



City of San Antonio, Texas

Department of Development Services

November 30, 2006

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

RE: Vested Rights Permit File: # 07-11-005 (Cactus Bluff Commercial Unit IV)

Dear Ms. Basel:

We have reviewed your application for Vested Rights that was submitted on October 2, 2006. Based on the information provided the following are our official findings:

The project site is depicted on Subdivision plat # 020384 and recorded in Volume 9557, Page 15 of the Deed records for Bexar County consist of two lots, Lot 2 (1.877 ac.) and Lot 3 (1.877 ac.) NCB 19219, Block 35. This plat is contained within POADP # 48 for Stone Oak and consist of 294,422.02 (S.F.) of commercial use. The square footage indicates that the structure(s) are a multi-story building(s) since it exceeds the total land acreage. This project may be vested to June 5, 1985 provided future permit requests are consistent with the recorded subdivision plat (# 020384) and POADP # 48 for intended Land uses.

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: # _____

Date: October 25, 2006

Assigned by city staff

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: Brown, P.C, Attorneys at Law

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

Address: 112 E. Pecan Street, Suite 1490

City: San Antonio State: Texas Zip code: 78205

Engineer/Surveyor: Raymond Tarin of Cude Engineers

Address: 10325 Bandera Road

City: San Antonio State: TX Zip Code: 78250

Name of Project: Cactus Bluff Commercial Unit IV

(b) Site location or address of Project and Legal description: A 3.755-Acre tract, more specifically described as New City Block 19219, Block 35, Lots 2 and 3, Bexar County, Texas, as further illustrated on approved Plat No. 020384, which has been recorded in Volume 9557, Page 15, of the Bexar County Deed and Plat Records, Bexar County, Texas.

Council District 9 ETJ N/A 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.

VRP# 07-11-005

11-08-06A10:29 RCVD

- (a) Total land use, in square feet; ± 163,567.79 S.F. (± 3.755 Acres)
- (b) Total area of impervious surface, in square feet; ± 147,211.01 S.F.
- (c) Number of residential dwellings units, by type; N/A
- (d) Type and amount of non-residential square footage; ± 294,422.02 S.F. (commercial)
- (e) Phases of the development, (If Applicable); N/A

4. What is the date the applicant claims rights vested for this Project? June 5, 1985

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."

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

N/A

6. 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: Stone Oak Preliminary Overall Area Development Plan #48

Date accepted: 6/5/1985 Expiration Date: 9/1/2007 MDP Size: 4,300 acres

• **P.U.D. PLAN**

Name: _____ # _____

Date accepted: _____ **VRP# 07 - 11 - 005**

11-08-06A10:29 RCVD

• 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.

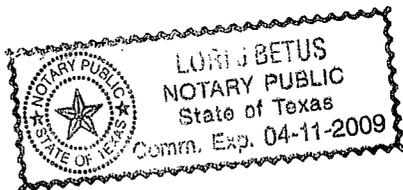
Print name: **Connie L. Basel** Signature: _____

Connie L. Basel

Date: October 25, 2006

Sworn to and subscribed before me by Connie L. Basel on this 24th day of October in the year 2006, to certify which witness my hand and seal of office.

Ronnie Belin
Notary Public, State of Texas



11-08-06A10:29 RCVD

WVRF#07-111-005

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



PAUL M. JUAREZ
OF COUNSEL

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

October 25, 2006

Mr. Michael Herrera
Development Services Department
City of San Antonio
1901 S. Alamo, 2nd Floor
San Antonio, TX 78204

Via Hand Delivery

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

Via Hand Delivery

Re: Vested Rights for a 3.755-Acre Tract of Land, Generally Located Southwest of the Intersection at Stone Oak Parkway and U.S. Hwy 281, San Antonio, Bexar County, Texas (the "Subject Property"); Our File No. 9001.018

Dear Messrs. Herrera and Hart:

Attached please find a Vested Rights Application for the above-referenced property (the "Subject Property"). This request is made pursuant to provisions of the City of San Antonio's (the "COSA") Unified Development Code (the "UDC"), Chapter 35, Article 7, Division 2 ("Vested Rights"). The purpose of this correspondence is to request COSA's acknowledgement of "vested rights" as of June 5, 1985 for a commercial land use on a 3.755-Acre tract of land, based on Stone Oak Preliminary Overall Area Development Plan No. 48 ("Stone Oak POADP No. 48") and various plats approved by COSA pursuant to such POADP.

The Subject Property is a 3.755-Acre tract, more specifically described as New City Block 19219, Block 35, Lots 2 and 3, Bexar County, Texas, and as further illustrated on approved Plat No. 020384 (the "Subject Property", *see* Exhibit 2: "Cactus Bluff Commercial IV"). The Property is wholly included within Stone Oak POADP No. 48, which was originally validated by virtue of Plat No. 850222 (the "Summit of Stone Oak").

The Stone Oak POADP No. 48 constitutes the first "permit" in a series of permits necessary for the development of the Subject Property as that term is contemplated by Chapter 245 of the Texas Local Government Code (the "Code"). Perhaps more importantly, Stone Oak POADP No. 48 has always authorized the development of the Property for a commercial and office land use (the "Project") (*see* Exhibit 3: "Stone Oak POADP No. 48"). The Subject Property is also currently zoned "C-2 ERZD", which expressly permits a commercial land use on the Property (*see* Exhibit 4).

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Mr. Michael Herrera
Mr. Norbert Hart
October 25, 2006
Page 2

The following is a sample of plats that have been filed with and approved by COSA pursuant to Stone Oak POADP No. 48; such plats are hereby submitted as evidence of "progress" toward completion of the Project pursuant to the City Attorney's interpretation of Section 245.005 of the Code:

- i) Plat No. 000151 approved on December 13, 2000;
- ii) Plat No. 010171 approved on November 14, 2001;
- iii) Plat No. 010137 approved on January 9, 2002;
- iv) Plat No. 020384 approved on March 19, 2003; and,
- v) Plat No. 040399 approved on October 13, 2004.

Please note that COSA has already issued Development Rights Permit No. 243, which grants "development rights" for the entire Stone Oak POADP No. 48 area (including the Property) dating back to June 5, 1985 (*see* Exhibit 5). Moreover, COSA has already issued Vested Rights Permit No. 02-01-059, which acknowledges "vested rights" pursuant to Chapter 245 of the Code for the entire Stone Oak POADP No. 48 area (including the Property) dating back to June 5, 1985 (*see* Exhibit 6). As you know, the UDC requires continued recognition of previously-issued "development rights" and the Code requires continued recognition of "vested rights" – simply stated, the purpose of this correspondence is to re-acknowledge "vested rights" for a specific tract of land within a larger area for which "development rights" and "vested rights" have already been acknowledged.

In conclusion, Stone Oak POADP No. 48 constitutes a "permit" as defined by Chapter 245 of the Code, and was a necessary first step in the development of the Property, which has always been included within such POADP. Stone Oak POADP No. 48 has authorized the commercial Project from its inception, and has not become dormant by virtue of the approval of the plats listed herein. Finally, the facts summarized in this correspondence have been previously reviewed and acknowledged by COSA, as evidenced by Development Rights Permit No. 243 and Vested Rights Permit No. 02-01-059.

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

- 1) Vested Rights Permit Application;
- 2) Cactus Bluff Commercial IV Plat No. 020384;
- 3) Stone Oak POADP No. 48;
- 4) COSA Zoning Map;
- 5) COSA Development Rights Permit No. 243; and,
- 6) COSA Vested Rights Permit No. 02-01-059.

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

11-08-06A10:29 RCVD

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Mr. Michael Herrera
Mr. Norbert Hart
October 25, 2006
Page 3

Sincerely,

BROWN, P.C.

By: 
Connie L. Basel

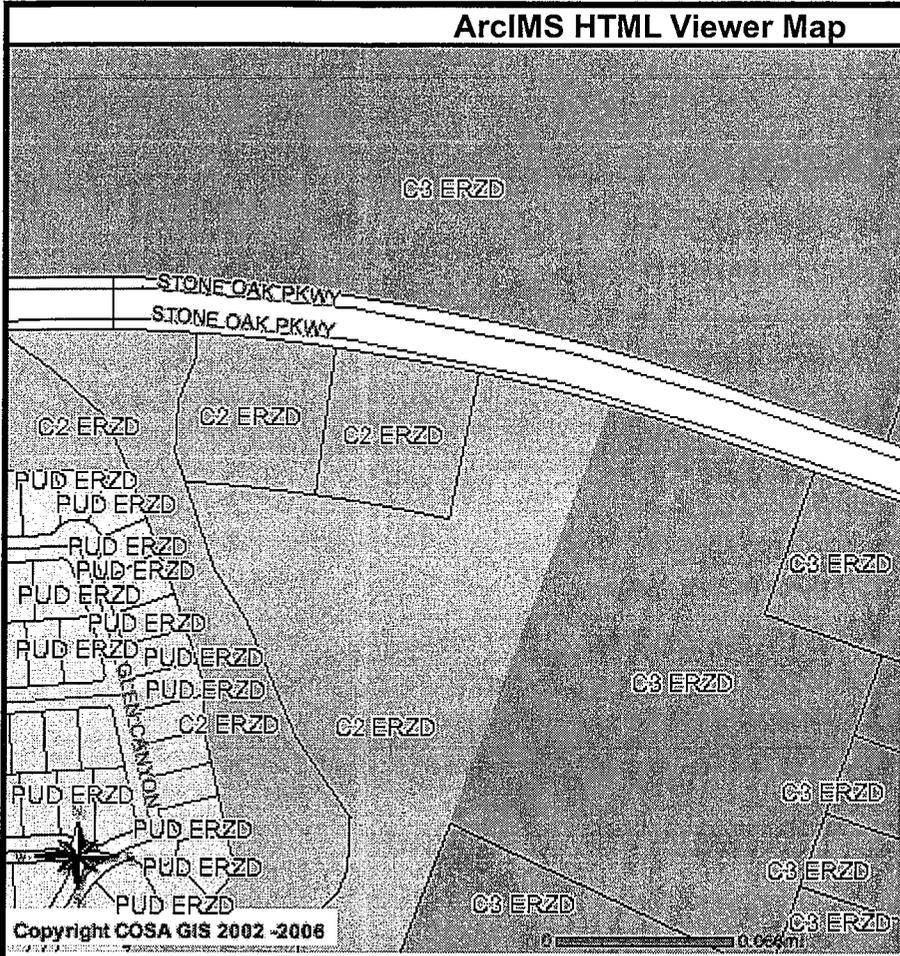
CLB/ea
Enclosures: As stated

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VRP#07-11-005

EXHIBIT
4

ArcIMS HTML Viewer Map



11-08-06A10:30 RCVD

VRP# 07-11-005

EXHIBIT 5

LDB
31.7 AC

MFB
5.0 AC

LDC

29.6 AC

LDC

14.0 AC

SU
16.1 AC

1.3 AC

MFA
14.0 AC

LDC
26.5 AC

MFA
6.0

MFC
3.0 AC

1.4 AC

1.6 AC

4.7 AC

2.4 AC

27.4 AC

4.2 AC

7.4 AC
MFA/O

3.2 AC

AC

5.0 AC

C1/O

2.0 AC

LDC
14.6 AC

SU

MFA/O

61.7 AC

MFA

11-08-06A10:30 ROAD

VRP# 7-11-005

10.

3.0 AC

C2/O

BLANCO ROAD

45.0 AC

C2

P-1

LOOP

D. R. P.

Permit # 243

Starts June 5, 1985

Expires Sept 1, 2009

Issued by: [Signature]

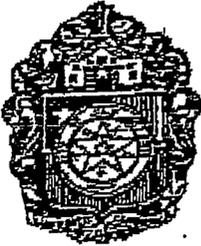
RECEIVED FROM CITY OF
SAN ANTONIO PLANNING
DEPARTMENT ON
JANUARY 9, 1996

STONE OAK

STONE OAK, INC.
11306 Sir Winston
San Antonio, Texas 78216

EXHIBIT 4

LAND U



City of San Antonio
New
Vested Rights Permit
APPLICATION

CITY OF SAN ANTONIO
 DEPARTMENT OF PLANNING
 02 JAN 15 PM 2:09

VRP-
 Permit File: # 02-01-059
 Assigned by city staff

Date: January 11, 2001

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

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

- Owner/Agent: EARL + BROWN on behalf of FC PROPERTIES ONE, LTD
- Address: 111 SOLEDAD, SUITE 111
- Zip: 78205 Telephone # 210-222-1500
- Site location or address: N. of FM 1604 : E. of 281
- Council District: 9 ETJ Over Edward's Aquifer Recharge () yes () no

• **MASTER DEVELOPMENT PLAN (MDP) (Formally 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: Stone Oak POADP # 048

Date accepted: 6/5/85 Expiration Date: NA MDP Size: 4300 acres

• **P.U.D. PLAN**

Name: _____ # _____

Date accepted: _____ 11-08-06A10:30 RCVD

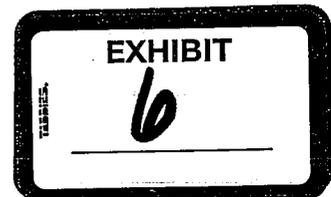
• **Plat Application**

Plat Name: _____ Plat # _____ Acreage: _____

Date submitted: _____ Expiration Date: A10:30 RCVD

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

VRP# 071-11-005



August 17, 2001

CITY OF SAN ANTONIO
DEPARTMENT OF PLANNING
02 JAN 15 PM 2:09

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

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

• Others
Type of Permit: DRP 64 Date issued: _____ Expiration Date: 9/1/07

Acreage: 4300

(Note: Two maps of the area must be provided) - See ROADDP ATTACHED

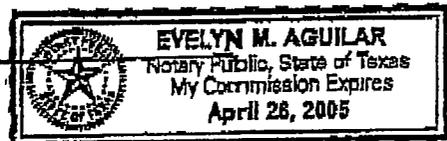
NOTE: Filing a knowingly false statement on this document, or any attached document, is a crime under §7.02 and §7.10 of the Texas Penal Code, punishable as a state jail felony by up to two years in jail and fine of up to \$10,000.

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: HABIB H. ERKAN JR. Signature: [Signature] Date: 1-11-02

Sworn to and subscribed before me by on this 11th day of JANUARY 20 02, to certify which witness by hand and seal of office.

Notary Public, State of Texas, My Commission expires;



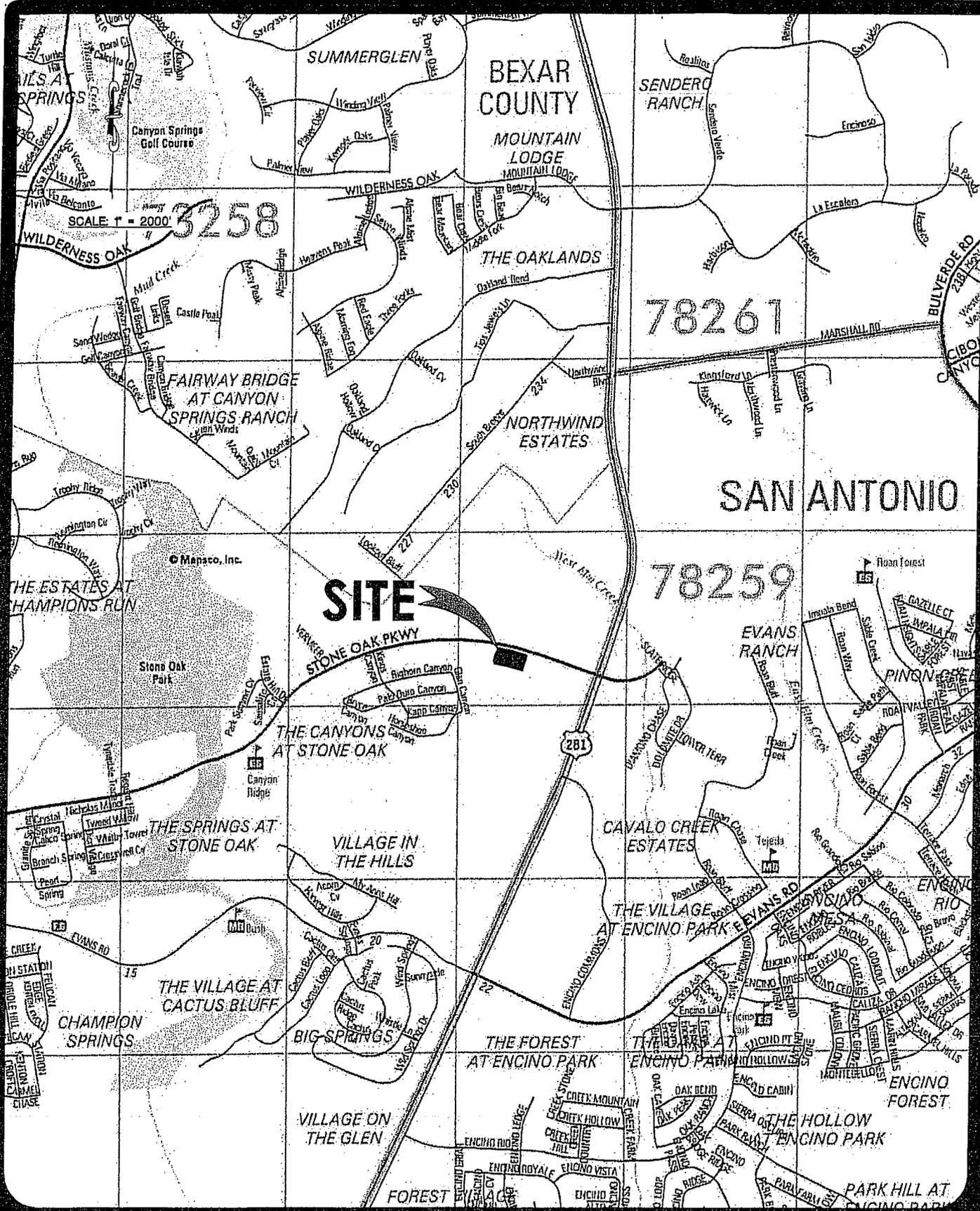
City of San Antonio use

Approved [Signature] 10/13/02 DRP 64 B
 Disapproved

Review By: _____ Date: 2-6-02
Assistant City Attorney

August 17, 2001

Applicant showed Plat filed
Next note that vested rights expire with DRP B
VRP# 07-11-005



S:\First City Properties\Cactus Bluff Unit 4\Exhibits\site\map.dwg 2007/06/14 10:11 am mcsallilo



M.W. CUDE ENGINEERS, L.L.C.
 10325 BANDERA ROAD
 SAN ANTONIO, TEXAS 78250

TEL 210.681.2951
 FAX 210.523.7112

WWW.MWCUDE.COM

**CACTUS BLUFF
 COMMERCIAL UNIT 4**

LOCATION MAP

REF. SHEET NO.:

DATE: JUNE 2006

JOB NO.: #107685



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.*

VRP 07-11-005

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; *N/A*
 - (g) Type and amount of non-residential square footage; ✓
 - (h) Phases of the development, if applicable; *N/A*
 - (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: *Michelle A. Gauthier* Date: *NOV 06*

[Handwritten signature]

VRP# 07-11-005



TREE AFFIDAVIT / PERMIT APPLICATION

(Office Use Only)

INSPECTOR INITIALS ✓ DATE _____ PASS / FAIL _____
 APPROVED _____ NOT APPROVED INITIALS MTZ DATE June 29, 07

Project Address/Location: On North Side of Evans Rd., approximately .6 mile west of US Hwy 281 Outside City Limits? Y N

Project Name/Subdivision: Cactus Bluff – Multi Family Unit: II Plat _____

Parcel Key (<http://maps.sanantonio.gov/website/DevServices/viewer.htm>): 603814 Lot No. _____ Block: _____ NCB/CB: 19219

Class of Work (Check as Appropriate): Site Work Platting New Structure Addition (≥ 2500 ft²)

Project Type (Check as Appropriate): Commercial # acres _____ Residential # acres 19.39

Company ID#: _____ Contact ID#: _____ Public Funds Used: Y N

Contact Person: Raymond Tarin, Jr., P.E. Company Name: M.W. Cude Engineers, LLC

Email: rtarin@mwcode.com Phone # 681-2951 Fax # 523-7112

Owner: RKS Texas Investments L.P. Phone # 490-2500 Fax # 490-4465

Address: 601 Sonterra Blvd. City San Antonio Stat TX Zip 78258

IF A MASTER TREE PERMIT OR TREE PLAN WAS PREVIOUSLY APPROVED, PROVIDE AP# 1272596

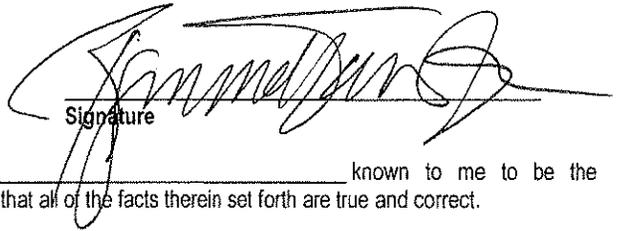
PLEASE MARK THE APPROPRIATE BOX FOR REVIEW (ONLY MARK ONE BOX):

IF VESTED FROM THE 2003 TREE PRESERVATION ORDINANCE, ENTER VESTED RIGHTS PERMIT # 06-08-065

- 1. has no Protected, Significant, Heritage, or Historic trees as defined in Article V, § 35-523 or 35-6111 of the U.D.C. (AERIAL PHOTO REQUIRED FOR 2003/2006 ORDINANCE); OR
- 2. has protected trees, but this work will in no way cause damage to or the destruction of said trees; I understand such is a direct violation of the provisions of Article V, § 35-477B(b)(2) or 35-6106 (AERIAL PHOTO OR TREE SURVEY REQUIRED FOR 2003/2006 ORDINANCE); OR
- 3. is exempt from the 1997 Tree Preservation Ordinance – VESTED RIGHTS PERMIT # REQUIRED: 06-08-065 OR
- 4. has Protected, Significant, Heritage or Historic trees that will be removed. (REQUIRES ADDITIONAL SITE PLAN & TREE INVENTORY SUBMITTED)

I, _____ (engineer), certify that I am aware of Article V, § 35-523 of the U.D.C. and all related appendices regarding Tree Preservation and agree to adhere to the requirements including any additional fees determined to be owed to complete this permit.

State of Texas)
 County of Bexar)


 Signature

Before me, the undersigned authority on this day personally appeared _____ known to me to be the person whose name is signed to the foregoing affidavit and sworn by me, states under oath that all of the facts therein set forth are true and correct.

Sworn To Before me, this _____ day of _____, 20_____.

Notary Public In And For The State of Texas

VRP#07-11-005

D. R. P.
Permit # 212
Start Date 7-1-86
Expiration Date 12-31-89
Issued by [Signature]

RECEIVED FROM CITY OF
SAN ANTONIO PLANNING
DEPARTMENT ON
JANUARY 9, 1996

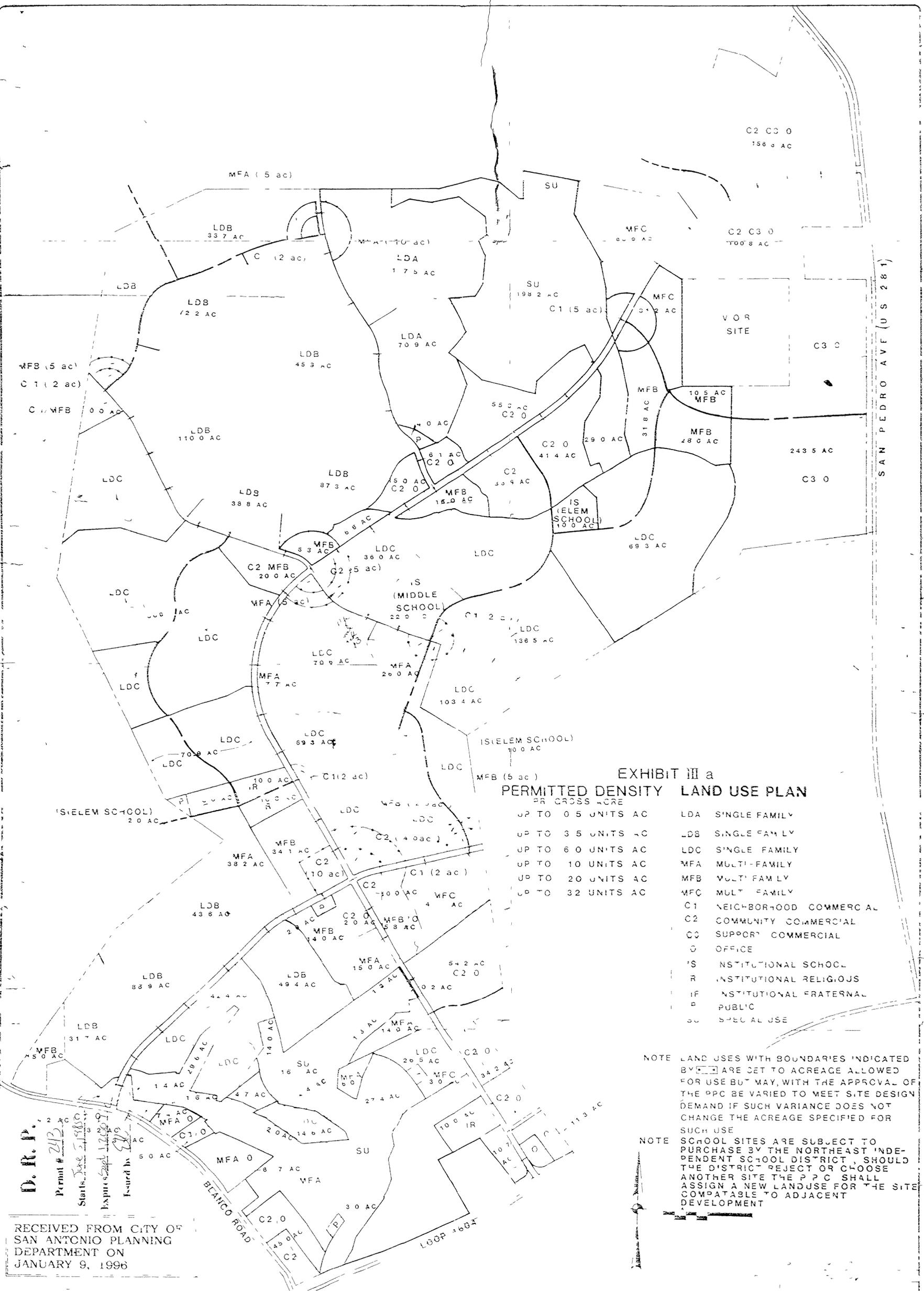


EXHIBIT III a
PERMITTED DENSITY LAND USE PLAN
PR CROSS ACRE

UP TO 0.5 UNITS AC	LDA SINGLE FAMILY
UP TO 3.5 UNITS AC	LDB SINGLE FAMILY
UP TO 6.0 UNITS AC	LDC SINGLE FAMILY
UP TO 10 UNITS AC	MFA MULTI-FAMILY
UP TO 20 UNITS AC	MFB MULTI-FAMILY
UP TO 32 UNITS AC	MFC MULTI-FAMILY
	C1 NEIGHBORHOOD COMMERCIAL
	C2 COMMUNITY COMMERCIAL
	C3 SUPPORT COMMERCIAL
	O OFFICE
	IS INSTITUTIONAL SCHOOL
	R INSTITUTIONAL RELIGIOUS
	IF INSTITUTIONAL FRATERNAL
	P PUBLIC
	SU SPECIAL USE

NOTE LAND USES WITH BOUNDARIES INDICATED BY [Symbol] ARE SET TO ACREAGE ALLOWED FOR USE BUT MAY, WITH THE APPROVAL OF THE PPC BE VARIED TO MEET SITE DESIGN DEMAND IF SUCH VARIANCE DOES NOT CHANGE THE ACREAGE SPECIFIED FOR SUCH USE

NOTE SCHOOL SITES ARE SUBJECT TO PURCHASE BY THE NORTHEAST INDEPENDENT SCHOOL DISTRICT, SHOULD THE DISTRICT REJECT OR CHOOSE ANOTHER SITE THE PPC SHALL ASSIGN A NEW LANDUSE FOR THE SITE COMPATIBLE TO ADJACENT DEVELOPMENT



LAND USE PLAN

HALLENBERGER
TELFORD INC
PLANNERS
ENGINEERS
ARCHITECTS
SAN ANTONIO TEXAS 78218