



City of San Antonio, Texas

Department of Development Services

November 14, 2006

Joseph Ortega, P. E.
Pape-Dawson Engineers, Inc.
555 East Ramsey
San Antonio, TX 78216

RE: Vested Rights Permit File: # 07-10-003 (200.0 Acres at Briggs Ranch)

Dear Mr. Ortega:

We have reviewed your application for Vested Rights that was submitted on October 5, 2006. Based on the information provided the following are our official findings:

Since the requested vesting date is based on a POADP, the applicant is requested to submit a Fair Notice Form in compliance with City of San Antonio ordinance no. 2006-02-16-0241 and UDC §35-712 (b)(3) C.

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 Michael Herrera at 207-7038.

Sincerely,

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

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



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

Permit File: # VRP# 07-10 003
Assigned by city staff

Date: _____

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: Warner C. Lusardi, Trustee

(b) Agent: Not Applicable

Phone: (760) 744-9382 Fax: (760) 471-4892

Address: 1570 Linda Vista Drive

City: San Marcos State: California Zip code: 92078

Engineer/Surveyor: Pape-Dawson Engineers, Inc. Contact: Joseph Ortega, P.E.

Address: 555 East Ramsey Phone#: (210) 375-9000

City: San Antonio State: Texas Zip code: 78216

(c) Name of Project: 200.0 Acres at Briggs Ranch

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

Located on State Highway 211, approximately 9,000 feet north of U.S. Highway 90 near Briggs Ranch

Council District N/A ETJ X Over Edward's Aquifer Recharge? () yes (X) 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: 8,712,000 S.F. (Commercial Development per POADP)

(e) Total area of impervious surface, in square feet: 8,276,400 SF (assuming 95% impervious cover)

(f) Number of residential dwellings units, by type; N/A

(g) Type and amount of non-residential square footage: Site layout not available at this time

(h) Phases of the development, (If Applicable): Development schedule not available at this time

4. What is the date the applicant claims rights vested for this Project? January 28, 2000

(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;

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?

No construction or related actions have taken place on the 200-acre site.

5. 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: Briggs Ranch # 623-A

Date accepted: January 28, 2000 Expiration Date: _____ MDP Size: 1893.6 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).

● **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).

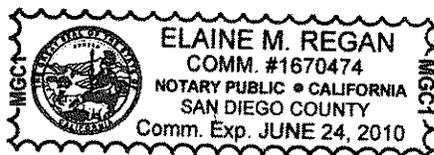
● **Other**

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: Warner C. Lusardi, Trustee Signature: Warner C Lusardi Date: 9-29-06

Sworn to and subscribed before me by WARNER C LUSARDI on this 29TH day of Sept in the year 2006, to certify which witness my hand and seal of office.



Elaine M Regan
Notary Public, State of Texas

City of San Antonio use

Permit File: # _____
Assigned by city staff

Date: _____

Approved

Disapproved

Review By: _____ Date: _____
Development Services Department

Comments: _____



VRP# 07-10 003

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. ✓

1a. 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.

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: Michael A. Gauthier **Date:** 5 OCT 06



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

Permit File: #RP#07-10 003
Assigned by city staff

Date: _____

[X] Vested Rights Permit

[] Consent Agreement

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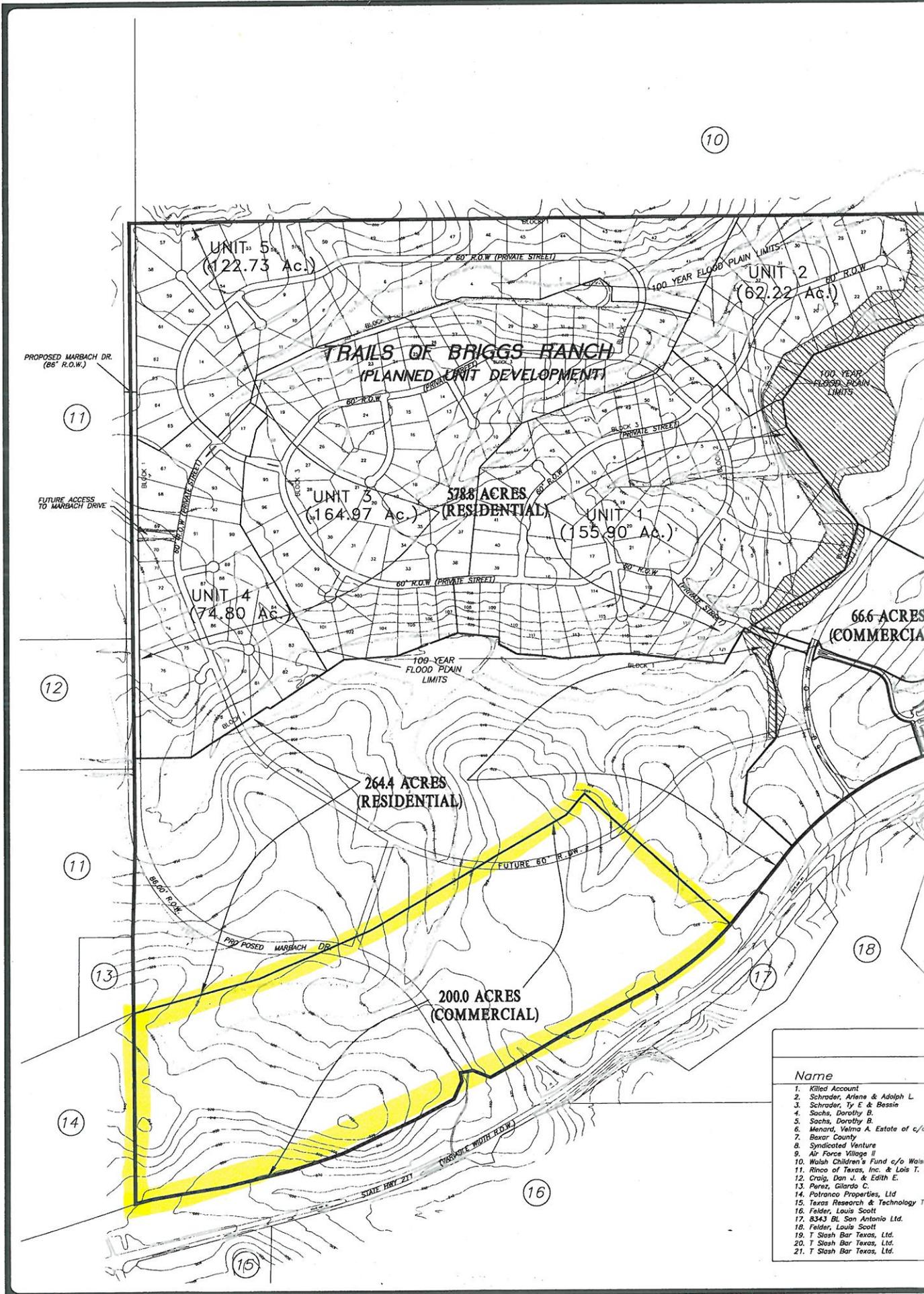
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City: San Antonio State: Texas Zip code: 78216

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

Located on State Highway 211, approximately 9,000 feet north of U.S. Highway 90 near Briggs Ranch



Name
1. Killed Account
2. Schrader, Ariene & Adolph L.
3. Schrader, Ty E & Bessie
4. Sachs, Dorothy B.
5. Sachs, Dorothy B.
6. Menard, Velma A. Estate of c/o
7. Bexar County
8. Syndicated Venture
9. Air Force Village II
10. Walsh Children's Fund c/o Walsh
11. Rinco of Texas, Inc. & Lois T.
12. Craig, Dan J. & Edith E.
13. Perez, Gilardo C.
14. Polanco Properties, Ltd
15. Texas Research & Technology T.
16. Felder, Louis Scott
17. 8343 Bl. San Antonio Ltd.
18. Felder, Louis Scott
19. T Slash Bar Texas, Ltd.
20. T Slash Bar Texas, Ltd.
21. T Slash Bar Texas, Ltd.