE CITY ATTORNEY'S OFFICE

CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

*Not Subject To Disclosure
Under Any Open Records or Public Disclosure Law*

The City Attorney's Office recommends the Director of Planning decide this application in the following manner:

Approved

Disapproved

Reviewed By: [Signature]
Assistant City Attorney

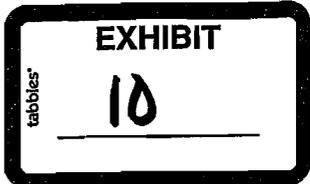
Date: Sept 11, 2003

Comments: As of October 1986 based upon SAWS/city water Board contract/commitment

VRP#07-05-034

05-11-07 P03:46 IN

LIST OF ...



Date	Vendor	Description of Services	Cost
8/25/2005	Tortuga Ranch	Ground Maintenance	\$ 4,495.60
1/13/2006	Andres Garzes	Construction Fence	\$ 360.00
1/20/2006	Andres Garzes	Construction Fence	\$ 555.00
2/7/2006	Mobile Mini	Trailer - 1st Invoice	\$ 1,014.40
4/30/2006	Preferred Landscaping	Tree Removal/Land Clearing	\$ 5,903.63
5/5/2006	Preferred Landscaping	Tree Removal/Land Clearing	\$ 4,579.09
5/23/2006	Preferred Landscaping	Tree Removal/Land Clearing	\$ 4,560.17
5/23/2006	Preferred Landscaping	Tree Removal/Land Clearing	\$ 3,916.83
5/30/2006	Preferred Landscaping	Tree Removal/Land Clearing	\$ 5,146.75
5/31/2006	Andres Garzes	Tree Trimming / Ground Maintenance	\$ 120.00
6/19/2006	Preferred Landscaping	Tree Removal/Land Clearing	\$ 14,181.95
7/21/2006	Andres Garzes	Tree Trimming / Ground Maintenance	\$ 67.50
7/28/2006	Andres Garzes	Tree Trimming / Ground Maintenance	\$ 30.00
7/31/2006	Preferred Landscaping	Repair Construction Fence/Ground Maintenance	\$ 983.94
8/3/2006	Andres Garzes	Tree Trimming / Ground Maintenance	\$ 30.00
8/25/2006	Andres Garzes	Tree Trimming / Ground Maintenance	\$ 22.50
9/29/2006	Jose Velazquez Jr.	Tree Trimming / Ground Maintenance	\$ 6,500.00
10/20/2006	Andres Garzes	Tree Trimming / Ground Maintenance	\$ 30.00
11/30/2006	Andres Garzes	Tree Trimming / Ground Maintenance	\$ 30.00
3/2/2007	Mobile Mini	Trailer - Current Invoice	\$ 985.62
3/13/2007	Andres Garzes	Tree Trimming / Ground Maintenance	\$ 30.00
3/16/2007	Andres Garzes	Tree Trimming / Ground Maintenance	\$ 11.25
3/23/2007	Andres Garzes	Tree Trimming / Ground Maintenance	\$ 22.50
			\$ 49,081.13

VRP#07-05-034

05-11-07 P03:45 IN



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

www.sanantonio.gov/onestop
 Telephone: (210) 207-1111
 Fax: (210) 207-4252

EXHIBIT
 11

TREE AFFIDAVIT / PERMIT APPLICATION

APPROVED (Office Use Only)
 A/P #: 1121657
 INSPECTION: [Signature]
 DATE: 5/7/05

Project Address/Location: IH10 WEST at RALPH FAIR ROAD
 Project Name/Subdivision: LOT 2 BOERNE Stage Crossing Unit: _____
 Parcel Key # (http://maps.sanantonio.gov/website/Zoning/viewer.asp): _____ Plat #: 010110
 Approximate Project construction Starting Date: MAY 2005
 Class of Work (Check as Appropriate): Site Work Platting New Structure Addition (≥ 2500 ft²)
 Project Type (Check as Appropriate): Commercial # acres 23.9 Residential # _____
 Company ID#: _____ Contact ID#: _____ Public Funds Used: Yes No
 Contact Person: DAN WEIDNER Phone #: 545-1122 Fax #: 545-9302
 Email address: danielweidner@mbceengineers.com
 Contractor: Charlie Untermeyer Phone #: 260-7955 Fax #: 408-2069
 Bus. Address: 1162 E Sonterra Ste 220 City: SA State: TX Zip: 78258
 Owner: Fair Prospects LC Phone #: 260-7955 Fax #: 408-2069
 Address: 1162 E Sonterra Ste 220 City: SA State: TX Zip: 78258

I, Charlie Untermeyer (owner, 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 (addresses) IH10 West / Ralph Fair Intersection (attach sheet if necessary)

- 1. has no Significant, Heritage, or Historic trees as defined in Article V, section 35-523 of the U.D.C.
- 2. has 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 AND CONSTRUCTION SUBMITTAL REQUIRES SITE PLAN WITH INDICATION OF TREES)
- 3. is exempt from the Tree Preservation Ordinance - VESTED RIGHTS PERMIT # REQUIRED: 03-09-108
- 4. has Significant, Heritage or Historic trees that will be removed. (REQUIRES ADDITIONAL SITE PLAN & TREE INVENTORY FOR INSPECTOR)

Total Diameter Inches _____ Diameter Inches Preserved _____ % Preserved _____

State of Texas)
 County of Bexar)

[Signature]
 Signature

Before me, the undersigned authority on this day personally appeared _____ 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 _____ day of _____, 20____

*Options 3 & 4 do not require notarization

Notary Public In And For The State of Texas

<http://www.sanantonio.gov/dsd/sections/environmental/index.asp>
 Development Services Department / Revised August 2003

VR P# 07-05-034

05-11-07 203:45 1N



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

Application Date: _____

TREE AFFIDAVIT / PERMIT APPLICATION

1093946

INSPECTOR: _____ DATE: _____
APPROVED: _____ INITIALS: _____ DATE: 3/15/05

Project Address/Location: NW CORNER OF IH-10/BOBWE STAGE Outside City Limits: yes no
Project Name/Subdivision: BOBWE STAGE CROSSING Unit: - Plat #: 010110
Parcel Key #: (http://maps.sanantonio.gov/webSite/ZoningViewer.asp): _____ Lot No: - Block: 3 NCB/CB: 16390
Approx Project Construction Starting Date: APRIL '05
Class of Work (Check as Appropriate): Site Work Paving New Structure Addition (≥ 2500 sq ft)
Project Type (Check as Appropriate): Commercial (≥ acres) (2.1 ac) Residential (≤ lots)
Company ID#: PAPE-DAWSON ENG. Contact ID#: 7940 Public Funds Used: Yes No
Contact Person: SONG TAW Phone #: 375-9000 Fax #: 375-9030
Email address: Stan@Pape-dawson.com
Contractor: _____ Phone #: _____ Fax #: _____
Bus. Address: _____ City: _____ State: _____ Zip: _____
Owner: _____ Phone #: _____ Fax #: _____
Address: _____ City: _____ State: _____ Zip: _____

1093946

I, Michael Schenbrun (owner, 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 (address as) _____ (attach sheet if necessary)

PLEASE MARK THE APPROPRIATE BOX UNDER THE ORDINANCE APPLICABLE TO THE PROJECT (ONLY MARK ONE BOX):

Ordinance

2003 1997 If vested from the 2003 ordinance must enter the Vested Rights Permit # 03-09-108 (86 OCT RIGHT VEST)

- 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)
- 3. is exempt from the 1997 Tree Preservation Ordinance -- VESTED RIGHTS PERMIT # REQUIRED: VRP 03-07-108
- 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)

APPROVED MAR 07 2005

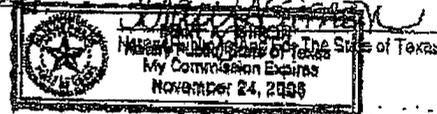
[Signature]
Signature

Before me, the undersigned authority on this day personally appeared Michael Schenbrun 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 2nd day of March, 2005

* Options 3 & 4 do not require notarization

http://www.sanantonio.gov/99/sections/amul/contental/index.asp
Development Services Department / Revised June 2004



VRP# 07-05-034

05-11-07 P03:46 IN

*** TX REPORT ***

JOB NO. 3655
ST. TIME 06/05 09:07
PGS. 1
SEND DOCUMENT NAME

TX/RX INCOMPLETE -----
TRANSACTION OK 92994731
ERROR -----



City of San Antonio, Texas
Department of Development Services

May 30, 2007

Connie Basel
Brown P.C. Attorneys at Law
112 E. Pecan, Suite 1490
San Antonio, TX 78205

RE: Rights Determination File: # 07-05-034 (Rialto Village)

Dear Ms. Basel:

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

It is recommended that applicant provide information to support assertions of progress toward completion and the existence of a project made in applicant's letter requesting rights effective August 19, 1986.

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

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



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

VRP# 07-05-034

DEVELOPMENT SERVICES
PAUL M. JUAREZ
OF COUNSEL

2007 MAY 23 PM 4:34

May 23, 2007

Ms. Melissa Ramirez
Development Services Department
City of San Antonio
1901 S. Alamo, 2nd Floor
San Antonio, TX 78204

Via Hand Delivery

Mr. Norbert Hart
City Attorney's Office
City of San Antonio
100 Military Plaza, 3rd Floor
San Antonio, TX 78205

Via Hand Delivery

Re: Vested Rights for a 23.91-acre tract of land, generally located west of the intersection of Interstate Highway 10 and Ralph Fair Road in San Antonio, Bexar County, Texas (the "Subject Property"); *Our File No. 9093.002*

Dear Ms. Ramirez and Mr. Hart:

A Vested Rights Application for the above-referenced property was filed with the City of San Antonio's ("COSA") Development Services Department on May 9, 2007. Pursuant to the provisions of the COSA Unified Development Code §35-712(b)(2), this Firm respectfully requests an extension of time for COSA staff to reach a decision on the above referenced application.

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

Sincerely,

BROWN, P.C.

BY:

Connie L. Basel

CLB/ea



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: *Michael A. Smith* **Date:** 11 MAY 07

NR P# 07-05-034

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



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

PAUL M. JUAREZ
OF COUNSEL

RECEIVED

JUN 01 2007

City Attorney's Office
San Antonio, Texas

June 1, 2007

Ms. Melissa Ramirez
Development Services Department
City of San Antonio
1901 S. Alamo, 2nd Floor
San Antonio, TX 78204

Via Hand Delivery

Mr. Norbert Hart
City Attorney's Office
City of San Antonio
100 Military Plaza, 3rd Floor
San Antonio, TX 78205

Via Hand Delivery

Re: Vested Rights for a 187.94-Acre Tract of Land Generally Located Near the Intersection of Bulverde Road and Borgfeld Road in Bexar County, Texas (the "Subject Property"); *Our File No. 9000.047*

Dear Ms. Ramirez and Mr. Hart:

A Vested Rights Application for the above-referenced property was filed with the City of San Antonio's ("COSA") Development Services Department on May 17, 2007. Pursuant to the provisions of the COSA Unified Development Code §35-712(b)(2), this Firm respectfully requests an extension of time for COSA staff to reach a decision on the above referenced application.

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

Sincerely,

BROWN, P.C.

BY:

Connie L. Basel

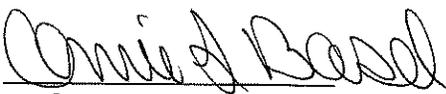
CLB/ea

- 3) Stage Run, Unit 1 Plat No. 010146 and Unit 2 Plat No. 010242 approved November 14, 2001 (see **Exhibit 3**).
- 4) Stage Run Unit No. 5 Plat No. 020193 and Unit No. 6 Plat No. 020266 approved June 25, 2003 (see **Exhibit 4**).
- 5) Boerne Stage Run U-5A Plat No. 030479 approved November 26, 2003 (see **Exhibit 5**).

Pease note that COSA has already issued Development Rights Permit No. 251, which grants "development rights" for the Subject Property dating back to October 9, 1986. Moreover, the COSA has already issued Vested Rights Permit No. 03-09-108, which acknowledges "vested rights" pursuant to Chapter 245 of the Code for the Subject Property also dating back to October 9, 1986. Both of these acknowledgments by COSA were based upon the SAWS Water Commitment and Contract for Participation in the Babcock Water Main Extension Project, dated October 9, 1986, which relates to the Water Commitment. As you know, the UDC requires continued recognition of previously-issued "development rights" and the Code requires continued recognition of "vested rights." Therefore, we are simply seeking the COSA's re-acknowledgement of "vested rights" for a tract of land for which "development rights" and "vested rights" have already been acknowledged. Finally, it is important to note that over \$48,066 has been spent thus far for land clearing activity pursuant to Tree Permit No. 1121657, which was based upon VRP No. 03-09-108.

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

Sincerely,
BROWN, P.C.

By: 
Connie L. Basel

VRP#07-05-034R



CITY OF SAN ANTONIO

POADP APPLICATION

The platting of property in two or more subdivision units requires the submission of a Preliminary Overall Development Plan, POADP. To be accepted for review a POADP shall comply with the provisions of ARTICLE II, Division 2 Preliminary Overall Development Plans of the San Antonio Unified Development Code and must be certified to contain the following:

Date Submitted: AUGUST 26, 1999
Name of POADP: Boerne Stage Road Tract
Owners: Douglas Miller
Consulting Firm: Pape-Dawson Engineers, Inc.
Address: 430 South Santa Rosa
Address: 555 East Ramsey
Phone: (210) 225-4461
Phone: (210) 375-9000
Existing zoning: N/A
Proposed zoning: N/A

Site is over/within/includes: Edwards Aquifer Recharge Zone: [] Yes [X] No
Projected # of Phases: [] Yes [] No
San Antonio City Limits? [] Yes [X] No
Council District: N/A
Ferguson map grid: 479E2

On the NW corner of I.H. 10 and Boerne Stage R

Table with 3 columns: Land area being platted, Lots, Acres. Rows include Single Family (SF), Multi-family (MF), and Commercial and non-residential.

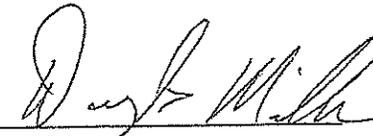
Is there a previous POADP for this Site? Name N/A No. --
Is there a corresponding PUD for this site? Name N/A No. --
Plats associated with this POADP or site? Name N/A No. --

Contact Person and authorized representative:
Print Name: Jon Adame
Signature: Jon Adame
Date: 8/26/99
Phone: (210) 375-9000
Fax: (210) 375-9010

- name of the POADP and the subdivision;
- indication of development phases on the POADP;
- perimeter property lines of the POADP (in a line weight and character distinguishable from other lines);
- north arrow and scale of the map;
- proposed land use by location, type and acreage;
- delineation of the circulation system including all collectors, arterial, and local type "B" streets;
- contour lines at intervals no greater than ten (10) feet;
- legal recorded ownership of adjacent properties and if known proposed development of adjacent unimproved properties;
- existing adjacent or perimeter streets;
- one hundred year flood plain limits;
- location map indicating location and distance of the POADP to adjacent streets and at least two (2) major thoroughfares.
- a complete application and certification with six copies of the POADP map, all maps to be folded (accordion style & manageable size);
- POADP amendments or revisions must be graphically indicated and include a concise statement describing said amendment or revision on the POADP map;
- TIA requirements must be met prior to acceptance of a POADP, contact Amer Galani @ (210)207-2076;
- Tree preservation requirements must be met prior to acceptance of a POADP, contact Elizabeth Carol at (210) 790-0000;
- The POADP does does not abut State Highway Department facilities and one additional copy of the POADP plan has been submitted directly to TXDOT for their review. Contact Judy Friesenhahn @ (210) 615-5814;
- The POADP is is not located over the Edwards Aquifer recharge zone and one additional copy of the POADP has been submitted directly to the Aquifer Studies office of San Antonio Water Systems, contact Kirk Nixon (210) 704-7392;

I certify that the POADP application and accompanying maps are complete and that the conditions listed on this application have been met.

Certifying Representative:

Print Name: Douglas Miller Signature: 

If you have any questions please call Elizabeth Carol at 207-7900

APPLICATION REVISED 10/15/98 10/15/98

VRP#07-05-034R

DEVELOPMENT SUMMARY

Total Land Area : 267 Acres
 Total Commercial : 56 Acres
 Total Residential : 140 Acres
 Total Open Space : 71 Acres
 Total Residential Lots : 490
 Density : 3.5

UTILITIES

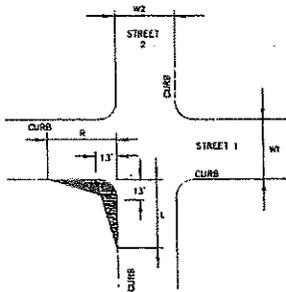
Water : S. A. W. S.
 Sewer : S. A. W. S.
 Telephone : S. W. Bell Telephone
 Electric : City Public Service
 Cable : Barragan
 School : N. S. I. S. D.

LOCATION

Located Outside City Limits

GENERAL NOTES

- All Streets Shown Hereon Are Local Type "A" Streets (50' R.O.W., 30' Asphalt), Unless Other Wise Shown.
- Typical Lot Size: 6000 Sq. Ft.
- Open Space Areas Are Approximate And Subject To Change At Final Design.
- Street Configuration Is Preliminary And Subject To Change At Final Design.



CLEAR VISION AREA CALCULATION

101'-10" SCALE

$$R = \frac{0.65(300) - (10/2 + 2)}{13 + \frac{11(300)}{13 + 10/2 + 2}} = 178'$$

$$R = \frac{0.65(300) - (10/2 + 2)}{13 + \frac{11(300)}{13 + 10/2 + 2}} = 180'$$

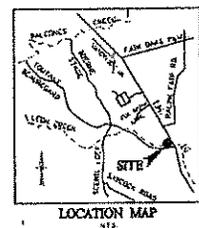
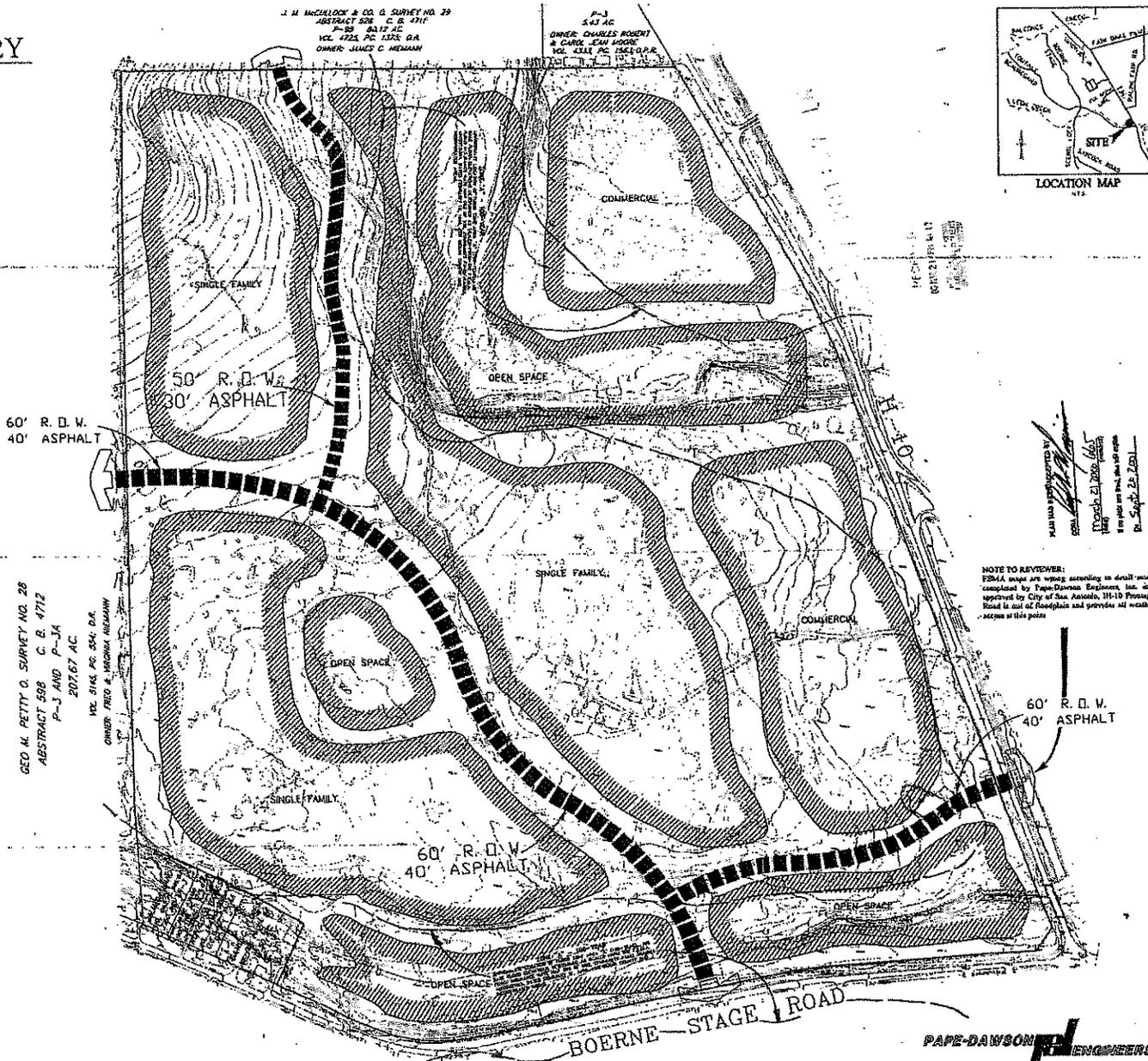
$$R = \frac{13(300)}{13 + \frac{11(300)}{13 + 10/2 + 2}} = 102'$$

$$R = \frac{13(300)}{13 + \frac{11(300)}{13 + 10/2 + 2}} = 114'$$

DEVELOPER:
 DOUGLAS MILLER
 430 SOUTH SANTA ROSA
 SAN ANTONIO, TEXAS 78207
 PHONE: (210) 225-4461

J. M. HAZELOCK & CO. G. SURVEY NO. 29
 ABSTRACT 528 C. B. 2117
 P-33 2417 AC
 YR. 4725, PC. 1255, DA.
 OWNER: JAMES C. MESSAM

P-3
 2417 AC
 OWNER: CHARLES ROBERT
 & CAROL ANN WOOD
 YR. 4241, PC. 1052, DA.
 OWNER: JAMES C. MESSAM



LOCATION MAP

60' R. D. W.
 40' ASPHALT

GEO. H. PETTY G. SURVEY NO. 28
 ABSTRACT 568 C. B. 4712
 P-3 AND P-3A
 207,67 AC.
 YR. 5145, PC. 554, DA.
 OWNER: FRED C. HAZELOCK MESSAM

NOTE TO REVIEWER:
 FBMA maps are wrong according to draft study completed by Page-Dawson Engineers, Inc. and approved by City of San Antonio, 11-10. Passage Road is out of floodplain and provides no weather scope at this point.

PLAN PREPARED BY
 SCALE
 DATE: 11-10-88
 DRAWN BY: J. MESSAM
 CHECKED BY: J. MESSAM
 DATE: 11-10-88

BOERNE STAGE ROAD TRACT
 PRELIMINARY MASTER PLAN
 PRELIMINARY OVERALL DEVELOPMENT PLAN



Kaufman & Broad
 AND PLANNING TEAM
 ARCHITECTURE AND PLANNING
 1000 MARKET STREET, SUITE 1000
 SAN ANTONIO, TEXAS 78205
 DATE: 11-10-88

SCALE: 1"=200'
 DATE: 11-10-88

PAGE-DAWSON ENGINEERS

445 EAST RANGER | SAN ANTONIO, TEXAS 78216 | PHONE: 210.275.8000
 FAX: 210.275.8900

VRP#07-05-034R

VRP#07-05-034R

PLAT NO. 010242

DATE	DESCRIPTION	AMOUNT	REMARKS
01/01/01
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REVISIONS

LEGEND

C.E.T. & C.T.V. ELEV. = ONE ELECTRICAL TELEPHONE & CABLE TV EASEMENT

F.L.R. = FENCED 1/2" HIGH RAIL

R.A.P. = RATED AND PLACED RECORDS OF BEAR COUNTY RECORDS

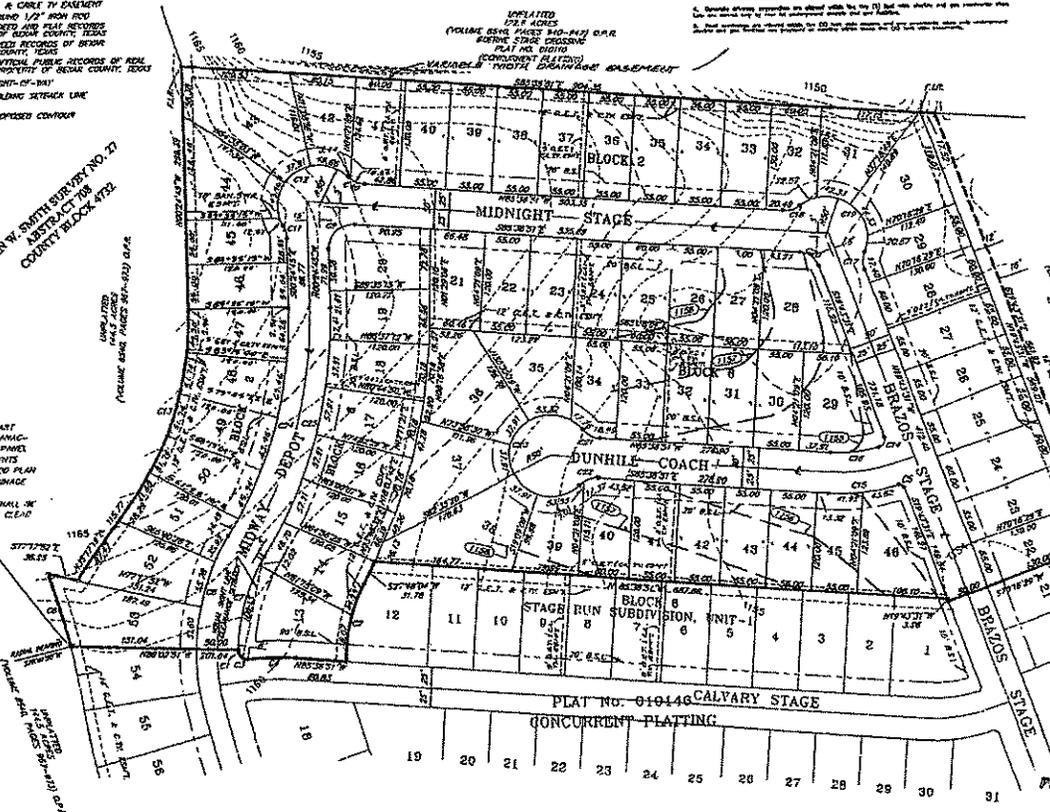
D.R. = DEED RECORDS OF BEAR COUNTY, TEXAS

O.P.R. = OFFICIAL PUBLIC RECORDS OF BEAR COUNTY, TEXAS

R.O.W. = RIGHT-OF-WAY

B.S.L. = BUILDING SETBACK LINE

UTED = UNDEVELOPED



NOTES

1. LOT FROM R.O.W. WITH YELLOW CAP MARKED "PAPE-DAWSON" SET AT ALL CORNERS UNLESS OTHERWISE NOTED.
2. THE BASE OF ADJUSTMENT FOR THIS PLAT AND THOSE SHOWN FORMERLY BEING FOR THIS PLAT ARE BASED ON THE DEED FOR THE 2010 ACRE TRACT, BEAR COUNTY, TEXAS, PAGE 452, OF THE OFFICIAL PUBLIC RECORDS OF BEAR COUNTY, TEXAS.
3. BEARING AND DISTANCE MUST BE ROTATED 90° COUNTERCLOCKWISE TO MATCH R.O.W.
4. COORDINATE SYSTEM AND SURFACE AND THE CORNER SCALE FACTOR USED IS 2011.9983.
5. NAD 83 GRID COORDINATES DERIVED FROM:
 - LOUISIANA 1983 (PLAT 1180) IN 13701327.2197 E 3140000.0000
 - ORLAZE - FERR (PLAT 1180) IN 13701327.2197 E 3140000.0000
 - WYTHE, 1983 (PLAT 1180) IN 13701327.2197 E 3140000.0000
6. FOR RESIDENTIAL LOTS, FINISHED FLOOR ELEVATIONS MUST BE A MINIMUM OF 8" ABOVE ADJACENT FINISHED GRADE.
7. THE VARIABLE WIDTH DRAINAGE EASEMENTS HERE DELINEATED TO CONTAIN THE BOUNDARIES OF THE 100 YEAR FLOOD LIMITS DETERMINED BY A FLOOD STUDY AS PART OF A CONDITIONAL LETTER OF MAP REVISION SUBMITTED TO FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR THE FLOOD HAZARD AREA REFERENCED ON FEMA 1300 PANEL 400000000E, AND DATED FEBRUARY 16, 2001, CONSTRUCTION WITHIN THESE EASEMENTS IS PROHIBITED WITHOUT THE PRIOR WRITTEN APPROVAL OF THE BEAR COUNTY FLOOD PLAN ADMINISTRATION. BEAR COUNTY PUBLIC WORKS SHALL HAVE ACCESS TO THESE DRAINAGE EASEMENTS AS NECESSARY.
8. NO SIGNIFICANT WELLS OR POINTS SHALL BE DRILLED AND NO INVESTIGATION SHALL BE CONDUCTED TO DETERMINE A DEPTH OF THREE (3) FEET AND NINE (9) FEET WITHIN THE CLEAR FLOOD EASEMENT AS SHOWN ON BLOCK 6, LOTS 19 AND 20.

STATE OF TEXAS
COUNTY OF BEAR

I, **John W. Smith**, REGISTERED PROFESSIONAL ENGINEER, do hereby certify that proper engineering consideration has been given to the matters of streets, lots and drainage, and to the best of my knowledge this plat conforms to all requirements of the SUBDIVISION ACT, EXCEPT FOR THOSE VARIANCES THAT MAY HAVE BEEN GRANTED BY THE PLANNING COMMISSION OF THE CITY.

WITNESSED MY HAND AND SEAL OF OFFICE THIS 20th DAY OF July, A.D. 2001.

John W. Smith
REGISTERED PROFESSIONAL ENGINEER
BEAR COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF BEAR

I, **Theresa Henke**, COUNTY CLERK OF BEAR COUNTY, TEXAS, do 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.

WITNESSED MY HAND AND SEAL OF OFFICE THIS 20th DAY OF July, A.D. 2001.

Theresa Henke
COUNTY CLERK
BEAR COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF BEAR

I, **John W. Smith**, REGISTERED PROFESSIONAL ENGINEER, do 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.

WITNESSED MY HAND AND SEAL OF OFFICE THIS 20th DAY OF July, A.D. 2001.

John W. Smith
REGISTERED PROFESSIONAL ENGINEER
BEAR COUNTY, TEXAS

NOTE: THIS PLAT INCLUDES AMENDMENTS APPROVED BY THE DIRECTOR OF DEVELOPMENT SERVICES.

SUBDIVISION PLAT OF STAGE RUN SUBDIVISION UNIT- 2

BEING 14.71 ACRES OF LAND OUT OF A 122.8 ACRE TRACT AND A 144.8 ACRE TRACT DESCRIBED IN INSTRUMENT RECORDED IN VOLUME 8540, PAGES 210-212 AND PAGES 267-268 RESPECTIVELY OF THE OFFICIAL PUBLIC RECORDS OF BEAR COUNTY, TEXAS, OUT OF THE JOHN W. SMITH SURVEY NO. 27, ABSTRACT 404, BEAR COUNTY, TEXAS.

THIS PLAT OF STAGE RUN SUBDIVISION UNIT-2 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 THE 14th DAY OF NOVEMBER, A.D. 2001.

BY: _____ CHAIRMAN
BY: _____ SECRETARY

STATE OF TEXAS
COUNTY OF BEAR

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.

WITNESSED MY HAND AND SEAL OF OFFICE THIS 20th DAY OF July, A.D. 2001.

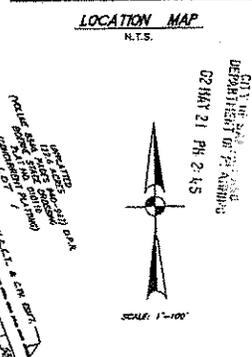
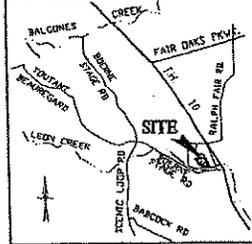
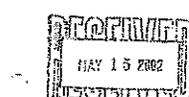
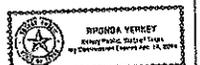
Theresa Henke
REGISTERED PROFESSIONAL LAND SURVEYOR
BEAR COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF BEAR

I, **John W. Smith**, REGISTERED PROFESSIONAL ENGINEER, do 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.

WITNESSED MY HAND AND SEAL OF OFFICE THIS 20th DAY OF July, A.D. 2001.

John W. Smith
REGISTERED PROFESSIONAL ENGINEER
BEAR COUNTY, TEXAS



STATE OF TEXAS
COUNTY OF BEAR

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.

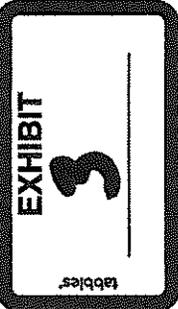
WITNESSED MY HAND AND SEAL OF OFFICE THIS 20th DAY OF July, A.D. 2001.

Theresa Henke
REGISTERED PROFESSIONAL LAND SURVEYOR
BEAR COUNTY, TEXAS

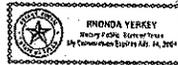
DATE: Jul 16, 2001, 4:13pm User: ID: 1094
FILE: 16-1648-VT-Design-Civil Unit-2-VL46402.dwg

VRP# 02-05-103

JOB NO. 4849-12



DATE: 06/02/2009 10:42:79
 DRAWN BY: SSS
 FILED BY: SSS
 COUNTY CLERK: 81:37:28 PM
 COUNTY CLERK
 COUNTY CLERK
 COUNTY CLERK
 COUNTY CLERK
 COUNTY CLERK



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.

John K. Reinhart
 REGISTERED PROFESSIONAL ENGINEER
 BEAR COUNTY, TEXAS

SWORN TO AND SUBSCRIBED BEFORE ME THIS 16th DAY OF July A.D. 2009

Rhonda Versey
 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, DEEDS TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATER-COURSES, DRAINAGE, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

STATE OF TEXAS
 COUNTY OF BEAR

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED *John K. Reinhart* 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.

John K. Reinhart
 NOTARY PUBLIC
 BEAR COUNTY, TEXAS

CERTIFICATE OF APPROVAL

THE UNDERSIGNED COUNTY JUDGE OF BEAR COUNTY, TEXAS AND PRESIDING OFFICER OF THE COMMISSIONERS COURT OF BEAR COUNTY, TEXAS DO HEREBY CERTIFY THAT THE ATTACHED PLAN WAS DULY FILED WITH THE COMMISSIONERS COURT OF BEAR COUNTY, TEXAS AND THAT AFTER EXAMINATION IT APPEARS THAT SAID PLAN IS IN CONFORMITY WITH THE STATUTES, RULES AND REGULATIONS GOVERNING SAME, AND THAT THIS PLAN HAS BEEN APPROVED BY THE SAID COMMISSIONERS COURT.

ON THIS 16th DAY OF July, 2009

ATTEST:

John K. Reinhart
 COUNTY CLERK, BEAR COUNTY, TEXAS

John K. Reinhart
 COUNTY CLERK, BEAR COUNTY, TEXAS

SUBDIVISION PLAT OF
STAGE RUN SUBDIVISION, UNIT- 1

BEING 34.64 ACRES OF LAND OUT OF A 122.8 ACRE TRACT AND A 14.4 ACRE TRACT DESCRIBED BY INSTRUMENT RECORDED IN VOLUME 8540 PAGES 840-847 D.A.R. BEARING DATE 07/27/07 AND 14.4 ACRE TRACT DESCRIBED BY INSTRUMENT RECORDED IN VOLUME 8540 PAGES 848-849 D.A.R. BEARING DATE 07/27/07, BOTH OF WHICH ARE PART OF THE PROPERTY OF BEAR COUNTY, TEXAS, OUT OF THE LEVY & SALES SURVEY NO. 17, DISTRICT 10, BEAR COUNTY, TEXAS, AND A PORTION NOW BEING IN BLOCK 10722 OF THE CITY OF SAN ANTONIO, BEAR COUNTY, TEXAS.

THIS PLAN OF STAGE RUN SUBDIVISION, UNIT-1 HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO, TEXAS, AND IS APPROVED BY SUCH COMMISSION, DATED THIS 16th DAY OF July, A.D. 2009.

BY: *Rhonda Versey*
 SECRETARY

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 ON THE GROUND UNDER MY SUPERVISION.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 16th DAY OF July A.D. 2009

Rhonda Versey
 NOTARY PUBLIC
 BEAR COUNTY, TEXAS

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 ON THE GROUND UNDER MY SUPERVISION.

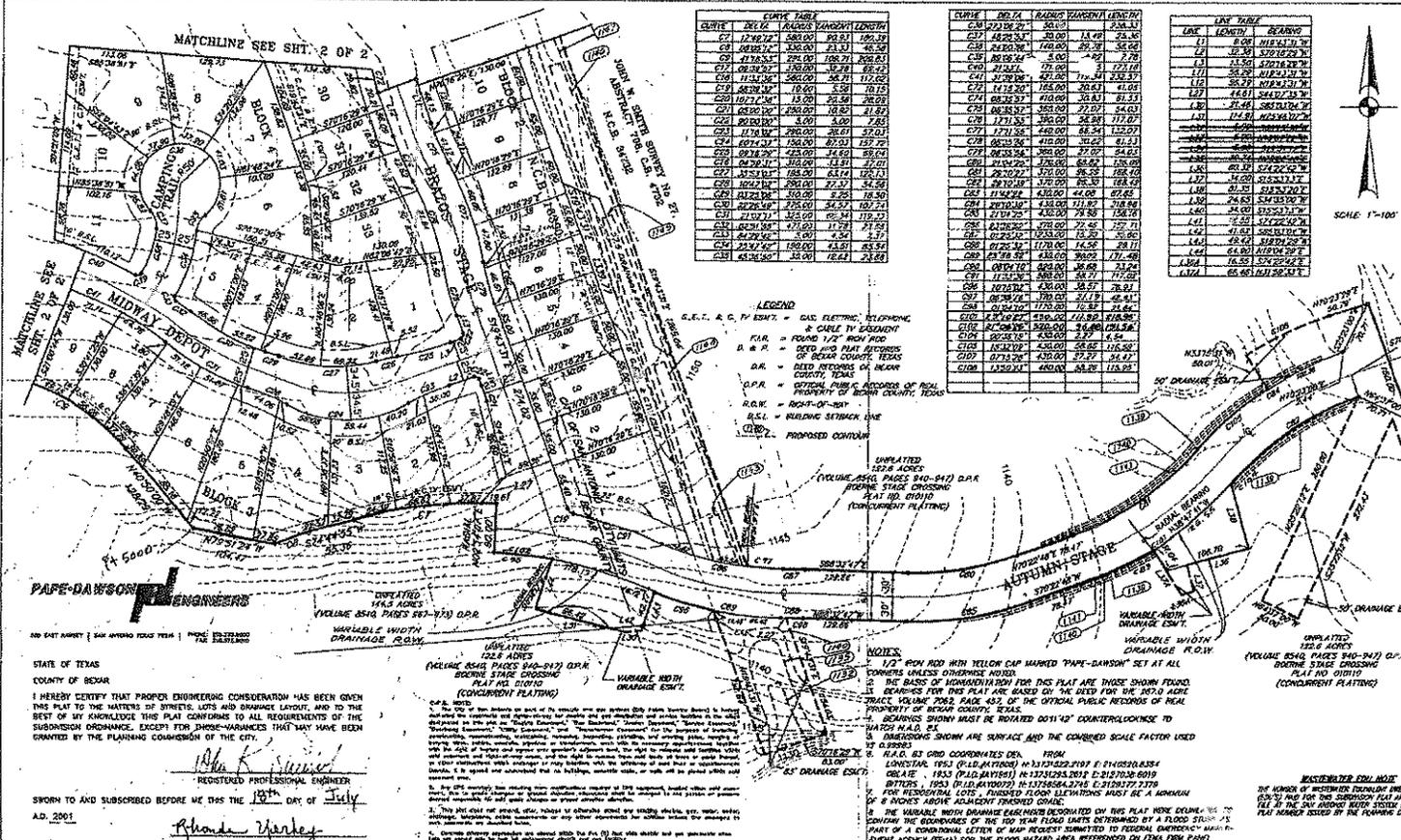
SWORN TO AND SUBSCRIBED BEFORE ME THIS 16th DAY OF July A.D. 2009

Rhonda Versey
 NOTARY PUBLIC
 BEAR COUNTY, TEXAS

DATE: JUN 14, 2009 10:17:00 User: ID: 1025
 FILE: 4824911 (Design) (UNIT-1) PL-484841.dwg

VNP#07-05-034R

PLAT NO. 010146



LOT TABLE

LOT	AREA	PERCENTAGE	AREA	PERCENTAGE
1	12.8624	37.16	12.8624	37.16
2	12.8624	37.16	12.8624	37.16
3	12.8624	37.16	12.8624	37.16
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100	12.8624	37.16	12.8624	37.16

LOT TABLE

LOT	AREA	PERCENTAGE	AREA	PERCENTAGE
1	12.8624	37.16	12.8624	37.16
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76	12.8624	37.16	12.8624	37.16
77	12.8624	37.16	12.8624	37.16
78	12.8624	37.16	12.8624	37.16
79	12.8624	37.16	12.8624	37.16
80	12.8624	37.16	12.8624	37.16
81	12.			

Book: 956-4
 Page: 4
 Filed: 01/13/2009 10:19:24
 Title: SUBDIVISION PLAT
 8/13/2009 8:11 AM
 COUNTY RECORDS COUNTY CLERK

OWNER'S REPRESENTATIVE
 CONTRACTOR'S REPRESENTATIVE
 SURVEYOR'S REPRESENTATIVE
 ENGINEER'S REPRESENTATIVE
 ARCHITECT'S REPRESENTATIVE
 CONTRACTING SECURITY

EXHIBIT
 5

labbles

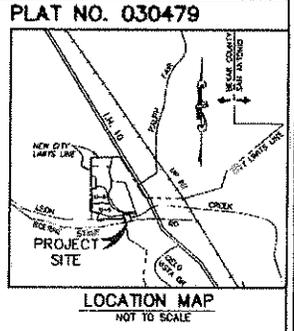
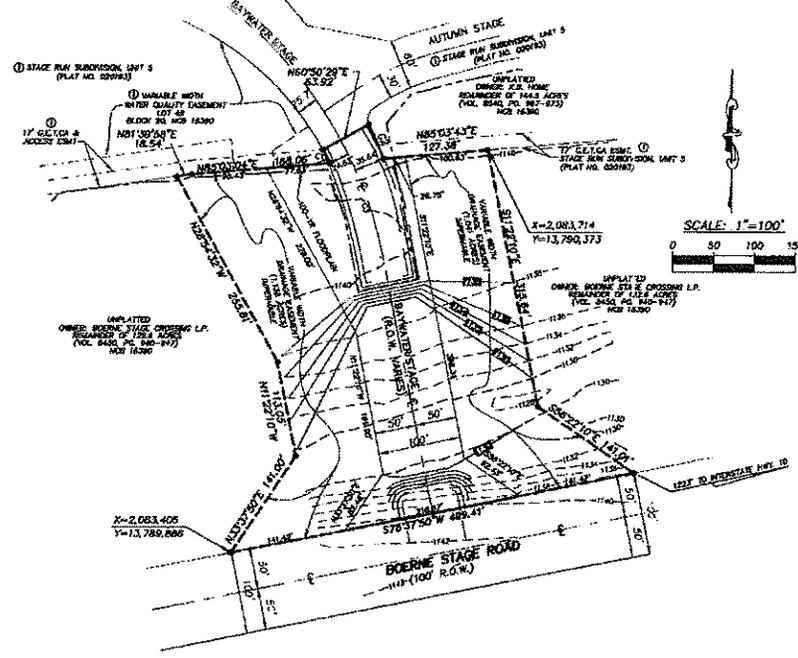
1. THE CITY OF SAN ANTONIO AS A PART OF ITS ELECTRIC AND GAS SYSTEM (CITY PUBLIC SERVICE BOARD) IS HEREBY DESIGNATED THE EASEMENT AND RIGHT-OF-WAY FOR ELECTRIC AND GAS TRANSMISSION AND SERVICE FACILITIES IN THE AREAS COMPREHENDED BY THIS PLAT AS "ELECTRIC EASEMENT," "GAS EASEMENT," "ANCHOR EASEMENT," "SERVICE EASEMENT," "UNDERGROUND CABLE," "UNDERGROUND FACILITIES," "UNDERGROUND EASEMENT" FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, REPAIRING, OPERATING, PATROLLING AND TESTING POLES, TOWERING OR BURNING TOWER, CABLES, CONDUITS, PIPES OR TRANSFORMERS, EACH WITH ITS RESPECTIVE APPURTENANCES TOGETHER WITH THE RIGHT OF PERSONS AND OTHERS TO MAINTAIN AND OPERATE SUCH FACILITIES AND THE RIGHT TO REPAIR SAID FACILITIES AND TO LAID ALL WIRING OR PIPING UNDERGROUND OR ON OTHER STRUCTURES WHICH SAID WIRING OR PIPING IS THE PROPERTY OF SAID LINES OR APPURTENANCES THEREOF. IF IT IS ADDED AND UNDERTAKEN THAT NO BUILDINGS, CONCRETE SLABS OR WALLS WILL BE PLACED WITHIN SAID EASEMENT AREAS.
2. ANY ONE MINUTEY LOSS RESULTING FROM MODIFICATIONS REQUIRED OF THIS EASEMENT, LOCATED WITHIN SAID EASEMENT, DUE TO GRADE CHANGES OR DRAINAGE ELEVATION ALTERATIONS SHALL BE CHARGED TO THE PERSON OR PERSONS DEEMED RESPONSIBLE FOR SAID GRADE CHANGES OR DRAINAGE ELEVATION ALTERATIONS.
3. THIS PLAT DOES NOT AFFECT, ALTER, RELEASE OR OTHERWISE AFFECT ANY EXISTING ELECTRIC, GAS, WATER, SEWER, DRAINAGE, TELEPHONE, CABLE EASEMENTS OR ANY OTHER EASEMENTS FOR UTILITIES UNLESS THE CHANGES TO SUCH EASEMENTS ARE SPECIFIED BELOW.
4. CONCRETE DRIVEWAY APPROACHES ARE ALLOWED WITHIN THE FIVE (5) FOOT WIDE ELECTRIC AND GAS EASEMENTS WHEN LOTS ARE SERVED ONLY BY NEAR LOT UNDERGROUND ELECTRIC AND GAS FACILITIES.
5. SEWER OWNERSHIP IS ALLOWED WITHIN THE (5) FOOT WIDE ELECTRIC, GAS, TELEPHONE AND CABLE TV EASEMENTS WHEN ONLY UNDERGROUND ELECTRIC, GAS, TELEPHONE AND CABLE TV FACILITIES ARE PROPOSED OR EXISTING WITHIN THOSE FIVE (5) FOOT WIDE EASEMENTS.
6. THE EASEMENT LINES AND LOTS ESTABLISHED WITH PLAT NO. 030479, STAGE RUN UNIT 8 SUBDIVISION PLAT AS SHOWN WERE UNRECORDED AT THE TIME THIS PLAT WAS MADE & SERVED PLANNING COMMISSION APPROVAL 6-29-03.

WATERWATER ECU NOTE: THE BRANDS OF WATERWATER EQUIPMENT (INCLUDING WATER METER) PAID FOR THIS SUBDIVISION PLAT ARE SHOWN IN BLUE AT THE SAN ANTONIO WATER METER UNDER THE PLAT NUMBER ISSUED BY THE DEVELOPMENT SERVICES DEPARTMENT.

NOTE: IMPACT FEE PAYMENT DUE: WATER AND SEWER IMPACT FEES WERE NOT PAID AT THE TIME OF PLATTING FOR THIS PROPERTY. ALL IMPACT FEES, AT THE MAXIMUM EFFECT AT THE TIME OF PLAT RECORDED, MUST BE PAID PRIOR TO WATER METER SET AND/OR SEWER SERVICE CONNECTION.

NOTE: 1/2" IRON ROD SET AT ALL POTS & PITS UNLESS OTHERWISE NOTED.

CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD
C1	370°12'	350.00	18.45	13.23	N27°30'55"W	18.45
C2	510°50'	510.00	45.52	13.77	N22°31'41"W	45.50
C3	17°40'46"	493.00	152.74	76.98	N20°12'33"W	152.13



- LEGEND
- IRON ROD SET
 - IRON ROD FOUND
 - EXISTING CONTOURS
 - - - - PROPOSED CONTOURS
 - G,E,T,G/A GAS, ELECTRIC, TELEPHONE AND CABLE TV
 - ESMT EASEMENT
 - R.O.W. RIGHT OF WAY

FLOODPLAIN NOTES:
 THE VARIANCE WITH DRAINAGE REQUIREMENTS WERE RELEGATED TO CERTAIN THE REQUIREMENTS OF THE 100-YEAR FLOOD ZONE ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) IN ACCORDANCE WITH THE FIRM PANEL UNDERSCORED DATED FEBRUARY 14, 1999 AND AS REVISED. CONSTRUCTION WITHIN THESE EASEMENTS IS PROHIBITED WITHOUT PRIOR WRITTEN APPROVAL OF THE CITY OF SAN ANTONIO FLOODPLAIN ADMINISTRATION. BEAR COUNTY PUBLIC WORKS WILL HAVE ACCESS TO THESE EASEMENTS AS NECESSARY.

NO STRUCTURES, FENCES, WALLS 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 MODIFICATION WHICH ALTER THE CROSS-SECTION OF THE DRAINAGE EASEMENT 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 ACCESS AND EGRESS OVER THE GRANTEE'S ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN THE LIMITS OF SAID DRAINAGE EASEMENT.

STATE OF TEXAS
 COUNTY OF BEAR

THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DESIGNATED TO THE EFFECT OF THIS PUBLIC EXHIBIT AREAS REVEALED AS PRIVATE PROPERTY, ALL STREETS, ALLEYS, EASEMENTS, RIGHTS, ENCUMBRANCES AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONVEYANCE THEREIN EXPRESSED.

Owner/Developer:
 4800 Fredericksburg Road
 San Antonio, Texas 78229

Heidi Luise
 DULY AUTHORIZED AGENT

VICKREY & ASSOCIATES, INC.
 CONSULTING ENGINEERS
 12940 Country Parkway San Antonio, Texas 78218
 Telephone: (210)349-3271

SUBDIVISION PLAT
 ESTABLISHING
STAGE RUN SUBDIVISION, UNIT 8A
 BEING 3.461 ACRES OF LAND OUT OF A 144.5 ACRE TRACT RECORDED IN VOLUME 8540, PAGES 1967-1973 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEAR COUNTY, TEXAS AND ALSO BEING OUT OF A 122.6 ACRE TRACT RECORDED IN VOLUME 8540, PAGES 940-947 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEAR COUNTY, TEXAS, OUT OF THE JOHN H. SMITH SURVEY NO. 27, ABSTRACT 708, NEW CITY BLOCK 153, CITY OF SAN ANTONIO, BEAR COUNTY, TEXAS.

THIS PLAT OF STAGE RUN SUBDIVISION, UNIT 8A HAS BEEN SUBMITTED TO AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 26TH DAY OF NOV A.D. 2003

BY: *Heidi Luise*
 SECRETARY

LANDA F. POPE
 Notary Public
 State of Texas
 My Comm. Exp. 02-25-2004



STATE OF TEXAS
 COUNTY OF BEAR

I HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE URBAN SUBDIVISION SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND BY: VICKREY & ASSOCIATES, INC.

VICKREY & ASSOCIATES INC.
 BY: *Hal B. Lane III*
 REGISTERED PROFESSIONAL LAND SURVEYOR

STATE OF TEXAS
 COUNTY OF BEAR

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

VICKREY & ASSOCIATES INC.
 BY: *Heidi Luise*
 REGISTERED PROFESSIONAL ENGINEER

STATE OF TEXAS
 COUNTY OF BEAR

I, *Heidi Luise* COUNTY CLERK OF SAO COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED AND RECORDED IN MY OFFICE, ON THE 31ST DAY OF NOV A.D. 2003, AT 1:00 PM. AND I HAVE RECORDED THE 1ST DAY OF NOV A.D. 2003, AS 1:00 PM IN THE RECORDS OF Books & Plats OF SAO COUNTY, IN BOOK VOLUME 8540, ON PAGE 21.

IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE, THIS 31ST DAY OF NOV A.D. 2003.

STATE OF TEXAS
 COUNTY OF BEAR
 CLERK OF COUNTY CLERK BEAR COUNTY, TEXAS
Heidi Luise DEPUTY



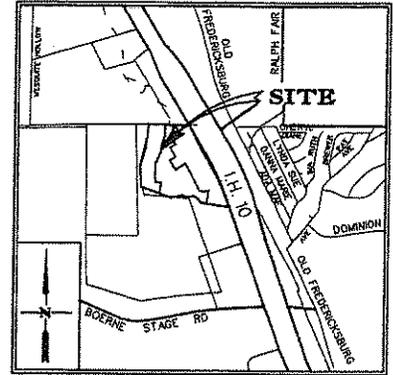
WRP#07-05-034R



SCALE: 1"=200'

P-28
83.12 ACRES
VOL. 4725, PG. 1375

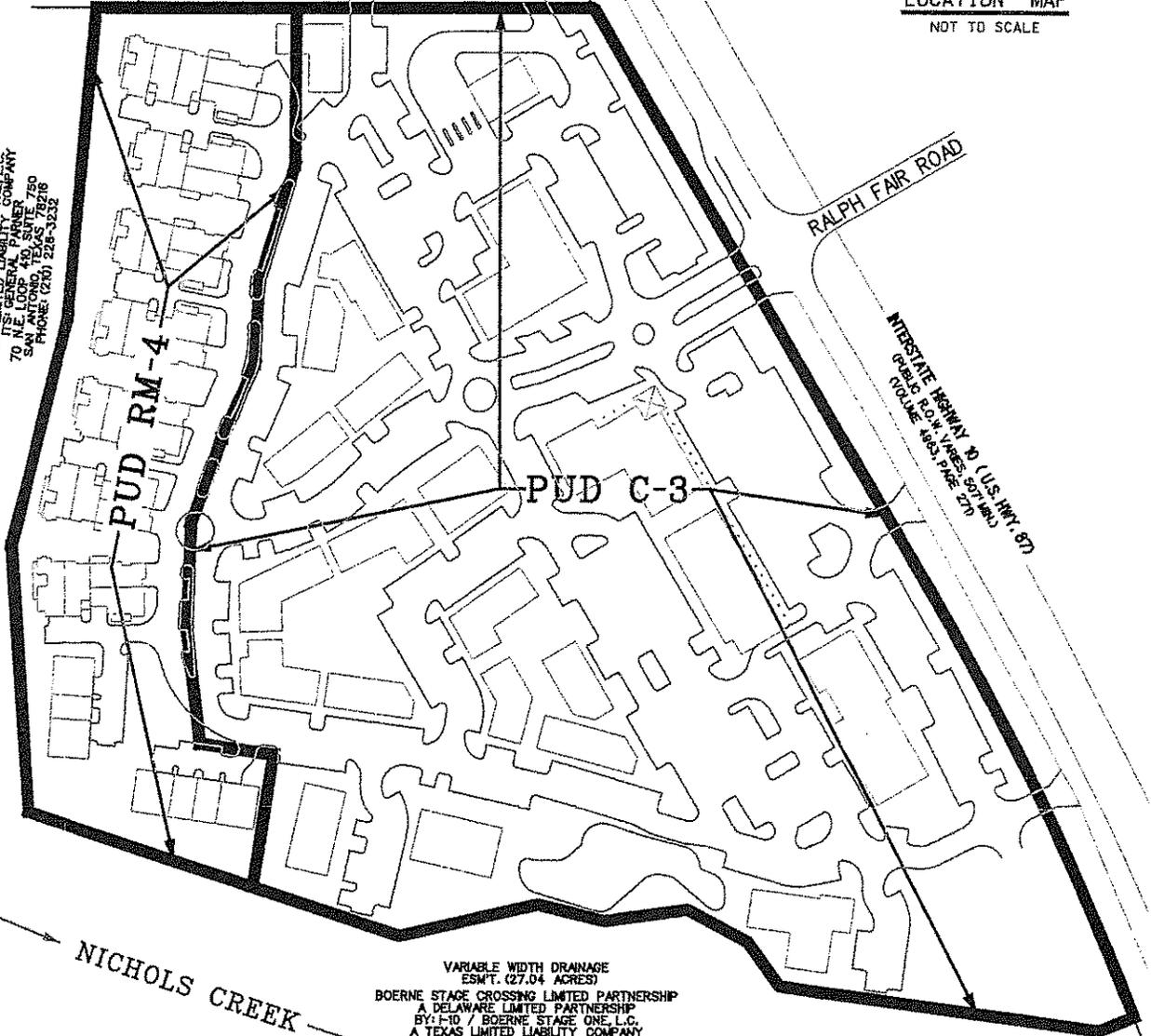
LOT 13, BLOCK2
EYETEN INVESTMENTS DEVELOPMENT
(VOL. 8246, PG. 148)



LOCATION MAP

NOT TO SCALE

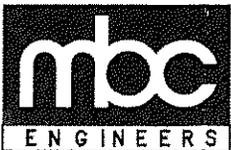
VARIABLE WIDTH DRAINAGE
ESMT. (27.04 ACRES)
BOERNE STAGE CROSSING LIMITED PARTNERSHIP
A DELAWARE LIMITED PARTNERSHIP
BY: F-10 / BOERNE STAGE ONE, L.L.C.
A TEXAS LIMITED LIABILITY COMPANY
ITS: GENERAL PARTNER
70 N.E. LOOP 410, PRIMER
SAN ANTONIO, TEXAS 78219
PHONE: (210) 226-3232



VARIABLE WIDTH DRAINAGE
ESMT. (27.04 ACRES)

BOERNE STAGE CROSSING LIMITED PARTNERSHIP
A DELAWARE LIMITED PARTNERSHIP
BY: F-10 / BOERNE STAGE ONE, L.L.C.
A TEXAS LIMITED LIABILITY COMPANY
ITS: GENERAL PARTNER
70 N.E. LOOP 410, SUITE 750
SAN ANTONIO, TEXAS 78219
PHONE: (210) 226-3232

VRP# 07-05-034 Appeal



1035 Central Parkway North
San Antonio, Texas 78232
(210) 545-1122
FAX (210) 545-9302

RIALTO VILLAGE ZONING EXHIBIT

DESIGN	DM
DRAWN	DAG
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OF COUNSEL

07 JUN 19 PM 1:25

LAND DEVELOPMENT
SERVICES DIVISION

June 19, 2007

Mr. Roderick J. Sanchez, AICP
Director, Development Services Department
City of San Antonio
1901 S. Alamo, 2nd Floor
San Antonio, TX 78204

Via Hand-Delivery

Re: Appeal of the Development Services Department's Determination Regarding Vested Rights for a 23.91-acre tract of land, Referred to as Rialto Village, and Generally Located West of the intersection of Interstate Highway 10 and Ralph Fair Road in San Antonio, Bexar County, Texas (the "Subject Property"); *Our File No. 9093.002*

Dear Mr. Sanchez:

The purpose of this correspondence is to appeal the City of San Antonio (the "COSA") Development Services Department's determination regarding Vested Rights for the above-referenced Subject Property.

On May 9, 2007, our Firm requested that the COSA **(re)acknowledge** vested rights as of August 19, 1986 for a mixed-use commercial residential project on the Subject Property, based upon the **Water Commitment for Service** to a 268 acre Saunders Tract, approved by the Water Works Board of Trustees on August 19, 1986, and previously acknowledged by virtue of Vested Rights Permit ("VRP") No. 03-09-108. Accordingly, please find attached the VRP Application and Fair Notice Form for the Subject Property submitted on May 9, 2007 (*see Exhibit 1*). The request was made pursuant to provisions of the COSA Unified Development Code (the "UDC"), Chapter 35, Article 7, Division 2 ("Vested Rights").

On June 5, 2007, however, correspondence was received from the Development Services Department (the "Department") stating "[i]t is recommended that applicant provide information to support assertions of progress toward completion and the existence of a project made in applicant's letter requesting rights effective August 19, 1986." In addition, the correspondence provided that "[a]ll 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." Although we immediately supplemented the VRP Application with certain plat exhibits referenced in our cover letter of May 9, 2007, and the City Attorney's Office has verbally agreed that the project is vested as of August 19, 1986, written re-acknowledgement of vested rights by the COSA has not been forthcoming. Therefore, our Firm is left with no alternative but to interpret the correspondence of June 5, 2007 as an adverse decision or action. As a result, this correspondence shall serve as our appeal of the Department's determination.

VRP # 07-05-034 Appeal

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I. BACKGROUND FOR APPEAL

The Subject Property is a 23.91-acre tract of land, generally located west of the intersection of Interstate Highway 10 and Ralph Fair Road in San Antonio, Texas, and as further illustrated on the map attached hereto (*see Exhibit 2: "Rialto Village"*). The Property is wholly included within the "Saunders Tract," which was originally validated by virtue of a Water Commitment for Service to a 268 acre Saunders Tract, as approved by the Water Works Board of Trustees on August 19, 1986 (*see Exhibit 3: the "Water Commitment"*). The Water Commitment was approved based upon, and incorporates, an Engineering Report dated August 4, 1986, describing a commercial, single family residential, and multi-family use (*see Exhibit 4: the "Preliminary Engineering Report on the Feasibility"*).

The Water Commitment constitutes the first "permit" in a series of permits necessary for the development of the Subject Property, as that term is contemplated by Chapter 245 of the Texas Local Government Code (the "Code"). Perhaps more importantly, the Water Commitment authorized the development of the Subject Property for a commercial, single-family residential and multi-family use (the "Project"). The Subject Property is also currently zoned "PUD "C-3 GC-1" (Planned Unit Development General Commercial Gateway Corridor District - 1), and PUD "MF-25 GC-1" (Planned Unit Development Multi-Family Gateway Corridor District - 1), which expressly permits commercial and residential uses on the Subject Property (*see Exhibit 5*).

Further, the following is a sample of approvals, which are hereby submitted as evidence of "progress" toward completion of the Project pursuant to the City Attorney's interpretation of Section 245.005 of the Code:

- 1) On August 26, 1999, an application for the Boerne Preliminary Overall Development Plan No. 665 was submitted to the COSA, for a commercial and residential project in connection with the Saunders Tract.
- 2) Stage Run, Unit 1 Plat No. 010146 and Unit 2 Plat No. 010242 approved November 14, 2001.
- 3) Boerne Stage Road Plat No. 010110 approved May 8, 2002.
- 4) Stage Run Unit No. 5 Plat No. 020193 and Unit No. 6 Plat No. 020266 approved June 25, 2003.
- 5) Boerne Stage Run U-5A Plat No. 030479 approved November 26, 2003.
- 6) Stage Run U-3 Plat No. 020376 approved July 23, 2003.

Finally, our Firm submits the following documentation as evidence that the terms of the Water Commitment were honored:

- 1) A SAWS Water Commitment and Contract for Participation in the Babcock Water Main Extension Project submitted to SAWS on October 9, 1986, and executed May 4, 1988, encompassing the Saunders Tract and the Subject Property.

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- 2) On May 26, 1998, SAWS issued correspondence confirming that “[t]he developer executed the water commitment by installing the approach mains and all necessary on-site facilities in accordance with the Board’s Regulations and at his total cost.” (emphasis added) (see **Exhibit 6**).
- 3) On July 13, 1999, SAWS again issued correspondence confirming that a “water commitment to provide water was approved by the City Water Board on October 9, 1986 to Boerne Stage Road Joint Venture for 1,750 (EDU’s).” “This commitment was exercised through a joint venture of several developers who installed water mains along Babcock Road, Camp Bullis and IH10.” (emphasis added) (see **Exhibit 7**).

As you can see, the infrastructure improvements called for by the Water Commitment have been fulfilled.

Please note that COSA has already issued Development Rights Permit (“DRP”) No. 251, which grants “development rights” for the Subject Property dating back to October 9, 1986 (see **Exhibit 8**). Moreover, the COSA has already issued VRP No. 03-09-108, which acknowledges “vested rights” pursuant to Chapter 245 of the Code for the Subject Property also dating back to October 9, 1986 (see **Exhibit 9**). Both of these acknowledgments by the COSA were based upon the SAWS Water Commitment and Contract for Participation in the Babcock Water Main Extension Project, dated October 9, 1986, which relates to the Water Commitment. As you know, the UDC requires continued recognition of previously-issued “development rights” and the Code requires continued recognition of “vested rights.” Therefore, we are simply seeking the COSA’s re-acknowledgement of “vested rights” for a tract of land for which “development rights” and “vested rights” have already been acknowledged. Finally, it is important to note that over \$48,066 has been spent thus far for land clearing activity pursuant to Tree Permit No. 1121657 (see **Exhibits 10 and 11**), which was based upon VRP No. 03-09-108.

In conclusion, the Water Commitment constitutes a “permit” as defined by Chapter 245 of the Code, and was a necessary first step in the development of the Subject Property, which has always been included within the Saunders Tract. The Water Commitment authorized the commercial, single-family residential and multi-family Project from its inception. Progress for this project has been maintained by virtue of the approvals listed herein. Finally, “development rights” and “vested rights” have been previously reviewed and acknowledged by the COSA, as evidenced by DRP No. 251 and VRP No. 03-09-108, and verbally re-acknowledged by the COSA City Attorney’s Office in the last week.

Included with this correspondence, please find the following:

- 1) Vested Rights Permit Application and Fair Notice Form;
- 2) Rialto Village;
- 3) Water Commitment;
- 4) Preliminary Engineering Report on the Feasibility;
- 5) COSA Zoning Ordinances Nos. 2007-01-04-0044 and 2006-08-17-0949;
- 6) May 26, 1998 Letter from SAWS;
- 7) July 13, 1999 Letter from SAWS;
- 8) COSA Development Rights Permit No. 251;
- 9) COSA Vested Rights Permit No. 03-09-108;

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June 19, 2007
Page 4 of 4

- 10) Spreadsheet Illustrating Land Clearing Costs; and
- 11) Tree Permit No. 1121657.

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

Sincerely,

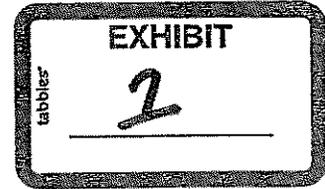
BROWN, P.C.

By: 
Connie L. Basel

CLB/ea
Enclosures: As stated

06-19-07 10:53:01 AM

VR P# 07 - 05 - 034 Appeal



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

30-19-07 10:01 AM

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: Fair Prospects L.P.

Agent: Brown P.C.

Phone: (210) 299-3704 Fax: (210) 299-4731

Address: 112 E. Pecan, Ste 1490, San Antonio, Texas 78205

City: San Antonio State: Texas Zip code: 78205

Engineer/Surveyor: David Allen, Macina Bose Copeland and Associates, Inc.

Address: 1035 Central Parkway North Phone#: (210) 545-1122 ext. 107

City: San Antonio State: TX Zip code: 78232

Name of Project: Rialto Village

Site location or address of project and legal description: 23.91-acre tract of land, generally located west of the intersection of Interstate Highway 10 and Ralph Fair Road in San Antonio, Bexar County, Texas; more particularly described as Lot 2, Block 3, NCB 16380, Boerne Stage Crossing Subdivision (Plat Reference: Volume 9559, Page 197 of the Bexar County Real Property Records), San Antonio, Bexar County, Texas.

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

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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 and Residential Planned Unit Development(b) Total land area, in square feet: ± 1,041,687 sq. ft.(c) Total area of impervious surface, in square feet: ± 937,518.3 sq. ft.(d) Number of residential dwellings units, by type: ± 132 Multi-family units(e) Type and amount of non-residential square footage (ground floor building footprint only):
± 730,370.5 sq. ft. ± 16.77 acres sq.(f) Number of buildings: ± 60(g) Phases of the development (if applicable): 3**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 August 19, 1986.**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****VRP# 07-05-034 Appeal**Type of Permit: Water Commitment for Service to Saunders TractDate of Application: August 19, 1986

Permit Number: _____ Date issued: _____

Expiration Date: *November 19, 1986 Acreage: 268

* A SAWS Water Commitment and Contract for Participation in the Babcock Water Main Extension Project, was executed on or about October 9, 1986 pertaining to the Saunders Tract and the Subject Property

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: _____ 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:

Development Rights Permit No. 251

Vested Rights Permit No. 03-09-108

35-19-01 200701 10

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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.*

Over \$48,066 for land clearing activity pursuant to Tree Permit No. 1121657, which was based upon VRP No. 03-09-108 (see Exhibit 8).

5. Requested date for claim of rights for this Project: August 19, 1986

6. 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* Some tree removal activity.

Over \$48,066 for land clearing activity pursuant to Tree Permit No. 1121657, which was based upon VRP No. 03-09-108.

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.

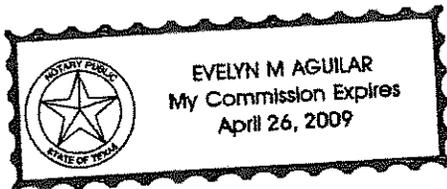
7. Sworn statement:

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: Connie L. Basel Signature: [Signature] Date: May 9, 2007

Sworn to and subscribed before me by CONNIE L. BASEL on this 9th day of MAY in the year 2007, to certify which witness my hand and seal of office.



[Signature]
Notary Public, State of Texas

03-09-01 12:31:01 PM

VRP# 07-05-034 Appeal

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.

06-19-31 10:02 18

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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 ± 230,345 sq. ft. ± 5.3 acres
Use Allocation in Square Feet & Acreage ± 207,310 sq. ft. ± 4.7 acres
Density ± 132 units

(c) **Commercial:** Land Allocation in Square Feet & Acreage ± 811,522.8 sq. ft. ± 18.6 acres
Use Allocation in Square Feet & Acreage ± 730,370.5 sq. ft. ± 16.77 acres

(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 _____

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February 15, 2007

Appeal

00-17-01 10:02:14