



City of San Antonio, Texas

Department of Development Services

September 13, 2007

John M. Folks
Superintendent
Northside Independent School District
5900 Evers Rd.
San Antonio, TX 78238

RE: Rights Determination Appeal 07-07-040 for the Kyle Seale Parkway Area Middle School

Dear Mr. Folks:

In accordance with Section 35-712 (d) of the Unified Development Code, the Planning Commission at its September 12, 2007 regularly scheduled meeting, heard the Kyle Seale Parkway Area Middle School Appeal. Your request for statutory rights effective 1994 was granted by the Planning Commission and the Development Services Department has released the holds placed on all development plans regarding statutory rights.

The Kyle Seale Parkway Area Middle School Plat (070262) will be placed on the September 26, 2007 Planning Commission agenda, pending submittal of the following items to our office no later than noon on Friday, September 21, 2007.

1. Letter of Certification from SAWS
2. Aquifer Request for Review Form
3. Emergency Add-On Application
4. Performance Agreement
5. Change plat name to match Plat Application Form
6. Revise Plat Approval Completeness Review Form
7. 8 1/2 x 11 Plat Reduction

The Kyle Seale Parkway Area Middle School building plan review (AP# S1397819) has outstanding issues to be addressed prior to a permit issuance:

1. Fire review:
 - a. Fire protection site plan is needed in accordance with COSA amendment 501.3.1
2. Drainage review:
 - a. Storm water fee in lieu to be paid in the amount of \$ 81,990.00

3. Traffic review:

- a. Total number of class rooms is needed to complete the review
- b. Revised sheet to be submitted for the accelerated land requirements

The Development Services Department is prepared to assist you and your team throughout the duration of this project. Please let us know how we can be of further assistance.

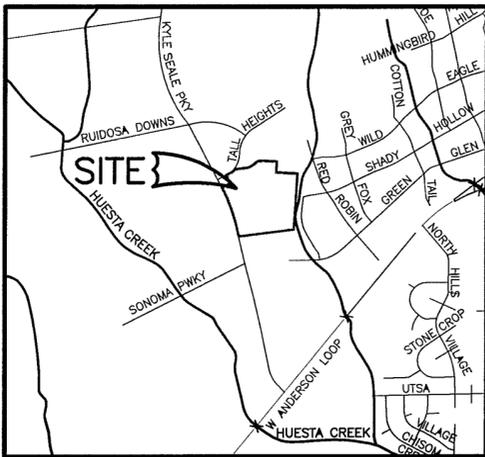
If you have any questions regarding this matter, contact me at (210) 207-7905 or Melissa Ramirez at (210) 207-7038.

Sincerely,



Roderick J. Sanchez, AICP, CBO
Director of Development Services

Cc: Jelynn LeBlanc Burley, Deputy City Manager
Michael Bernard, City Attorney
Norbert Hart, Deputy City Attorney
Susan Guinn, Assistant City Attorney
Bill Peters, NISD
Jim Lowry, Langley, Banack, Inc.
Ross Laughead & Banack, Inc.
Roland Trevino, Development Services



LOCATION MAP

SCALE 1 = 2000

STATE OF TEXAS
COUNTY OF BEXAR

THE OWNER OF LAND SHOWN ON THIS PLAT IN PERSON OR THROUGH A DULY AUTHORIZED AGENT DEDICATES TO THE USE OF THE PUBLIC EXCEPT AREAS IDENTIFIED AS PRIVATE FOREVER ALL STREETS ALLEYS PARKS WATERCOURSES DRAINS EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED

OWNER
NORTHSIDE INDEPENDANT SCHOOL DISTRICT
5900 EVERS RD
SAN ANTONIO TEXAS 78238
(210) 397-1215

STATE OF TEXAS
COUNTY OF BEXAR

BEFORE ME THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF _____ 20__

NOTARY PUBLIC
BEXAR COUNTY TEXAS

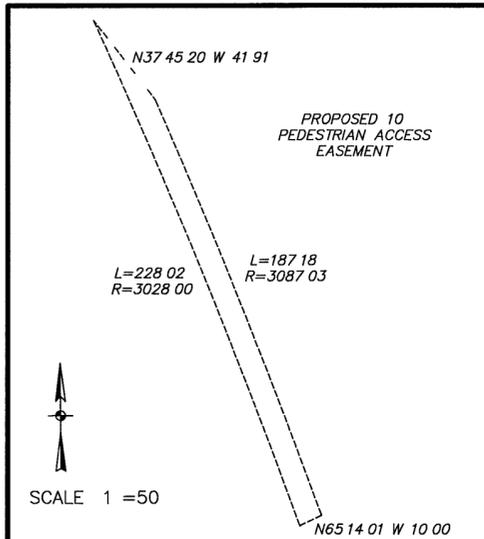
STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE MINIMUM STANDARDS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND BY PAPE DAWSON ENGINEERS

REGISTERED PUBLIC SURVEYOR NO 4251
DAVID A CASANOVA
PAPE DAWSON ENGINEERS
555 EAST RAMSEY
SAN ANTONIO TEXAS 78216
(210) 375-9000

SLAY
ENGINEERING CO INC
123 ALTGELT AVE
SAN ANTONIO TEXAS 78201
(210) 734-4388

JOB NO 06-063
DATE 09-10-2007



SCALE 1 = 50

NOTES

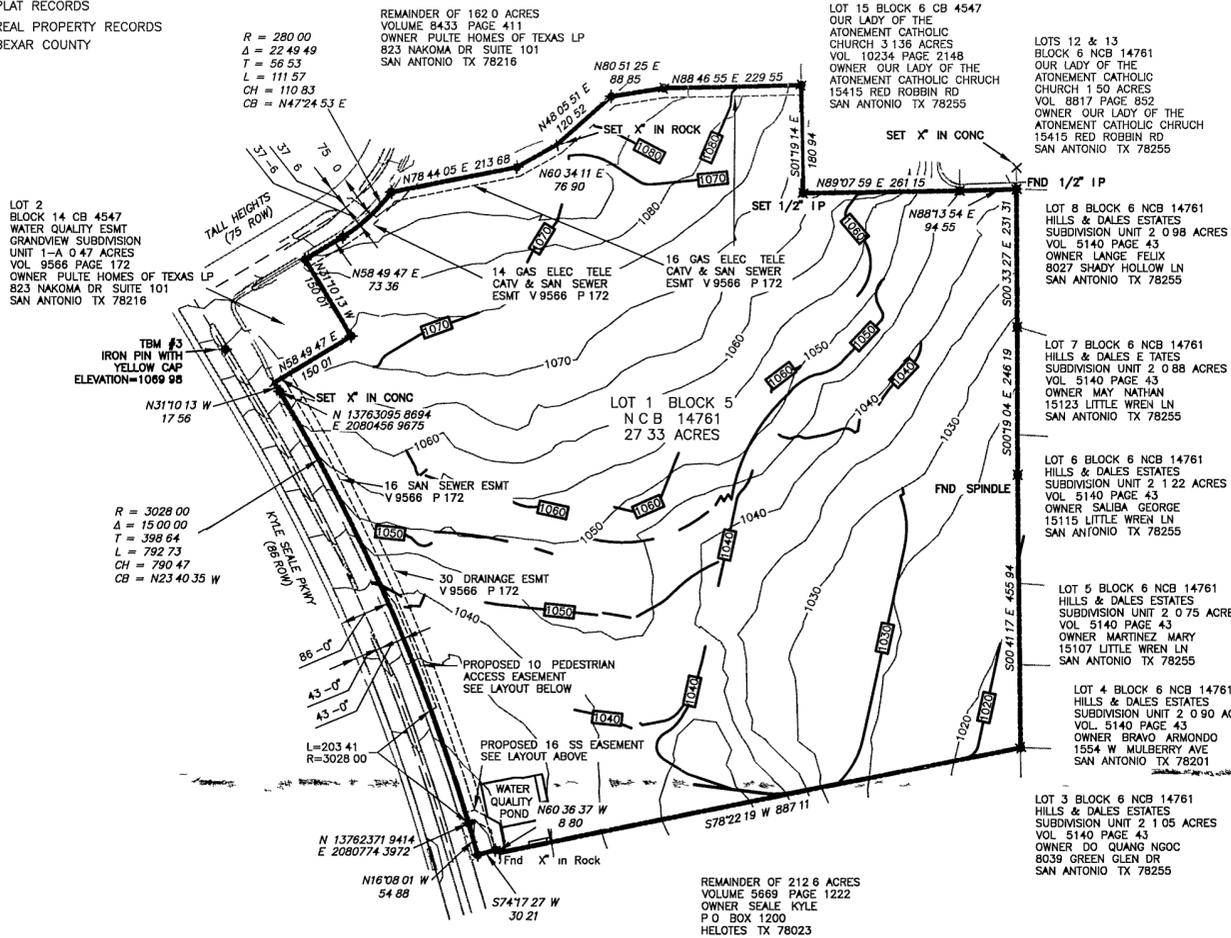
- COORDINATES SHOWN ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE NAD83(1993) U S SURVEY FEET FROM NGS STATION SAN ANTONIO RRP PID AY2157 (Y)N 13763095 8694 (X)E 2080456 9672 AND (Y)N 13762371 9414 (X)E 2080774 3972
- ALL LOT CORNERS ARE SET 1/2 IRON PIN WITH A RED CAP STAMPED OVERBY DESCAMPS' UNLESS NOTED OTHERWISE

LEGEND

- FND FOUND
- IP IRON PIN
- B C D P R BEXAR COUNTY DEED AND PLAT RECORDS
- R P R B C REAL PROPERTY RECORDS BEXAR COUNTY

EDWARDS AQUIFER NOTES

THIS SITE IS WITHIN THE EDWARDS RECHARGE ZONE DEVELOPMENT WITHIN THIS SUBDIVISION IS SUBJECT TO CHAPTER 34 ARTICLE VI DIVISION 6 OF THE SAN ANTONIO CODE ENTITLED AQUIFER RECHARGE AND WATERSHED PROTECTION OR LATEST VERSIONS THEREOF NO PERSON SHALL COMMENCE THE CONSTRUCTION OF ANY REGULATED ACTIVITY UNTIL AN EDWARDS AQUIFER PROTECTION PLAN WATER POLLUTION ABATEMENT PLAN (WPAP) OR MODIFICATION TO AN APPROVED PLAN AS REQUIRED BY 30 TAC 21.35 OF THE TEXAS WATER CODE OR LATEST VERSION THEREOF HAS BEEN FILED WITH THE APPROPRIATE REGIONAL TCEQ OFFICE AND THE APPLICATION HAS BEEN APPROVED BY THE EXECUTIVE DIRECTOR OF THE REGIONAL TCEQ OFFICE



**SUBDIVISION PLAT
ESTABLISHING
KYLE SEALE PARKWAY AREA MIDDLE SCHOOL**

ESTABLISHING LOT 1 BLOCK 5 NCB 14761 SAN ANTONIO BEXAR COUNTY TEXAS BEING 27.33 ACRE TRACT OF LAND OUT OF A 162.00 ACRE TRACT RECORDED IN VOLUME 8433 PAGES 411-418 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY BEXAR COUNTY TEXAS OUT OF THE HEINRICH LEIFESTE SURVEY NUMBER 1 ABSTRACT 967 COUNTY BLOCK 4547 AND THE SA & MGRS SURVEY NUMBER 437 ABSTRACT 718 COUNTY BLOCK 4544 OF BEXAR COUNTY TEXAS

THE CITY OF SAN ANTONIO AS A PART OF ITS ELECTRIC AND GAS SYSTEM (CITY PUBLIC SERVICE BOARD) IS HEREBY DEDICATED THE EASEMENTS AND RIGHT-OF-WAY FOR ELECTRIC AND GAS DISTRIBUTION AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THIS PLAT AS ELECTRIC EASEMENT GAS EASEMENT ANCHOR EASEMENT SERVICE EASEMENT OVERHANG EASEMENT UTILITY EASEMENT AND TRANSFORMER EASEMENT FOR THE PURPOSE OF INSTALLING CONSTRUCTING RECONSTRUCTING MAINTAINING REMOVING INSPECTING PATROLLING AND ERECTING POLES HANGING OR BURYING WIRES CABLES CONDUITS PIPELINES OR TRANSFORMERS EACH WITH ITS NECESSARY APPURTENANCES TOGETHER WITH THE RIGHT OF INGRESS OR EGRESS OVER GRANTOR'S ADJACENT LAND THE RIGHT TO RELOCATE SAID FACILITIES WITHIN SAID EASEMENT AND RIGHT-OF-WAY AREAS AND THE RIGHT TO REMOVE FROM SAID LANDS ALL TREES OR PARTS THEREOF OR OTHER OBSTRUCTIONS WHICH ENDANGER OR MAY INTERFERE WITH THE EFFICIENCY OF SAID LINES OR APPURTENANCES THERETO IT IS AGREED AND UNDERSTOOD THAT NO BUILDINGS CONCRETE SLABS OR WALLS WILL BE PLACED WITHIN SAID EASEMENT AREAS

ANY CPS MONETARY LOSS RESULTING FROM MODIFICATIONS REQUIRED OF CPS EQUIPMENT LOCATED WITHIN SAID EASEMENT DUE TO GRADE CHANGES OR GROUND ELEVATION ALTERATIONS SHALL BE CHARGED TO THE PERSON OR PERSONS DEEMED RESPONSIBLE FOR SAID GRADE CHANGES OR GROUND ELEVATION ALTERATION

THIS PLAT OF KYLE SEALE PARKWAY AREA MIDDLE SCHOOL HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION

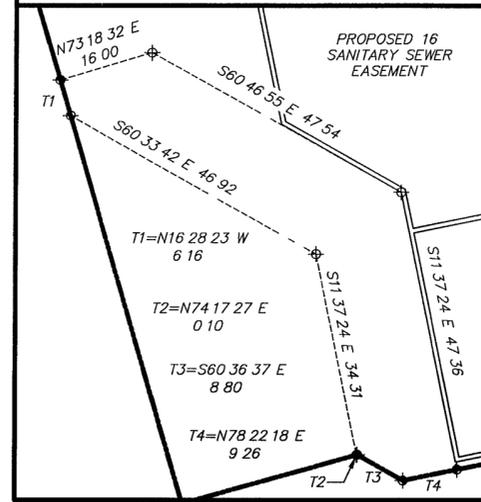
DATED THIS ____ DAY OF _____ A D 2007

BY _____
CHAIRMAN

BY _____
SECRETARY

SCALE 1 = 200

PLAT ID 070262



SCALE 1 = 20

NO STRUCTURE FENCES WALLS OR OTHER OBSTRUCTIONS THAT IMPEDE DRAINAGE SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THE PLAT NO LANDSCAPING OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS-SECTIONS OF THE DRAINAGE EASEMENTS AS APPROVED SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE DIRECTOR OF PUBLIC WORKS THE CITY OF SAN ANTONIO AND BEXAR COUNTY SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT PROPERTY TO REMOVE ANY IMPENDING OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE EASEMENTS

THIS PLAT DOES NOT AMEND 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 DESCRIBED BELOW

WASTEWATER EDU NOTE THE NUMBER OF WASTEWATER EQUIVALENT DWELLING UNITS (EDU'S) PAID FOR THIS SUBDIVISION PLAT ARE KEPT ON FILE AT THE SAN ANTONIO WATER SYSTEM UNDER THE PLAT NUMBER ISSUED BY THE DEVELOPMENT SERVICES DEPARTMENT

NO BUILDING PERMIT WILL BE ISSUED FOR THIS SITE UNTIL A STREETScape PLAN HAS BEEN APPROVED IN ACCORDANCE WITH SECTION 35-512 OF THE UDC

FINISHED FLOOR ELEVATIONS MUST BE MINIMUM OF (8) INCHES ABOVE FINAL ADJACENT GRADE (35-504(E)(2)P-40)

DETENTION POND OR WATER QUALITY BASIN NOTE NOTE THE MAINTENANCE OF THE DETENTION POND (WATER QUALITY BASIN) AND OUTLET STRUCTURE THOSE IMPROVEMENTS WITHIN THE DETENTION EASEMENT OR PRIVATE EASEMENT SHALL BE THE RESPONSIBILITY OF THE LOT OWNERS OR HOME OWNERS ASSOCIATION THEIR SUCCESSORS OR ASSIGNS AND NOT THE RESPONSIBILITY OF THE CITY OF SAN ANTONIO AND OR BEXAR COUNTY

STATE OF TEXAS
COUNTY OF BEXAR

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 UNIFIED DEVELOPMENT CODE EXCEPT FOR THOSE VARIANCES GRANTED BY THE SAN ANTONIO PLANNING COMMISSION

REGISTERED PROFESSIONAL ENGINEER
SLAY ENGINEERING CO INC
123 ALTGELT AVE
SAN ANTONIO TEXAS 78201
(210) 734-4388

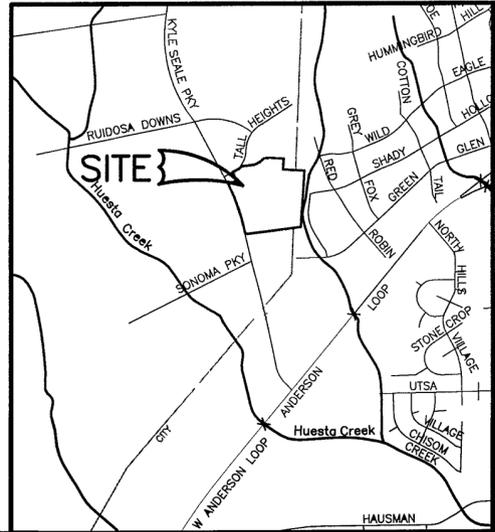
STATE OF TEXAS
COUNTY OF BEXAR

I, _____ COUNTY CLERK OF BEXAR COUNTY DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE ____ DAY OF _____ A D _____ AT _____ M AND DULY RECORDED THE ____ DAY OF _____ A D _____ AT _____ M IN THE DEED AND PLAT RECORDS OF BEXAR COUNTY IN BOOK/VOLUME _____ ON PAGE _____ IN TESTIMONY WHEREOF WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS ____ DAY OF _____ AD _____ COUNTY CLERK BEXAR COUNTY TEXAS

BY _____ DEPUTY

MDF # 800 A, Grandview, Accepted 8/27/06

0-5-11-11



LOCATION MAP SCALE 1 = 2000

STATE OF TEXAS COUNTY OF BEXAR

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OWNER NORTHSIDE INDEPENDANT SCHOOL DISTRICT

STATE OF TEXAS COUNTY OF BEXAR

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NOTARY PUBLIC BEXAR COUNTY TEXAS

STATE OF TEXAS COUNTY OF BEXAR

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REGISTERED PROFESSIONAL ENGINEER SLAY ENGINEERING CO INC 4335 W PIEDRAS DR W SUITE 210 SAN ANTONIO TEXAS 78228 (210) 734-4388

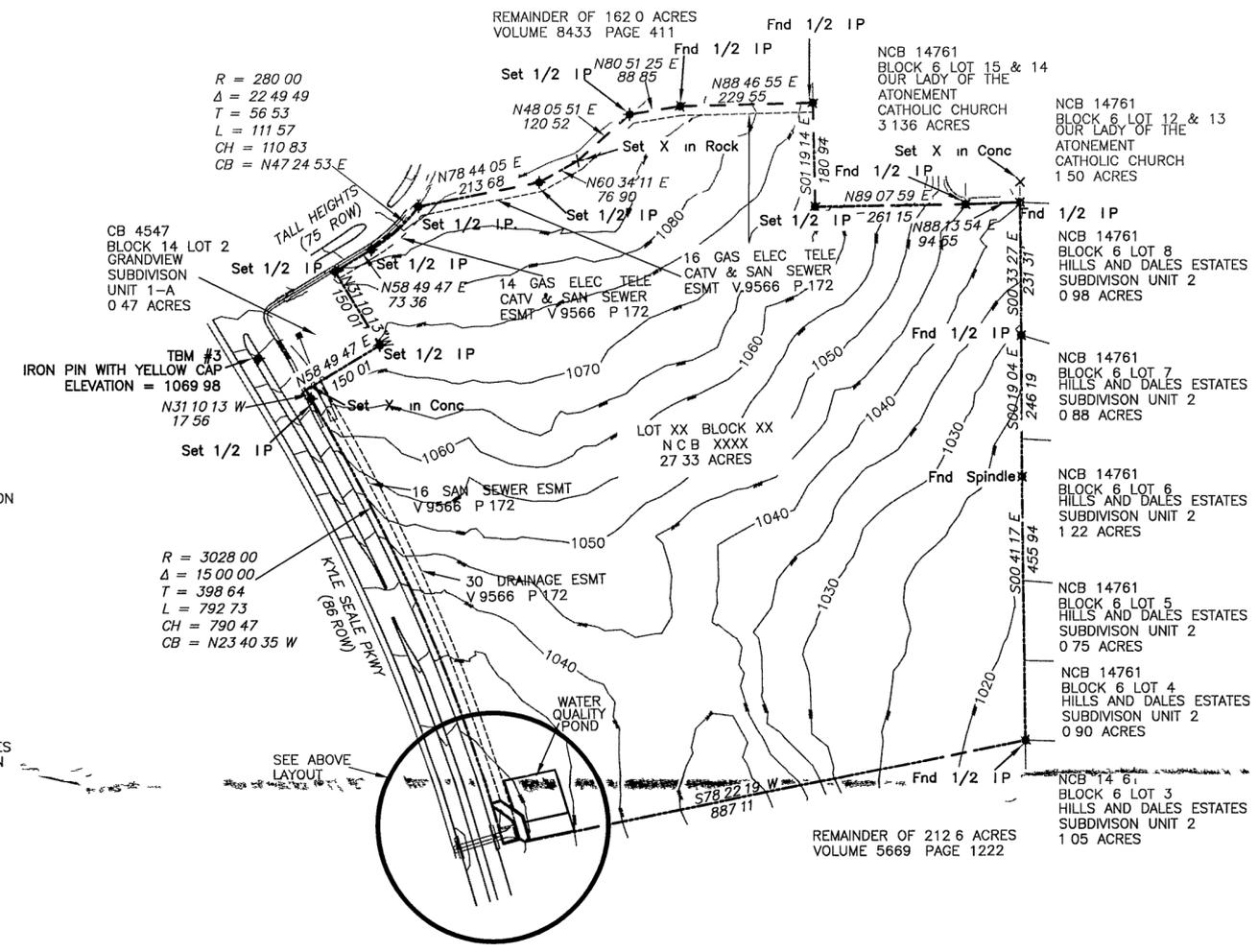
STATE OF TEXAS COUNTY OF BEXAR

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DAVID CASANOVA OVERBY DESCAMPS ENGINEERS 11815 WARFIELD SAN ANTONIO TEXAS 78216 (210) 828-3520

NOTES

- 1. COORDINATES SHOWN ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE NAD83(1993) U.S. SURVEY FEET FROM NGS STATION SAN ANTONIO RRP PID AY2157 (Y)N 13726385 18 (X)E 2103179 12
2. ALL LOT CORNERS ARE SET 1/2 IRON PIN WITH A RED CAP STAMPED OVERBY DESCAMPS UNLESS NOTED OTHERWISE



SUBDIVISION PLAT ESTABLISHING KYLE SEALE PARKWAY AREA MIDDLE SCHOOL

ESTABLISHING LOT XX BLOCK XX NCB XXXXX SAN ANTONIO BEXAR COUNTY TEXAS BEING 27.33 ACRE TRACT OF LAND OUT OF A 162.00 ACRE TRACT RECORDED IN VOLUME 8433 PAGES 411-418 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY BEXAR COUNTY TEXAS OUT OF THE HEINRICH LEIFESTE SURVEY NUMBER 1 ABSTRACT 967 COUNTY BLOCK 4544 OF BEXAR COUNTY TEXAS

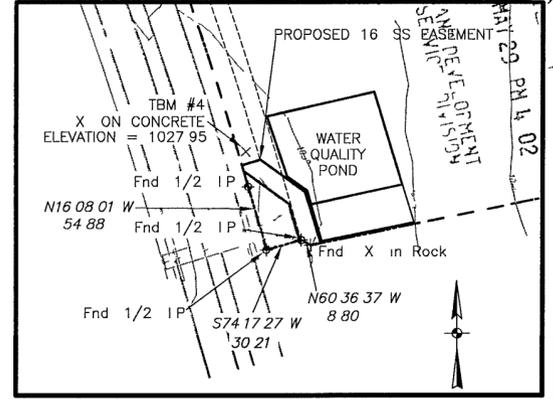
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DATED THIS DAY OF A.D. 2006 BY CHAIRMAN BY SECRETARY

SCALE 1 = 200



SCALE 1 = 100

TxDOT NOTES

- (1) FOR RESIDENTIAL DEVELOPMENT DIRECTLY ADJACENT TO STATE RIGHT OF WAY THE DEVELOPER SHALL BE RESPONSIBLE FOR ADEQUATE SET-BACK AND/OR SOUND ABATEMENT MEASURES FOR FUTURE NOISE MITIGATION
(2) OWNER/DEVELOPER IS RESPONSIBLE FOR PREVENTING ANY ADVERSE IMPACT TO THE EXISTING DRAINAGE SYSTEM WITHIN THE HIGHWAY RIGHT OF WAY
(3) MAXIMUM ACCESS POINTS TO STATE HIGHWAY FROM THIS PROPERTY WILL BE REGULATED AS DIRECTED BY REGULATIONS FOR ACCESS DRIVEWAYS TO STATE HIGHWAYS THIS PROPERTY IS ELIGIBLE FOR A MAXIMUM COMBINED TOTAL OF ONE ACCESS POINT BASED ON THE OVERALL PLATTED HIGHWAY FRONTAGE OF 60
(4) IF SIDEWALK ARE REQUIRED BY APPROPRIATE CITY ORDINANCE A SIDEWALK PERMIT MUST BE APPROVED BY TxDOT PRIOR TO CONSTRUCTION WITHIN STATE RIGHT OF WAY LOCATIONS OF SIDEWALKS WITHIN STATE RIGHT OF WAY SHALL BE AS DIRECTED BY TxDOT

NO STRUCTURE FENCES WALLS OR OTHER OBSTRUCTIONS THAT IMPEDE DRAINAGE SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THE PLAT NO LANDSCAPING OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS-SECTIONS OF THE DRAINAGE EASEMENTS AS APPROVED SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE DIRECTOR OF PUBLIC WORKS THE CITY OF SAN ANTONIO AND BEXAR COUNTY SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT PROPERTY TO REMOVE ANY IMPENDING OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE EASEMENTS

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NO BUILDING PERMIT WILL BE ISSUED FOR THIS SITE UNTIL A STREETSCAPE PLAN HAS BEEN APPROVED IN ACCORDANCE WITH SECTION 35-512 OF THE UDC

SITE INTERSECTION POINTS TO N ELLISON DR MEET UDC 35-506D5 FOR SIGHT DISTANCE

FINISHED FLOOR ELEVATIONS MUST BE MINIMUM OF (8) INCHES ABOVE FINAL ADJACENT GRADE (35-504(E)(2)P-40)

DETENTION POND OR WATER QUALITY BASIN NOTE THE MAINTENANCE OF THE DETENTION POND (WATER QUALITY BASIN) AND OUTLET STRUCTURE THOSE IMPROVEMENTS WITHIN THE DETENTION EASEMENT OR PRIVATE EASEMENT SHALL BE THE RESPONSIBILITY OF THE LOT OWNERS OR HOME OWNERS ASSOCIATION THEIR SUCCESSORS OR ASSIGNS AND NOT THE RESPONSIBILITY OF THE CITY OF SAN ANTONIO AND OR BEXAR COUNTY

SURVEY NOTE

1 ALL BEARING AND DISTANCES REFERENCED HEREIN ARE TEXAS STATE PLANE COORDINATE SYSTEM GRID SOUTH CENTRAL ZONE (NAD 83) AS ESTABLISHED BY GLOBAL POSITIONING SYSTEM (GPS) THE GRID TO SURFACE SCALE FACTOR IS 1.000123

STATE OF TEXAS COUNTY OF BEXAR

I, COUNTY CLERK OF BEXAR COUNTY DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE DAY OF A.D. AT M AND DULY RECORDED THE DAY OF A.D. AT M IN THE DEED AND PLAT RECORDS OF BEXAR COUNTY IN BOOK/VOLUME ON PAGE IN TESTIMONY WHEREOF WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS DAY OF A.D. COUNTY CLERK BEXAR COUNTY TEXAS

BY DEPUTY

LEGEND

- FND FOUND
IP IRON PIN
BCDPR BEXAR COUNTY DEED AND PLAT RECORDS
RPRBC REAL PROPERTY RECORDS BEXAR COUNTY

SLAY ENGINEERING CO INC 4335 PIEDRAS DR W SUITE 210 SAN ANTONIO TEXAS 78228 (210) 734-4388 JOB NO 06-063 DATE 02-20-2007

MDP 2/25/19 Kyle Seale Ranch



City of San Antonio, Texas

Department of Development Services

August 7, 2007

Victor Rosales
Slay Engineering Co., Inc.
123 Altgelt Avenue
San Antonio, TX 78201

RE: Rights Determination File: # 07-07-040 (Kyle Seale Parkway Area Middle School)

Dear Mr. Rosales:

We have reviewed your rights determination that was submitted on July 16, 2007. Based on the information provided the following is our official finding:

Recommend disapproval of rights effective 1994. There is no information to support the establishment of a project in 1994. While POADP # 286 may be a permit it did not identify a project for any area. Applicant may have rights effective July 16, 2007, when fair notice of the project was provided to the City of San Antonio. To establish vested rights the "application must give the regulatory agency fair notice of the project and the nature of the permit sought." Texas Local Government Code, Chapter 245.002

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

RECEIVED

07 JUL - 9 AM 1: 04



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

Intake Date: 7/16/07

Intake By: Larry Od:5

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: Northside Independent School District

Agent: Slay Engineering Co., Inc.

Phone: 210-734-4388 Fax: 210-734-6401

Address: 123 Altgelt Ave.

City: San Antonio State: Texas Zip code: 78201

Engineer/Surveyor: Same as agent Contact: _____

Address: _____ Phone#: _____

City: _____ State: _____ Zip code: _____

Name of Project: Kyle Seale Parkway Area Middle School

Site location or address of project and legal description:

Southeast corner of Kyle Seale Parkway and Tall Heights.

Legal Description: Lot #1, Block #5, N.C.B. #14761

See attached exhibit, labeled location map.

City Council District(s): 8 ETJ: Yes Edward's Aquifer Recharge Zone? Yes

1. Describe current use(s) of the property: Undeveloped
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: Middle School
- (b) Total land area, in square feet: Approximately 1,190,494 SF
- (c) Total area of impervious surface, in square feet: Approximately 546,800 SF
- (d) Number of residential dwellings units, by type: N/A
- (e) Type and amount of non-residential square footage (ground floor building footprint only):
Main Building: 140,125 SF, Portables: 8,900 SF
- (f) Number of buildings: 7
- (g) Phases of the development (if applicable): N/A

3. List ordinances to which the Project described in item #2 above will seek exception to based on the date requested for recognition of rights. State specific sections of the San Antonio Municipal Code and their effective dates: 1994 Tree Ordinance

File # _____

Assigned by City Staff

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

RECEIVED
07 JUL -9 PM 1:04

PERMIT

Type of Permit: _____ Date of Application: _____
Permit Number: _____ Date issued: _____
Expiration Date: _____ Acreage: _____

MASTER DEVELOPMENT PLAN (MDP) (Formerly POADP)

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

Name: Kyle Seale Ranch # 286

Date accepted: _____ Expiration Date: 09/01/2007 MDP Size: 1,325 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:

RECEIVED

LAND DEVELOPMENT SERVICES DIVISION

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

The original POADP #286 was approved on May 24, 2007. We received a letter from Fernando DeLeon, P.E. stating that the new sunset date for this project (POADP #286) is September 01, 2007.

6. Requested date for claim of rights for this Project: 1994

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

None

Consent Agreements Only:

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

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

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

8. Sworn statement:

RECEIVED

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.

LAND DEVELOPMENT SERVICES DIVISION

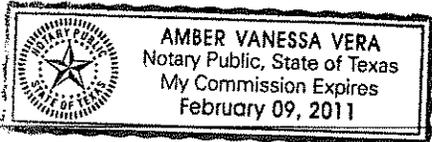
I, the undersigned, hereby certify that all information contained herein and the attached documents are true and correct and that it is my belief that the property owner is entitled to the requested rights for this Project and, during the pendency of this determination, I understand my continuing obligation 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: Roger C. Lawhead, P.E.

Signature:

Date: 7-3-07

Sworn to and subscribed before me by Amber Vanessa Vera on this 3 day of July in the year 2007, to certify which witness my hand and seal of office.



Amber Vanessa Vera
Notary Public, State of Texas

Director's Decision: Approved

Denied

Reviewed By: _____

Date: _____

Development Services Department

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

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

City of San Antonio

Development Services Department

Fair Notice Form



RECEIVED
07 JUL -9 PM 1:04

LAND DEVELOPMENT
SERVICES DIVISION

Date: 7/9/07 Notice Number: FN07-0067

1. Original Fair Notice Form Number if Applicable: _____
2. Existing Vested Rights Permit No. if applicable: VPR #01-09-022

COSA USE ONLY	
Expiration date: <u>8/23/07</u>	Authorized Rep: <u>Larry Od:s</u>

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

- | | |
|--|--|
| <input type="checkbox"/> Building Permit: No. _____ | <input type="checkbox"/> Military Airport Overlay Zone (MAOZ) No. _____ |
| <input checked="" type="checkbox"/> Master Development Plan (MDP)
(Formerly POADP) No. <u>286</u> | <input type="checkbox"/> P.U.D. Plan
No. _____ |
| <input type="checkbox"/> MDP/ P.U.D. Plan
(Combination) No. _____ | <input type="checkbox"/> Mixed Use District (MXD)
No. _____ |
| <input type="checkbox"/> Master Plan Community District (MPCD)
No. _____ | <input type="checkbox"/> Traditional Neighborhood Development (TND)
No. _____ |
| <input type="checkbox"/> Manufactured Home Park Plan (MHPP)
No. _____ | <input type="checkbox"/> Pedestrian Plan (PP) No. _____ |
| <input type="checkbox"/> Flexible Development District No. _____ | <input type="checkbox"/> Single-Family (Residential) Plat No. _____ |
| <input type="checkbox"/> Urban Development (UD) | <input type="checkbox"/> Rural Development (RD) |
| <input type="checkbox"/> Farm and Ranch (FR) | <input type="checkbox"/> Mix Light Industrial (MI-1) |

VRP# 07-07-040

FN07-0067

City of San Antonio Development Services Department

Fair Notice Form RECEIVED

(Con't) 07 JUL -9 PM 1: 04

The following projects require a site plan.

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

*SAWS/ Utilities No. Category Determination Letter from SAWS:

*CPS Energy/ Utilities No. Other:

*Application for Letter of Certification (LOC) (Subdivision Plat No. issued):

The following single plat projects require a site plan:

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

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

(a) Single - Family: Allocation in Square Feet & Acreage
Use Allocation in Square Feet & Acreage
Density

(b) Multi -Family: Land Allocation in Square Feet & Acreage
Use Allocation in Square Feet & Acreage
Density

(c) Commercial: Land Allocation in Square Feet & Acreage 1,190,494 SF, 27.33 AC
Use Allocation in Square Feet & Acreage 639,599 SF, 14.68 AC

(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#07-07-040

FN07-0067

RECEIVED

City of San Antonio Development Services Department

Fair Notice Form

(Con't)

8. Project Name: Kyle Seale Parkway Area Middle School
Property Description: Middle School

Owner: Northside Independent School District Phone: 210-397-1215 Fax: 210-257-1212

Address: 5900 Evers Rd City: San Antonio State TX Zip Code: 78238

Agent: Slay Engineering Co., Inc. Phone: 210-734-4388 Fax: 210-734-6401

Address: 123 Altgelt Ave. City: San Antonio State TX Zip Code: 78201

Applicant: Same as agent Phone: Fax:

Address: City: State Zip Code:

Engineer/Surveyor: Same as agent Phone: Fax:

Address: City: State Zip Code:

Contact Person Name: Roger C. Lawhead, P.E. E-mail: rlawhead@slayengineering.com

Phone: 210-734-4388 Fax: 210-734-6401

Site is over/within/includes:

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

Council District: 8 School District: N.I.S.D. Ferguson map grid: 513 C-5

Owner or Authorized Representative:

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

Print Name: Roger c. Lawhead, P.E. Signature: [Handwritten Signature] 1-3-07

Address: 123 Altgelt Ave. City: San Antonio State TX Zip Code: 78201

E-mail: rlawhead@slayengineering.com

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

VRP#07-07-040

Presented to PC on Sept 12, 07
M. Ramirez

**CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT**
Interdepartmental Correspondence

TO: San Antonio Planning Commission

FROM: Melissa Ramirez, Special Projects Coordinator through Fernando De León,
Development Services Assistant Director

COPY: File and City Attorney's Office

SUBJECT: Appeal of Kyle Seale Area Parkway Middle School rights determination for
POADP # 286

DATE: September 12, 2007

SUMMARY AND RECOMMENDATION:

The applicant has filed an appeal of a denial for statutory rights associated with Kyle Seale Ranch POADP # 286. Section 35-712(d) of the Unified Development Code (UDC) authorizes the Planning Commission to hear such appeals. The issue is whether or not POADP # 286 provided fair notice of the NISD school project. Staff believes the applicant's POADP did not identify a project however it was identified in MDP # 800.

Staff recommends denial of the appeal as submitted, but will support rights effective August 13, 2004.

BACKGROUND INFORMATION:

A rights determination application was submitted on July 16, 2007, for NISD by Slay Engineers requesting a 1994 date for statutory rights. Based on the information provided in the application, the City's official recommendation was disapproval of rights effective 1994. No permits were presented to support a 1994 date; instead the applicant claimed rights under POADP # 286, Kyle Seale Ranch, accepted by the City on February 25, 1988. Based on the information submitted to the City, staff recommended statutory rights effective July 16, 2007, this date was supported by the submittal of the fair notice form that was attached to the rights determination application as per the Texas Local Government Code, Chapter 245.002.

During staff review of the rights determination application, the City recognized that the Kyle Seale Ranch POADP # 286 identified only three land uses: commercial, multi-family, and residential. This POADP did not identify a particular project nor a school site anywhere on the plan. Since the acceptance date of the POADP # 286 there have been several amendments to the plan, which updated and replaced # 286, the first being the Master Development Plan for the Grandview Subdivision, MDP # 800. MDP # 800 was submitted on August 13, 2004 and amended a portion of the original POADP # 286. The MDP # 800 was the first notice given to the City of a school project since it specifically identified the location of the school site,

consistent with the rights determination application. From this information, staff supports a recommendation of rights effective August 13, 2004.

POLICY ANALYSIS:

Vested rights are recognized in San Antonio through the provisions of the Unified Development Code and Chapter 245 of the Local Government Code. The City will recognize rights associated with a project consistent with Chapter 245. The Kyle Seale POADP #286 is a permit, but did not identify a specific project for any area. MDP #800 provided fair notice of a project containing phased single family development consisting of 91.93 acres, townhouse development consisting of 6.16 acres, a 4.15 acre amenity and a 27.32 acre school site. As such, the City could support rights for the applicant's project as of August 13, 2004 consistent with MDP # 800.

STAFF RECOMMENDATION:

The POADP #286 did not identify the applicant's proposed project and therefore the City could not support the applicant's request of statutory rights effective 1994. The City could support a change in the initial recommendation of rights effective July 16, 2007 to rights effective August 13, 2004 based on MDP # 800 identifying the applicant's project. The Director's determination to deny statutory rights as requested was based on the information submitted by the applicant.

Staff recommends that the Planning Commission support the Director's decision to modify the effective date of rights from July 16, 2007 as originally recommended to August 13, 2004 based on the project first identified in MDP # 800.

**Kyle Seale Area Parkway
Middle School
Rights Determination Appeal**

Item No. 29

Planning Commission

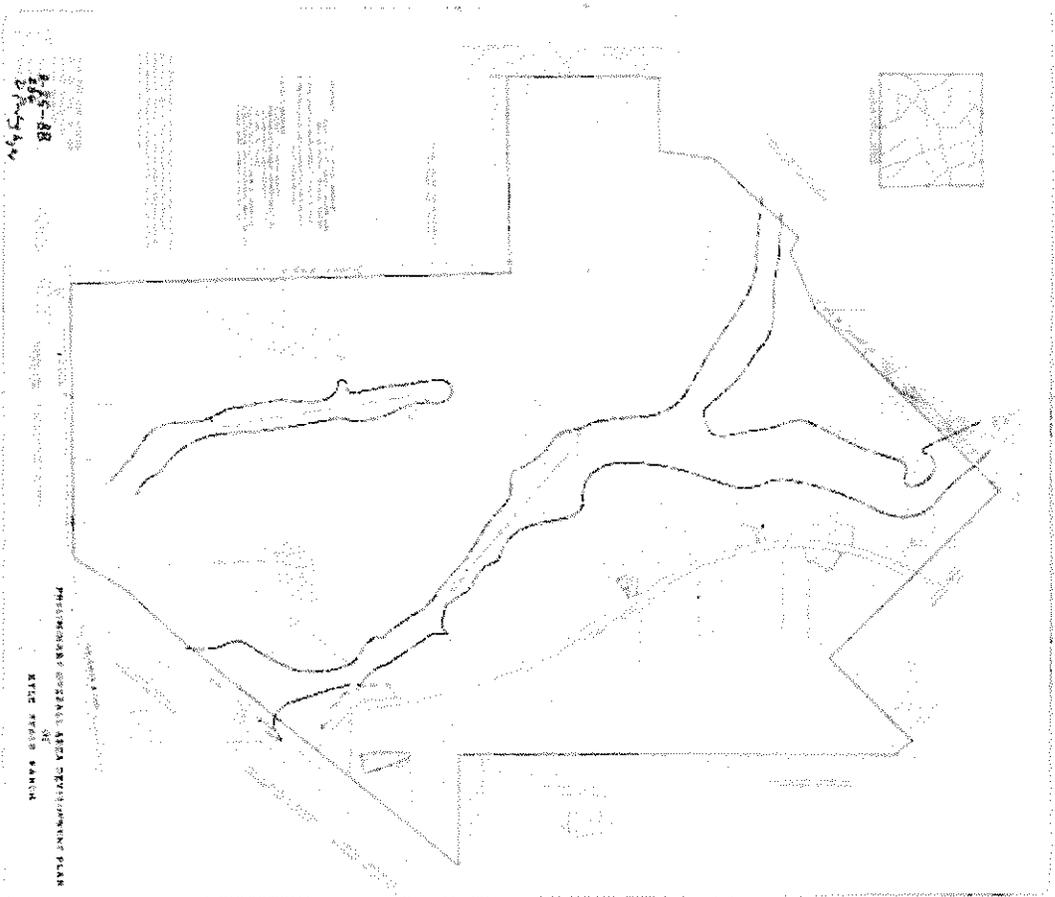
September 12, 2007

Briefing Purpose

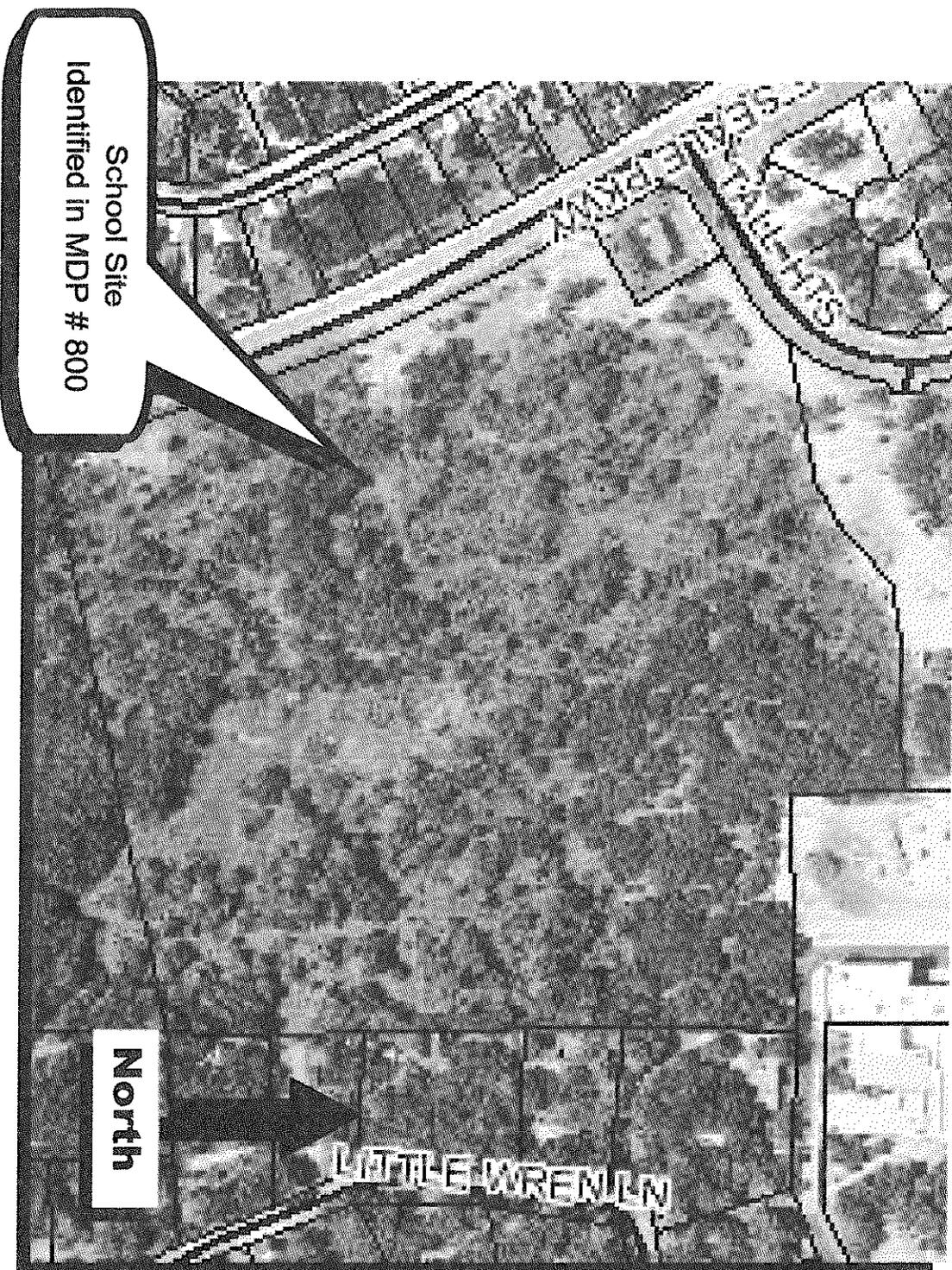
- The applicant has appealed the denial of statutory rights
- §35-712(d) of the UDC provides that:
 - *“ In the event an applicant for recognition of statutory rights is aggrieved by an action taken regarding the recognition of those rights or the application of the above requirements, the applicant may appeal the decision of the director of the department development services to the planning commission by filing a request for appeal 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. ”*

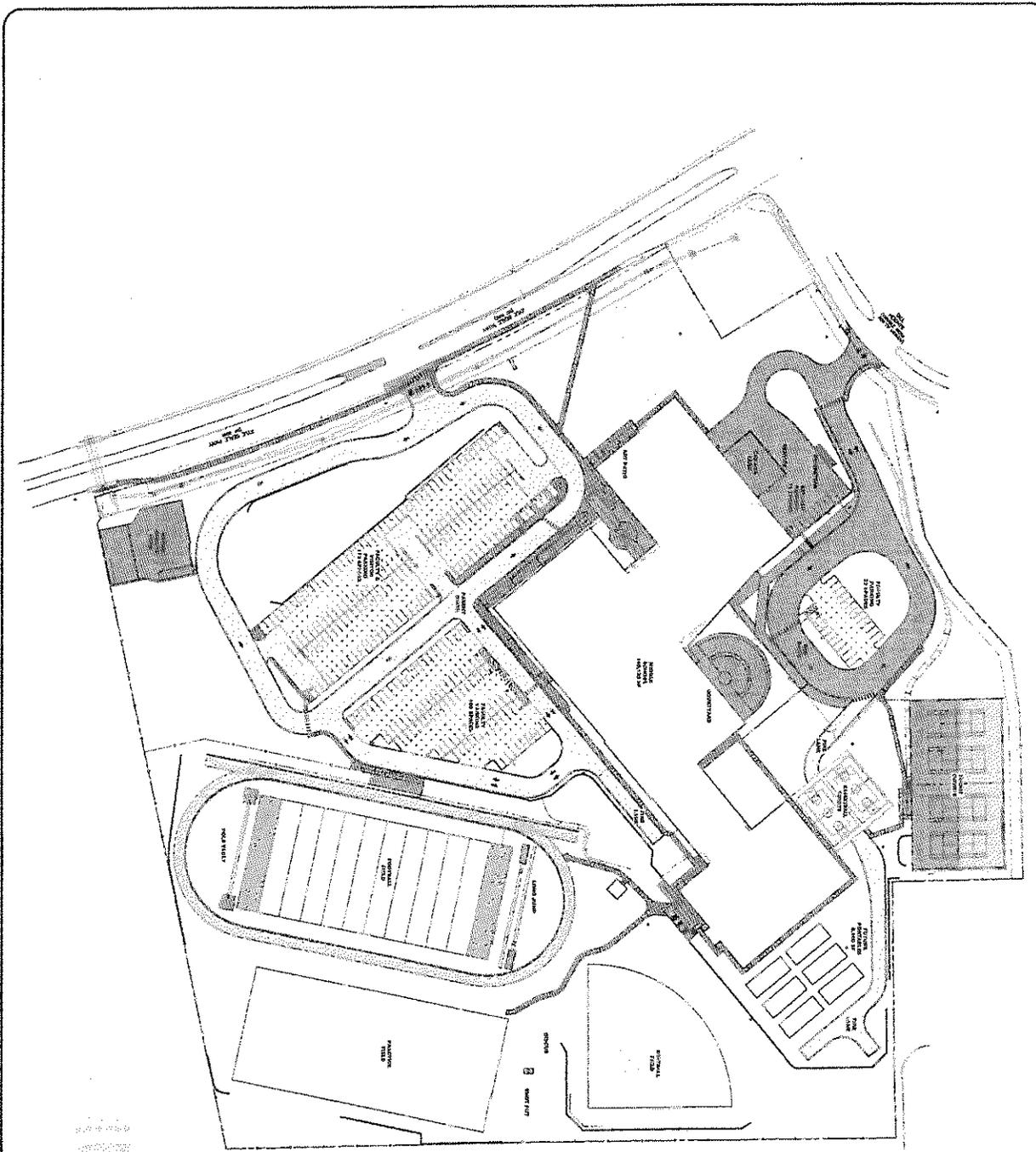
Background

- Applicant claims rights for 1994
- No permits were presented to support a 1994 date instead the applicant claimed rights under POADP # 286, Kyle Seale Ranch, accepted by the City on February 25, 1988.
 - This POADP did not identify a specific school site project for any area.
- Based off the information submitted to the City, staff recommended rights effective July 16, 2007, this date was supported by the submittal of the fair notice form that was attached to the rights determination application.



Site





TABLE

[Symbol]	CONCRETE
[Symbol]	ASPHALT DRIVE
[Symbol]	ASPHALT DRIVE
[Symbol]	ASPHALT DRIVE

0'-0" = 1'-0" 0'-0" = 1'-0" 0'-0" = 1'-0"

PROJECT: 07-040

LOCATION MAP

DATE: 05-05-07

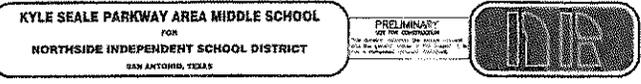
OVERALL SITE PLAN

Plan: 07-040-2

NOONAN RITTIMANN ARCHITECTS, LLC
 11002 S. ST. MARK
 SAN ANTONIO, TEXAS 78212

KYLE SEALE PARKWAY AREA MIDDLE SCHOOL
 FOR
NORTHSIDE INDEPENDENT SCHOOL DISTRICT
 SAN ANTONIO, TEXAS

PRELIMINARY
 NOT FOR CONSTRUCTION
 THE DESIGN, INCLUDING THE CONSTRUCTION
 AND THE QUALITY OF THE WORK SHALL BE
 THE RESPONSIBILITY OF THE CONTRACTOR.
 DATE: 05-05-07



Policy Analysis

- The Kyle Seale POADP #286 is a permit, but did not identify a specific project for any area.
- MDP #800 provided fair notice of a project containing phased single family development consisting of 91.93 acres, townhouse development consisting of 6.16 acres, a 4.15 acre amenity and a 27.32 acre school site.

Staff Recommendation

- The POADP #286 did not identify the applicant's proposed project and therefore the City could not support the applicant's request of statutory rights effective 1994. The City could support a change in the initial recommendation of rights effective July 16, 2007 to rights effective August 13, 2004 based on MDP # 800 identifying the applicant's project.
- Staff recommends that the Planning Commission support the Director's decision to modify the effective date of rights from July 16, 2007 as originally recommended to August 13, 2004.

Planning Commission Review

- In review of this appeal the Planning Commission may either:
 - Make a finding to support the Director's recommendation of statutory rights effective August 13, 2004, or
 - Make a finding of how the Director erred in denying rights effective 1994 based on the information initially provided by the applicant.

**Kyle Seale Area Parkway
Middle School
Rights Determination Appeal**

Item No. 29

Planning Commission

September 12, 2007



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



07 JUL -9 PM 1:04

LAND DEVELOPMENT

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:

VRP# 07-07-040

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.)

providing 2nd set with corrected site plan, and PoADP validation letter.

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: Larry Odio Date: 7/9/07

RECEIVED



City of San Antonio 1:04
Development Services Department
Local Government Code Chapter 245/A Article VII
Unified Development Code
Rights Determination/Consent Agreement

Intake Date: 7/16/07

Intake By: Larry Odus

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: Northside Independent School District

Agent: Slay Engineering Co., Inc.

Phone: 210-734-4388 Fax: 210-734-6401

Address: 123 Altgelt Ave.

City: San Antonio State: Texas Zip code: 78201

Engineer/Surveyor: Same as agent Contact: _____

Address: _____ Phone#: _____

City: _____ State: _____ Zip code: _____

Name of Project: Kyle Seale Parkway Area Middle School

Site location or address of project and legal description:

Southeast corner of Kyle Seale Parkway and Tall Heights.

Legal Description: Lot #1, Block #5, N.C.B. #14761

See attached exhibit, labeled location map.

File # _____ Assigned by City Staff _____

City Council District(s): 8 ETJ: Yes Edward's Aquifer (Recharge Zone)? Yes

1. Describe current use(s) of the property: Undeveloped 07 JUL -9 PM 1: 04

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: Middle School

(b) Total land area, in square feet: Approximately 1,190,494 SF

(c) Total area of impervious surface, in square feet: Approximately 546,800 SF

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

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

Main Building: 140,125 SF, Portables: 8,900 SF

(f) Number of buildings: 7

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

3. List ordinances to which the Project described in item #2 above will seek exception to based on the date requested for recognition of rights. State specific sections of the San Antonio Municipal Code and their effective dates: 1994 Tree Ordinance

File # _____ Assigned by City Staff _____

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

RECEIVED
07 JUL -9 PM 1:04
LAND DEVELOPMENT
SERVICES DIVISION

PERMIT

Type of Permit: _____ Date of Application: _____
 Permit Number: _____ Date issued: _____
 Expiration Date: _____ Acreage: _____

MASTER DEVELOPMENT PLAN (MDP) (Formerly POADP)

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

Name: Kyle Seale Ranch # 286
 Date accepted: _____ Expiration Date: 09/01/2007 MDP Size: 1,325 acres

P.U.D. PLAN

Name: _____ # _____
 Date accepted: _____

PLAT APPLICATION

Fair Notice required with plat application

Plat Name: _____ Plat # _____ Acreage: _____
 Date submitted: _____ Expiration Date: _____

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

APPROVED PLAT

Plat Name: _____ Plat # _____ Acreage: _____ Approval _____
 Date: _____ Plat recording Date: _____ Expiration Date: _____ Vol./Pg. _____

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

OTHER PERMITS:

File # _____ Assigned by City Staff _____

RECEIVED

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

LAND DEVELOPMENT SERVICES DIVISION

The original POADP #286 was approved on May 24, 2007. We received a letter from Fernando DeLeon, P.E. stating that the new sunset date for this project (POADP #286) is September 01, 2007.

6. Requested date for claim of rights for this Project: 1994

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

None

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.

RECEIVED

8. Sworn statement:

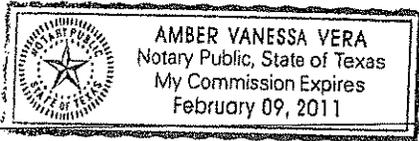
NOTE: Filing a knowingly false statement on this document, or any attached document, is a crime under §37.02 and §37.10 of the Texas Penal Code, punishable as a state jail felony by up to two years in jail and fine of up to \$10,000.

LAND DEVELOPMENT
SERVICES DIVISION

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: Roger C. Lawhead, P.E. Signature: [Signature] Date: 7-3-07

Sworn to and subscribed before me by Amber Vanessa Vera on this 3 day of July in the year 2007, to certify which witness my hand and seal of office.



[Signature]
Notary Public, State of Texas

Director's Decision: Approved Denied

Reviewed By: _____ Date: _____
Development Services Department

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

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

LETTER OF TRANSMITTAL

S SLAY ENGINEERING CO., INC.
L 123 ALTGELT AVENUE
A SAN ANTONIO, TEXAS 78201
Y (210) 734-4388
 (210) 734-6401 FAX

RECEIVED
 07 JUL -9 PM 1:04

DATE	7-9-07	JOB NO	06-063
ATTENTION: Sandra			
RE: Plat # 070262			

LAND DEVELOPMENT
 SERVICE DIVISION

TO: Development Service Dept.

1901 South Alamo

San Antonio, TX 78204

210-207-1111

06-063-0000

WE ARE SENDING YOU Attached Under separate cover via COURIER the following items:

- Shop drawings Prints Plans Samples Specifications
 Copy of Letter Change Order FLOPPY DISK

COPIES	DATE	NO.	DESCRIPTION
1	7-9-07		Rights Determination Package
1	7-9-07		SitePlan
1	7-9-07		Check # 15009 for the amount of \$500.00

THESE ARE TRANSMITTED as checked below

- For approval Approved as submitted Resubmit ____ copies for approval
 For your use Approved as noted Submit ____ copies for distribution
 As requested Returned for corrections Return ____ corrected prints
 For review and comment _____
 FOR BIDS DUE _____ 20____ PRINTS RETURNED AFTER LOAN TO US

REMARKS: Please contact our office if you have any questions and/or concerns. Thank you for your time in this matter.

SENT BY: Victor Rosales SIGNED FOR: _____



City of San Antonio, Texas

Department of Development Services

August 7, 2007

Victor Rosales
Slay Engineering Co., Inc.
123 Altgelt Avenue
San Antonio, TX 78201

RE: Rights Determination File: # 07-07-040 (Kyle Seale Parkway Area Middle School)

Dear Mr. Rosales:

We have reviewed your rights determination that was submitted on July 16, 2007. Based on the information provided the following is our official finding:

Recommend disapproval of rights effective 1994. There is no information to support the establishment of a project in 1994. While POADP # 286 may be a permit it did not identify a project for any area. Applicant may have rights effective July 16, 2007, when fair notice of the project was provided to the City of San Antonio. To establish vested rights the "application must give the regulatory agency fair notice of the project and the nature of the permit sought." Texas Local Government Code, Chapter 245.002

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

Sincerely,

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

Picked up by:

Date: 8/14/07



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.)

VR P# 07 - 07 - 040

RECEIVED
 07 JUL 16 PM 12:58
 LAND DEVELOPMENT
 SERVICES DIVISION

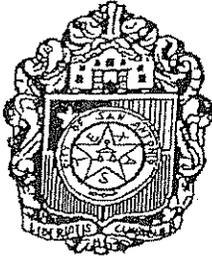
In addition to the required processing as set forth above, an Application for Consent Agreement Approval shall include, but shall not be limited to the following:

- 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: Larry Odis Date: 7/16/07



City of San Antonio
New
Vested Rights Permit
APPLICATION

LAND DEVELOPMENT
 SERVICES DEPARTMENT

07 JUL 16 PM 12:58

Permit File: # VRP 01-9-022

Date: _____

Assigned by city staff

9/14/01

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 subject of application and attach 2 sets of all applicable documents (i.e. this application, Master Development Plan (Formaly POADP), P.U.D. plan, plat application, approved plat, building permit).

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

1. Owner/ Agent Laredo Sonoma Ranch, Ltd. Attn: Brad Galo
2. Address: 15102 Jones Maltsberger, Suite 101
3. Zip: 78247 Telephone # (210) 947-3385
4. Site location or address northwest corner of FM 1560 and Loop 1604 intersection
5. Council District N/A ETJ Over Edward's Aquifer Recharge yes () no

• **MASTER DEVELOPMENT PLAN (MDP) (Formaly 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 18 months for the POADP acceptance date.

Name: Kyle Seale Ranch # 286

Date accepted: 02/25/88 Expiration Date: 09/01/07 MDP Size: 1,325 acres

• **P.U.D. PLAN**

Name: _____ # _____

Date accepted: _____

VRP# 07-07-040

• **Plat Application**

Plat Name: _____ Plat # _____ Acreage: _____

Date submitted: _____ Expiration Date: _____

(Note: Plat must be approved within 18 months of application submittal date).

• **Approved Plat**

Plat Name: Kyle Seale Parkway Subdivision Plat # 880172 Acreage: 15.22 Approval

Date: 09/28/88 Plat recording Date: 07/26/89 Expiration Date: -0- Vol./Pg. 9520, Pages 201-204

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

• **Others**

Type of Permit: _____ Date issued: _____ Expiration Date: 07 JUL 16 PM 12:55

Acreage: _____

(Note: Two maps of the area must be provided)

AND DEPT. OF REVENUE
SERVICES DIVISION
RECEIVED

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.

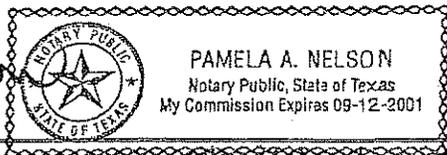
I hereby certify that all information this Application and the attached documents are true and correct and that it is my belief the property owner is entitled to Vested Rights on the listed location.

Print name: A. Bradford Galo Signature: [Signature] Date: 9/5/2001

Sworn to and subscribed before me by on this 6th day of September 2001, to certify which witness by hand and seal of office.

Notary Public, State of Texas, My Commission expires: 9/12/2001

Pamela A. Nelson
NOTARY PUBLIC



VRP# 07-07-040

City of San Antonio use

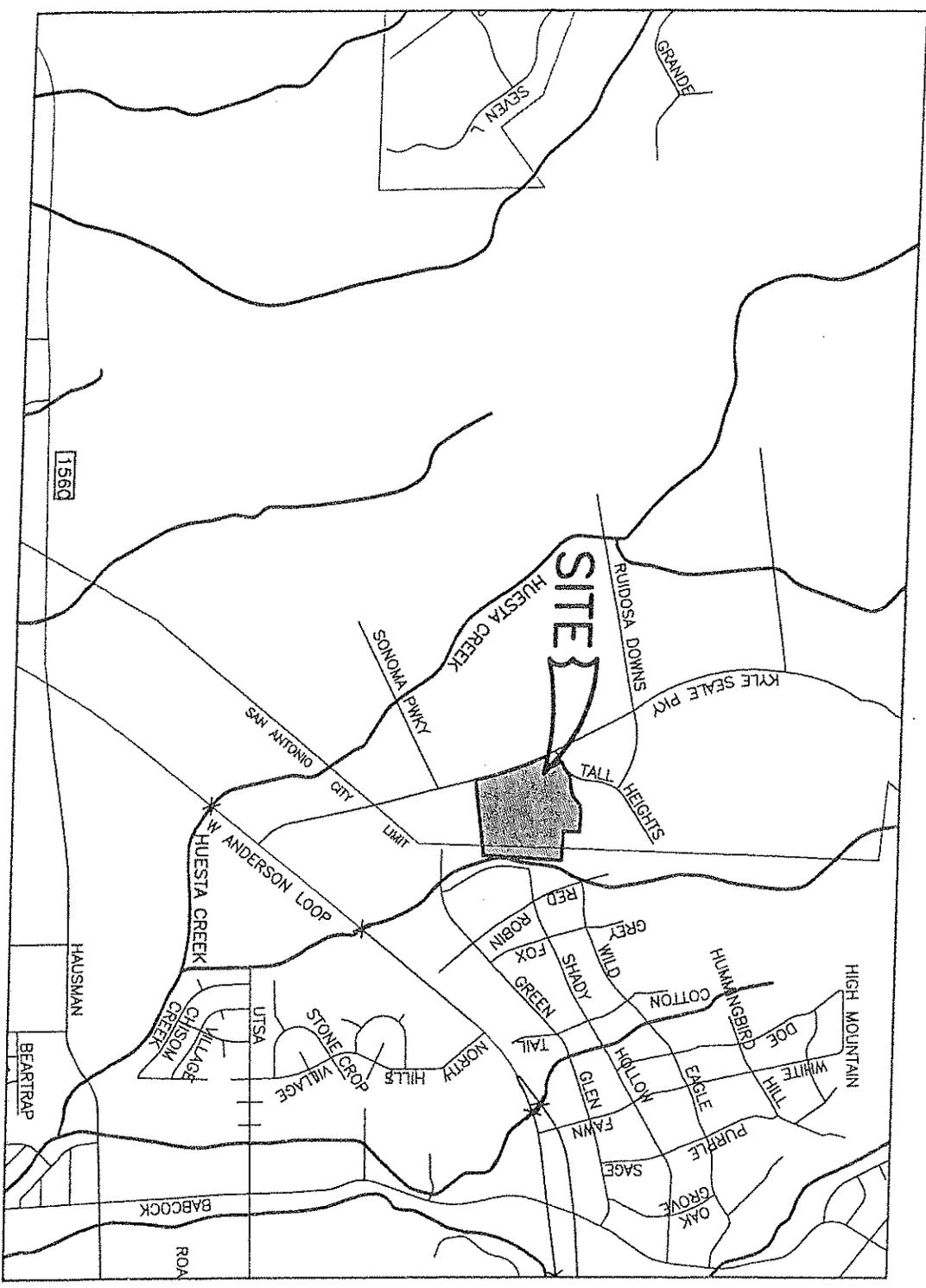
Approved

Disapproved

Review By: [Signature]
Assistant City Attorney

Date: 10/04/01

LOCATION MAP



KYLE SEALE PARKWAY AREA MIDDLE SCHOOL

SCALE: 1" = 2000'-0"



0 2000 4000



VRP#07-07-040

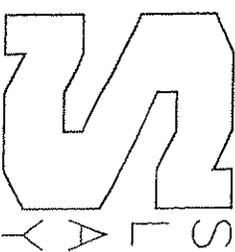
LAND DEVELOPMENT SERVICES DIVISION

07 JUL 16 PM 12:59

RECEIVED

DATE: 06/14/07

JOB: 06-063

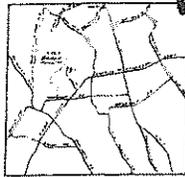


ENGINEERING CO., INC.
 123 ALTGELT AVE.
 SAN ANTONIO, TEXAS 7320
 PH. (210) 734-4388
 FAX (210) 734-6401

VRP# 07-07-040

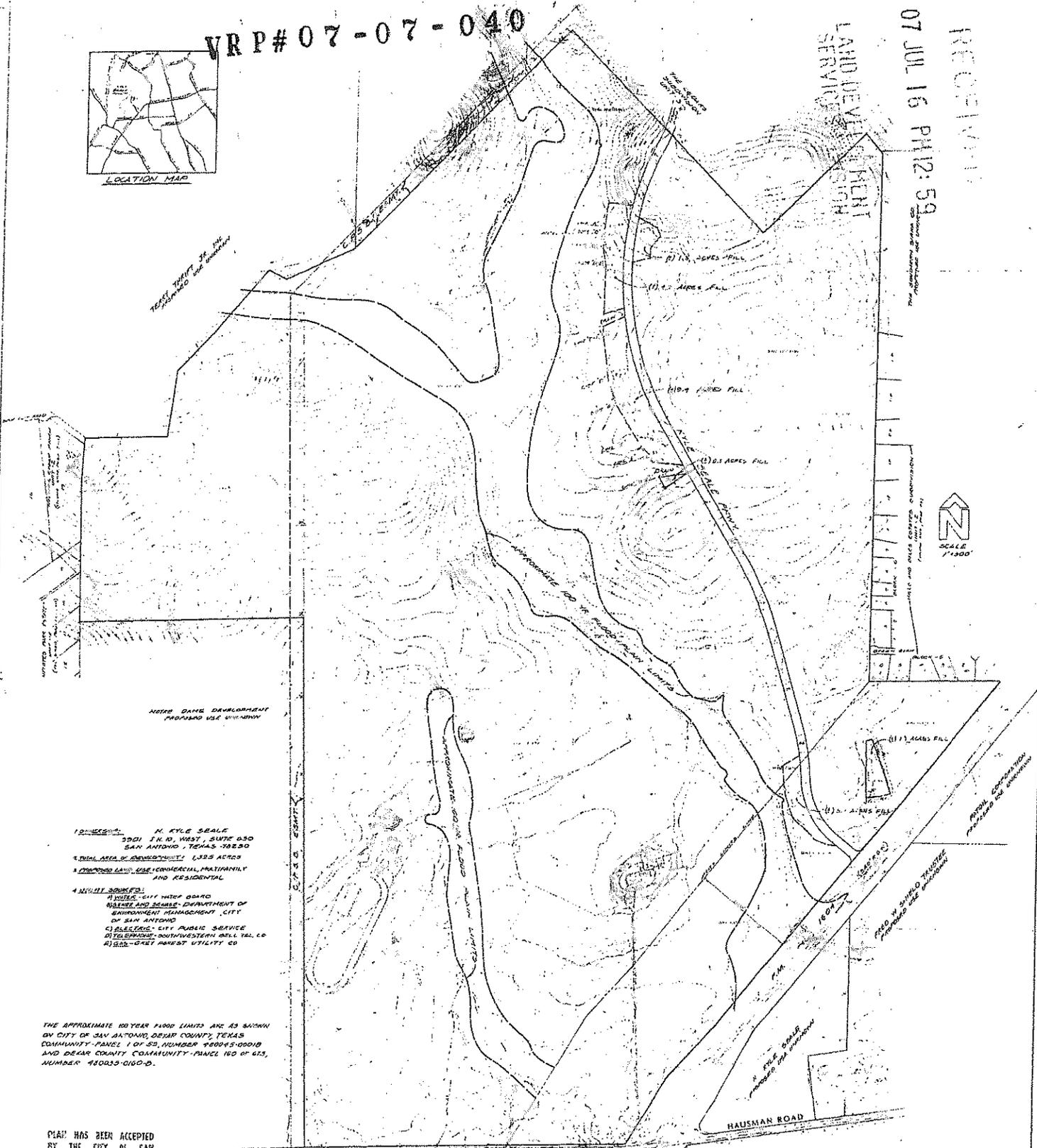
07 JUL 16 PM 12:59

REC'D 1/1/11



LOCATION MAP

LAND DEVELOPMENT SERVICE



NOTE: DRAINAGE DEVELOPMENT PROPOSED USE UNKNOWN

- 1 DESIGNER: N. KYLE SEALE, 3001 I.R.D. WEST, SUITE 030, SAN ANTONIO, TEXAS 78220
- 2 FULL AREA OF SUBJECT PROPERTY: 122.5 ACRES
- 3 PROPOSED LAND USE: COMMERCIAL, MULTIFAMILY AND RESIDENTIAL
- 4 SOURCE OF DATA:
 - A SOURCE - CITY WATER BOARD
 - B SOURCE AND SOURCE - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, CITY OF SAN ANTONIO
 - C SOURCE - CITY PUBLIC SERVICE
 - D SOURCE - SOUTHWESTERN BELL TELE CO
 - E SOURCE - GAST ARREST UTILITY CO

THE APPROXIMATE 100-YEAR FLOOD LIMITS ARE AS SHOWN ON CITY OF SAN ANTONIO, DEAR COUNTY, TEXAS COMMUNITY PANEL 1 OF 52, NUMBER 400045-0001B AND DEAR COUNTY COMMUNITY PANEL 150 OF 673, NUMBER 400035-0100-D.

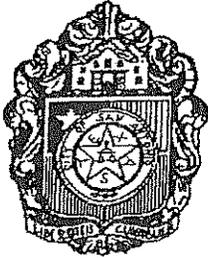
PLAN HAS BEEN ACCEPTED BY THE CITY OF SAN ANTONIO DEVELOPMENT COMMISSION. APPROVED: 8-25-88. SIGNED: D. P. [Signature]

PRELIMINARY OVERALL AREA DEVELOPMENT PLAN OF KYLE SEALE RANCH

DATE: 8/25/88. APPROVED: [Signature]. PROJECT: [Project Name]



File # _____ Assigned by City Staff _____



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

Intake Date: _____

Intake By: Larry Od's

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: Northside Independent School District

Agent: Slay Engineering Co., Inc.

Phone: 210-734-4388 Fax: 210-734-6401

Address: 123 Altgelt Ave.

City: San Antonio State: Texas Zip code: 78201

Engineer/Surveyor: Same as agent Contact: _____

Address: _____ Phone#: _____

City: _____ State: _____ Zip code: _____

Name of Project: Kyle Seale Parkway Area Middle School

Site location or address of project and legal description:

Southeast corner of Kyle Seale Parkway and Tall Heights.

Legal Description: Lot #1, Block #5, N.C.B. #14761

See attached exhibit, labeled location map.

LETTER OF TRANSMITTAL

S SLAY ENGINEERING CO., INC.
 123 ALTGELT AVENUE
 SAN ANTONIO, TEXAS 78201
 (210) 734-4388
 (210) 734-6401 FAX

DATE	7-12-07	JOB NO	06-063
ATTENTION: Larry Otis			
RE: Plat # 070262			
LAND DEVELOPMENT DIVISION			
SERVICES			

07 JUL 12 PM 12:22
 LAND DEVELOPMENT DIVISION
 SERVICES

TO: Development Service Dept.

1901 South Alamo

San Antonio, TX 78204

210-207-1111

VRP# 07-07-040

WE ARE SENDING YOU Attached Under separate cover via COURIER the following items:

- Shop drawings Prints Plans Samples Specifications
 Copy of Letter Change Order FLOPPY DISK

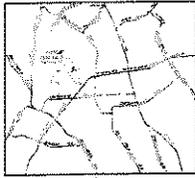
COPIES	DATE	NO.	DESCRIPTION
2	7-12-07		Rights Determination Package
2	7-12-07		SitePlan
2	7-12-07		Original Permit

THESE ARE TRANSMITTED as checked below

- For approval Approved as submitted Resubmit ____ copies for approval
 For your use Approved as noted Submit ____ copies for distribution
 As requested Returned for corrections Return ____ corrected prints
 For review and comment _____
 FOR BIDS DUE _____ 20____ PRINTS RETURNED AFTER LOAN TO US

REMARKS: Please contact our office if you have any questions and/or concerns. Thank you for your time in this matter.

SENT BY: Victor rosales SIGNED FOR: _____



LOCATION MAP

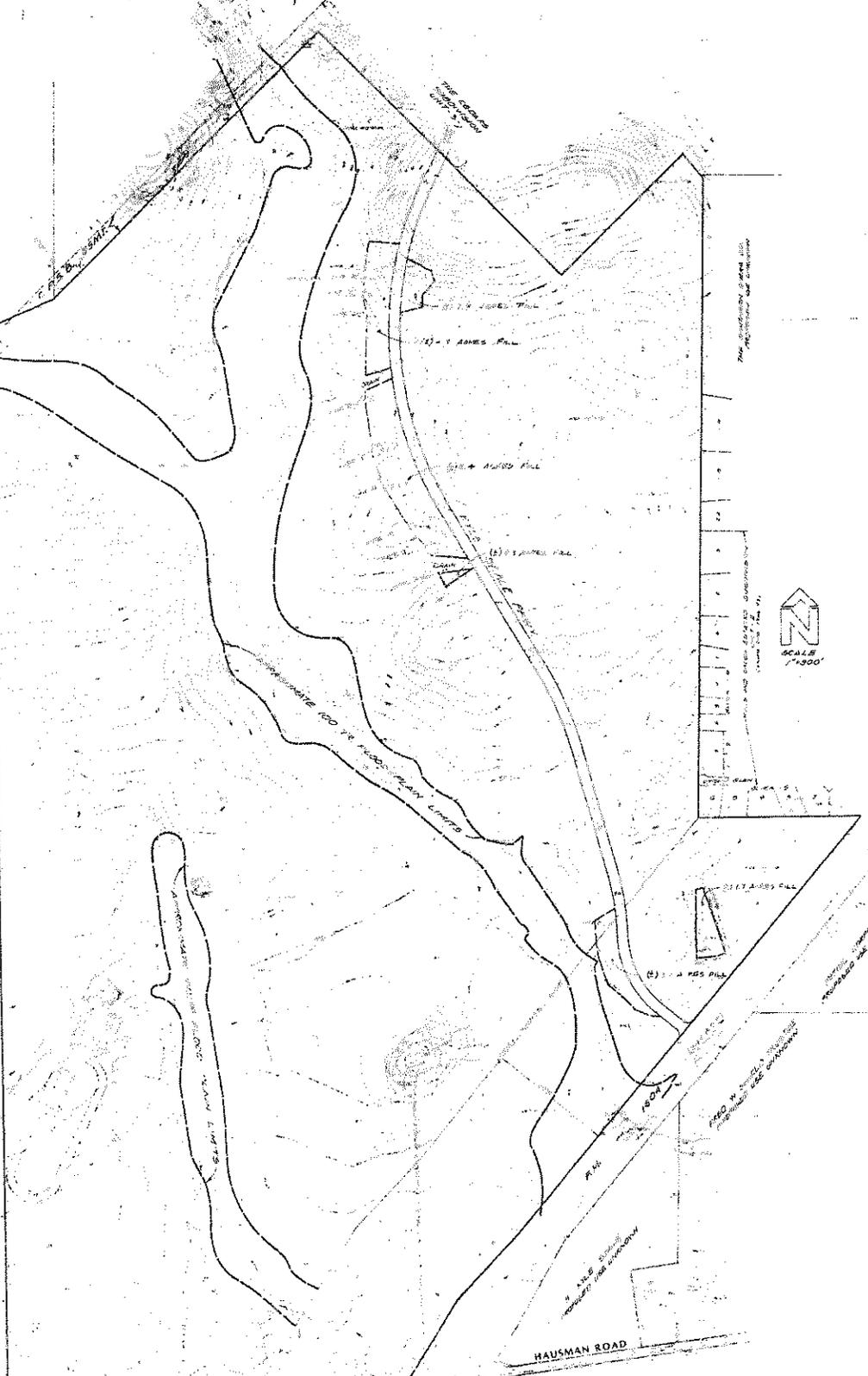
THESE ARE THE BOUNDARIES OF THE PROPERTY AS SHOWN ON THE SURVEY MAP OF THE PROPERTY

THESE ARE THE BOUNDARIES OF THE PROPERTY AS SHOWN ON THE SURVEY MAP OF THE PROPERTY

- 1. QUANTITY:** 11 KYLE SCALE
 2301 IN. 10. WEST, S. 17E 230
 SAN ANTONIO, TEXAS 78230
2. TOTAL AREA OF DEVELOPMENT: 1,325 ACRES
3. PROPOSED LAND USE: COMMERCIAL, MULTIFAMILY AND RESIDENTIAL
4. SERVICE UTILITIES:
 (A) WATER: CITY WATER BOARD
 (B) SEWER: SEWER DEPARTMENT OF ENVIRONMENTAL MANAGEMENT CITY OF SAN ANTONIO
 (C) ELECTRIC: CITY PUBLIC SERVICE
 (D) TELEPHONE: SOUTHWESTERN BELL TEL. CO.
 (E) GAS: BAY FOREST UTILITY CO.

THE APPROXIMATE 100 YEAR FLOOD LIMITS ARE AS SHOWN ON CITY OF SAN ANTONIO, BAY COUNTY, TEXAS COMMUNITY FLOOD DAMAGE REDUCTION STUDY AND BAY COUNTY COMMISSION - RANGE 100 OF 675, NUMBER 1-10010-10010.

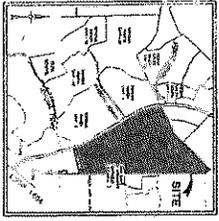
PLAN WAS BEEN ACCEPTED BY THE CITY OF SAN ANTONIO DEVELOPMENT DEPARTMENT
 2-25-88
 286
 D. Parley by RV



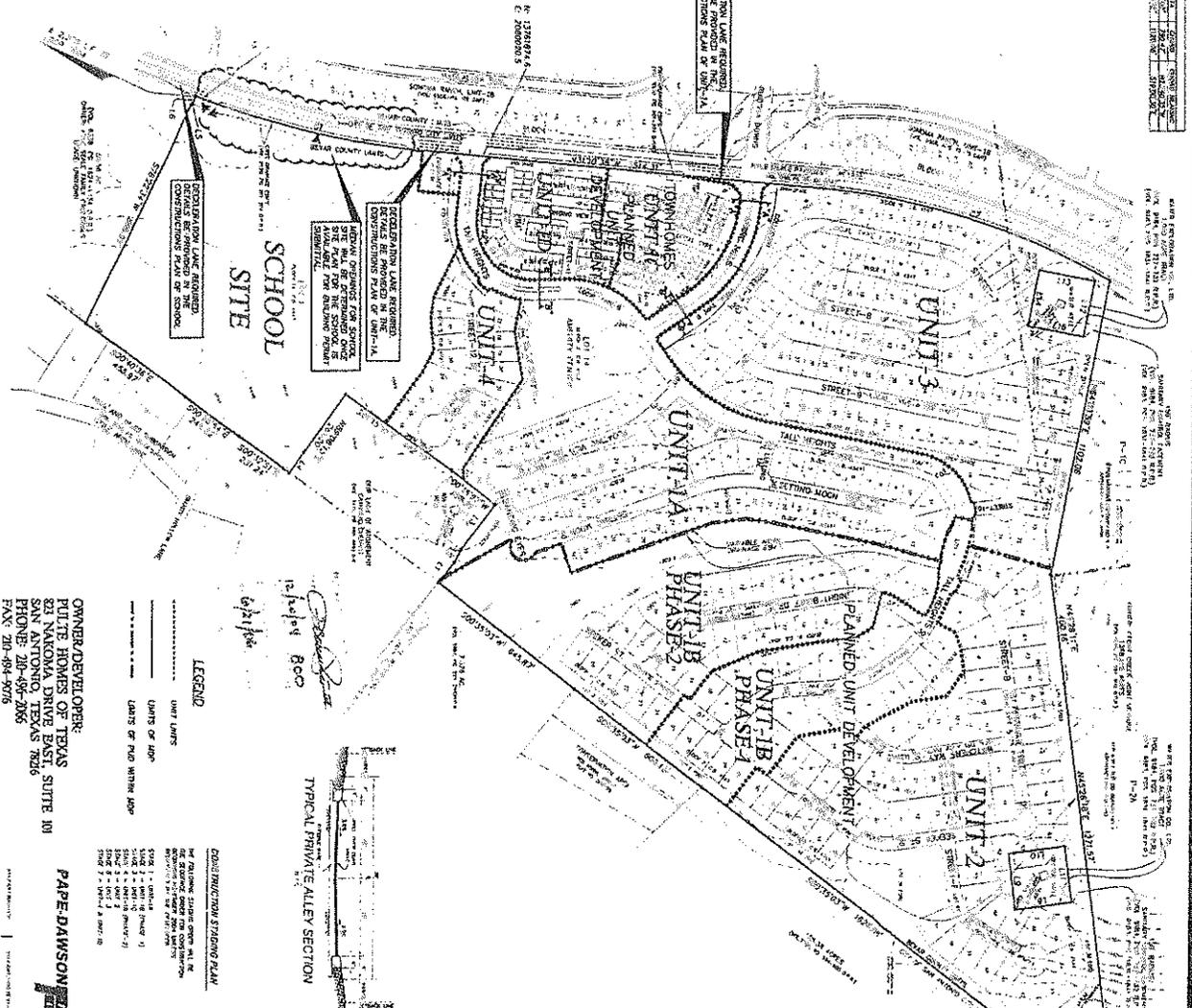
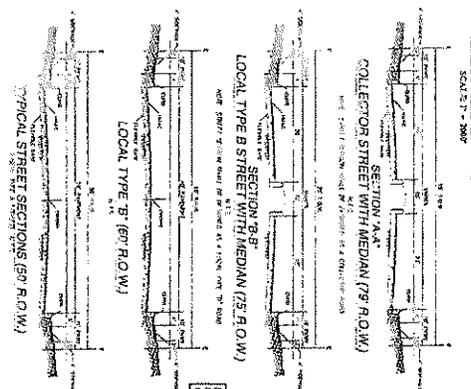
SCALE 1"=300'

**PRELIMINARY OVERALL AREA DEVELOPMENT PLAN
 OF
 KYLE SEALE RANCH**

FM 1560
 ROSARIO CAMP
 3500 E. FAYETTE ST. SADDLES
 RIVER, TEXAS 78150



NO.	DESCRIPTION	AMOUNT
1	CONTRIBUTION TO CITY	100.00
2	CONTRIBUTION TO STATE	100.00
3	CONTRIBUTION TO FEDERAL	100.00
4	CONTRIBUTION TO LOCAL	100.00
5	CONTRIBUTION TO OTHER	100.00
6	CONTRIBUTION TO TOTAL	500.00



OWNER/DEVELOPER:
PULTE HOMES OF TEXAS
 821 NAKOMA DRIVE EAST, SUITE 101
 SAN ANTONIO, TEXAS 78266
 PHONE: 210-496-2066
 FAX: 210-494-9076

PREPARED BY:
PAPE DAWSON ENGINEERS
 1000 N. LOOP WEST, SUITE 100
 DALLAS, TEXAS 75208
 PHONE: 214-761-1100
 FAX: 214-761-1101

DATE: NOV 23, 2004
 JOB NO: 04-20-10

LEGEND

UNIT UNITS
 UNITS OF HOV
 UNITS OF HOV WITH HOV

CONSTRUCTION STAGING PLAN

1. CONSTRUCTION STAGING PLAN
 2. CONSTRUCTION STAGING PLAN
 3. CONSTRUCTION STAGING PLAN
 4. CONSTRUCTION STAGING PLAN
 5. CONSTRUCTION STAGING PLAN
 6. CONSTRUCTION STAGING PLAN
 7. CONSTRUCTION STAGING PLAN
 8. CONSTRUCTION STAGING PLAN
 9. CONSTRUCTION STAGING PLAN
 10. CONSTRUCTION STAGING PLAN

**GRANDVIEW SUBDIVISION
 MASTER DEVELOPMENT PLAN**

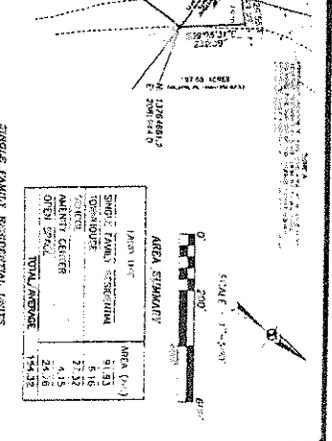
APPROVED BY THE PLANNING COMMISSION
 OF THE CITY OF SAN ANTONIO

DATE: NOV 23, 2004

NOTES

1. ALL UNITS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF SAN ANTONIO SUBDIVISION MAP ACT AND THE SUBDIVISION MAP ACT REGULATIONS.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SAN ANTONIO.
3. THE DEVELOPER SHALL BE RESPONSIBLE FOR MAINTAINING ALL RECORDS AND PLANS FOR THE LIFE OF THE DEVELOPMENT.
4. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY UTILITIES AND SERVICES TO THE UNITS.
5. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY STREETS AND ALLEYS.
6. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY PARKING AND TRAVELWAYS.
7. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY LANDSCAPING AND OPEN SPACE.
8. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY SECURITY AND SAFETY FEATURES.
9. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY COMMUNITY AND SOCIAL FACILITIES.
10. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY ENVIRONMENTAL AND HISTORIC PRESERVATION FEATURES.

UNIT	AREA (SQ. FT.)	AREA (SQ. FT.)	AREA (SQ. FT.)	AREA (SQ. FT.)
1	1,000	1,000	1,000	1,000
2	1,000	1,000	1,000	1,000
3	1,000	1,000	1,000	1,000
4	1,000	1,000	1,000	1,000
5	1,000	1,000	1,000	1,000
6	1,000	1,000	1,000	1,000
7	1,000	1,000	1,000	1,000
8	1,000	1,000	1,000	1,000
9	1,000	1,000	1,000	1,000
10	1,000	1,000	1,000	1,000
11	1,000	1,000	1,000	1,000
12	1,000	1,000	1,000	1,000
13	1,000	1,000	1,000	1,000
14	1,000	1,000	1,000	1,000
15	1,000	1,000	1,000	1,000
16	1,000	1,000	1,000	1,000
17	1,000	1,000	1,000	1,000
18	1,000	1,000	1,000	1,000
19	1,000	1,000	1,000	1,000
20	1,000	1,000	1,000	1,000
21	1,000	1,000	1,000	1,000
22	1,000	1,000	1,000	1,000
23	1,000	1,000	1,000	1,000
24	1,000	1,000	1,000	1,000
25	1,000	1,000	1,000	1,000
26	1,000	1,000	1,000	1,000
27	1,000	1,000	1,000	1,000
28	1,000	1,000	1,000	1,000
29	1,000	1,000	1,000	1,000
30	1,000	1,000	1,000	1,000
31	1,000	1,000	1,000	1,000
32	1,000	1,000	1,000	1,000
33	1,000	1,000	1,000	1,000
34	1,000	1,000	1,000	1,000
35	1,000	1,000	1,000	1,000
36	1,000	1,000	1,000	1,000
37	1,000	1,000	1,000	1,000
38	1,000	1,000	1,000	1,000
39	1,000	1,000	1,000	1,000
40	1,000	1,000	1,000	1,000
41	1,000	1,000	1,000	1,000
42	1,000	1,000	1,000	1,000
43	1,000	1,000	1,000	1,000
44	1,000	1,000	1,000	1,000
45	1,000	1,000	1,000	1,000
46	1,000	1,000	1,000	1,000
47	1,000	1,000	1,000	1,000
48	1,000	1,000	1,000	1,000
49	1,000	1,000	1,000	1,000
50	1,000	1,000	1,000	1,000
51	1,000	1,000	1,000	1,000
52	1,000	1,000	1,000	1,000
53	1,000	1,000	1,000	1,000
54	1,000	1,000	1,000	1,000
55	1,000	1,000	1,000	1,000
56	1,000	1,000	1,000	1,000
57	1,000	1,000	1,000	1,000
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59	1,000	1,000	1,000	1,000
60	1,000	1,000	1,000	1,000
61	1,000	1,000	1,000	1,000
62	1,000	1,000	1,000	1,000
63	1,000	1,000	1,000	1,000
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65	1,000	1,000	1,000	1,000
66	1,000	1,000	1,000	1,000
67	1,000	1,000	1,000	1,000
68	1,000	1,000	1,000	1,000
69	1,000	1,000	1,000	1,000
70	1,000	1,000	1,000	1,000
71	1,000	1,000	1,000	1,000
72	1,000	1,000	1,000	1,000
73	1,000	1,000	1,000	1,000
74	1,000	1,000	1,000	1,000
75	1,000	1,000	1,000	1,000
76	1,000	1,000	1,000	1,000
77	1,000	1,000	1,000	1,000
78	1,000	1,000	1,000	1,000
79	1,000	1,000	1,000	1,000
80	1,000	1,000	1,000	1,000
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93	1,000	1,000	1,000	1,000
94	1,000	1,000	1,000	1,000
95	1,000	1,000	1,000	1,000
96	1,000	1,000	1,000	1,000
97	1,000	1,000	1,000	1,000
98	1,000	1,000	1,000	1,000
99	1,000	1,000	1,000	1,000
100	1,000	1,000	1,000	1,000



It's to join force
Adles
→ options
Can let plat
more final

Kyle Seale Area Parkway
Middle School
Rights Determination Appeal

<input type="checkbox"/> DO THIS	<input checked="" type="checkbox"/> FILE THIS	<input type="checkbox"/> GET LUNCH
<input type="checkbox"/> CALL ME	<input type="checkbox"/> SHUT UP	<input type="checkbox"/> GO AWAY

OR ELSE

<input type="checkbox"/> YOU'RE FIRED	<input type="checkbox"/> I'LL CRY
<input type="checkbox"/> I'M TELLING	<input type="checkbox"/> YOU'LL REGRET IT
<input type="checkbox"/> IT'S OVER	<input checked="" type="checkbox"/> WE'RE ALL DOOMED

 THANKS SO MUCH

Continue new informa

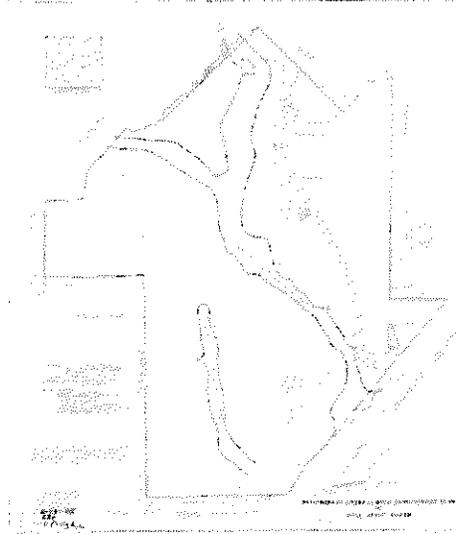
- a Mon uses - need to research when it was annexed and what zoning is for the site - both at time and now
- VRR 04-09-176

Briefing Purpose

- The applicant has appealed the denial of statutory rights
- §35-712(d) of the UDC provides that:
 - *“ In the event an applicant for recognition of statutory rights is aggrieved by an action taken regarding the recognition of those rights or the application of the above requirements, the applicant may appeal the decision of the director of the department development services to the planning commission by filing a request for appeal 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.”*

Background

- Applicant claims rights for 1994
- No permits were presented to support a 1994 date instead the applicant claimed rights under POADP # 286, Kyle Seale Ranch, accepted by the City on February 25, 1988.
 - This POADP did not identify a specific school site project for any area.
- Based off the information submitted to the City, staff recommended rights effective July 16, 2007, this date was supported by the submittal of the fair notice form that was attached to the rights determination application.

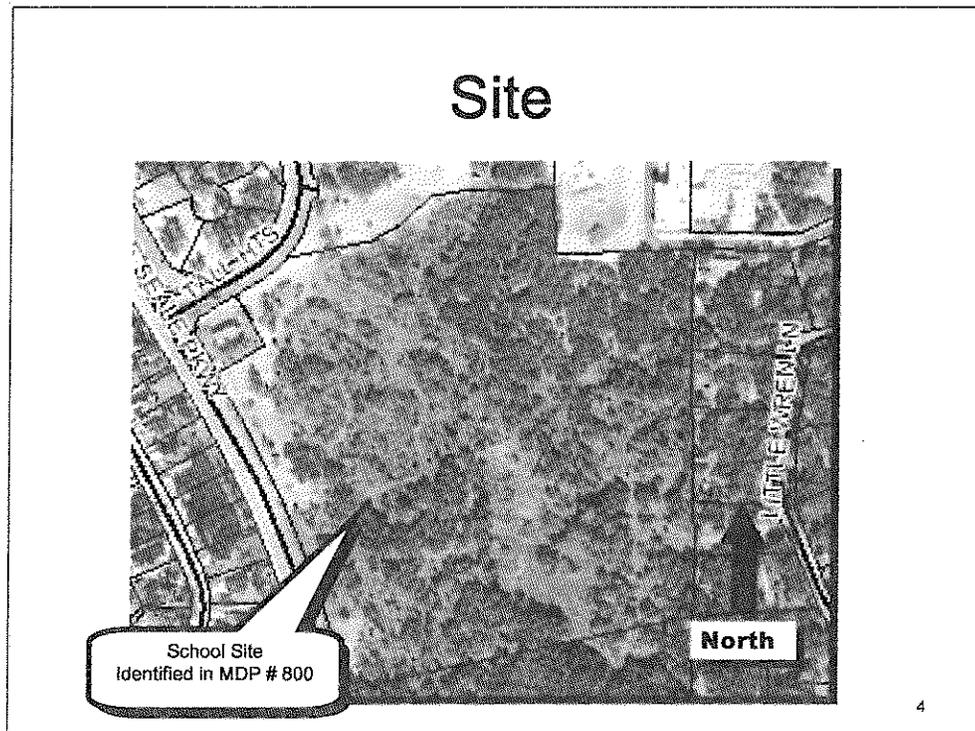


3

Background

- The property is located near the intersection of Kyle Seale Parkway and Tall Heights
- The rights determination application was submitted on July 16, 2007
- The applicant requested rights effective for 1994
- No permits were submitted to support this request 1994
- The POADP that was submitted in the application was accepted by the City on February 25, 1988
- And did not identify a specific school site project for any area
- Therefore the City recommended rights effective July 16, 2007, based off the fair notice form that was attached to the rights determination application.

Site



The 1994 requested date if granted would vest them:

1994 Landscaping Ord. 35-511- January 1, 1994

- 60 pts required from electives that include
 - parking lot trees
 - parking lot screening
 - street trees
 - foundation plantings

2001 Landscaping Ord 35-511- January 7, 2001

- Rev 70 pts required with a mandatory
 - parking lot shading requirement of 25% for 20 points
 - shading can be increased to 50% for 35 points
 - parking lot screening
 - street trees

If native plants are preserved or installed for these options then eligible for 15 point additional. If existing plants and trees are preserved then no irrigation required. Landscape Buffer required between dissimilar uses such as school and residential.

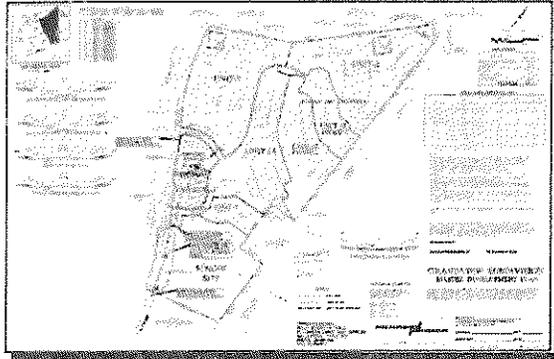
1997 Tree Ord. 35-523- March 1, 1997 for Commercial and May 1, 1997 for residential

- 25% of the protected trees are preserved outside the footprint of the building
- Significant is (8" or greater) and Heritage is (30" or greater and mitigated 2:1)

2003 Tree Ord. - March 13, 2003

Site Amendments

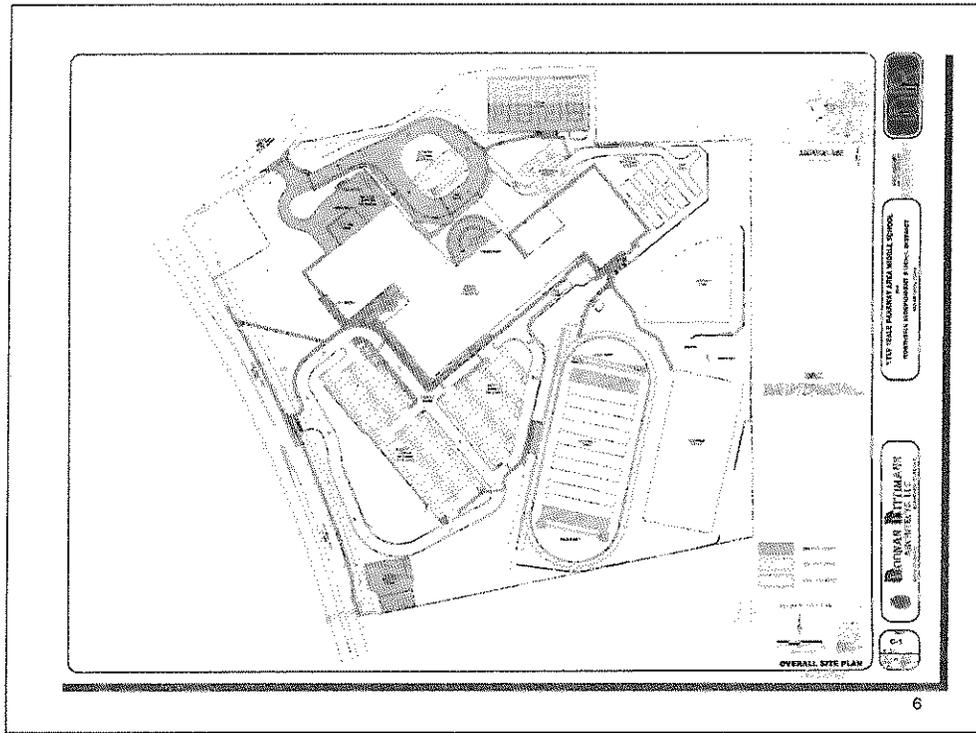
- Since the acceptance date of the POADP # 286 there have been several amendments to the plan, which updated and replaced # 286, the first being the Master Development Plan for the Grandview Subdivision, MDP # 800.
- The MDP # 800 was the first notice given to the City that a school project site was identified.
- This MDP specifically identified the location of the school site, consistent with the rights determination application.



5

Site Amendments

- There have been several amendments since POADP 286
- The first amendment that identified a school site was MPD # 800
- MDP # 800 was submitted on August 13, 2004
- Based on this information, staff supports a recommendation of rights effective August 13, 2004 instead of July 16, 2007



•This is the proposed Kyle Seale Parkway Middle School

Policy Analysis

- The Kyle Seale POADP #286 is a permit, but did not identify a specific project for any area.

- MDP #800 provided fair notice of a project containing phased single family development consisting of 91.93 acres, townhouse development consisting of 6.16 acres, a 4.15 acre amenity and a 27.32 acre school site.

7

Policy Analysis

- POADP #286 is a permit, and did not identify a specific project for any area.

- However, MDP #800 provided fair notice of a project containing
 - phased single family development
 - townhouse development
 - And a School site

Staff Recommendation

- The POADP #286 did not identify the applicant's proposed project and therefore the City could not support the applicant's request of statutory rights effective 1994. The City could support a change in the initial recommendation of rights effective July 16, 2007 to rights effective August 13, 2004 based on MDP # 800 identifying the applicant's project.

Continue new information

- Staff recommends that the Planning Commission support the Director's decision to modify the effective date of rights from July 16, 2007 as originally recommended to August 13, 2004.

Based on information received at time of evaluation

8

Staffs recommendations

•POADP #286 did not identify the applicant's proposed project and therefore the City could not support the applicant's request of statutory rights effective 1994

•However the City could support a change in the initial recommendation of rights effective July 16, 2007 to rights effective August 13, 2004 based on MDP # 800, which identified the applicant's project.

•Staff recommends that the Planning Commission support the Director's decision to modify the effective date of rights from July 16, 2007 as originally recommended to August 13, 2004.

Planning Commission Review

- In review of this appeal the Planning Commission may either:
 - Make a finding to support the Director's recommendation of statutory rights effective August 13, 2004, or
 - Make a finding of how the Director erred in denying rights effective 1994 based on the information initially provided by the applicant.

9

PC Review

- Make a finding to support the Director's recommendation of statutory rights effective August 13, 2004, or
- Make a finding of how the Director erred in denying rights effective 1994 based on the information initially provided by the applicant, or
- Support a continuance, based on the City receiving a consent agreement on Sept 11 and we have not had a chance to review to support a recommendation.
- Does anyone have any questions?

**Kyle Seale Area Parkway
Middle School
Rights Determination Appeal**

Item No. 29

Planning Commission

September 12, 2007



LANGLEY & BANACK

INCORPORATED

Attorneys and Counselors at Law

Ross Laughead
rlaughead@langleybanack.com

September 11, 2007

San Antonio Planning Commission
c/o Mr. Roderick Sanchez
Director of Development Services
Attention: Mr. Andrew Spurgin
City of San Antonio, Texas
Morton One-Stop Development Center
1901 South Alamo Street
San Antonio, Texas 78204

VIA HAND DELIVERY

Re: Appeal of Adverse Vested Rights Determination No. 07-07-040
(Kyle Seale Middle School)

Dear Mr. Sanchez and Planning Commission:

I write in support of the position of my client, Northside Independent School District, in its appeal of the denial of its claim for vested rights for the Kyle Seale Middle School project by Vested Rights Determination No. 07-07-040 (Attachment 1).

1. POADP Remains Valid. POADP No. 286 (February 23, 1988, Attachment 2), upon which the District's application was based, has now been extended for vested rights determination purposes through September 1st, 2017, by Mr. Sanchez's letter to the District's engineer for this matter, Slay Engineering, by letter dated May 29, 2007 (Attachment 3).

2. Absence of Project Was Basis for Denial. Vested Rights Determination No. 07-07-040 recognizes the continuing validity of POADP No. 286 for vested rights determination purposes, but asserts that it does not identify a school project, and that it would be required to do so in order to support the determination of vested rights requested (Attachment 1).

3. POADP Discloses Residential. POADP No. 286 discloses an intention to develop for residential, multi-family and commercial uses over 1,325 acres (Attachment 2).

4. Schools Are an Allowed Residential Use. Schools are an allowed use in any residential district, whether single-family or multi-family (UDC § 35.311, Table 311-1, Attachment 4).

(L & B 03440/0037/L0230636.DOC)

Page 1

Yes
but
at the
time was outside
city limits

TRINITY PLAZA II • 745 EAST MULBERRY • SUITE 900
SAN ANTONIO, TEXAS 78212-3166 • T 210.736.6600 • F 210.735.6889
WWW.LANGLEYBANACK.COM

SAN ANTONIO • CARRIZO SPRINGS • EAGLE PASS



LANGLEY & BANACK

INCORPORATED

Attorneys and Counselors at Law

*new evidence
new material
not part of record*

5. POADP No. 286 Supports Residential Uses. POADP No. 286 has already been determined to support a vested rights determination for commercial and multi-family mixed use despite its lack of specification of the locations of the various development rights that it claims (excepting only Kyle Seale Parkway itself) by Vested Rights Determination No. 04-09-176 (October 20, 2004, Attachment 5). It has therefore been recently determined that POADP No. 286 sets forth a project that includes residential development in which a school is an allowable use without any greater specificity than the use of the word "residential". The District hereby incorporates by reference the disclosure of project investments through September 1, 2004, as recited in the letter of Gene Dawson to Norbert Hart of that date in support of the vested rights granted by Vested Rights Determination No. 04-09-176 and contained in the City's published file relating to that determination. This decision was consistent with earlier vested rights determinations regarding POADP No. 286. See, e.g., Vested Rights Determinations Nos. 01-9-022 & 01-11-035

*vested to site plan for max site Commercial + MF use only
not vest a school*

6. School Uses Are Necessarily Implied. POADP No. 286 necessarily implies school uses because it contemplates substantial single-family and multi-family residential development over a tract of sufficient size (1,325 acres) that one or more schools would necessarily be required to serve any residential development of such extensive scope, and the District is responsible for public schools within the area encompassed by the POADP. Such a large area would necessarily require a middle school and one or more elementary schools.

landfill power plant water treatment plant fire station

7. Schools Are an Allowed Commercial Use. Schools are an allowed use in all commercial zoning districts other than "L," "I-1" and "I-2". (UDC § 35.311, Table 311-2, Attachment 6).

8. POADP No. 286 Also Supports Commercial Uses. POADP No. 286 has already been determined to support a vested rights determination for commercial and multi-family mixed use by Vested Rights Determination No. 04-09-176. It has therefore been determined that POADP No. 286 sets forth a project that includes commercial development (in which a school is an allowable use within the most common 7 of 9 districts) without any greater specificity than the use of the word "commercial".

not a project if saying residential or commercial

9. The Middle School Is a Project Within POADP No. 286. The Kyle Seale Middle School is a project within POADP No. 286 because Vested Rights Determination No. 04-09-176 has already recognized vested rights to residential development under POADP No. 286, because POADP No. 286 necessarily implied a middle school project, and because the co-specification of "commercial" with "residential" is in no way inconsistent with such recognition.

School: intended in MDP800



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Attorneys and Counselors at Law

10. MDP #800 Is Not Relevant. Staff states in its Commission package posted with the agenda that Master Development Plan ("MDP," successor term for "POADP") No. 800, dated August 13, 2004 (Attachment 7), was one of several "plan amendments" that "updated and replaced" POADP No. 286. This statement is inaccurate in characterizing POADP No. 286 as "replaced," at least for purposes of vested rights determinations. MDP No. 800 may have specified the middle school site in question. However, it in no way impaired the vitality of POADP No. 286 for vested rights determination purposes (see Attachment 3, reciting its continued validity through September 1, 2017). Note also that any such argument is demolished by Vested Rights Determination No. 04-09-176, which relied upon POADP No. 286 for its favorable determination that vested rights were available for the POADP No. 286 properties fronting upon Loop 1604 effective October 20, 2004.

800 gave us. from notice or project

11. The Middle School Should Enjoy Vested Rights from February 23, 1988. The Kyle Seale Middle School should enjoy vested rights from February 23, 1988 because POADP No. 286 filed that date supports their recognition.

not part of record

they asked for 1994

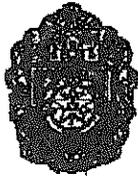
Respectfully Submitted,

Langley & Banack, Inc.

By: Ross Laughead
Ross Laughead

Attachment 1

06-063



City of San Antonio, Texas
Department of Development Services

August 7, 2007

Victor Rosales
Slay Engineering Co., Inc.
123 Altgelt Avenue
San Antonio, TX 78201

RE: Rights Determination File: # 07-07-040 (Kyle Seale Parkway Area Middle School)

Dear Mr. Rosales:

We have reviewed your rights determination that was submitted on July 16, 2007. Based on the information provided the following is our official finding:

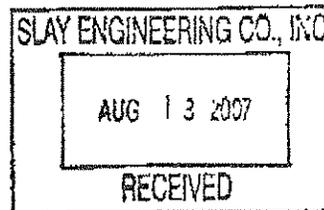
Recommend disapproval of rights effective 1994. There is no information to support the establishment of a project in 1994. While POADP # 286 may be a permit it did not identify a project for any area. Applicant may have rights effective July 16, 2007, when fair notice of the project was provided to the City of San Antonio. To establish vested rights the "application must give the regulatory agency fair notice of the project and the nature of the permit sought." Texas Local Government Code, Chapter 245.002

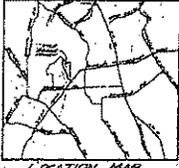
All appeals and resubmittals must be filed with the Director of Development Services within fifteen (15) calendar days from the date the applicant is notified of the adverse decision or action taken under these requirements. Appeals and resubmittals made after fifteen (15) calendar days will not be accepted.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

Sincerely,

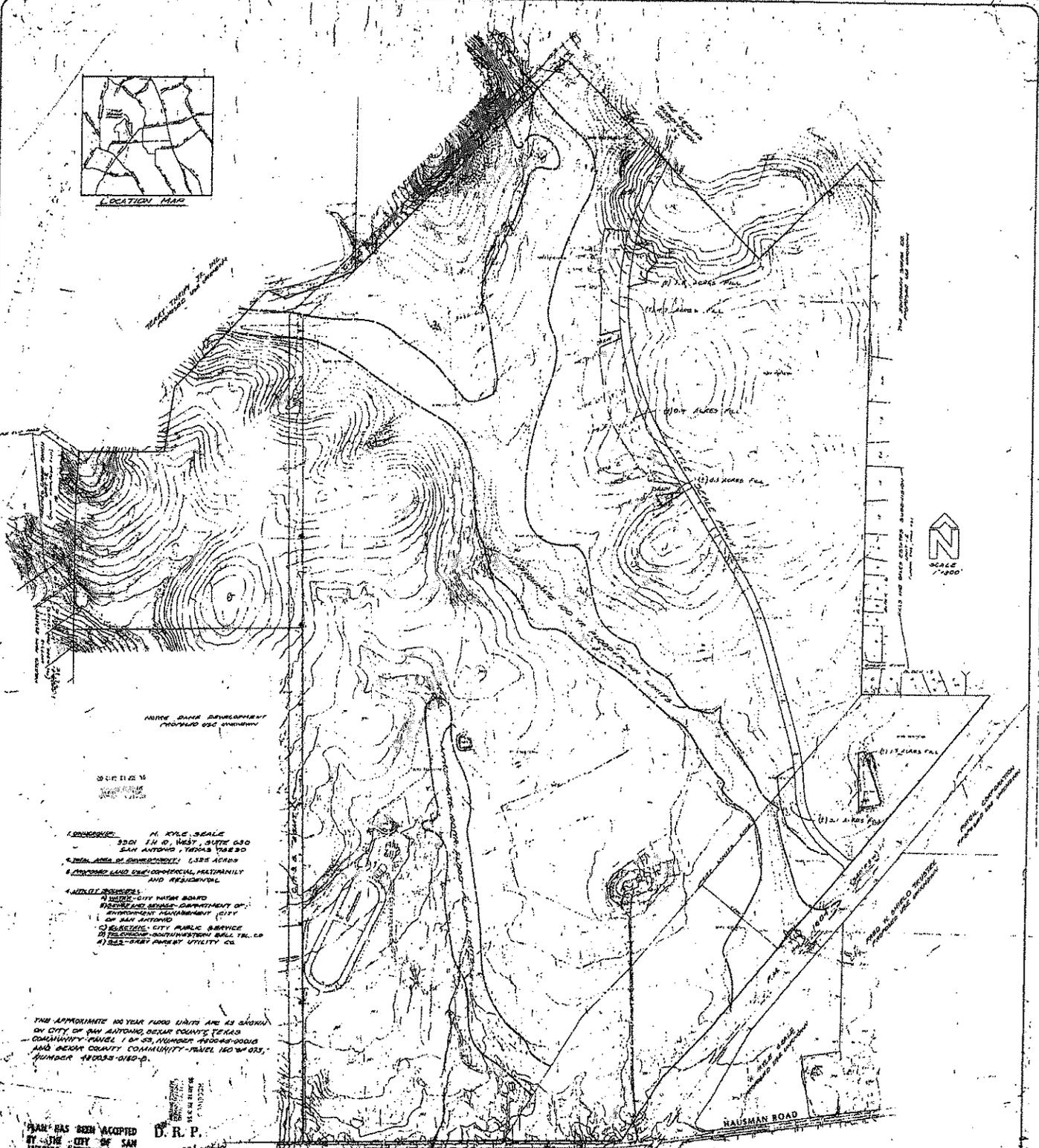
A handwritten signature in cursive script, appearing to read "Fernando J. De León".

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





LOCATION MAP



MAJOR ROAD DEVELOPMENT
APPROX 600' WIDE

SECTION 16

LEGEND: H. KYLE SEALE
3301 E. H. WEST, SUITE 630
SAN ANTONIO, TEXAS 78220

2.00 AC. AREA OF SUBDIVISION (SEE ADDRESS)

4. APPROX. LAND USE: COMMERCIAL, RECREATION AND RESIDENTIAL

4. UTILITY SERVICES:

- 1) WATER - CITY WATER BOARD
- 2) SEWERAGE - SANITARY DEPARTMENT OF ENVIRONMENTAL MANAGEMENT CITY OF SAN ANTONIO
- 3) GAS - CITY PUBLIC SERVICE
- 4) TELEPHONE - SOUTHWESTERN BELL TEL. CO.
- 5) CABLE - CABLE TELEVISION CO.

THE APPROXIMATE 10-YEAR FLOOD LIMITS ARE AS SHOWN ON CITY OF SAN ANTONIO, DEAR COUNTY TEXAS COMMUNITY-FLOOD 1 OF 33, NUMBER 44008-0000 AND DEAR COUNTY COMMUNITY-FLOOD 160 OF 075, NUMBER 44008-0000.

PLAN HAS BEEN ACCEPTED BY THE CITY OF SAN ANTONIO DEVELOPMENT REVIEW COMMITTEE

D.R.P.

Plan No. 234

Date: Feb 25, 1978

Scale: 1"=100'

Drawn by: [Signature]

Checked by: [Signature]

PRELIMINARY OVERALL AREA DEVELOPMENT PLAN OF KYLE SEALE RANCH

Attachment 3



City of San Antonio, Texas
Department of Development Services

May 29, 2007

Michael M. Slay, P.E.
Slay Engineering Company, Inc.
4335 W. Piedras Drive Ste 210
San Antonio, TX 78228

RE: Kyle Seale Ranch POADP # 286 and VRP 01-09-022

Dear Mr. Slay:

We have reviewed your request for verification of referenced subject in accordance with Unified Development Code (UDC) Section 35-412 (h) Scope of Approval. Based on the information provided the following are our official findings:

Kyle Seale Ranch comprises 1,325 +/- acres. The development activity has encompassed approximately 697 +/- acres or 73 % of the total net acreage. Under the UDC section previously cited, this Preliminary Overall Area Development Plan (POADP) has met the 50 % development/platting requirement and is entitled to an additional 10 years to obtain final plat approval for the remaining acreage associated with POADP # 286. The new sunset date for this project is September 1, 2017. Please note a Fair Notice form will be required with plat applications for all remaining phases of this development for review consistent with POADP # 286.

VRP # 01-09-022 is only valid to the extent of the rights associated with the underlying permit upon which it was based. A new Rights Determination should be made based on the POADP.

If you have any questions please contact Melissa Ramirez at 207-7038.

Sincerely,

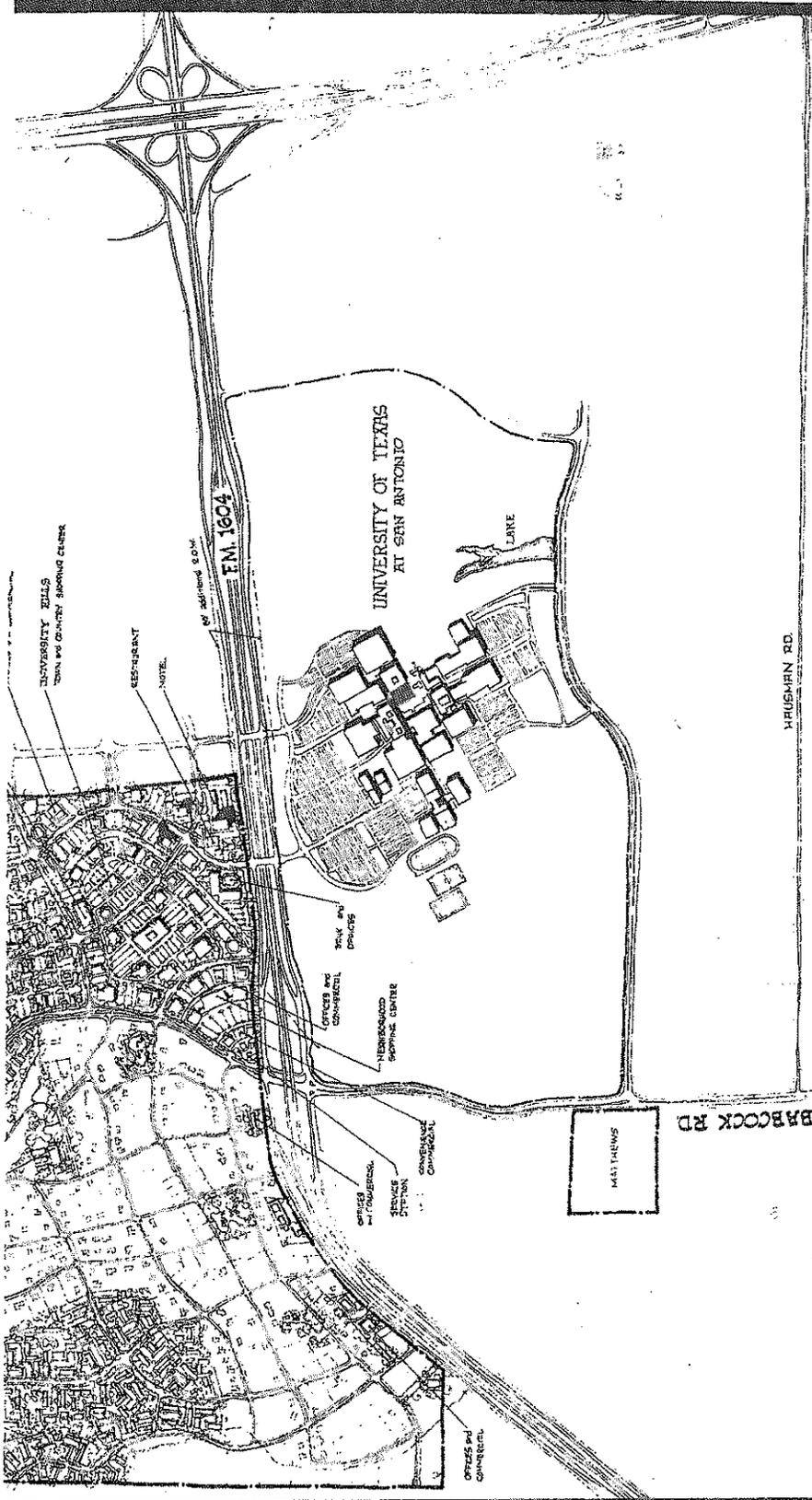
Fernando J. De León, P.E.
Assistant Director Development Services Department
Land Development Division

**ATTACHMENT 4 TO VESTED RIGHTS APPEAL
OF NORTHSIDE INDEPENDENT SCHOOL DISTRICT**

**CITY OF SAN ANONIO, TEXAS UNIFIED DEVELOPMENT CODE
SECTION 35-311, TABLE 35-311.1, RESIDENTIAL USE MATRIX**

TABLE INSET:

TABLE 311-1 RESIDENTIAL USE MATRIX														
PERMITTED USE	RP	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-25	MF-33
School - Private (Includes Church Schools, Private Schools K-12)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<i>School - Public Includes All ISD Schools K-12, Open Enrollment Charter Schools, Public College Or University</i>	<i>P</i>													
School - University Or College (Private)	S	S	S	S	S	S	S	S	S	S	S	S		



MASTER DEVELOPMENT PLAN

scale 1" = 400'



RALPH C. BENDER AND ASSOCIATES ARCHITECTURE URBAN DESIGN SAN ANTONIO, TEXAS

KUPER GIBRALTAR PROPERTIES

VRP-04-07-175

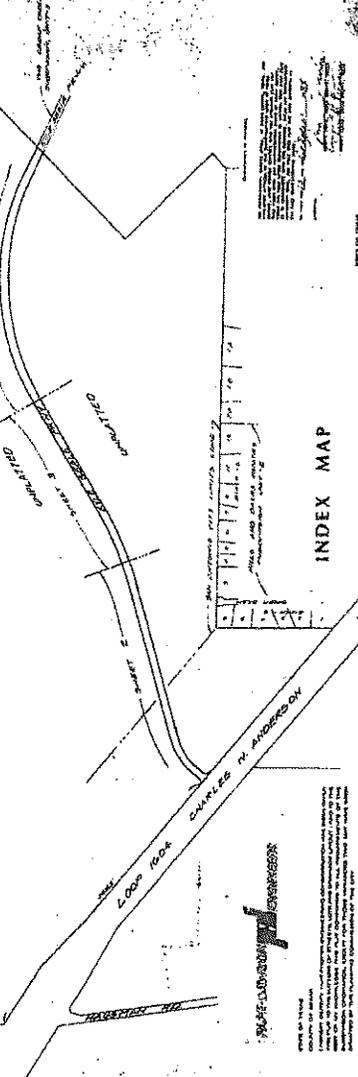
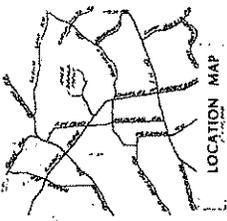


PLAT NO. 880172

1981



THESE LOTS ARE BEING OFFERED FOR SALE SEPARATELY AND WILL BE CONVEYED BY SEVERAL DEEDS TO THE BUYERS.



INDEX MAP

KYLE SEALE PKWY. SUBDIVISION

BEING 15.26 ACRES OF LAND, OUT OF THE BLOCK NEAR THE CENTER OF SECTION 349 ABSTRACT 148 COUNTY 2400N 45-49, T4E 34 R16E, RP 65 193 ABSTRACT 719, COUNTY 2400N, THE HERMANN LEWISSE' S.S. 170, ABSTRACT 302 COUNTY BLOCK 4512 AND 214, BETA MARTINEZ S.S. 162, ABSTRACT 340, COUNTY 2400N 45-49, COUNTY 2400N, TEXAS.

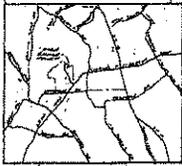


Surveyor's name and title information.



VRP # 09-00-176

10/10/81



LOCATION MAP

100' TYPICAL
SPACING OF
CONTOUR LINES



SCALE
1"=100'

WATER BARRIERS
PROPOSED USE UNDESIRABLE

SECTION 10

- 1. SURVEYING: N. TITLE SCALE 3300' IN 10' WEST, STATE 630 SAN ANTONIO - TEXAS 10E20
- 2. ZONING AND DEVELOPMENT: LTRB ACRES 3.000000 LAND USE: COMMERCIAL, MULTIFAMILY AND RESIDENTIAL
- 3. UTILITY SOURCES: A. WATER: CITY WATER BOARD B. SEWER AND GAS: DEPARTMENT OF ENVIRONMENT MANAGEMENT CITY OF SAN ANTONIO C. ELECTRIC: CITY PUBLIC SERVICE D. TELEPHONE: NORTHWESTERN BELL TEL. CO. E. CABLE: WEST PAPER CITY TEL. CO.

THE APPROXIMATE 100 YEAR FLOOD LIMITS ARE AS SHOWN ON CITY OF SAN ANTONIO BEAVER COUNTRY TEXAS COMMUNITY PLAN 1 OF 23 NUMBER 3008-0000S AND BEAVER COUNTY COMMUNITY PLAN 160 OF 455, NUMBER 360000-0100-0.

PLAN HAS BEEN ACCEPTED BY THE CITY OF SAN ANTONIO DEVELOPMENT REVIEW COMMITTEE

D. R. P.

Permit # 253

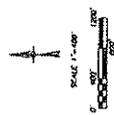
FM 1940

PRELIMINARY OVERALL AREA DEVELOPMENT PLAN OF KYLE SEALE RANCH

PAGE-DAWSON ENGINEERS

KYLE SEALE PROPERTY
SAN ANTONIO, TEXAS
MASTER PLAN

DATE: 11/12/11
SCALE: 1" = 100'

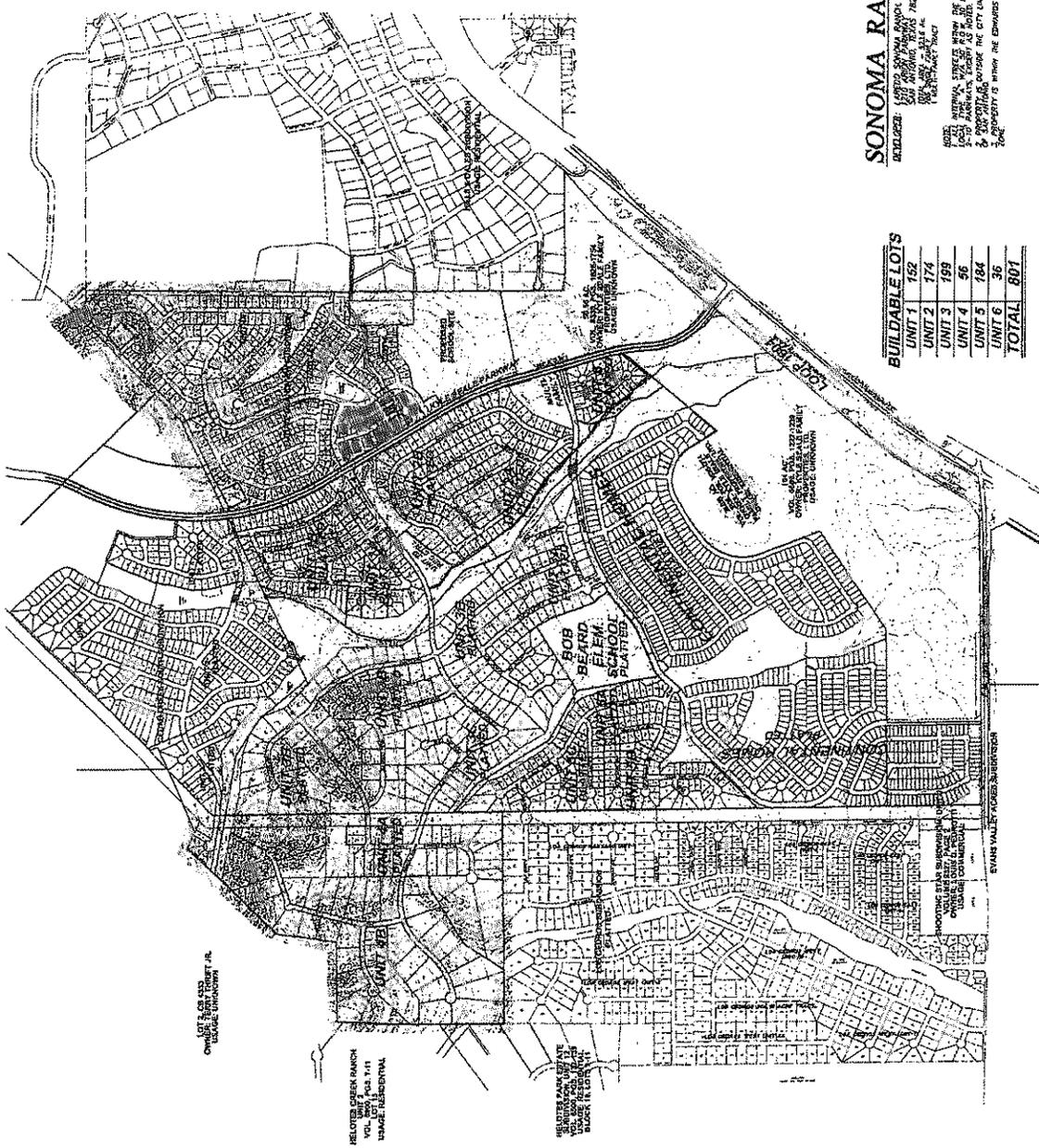


SONOMA RANCH
DEVELOPER: SONOMA RANCH, LTD.
SAN ANTONIO, TEXAS 78216

NOTE: THIS PLAN, WHICH IS PART OF AN APPLICATION FOR A SUBDIVISION, IS SUBJECT TO THE CITY OF SAN ANTONIO'S ZONING ORDINANCES AND THE CITY ENGINEER'S REVIEW. THE CITY ENGINEER'S REVIEW DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

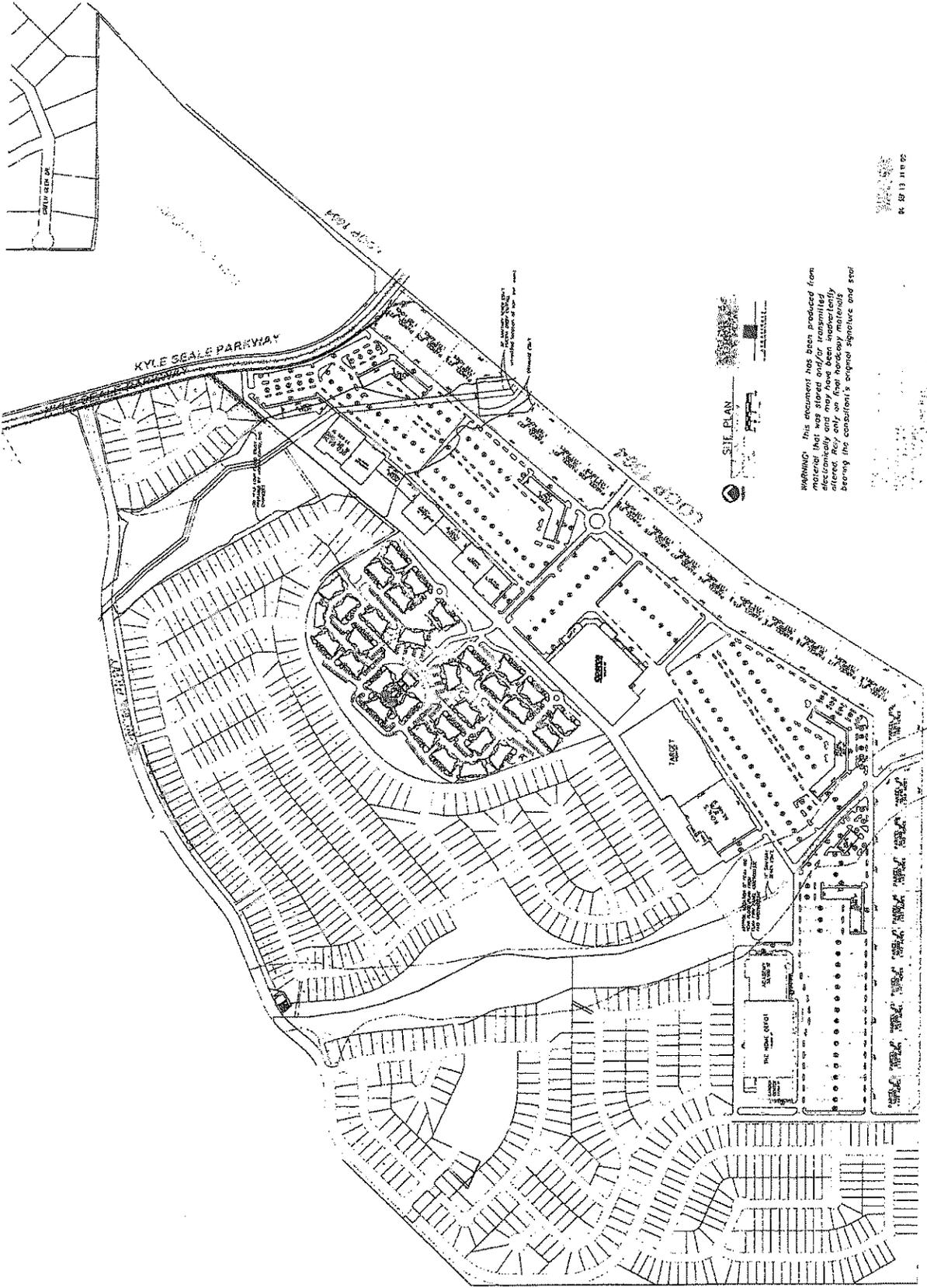
BUILDABLE LOTS

UNIT 1	152
UNIT 2	174
UNIT 3	199
UNIT 4	56
UNIT 5	184
UNIT 6	36
TOTAL	801



DATE: 11/12/11

Small text at the bottom of the page, likely a disclaimer or copyright notice.



KYLE SEALE PARKWAY

SITE PLAN

WARNING: This document has been produced from material that was stored and/or transmitted electronically and may have been inadvertently altered. It may only be used as a hardcopy material through the consultant's original signature and seal.



SITE PLAN



ARCHITECTS

F.M. 1560

VRP W. 04-01-176



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



07 JUL -9 PM 1:04

LAND DEVELOPMENT
 PERMITS SECTION

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

VRP# 07-07-040

providing 2nd set with corrected site plan, and PoADP validation letter.

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: Larry Odio Date: 7/9/07

Permit File # 04-09-176

Council District 8 ETJ Yes Over Edward's Aquifer Recharge? (X) yes () no

3. What is the specific 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.*

(d) Total land use, in square feet 9,346,233

(e) Total area of impervious surface, in square feet 7,944,298

(f) Number of residential dwellings units, by type: multi-family - 1,000 units

(g) Type and amount of non-residential square footage 2,750,000

(h) Phases of the development, (If Applicable); See site plan

4. What is the date the applicant claims rights vested for this Project? February 25, 1988

(i) 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 rights or equitable estoppel is based;

CITY OF SAN ANTONIO
DEPT. OF PLANNING
OFFICE OF DIRECTOR
04 SEP 00
AM 11:00

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."

4 a. What, if any, construction or related actions have taken place on the property since that date? Multiple residential subdivisions and thoroughfares (See Attachment # 2 Platting Status)

5. By what means does the applicant claim rights vested for this Project? *Please specify all that may be applicable.*

• PERMIT

Type of Permit: See Items 2-15 (Attached) Date of Application: _____

Permit Number: _____ Date issued: _____

Expiration Date: _____ Acreage: _____

Permit File # 04-09-176

• **MASTER DEVELOPMENT PLAN (MDP) (Formerly POADP)* (Attached)**
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 18 months for the POADP acceptance date.

Name: Kyle Seale Ranch # 286

Date accepted: February 25, 1988 Expiration Date: September 2017 MDP Size: 1,325 acres

• **P.U.D. PLAN**

Name: _____ # _____

Date accepted: _____

• **Plat Application**

Plat Name: _____ Plat # _____ Acreage: _____

Date submitted: _____ Expiration Date: _____

(Note: Plat must be approved within 18 months of application submittal date).

04 SEP 13 AM 10:00
CITY OF SAN ANTONIO
DEPT. OF PLANNING
OFFICE OF DIRECTOR

• **Approved Plat (Attached)**

Plat Name: Kyle Seale Parkway Subdivision Plat # 880172 Acreage: 15.22 Approval Date: 09/28/88 Plat recording Date: 07/26/89 Expiration Date: -0- Vol./Pg. 9520 Pg. 201-204

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

• **Other**

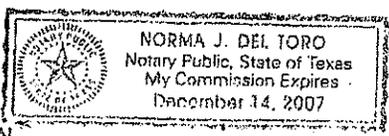
See Attached

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 hereby certify that all information this Application and the attached documents is true and correct and that it is my belief the property owner is entitled to Vested Rights for this Project.

Print name: Daniel K. Seale Mgr. Signature: Daniel K. Seale Date: 9/1/04

Sworn to and subscribed before me by Daniel K. Seale on this 1st day of September in the year 2004, to certify which witness my hand and seal of office.



Norma J. Del Toro
Notary Public, State of Texas

September 1, 2004



Mr. Norbert Hart
Assistant City Attorney
City of San Antonio
City Hall, 3rd Floor
100 So. Flores St.
San Antonio, TX 78205

CITY OF SAN ANTONIO
DEPT. OF PLANNING
OFFICE OF DIRECTOR
04 SEP 13 AM 10:00

Re: Vested Rights Permit for 164 Acres and 50.56 Acres of
Mixed-Use Development out of Kyle Seale Ranch POADP #286

Dear Mr. Hart:

Please find attached an application for acknowledgement of vested rights on the above referenced property.

The property owner, Mr. H. Kyle Seale, is currently moving forward on the master planning and sale of several properties out of the original Kyle Seale Ranch POADP.

Our attached application is for the commercial and multi-family mixed-use section of the project. To support your review and acknowledgement of the vested rights that exist on this property, we are providing the following information:

1. Preliminary site plan showing the proposed mixed-use development.
2. An overall Kyle Ranch exhibit showing the status of existing platting on the property.
3. Original Kyle Ranch POADP #286 dated February 25, 1988 showing land use as commercial, multi-family, and residential.
4. Subdivision plat for Kyle Seale Parkway dated July 25, 1989.
5. Letters of acceptance from the City of San Antonio on Kyle Seale Parkway.
6. Payment to H.B. Zachry Company for the construction of Kyle Seale Parkway totaling \$1,234,106.98.
7. Copies of engineering invoices for master planning and design of Kyle Seale Ranch.
8. Contract between H.B. Zachry and H. Kyle Seale for the construction of Kyle Seale Parkway.
9. Pollution Abatement affidavit and pollution abatement approval letter from the TCEQ dated July 18, 1988.

PAPE-DAWSON ENGINEERS, INC.

555 East Ramsey | San Antonio, Texas 78216 | Phone: 210.375.9000 | Fax: 210.375.9010 | info@pape-dawson.com

Mr. Norbert Hart
Vested Rights Permit for 164 Acres and 50.56 Acres of Mixed-Use
Development out of Kyle Seale Ranch POADP #286
September 1, 2004
Page 2 of 2

10. City Ordinance No. 71715 Sewer Contract for Service to the Kyle Seale property dated June 14, 1990.
11. Vested capacity rights letter from the San Antonio Water System dated April 13, 1998.
12. Agreement to dedicate sewer easements to the City of San Antonio dated October 24, 1989.
13. Recorded easements of dedicated sanitary sewers to the City of San Antonio and City Ordinance No. 70892 accepting dedication of easements for sewer service dated January 11, 1990.
14. Development Rights Permit #238 recognizing original Kyle Seale Ranch POADP.
15. Vested Rights Permit #VRP01-9-022 for 1,325 acres.

04 SEP 13 AM 10:00
CITY OF SAN ANTONIO
DEPT. OF PLANNING
OFFICE OF DIRECTOR

It is important that the City acknowledge the date of which vested rights were established on this property, so that appropriate ordinances can be taken into consideration during the final site planning of the mixed-use development.

We appreciate your consideration of our request.

Sincerely,
Pape-Dawson Engineers, Inc.


Gene Dawson, Jr., P.E.
President

Permit File # 04-09-176

City of San Antonio use

Permit File: # 04-09-176

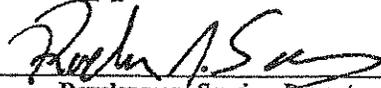
Assigned by city staff

Date: 10/20/04

Approved

Disapproved

Review By: _____


Development Services Department

Date: _____

Comments: As per City attorney comments the application is approved as requested. As of February 28, 1988 in accordance with VRP 01-09-022 for commercial and multi-family uses as depicted in the application and Exhibit 1 to the application.



City of San Antonio

Vested Rights Permit
APPLICATION

Permit File: #VRP 04-08-176

Received: September 21, 2004

RECOMMENDATION OF THE CITY ATTORNEY'S OFFICE

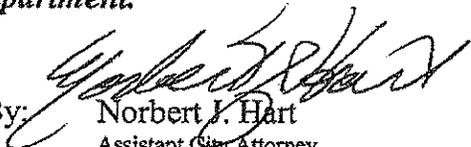
CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

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

The City Attorney's Office recommends the Development Services Department decide this application in the following manner:

Approval Disapproval Return to Applicant

Again, this is the recommendation of the City Attorney's Office. It is not and shall not be taken as nor substituted for the decision of the Director of the Development Services Department.

Reviewed By: 
Norbert J. Hart
Assistant City Attorney

Date: October 20, 2004

Comments: Recommend that vested rights be approved effective February 28, 1988 in accordance with VRP 01-09-022 for commercial and multi-family uses as depicted in the application and Exhibit 1 to the application.



City of San Antonio
 Development Services Department
Vested Rights Permit Application
Completeness Review



*Note: All Applications must comply with the Unified Development Code (UDC),
 Section 35-B124 Vested Rights Determination for the City of San Antonio.*

Required Items: Section 35-B124, Vested Rights' Determination

An Application for a Vested Rights Determination shall be made by the Applicant on a form established for such purpose and provided by the City and shall contain at least the following information:

1. Appropriate filing fee.
2. Section 35-B124
 - (a) Name and address of Applicant;
 - (b) Project description and name of subdivision or development, if applicable;
 - (c) Location of development;
 - (d) Total land area, in square feet;
 - (e) Total area of impervious surface, in square feet;
 - (f) Number of residential dwelling units, by type;
 - (g) Type and amount of non-residential square footage;
 - (h) Phases of the development, if applicable;
 - (i) 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;
 - (j) A Sworn Statement, in a form prescribed by the City, and signed by the Applicant; and
 - (k) A legal description of the Property

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: Austin [Signature]

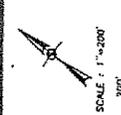
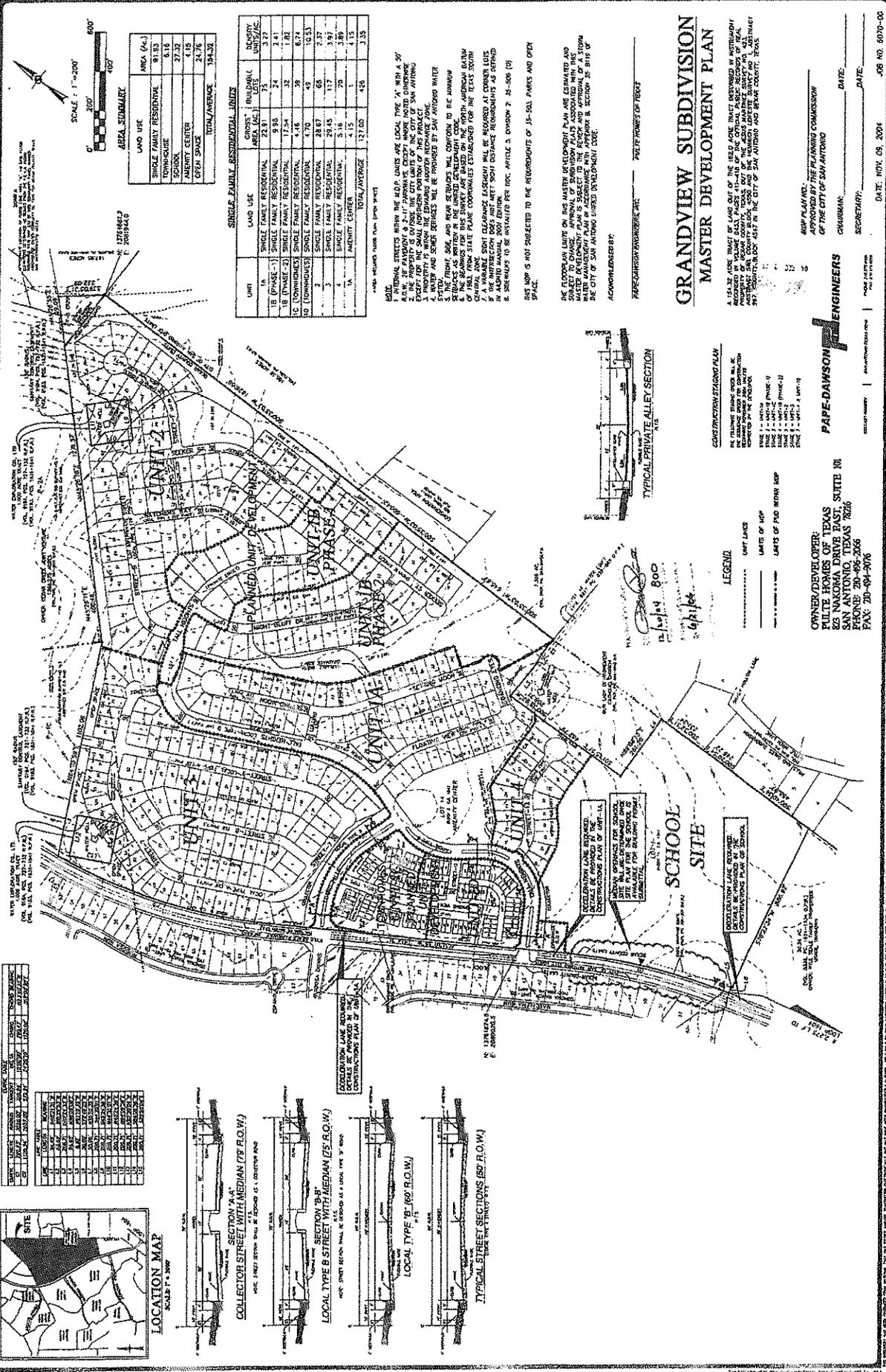
Date: 9/13/04

**ATTACHMENT 6 TO VESTED RIGHTS APPEAL
OF NORTHSIDE INDEPENDENT SCHOOL DISTRICT**

**CITY OF SAN ANONIO, TEXAS UNIFIED DEVELOPMENT CODE
SECTION 35-311, TABLE 35-311.2, NON-RESIDENTIAL USE MATRIX**

TABLE INSET:

TABLE 311-2 NONRESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Functio
School	School - Business or Commercial Trade		P			P	P	P				P	6142
School	School - Private University Or College		S			S	P	P	P			P	6130
School	School - Public University Or College	P	P	P	P	P	P	P	P			P	6130
School	School - Montessori				S	P	P	P				P	6100
School	School - Nursery (Public And Private)		P	P	P	P	P	P				P	6110
School	School - Private Pre-Kindergarten Through 12th Grade	P	P	P	P	P	P	P				P	9900
<i>School</i>	<i>School - Public Pre-Kindergarten Through 12th Grade</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>				<i>P</i>	<i>9900</i>



AREA SUMMARY

LAND USE	AREA (AC.)
SINGLE FAMILY RESIDENTIAL	81.83
TOWNHOUSE	8.18
SCHOOL	27.32
AMENITY CENTER	4.15
OPEN SPACE	24.76
TOTAL/AVERAGE	196.32

SINGLE FAMILY RESIDENTIAL UNITS

UNIT	LAND USE	GROSS BLDG. AREA (SQ. FT.)	RESIDENTIAL UNITS/AC.
1A	SINGLE FAMILY RESIDENTIAL	2,831	3.77
1B (PHASE-1)	SINGLE FAMILY RESIDENTIAL	17,248	7.4
1B (PHASE-2)	SINGLE FAMILY RESIDENTIAL	17,248	7.4
1C (TOWNHOUSES)	SINGLE FAMILY RESIDENTIAL	4,118	38
1D (TOWNHOUSES)	SINGLE FAMILY RESIDENTIAL	4,700	42
2	SINGLE FAMILY RESIDENTIAL	28,670	65
3	SINGLE FAMILY RESIDENTIAL	29,445	117
4	SINGLE FAMILY RESIDENTIAL	5,116	70
5	AMENITY CENTER	4,115	1
TOTAL/AVERAGE		127,027	426

NOTE:
 1. INTERNAL STREETS WITHIN THE R.O.W. UNITS ARE LOCAL TYPE "A" WITH A 5' SIDEWALK.
 2. THE PROPERTY IS DIVIDED INTO THE CITY LIMITS OF THE CITY OF SAN ANTONIO.
 3. THE PROPERTY IS SUBJECT TO THE CITY OF SAN ANTONIO'S SUBDIVISION MAP ACT.
 4. WATER AND SEWER SERVICES WILL BE PROVIDED BY SAN ANTONIO WATER.
 5. THE FISH, SOIL AND REAR SEWARDS WILL CONFORM TO THE JOHNSON ACT.
 6. THE FISH, SOIL AND REAR SEWARDS WILL CONFORM TO THE JOHNSON ACT.
 7. A VARIABLE SLOPE CLEARANCE EASEMENT SHALL BE REQUIRED AT CORNER LOTS.
 8. THE SUBDIVISION DOES NOT MEET SLOPE REQUIREMENTS AS DEFINED IN SECTION 21.04 OF THE SUBDIVISION MAP ACT.
 9. SIDEWALKS TO BE INSTALLED PER MDC, ARTICLE 7, DIVISION 2, 15-506 (9).
 THIS MAP IS NOT SUBJECT TO THE REQUIREMENTS OF JF-SAL PARKS AND OPEN SPACE.

GRANDVIEW SUBDIVISION MASTER DEVELOPMENT PLAN

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO

DATE: NOV. 03, 2004

SECRETARY: _____

CHAIRMAN: _____

DATE: _____

DATE: _____



TYPICAL PRIVATE ALLEY SECTION

CONSTRUCTION STANDARD PLAN

IN FOLLOWING TABLES, THE R.O.W. IS 10 FEET WIDE UNLESS OTHERWISE NOTED.

1. LOCAL TYPE "A" (PHASE 1)
 2. LOCAL TYPE "A" (PHASE 2)
 3. LOCAL TYPE "B" (PHASE 1)
 4. LOCAL TYPE "B" (PHASE 2)
 5. LOCAL TYPE "C" (PHASE 1)
 6. LOCAL TYPE "C" (PHASE 2)

OWNER/DEVELOPER:
 FULTE HOMES OF TEXAS
 823 NAKOMA DRIVE EAST, SUITE 100
 SAN ANTONIO, TEXAS 78266
 PHONE: 202-666-2066
 FAX: 202-694-9070

PAPE-DAWSON ENGINEERS

DATE: NOV. 03, 2004

SECRETARY: _____

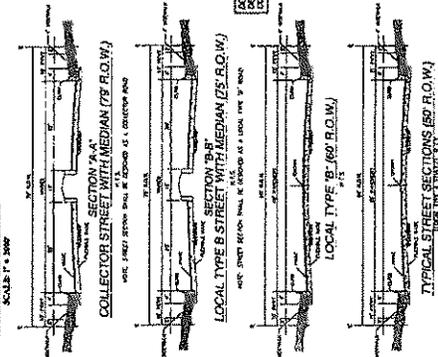
CHAIRMAN: _____

DATE: _____

LOCATION MAP

SCALE: 1" = 1/2 MILE

LOCAL TYPE "A" (PHASE 1)
 LOCAL TYPE "A" (PHASE 2)
 LOCAL TYPE "B" (PHASE 1)
 LOCAL TYPE "B" (PHASE 2)
 LOCAL TYPE "C" (PHASE 1)
 LOCAL TYPE "C" (PHASE 2)





LANGLEY & BANACK

INCORPORATED

Attorneys and Counselors at Law

Ross Laughead
rlaughead@langleybanack.com

September 11, 2007

San Antonio Planning Commission
c/o Mr. Roderick Sanchez
Director of Development Services
Attention: Mr. Andrew Spurgin
City of San Antonio, Texas
Morton One-Stop Development Center
1901 South Alamo Street
San Antonio, Texas 78204

VIA HAND DELIVERY

Re: Appeal of Adverse Vested Rights Determination No. 07-07-040
(Kyle Seale Middle School)

Dear Mr. Sanchez and Planning Commission:

I write in support of the position of my client, Northside Independent School District, in its appeal of the denial of its claim for vested rights for the Kyle Seale Middle School project by Vested Rights Determination No. 07-07-040 (Attachment 1).

1. POADP Remains Valid. POADP No. 286 (February 23, 1988, Attachment 2), upon which the District's application was based, has now been extended for vested rights determination purposes through September 1st, 2017, by Mr. Sanchez's letter to the District's engineer for this matter, Slay Engineering, by letter dated May 29, 2007 (Attachment 3).

2. Absence of Project Was Basis for Denial. Vested Rights Determination No. 07-07-040 recognizes the continuing validity of POADP No. 286 for vested rights determination purposes, but asserts that it does not identify a school project, and that it would be required to do so in order to support the determination of vested rights requested (Attachment 1).

3. POADP Discloses Residential. POADP No. 286 discloses an intention to develop for residential, multi-family and commercial uses over 1,325 acres (Attachment 2).

4. Schools Are an Allowed Residential Use. Schools are an allowed use in any residential district, whether single-family or multi-family (UDC § 35.311, Table 311-1, Attachment 4).

(L & B 03440/0037/L0230636.DOC)

Page 1

*Yes,
But @ the
time it was
authored cc.*

TRINITY PLAZA II • 745 EAST MULBERRY • SUITE 900
SAN ANTONIO, TEXAS 78212-3166 • T 210.736.6600 • F 210.735.6889
WWW.LANGLEYBANACK.COM

SAN ANTONIO • CARRIZO SPRINGS • EAGLE PASS



LANGLEY & BANACK

INCORPORATED

Attorneys and Counselors at Law

Some w/ Jani Nativel of a project

10. MDP #800 Is Not Relevant. Staff states in its Commission package posted with the agenda that Master Development Plan ("MDP," successor term for "POADP") No. 800, dated August 13, 2004 (Attachment 7), was one of several "plan amendments" that "updated and replaced" POADP No. 286. This statement is inaccurate in characterizing POADP No. 286 as "replaced," at least for purposes of vested rights determinations. MDP No. 800 may have specified the middle school site in question. However, it in no way impaired the vitality of POADP No. 286 for vested rights determination purposes (see Attachment 3, reciting its continued validity through September 1, 2017). Note also that any such argument is demolished by Vested Rights Determination No. 04-09-176, which relied upon POADP No. 286 for its favorable determination that vested rights were available for the POADP No. 286 properties fronting upon Loop 1604 effective October 20, 2004.

11. The Middle School Should Enjoy Vested Rights from February 23, 1988. The Kyle Seale Middle School should enjoy vested rights from February 23, 1988 because POADP No. 286 filed that date supports their recognition.

asked for Rights effective 1994

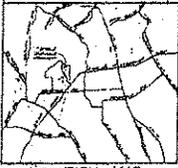
Respectfully Submitted,

Langley & Banack, Inc.

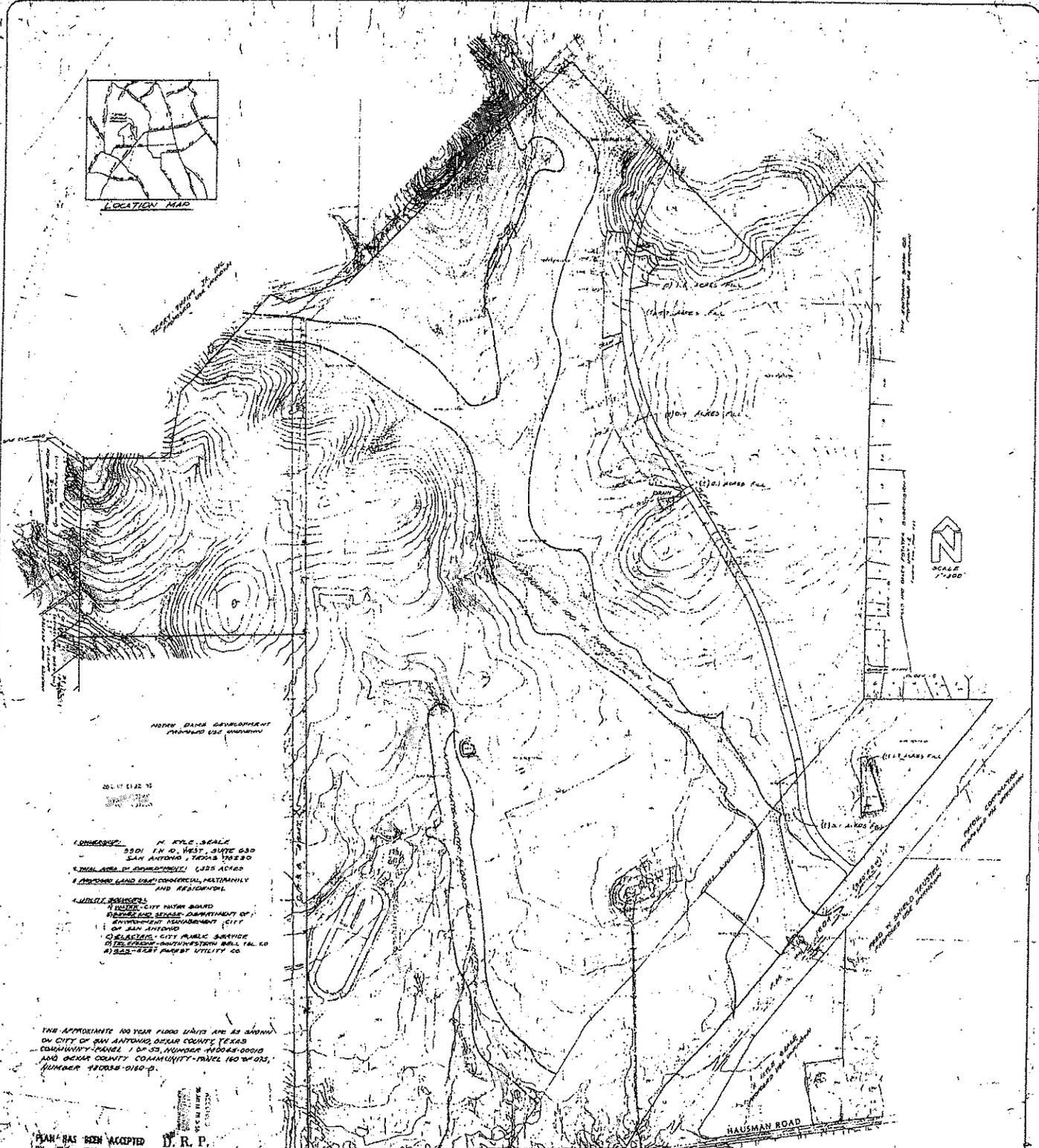
By: Ross Laughead
Ross Laughead

granted rights effective ~~2004~~ Feb. 23, 1988

Attachment 2



LOCATION MAP



NORTH DRAIN DEVELOPMENT
PROPERTY OF THE CITY

NO. 17 5122 75
SAN ANTONIO, TEXAS

- 1. ADDRESS: N. KYLE BEALE
3501 E. W. WEST, SUITE 630
SAN ANTONIO, TEXAS 78230
- 2. TOTAL AREA OF DEVELOPMENT: 1325 ACRES
- 3. PROPOSED LAND USE: COMMERCIAL, RESTAURANT AND RESIDENTIAL
- 4. UTILITY SERVICES:
 - 1) WATER: CITY WATER BOARD
 - 2) SEWER AND SEWAGE: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, CITY OF SAN ANTONIO
 - 3) GAS: CITY PUBLIC SERVICE
 - 4) TELEPHONE: SOUTHWESTERN BELL TEL. CO.
 - 5) POWER: ELECTRIC POWER UTILITY CO.

THE APPROXIMATE 100 YEAR FLOOD LIMITS ARE AS SHOWN ON CITY OF SAN ANTONIO, DEKAR COUNTY TEXAS COMMUNITY FLOOD MAP NO. 1 OF 22 NUMBER 10005-00010 AND DEKAR COUNTY COMMUNITY FLOOD MAP NO. 01015, NUMBER 10005-01010-P.

PLAN HAS BEEN ACCEPTED BY THE CITY OF SAN ANTONIO, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

D. R. P.

Project # 123
Date: Feb 22, 1988
Expire: Sept 1, 1990
Issued: 3/1/88

PRELIMINARY OVERALL AREA DEVELOPMENT PLAN OF KYLE BEALE RANCH

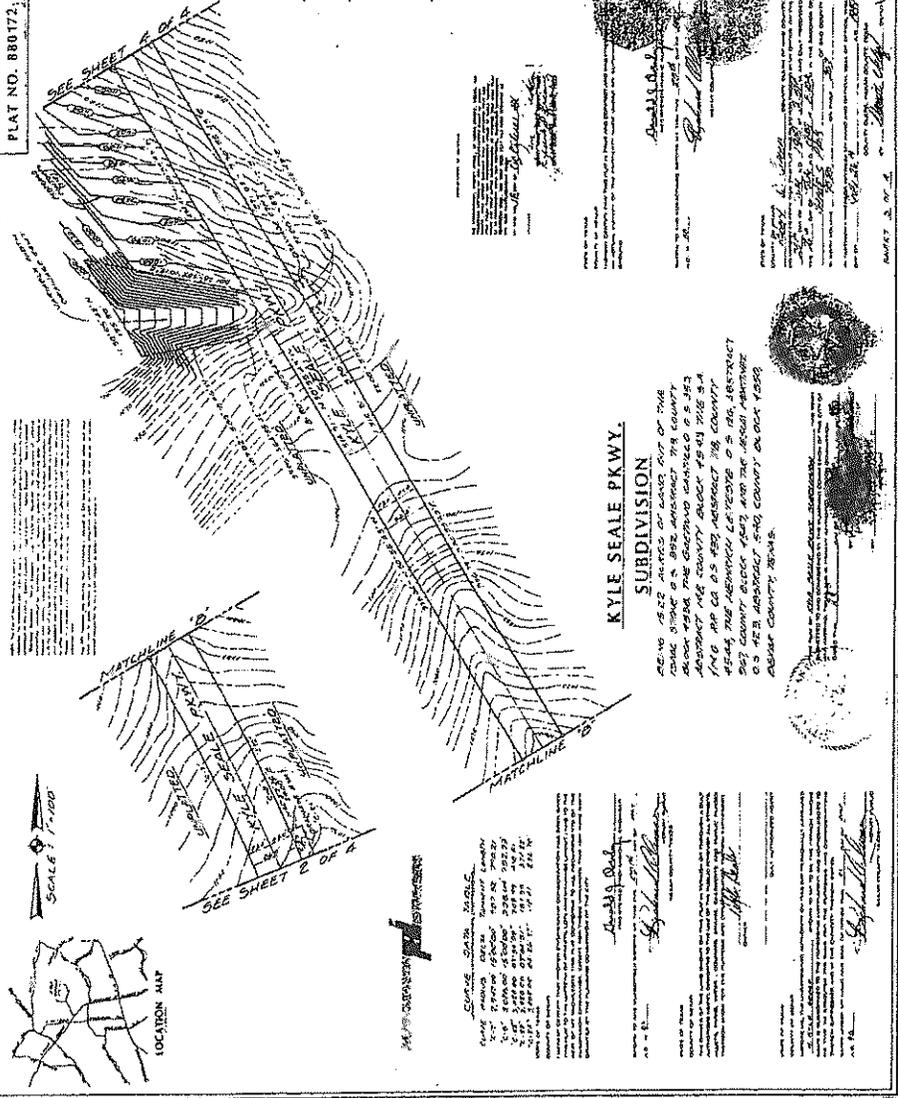
**ATTACHMENT 4 TO VESTED RIGHTS APPEAL
OF NORTHSIDE INDEPENDENT SCHOOL DISTRICT**

**CITY OF SAN ANONIO, TEXAS UNIFIED DEVELOPMENT CODE
SECTION 35-311, TABLE 35-311.1, RESIDENTIAL USE MATRIX**

TABLE INSET:

TABLE 311-1 RESIDENTIAL USE MATRIX														
PERMITTED USE	RP	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-25	MF-33
School - Private (Includes Church Schools, Private Schools K-12)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<i>School - Public Includes All ISD Schools K-12, Open Enrollment Charter Schools, Public College Or University</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
School - University Or College (Private)	S	S	S	S	S	S	S	S	S	S	S	S		

PLAT NO. 880172



SEE SHEET 1 OF 2

SEE SHEET 2 OF 2

SCALE 1" = 100'

LOCATION MAP

KYLE SEALE PKWY. SUBDIVISION

THIS SUBDIVISION OF THE SEALE TRACT, 1/4 SECTION 36, T12N, R10E, S12E, COUNTY OF GARLAND, TEXAS, WAS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF GARLAND COUNTY, TEXAS, ON MAY 12, 1988, AND THE DEED WAS RECORDED IN THE PUBLIC RECORDS OF GARLAND COUNTY, TEXAS, BOOK 108, PAGE 108.

APPROVED AND AUTHORIZED FOR RECORDATION:
 COUNTY CLERK
 GARLAND COUNTY, TEXAS

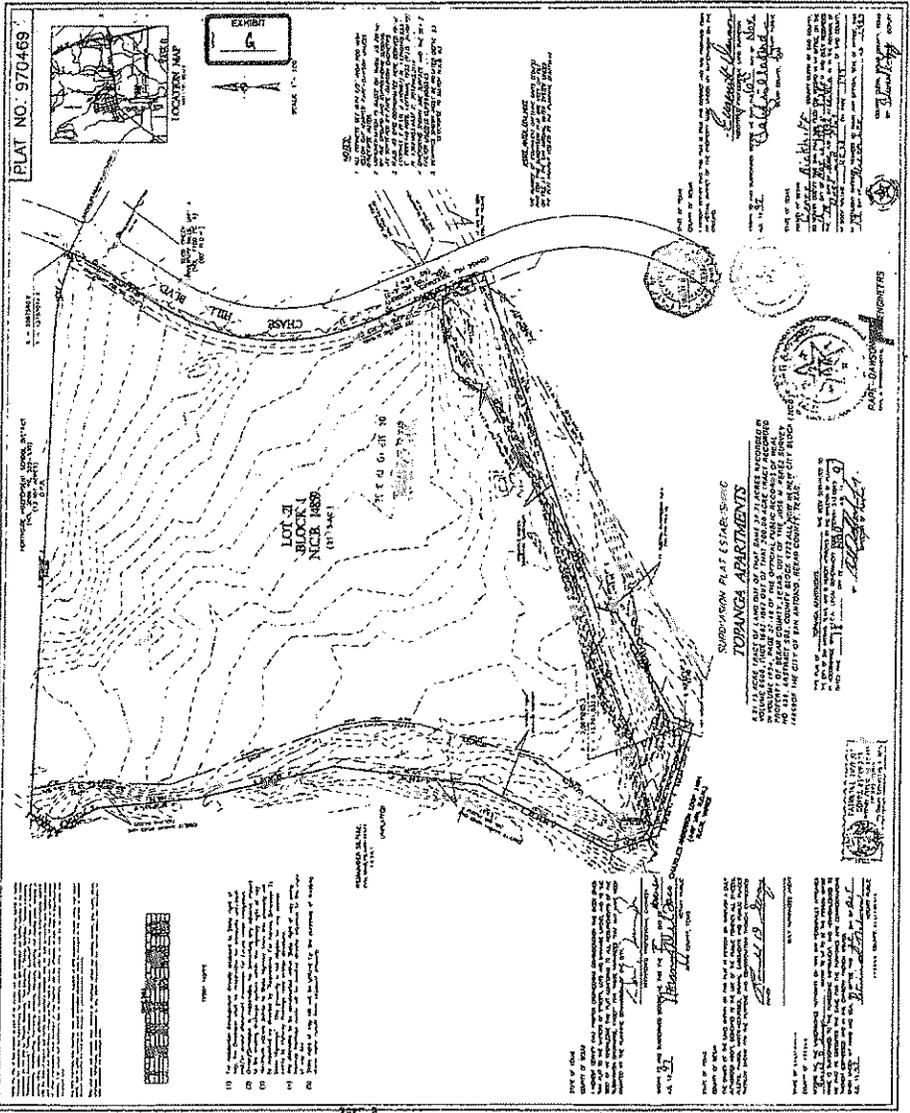
APPROVED AND AUTHORIZED FOR RECORDATION:
 COUNTY CLERK
 GARLAND COUNTY, TEXAS

APPROVED AND AUTHORIZED FOR RECORDATION:
 COUNTY CLERK
 GARLAND COUNTY, TEXAS

APPROVED AND AUTHORIZED FOR RECORDATION:
 COUNTY CLERK
 GARLAND COUNTY, TEXAS

APPROVED AND AUTHORIZED FOR RECORDATION:
 COUNTY CLERK
 GARLAND COUNTY, TEXAS

Kyle Seale Pkwy



PLAT NO. 970469



EXHIBIT 6



SCALE 1" = 100'

NOTES:
 1. THE SUBDIVISION IS SHOWN ON THE PLAT AS BEING BOUND BY THE CHRYSE TRAIL AND THE CHRYSE TRAIL BLVD.
 2. THE SUBDIVISION IS SHOWN ON THE PLAT AS BEING BOUND BY THE CHRYSE TRAIL AND THE CHRYSE TRAIL BLVD.
 3. THE SUBDIVISION IS SHOWN ON THE PLAT AS BEING BOUND BY THE CHRYSE TRAIL AND THE CHRYSE TRAIL BLVD.

TOBANGA APARTMENTS
 BLOCK 1
 NEAR 1850'

CHRYSE TRAIL
 CHRYSE TRAIL BLVD.

TOBANGA APARTMENTS
 BLOCK 1
 NEAR 1850'

CHRYSE TRAIL
 CHRYSE TRAIL BLVD.

TOBANGA APARTMENTS
 BLOCK 1
 NEAR 1850'

CHRYSE TRAIL
 CHRYSE TRAIL BLVD.

TOBANGA APARTMENTS
 BLOCK 1
 NEAR 1850'

CHRYSE TRAIL
 CHRYSE TRAIL BLVD.

TOBANGA APARTMENTS
 BLOCK 1
 NEAR 1850'

CHRYSE TRAIL
 CHRYSE TRAIL BLVD.

TOBANGA APARTMENTS
 BLOCK 1
 NEAR 1850'

CHRYSE TRAIL
 CHRYSE TRAIL BLVD.

TOBANGA APARTMENTS
 BLOCK 1
 NEAR 1850'

CHRYSE TRAIL
 CHRYSE TRAIL BLVD.

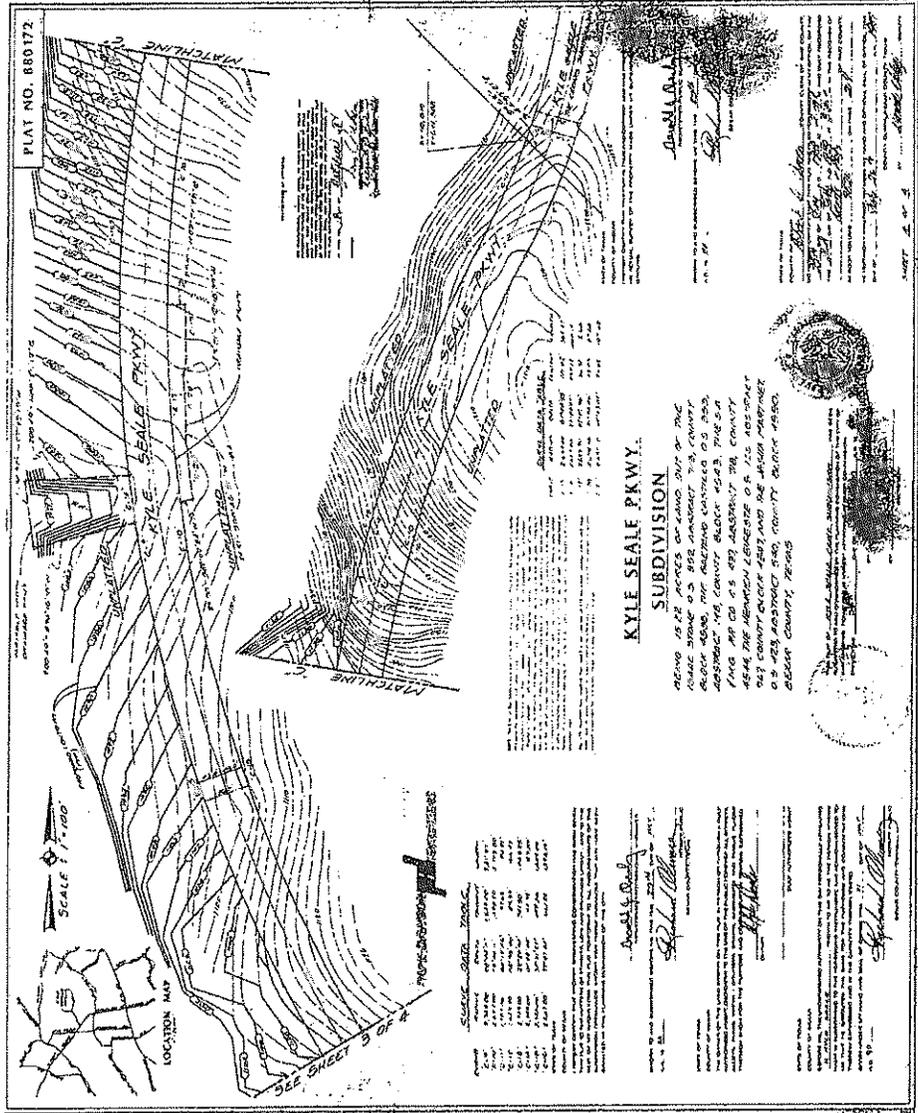
44192 57540 4808

TOBANGA APARTMENTS
 BLOCK 1
 NEAR 1850'



TOBANGA APARTMENTS
 BLOCK 1
 NEAR 1850'

VRP # CH-09 175



PLAT NO. 880172

SCALE 1/4\"/>

LOCATION MAP

SEE SHEET 3 OF 4

PROFESSIONAL ENGINEER

CLASS	DATE	WORK
1	1/15/00	PRELIMINARY
2	2/15/00	FINAL
3	3/15/00	AS BUILT
4	4/15/00	REVISION
5	5/15/00	REVISION
6	6/15/00	REVISION
7	7/15/00	REVISION
8	8/15/00	REVISION
9	9/15/00	REVISION
10	10/15/00	REVISION
11	11/15/00	REVISION
12	12/15/00	REVISION

KYLE SEAL PKWY. SUBDIVISION

BEING 18.22 ACRES OF LAND OUT OF THE SEASIDE TRACT, 1/4 SECTION 35, COUNTY OF SAN DIEGO, CALIFORNIA, AS SHOWN ON THE PLAT OF THE SEASIDE TRACT, 1/4 SECTION 35, COUNTY OF SAN DIEGO, CALIFORNIA, BEING THE NEIGHBORHOOD OF 1/4 SECTION 35, COUNTY OF SAN DIEGO, CALIFORNIA, AND BEING PART OF THE SEASIDE TRACT, 1/4 SECTION 35, COUNTY OF SAN DIEGO, CALIFORNIA, BEING

APPROVED AND CORRECTED

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

SCALE 1/4\"/>

PLAT NO. 880172

Permit File # 04-09-176

Council District 8 ETJ Yes Over Edward's Aquifer Recharge? (X) yes () no

3. What is the specific 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.*

(d) Total land use, in square feet 9,346,233

(e) Total area of impervious surface, in square feet 7,944,298

(f) Number of residential dwellings units, by type; multi-family - 1,000 units

(g) Type and amount of non-residential square footage 2,750,000

(h) Phases of the development, (If Applicable); See site plan

4. What is the date the applicant claims rights vested for this Project? February 25, 1988

(i) 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 rights or equitable estoppel is based;

CITY OF SAN ANTONIO
DEPT. OF PLANNING
OFFICE OF DIRECTOR
04 SEP 1988 AM 10:00

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."

4 a. What, if any, construction or related actions have taken place on the property since that date?

Multiple residential subdivisions and thoroughfares (See Attachment # 2 Platting Status)

5. By what means does the applicant claim rights vested for this Project? *Please specify all that may be applicable.*

• PERMIT

Type of Permit: See Items 2-15 (Attached) Date of Application: _____

Permit Number: _____ Date issued: _____

Expiration Date: _____ Acreage: _____

September 1, 2004



Mr. Norbert Hart
Assistant City Attorney
City of San Antonio
City Hall, 3rd Floor
100 So. Flores St.
San Antonio, TX 78205

CITY OF SAN ANTONIO
DEPT. OF PLANNING
OFFICE OF DIRECTOR
04 SEP 13 AM 10:00

Re: Vested Rights Permit for 164 Acres and 50.56 Acres of
Mixed-Use Development out of Kyle Seale Ranch POADP #286

Dear Mr. Hart:

Please find attached an application for acknowledgement of vested rights on the above referenced property.

The property owner, Mr. H. Kyle Seale, is currently moving forward on the master planning and sale of several properties out of the original Kyle Seale Ranch POADP.

Our attached application is for the commercial and multi-family mixed-use section of the project. To support your review and acknowledgement of the vested rights that exist on this property, we are providing the following information:

1. Preliminary site plan showing the proposed mixed-use development.
2. An overall Kyle Ranch exhibit showing the status of existing platting on the property.
3. Original Kyle Ranch POADP #286 dated February 25, 1988 showing land use as commercial, multi-family, and residential.
4. Subdivision plat for Kyle Seale Parkway dated July 25, 1989.
5. Letters of acceptance from the City of San Antonio on Kyle Seale Parkway.
6. Payment to H.B. Zachry Company for the construction of Kyle Seale Parkway totaling \$1,234,106.98.
7. Copies of engineering invoices for master planning and design of Kyle Seale Ranch.
8. Contract between H.B. Zachry and H. Kyle Seale for the construction of Kyle Seale Parkway.
9. Pollution Abatement affidavit and pollution abatement approval letter from the TCEQ dated July 18, 1988.

PAPE-DAWSON ENGINEERS, INC.

.555 East Ramsey | San Antonio, Texas 78216 | Phone: 210.375.9000 | Fax: 210.375.9010 | info@pape-dawson.com

Permit File # 04-09-176

City of San Antonio use

Permit File: # 04-09-176
Assigned by city staff

Date: 10/20/04

Approved

Disapproved

Review By: 
Development Services Department

Date: _____

Comments: As per City attorney comments the application is approved as requested. As of February 28, 1988 in accordance with VRP 01-09-022 for commercial and multi-family uses as depicted in the application and Exhibit I to the application.



City of San Antonio
Development Services Department
Vested Rights Permit Application
Completeness Review



*Note: All Applications must comply with the Unified Development Code (UDC),
 Section 35-B124 Vested Rights Determination for the City of San Antonio.*

Required Items: Section 35-B124, Vested Rights' Determination

An Application for a Vested Rights Determination shall be made by the Applicant on a form established for such purpose and provided by the City and shall contain at least the following information:

1. Appropriate filing fee.
2. Section 35-B124
 - (a) Name and address of Applicant;
 - (b) Project description and name of subdivision or development, if applicable;
 - (c) Location of development;
 - (d) Total land area, in square feet;
 - (e) Total area of impervious surface, in square feet;
 - (f) Number of residential dwelling units, by type;
 - (g) Type and amount of non-residential square footage;
 - (h) Phases of the development, if applicable;
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 - (j) A Sworn Statement, in a form prescribed by the City, and signed by the Applicant; and
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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:

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- 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: Justin [Signature]

Date: 9/13/06

**ATTACHMENT 6 TO VESTED RIGHTS APPEAL
OF NORTHSIDE INDEPENDENT SCHOOL DISTRICT**

**CITY OF SAN ANONIO, TEXAS UNIFIED DEVELOPMENT CODE
SECTION 35-311, TABLE 35-311.2, NON-RESIDENTIAL USE MATRIX**

TABLE INSET:

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School	School - Business or Commercial Trade		P			P	P	P				P	6142
School	School - Private University Or College		S			S	P	P	P			P	6130
School	School - Public University Or College	P	P	P	P	P	P	P	P			P	6130
School	School - Montessori				S	P	P	P				P	6100
School	School - Nursery (Public And Private)		P	P	P	P	P	P				P	6110
School	School - Private Pre-Kindergarten Through 12th Grade	P	P	P	P	P	P	P				P	9900
<i>School</i>	<i>School - Public Pre-Kindergarten Through 12th Grade</i>	<i>P</i>				<i>P</i>	<i>9900</i>						



LANGLEY & BANACK
INCORPORATED
Attorneys and Counselors at Law

Submitted to
PC by Applicant
@ meeting on
Sept. 12 07
M. Ray

Ross Laughead
rllaughead@langleybanack.com

September 11, 2007

San Antonio Planning Commission
c/o Mr. Roderick Sanchez
Director of Development Services
Attention: Mr. Andrew Spurgin
City of San Antonio, Texas
Morton One-Stop Development Center
1901 South Alamo Street
San Antonio, Texas 78204

VIA HAND DELIVERY

Re: Appeal of Adverse Vested Rights Determination No. 07-07-040
(Kyle Seale Middle School)

Dear Mr. Sanchez and Planning Commission:

I write in support of the position of my client, Northside Independent School District, in its appeal of the denial of its claim for vested rights for the Kyle Seale Middle School project by Vested Rights Determination No. 07-07-040 (Attachment 1).

1. POADP Remains Valid. POADP No. 286 (February 23, 1988, Attachment 2), upon which the District's application was based, has now been extended for vested rights determination purposes through September 1st, 2017, by Mr. Sanchez's letter to the District's engineer for this matter, Slay Engineering, by letter dated May 29, 2007 (Attachment 3).
2. Absence of Project Was Basis for Denial. Vested Rights Determination No. 07-07-040 recognizes the continuing validity of POADP No. 286 for vested rights determination purposes, but asserts that it does not identify a school project, and that it would be required to do so in order to support the determination of vested rights requested (Attachment 1).
3. POADP Discloses Residential. POADP No. 286 discloses an intention to develop for residential, multi-family and commercial uses over 1,325 acres (Attachment 2).
4. Schools Are an Allowed Residential Use. Schools are an allowed use in any residential district, whether single-family or multi-family (UDC § 35.311, Table 311-1, Attachment 4).

{L & B 03440/0037/L0230636.DOC}

Page 1

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SAN ANTONIO, TEXAS 78212-3166 • T 210.736.6600 • F 210.735.6889
WWW.LANGLEYBANACK.COM

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LANGLEY & BANACK

INCORPORATED

Attorneys and Counselors at Law

5. POADP No. 286 Supports Residential Uses. POADP No. 286 has already been determined to support a vested rights determination for commercial and multi-family mixed use despite its lack of specification of the locations of the various development rights that it claims (excepting only Kyle Seale Parkway itself) by Vested Rights Determination No. 04-09-176 (October 20, 2004, Attachment 5). It has therefore been recently determined that POADP No. 286 sets forth a project that includes residential development in which a school is an allowable use without any greater specificity than the use of the word "residential". The District hereby incorporates by reference the disclosure of project investments through September 1, 2004, as recited in the letter of Gene Dawson to Norbert Hart of that date in support of the vested rights granted by Vested Rights Determination No. 04-09-176 and contained in the City's published file relating to that determination. This decision was consistent with earlier vested rights determinations regarding POADP No. 286. See, e.g., Vested Rights Determinations Nos. 01-9-022 & 01-11-035

6. School Uses Are Necessarily Implied. POADP No. 286 necessarily implies school uses because it contemplates substantial single-family and multi-family residential development over a tract of sufficient size (1,325 acres) that one or more schools would necessarily be required to serve any residential development of such extensive scope, and the District is responsible for public schools within the area encompassed by the POADP. Such a large area would necessarily require a middle school and one or more elementary schools.

7. Schools Are an Allowed Commercial Use. Schools are an allowed use in all commercial zoning districts other than "L," "I-1" and "I-2". (UDC § 35.311, Table 311-2, Attachment 6).

8. POADP No. 286 Also Supports Commercial Uses. POADP No. 286 has already been determined to support a vested rights determination for commercial and multi-family mixed use by Vested Rights Determination No. 04-09-176. It has therefore been determined that POADP No. 286 sets forth a project that includes commercial development (in which a school is an allowable use within the most common 7 of 9 districts) without any greater specificity than the use of the word "commercial".

9. The Middle School Is a Project Within POADP No. 286. The Kyle Seale Middle School is a project within POADP No. 286 because Vested Rights Determination No. 04-09-176 has already recognized vested rights to residential development under POADP No. 286, because POADP No. 286 necessarily implied a middle school project, and because the co-specification of "commercial" with "residential" is in no way inconsistent with such recognition.

{L & B 03440/0037/L0230636.DOC}

Page 2

TRINITY PLAZA II • 745 EAST MULBERRY • SUITE 900
SAN ANTONIO, TEXAS 78212-3166 • T 210.736.6600 • F 210.735.6889
WWW.LANGLEYBANACK.COM

SAN ANTONIO • CARRIZO SPRINGS • EAGLE PASS

THE MERITAS[®] LAW FIRMS WORLDWIDE

Permit File # 04-09-176



City of San Antonio
Development Services Department
Vested Rights Permit/Consent Agreement
APPLICATION

Permit File: # 04-09-176
Assigned by city staff

Date: September 1, 2004

CITY OF SAN ANTONIO
DEPT. OF PLANNING
OFFICE OF DIRECTOR
SEP 13 AM 10:00

Vested Rights Permit

Consent Agreement

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 subject of application and attach 2 sets of all applicable documents (i.e. this application, Master Development Plan, P.U.D. plan, plat application, approved plat, building permit) along with appropriate fee.

Note: All Applications must comply with the Unified Development Code (UDC), Section 35-B124 Vested Rights Determination for the City of San Antonio.

(a) Owner/Agent: H. Kyle Seale Family Properties, Ltd.

Phone: (210) 699-1000 Fax: (210) 695-2173

Address: P.O. Box 1200

City: Helotes State: TX Zip code: 78023

Engineer/Surveyor: Pape-Dawson Engineers, Inc.; ATTN: Al Chua

Address: 555 East Ramsey

City: San Antonio State: TX Zip code: 78216

(b) Name of Project: Kyle Seale Ranch

(c) (k) Site location or address of Project and Legal description: _____

215 acres fronting Loop 1604 at the intersection of Kyle Seale Parkway and Hausman Road.
(See attached Exhibit and Site Plan)

VRP#07-07-040



LOCATION MAP

NOTE: TRACT 72, INC. AND TRACT 73, INC. ARE PARTS OF THE LANDS OWNED BY THE CITY OF SAN ANTONIO.

LAND DEVELOPMENT SERVICE

07 JUL 16 PM 12:59

RECEIVED

City of San Antonio, Texas



SCALE 1"=100'

NOTE: DRAIN DEVELOPMENT PROVIDED USE OVERSEAS

- OWNER: H. KYLE SEALE
 3301 IH 10, WEST, SUITE 030
 SAN ANTONIO, TEXAS 78230
- TOTAL AREA OF DEVELOPMENT: 1,433 ACRES
- PROPOSED LAND USE: COMMERCIAL, MULTIFAMILY AND RESIDENTIAL
- UTILITIES SOURCES:
- A) WATER - CITY WATER BOARD
 - B) SEWER AND SEWAGE - DEPARTMENT OF ENVIRONMENT MANAGEMENT - CITY OF SAN ANTONIO
 - C) ELECTRIC - CITY PUBLIC SERVICE
 - D) TELEPHONE - DOWNTOWN WEST TEL. CO.
 - E) GAS - GRAY FOREST UTILITY CO.

THE APPROXIMATE 100 YEAR FLOOD LIMITS ARE AS SHOWN BY CITY OF SAN ANTONIO, BEXAR COUNTY TEXAS COMMUNITY - PANEL 1 OF 53, NUMBER 480045-00018 AND BEXAR COUNTY COMMUNITY - PANEL 160 OF 675, NUMBER 480045-00018.

PLAN HAS BEEN ACCEPTED BY THE CITY OF SAN ANTONIO DEVELOPMENT SERVICE COMMITTEE
 2-25-88
 Signed: D. Paulby, Jr.

FM 1560

PRELIMINARY OVERALL AREA DEVELOPMENT PLAN OF KYLE SEALE RANCH

ROSA RIA CORP. ALVIN F. FORTNER V. BIRNBAUM

11-1-88



LANGLEY & BANACK

INCORPORATED

Attorneys and Counselors at Law

10. MDP #800 Is Not Relevant. Staff states in its Commission package posted with the agenda that Master Development Plan ("MDP," successor term for "POADP") No. 800, dated August 13, 2004 (Attachment 7), was one of several "plan amendments" that "updated and replaced" POADP No. 286. This statement is inaccurate in characterizing POADP No. 286 as "replaced," at least for purposes of vested rights determinations. MDP No. 800 may have specified the middle school site in question. However, it in no way impaired the vitality of POADP No. 286 for vested rights determination purposes (see Attachment 3, reciting its continued validity through September 1, 2017). Note also that any such argument is demolished by Vested Rights Determination No. 04-09-176, which relied upon POADP No. 286 for its favorable determination that vested rights were available for the POADP No. 286 properties fronting upon Loop 1604 effective October 20, 2004.

11. The Middle School Should Enjoy Vested Rights from February 23, 1988. The Kyle Seale Middle School should enjoy vested rights from February 23, 1988 because POADP No. 286 filed that date supports their recognition.

Respectfully Submitted,

Langley & Banack, Inc.

By: Ross Laughead
Ross Laughead



LANGLEY & BANACK

INCORPORATED

Attorneys and Counselors at Law

Ross Laughead
rlaughead@langleybanack.com

September 11, 2007

San Antonio Planning Commission
c/o Mr. Roderick Sanchez
Director of Development Services
Attention: Mr. Andrew Spurgin
City of San Antonio, Texas
Morton One-Stop Development Center
1901 South Alamo Street
San Antonio, Texas 78204

VIA HAND DELIVERY

Re: Appeal of Adverse Vested Rights Determination No. 07-07-040
(Kyle Seale Middle School)

Dear Mr. Sanchez and Planning Commission:

I write in support of the position of my client, Northside Independent School District, in its appeal of the denial of its claim for vested rights for the Kyle Seale Middle School project by Vested Rights Determination No. 07-07-040 (Attachment 1).

1. POADP Remains Valid. POADP No. 286 (February 23, 1988, Attachment 2), upon which the District's application was based, has now been extended for vested rights determination purposes through September 1st, 2017, by Mr. Sanchez's letter to the District's engineer for this matter, Slay Engineering, by letter dated May 29, 2007 (Attachment 3).
2. Absence of Project Was Basis for Denial. Vested Rights Determination No. 07-07-040 recognizes the continuing validity of POADP No. 286 for vested rights determination purposes, but asserts that it does not identify a school project, and that it would be required to do so in order to support the determination of vested rights requested (Attachment 1).
3. POADP Discloses Residential. POADP No. 286 discloses an intention to develop for residential, multi-family and commercial uses over 1,325 acres (Attachment 2).
4. Schools Are an Allowed Residential Use. Schools are an allowed use in any residential district, whether single-family or multi-family (UDC § 35.311, Table 311-1, Attachment 4).

(L & B 03440/0037/L0230636.DOC)

Page 1

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LANGLEY & BANACK

INCORPORATED

Attorneys and Counselors at Law

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11. The Middle School Should Enjoy Vested Rights from February 23, 1988. The Kyle Seale Middle School should enjoy vested rights from February 23, 1988 because POADP No. 286 filed that date supports their recognition.

Respectfully Submitted,

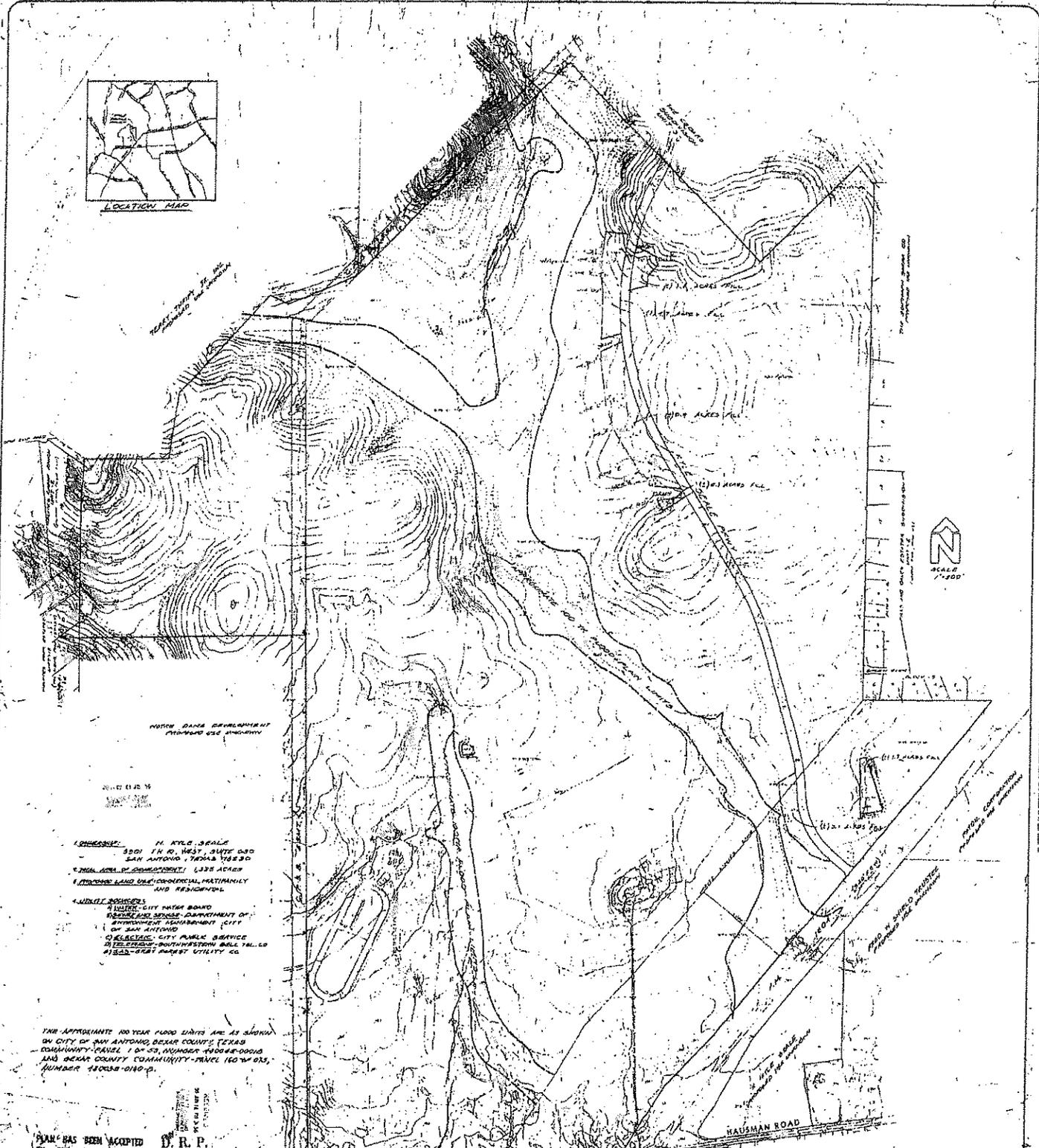
Langley & Banack, Inc.

By: Ross Laughead
Ross Laughead

Attachment 2



LOCATION MAP



SCALE 1"=100'

- 1. ZONING: R-1 KYLE SEALE 3801 14 R. WEST 34TH 380 SAN ANTONIO TEXAS 78230
- 2. TYPE OF DEVELOPMENT: LOTS ADJACENT TO COMMERCIAL, RESIDENTIAL AND RESIDENTIAL
- 3. UTILITIES: CITY WATER BOARD, SANITARIUM SERVICE DEPARTMENT OF ENVIRONMENT MANAGEMENT CITY OF SAN ANTONIO, ELECTRICITY CITY PUBLIC SERVICE, TELEPHONE BENTON STATION BELL TELCO, GAS GREAT WEST UTILITY CO.

THE APPROXIMATE 100 YEAR FLOOD DATUM ARE AS SHOWN ON CITY OF SAN ANTONIO BEAVER COUNTY TEXAS COMMUNITY FLOOD MAP OF BEAVER COUNTY TEXAS AND BEAVER COUNTY COMMUNITY FLOOD MAP NO. 025, NUMBER 140038-010-D.

PLAN HAS BEEN ACCEPTED BY THE CITY OF SAN ANTONIO DEVELOPMENT REVIEW COMMITTEE

D. R. P.

PRELIMINARY OVERALL AREA DEVELOPMENT PLAN OF KYLE SEALE RANCH

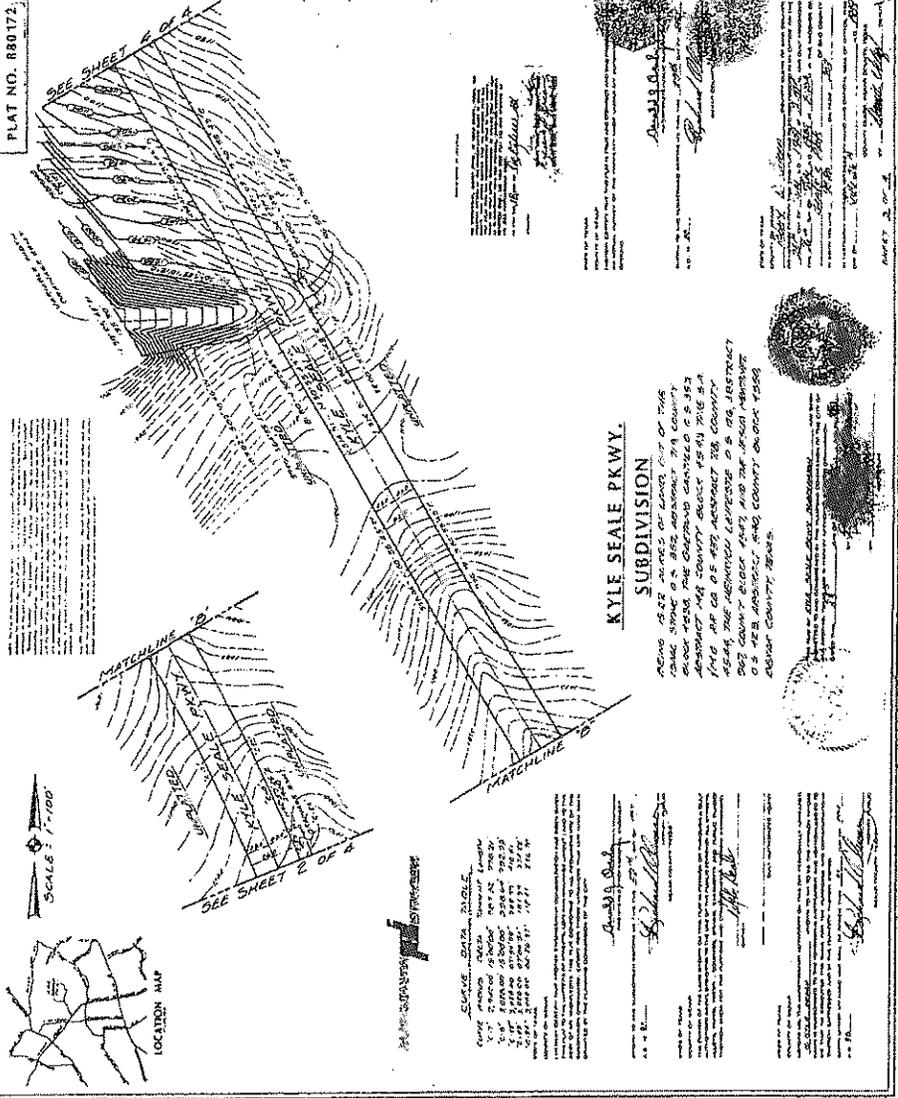
**ATTACHMENT 4 TO VESTED RIGHTS APPEAL
OF NORTHSIDE INDEPENDENT SCHOOL DISTRICT**

**CITY OF SAN ANONIO, TEXAS UNIFIED DEVELOPMENT CODE
SECTION 35-311, TABLE 35-311.1, RESIDENTIAL USE MATRIX**

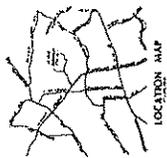
TABLE INSET:

TABLE 311-1 RESIDENTIAL USE MATRIX														
PERMITTED USE	RP	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-25	MF-33
School - Private (Includes Church Schools, Private Schools K-12)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<i>School - Public Includes All ISD Schools K-12, Open Enrollment Charter Schools, Public College Or University</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
School - University Or College (Private)	S	S	S	S	S	S	S	S	S	S	S	S		

PLAT NO. 880172



SCALE 1"=100'



PLAT NO. 880172

SEEKING DATA TABLE
 CURVE RADIUS DATA
 1. 10' RADIUS
 2. 20' RADIUS
 3. 30' RADIUS
 4. 40' RADIUS
 5. 50' RADIUS
 6. 60' RADIUS
 7. 70' RADIUS
 8. 80' RADIUS
 9. 90' RADIUS
 10. 100' RADIUS

**KYLE SEALE PKWY.
 SUBDIVISION**

THIS SUBDIVISION IS A SUBDIVISION OF THE
 LANDS OF THE COUNTY OF...
 BLOCK...
 SECTION...
 TOWNSHIP...
 RANGE...

APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF...
 DATE...

APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF...
 DATE...

100' 100' 100' 100'

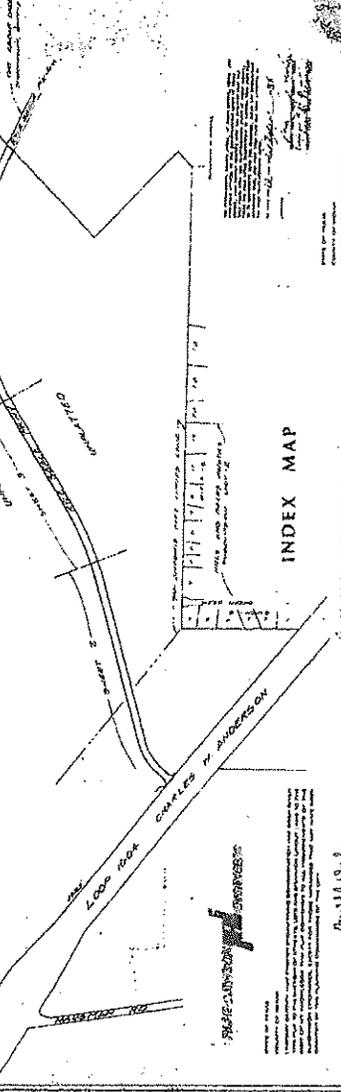
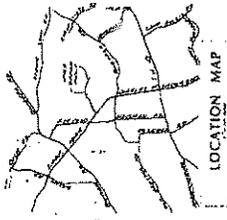
Kyle Seale Pkwy. [Signatures and Stamps]

PLAT NO. 880172

SCALE: 1"=100'



LEGAL DESCRIPTION OF THE LAND SHOWN ON THIS MAP...



INDEX MAP

KYLE SEALE PKWY. SUBDIVISION

BEING 162 ACRES OF LAND, OUT OF THE... (Detailed legal description of the land parcels and easements.)

PREPARED BY: [Signature]

DATE: [Date]

[Signature]

[Signature]

[Signature]

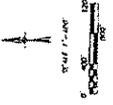
[Signature]

[Signature]

[Signature]

95-0/501
10/20/501

MAP NO. 100-112



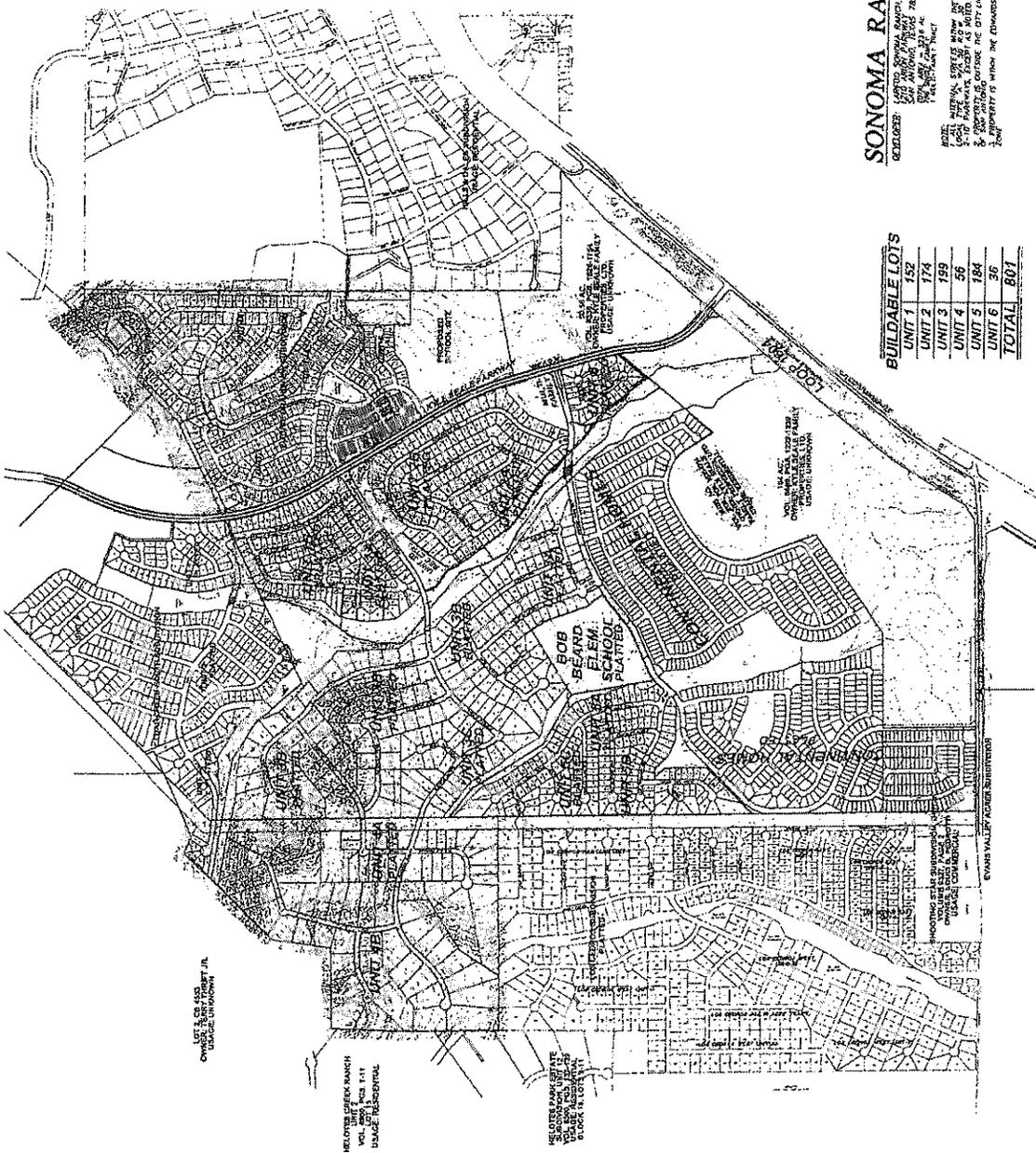
SONOMA RANCH

OWNER: SONOMA RANCH, LTD.
 1200 W. WILSON AVENUE, SUITE 200
 SAN ANTONIO, TEXAS 78204
 PROJECT: 1200 W. WILSON AVENUE, SUITE 200
 TRACT: 1200 W. WILSON AVENUE, SUITE 200

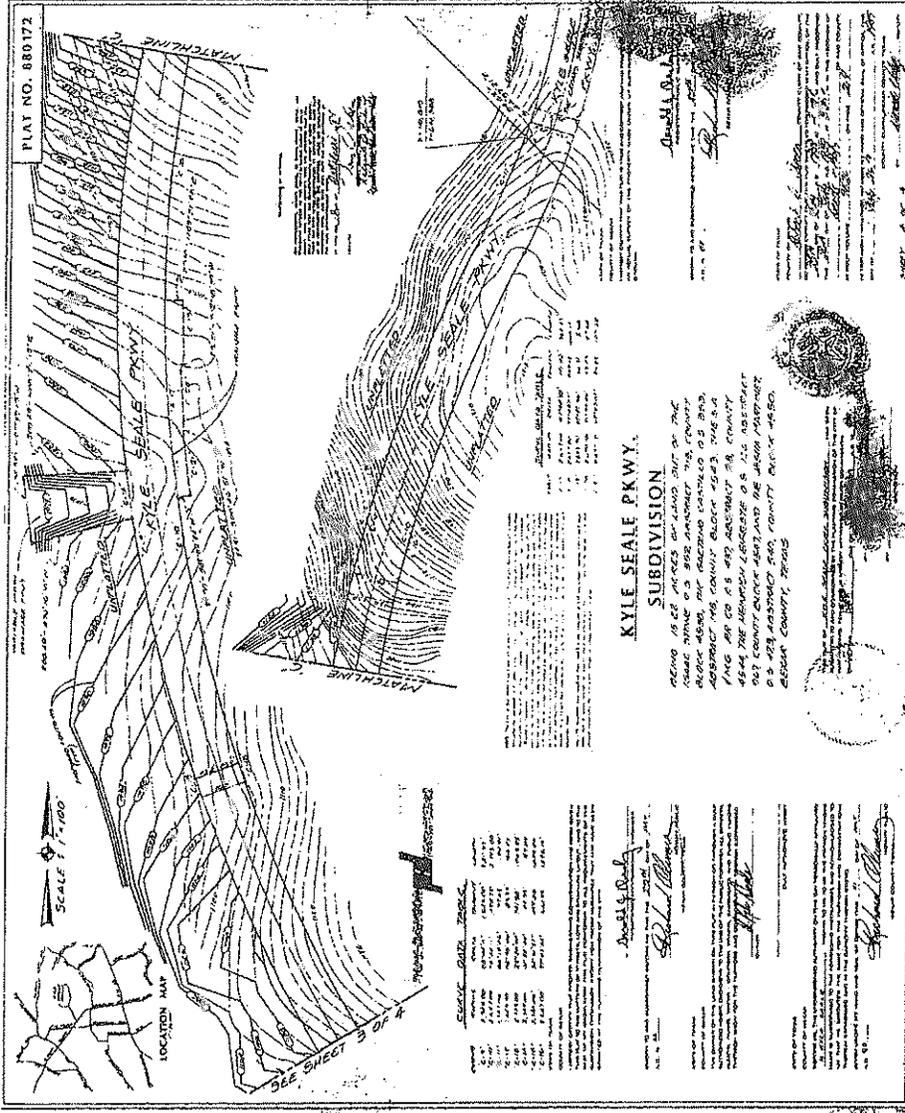
NOTE: INTERNAL SPACES WITHIN THE DEVELOPMENT ARE
 LOCATED WITHIN THE CITY LIMITS OF SAN ANTONIO, TEXAS
 & ARE NOT TO BE CONSIDERED AS PART OF THE CITY
 LIMITS. THE DEVELOPMENT IS SUBJECT TO THE CITY
 ORDINANCES WHICH THE OWNERS AGREE TO OBSERVE.

BUILDABLE LOTS

UNIT 1	152
UNIT 2	174
UNIT 3	199
UNIT 4	56
UNIT 5	184
UNIT 6	36
TOTAL	801



DATE: 11-1-1



PLAY NO. 880172

SCALE 1"=100'

LOCATION MAP

SHEET 3 OF 4

Matchline

Matchline

KYLE SEALE PKWY. SUBDIVISION

BEING 18.28 ACRES OF LAND SHOWN ON THE PLAT DATED 03-28-1958 AND BEING THE COUNTY OF BROWN AND BEING THE SECTION 03 AND 04 TOWNSHIP 14S AND RANGE 04E COUNTY OF BROWN STATE OF IOWA THE HENRY L. HENRY TRUST 037 COUNTY AND BEING THE SECTION 03 AND 04 TOWNSHIP 14S AND RANGE 04E COUNTY OF BROWN STATE OF IOWA BEING ABSTRACT 240, COUNTY OF BROWN, IOWA.

APPROVED BY THE BOARD OF SUPERVISORS

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

VP#04-77-176

144507

10/10/01

10/10/01

10/10/01

10/10/01

10/10/01

10/10/01

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10/10/01

10/10/01

10/10/01

10/10/01

Permit File # 04-09-176

Council District 8 ETJ Yes Over Edward's Aquifer Recharge? (X) yes () no

3. What is the specific 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.*

(d) Total land use, in square feet 9,346,233

(e) Total area of impervious surface, in square feet 7,944,298

(f) Number of residential dwellings units, by type; multi-family - 1,000 units

(g) Type and amount of non-residential square footage 2,750,000

(h) Phases of the development, (If Applicable); See site plan

4. What is the date the applicant claims rights vested for this Project? February 25, 1988

(i) 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 rights or equitable estoppel is based;

CITY OF SAN ANTONIO
DEPT. OF PLANNING
OFFICE OF DIRECTOR
04 SEP 1988
AM 11:00

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."

4 a. What, if any, construction or related actions have taken place on the property since that date?

Multiple residential subdivisions and thoroughfares (See Attachment # 2 Platting Status)

5. By what means does the applicant claim rights vested for this Project? *Please specify all that may be applicable.*

• PERMIT

Type of Permit: See Items 2-15 (Attached) Date of Application: _____

Permit Number: _____ Date issued: _____

Expiration Date: _____ Acreage: _____

September 1, 2004



Mr. Norbert Hart
Assistant City Attorney
City of San Antonio
City Hall, 3rd Floor
100 So. Flores St.
San Antonio, TX 78205

04 SEP 13 AM 10:00
CITY OF SAN ANTONIO
DEPT. OF PLANNING
OFFICE OF DIRECTOR

Re: Vested Rights Permit for 164 Acres and 50.56 Acres of
Mixed-Use Development out of Kyle Seale Ranch POADP #286

Dear Mr. Hart:

Please find attached an application for acknowledgement of vested rights on the above referenced property.

The property owner, Mr. H. Kyle Seale, is currently moving forward on the master planning and sale of several properties out of the original Kyle Seale Ranch POADP.

Our attached application is for the commercial and multi-family mixed-use section of the project. To support your review and acknowledgement of the vested rights that exist on this property, we are providing the following information:

1. Preliminary site plan showing the proposed mixed-use development.
2. An overall Kyle Ranch exhibit showing the status of existing platting on the property.
3. Original Kyle Ranch POADP #286 dated February 25, 1988 showing land use as commercial, multi-family, and residential.
4. Subdivision plat for Kyle Seale Parkway dated July 25, 1989.
5. Letters of acceptance from the City of San Antonio on Kyle Seale Parkway.
6. Payment to H.B. Zachry Company for the construction of Kyle Seale Parkway totaling \$1,234,106.98.
7. Copies of engineering invoices for master planning and design of Kyle Seale Ranch.
8. Contract between H.B. Zachry and H. Kyle Seale for the construction of Kyle Seale Parkway.
9. Pollution Abatement affidavit and pollution abatement approval letter from the TCEQ dated July 18, 1988.

PAPE-DAWSON ENGINEERS, INC.

.555 East Ramsey | San Antonio, Texas 78216 | Phone: 210.375.9000 | Fax: 210.375.9010 | info@pape-dawson.com

Permit File # 04-09-176

City of San Antonio use

Permit File: # 04-09-176
Assigned by city staff

Date: 10/20/04

Approved

Disapproved

Review By: _____


Development Services Department

Date: _____

Comments: As per City attorney comments the application is approved as requested. As of February 28, 1988 in accordance with VRP 01-09-022 for commercial and multi-family uses as depicted in the application and Exhibit 1 to the application.



City of San Antonio
Development Services Department
Vested Rights Permit Application
Completeness Review



*Note: All Applications must comply with the Unified Development Code (UDC),
 Section 35-B124 Vested Rights Determination for the City of San Antonio.*

Required Items: Section 35-B124, Vested Rights' Determination

An Application for a Vested Rights Determination shall be made by the Applicant on a form established for such purpose and provided by the City and shall contain at least the following information:

1. Appropriate filing fee.
2. Section 35-B124
 - (a) Name and address of Applicant;
 - (b) Project description and name of subdivision or development, if applicable;
 - (c) Location of development;
 - (d) Total land area, in square feet;
 - (e) Total area of impervious surface, in square feet;
 - (f) Number of residential dwelling units, by type;
 - (g) Type and amount of non-residential square footage;
 - (h) Phases of the development, if applicable;
 - (i) 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;
 - (j) A Sworn Statement, in a form prescribed by the City, and signed by the Applicant; and
 - (k) A legal description of the Property

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: Dustin [Signature]

Date: 9/13/06

**ATTACHMENT 6 TO VESTED RIGHTS APPEAL
OF NORTHSIDE INDEPENDENT SCHOOL DISTRICT**

**CITY OF SAN ANONIO, TEXAS UNIFIED DEVELOPMENT CODE
SECTION 35-311, TABLE 35-311.2, NON-RESIDENTIAL USE MATRIX**

TABLE INSET:

TABLE 311-2 NONRESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Functio
School	School - Business or Commercial Trade		P			P	P	P				P	6142
School	School - Private University Or College		S			S	P	P	P			P	6130
School	School - Public University Or College	P	P	P	P	P	P	P	P			P	6130
School	School - Montessori				S	P	P	P				P	6100
School	School - Nursery (Public And Private)		P	P	P	P	P	P				P	6110
School	School - Private Pre-Kindergarten Through 12th Grade	P	P	P	P	P	P	P				P	9900
<i>School</i>	<i>School - Public Pre-Kindergarten Through 12th Grade</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>				<i>P</i>	<i>9900</i>

LETTER OF TRANSMITTAL

S SLAY ENGINEERING CO., INC.
L 123 ALTGELT AVENUE
A SAN ANTONIO, TEXAS 78201
Y (210) 734-4388
 (210) 734-6401 FAX

RECEIVED
 07 JUL -9 PM 1:04

LAND DEVELOPMENT
 SERVICES DIVISION

DATE	7-9-07	JOB NO	06-063
ATTENTION: Sandra			
RE: Plat # 070262			

TO: Development Service Dept.
1901 South Alamo
San Antonio, TX 78204
210-207-1111

PLAT # 07-07-040

WE ARE SENDING YOU Attached Under separate cover via COURIER the following items:

- | | | | | |
|---|---------------------------------------|---|----------------------------------|---|
| <input type="checkbox"/> Shop drawings | <input type="checkbox"/> Prints | <input checked="" type="checkbox"/> Plans | <input type="checkbox"/> Samples | <input type="checkbox"/> Specifications |
| <input type="checkbox"/> Copy of Letter | <input type="checkbox"/> Change Order | <input type="checkbox"/> FLOPPY DISK | | |

COPIES	DATE	NO.	DESCRIPTION
1	7-9-07		Rights Determination Package
1	7-9-07		SitePlan
1	7-9-07		Check # 15009 for the amount of \$500.00

THESE ARE TRANSMITTED as checked below

- | | | |
|--|---|--|
| <input type="checkbox"/> For approval | <input type="checkbox"/> Approved as submitted | <input type="checkbox"/> Resubmit ____ copies for approval |
| <input type="checkbox"/> For your use | <input type="checkbox"/> Approved as noted | <input type="checkbox"/> Submit ____ copies for distribution |
| <input type="checkbox"/> As requested | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Return ____ corrected prints |
| <input checked="" type="checkbox"/> For review and comment | <input type="checkbox"/> _____ | |
| <input type="checkbox"/> FOR BIDS DUE _____ 20__ | <input type="checkbox"/> PRINTS RETURNED AFTER LOAN TO US | |

REMARKS: Please contact our office if you have any questions and/or concerns. Thank you for your time in this matter.

SENT BY: Victor Rosales SIGNED FOR: _____



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

07-16-07 10:00-29am

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

VR P# 07 - 07 - 040

RECEIVED
 07 JUL 16 PM 12:58
 LAND DEVELOPMENT
 SERVICES DIVISION

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:

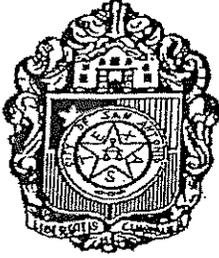
- A timing and phasing plan for the proposed development;
- A plan for the provision of public facilities and services to the proposed development, by phase;
- The conditions under which the proposed development will be authorized to proceed; and
- The conditions under which approvals or permits will 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: Larry Odis **Date:** 7/16/07



City of San Antonio
New
Vested Rights Permit
APPLICATION

LAND DEVELOPMENT
 SERVICES DIVISION

07 JUL 16 PM 12:58

RECEIVED

Permit File: # VRP 01-9-022

Date: _____

Assigned by city staff

9/14/01

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 subject of application and attach 2 sets of all applicable documents (i.e. this application, Master Development Plan (Formaly POADP), P.U.D. plan, plat application, approved plat, building permit).

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

1. Owner/ Agent Laredo Sonoma Ranch, Ltd. Attn: Brad Galo
2. Address: 15102 Jones Maltsberger, Suite 101
3. Zip: 78247 Telephone # (210) 947-3385
4. Site location or address northwest corner of FM 1560 and Loop 1604 intersection
5. Council District N/A ETJ Over Edward's Aquifer Recharge yes () no

• **MASTER DEVELOPMENT PLAN (MDP) (Formaly 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 18 months for the POADP acceptance date.

Name: Kyle Seale Ranch # 286

Date accepted: 02/25/88 Expiration Date: 09/01/07 MDP Size: 1,325 acres

• **P.U.D. PLAN**

Name: _____ # _____

Date accepted: _____

VRP# 07-07-040

• **Plat Application**

Plat Name: _____ Plat # _____ Acreage: _____

Date submitted: _____ Expiration Date: _____

(Note: Plat must be approved within 18 months of application submittal date).

August 17, 2001

• **Approved Plat**

Plat Name: Kyle Seale Parkway Subdivision Plat # 880172 Acreage: 15.22 Approval

Date: 09/28/88 Plat recording Date: 07/26/89 Expiration Date: -0- Vol./Pg. 9520, Pages 201-204

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

• **Others**

Type of Permit: _____ Date issued: _____ Expiration Date: 07/16/01

Acreage: _____

(Note: Two maps of the area must be provided)

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.

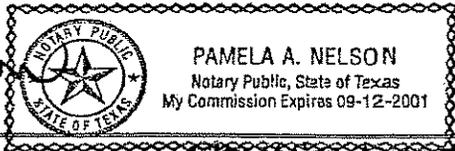
I hereby certify that all information this Application and the attached documents are true and correct and that it is my belief the property owner is entitled to Vested Rights on the listed location.

Print name: A. Bradford Galo Signature: [Signature] Date: 9/5/2001

Sworn to and subscribed before me by on this 6th day of September 20 01, to certify which witness by hand and seal of office.

Notary Public, State of Texas, My Commission expires: 9/12/2001

Pamela A. Nelson
NOTARY PUBLIC



VRP#07-07-040

City of San Antonio use

Approved

Disapproved

Review By: [Signature]
Assistant City Attorney

Date: 10/04/01

August 17, 2001



City of San Antonio, Texas
Department of Development Services

LAND DEVELOPMENT
SERVICES DIVISION

RECEIVED
07 JUL 16 PM 12:59

May 29, 2007

Michael M. Slay, P.E.
Slay Engineering Company, Inc.
4335 W. Piedras Drive Ste 210
San Antonio, TX 78228

RE: Kyle Seale Ranch POADP # 286 and VRP 01-09-022

Dear Mr. Slay:

We have reviewed your request for verification of referenced subject in accordance with Unified Development Code (UDC) Section 35-412 (h) Scope of Approval. Based on the information provided the following are our official findings:

Kyle Seale Ranch comprises 1,325 +/- acres. The development activity has encompassed approximately 697 +/- acres or 73 % of the total net acreage. Under the UDC section previously cited, this Preliminary Overall Area Development Plan (POADP) has met the 50 % development/platting requirement and is entitled to an additional 10 years to obtain final plat approval for the remaining acreage associated with POADP # 286. The new sunset date for this project is September 1, 2017. Please note a Fair Notice form will be required with plat applications for all remaining phases of this development for review consistent with POADP # 286.

VRP # 01-09-022 is only valid to the extent of the rights associated with the underlying permit upon which it was based. A new Rights Determination should be made based on the POADP.

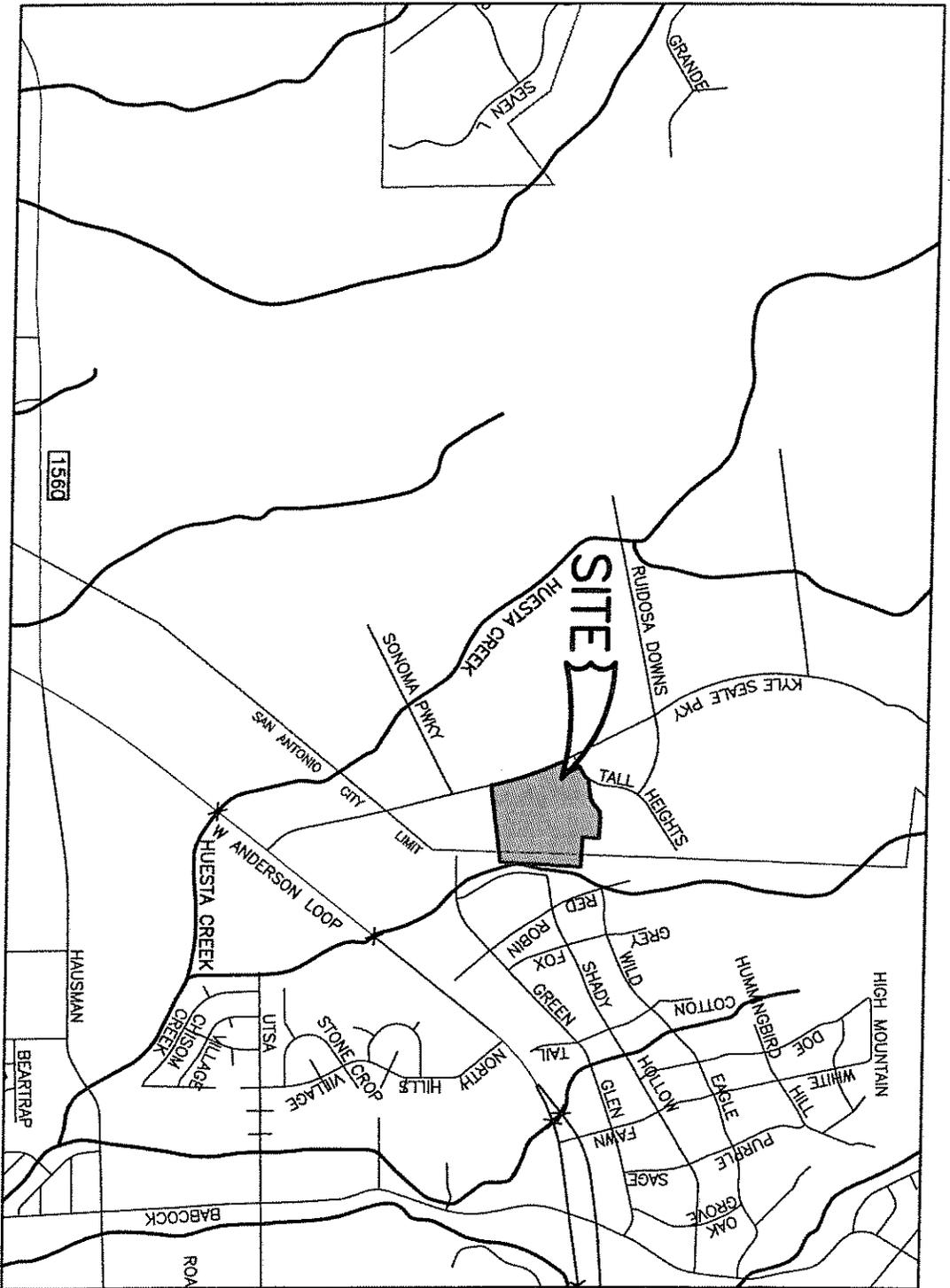
If you have any questions please contact Melissa Ramirez at 207-7038.

Sincerely,

VRP# 07 - 07 - 040

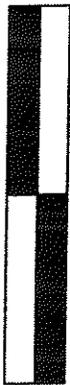
Fernando J. De León, P.E.
Assistant Director Development Services Department
Land Development Division

LOCATION MAP



KYLE SEALE PARKWAY AREA MIDDLE SCHOOL

SCALE: 1" = 2000'-0"



0 2000 4000



VRP#07-07-040

LAND DEVELOPMENT SERVICES DIVISION

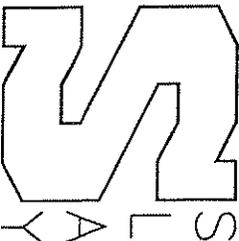
07 JUL 16 PM 12:59

RECEIVED

DATE: 06/11/07

JOB: 06-063

ENGINEERING CO., INC.
 123 ALTGELT AVE.
 SAN ANTONIO, TEXAS 78201
 PH. (210) 734-4388
 FAX (210) 734-6401



LETTER OF TRANSMITTAL



SLAY ENGINEERING CO., INC.
 123 ALTGELT AVENUE
 SAN ANTONIO, TEXAS 78201
 (210) 734-4388
 (210) 734-6401 FAX

DATE	7-12-07	JOB NO	06-063
ATTENTION: Larry Otis			
RE: Plat # 070262			

RECEIVED
 07 JUL 12 PM 12:22
 LAND DEVELOPMENT
 SERVICES DIVISION

TO: Development Service Dept.

1901 South Alamo

San Antonio, TX 78204

210-207-1111

VRP#07-07-040

WE ARE SENDING YOU Attached Under separate cover via COURIER the following items:

- Shop drawings Prints Plans Samples Specifications
 Copy of Letter Change Order FLOPPY DISK

COPIES	DATE	NO.	DESCRIPTION
2	7-12-07		Rights Determination Package
2	7-12-07		SitePlan
2	7-12-07		Original Permit

THESE ARE TRANSMITTED as checked below

- For approval Approved as submitted Resubmit ____ copies for approval
 For your use Approved as noted Submit ____ copies for distribution
 As requested Returned for corrections Return ____ corrected prints
 For review and comment _____
 FOR BIDS DUE _____ 20____ PRINTS RETURNED AFTER LOAN TO US

REMARKS: Please contact our office if you have any questions and/or concerns. Thank you for your time in this matter.

SENT BY: Victor rosales SIGNED FOR: _____



City of San Antonio, Texas

Department of Development Services

May 29, 2007

Michael M. Slay, P.E.
Slay Engineering Company, Inc.
4335 W. Piedras Drive Ste 210
San Antonio, TX 78228

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VRP # 01-09-022 is only valid to the extent of the rights associated with the underlying permit upon which it was based. A new Rights Determination should be made based on the POADP.

If you have any questions please contact Melissa Ramirez at 207-7038.

Sincerely,

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

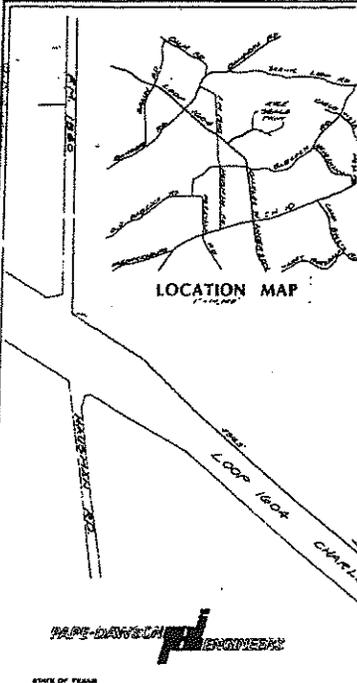
Received by Candice Willey

Date 01 JUNE 07

NOTE: The City of San Antonio is a party to this survey and the survey is subject to the laws and regulations of the State of Texas and the City of San Antonio. The survey is subject to the laws and regulations of the State of Texas and the City of San Antonio. The survey is subject to the laws and regulations of the State of Texas and the City of San Antonio.

SCALE: 1" = 600'

LOCATION MAP



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
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INDEX MAP

KYLE SEALE PKWY. SUBDIVISION

BEING 15.22 ACRES OF LAND, OUT OF THE 15.44 ACRES O.S. 352, ABSTRACT 713, COUNTY BLOCK 4538, THE GAETANO CASTILLO O.S. 353, ABSTRACT 148, COUNTY BLOCK 4543, THE S.A. 1145 R.R. CO. O.S. 437, ABSTRACT 710, COUNTY 4544, THE HEINRICH LOMESTIE O.S. 126, ABSTRACT 367, COUNTY BLOCK 4547, AND THE JESUA MARTINEZ O.S. 423, ABSTRACT 540, COUNTY BLOCK 4550, BEXAR COUNTY, TEXAS.

STATE OF TEXAS
 COUNTY OF BEXAR
 I HEREBY CERTIFY THAT AFTER EXAMINATION AND 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 UNFINISHED THAT MAY HAVE BEEN QUOTED BY THE PLANNING COMMISSION OF THE CITY.

Donald J. Reed
 REGISTERED PROFESSIONAL ENGINEER

WORKED TO AND SUBSCRIBED BEFORE ME THIS 20th DAY OF JULY
 A.D. 1922

Richard Williams
 BEXAR COUNTY, TEXAS

STATE OF TEXAS
 COUNTY OF BEXAR
 THE OWNER OF THE LAND SHOWN ON THIS PLAN AS PERSON OR THROUGH A DULY AUTHORIZED AGENT DECLARED TO THE CLERK OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, FRANK, WATER - COURSE, DRAIN, SANITARY AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONVEYANCE HEREBY COMPLETED.

W. H. Reed
 OWNER

DULY AUTHORIZED AGENT

STATE OF TEXAS
 COUNTY OF BEXAR
 BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED *W. H. Reed* known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 20th DAY OF JULY
 A.D. 1922

Richard Williams
 BEXAR COUNTY, TEXAS

THIS PLAN OF KYLE SEALE CONVEYANCE SUBDIVISION HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 20th DAY OF JULY 1922

Richard Williams
 BEXAR COUNTY, TEXAS



STATE OF TEXAS
 COUNTY OF BEXAR
 I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECT AND THAT I HAVE BEEN MADE AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION OR THE SUPERVISION OF AN AGENT.

Donald J. Reed
 REGISTERED PROFESSIONAL SURVEYOR

WORKED TO AND SUBSCRIBED BEFORE ME THIS 20th DAY OF JULY
 A.D. 1922

Richard Williams
 BEXAR COUNTY, TEXAS

STATE OF TEXAS
 COUNTY OF BEXAR
 COUNTY CLERK OF BEXAR COUNTY, DO HEREBY CERTIFY THAT THIS PLAN WAS FILED FOR RECORD IN MY OFFICE, ON THE 20th DAY OF JULY 1922, IN BOOK 9520, PAGE 201, AND DULY RECORDED.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND OFFICIAL SEAL OF OFFICE, THIS 20th DAY OF JULY 1922.

COUNTY CLERK, BEXAR COUNTY, TEXAS
 BY *W. H. Reed* 201

VOL. 9520 201

10/201





With the City of San Antonio as one of its parties and one section (the John S. Bunker & Family Trust) as the other party, the undersigned has been duly authorized by the Board of Directors of the City of San Antonio, Texas, to execute this plat for the purpose of subdividing the property described in the plat, and to certify that the same has been approved by the Planning Commission of the City of San Antonio, Texas, and that the same is in accordance with the provisions of the City of San Antonio, Texas, and that the same is in accordance with the provisions of the City of San Antonio, Texas, and that the same is in accordance with the provisions of the City of San Antonio, Texas.

PAPE BLANSON & ASSOCIATES
REGISTERED PROFESSIONAL ENGINEERS



CURVE DATA TABLE

CURVE	RADIUS	DELTA	TANGENT LENGTH
C-1	50.00	00°00'00"	50.00
C-2	50.00	00°00'00"	50.00
C-3	50.00	00°00'00"	50.00
C-4	50.00	00°00'00"	50.00
C-5	50.00	00°00'00"	50.00
C-6	50.00	00°00'00"	50.00
C-7	50.00	00°00'00"	50.00
C-8	50.00	00°00'00"	50.00
C-9	50.00	00°00'00"	50.00
C-10	50.00	00°00'00"	50.00
C-11	50.00	00°00'00"	50.00
C-12	50.00	00°00'00"	50.00
C-13	50.00	00°00'00"	50.00
C-14	50.00	00°00'00"	50.00
C-15	50.00	00°00'00"	50.00
C-16	50.00	00°00'00"	50.00
C-17	50.00	00°00'00"	50.00
C-18	50.00	00°00'00"	50.00
C-19	50.00	00°00'00"	50.00
C-20	50.00	00°00'00"	50.00
C-21	50.00	00°00'00"	50.00
C-22	50.00	00°00'00"	50.00
C-23	50.00	00°00'00"	50.00
C-24	50.00	00°00'00"	50.00
C-25	50.00	00°00'00"	50.00
C-26	50.00	00°00'00"	50.00
C-27	50.00	00°00'00"	50.00
C-28	50.00	00°00'00"	50.00
C-29	50.00	00°00'00"	50.00
C-30	50.00	00°00'00"	50.00
C-31	50.00	00°00'00"	50.00
C-32	50.00	00°00'00"	50.00
C-33	50.00	00°00'00"	50.00
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C-38	50.00	00°00'00"	50.00
C-39	50.00	00°00'00"	50.00
C-40	50.00	00°00'00"	50.00
C-41	50.00	00°00'00"	50.00
C-42	50.00	00°00'00"	50.00
C-43	50.00	00°00'00"	50.00
C-44	50.00	00°00'00"	50.00
C-45	50.00	00°00'00"	50.00
C-46	50.00	00°00'00"	50.00
C-47	50.00	00°00'00"	50.00
C-48	50.00	00°00'00"	50.00
C-49	50.00	00°00'00"	50.00
C-50	50.00	00°00'00"	50.00
C-51	50.00	00°00'00"	50.00
C-52	50.00	00°00'00"	50.00
C-53	50.00	00°00'00"	50.00
C-54	50.00	00°00'00"	50.00
C-55	50.00	00°00'00"	50.00
C-56	50.00	00°00'00"	50.00
C-57	50.00	00°00'00"	50.00
C-58	50.00	00°00'00"	50.00
C-59	50.00	00°00'00"	50.00
C-60	50.00	00°00'00"	50.00
C-61	50.00	00°00'00"	50.00
C-62	50.00	00°00'00"	50.00
C-63	50.00	00°00'00"	50.00
C-64	50.00	00°00'00"	50.00
C-65	50.00	00°00'00"	50.00
C-66	50.00	00°00'00"	50.00
C-67	50.00	00°00'00"	50.00
C-68	50.00	00°00'00"	50.00
C-69	50.00	00°00'00"	50.00
C-70	50.00	00°00'00"	50.00
C-71	50.00	00°00'00"	50.00
C-72	50.00	00°00'00"	50.00
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C-78	50.00	00°00'00"	50.00
C-79	50.00	00°00'00"	50.00
C-80	50.00	00°00'00"	50.00
C-81	50.00	00°00'00"	50.00
C-82	50.00	00°00'00"	50.00
C-83	50.00	00°00'00"	50.00
C-84	50.00	00°00'00"	50.00
C-85	50.00	00°00'00"	50.00
C-86	50.00	00°00'00"	50.00
C-87	50.00	00°00'00"	50.00
C-88	50.00	00°00'00"	50.00
C-89	50.00	00°00'00"	50.00
C-90	50.00	00°00'00"	50.00
C-91	50.00	00°00'00"	50.00
C-92	50.00	00°00'00"	50.00
C-93	50.00	00°00'00"	50.00
C-94	50.00	00°00'00"	50.00
C-95	50.00	00°00'00"	50.00
C-96	50.00	00°00'00"	50.00
C-97	50.00	00°00'00"	50.00
C-98	50.00	00°00'00"	50.00
C-99	50.00	00°00'00"	50.00
C-100	50.00	00°00'00"	50.00

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

Donald J. Beck
 REGISTERED PROFESSIONAL ENGINEER
 A.D. IN 1988

**KYLE SEALE PKWY.
 SUBDIVISION**

BEING 15.22 ACRES OF LAND, OUT OF THE 15.44 ACRES OF S. 352, ABSTRACT 713, COUNTY BLOCK 4539, THE GAETANO CASTILLO O.S. 352, ABSTRACT 142, COUNTY BLOCK 4543, THE S.A. (M.G. R.R. CO. O.S. 437, ABSTRACT 713, COUNTY 4544, THE MERRICK LEMISTE O.S. 126, AC 1ACT 567, COUNTY BLOCK 4547, AND THE JESUA MARTINEZ O.S. 423, ABSTRACT 540, COUNTY BLOCK 4550, BEXAR COUNTY, TEXAS.

STATE OF TEXAS
 COUNTY OF BEXAR
 I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON 12/28/2012.

Donald J. Beck
 REGISTERED PLANNING SURVEYOR
 A.D. IN 1988

STATE OF TEXAS
 COUNTY OF BEXAR
 THE OWNER OF THE LAND SHOWN ON THIS PLAN IN PERSON OR THROUGH A duly authorized agent, declares to the best of his knowledge and belief that the same is in accordance with the provisions of the City of San Antonio, Texas, and that the same is in accordance with the provisions of the City of San Antonio, Texas, and that the same is in accordance with the provisions of the City of San Antonio, Texas.

Donald J. Beck
 A.D. IN 1988

THIS PLAN OF KYLE SEALE PKWY. SUBDIVISION HAS BEEN SUBMITTED TO AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

Donald J. Beck
 A.D. IN 1988

STATE OF TEXAS
 COUNTY OF BEXAR
 I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON 12/28/2012.

Donald J. Beck
 REGISTERED PLANNING SURVEYOR
 A.D. IN 1988

VOL. 9520
 SHEET 3 OF 3





Civil Engineering
Surveying
Consulting Engineering

Michael M. Slay, P.E., R.P.L.S.
Roger C. Lawhead, P.E.

Slay Engineering Company, Inc.

EST. 1982

March 15, 2007

RECEIVED
67 MAR 22 AM 9:34
LAND DEVELOPMENT
SERVICES DIVISION
Larry Odis
Interim Planner II
City of San Antonio Development Services Department
1901 S. Alamo St
PO Box 839966
San Antonio, Texas 78283

Reference: Kyle Seale Middle School
Northside Independent School District (NISD)

Subject: Vested Rights Permit

Mr. Odis:

The purpose of this letter is to formally request for an extension of Master Development Plan-286 (POADP No. 286) and the corresponding Vested Rights Permit #01-9-022. We are basing our request upon the City of San Antonio's Unified Development Code Section 35-715(b)(3)(A) which states,

"...the rights for projects within an approved MDP/POADP will expire unless fifty (50) percent of the net area with the approved MDP/POADP is the subject of final plats or development within ten (10) years from the date of approval of the MDP/POADP. ..."

The initial acreage as stated in the MDP was 1,325 acres. As shown on the attached aerial photograph of the area, approximately 1073 acres, or 81% of the MDP has been developed. Therefore, we are requesting that the vested rights for the site be extended for another 10 years.

Please contact me if you have any questions regarding this matter.

Thank you,

Michael M. Slay, P.E.
President

attachment

cc: Jim Martin - NISD
Bill Peters - NISD
John Rittiman - Noonan Rittiman



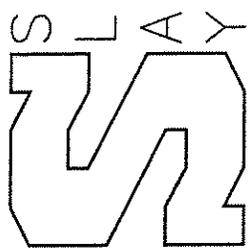
LEGEND

- DEVELOPED AREA
- UNDEVELOPED AREA

RECEIVED
 07 MAR 22 AM 9:36
 LAND DEVELOPMENT
 SERVICE DIVISION

NOTES:
 ① LOCATION OF GRANDVIEW SUBDIVISION WHICH IS DEVELOPED, BUT NOT SHOWN HERE.

DATE: 03/15/07
 JOB: 06-063



ENGINEERING CO., INC.
 4335 PIEDRAS DR. W. SUITE 210
 SAN ANTONIO, TEXAS 78228
 PH. (210) 734-4388
 FAX (210) 734-6401



VESTED RIGHTS AREA OF KYLE SEALE PARKWAY

Civil Engineering
Surveying
Consulting Engineering



Michael M. Slay, P.E., R.P.L.S.
Roger C. Lawhead, P.E.

Slay Engineering Company, Inc.

EST. 1982

May 11, 2007

Larry Odis
Interim Planner II
City of San Antonio Development Services Department
1901 S. Alamo St
PO Box 839966
San Antonio, Texas 78283

Reference: Kyle Seale Middle School
Northside Independent School District (NISD)

Subject: Vested Rights Permit

Mr. Odis:

Attached is the additional information you requested. Additionally, I am attaching a copy of our original submittal as a reminder of what we are requesting.

Please contact me if you have any questions regarding this matter.

Thank you,

A handwritten signature in cursive script that reads "Jose Villagomez".

Jose Villagomez

attachment

VRP# 01-9-022



SLAY ENGINEERING CO. INC.

4335 Picdras Drive West, Suite 210
San Antonio, TX 78228
Phone: (210) 734-4388
Fax: (210) 734-6401

FACSIMILE TRANSMISSION COVER SHEET

TO: Larry Odis, City of San Antonio
Jim Martin, NISD
Bill Peters, NISD
John Rittiman, Noonan Rittiman

FAX NO.: 207-0199
257-1212
257-1244
226-8607

FROM: Amber Vera
Slay Engineering Company, Inc.

DATE: Thursday, March 15, 2007 **TIME:** 1:36 PM

PROJ. NO.: 06-070

PROJ. NAME: Kyle Seale

THE TOTAL NUMBER OF PAGES, (INCLUDING THIS PAGE) IS: 3

DESCRIPTION: Vested Rights Permit

COMMENTS: Please contact our office if you have any questions and/or concerns regarding this project. Thank you for your time.

LANGLEY & BANACK

INCORPORATED
ATTORNEYS AT LAW
SUITE 900
TRINITY PLAZA II
745 EAST MULBERRY

SAN ANTONIO, TEXAS 78212-3166

TELEPHONE (210) 736-6600
FACSIMILE (210) 735-6889
www.langleybanack.com

2007 AUG 22 7:45
DEVELOPMENT SERVICES
EAGLE PASS OFFICE
675 MAIN STREET
EAGLE PASS, TEXAS 78852
TELEPHONE (830) 773-6700
FACSIMILE (830) 757-4045

CARRIZO SPRINGS OFFICE
4TH & HOUSTON, PETRY BUILDING
P.O. DRAWER 218
CARRIZO SPRINGS, TEXAS 78834
TELEPHONE (830) 876-2431
FACSIMILE (830) 876-5451

James K. Lowry, Jr.

SENDER'S E-MAIL ADDRESS:
JLOWRY@langleybanack.com

August 22, 2007

Mr. Roderick Sanchez
Director of Development Services
City of San Antonio, Texas
Morton One-Stop Development Center
1901 South Alamo Street
San Antonio, Texas 78204

VIA HAND DELIVERY

re: Appeal of Adverse Vested Rights Determination No. 07-07-040
(Kyle Seale Middle School, VRP 01-09-022)

Dear Mr. Sanchez:

I write on behalf of our client, Northside Independent School District, to appeal the referenced adverse Vested Rights Determination No. 07-07-040 (Kyle Seale Middle School).

The determination bears a date of August 7, 2007, but the District was not notified of the determination until its receipt by the District's Engineer, Mike Slay, on August 13, 2007.

Please calendar this notice of appeal as a timely filing and place it on the agenda of the Planning Commission.

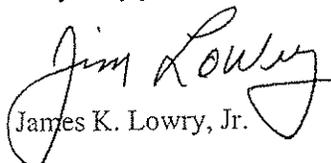
The rationale for the District's appeal is that fair notice of the project was given to the City before July 16, 2007. The rationale will be more fully developed in a written submission that the District intends to deliver prior to the Planning Commission hearing in this matter.

We enclose our Firm's check in the amount of \$500.00 as payment of the appropriate fee.

Please let us know if you require anything further from us at this time in connection with this appeal.

Thank you very much for your assistance and cooperation in this regard.

Very truly yours,


James K. Lowry, Jr.

August 22, 2007
Page 2

cc: James G. Martin, P.E.
Assistant Superintendent for Facilities & Operations
Northside Independent School District
5900 Evers Road, Building C
San Antonio, Texas 78238

Vernon L. Dunagin, AIA
Executive Director for Construction and Engineering
Northside Independent School District
5900 Evers Road, Building C
San Antonio, Texas 78238

Bill Peters
Compliance Coordinator/Property Analyst
Northside Independent School District
5900 Evers Road, Building E
San Antonio, Texas 78238

Roland Trevino
School Team Special Projects Coordinator
1901 S. Alamo
San Antonio, Texas 78204

Andrew Spurgin, Planning Manager
City Development Services Department
1901 S. Alamo
San Antonio, Texas 78204

Jose Villagomez
Slay Engineering Co.
4335 W. Piedras Drive
San Antonio, Texas 78228

John Jacks, Entitlements Section
Drenner & Golden Stuart Wolff, LLP
300 Convent Street, Suite 2300
San Antonio, Texas 78205

Mr. Ross Laughead [Firm]

08-23-07A09:17 RCVD

City of San Antonio
Development Services Department
Fair Notice Form

RECEIVED

07 JUL -9 PM 1:04

LAND DEVELOPMENT
SERVICES DIVISION



Date: 7/9/07

Notice Number: FN07-0067

1. Original Fair Notice Form Number if Applicable: _____
2. Existing Vested Rights Permit No. if applicable: VPR #01-09-022

<u>COSA USE ONLY</u>	
Expiration date: <u>8/23/07</u>	Authorized Rep: <u>Larry Od's</u>

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

- | | |
|--|--|
| <input type="checkbox"/> Building Permit: No. _____ | <input type="checkbox"/> Military Airport Overlay Zone (MAOZ) No. _____ |
| <input checked="" type="checkbox"/> Master Development Plan (MDP)
(Formerly POADP) No. <u>286</u> | <input type="checkbox"/> P.U.D. Plan
No. _____ |
| <input type="checkbox"/> MDP/ P.U.D. Plan
(Combination) No. _____ | <input type="checkbox"/> Mixed Use District (MXD)
No. _____ |
| <input type="checkbox"/> Master Plan Community District (MPCD)
No. _____ | <input type="checkbox"/> Traditional Neighborhood Development (TND)
No. _____ |
| <input type="checkbox"/> Manufactured Home Park Plan (MHPP)
No. _____ | <input type="checkbox"/> Pedestrian Plan (PP) No. _____ |
| <input type="checkbox"/> Flexible Development District No. _____ | <input type="checkbox"/> Single-Family (Residential) Plat No. _____ |
| <input type="checkbox"/> Urban Development (UD) | <input type="checkbox"/> Rural Development (RD) |
| <input type="checkbox"/> Farm and Ranch (FR) | <input type="checkbox"/> Mix Light Industrial (MI-1) |

VRP# 07-07-040

FN07-0067

City of San Antonio Development Services Department
Fair Notice Form

RECEIVED

(Con't) 07 JUL -9 PM 1:04

The following projects require a site plan.

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

* SAWS/ Utilities No. _____ * Category Determination Letter from SAWS: _____

* CPS Energy/ Utilities No. _____ * Other: _____

* Application for Letter of Certification (LOC) (Subdivision Plat No. issued): _____

The following single plat projects require a site plan:

* Multi-Family

* Commercial

* Office

* Industrial

* Multiple Land Use Projects (Complete # 7)

* Entertainment

* Special District

* Other: _____

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

(a) Single - Family: Allocation in Square Feet & Acreage _____
Use Allocation in Square Feet & Acreage _____
Density _____

(b) Multi -Family: Land Allocation in Square Feet & Acreage _____
Use Allocation in Square Feet & Acreage _____
Density _____

(c) Commercial: Land Allocation in Square Feet & Acreage 1,190,494 SF, 27.33 AC
Use Allocation in Square Feet & Acreage 639,599 SF, 14.68 AC

(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 - 07 - 040

FN07-0067

RECEIVED

City of San Antonio Development Services Department

Fair Notice Form 1:04

(Con't)

8. Project Name: Kyle Seale Parkway Area Middle School

Property Description: Middle School

Owner: Northside Independent School District Phone: 210-397-1215 Fax: 210-257-1212

Address: 5900 Evers Rd City: San Antonio State TX Zip Code: 78238

Agent: Slay Engineering Co., Inc. Phone: 210-734-4388 Fax: 210-734-6401

Address: 123 Altgelt Ave. City: San Antonio State TX Zip Code: 78201

Applicant: Same as agent Phone: Fax:

Address: City: State Zip Code:

Engineer/Surveyor: Same as agent Phone: Fax:

Address: City: State Zip Code:

Contact Person Name: Roger C. Lawhead, P.E. E-mail: rlawhead@slayengineering.com

Phone: 210-734-4388 Fax: 210-734-6401

Site is over/within/includes:

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

Council District: 8 School District: N.I.S.D. Ferguson map grid: 513 C-5

Owner or Authorized Representative:

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

Print Name: Roger c. Lawhead, P.E. Signature: [Handwritten Signature] 7-3-07

Address: 123 Altgelt Ave. City: San Antonio State TX Zip Code: 78201

E-mail: rlawhead@slayengineering.com

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

VRP# 07-07-040



LANGLEY & BANACK

INCORPORATED

Attorneys and Counselors at Law

Ross Laughead
rlaughead@langleybanack.com

September 11, 2007

San Antonio Planning Commission
c/o Mr. Roderick Sanchez
Director of Development Services
Attention: Mr. Andrew Spurgin
City of San Antonio, Texas
Morton One-Stop Development Center
1901 South Alamo Street
San Antonio, Texas 78204

VIA HAND DELIVERY

Re: Appeal of Adverse Vested Rights Determination No. 07-07-040
(Kyle Seale Middle School)

Dear Mr. Sanchez and Planning Commission:

I write in support of the position of my client, Northside Independent School District, in its appeal of the denial of its claim for vested rights for the Kyle Seale Middle School project by Vested Rights Determination No. 07-07-040 (Attachment 1).

1. POADP Remains Valid. POADP No. 286 (February 23, 1988, Attachment 2), upon which the District's application was based, has now been extended for vested rights determination purposes through September 1st, 2017, by Mr. Sanchez's letter to the District's engineer for this matter, Slay Engineering, by letter dated May 29, 2007 (Attachment 3).
2. Absence of Project Was Basis for Denial. Vested Rights Determination No. 07-07-040 recognizes the continuing validity of POADP No. 286 for vested rights determination purposes, but asserts that it does not identify a school project, and that it would be required to do so in order to support the determination of vested rights requested (Attachment 1).
3. POADP Discloses Residential. POADP No. 286 discloses an intention to develop for residential, multi-family and commercial uses over 1,325 acres (Attachment 2).
4. Schools Are an Allowed Residential Use. Schools are an allowed use in any residential district, whether single-family or multi-family (UDC § 35.311, Table 311-1, Attachment 4).

{L & B 03440/0037/L0230636.DOC}

Page 1

TRINITY PLAZA II • 745 EAST MULBERRY • SUITE 900
SAN ANTONIO, TEXAS 78212-3166 • T 210.736.6600 • F 210.735.6889
WWW.LANGLEYBANACK.COM

SAN ANTONIO • CARRIZO SPRINGS • EAGLE PASS



LANGLEY & BANACK

INCORPORATED

Attorneys and Counselors at Law

5. POADP No. 286 Supports Residential Uses. POADP No. 286 has already been determined to support a vested rights determination for commercial and multi-family mixed use despite its lack of specification of the locations of the various development rights that it claims (excepting only Kyle Seale Parkway itself) by Vested Rights Determination No. 04-09-176 (October 20, 2004, Attachment 5). It has therefore been recently determined that POADP No. 286 sets forth a project that includes residential development in which a school is an allowable use without any greater specificity than the use of the word "residential". The District hereby incorporates by reference the disclosure of project investments through September 1, 2004, as recited in the letter of Gene Dawson to Norbert Hart of that date in support of the vested rights granted by Vested Rights Determination No. 04-09-176 and contained in the City's published file relating to that determination. This decision was consistent with earlier vested rights determinations regarding POADP No. 286. See, e.g., Vested Rights Determinations Nos. 01-9-022 & 01-11-035

6. School Uses Are Necessarily Implied. POADP No. 286 necessarily implies school uses because it contemplates substantial single-family and multi-family residential development over a tract of sufficient size (1,325 acres) that one or more schools would necessarily be required to serve any residential development of such extensive scope, and the District is responsible for public schools within the area encompassed by the POADP. Such a large area would necessarily require a middle school and one or more elementary schools.

7. Schools Are an Allowed Commercial Use. Schools are an allowed use in all commercial zoning districts other than "L," "I-1" and "I-2". (UDC § 35.311, Table 311-2, Attachment 6).

8. POADP No. 286 Also Supports Commercial Uses. POADP No. 286 has already been determined to support a vested rights determination for commercial and multi-family mixed use by Vested Rights Determination No. 04-09-176. It has therefore been determined that POADP No. 286 sets forth a project that includes commercial development (in which a school is an allowable use within the most common 7 of 9 districts) without any greater specificity than the use of the word "commercial".

9. The Middle School Is a Project Within POADP No. 286. The Kyle Seale Middle School is a project within POADP No. 286 because Vested Rights Determination No. 04-09-176 has already recognized vested rights to residential development under POADP No. 286, because POADP No. 286 necessarily implied a middle school project, and because the co-specification of "commercial" with "residential" is in no way inconsistent with such recognition.

{L & B 03440/0037/L0230636.DOC}

Page 2

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INCORPORATED

Attorneys and Counselors at Law

10. MDP #800 Is Not Relevant. Staff states in its Commission package posted with the agenda that Master Development Plan (“MDP,” successor term for “POADP”) No. 800, dated August 13, 2004 (Attachment 7), was one of several “plan amendments” that “updated and replaced” POADP No. 286. This statement is inaccurate in characterizing POADP No. 286 as “replaced,” at least for purposes of vested rights determinations. MDP No. 800 may have specified the middle school site in question. However, it in no way impaired the vitality of POADP No. 286 for vested rights determination purposes (see Attachment 3, reciting its continued validity through September 1, 2017). Note also that any such argument is demolished by Vested Rights Determination No. 04-09-176, which relied upon POADP No. 286 for its favorable determination that vested rights were available for the POADP No. 286 properties fronting upon Loop 1604 effective October 20, 2004.

11. The Middle School Should Enjoy Vested Rights from February 23, 1988. The Kyle Seale Middle School should enjoy vested rights from February 23, 1988 because POADP No. 286 filed that date supports their recognition.

Respectfully Submitted,

Langley & Banack, Inc.

By: Ross Laughead
Ross Laughead

Attachment 1

06-063



City of San Antonio, Texas

Department of Development Services

August 7, 2007

Victor Rosales
Slay Engineering Co., Inc.
123 Altgelt Avenue
San Antonio, TX 78201

RE: Rights Determination File: # 07-07-040 (Kylc Seale Parkway Area Middle School)

Dear Mr. Rosales:

We have reviewed your rights determination that was submitted on July 16, 2007. Based on the information provided the following is our official finding:

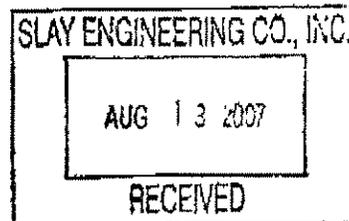
Recommend disapproval of rights effective 1994. There is no information to support the establishment of a project in 1994. While POADP # 286 may be a permit it did not identify a project for any area. Applicant may have rights effective July 16, 2007, when fair notice of the project was provided to the City of San Antonio. To establish vested rights the "application must give the regulatory agency fair notice of the project and the nature of the permit sought." Texas Local Government Code, Chapter 245.002

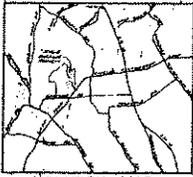
All appeals and resubmittals must be filed with the Director of Development Services within fifteen (15) calendar days from the date the applicant is notified of the adverse decision or action taken under these requirements. Appeals and resubmittals made after fifteen (15) calendar days will not be accepted.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

Sincerely,

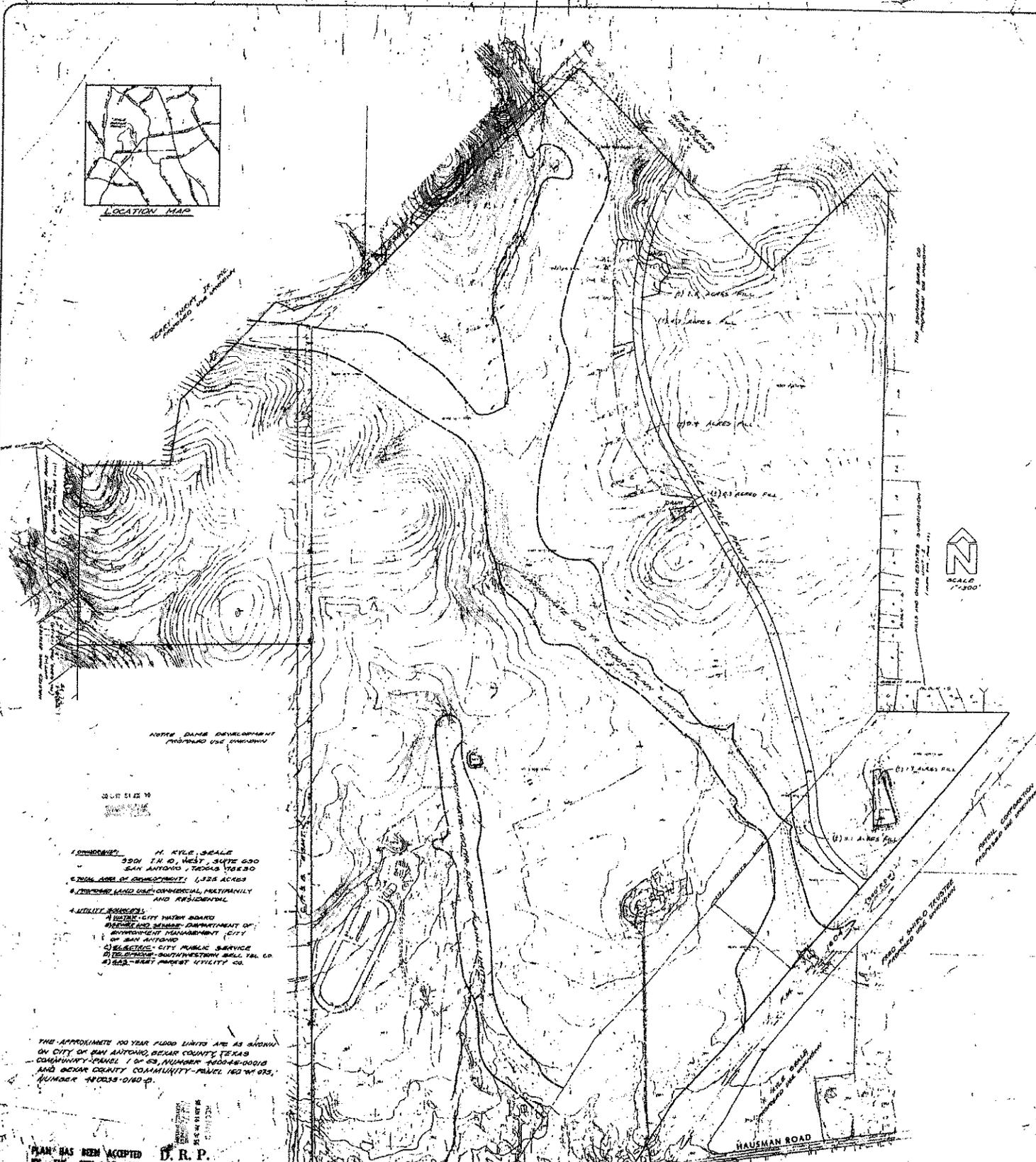
A handwritten signature in cursive script, appearing to read "F. De León".

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





LOCATION MAP



NOTICE: DAME DEVELOPMENT PROPOSED FOR THE ELEVATION

CONCRETE TO

- 1. **COMMUNITY:** KYLE SEALE
3301 T.H. O. WEST, SUITE 600
SAN ANTONIO, TEXAS 78240
- 2. **TOTAL AREA OF DEVELOPMENT:** 1,325 ACRES
- 3. **PROPOSED LAND USE:** COMMERCIAL, MULTIFAMILY AND RESIDENTIAL
- 4. **UTILITY SOURCES:**
 - A) WATER: CITY WATER BOARD
 - B) SEWER AND WASTE: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, CITY OF SAN ANTONIO
 - C) TELEPHONE: CITY PUBLIC SERVICE
 - D) TELEVISION: SOUTHWESTERN BELL TEL. CO.
 - E) GAS: GREAT PLAINS UTILITY CO.

THE APPROXIMATE 100 YEAR FLOOD LIMITS ARE AS SHOWN ON CITY OF SAN ANTONIO, BEAR COUNTY TEXAS COMMUNITY PLAN 1 OF 03, HAUSMAN NEIGHBORHOOD AND BEAR COUNTY COMMUNITY PLAN 162 OF 023, NUMBER 48023-0140-D.



SCALE 1"=200'

PLAN HAS BEEN ACCEPTED BY THE CITY OF SAN ANTONIO DEVELOPMENT REVIEW COMMITTEE

D. R. P.

Permit # 223-0100
 District # 25, 26
 Expires SEP 1, 1974
 Issued by [Signature]

FM 1560

PRELIMINARY OVERALL AREA DEVELOPMENT PLAN OF KYLE SEALE RANCH

Attachment 3



City of San Antonio, Texas

Department of Development Services

May 29, 2007

Michael M. Slay, P.E.
Slay Engineering Company, Inc.
4335 W. Piedras Drive Ste 210
San Antonio, TX 78228

RE: Kyle Seale Ranch POADP # 286 and VRP 01-09-022

Dear Mr. Slay:

We have reviewed your request for verification of referenced subject in accordance with Unified Development Code (UDC) Section 35-412 (h) Scope of Approval. Based on the information provided the following are our official findings:

Kyle Seale Ranch comprises 1,325 +/- acres. The development activity has encompassed approximately 697 +/- acres or 73 % of the total net acreage. Under the UDC section previously cited, this Preliminary Overall Area Development Plan (POADP) has met the 50 % development/platting requirement and is entitled to an additional 10 years to obtain final plat approval for the remaining acreage associated with POADP # 286. The new sunset date for this project is September 1, 2017. Please note a Fair Notice form will be required with plat applications for all remaining phases of this development for review consistent with POADP # 286.

VRP # 01-09-022 is only valid to the extent of the rights associated with the underlying permit upon which it was based. A new Rights Determination should be made based on the POADP.

If you have any questions please contact Melissa Ramirez at 207-7038.

Sincerely,

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

**ATTACHMENT 4 TO VESTED RIGHTS APPEAL
OF NORTHSIDE INDEPENDENT SCHOOL DISTRICT**

**CITY OF SAN ANONIO, TEXAS UNIFIED DEVELOPMENT CODE
SECTION 35-311, TABLE 35-311.1, RESIDENTIAL USE MATRIX**

TABLE INSET:

TABLE 311-1 RESIDENTIAL USE MATRIX														
PERMITTED USE	RP	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-25	MF-33
School - Private (Includes Church Schools, Private Schools K-12)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<i>School - Public Includes All ISD Schools K-12, Open Enrollment Charter Schools, Public College Or University</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
School - University Or College (Private)	S	S	S	S	S	S	S	S	S	S	S	S		



MASTER DEVELOPMENT PLAN

scale 1" = 400'



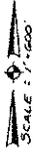
RALPH C. BENDER AND ASSOCIATES ARCHITECTURE URBAN DESIGN SAN ANTONIO, TEXAS

KUPER GIBRALTAR PROPERTIES

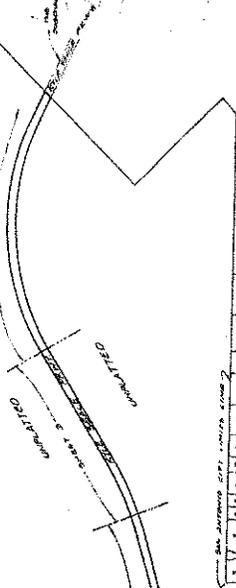
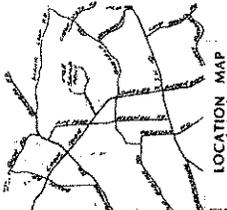
VRP # 0-05-175



PLAT NO. 880172



NOT TO SCALE
THIS MAP IS A REPRODUCTION OF THE ORIGINAL RECORD MAP FILED IN THE PUBLIC RECORDS OFFICE OF TARRANT COUNTY, TEXAS, ON 08/14/2007. THE ORIGINAL RECORD MAP WAS FILED UNDER PLAT NO. 880172.



INDEX MAP

KYLE SEALE PKWY. SUBDIVISION

BEING 16.22 ACRES OF LAND OUT OF THE CHANG STONE U.S. 385 ABSTRACT 218, COUNTY BLOCK 1488, THE CHANTING CASTLE U.S. 389 ABSTRACT 148, COUNTY BLOCK 4545, THE S-A PART OF U.S. 385 ABSTRACT 218, COUNTY BLOCK 1488, THE ADDRESS ADDRESS U.S. 385 ABSTRACT 218, COUNTY BLOCK 1488, THE ADDRESS ADDRESS U.S. 385 ABSTRACT 218, COUNTY BLOCK 1488, TEXAS COUNTY, TEXAS.



DAVID J. WEBB
PROFESSIONAL ENGINEER
STATE OF TEXAS
NO. 12345

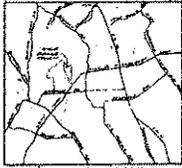
APPROVED BY THE PUBLIC RECORDS OFFICE OF TARRANT COUNTY, TEXAS, ON 08/14/2007.

PLAT NO. 880172

FILED IN THE PUBLIC RECORDS OFFICE OF TARRANT COUNTY, TEXAS, ON 08/14/2007.

PLAT NO. 880172

VRP 2007-08-14-08-1726



LOCATION MAP

NOTE: PROPERTY OF THE
PROPERTY OWNER

NOTE: OTHER DEVELOPMENT
PROPOSED USE UNKNOWN

- FOUNDERS: M. KYLE SEALE
5501 F.H. RD., WEST, SUITE 630
SAN ANTONIO, TEXAS 78230
1. TOTAL AREA OF DEVELOPMENT: 1,328 ACRES
2. PROPOSED LAND USE: COMMERCIAL, PARTIALLY
AND RESIDENTIAL
3. UTILITY SOURCES:
A) WATER - CITY WATER BOARD
B) SEWERAGE - SEWER DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT, CITY
OF SAN ANTONIO
C) ELECTRICITY - CITY PUBLIC SERVICE
D) TELEPHONE - SOUTHWESTERN BELL TEL. CO.
E) GAS - WEST TEXAS UTILITY CO.

THE APPROXIMATE 100 YEAR FLOOD LIMITS ARE AS SHOWN
ON CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS
COMMUNITY-PANEL 1 OF 23, NUMBER 480048-00018
AND BEXAR COUNTY COMMUNITY-PANEL 160 OF 223,
NUMBER 480033-0180-1.

PLAN HAS BEEN ACCEPTED
BY THE CITY OF SAN
ANTONIO DEVELOPMENT
REVIEW COMMITTEE
DATE: 12/15/88
FILE # 226
SIGNED: D.B.E.

I. R. P.

Project # 226
Date: 12/15/88
Expires: 12/15/90
Signed: D.B.E.

FM 1560

PRELIMINARY OVERALL AREA DEVELOPMENT PLAN
OF
KYLE SEALE RANCH



SCALE
1"=200'



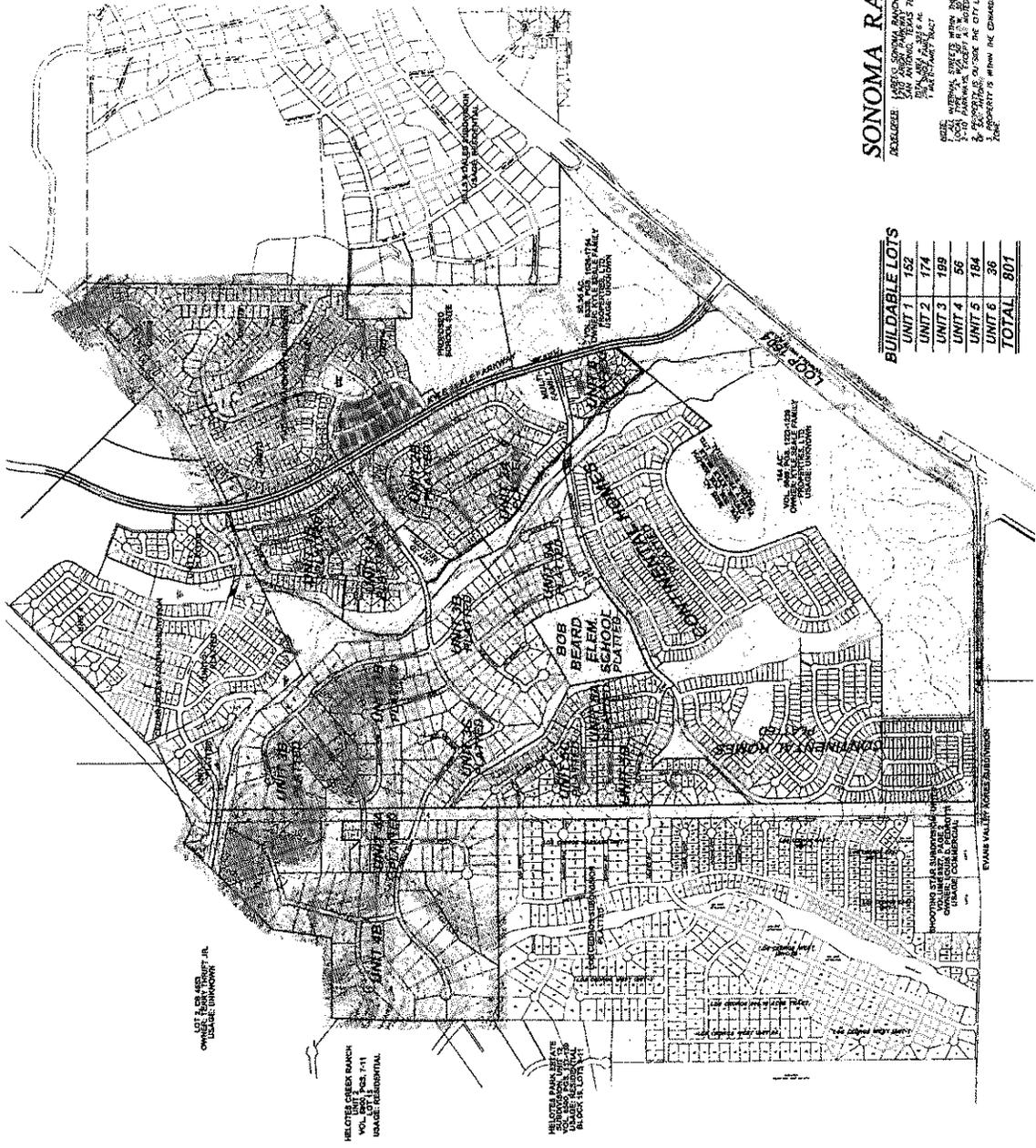
SONOMA RANCH

DEVELOPER: KYLE SEALE RANCH, LTD.
 10000 N. LOOP WEST, SUITE 1000, DALLAS, TEXAS 75243
 1. 100% GROUNDWATER
 2. 100% SURFACE WATER

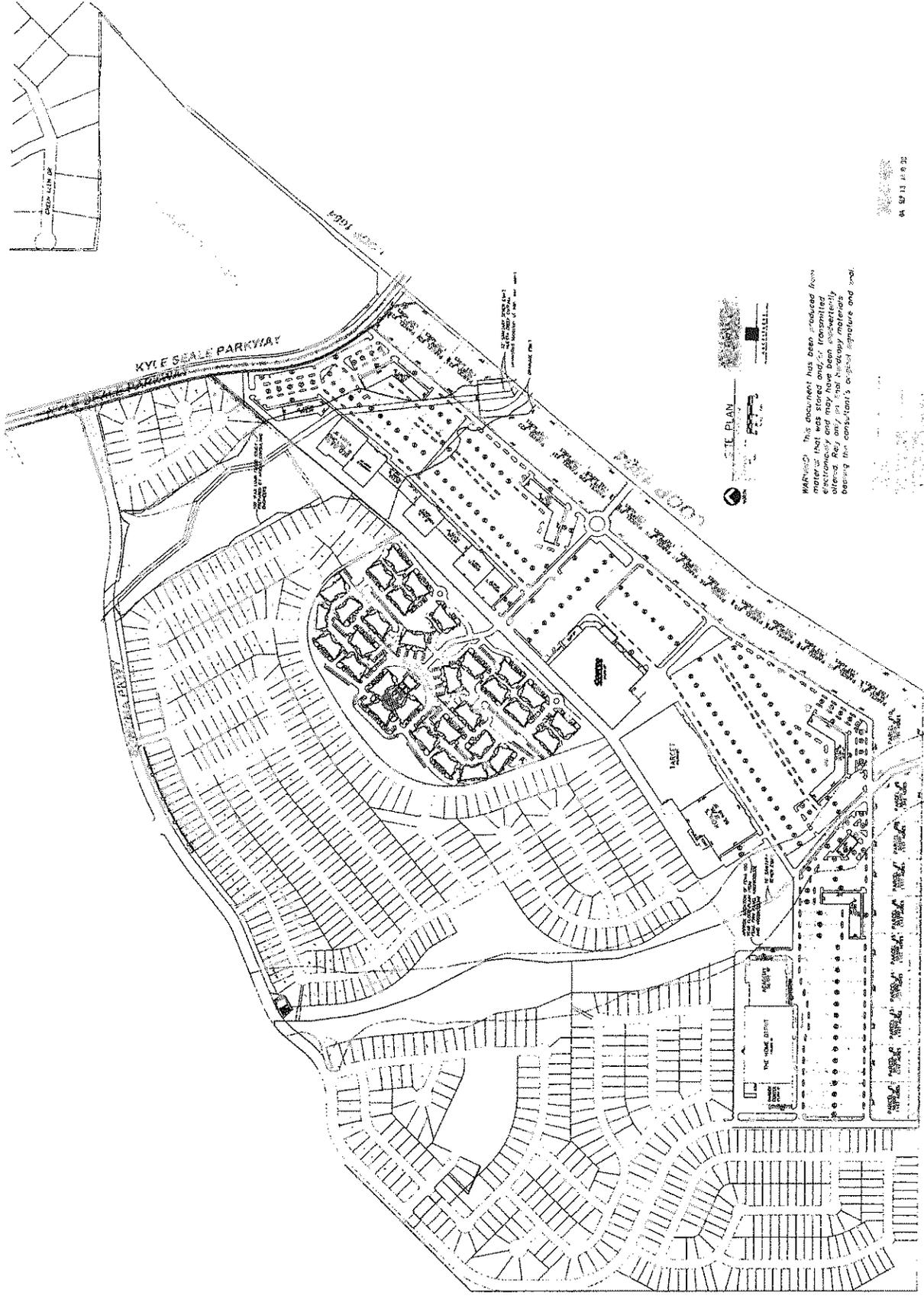
NOTE: ALL UTILITIES SHOWN ARE APPROXIMATE AND NOT TO BE CONSIDERED AS A BASIS FOR DESIGN. ALL UTILITIES SHOULD BE VERIFIED BY THE CITY ENGINEER BEFORE CONSTRUCTION.

BUILDABLE LOTS

UNIT 1	152
UNIT 2	174
UNIT 3	199
UNIT 4	95
UNIT 5	784
UNIT 6	38
TOTAL	801



UNIT # 1



WARNING: This document has been produced from material that was scanned electronically and may have been converted. Refer only to the hardcopy materials bearing the consultant's original signature and seal.

04 07 13 10 00

SITE PLAN

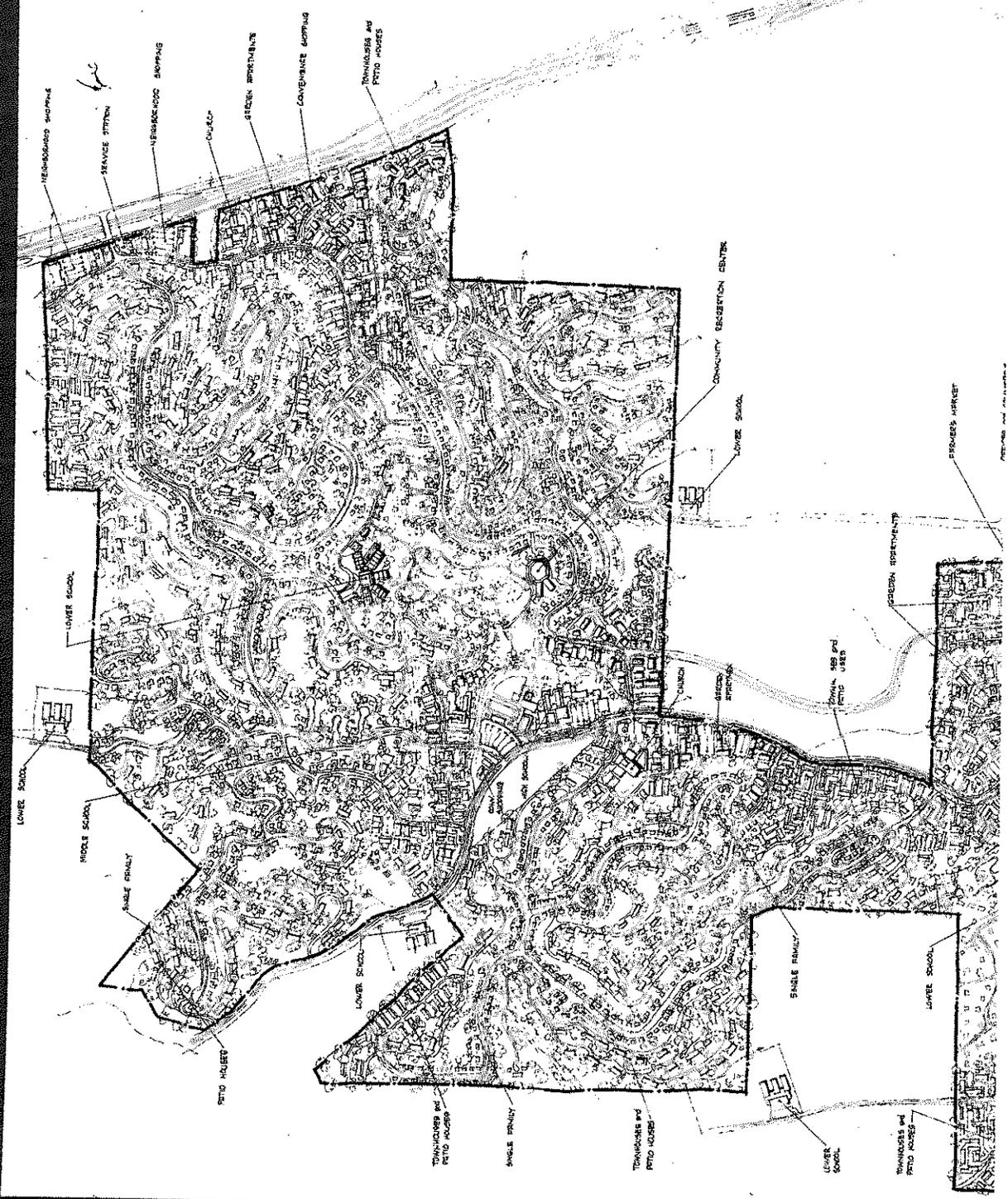


F.M. 1560



VRP 04-04-176

TH 10



NEIGHBORHOOD SHOPPING

SERVICE STATION

NEIGHBORHOOD SHOPPING

CHURCH

STEEL STRUCTURE

CONCRETE SLAB

TOWNHOUSES AND PETS HOUSES

LOWER SCHOOL

LOWER SCHOOL

MIDDLE SCHOOL

SINGLE FAMILY

PETS HOUSES

LOWER SCHOOL

TOWNHOUSES AND PETS HOUSES

SINGLE FAMILY

TOWNHOUSES AND PETS HOUSES

SINGLE FAMILY

LOWER SCHOOL

TOWNHOUSES AND PETS HOUSES

LOWER SCHOOL

COMMUNITY RECREATION CENTER

LOWER SCHOOL

PEPPER'S MARKET

GREEN ROBERTSON

TOWNHOUSES AND PETS HOUSES

PREPARED BY ARCHITECT

Permit File # 04-09-176



City of San Antonio
Development Services Department
Vested Rights Permit/Consent Agreement
APPLICATION

Permit File: # 04-09-176
Assigned by city staff

Date: September 1, 2004

CITY OF SAN ANTONIO
DEPT. OF PLANNING
OFFICE OF DIRECTOR
4 SEP 13 AM 10:00

Vested Rights Permit

Consent Agreement

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 subject of application and attach 2 sets of all applicable documents (i.e. this application, Master Development Plan, P.U.D. plan, plat application, approved plat, building permit) along with appropriate fee.

Note: All Applications must comply with the Unified Development Code (UDC), Section 35-B124 Vested Rights Determination for the City of San Antonio.

(a) Owner/Agent: H. Kyle Seale Family Properties, Ltd.

Phone: (210) 699-1000 Fax: (210) 695-2173

Address: P.O. Box 1200

City: Helotes State: TX Zip code: 78023

Engineer/Surveyor: Pape-Dawson Engineers, Inc.; ATTN: Al Chua

Address: 555 East Ramsey

City: San Antonio State: TX Zip code: 78216

(b) Name of Project: Kyle Seale Ranch

(c) (k) Site location or address of Project and Legal description: _____

215 acres fronting Loop 1604 at the intersection of Kyle Seale Parkway and Hausman Road.
(See attached Exhibit and Site Plan)

Council District 8 ETJ Yes Over Edward's Aquifer Recharge? (X) yes () no

3. What is the specific 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.*

(d) Total land use, in square feet 9,346,233

(e) Total area of impervious surface, in square feet 7,944,298

(f) Number of residential dwellings units, by type; multi-family - 1,000 units

(g) Type and amount of non-residential square footage 2,750,000

(h) Phases of the development, (If Applicable); See site plan

4. What is the date the applicant claims rights vested for this Project? February 25, 1988

(i) 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 rights or equitable estoppel is based;

04 SEP 00 AM 10:00
CITY OF SAN ANTONIO
DEPT. OF PLANNING
OFFICE OF DIRECTOR

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."

4 a. What, if any, construction or related actions have taken place on the property since that date? Multiple residential subdivisions and thoroughfares (See Attachment # 2 Platting Status)

5. By what means does the applicant claim rights vested for this Project? *Please specify all that may be applicable.*

- PERMIT

Type of Permit: See Items 2-15 (Attached) Date of Application: _____

Permit Number: _____ Date issued: _____

Expiration Date: _____ Acreage: _____

Permit File # 04-09-176

• **MASTER DEVELOPMENT PLAN (MDP) (Formerly POADP)* (Attached)**
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 18 months for the POADP acceptance date.

Name: Kyle Seale Ranch # 286

Date accepted: February 25, 1988 Expiration Date: September 2017 MDP Size: 1,325 acres

• **P.U.D. PLAN**

Name: _____ # _____

Date accepted: _____

• **Plat Application**

Plat Name: _____ Plat # _____ Acreage: _____

Date submitted: _____ Expiration Date: _____

(Note: Plat must be approved within 18 months of application submittal date).

CITY OF SAN ANTONIO
DEPT. OF PLANNING
OFFICE OF DIRECTOR
04 SEP 13 AM 10:00

• **Approved Plat (Attached)**

Plat Name: Kyle Seale Parkway Subdivision Plat # 880172 Acreage: 15.22 Approval

Date: 09/28/88 Plat recording Date: 07/26/89 Expiration Date: -0- Vol./Pg. 9520 Pg. 201-204

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

• **Other**

See Attached

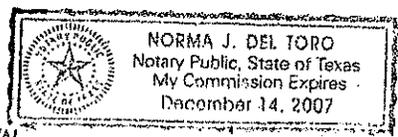
NOTE: Filing a knowingly false statement on this document, or any attached document, is a crime under §37.02 and §37.10 of the Texas Penal Code, punishable as a state jail felony by up to two years in jail and fine of up to \$10,000.

I hereby certify that all information this Application and the attached documents is true and correct and that it is my belief the property owner is entitled to Vested Rights for this Project.

Print name: Daniel K. Seale, Mgr. Signature: [Signature] Date: 9/1/04

Sworn to and subscribed before me by Daniel K. Seale on this 1st day of September in the year 2004, to certify which witness my hand and seal of office.

[Signature]
Notary Public, State of Texas



September 1, 2004



Mr. Norbert Hart
Assistant City Attorney
City of San Antonio
City Hall, 3rd Floor
100 So. Flores St.
San Antonio, TX 78205

CITY OF SAN ANTONIO
DEPT. OF PLANNING
OFFICE OF DIRECTOR
04 SEP 13 AM 10:00

Re: Vested Rights Permit for 164 Acres and 50.56 Acres of
Mixed-Use Development out of Kyle Seale Ranch POADP #286

Dear Mr. Hart:

Please find attached an application for acknowledgement of vested rights on the above referenced property.

The property owner, Mr. H. Kyle Seale, is currently moving forward on the master planning and sale of several properties out of the original Kyle Seale Ranch POADP.

Our attached application is for the commercial and multi-family mixed-use section of the project. To support your review and acknowledgement of the vested rights that exist on this property, we are providing the following information:

1. Preliminary site plan showing the proposed mixed-use development.
2. An overall Kyle Ranch exhibit showing the status of existing platting on the property.
3. Original Kyle Ranch POADP #286 dated February 25, 1988 showing land use as commercial, multi-family, and residential.
4. Subdivision plat for Kyle Seale Parkway dated July 25, 1989.
5. Letters of acceptance from the City of San Antonio on Kyle Seale Parkway.
6. Payment to H.B. Zachry Company for the construction of Kyle Seale Parkway totaling \$1,234,106.98.
7. Copies of engineering invoices for master planning and design of Kyle Seale Ranch.
8. Contract between H.B. Zachry and H. Kyle Seale for the construction of Kyle Seale Parkway.
9. Pollution Abatement affidavit and pollution abatement approval letter from the TCEQ dated July 18, 1988.

PAPE-DAWSON ENGINEERS, INC.

555 East Ramsey | San Antonio, Texas 78216 | Phone: 210.375.9000 | Fax: 210.375.9010 | info@pape-dawson.com

Mr. Norbert Hart
Vested Rights Permit for 164 Acres and 50.56 Acres of Mixed-Use
Development out of Kyle Seale Ranch POADP #286
September 1, 2004
Page 2 of 2

10. City Ordinance No. 71715 Sewer Contract for Service to the Kyle Seale property dated June 14, 1990.
11. Vested capacity rights letter from the San Antonio Water System dated April 13, 1998.
12. Agreement to dedicate sewer easements to the City of San Antonio dated October 24, 1989.
13. Recorded easements of dedicated sanitary sewers to the City of San Antonio and City Ordinance No. 70892 accepting dedication of easements for sewer service dated January 11, 1990.
14. Development Rights Permit #238 recognizing original Kyle Seale Ranch POADP.
15. Vested Rights Permit #VRP01-9-022 for 1,325 acres.

04 SEP 13 AM 10:00
CITY OF SAN ANTONIO
DEPT. OF PLANNING
OFFICE OF DIRECTOR

It is important that the City acknowledge the date of which vested rights were established on this property, so that appropriate ordinances can be taken into consideration during the final site planning of the mixed-use development.

We appreciate your consideration of our request.

Sincerely,
Pape-Dawson Engineers, Inc.


Gene Dawson, Jr., P.E.
President

City of San Antonio use

Permit File: # 04-09-176

Assigned by city staff

Date: 10/20/04

Approved

Disapproved

Review By: _____


Development Services Department

Date: _____

Comments: As per City attorney comments the application is approved as requested. As of February 28, 1988 in accordance with VRP 01-09-022 for commercial and multi-family uses as depicted in the application and Exhibit 1 to the application.



City of San Antonio

Vested Rights Permit
APPLICATION

Permit File: #VRP 04-08-176

Received: September 21, 2004

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 Development Services Department decide this application in the following manner:

X Approval o Disapproval o Return to Applicant

Again, this is the recommendation of the City Attorney's Office. It is not and shall not be taken as nor substituted for the decision of the Director of the Development Services Department.

Reviewed By: 
Norbert J. Hart
Assistant City Attorney

Date: October 20, 2004

Comments: Recommend that vested rights be approved effective February 28, 1988 in accordance with VRP 01-09-022 for commercial and multi-family uses as depicted in the application and Exhibit 1 to the application.



City of San Antonio
Development Services Department
Vested Rights Permit Application
Completeness Review



*Note: All Applications must comply with the Unified Development Code (UDC),
 Section 35-B124 Vested Rights Determination for the City of San Antonio.*

Required Items: Section 35-B124, Vested Rights' Determination

An Application for a Vested Rights Determination shall be made by the Applicant on a form established for such purpose and provided by the City and shall contain at least the following information:

1. Appropriate filing fee.
2. Section 35-B124
 - (a) Name and address of Applicant;
 - (b) Project description and name of subdivision or development, if applicable;
 - (c) Location of development;
 - (d) Total land area, in square feet;
 - (e) Total area of impervious surface, in square feet;
 - (f) Number of residential dwelling units, by type;
 - (g) Type and amount of non-residential square footage;
 - (h) Phases of the development, if applicable;
 - (i) 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;
 - (j) A Sworn Statement, in a form prescribed by the City, and signed by the Applicant; and
 - (k) A legal description of the Property

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: Justin [Signature] Date: 9/13/06

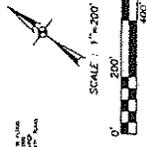
**ATTACHMENT 6 TO VESTED RIGHTS APPEAL
OF NORTHSIDE INDEPENDENT SCHOOL DISTRICT**

**CITY OF SAN ANONIO, TEXAS UNIFIED DEVELOPMENT CODE
SECTION 35-311, TABLE 35-311.2, NON-RESIDENTIAL USE MATRIX**

TABLE INSET:

TABLE 311-2 NONRESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Functio
School	School - Business or Commercial Trade		P			P	P	P				P	6142
School	School - Private University Or College		S			S	P	P	P			P	6130
School	School - Public University Or College	P	P	P	P	P	P	P	P			P	6130
School	School - Montessori				S	P	P	P				P	6100
School	School - Nursery (Public And Private)		P	P	P	P	P	P				P	6110
School	School - Private Pre-Kindergarten Through 12th Grade	P	P	P	P	P	P	P				P	9900
<i>School</i>	<i>School - Public Pre-Kindergarten Through 12th Grade</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>				<i>P</i>	<i>9900</i>

After 11/17



AREA SUMMARY	
LAND USE	AREA (AC)
SINGLE FAMILY RESIDENTIAL	81.83
TOWNHOUSE	6.16
SCHOOL	27.32
AUDITORIUM CENTER	4.15
OPEN SPACE	24.76
TOTAL/AVERAGE	154.32

SINGLE FAMILY RESIDENTIAL UNITS	
UNIT	CHG. IN BOUNDARY UNITS
1A SINGLE FAMILY RESIDENTIAL	22.81
1B (PHASE-1) SINGLE FAMILY RESIDENTIAL	9.86
1B (PHASE-2) SINGLE FAMILY RESIDENTIAL	17.54
1C (TOWNHOUSES) SINGLE FAMILY RESIDENTIAL	4.49
1D (TOWNHOUSES) SINGLE FAMILY RESIDENTIAL	4.70
2 SINGLE FAMILY RESIDENTIAL	28.67
3 SINGLE FAMILY RESIDENTIAL	29.45
4 AUDITORIUM CENTER	5.16
TOTAL/AVERAGE	137.00

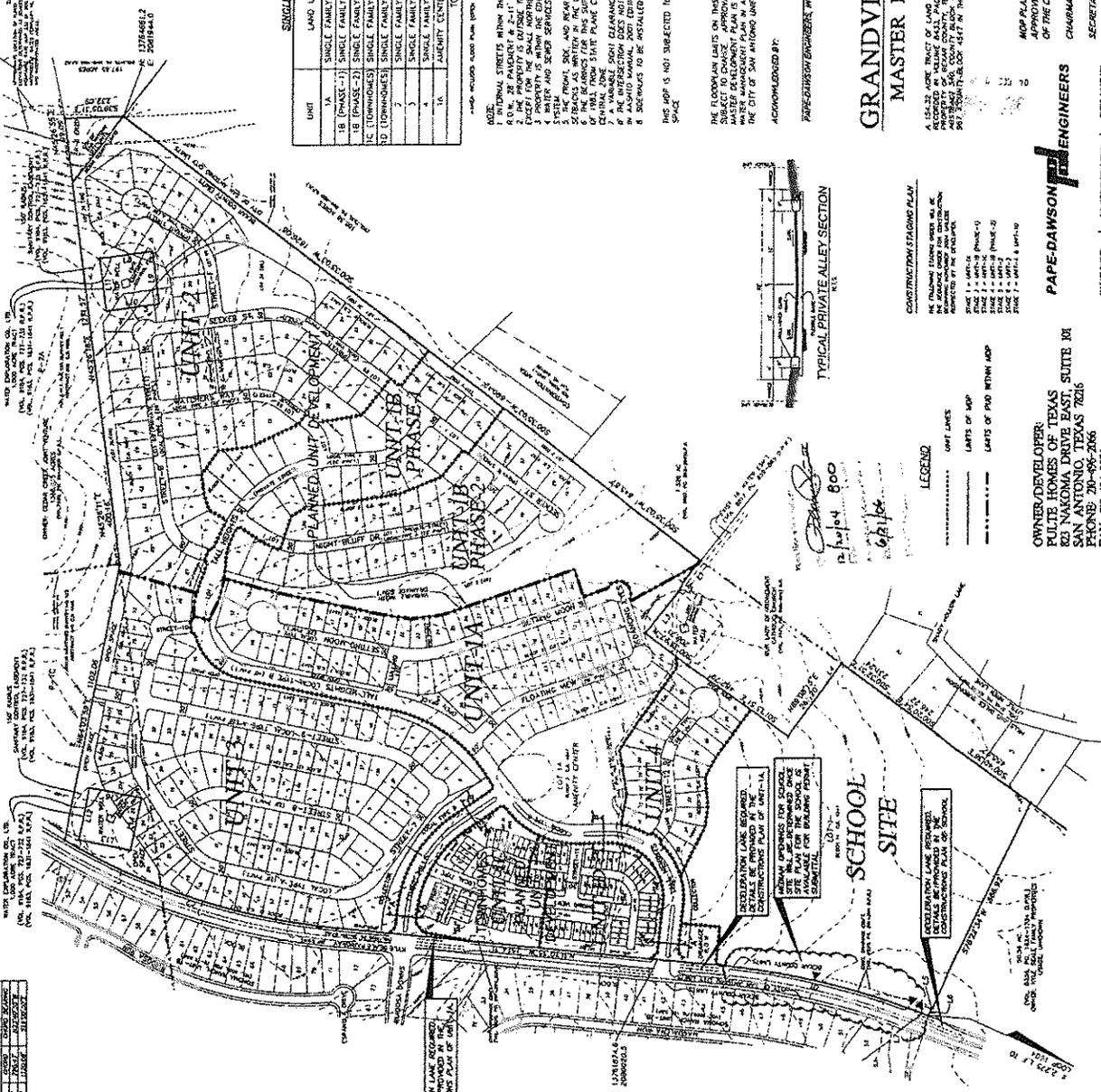
NOTE: 1. INTERNAL STREETS WITHIN THE M.D.P. LIMITS ARE LOCAL TYPE "A" WITH A 50' R.O.W. 2. THE PROVISIONS OF ALL APPLICABLE ORDINANCES, EXCEPT WHERE NOTED OTHERWISE, SHALL APPLY TO THIS PROJECT. 3. ALL UTILITIES SHALL BE DEEPENED TO THE 20' DEPTH REQUIREMENT. 4. WATER AND SEWER SERVICES SHALL BE PROVIDED BY SAN ANTONIO WATER SYSTEM. 5. ALL UTILITIES SHALL BE DEEPENED TO THE MINIMUM 2' BELOW THE FINISHED GRADE OF THE ADJACENT SIDEWALK OR DRIVE. 6. THE BEARINGS FOR THIS SURVEY ARE BASED ON THE NORTH AMERICAN DATUM OF 1983. 7. THE PLANNED UNIT DEVELOPMENT WILL BE REQUIRED AT OTHER LOTS OF THIS PROJECT. 8. THE PLANNED UNIT DEVELOPMENT WILL BE REQUIRED AT OTHER LOTS OF THIS PROJECT. 9. THE PLANNED UNIT DEVELOPMENT WILL BE REQUIRED AT OTHER LOTS OF THIS PROJECT. 10. THE PLANNED UNIT DEVELOPMENT WILL BE REQUIRED AT OTHER LOTS OF THIS PROJECT.

THE FLOORING LIMITS ON THIS MASTER DEVELOPMENT PLAN ARE ESTIMATED AND APPROXIMATE. THE FLOORING LIMITS ON THIS MASTER DEVELOPMENT PLAN ARE ESTIMATED AND APPROXIMATE. THE FLOORING LIMITS ON THIS MASTER DEVELOPMENT PLAN ARE ESTIMATED AND APPROXIMATE. THE FLOORING LIMITS ON THIS MASTER DEVELOPMENT PLAN ARE ESTIMATED AND APPROXIMATE.

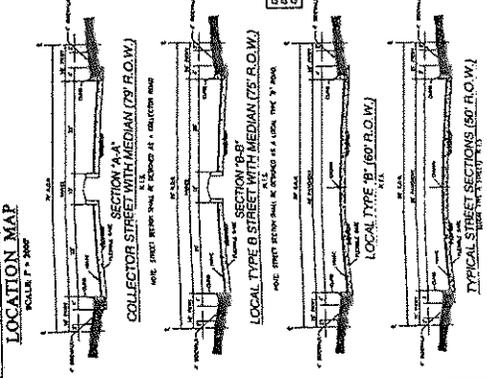
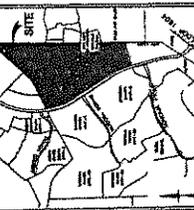
GRANDVIEW SUBDIVISION MASTER DEVELOPMENT PLAN

OWNER/DEVELOPER:
RULIE HOMES OF TEXAS
83 NAKOMA DRIVE EAST, SUITE 301
SAN ANTONIO, TEXAS 78261
PHONE: 210-695-2066
FAX: 210-694-9076

OWNER/DEVELOPER:
RULIE HOMES OF TEXAS
83 NAKOMA DRIVE EAST, SUITE 301
SAN ANTONIO, TEXAS 78261
PHONE: 210-695-2066
FAX: 210-694-9076



NO.	SECTION	DATE	BY	CHKD.	APP'D.
1	PRELIMINARY	11/17/04	J. DAWSON	J. DAWSON	J. DAWSON
2	FINAL	11/17/04	J. DAWSON	J. DAWSON	J. DAWSON



CONSTRUCTION NOTES:
1. THE FLOORING LIMITS ON THIS MASTER DEVELOPMENT PLAN ARE ESTIMATED AND APPROXIMATE. THE FLOORING LIMITS ON THIS MASTER DEVELOPMENT PLAN ARE ESTIMATED AND APPROXIMATE. THE FLOORING LIMITS ON THIS MASTER DEVELOPMENT PLAN ARE ESTIMATED AND APPROXIMATE.

LEGEND:
UNIT LINES
LIMITS OF MAP
LIMITS OF PAD WITHIN MAP

PAPE-DAWSON ENGINEERS
REGISTERED PROFESSIONAL ENGINEERS
1100 WEST BROADWAY
SAN ANTONIO, TEXAS 78205
PHONE: 210-225-1100
FAX: 210-225-1101

OWNER/DEVELOPER:
RULIE HOMES OF TEXAS
83 NAKOMA DRIVE EAST, SUITE 301
SAN ANTONIO, TEXAS 78261
PHONE: 210-695-2066
FAX: 210-694-9076

APPROVED BY THE PLANNING COMMISSION
OF THE CITY OF SAN ANTONIO
DATE: NOV. 08, 2004
JOB NO: 6073-09

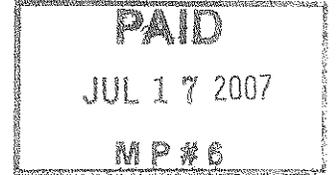
REMIT TO:
CITY OF SAN ANTONIO - DEV SVCS-1901 S. ALAMO
1901 S ALAMO
SAN ANTONIO TX 78204

I N V O I C E
3467079

AMT ENCLOSED _____

50-05-5574
SLAY ENGINEERING COMPANY INC
123 ALTGELT AVE
SAN ANTONIO, TEXAS 78201

AMOUNT DUE 500.00
INVOICE DATE 7/17/2007
DUE DATE 7/17/2007



PHONE: (210)734-4388

VESTED RIGHTS
VRP # 07-07-040

FACILITY LOCATION: 1901 ALAMO ST S

INVOICE DATE	INVOICE	ACCOUNT	DUE DATE	OFFICE HOURS
7/17/2007	3467079	50-05-5574	7/17/2007	-

LINE	INDEX REF	DESCRIPTION	AMOUNT
1	018838-001	DEVELOPMENT-VESTED RIGHTS	500.00

AGREEMENT DATES	SERVICE DATES	ORDINANCE	CONTRACT	DOCUMENT
ST:	07/17/2007		CK 15009	07-07-040
END	07/17/2007			

INVOICE INFORMATION	INVOICE AMT	PAYMENTS RECV	TOTAL INV AMT DUE
	500.00	0.00	500.00

CUSTOMER INFORMATION	OTHER AMTS DUE	TOTAL CUST AMT DUE



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

Intake Date: _____

Intake By: Larry Od:5

Type: [X] Rights Determination

[] Consent Agreement

Instructions:

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

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

Owner: Northside Independent School District

Agent: Slay Engineering Co., Inc.

Phone: 210-734-4388

Fax: 210-734-6401

Address: 123 Altgelt Ave.

City: San Antonio State: Texas Zip code: 78201

Engineer/Surveyor: Same as agent Contact: _____

Address: _____ Phone#: _____

City: _____ State: _____ Zip code: _____

Name of Project: Kyle Seale Parkway Area Middle School

Site location or address of project and legal description:

Southeast corner of Kyle Seale Parkway and Tall Heights.

Legal Description: Lot #1, Block #5, N.C.B. #14761

See attached exhibit, labeled location map.

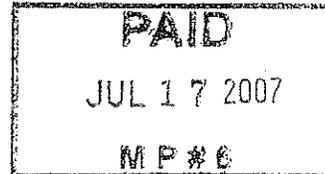
EMIT TO:
 CITY OF SAN ANTONIO - DEV SVCS-1901 S. ALAMO
 901 S ALAMO
 SAN ANTONIO TX 78204

I N V O I C E
 3467079

AMT ENCLOSED _____

AMOUNT DUE 500.00
 INVOICE DATE 7/17/2007
 DUE DATE 7/17/2007

0-05-5574
 LAY ENGINEERING COMPANY INC
 23 ALTGELT AVE
 SAN ANTONIO, TEXAS 78201



PHONE: (210) 734-4388

VESTED RIGHTS
 RP # 07-07-040

FACILITY LOCATION: 1901 ALAMO ST S

INVOICE DATE	INVOICE	ACCOUNT	DUE DATE	OFFICE HOURS
7/17/2007	3467079	50-05-5574	7/17/2007	-

LINE	INDEX REF	DESCRIPTION	AMOUNT
1	018838-001	DEVELOPMENT-VESTED RIGHTS	500.00

AGREEMENT DATES	SERVICE DATES	ORDINANCE	CONTRACT	DOCUMENT
ST: IND	07/17/2007 07/17/2007		CK 15009	07-07-040

INVOICE INFORMATION	INVOICE AMT	PAYMENTS RECV	TOTAL INV AMT DUE
	500.00	0.00	500.00

CUSTOMER INFORMATION	OTHER AMTS DUE	TOTAL CUST AMT DUE

LANGLEY & BANACK

INCORPORATED
ATTORNEYS AT LAW
SUITE 900

TRINITY PLAZA II
745 EAST MULBERRY
SAN ANTONIO, TEXAS 78212-3166

TELEPHONE (210) 736-6600

FACSIMILE (210) 735-6889

www.langleybanack.com

EAGLE PASS OFFICE
675 MAIN STREET
EAGLE PASS, TEXAS 78852
TELEPHONE (830) 773-6700
FACSIMILE (830) 757-4045

RECEIVED
AUG 27 4 45

CARRIZO SPRINGS OFFICE
400 W. HOUSTON, PETRO BUILDING
P.O. DRAWER 216
CARRIZO SPRINGS, TEXAS 78834
TELEPHONE (830) 876-2431
FACSIMILE (830) 876-5451

James K. Lowry, Jr.

SENDER'S E-MAIL ADDRESS:
JLOWRY@langleybanack.com

August 22, 2007

Mr. Roderick Sanchez
Director of Development Services
City of San Antonio, Texas
Morton One-Stop Development Center
1901 South Alamo Street
San Antonio, Texas 78204

VIA HAND DELIVERY

RD (AKA VRP) #07-07-040
Appeal
Kyle Seale Parkway
Middle School

re: Appeal of Adverse Vested Rights Determination No. 07-07-040
(Kyle Seale Middle School, VRP 01-09-022)

Dear Mr. Sanchez:

I write on behalf of our client, Northside Independent School District, to appeal the referenced adverse Vested Rights Determination No. 07-07-040 (Kyle Seale Middle School).

The determination bears a date of August 7, 2007, but the District was not notified of the determination until its receipt by the District's Engineer, Mike Slay, on August 13, 2007.

Please calendar this notice of appeal as a timely filing and place it on the agenda of the Planning Commission.

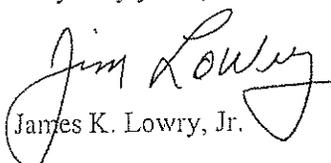
The rationale for the District's appeal is that fair notice of the project was given to the City before July 16, 2007. The rationale will be more fully developed in a written submission that the District intends to deliver prior to the Planning Commission hearing in this matter.

We enclose our Firm's check in the amount of \$500.00 as payment of the appropriate fee.

Please let us know if you require anything further from us at this time in connection with this appeal.

Thank you very much for your assistance and cooperation in this regard.

Very truly yours,


James K. Lowry, Jr.

REMIT TO:
 CITY OF SAN ANTONIO - DEV SVCS-1901 S. ALAMO
 1901 S ALAMO
 SAN ANTONIO TX 78204

I N V O I C E
 3476815

AMT ENCLOSED _____

AMOUNT DUE 500.00
 INVOICE DATE 9/7/2007
 DUE DATE 9/07/2007

50-05-5574
 LANGLEY & BANACK, INC
 745 E MULBERRY 9TH FL
 SAN ANTONIO, TX 78212

 PHONE: (210) 736-6600

VESTED RIGHTS (APPEAL)
 07-07-040-KYLE SEALE PARKWAY MIDDLE SCHOOL
 FACILITY LOCATION: 1901 ALAMO ST S

INVOICE DATE	INVOICE	ACCOUNT	DUE DATE	OFFICE HOURS
9/7/2007	3476815	50-05-5574	9/07/2007	-

LINE	INDEX REF	DESCRIPTION	AMOUNT
1	018838-001	DEVELOPMENT-VESTED RIGHTS	500.00



AGREEMENT DATES	SERVICE DATES	ORDINANCE	CONTRACT	DOCUMENT
ST:	09/07/2007		CK 69586	07-07-040
END	09/07/2007			

INVOICE INFORMATION	INVOICE AMT	PAYMENTS RECV	TOTAL INV AMT DUE
	500.00	0.00	500.00

CUSTOMER INFORMATION	OTHER AMTS DUE	TOTAL CUST AMT DUE