



City of San Antonio, Texas

Department of Development Services

September 25, 2007

Rob Killen
Kaufman & Assoc.
100 West Houston Street Ste 1250
San Antonio, TX 78205

RE: Rights Determination File: # 07-09-048 (281 Brookhollow II)

Dear Mr. Killen:

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

Recommend approval of rights effective January 10, 2002 for 4.53 acres of commercial development consistent with Plat # 020122 and Fair Notice # 07-0083.

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

Sincerely,

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

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



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

09-06-07P04:18 RCVD

Intake Date: _____

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: Darren Casey Interests

Agent: Kaufman & Associates

Phone: (210) 227-2000 **Fax:** (210) 227-2001

Address: 100 W. Houston, Ste. 1250

City: San Antonio **State:** Texas **Zip code:** 78205

Engineer/Surveyor: Macina, Bose, Copeland and Associates **Contact:** Todd Putnam

Address: 1035 Central Pkwy. North **Phone#:** (210) 545-1122

City: San Antonio **State:** Texas **Zip code:** 78232

Name of Project: 281 Brookhollow II

Site location or address of project and legal description:

Northeast corner of Highway 281 and Brook Hollow; NCB 13827, Block 13, Lots 18, 19, 20, and 21

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

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

The property is not currently in use, it is vacant.

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

(a) Nature of the project: 09-06-07P04:19 RCVD
Mixed commercial use.

(b) Total land area, in square feet: Approx. 197,283 sq. ft.

(c) Total area of impervious surface, in square feet: Approx. 152,460 sq. ft.

(d) Number of residential dwellings units, by type:
None.

(e) Type and amount of non-residential square footage (ground floor building footprint only):
Commercial; Approx. 23,560 sq. ft.

(f) Number of buildings: 4

(g) Phases of the development (if applicable): 1

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:

Ordinances adopted after 1/10/02 unless otherwise prohibited under Chapter 245 Texas Local Government Code, and specifically applicable provisions of Ordinance No. 97332 adopted on 3/13/03.

File # _____
<i>Assigned by City Staff</i>

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.

<p>PERMIT</p> <p>Type of Permit: _____ Date of Application: _____</p> <p>Permit Number: _____ Date issued: _____</p> <p>Expiration Date: _____ Acreage: _____</p>
<p>MASTER DEVELOPMENT PLAN (MDP) (Formerly POADP) accepted <i>prior to September 1, 1997</i> are subject to permit right conditions within 18 months from the effective date of the development rights ordinance (9/25/97) and projects submitted <i>after September 1, 1997</i> are subject to 24 months for the POADP acceptance date. <i>Fair Notice required with MDP/POADP</i></p> <p>Name: _____ # _____</p> <p>Date accepted: _____ Expiration Date: _____ MDP Size: _____ acres</p>
<p>P.U.D. PLAN</p> <p>Name: _____ # _____</p> <p>Date accepted: _____ 09-06-07P04:19 RCVD</p>
<p>PLAT APPLICATION</p> <p><i>Fair Notice required with plat application</i></p> <p>Plat Name: <u>281 Brookhollow</u> Plat # <u>020122</u> Acreage: <u>11.713</u></p> <p>Date submitted: <u>1/10/02</u> Expiration Date: <u>1/10/04</u></p> <p><i>(Note: Plat must be approved within 24 months of application submittal date)</i></p>
<p>APPROVED PLAT</p> <p>Plat Name: <u>281 Brookhollow</u> Plat # <u>020122</u> Acreage: <u>11.713</u> Approval</p> <p>Date: <u>1/7/04</u> Plat recording Date: <u>5/11/04</u> Expiration Date: _____ Vol./Pg. <u>9561/50</u></p> <p><i>(Note: If plat is not recorded within 3 years of plat approval permit rights will expire)</i></p>
<p>OTHER PERMITS:</p> <p>Replat Name: <u>281 Brookhollow Subdivision II</u> Plat # <u>060261</u> Acreage: <u>approx. 4.53 acres</u></p> <p>Approval Date: <u>06/13/07</u> Plat recording Date: <u>07/16/07</u> Vol./Pg. <u>9576/77</u></p>

File # _____ Assigned by City Staff _____

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

Not available

6. Requested date for claim of rights for this Project: 1/10/02

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

n/a (Please note that construction and related activity have taken place within the original project area since 1/10/02, including construction of buildings and installation of utilities.)

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.

09-06-07P04:19 RCVD

File # _____ Assigned by City Staff _____

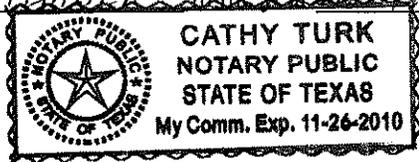
8. Sworn statement:

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

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

Print name: Rob Killen Signature: [Signature] Date: 9-5-07

Sworn to and subscribed before me by ROB KILLEN on this 5th day of SEPTEMBER 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:

09-06-07P04:19 RCVD

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



09-06-07P04:18 RCVD

Date: _____ Notice Number: FN07-0083

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

<u>COSA USE ONLY</u>	
Expiration date: <u>10/21/07</u>	Authorized Rep: <u>Larry Od's</u>

3. If a permit application identified in item (6) below is not submitted for completeness review 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 site plans must complete (# 7) of this form. RD # 07 - 09 - 048
6. Permit application Type (Check all appropriate boxes):

- | | |
|--|---|
| <input type="checkbox"/> Building Permit: No. _____
<input type="checkbox"/> Master Development Plan (MDP)
(Formerly POADP) No. _____
<input type="checkbox"/> MDP/ P.U.D. Plan
(Combination) No. _____
<input type="checkbox"/> Master Plan Community District (MPCD)
No. _____
<input type="checkbox"/> Manufactured Home Park Plan (MHPP)
No. _____
<input type="checkbox"/> Flexible Development District No. _____ | <input type="checkbox"/> Military Airport Overlay Zone (MAOZ) No. _____
<input type="checkbox"/> P.U.D. Plan
No. _____
<input type="checkbox"/> Mixed Use District (MXD)
No. _____
<input type="checkbox"/> Traditional Neighborhood Development (TND)
No. _____
<input type="checkbox"/> Pedestrian Plan (PP) No. _____
<input checked="" type="checkbox"/> Plat No. <u>020122</u>

<input type="checkbox"/> Urban Development (UD) <input type="checkbox"/> Rural Development (RD)
<input type="checkbox"/> Farm and Ranch (FR) <input type="checkbox"/> Mixed Light Industrial (MI-1) |
|--|---|

City of San Antonio Development Services Department

Fair Notice Form

(Cont'd)

FN07-0083

The following projects 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.

*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: RD # 07 - 09 - 048

A site plan is not required for single phase/single plat Single - Family residential projects.

7. For all site plans please complete the following:

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

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

(c) Commercial: Land Allocation in Square Feet & Acreage approx. 197,283 sq.ft./4.53 ac
Use Allocation in Square Feet & Acreage approx. 197,283 sq.ft./4.53 ac
Impervious Cover approx. 152,460 sq. ft.

(d) Office: Land Allocation in Square Feet & Acreage
Use Allocation in Square Feet & Acreage
Impervious Cover

(e) Industrial: Land Allocation in Square Feet & Acreage
Use Allocation in Square Feet & Acreage
Impervious Cover

(f) Entertainment: Land Allocation in Square Feet & Acreage
Use Allocation in Square Feet & Acreage
Impervious Cover

(g) Other Special District(s): Land Allocation in Square Feet & Acreage

Use Allocation in Square Feet & Acreage _____
Impervious Cover _____

City of San Antonio Development Services Department
Fair Notice Form
(Cont'd)

FN07-0083

8. Project Name: 281 Brookhollow II

Property Description: Northeast corner of Highway 281 and Brook Hollow; NCB 13827, Block 13, Lots 18, 19, 20, and 21

Owner: Darren Casey Interests Phone: 210-829-8999 Fax: 210-829-8998

Address: 814 Arion Pkwy. City: San Antonio State Texas Zip Code: 78216

Agent: Kaufman & Associates, Inc. Phone: 210-227-2000 Fax: 210-227-2001

Address: 100 W. Houston, Suite 1250 City: San Antonio State Texas Zip Code: 78205

Applicant: Kaufman & Associates, Inc. Phone: 210-227-2000 Fax: 210-227-2001

Address: 100 W. Houston, Suite 1250 City: San Antonio State Texas Zip Code: 78205

Engineer/Surveyor: Macina, Bose, Copeland & Assoc. Phone: 210-545-1122 Fax: 210-545-9302

Address: 1035 Central Pkwy. North City: San Antonio State Texas Zip Code: 78232

Contact Person Name: Todd Putnam E-mail: tputnam@mbcengineers.com

Phone: 210-545-1122 Fax: 210-545-9302

09-06-07P04:18 RCVD

Site is over/within/includes:

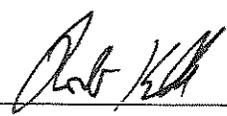
Edwards Aquifer Recharge Zone: Yes No San Antonio City Limits: Yes No

Council District: 9 School District: NEISD Ferguson map grid: 517-A6

Owner or Authorized Representative:

RD # 07 - 09 - 048

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

Print Name: Rob Killen Signature: 

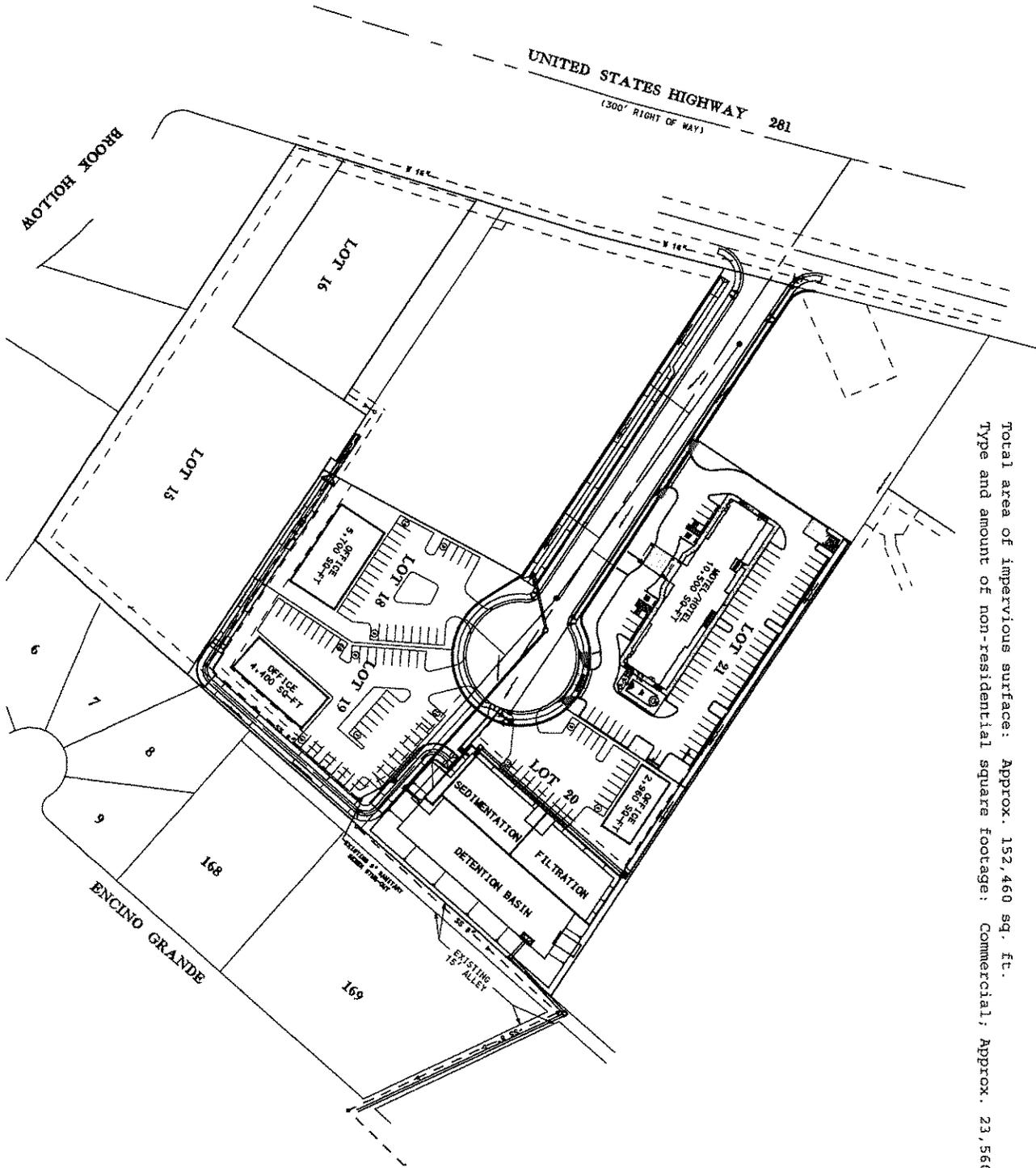
Address: 100 W Houston, Suite 1250 City: San Antonio State Texas Zip Code: 78205

E-mail: robk@kaufmanassoc.com

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

FN07-0083

09-06-07P04:18 RCVD



Total area of impervious surface: Approx. 152,460 sq. ft.
Type and amount of non-residential square footage: Commercial; Approx. 23,560 sq. ft.

LRD #07-09-048



PLAT INFORMATION

Date Submitted: January 8, 2002 Plat ID Number: 020122

Plat Name: 281 BROOKHOLLOW

Owner/Agent: Darren Casey Interests Phone: (210) 829-8999 Fax: (210) 829-8998

Address: 814 Arion Parkway, San Antonio, Texas Zip Code: 78216

Engineer/Surveyor: Macina, Bose, Copeland & Associates, Inc. Phone: (210) 545-1122 Fax: (210) 545-9302

Address: 1035 Central Parkway North, San Antonio, Texas Zip code: 78232

BACKGROUND

1. Major Plat Minor Plat Amending Plat Development Plat
2. DIRECTOR -OR- PLANNING COMMISSION
3. Plat is associated with the development of a:
 - POADP: Y/N Name N/A # Date Approved:
 - PUD: Y/N Name N/A # Date Approved:
4. All Specific Uses Proposed: Commercial Retail (restaurant, day care, warehouse, etc.)
5. City Council District 9 Ferguson Map Grid 517-A6 School District N.E.I.S.D.
6. Water Service: Saws Well Other Utility (name)
7. Sewer Service: Saws Septic Other Utility (name)
8. Existing Zoning B2 / B3 Case # if new application is in process N/A
9. San Antonio City Limits - Yes No
10. Edwards Aquifer Recharge zone? - Yes No
11. Previous/existing land fill? - Yes No
12. Parkland, greenbelts, or open space? Flood plain? - Yes No

PLATTED AREA

Streets Public Private total acreage 0 Linear Ft 0
Parks Public Private total acreage 0

	Acres	Lots
Single-Family	<u>0</u>	<u>0</u>
Non-Single Family	<u>11.713</u>	<u>4</u>
Private Streets, Common Area, Open Space & Easements	<u>0</u>	<u>0</u>
TOTAL Acreage	<u>11.713</u>	<u>4</u>

RD #07-09-048

FEES (please refer to the current fee schedule)

Major Base \$ <u>625.00</u>	Minor Base \$ <u>0.00</u>	Amending \$ <u>0.00</u>
# lots x fee = \$ <u>0.00</u>	# lots x fee = \$ <u>0.00</u>	Deferral \$ <u>0.00</u>
# acres x fee = \$ <u>5,622.24</u>	\$103/ac over 20 \$ <u>0.00</u>	Replat PH \$ <u>0.00</u>
		Vacating Declaration \$ <u>0.00</u>
		Development Plat \$ <u>0.00</u>

Recordings (ICL Only)

Legal Document/Performance Agreement \$ 0.00 Plat \$ 31.00

Total Fee Sum: \$ 6,278.24

I hereby certify that the above information is true and correct.	
Print Name: <u>ROBERT A. COPELAND JR.</u>	Signature:
Date: <u>January 8, 2002</u> <input checked="" type="checkbox"/> Professional Engineer	<input type="checkbox"/> Registered Professional Land Surveyor
I hereby grant permission to the Director of Planning to record this plat.	
Print Name: <u>Darren Casey</u>	Signature:
Date: <u>1-8-02</u> <input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Agent (Checking this requires a notarized Letter of Agent.)

(Only complete, legible applications will be accepted. 1 original, and 5 copies must be submitted.) June 2001

09-06-07P04:19 RCVD

file



City of San Antonio
New
Vested Rights Permit
Application

CITY OF SAN ANTONIO
DEPT. OF PLANNING
OFFICE OF DIRECTOR
03 DEC 12 AM 10:00

Permit File: # 04-12-038
Assigned by city staff

Date: December 10, 2003

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 maps of the property and 2 sets of all applicable documents.

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

Owner/Agent Darren Casey Interests Phone: (210) 829-8999 Fax: (210) 829-8998
 Address: 814 Arion Parkway, Suite #200, San Antonio, Texas Zip: 78216
 Engineer/Surveyor: Macina, Bose, Copeland & Assoc., Inc. Phone: (210) 545-1122 Fax: (210) 545-9302
 Address: 1035 Central Parkway North, San Antonio, Texas Zip: 78232

1. Name of Project: 281 BROOKHOLLOW
2. Site location or address of Project: 145' N. of the intersection of Hwy. 281 & Brookhollow
3. Council District 9 ETJ Yes Over Edward's Aquifer Recharge yes no
4. What is the specific purpose of this Project and the expected use(s) to be created by this Project (type of development, number of buildings, type of building(s), specific use(s) of those buildings, etc.)? *Please be aware that the city must understand exactly what this Project is expected to accomplish in order to evaluate this application.*
To construct a "Microtel" (hotel) on one of the commercial lots being platted.
The purpose of the other remaining commercial lots are currently unknown.

5. What is the date the applicant claims rights vested for this Project? January 10, 2003
6. What, if any, construction or related actions have taken place on the property since that date?
None

09-06-07P04:19 RCVD

1-RD #07-09-048

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

• **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 18 months for the POADP acceptance date.

Name: _____ # _____

Date accepted: _____ Expiration Date: _____ MDP Size: _____ acres

• **P.U.D. PLAN**

Name: _____ # _____

Date accepted: _____ 09-06-07P04:19 RCVD

• **Plat Application**

Plat Name: 281 Brookhollow Plat # 020122 Acreage *11.713

Date submitted: 01/10/02 Expiration Date: 01/10/04

(Note: Plat must be approved within 18 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 right will expire).

• **Others**

***The acreage on the current plat (being approved by the agencies), has decreased from original Plat Application from 11.713 to 10.3006 acres**

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.

RD # 07 - 09 - 048



City of San Antonio

Vested Rights Permit
APPLICATION

09-06-07P04:19 RCVD

Permit File: # 04-12-038 Resubmitted

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 Planning Department decide this application in the following manner:

Approval **Disapproval**

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 Planning Department.

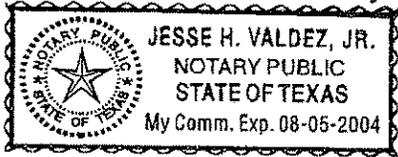
Reviewed By: [Signature] Date: 1-14-04
Assistant City Attorney

Comments: As of January 10, 2003
For hotel project to be built on lot 15 (fifteen)
Application cannot extend to entire property as vested rights
run with a PROJECT and cannot be considered until a specific
project is defined.

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: Robert A. Liesman Signature: [Signature] Date: 12/10/03

Sworn to and subscribed before me by Robert A. Liesman on this 10th day of December in the year 2003, to certify which witness by hand and seal of office.



[Signature]
Notary Public, State of Texas

City of San Antonio use

09-06-07P04:19 RCVD

Permit File: # _____
Assigned by city staff

Date: _____

Approved

Disapproved

Review By: [Signature] Date: 1-14-04

Comments: NO ACTION 12/22/03

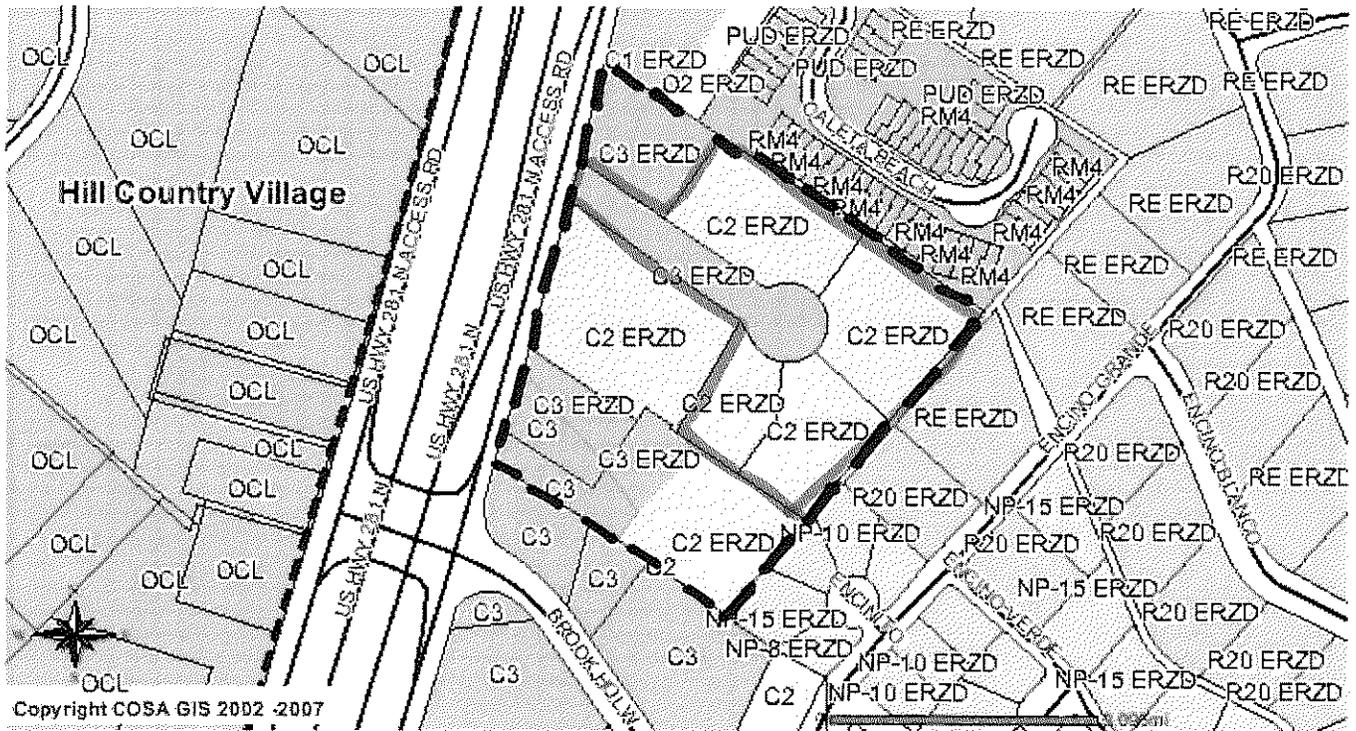
~~Attorney needs to know exactly which lot is intended for the "MICROTEL PROJECT"~~

~~Proposed hotel is going to be built on Lot 15, but this VRP application is for all of the "281 Brookhollow" plat (no. 020124). Hotel use on Lot #15 just happens to be the only specific use we now know. It seems to me that vested rights exist regardless of specific use, as long as eventual use is consistent with original "commercial" intent and zoning.~~

[Signature], VR
17, P.C. ENGR

As of January 10, 2003
for hotel project to be built on
Lot 15 (pcten) application cannot
extend to entire property as Vested Rights
run with a "Project" and cannot be
considered until a specific project is
defined

03 DEP
OFFICE
STAMP



09-06-07P04:19 RCVD

RD #07-09-048



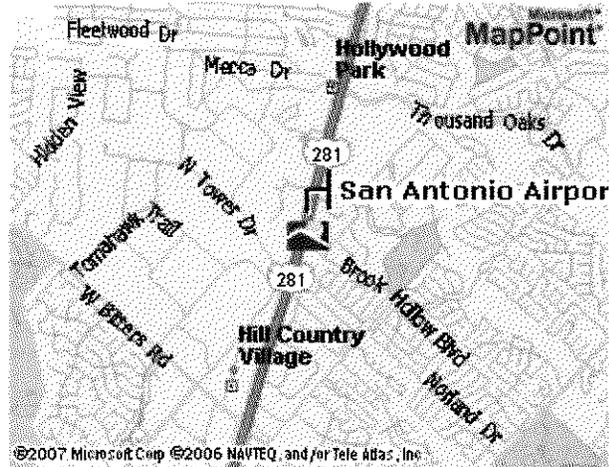
Print Close

Printable Hotel Fact Sheet San Antonio Airport/North

**San Antonio Airport/North
Microtel Inn & Suites**
15314 Highway 281 North
San Antonio, TX 78232
Tel: (210) 404-1900
Fax: (210) 404-1901

Toll-Free Reservations:
1-800-771-7171

www.microtelinn.com



Directions

From Airport: Take US 281 North approximately 4 1/2 miles to Brook Hollow Exit. Take the Brook Hollow exit and go straight through the intersection. The hotel will be on the right, just past the Chevron Gas Station.

From Downtown: Take I-37/US 281 North to the Brook Hollow Exit. Exit Brook Hollow and go straight through the intersections. The hotel will be on the right, just past the Chevron Gas Station.

Hotel Policies

Hotel policy information not available

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Amenities

Room Amenities

- Non-Smoking Rooms
- Voice mail
- Expanded Cable TV with HBO
- In-room irons and ironing boards
- In-room Hairdryers
- High-Speed Internet Access
- Free local calls
- Free long distance calls within the continental U.S.

Recreation

- Outdoor Swimming Pool

Special Features

- Expanded Continental Breakfast
- Guest Laundry
- Fitness Center On-site
- Business Center
- Free Airport Shuttle Service from 7:00am - 11:00pm

Meeting Facilities

1 Room , Largest capacity: 40
Food and Beverage catering available.

RD # 07 - 09 - 048

What's Nearby

Attractions

San Antonio International Airport 4 miles

North Star Mall	5 miles
Six Flags Fiesta Texas	10 miles
The Alamo	12 miles
Alamo Dome	12 miles
Riverwalk/Downtown San Antonio	12 miles
SBC Center - Home of the Spurs	15 miles
Sea World	20 miles
Tanger Outlet Center	30 miles

Corporate/Business Centers

Fort Sam Houston	10 miles
Randolph A.F.B.	10 miles
Camp Bullis	10 miles
Lackland A.F.B.	10 miles
Kelly A.F.B.	10 miles

Local Dining

Restaurants

McDonald's	1 mile
Saltgrass Steakhouse	1 mile
Chuy's Mexican	1 mile
Zio's Italian	1 mile
China Inn	1 mile
Olive Garden	1 mile
Red Lobster	1 mile
Jim's Restaurant	1 mile
Whataburger	1 mile
Wendy's	1 mile
Chili's	1 mile
Smokey Bone's	1 mile
Red Robin	2 miles

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RD # 07 - 09 - 048

LAW OFFICES OF
KAUFMAN & ASSOCIATES, INC.

1250 Frost Bank Tower
100 West Houston Street
SAN ANTONIO, TEXAS 78205-1457
TELE: (210) 227-2000 FAX: (210) 227-2001
www.kaufmanassoc.com

September 5, 2007

Ms. Melissa Ramirez
Special Projects Coordinator
Development Services Department
City of San Antonio
1901 South Alamo Street
San Antonio, Texas 78283

VIA HAND DELIVERY

09-06-07P04:18 RCVD

Ms. Susan Guinn
Assistant City Attorney
City of San Antonio
1901 South Alamo Street
San Antonio, Texas 78283

VIA HAND DELIVERY

RD #07-09-048

RE: Rights Determination Application for 281 Brookhollow II, An approximately 4.53-acre Tract Located on the Northeast corner of Highway 281 and Brook Hollow (NCB 13827, Block 13, Lots 18, 19, 20, and 21)

Dear Ms. Ramirez & Ms. Guinn:

Please find enclosed two (2) copies of a Rights Determination Application for an approximately 4.53-acre tract, out of an approximate 11.713-acre commercial project, located on the northeast corner of Highway 281 and Brook Hollow ("Property"). We respectfully request that the City of San Antonio ("City") review this application and acknowledge statutory vested rights for a commercial development on a portion of the Property dating from January 10, 2002 based on the application submittal date for the Plat Application ("Plat Application") for Plat number 020122 ("Plat").

The 281 Brookhollow Plat, number 020122, was filed with the City on January 7, 2004 and accepted by the City on January 28, 2004.

On December 12, 2003 a Vested Rights Permit Application was filed with the City for the 281 Brookhollow project area, consisting of 11.713 acres. Vesting was identified for the project area, but was limited to Lot 15 based on the initial site plan submitted with the application. The application could not be extended to the "entire property as vested...until a specific project is defined". As of January 14, 2004, the project area was vested based on the Plat Application for Plat Number 020122. Subsequent to the vesting, a Microtel was built within the project area (see attached aerial and Microtel Inns & Suites Hotel Fact Sheet).

This submittal of Rights Determination provides information as to the specific project as stipulated upon the approval of Vested Rights Permit No. 04-12-038.

Under Chapter 245 of the Texas Local Government Code ("Chapter"), the project has not changed or become dormant. Development within the project area has been ongoing since the application for the first permit was submitted to the City. After the first application was approved submitted on January 10, 2002, progress was made towards completion of the project. Progress towards completion of the project is also demonstrated by the construction of the Microtel within the project area.

In support of this application, please find enclosed:

- 1) Plat Information worksheet for Plat No. 020122;
- 2) 281 Brookhollow Plat No. 020122;
- 3) 281 Brookhollow II Replat No. 060261;
- 4) Vested Rights Permit Application (Permit File #04-12-038);
- 5) Zoning Map of Property;
- 6) Aerial photograph of Property; and
- 7) Additional documents demonstrating development within project area.

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On behalf of the Property owner, we ask that the City issue a Rights Determination based on the project initiation date of January 10, 2002. If there is any additional information or documentation that we can provide to assist in your review of this application, please do not hesitate to contact me at your convenience at (210) 227-2000, extension 23, or via email at robk@kaufmanassoc.com.

Sincerely,

KAUFMAN & ASSOCIATES, INC.

By: 
Rob Killen



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 ✓

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2. Completed application form and 2 sets of all documentation: ✓

- 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

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3. Fair Notice Form including the items specified by §35-B132

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 Odiz **Date:** 9/6/07

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
3476800

AMT ENCLOSED _____

50-05-5574
281 BROOKHOLLW DEVELOPERS LTD
814 ARION PARKWAY STE 200
SAN ANTONIO, TX 78216

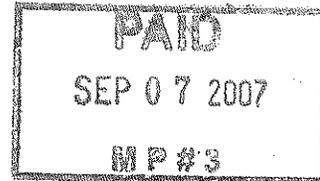
AMOUNT DUE 500.00
INVOICE DATE 9/7/2007
DUE DATE 9/07/2007

PHONE: (210)829-8999

RIGHT DETERMINATION FEE
VRD # 07-09-048 - DARREN CASEY INTERESTS
FACILITY LOCATION: 1901 ALAMO ST S

INVOICE DATE 9/7/2007 INVOICE 3476800 ACCOUNT 50-05-5574 DUE DATE 9/07/2007 OFFICE HOURS -

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 1045 07-09-048
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