



City of San Antonio, Texas

Department of Development Services

December 8, 2006

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

RE: Vested Rights Permit File: # 07-11-008 (Friesenhahn Master Development)

Dear Ms. Basel:

We have reviewed your application for Vested Rights that was submitted on November 8, 2006. Based on the information provided the following are our official findings:

Applicant may have rights effective August 13, 2004 consistent with MDP #802. The application indicates that rights determination is requested for the entire MDP. The MDP itself, as well as the application, indicates that the development will be completed in phases. Without a specific project identified a determination of rights cannot be recommended. At such time as the applicant submits a Fair Notice Form which identifies a specific project that is consistent with the MDP, that project may be vested at that time to August 13, 2004.

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,

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

PICKED UP: Robin Stover
DATE: 12/11/2006



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: Michael A. Hamilton **Date:** 8 NOV 06

VRP# 07-11-008



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.*

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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;
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- 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: *[Signature]* Date: 8 NOV 06

VRP# 07-11-008

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



PAUL M. JUAREZ
OF COUNSEL

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

November 8, 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: Resubmission for Vested Rights for a 98.87-Acre Tract of Land, Generally Located on Canyon Golf Road, South of Borgfield Road, San Antonio, Bexar County, Texas; Our File No. 9004.014

Dear Messrs. Herrera and Hart:

Attached please find a Vested Rights Application for the above-referenced property (the "Subject Property") (*see* Exhibit 1). This request is made pursuant to provisions of the City of San Antonio's (the "COSA") Unified Development Code (the "UDC"), Chapter 35, Article 7, Division 2 ("Vested Rights").

The purpose of this correspondence is to request COSA's acknowledgement of "vested rights" as of August 13, 2004 for residential and commercial land uses on a 98.87-acre tract of land, based upon filing of an application for the Friesenhahn Master Development Plan No. 802 ("Friesenhahn MDP No. 802") and the corresponding plats approved by COSA.

The Subject Property is a 98.87-acre tract, out of a 253.13-acre tract, recorded in Volume 6046, Page 883, of the real property records of Bexar County, Texas. The Subject Property is wholly included and illustrated on approved Friesenhahn MDP No. 802 (*see* Exhibit 2).

Friesenhahn MDP No. 802 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"). Friesenhahn MDP No. 802 has authorized the development of the Subject Property for residential and commercial land uses (the "Subject Project") (*see* Exhibit 2). More particularly, the Subject Project as set forth therein includes 425 single family residential lots covering 75.63 acres, and a commercial use covering 5.87 acres.

VRP# 07-11-008

11-08-06P02:16 RCVD

Mr. Michael Herrera
Mr. Norbert Hart
November 8, 2006
Page 2

Please note that the Subject Property received its current zoning, "DR" (Development Reserve), pursuant to a COSA-initiated annexation proceeding in June 2005 (*see* Exhibit 3). As you know, "DR" zoning allows use of the property for residential land uses. Moreover, it is important to consider (i) that Section 35-352(a) of the UDC explicitly provides that such zoning designation is temporary in nature, (ii) that Section 35-352(a)(1) of the UDC provides that annexed property may be compatible for any use permitted in any zoning district (including, in this case, commercial land uses), and (iii) that such zoning was not implemented pursuant to an owner/agent-authorized zoning case that could indicate an intent to utilize the property for any other land use than those indicated on Friesenhahn MDP No. 802.

The following is a sample of plats that have been filed with, and approved by, the COSA pursuant to Friesenhahn MDP No. 802; such plats are hereby submitted as evidence of "progress" toward completion of the Subject Project to satisfy the City Attorney's interpretation of Section 245.005 of the Code:

- i) Plat No. 050668 approved on June 14, 2006; and,
- ii) Plat No. 050616 approved on August 9, 2006.

In conclusion, we request the COSA's acknowledgement of "vested rights" as of August 13, 2004 based upon the application for Friesenhahn MDP No. 802. This MDP constitutes a "permit" as defined by Chapter 245 of the Code, and was a necessary first step in the development of the Subject Property. Finally, Friesenhahn MDP No. 802 has authorized the residential and commercial project from its inception, and has not become dormant by virtue of the approval of the plats listed herein.

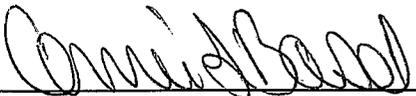
Included with this correspondence, please find enclosed a check for \$500.00 to cover the costs of processing this application and duplicate copies of the following:

- 1) Vested Rights Permit Application;
- 2) Friesenhahn MDP No. 802; and,
- 3) COSA Zoning Map.

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

Sincerely,

BROWN, P.C.

By: 
Connie L. Basel

CLB/ea
Enclosures: As stated

VRP# 07 - 11 - 008

11-08-06P02:16 RCVD



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

Permit File: # _____
Assigned by city staff

Date: November 8, 2006

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: Pape-Dawson Engineers, Inc.

Address: 555 E. Ramsey

City: San Antonio State: TX Zip Code: 78216

Name of Project: Friesenhahn Master Development

(b) Site location or address of Project and Legal description: Friesenhahn Master Development.
98.87-Acre Tract of Land, Generally Located on Canyon Golf Road, South of Borgfield Road, San Antonio, Bexar County, Texas, and being out of a 253.12 acre tract recorded in Volume 6045, Page 833 of the Official Records of Real Property of Bexar Co0unty, Texas, out of the Guadalupe College Survey No. 418, Abstract No. 262 of Bexar County, Texas.

Council District N/A* ETJ N/A Over Edward's Aquifer Recharge? (X) yes () no

* Limited Purpose Annexation

11-08-06P02:16 RCVD

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.

Permit File # _____

(a) Total land use, in square feet; ± 4,306,777 S.F. (± 98.87 Acres)

(b) Total area of impervious surface, in square feet; ± 3,876,099 S.F.

(c) Number of residential dwellings units, by type; 425 Single Family Residential

(d) Type and amount of non-residential square footage; ± 460,254 S.F. (commercial)

(e) Phases of the development, (If Applicable); The phases of development are illustrated as Units 1-4 on MDP No. 802, Attachment 2.

4. What is the date the applicant claims rights vested for this Project? August 13, 2004

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: Friesenhahn Master Development Plan No. 802

Date accepted: 1/20/2005 Expiration Date: 7/22/2006 MDP Size: 98.87 acres

• **P.U.D. PLAN**

11-08-06P02:16 RCVD

Name: _____ # _____

VRP# 07-11-008

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

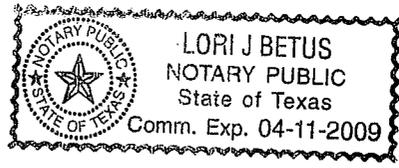
NOTE: Filing a knowingly false statement on this document, or any attached document, is a crime under §37.02 and §37.10 of the Texas Penal Code, punishable as a state jail felony by up to two years in jail and fine of up to \$10,000.

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: **Connie L. Basel** Signature: Connie L. Basel

Date: November 8, 2006

Sworn to and subscribed before me by Wreather on this 8th day of November in the year 2006, to certify which witness my hand and seal of office.



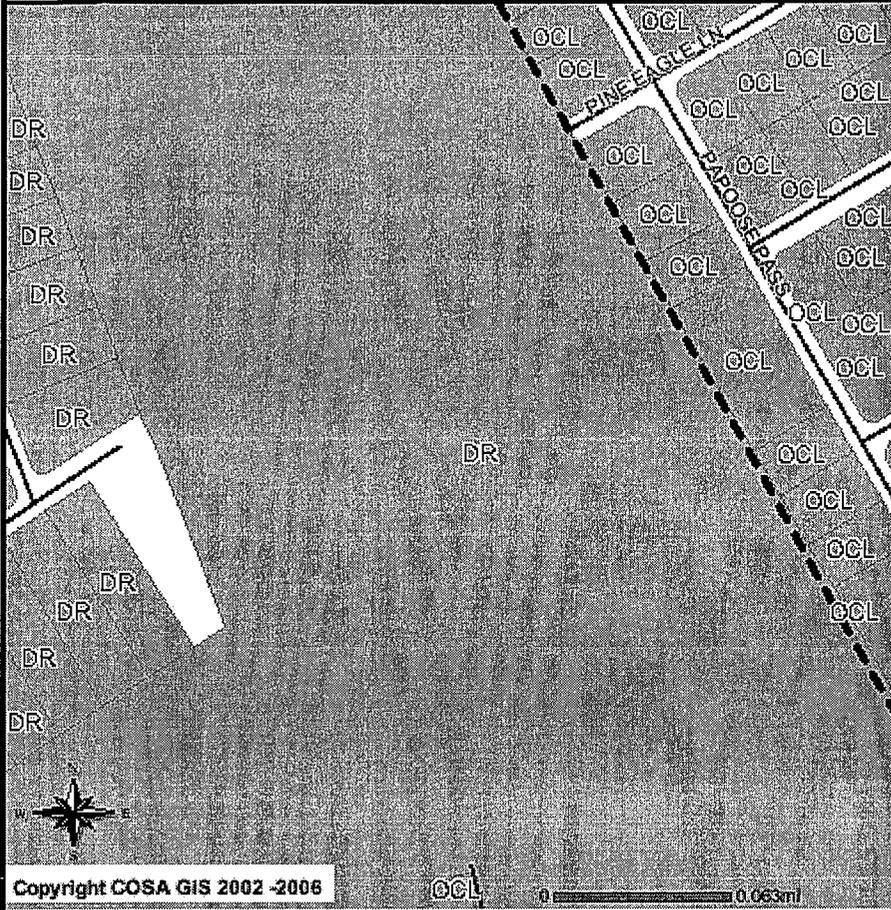
Lori J. Betus
Notary Public, State of Texas

11-08-06P02:16 RCVD

VRP# 07-11-008

EXHIBIT
3

ArcIMS HTML Viewer Map



11-08-06P02:17 RCVD

- Legend**
-  Military Bases
 -  San Antonio City Limits
 -  Incorporated Towns
 -  Bexar County
 -  Bexar Streets Zoning

-  B2NA
-  C1
-  C2
-  C2NA
-  C3
-  C3NA
-  C3R
-  D
-  I1
-  I2
-  L
-  MF25
-  MF30
-  MF40
-  NC
-  NP-10
-  NP-15
-  NP-8
-  O1
-  O2
-  OCL
-  R20
-  R4
-  R5
-  R6
-  RE
-  RM4
-  RM5
-  RP
-  RD
-  FR
-  UD
-  M11
-  M12
-  C3R C

11-08-06P02:17 RCVD

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



PAUL M. JUAREZ
OF COUNSEL

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

October 24, 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

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VRP# 07 - 11 - 008

11-08-06P02:17 RCVD

Mr. Michael Herrera
Mr. Norbert Hart
October 24, 2006
Page 2

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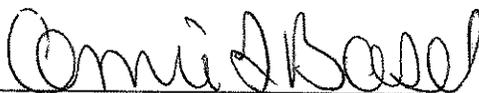
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- 3) COSA Zoning Map.

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

Sincerely,

BROWN, P.C.

By: 
Connie L. Basel

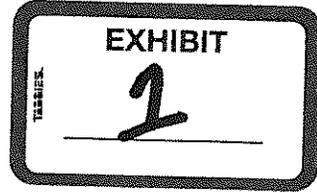
CLB/ea
Enclosures: As stated

11-08-06P02:17 RCVD

VRP# 07-11-008



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



Permit File: # _____

Date: October 24, 2006

Assigned by city staff

11-08-06P02:17 RCVD

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: Pape-Dawson Engineers, Inc.

Address: 555 E. Ramsey

City: San Antonio State: TX Zip Code: 78216

Name of Project: Friesenhahn Master Development

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

Council District N/A* ETJ N/A Over Edward's Aquifer Recharge? (X) yes () no

* Limited Purpose Annexation

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# 07-11-008

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(c) Number of residential dwellings units, by type; 425 Single Family Residential

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(e) Phases of the development, (If Applicable); See MDP No. 802

4. What is the date the applicant claims rights vested for this Project? August 13, 2004

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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: Friesenhahn Master Development Plan No. 802

Date accepted: 1/20/2005 Expiration Date: 7/22/2006 MDP Size: 98.87 acres

● **P.U.D. PLAN**

Name: _____ # _____

Date accepted: _____

11-08-06P02:17 RCVD

VRP# 07-11-008

• **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.

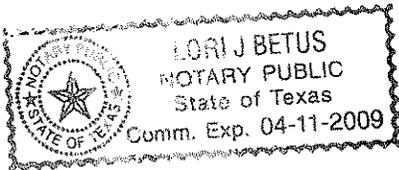
I hereby certify that all information this Application and the attached documents is true and correct and that it is my belief the property owner is entitled to Vested Rights for this Project.

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

Date: October 04, 2006

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

Loriz Betus
Notary Public, State of Texas



11-08-06P02:17 RCVD

VRP# 07-11-008

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
3415727

AMT ENCLOSED _____

50-05-5574
CENTEX HOMES
1354 N. LOOP 1604 EAST
SAN ANTONIO, TX 78232

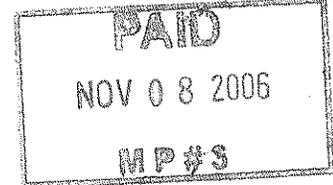
AMOUNT DUE 500.00
INVOICE DATE 11/8/2006
DUE DATE 11/08/2006

PHONE: (000) 000-0000

VRP #07-11-008
FRIESENHAHN MASTER DEVELOPMENT
FACILITY LOCATION: 1901 ALAMO ST S

INVOICE DATE	INVOICE	ACCOUNT	DUE DATE	OFFICE HOURS
11/8/2006	3415727	50-05-5574	11/08/2006	-

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



AGREEMENT DATES	SERVICE DATES	ORDINANCE	CONTRACT	DOCUMENT
ST:	11/08/2006		CK #125132	VRP#07-11-008
END	11/08/2006			

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