

**RESOLUTION NO.**

**RECOMMENDATION APPROVING DEVELOPMENT AGREEMENTS FOR PROPERTIES IN THE PROPOSED LIMITED PURPOSE ANNEXATION AREA GUARANTEEING CONTINUED EXTRATERRITORIAL STATUS OF PROPERTIES WHICH ARE APPRAISED FOR AD VALOREM TAX PURPOSES AS AGRICULTURAL, WILDLIFE MANAGEMENT OR TIMBER USE FOR A PERIOD OF 10 YEARS.**

**WHEREAS**, the City of San Antonio is considering a proposed IH-10 West Limited Purpose Annexation; and

**WHEREAS**, the Texas Local Government Code, Section 43.035, requires a development agreement be offered in lieu of annexation to owners of property in the proposed area that is appraised for ad valorem tax purposes as land for agriculture or wildlife management use under Subchapter C or D, Chapter 23, Texas Tax Code, or as timber land under Subchapter E of that chapter; and

**WHEREAS**, the properties that meet the qualifications to be offered a development agreement are designated as agriculture or wildlife management use or as timber land and depicted in the map as Exhibit A and the individual properties are identified in Exhibit B. Exhibit A and Exhibit B are attached and incorporated herein for all purposes; and

**WHEREAS**, Section 123A of the Charter of the City of San Antonio requires that the Planning Commission shall make a recommendation to City Council on proposed annexation; and

**WHEREAS**, the San Antonio Planning Commission held a public hearing on October 2, 2015 regarding the Development Agreement, attached as Exhibit C and incorporated herein for all purposes, guaranteeing the continued extraterritorial status of such property; and

**WHEREAS**, the San Antonio Planning Commission has considered the effect of this agreement to the Master Plan and found the agreement to be consistent with City policies, plans and regulations; and

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:**

**SECTION 1:** The San Antonio Planning Commission recommends to City Council approval of the Development Agreements guaranteeing the continued extraterritorial status of the properties that are appraised for ad valorem tax purposes as agricultural, wildlife management or timber use for a period of 10 years between the City of San Antonio and multiple property owners eligible to receive a development agreement for non-annexation.

**PASSED AND APPROVED ON THIS 2nd DAY OF October 2015.**

Attest:

Approved:

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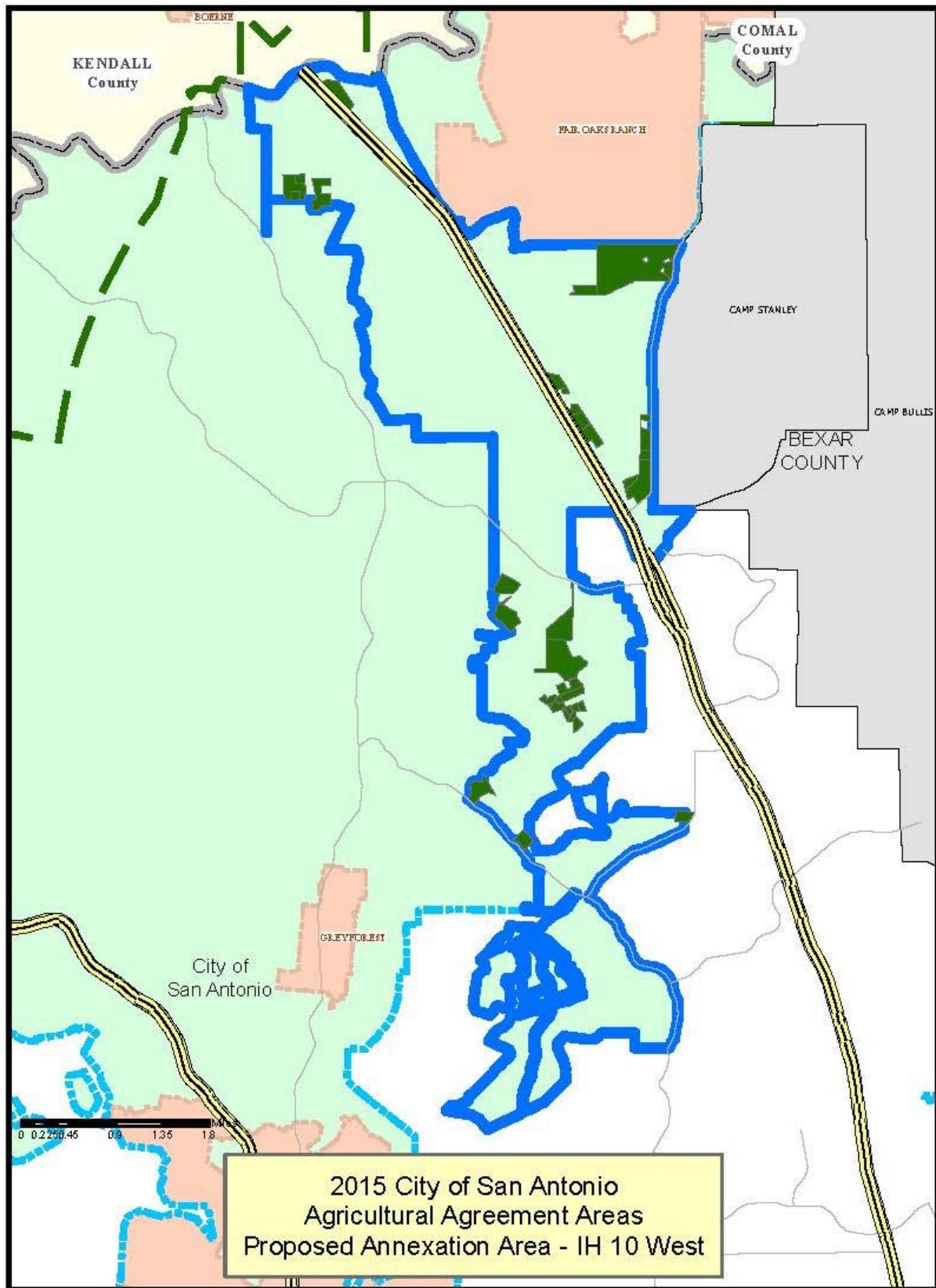
Executive Secretary  
San Antonio Planning Commission

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Marcello Diego Martinez, Chair  
San Antonio Planning Commission

Exhibit A

Map of Properties



## Exhibit B

### Development Agreements List of Properties

Owner Name	Property ID	Legal Description	Site Address
ALAMO FIREWORKS INC	1137856	CB 4711B LOT 3 (OLD FREDERICKSBURG COMMERCIAL)	OLD FREDERICKSBURG RD, BOERNE, TX 78015
BAER LINUS L & WANDA	256083	CB 4728A LOT 6 ARCADIA P.U.D.	8810 MOUNT ARCADIA, SAN ANTONIO, TX 78255
BAER LINUS L & WANDA K	256068	CB 4728 P-5 ABS 717 .117 CB 4730 P-19 ABS 873 6.624	22501 CIELO VISTA DR, SAN ANTONIO, TX 78255
BAER LINUS L & WANDA K	256078	CB 4728A LOT SW IRR 635.86 FT OF 2 ARCADIA P.U.D.	8834 MOUNT ARCADIA, SAN ANTONIO, TX 78255
BAER LINUS L & WANDA K	256080	CB 4728A LOT 3 ARCADIA P.U.D.	8822 MOUNT ARCADIA, SAN ANTONIO, TX 78255
BAER LINUS L & WANDA K	256081	CB 4728A LOT 4 ARCADIA P.U.D.	8828 MOUNT ARCADIA, SAN ANTONIO, TX 78255
BAER LINUS L & WANDA K	256082	CB 4728A LOT 5 ARCADIA P.U.D.	8816 MOUNT ARCADIA, SAN ANTONIO, TX 78255
BAER LINUS L & WANDA K	256307	CB 4730 P-18A ABS 873	CIELO VISTA DR, SAN ANTONIO, TX 78255
BAER LINUS L & WANDA K	256308	CB 4730 P-18B ABS 873	22515 CIELO VISTA DR, SAN ANTONIO, TX 78255
BAER LINUS L & WANDA K	256312	CB 4730 P-19A ABS 873	MOUNT ARCADIA, SAN ANTONIO, TX 78255
BAKER DEL D JR FAMILY PARTNERSHIP LTD	252259	CB 4708 P-65A ABS 24	W IH 10, BOERNE, TX 78006
BERG JOHN M & ELAINE M	255239	CB 4713 P-2E (22.86 AC) & CB 4702A BLK 2 LOT 1 (2.518 AC)	8500 CROSS MOUNTAIN TRL, SAN ANTONIO, TX 78255
CREAMER WILLIAM MICHAEL & PHYLLIS VOLTZ	255157	CB 4712 P-5 ABS 598	24457 BOERNE STAGE RD, SAN ANTONIO, TX 78255
GARCIA DANIEL & SALLY C	256069	CB 4728 P-6 (.312 AC), CB 4730 P-14 (3.19 AC), P-14A (.017 AC), P-30 (9.002 AC) NO LABEL# NO SERIAL#	22725 CIELO VISTA DR, SAN ANTONIO, TX 78255
GOMBERT FAMILY PARTNERSHIP	253146	CB4709 P-201 ABS 314 176.844 FORMERLY P-10B & CB 4738 P-1 2.9AC REF:80100-000-2014	27805 RALPH FAIR RD, BOERNE, TX 78015
HOLMAN DEBORAH	251561	CB 4707 P-3 ABS 340	10002 AXIS DR, BOERNE, TX 78006
HOLMAN LUCILLE E	251558	CB 4707 P-1 ABS 340	10002 AXIS DR, BOERNE, TX 78006
HOLMAN MILBURN C EST OF	251585	CB 4707 P-20 ABS 340	10002 AXIS DR, BOERNE, TX 78006
HOSEK WILLIAM I JR &	698153	NCB 18334 LOT P-3A 4.7111 CB 4727 P-3A ABS 672 4.2289 CB 4726 P-4A ABS 177 1.5370	7251 HEUERMANN RD, SAN ANTONIO, TX 78256
IHFE RICHARD H	255287	CB 4717 P-1A ABS 728	20260 BABCOCK RD, SAN ANTONIO, TX 78255
KLABUNDE GARY W & MARIA	1130558	CB 4733C BLK 1 LOT 1 (KLABUNDE RANCH UT-1)	25815 RALPH FAIR RD, BOERNE, TX 78015
KLABUNDE MILTON WAYNE	1056438	CB 4733 P-1A (4.3261 AC), P-1J (1.6739 AC) REFER TO:80700-101-0017	25490 OLD FREDERICKSBURG RD, BOERNE, TX 78015
KLABUNDE RANCH LTD	1056437	CB 4733 P-1K (3.4664 AC) & P-1L (13.6556 AC)	RALPH FAIR RD, BOERNE, TX 78015
KLABUNDE RANCH LTD	1156548	CB 4733 P-22 (26.5278 AC), P-1P (.0351 AC), P-21 (12.3661 AC)	OLD FREDERICKSBURG RD, BOERNE, TX 78015
KOSAREK CHARLIE	248041	CB 4566 P-2D ABS 1102	BABCOCK RD, SAN ANTONIO, TX 78255
LUCAS CANNON LTD	254607	CB 4710 P-14B (11.551 AC) & P-16A (1.821 AC) ABS 529 (More particularly described by metes and bounds in Exhibit B-1)	26924 W IH 10, BOERNE, TX 78015
PENA JESSE	256062	CB 4728 P-3F ABS 717	22015 CIELO VISTA DR, SAN ANTONIO, TX 78255
PERLITZ JAMES & JUDY Y	253149	CB 4709 P-204 (11.126 AC) & P-210C (2.392 AC) ABS 314	8160 BOWMANS LN, BOERNE, TX 78015
SHADFAN HARBI & LOU ANN	1142894	CB 4730D (GREYWALLS SUBD), BLOCK 3 LOT 15	CIELO VISTA DR, SAN ANTONIO, TX 78255
SIGOLOFF NELSON W &	256310	CB 4730 ABS 873 P-18C	CIELO VISTA DR, SAN ANTONIO, TX 78255
SIGOLOFF NELSON WITT C/S	256070	CB 4728 P-6A ABS 717 5.701 CB 4730 P-31 ABS 873 2.560 CB 4730 P-31A ABS 873 1.739	22509 CIELO VISTA DR, SAN ANTONIO, TX 78255
SIMPSON PATRICIA	251562	CB 4707 P-4 ABS 340	28525 SAXET DR, BOERNE, TX 78006
SOUTHBOUND TEXAS LTD	254677	CB 4711 P-7E & P-103 ABS 528 (More particularly described by metes and bounds in Exhibit B-2)	25690 W IH 10, BOERNE, TX 78015
SOUTHBOUND TEXAS LTD	254687	CB 4711 P-10 6.502 & P-102 1.041 ABS 528 (P-10 FORMERLY P-7D) (More particularly described by metes and bounds in Exhibit B-3)	26254 W IH 10, BOERNE, TX 78015
SOUTHBOUND TEXAS LTD	254690	CB 4711 P-11A (14.766 AC) & P-100A (3.093 AC) ABS 528	W IH 10, BOERNE, TX 78015
TODD LARRY W &	256415	CB 4712 P-7C, CB 4731 P-1A, P-2, CB 4732 P-6 REFER TO 04731-000-0020	24197 BOERNE STAGE RD, SAN ANTONIO, TX 78255
VANDELDEN JULIE A K	256913	CB 4733 P-1F ABS 153	26109 RALPH FAIR RD, BOERNE, TX 78015

## Exhibit B-1

H.A. KUEHLEM SURVEY COMPANY  
Boundary \* Subdivisions \* Oil Wells \* Construction  
GPS Services

### FIELD NOTES

Field notes of a 8.522 acre tract of land situated in Bexar County, Texas and being out of the J.M. McCulloch and Co. Survey No. 30, Abstract 529, County Block 4710 and being out of that 13.372 acre tract conveyed to John H. Girdley and described in deed recorded in Volume 8645, Page 2017, Official Public Records of Bexar County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a  $\frac{1}{2}$ " iron pin set in the south line of Old Fredericksburg Road at the northwest corner of this tract, said point being S  $74^{\circ} 44' 29''$  E. 115.36 feet Type I concrete monument found (broken) in the south line of Old Fredericksburg Road at its intersection with a cut off line with the east line of Interstate Highway 10, being the northwest corner of said 13.372 acre tract.

Thence S  $74^{\circ} 44' 29''$  E. 529.09 feet along the south line of Old Fredericksburg Road to a  $\frac{1}{2}$ " iron pin with cap set at a at the northeast corner of this tract.

Thence S  $33^{\circ} 18' 13''$  E. 803.62 feet across said 13.372 acre tract to a  $\frac{1}{2}$ " iron pin with cap set in the south line of said 13.372 acre tract, being the north line of Lot 3, Old Fredericksburg Commercial Subdivision, according to plat recorded in Volume 9604, Page 144, and being the southeast corner of this tract.

Thence S  $76^{\circ} 10' 10''$  W. 335.24 feet along the south line of said 13.372 acre tract, being the north line of Lot 3, Old Fredericksburg Commercial Subdivision, and a 10.000 acre tract described in deed recorded in Volume 8645, Page 2031, to a  $\frac{1}{2}$ " iron pin set at a southwest corner of this tract.

Thence crossing said 13.372 acre tract, as follows:

N  $30^{\circ} 03' 11''$  E. 103.54 feet to a  $\frac{1}{2}$ " iron pin set at an angle point.  
N  $35^{\circ} 50' 46''$  W. 136.52 feet to a  $\frac{1}{2}$ " iron pin set at an angle point.  
N  $51^{\circ} 59' 13''$  W. 103.40 feet to a  $\frac{1}{2}$ " iron pin set at an angle point.  
N  $84^{\circ} 51' 09''$  W. 342.06 feet to a Type I concrete monument found in the northeast line of Interstate Highway 10, being a southwest corner of this tract.

Thence along the northeast line of Interstate Highway 10, as follows:

N  $13^{\circ} 14' 40''$  E. 57.66 feet to a Type I concrete monument found at an angle point.  
N  $30^{\circ} 33' 25''$  W. 321.10 feet to a  $\frac{1}{2}$ " iron pin set at an angle point.

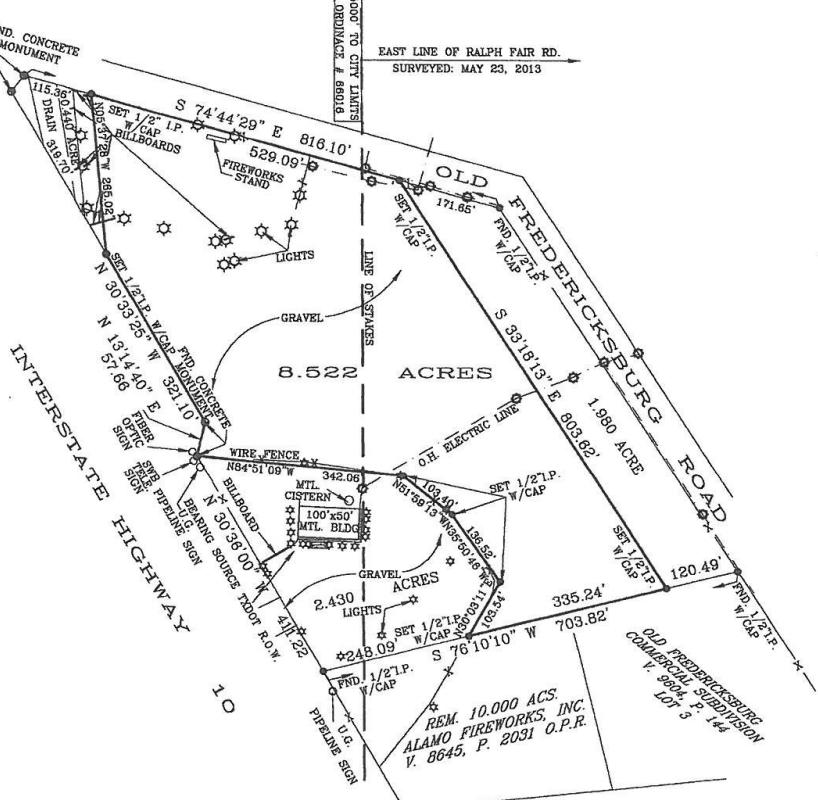
Thence N  $05^{\circ} 37' 28''$  W. 265.02 feet across said 13.372 acre tract to the place of Beginning and containing 8.522 acres of land according to a survey made on the ground.

All 1/2" iron pins set with orange plastic cap "RPLS 4020".  
Job No. 049-15  
RE: Plat - Bearing Source: TxDOT right of way map

Surveyed September 14, 2015

  
HENRY A. KUEHLEM  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 4020





SCALE: 1" = 200'

RE: FIELD NOTE DESCRIPTION  
NOTE BEARING SOURCE TXDOT ROW

NOTE: SET 1/2" IRON PINS HAVE  
ORANGE PLASTIC CAP STAMPED "RPLS 4020"

STATE OF TEXAS  
COUNTY OF BEXAR  
I CERTIFY THAT THE ABOVE PLAT WAS PREPARED FROM AN  
ACTUAL SURVEY MADE ON THE GROUND BY MEN WORKING UNDER  
MY SUPERVISION AND THAT THERE ARE NO ENCROACHMENTS  
AND NO VISIBLE EASEMENTS EXCEPT AS SHOWN

PLAT OF 8.522 ACRES,  
BEING A PORTION OF THAT 13.372 ACRE TRACT CONVEYED TO  
JOHN H. GIRDLEY BY DEED RECORDED IN  
VOLUME 8645, PAGE 2017 R.P.R.,  
OUT OF THE J.M. McCULLOCH AND CO. SURVEY 30,  
ABSTRACT 529, COUNTY BLOCK 4710,  
BEXAR COUNTY, TEXAS

SURVEYED: SEPTEMBER 14, 2015

**H.A. KUEHLEM SURVEY COMPANY**  
14350 NORTHBROOK DRIVE SUITE 130  
SAN ANTONIO, TEXAS 78232  
PHONE: (210) 490-7847  
FAX (210) 490-7857  
FIRM REGISTRATION NO. 10059500



HENRY A. KUEHLEM  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 4020 048-15

# TX LANDMARK SURVEYING

26254 IH 10 West, Suite 105 | Boerne, TX 78006 | 830.428.0290  
TBPLS Firm No. 10164600

## FIELD NOTES FOR 6.652 ACRES OF LAND AGRICULTUAL USE

**BEING** 6.652 acres of land out of the J.M. McCULLOCK and CO. SURVEY No. 29, ABSTRACT No. 528, Bexar County, Texas, said 6.652 acres being out of the SOUTHBOUND TEXAS, LTD. 13.811 acre tract, recorded in Volume 7309, Page 37, Official Public Records, Bexar County, Texas (OPRBCT) (R2), said 6.652 acres being more particularly described by metes and bounds as follows:

**BEGINNING** at a found 1/2" rebar with no identification for the northwest corner of this tract, the northwest corner of said SOUTHBOUND TEXAS, LTD. 13.811 acre tract, the south corner of the SOUTHBOUND TEXAS, LTD. 7.543 acre TRACT II, recorded in Volume 7179, Page 120, OPRBCT, on the northeast ROW of INTERSTATE HIGHWAY 10 (330' wide public ROW);

**THENCE** North 19°58'27" East for 274.42 feet along the western boundary of this tract, an eastern boundary of said SOUTHBOUND TEXAS, LTD. 7.543 acre TRACT II to a point for a northwest corner of this tract, an interior corner of said SOUTHBOUND TEXAS, LTD. 7.543 acre TRACT II;

**THENCE** North 72°25'11" East for 83.04 feet along a northwestern boundary of this tract, the southeastern boundary of said SOUTHBOUND TEXAS, LTD. 7.543 acre TRACT II to a point for the northernmost corner of this tract;

**THENCE** along a northeastern boundary and a northwestern boundary of this tract respectfully, though the interior of said SOUTHBOUND TEXAS, LTD. 13.811 acre tract the following courses and distances:

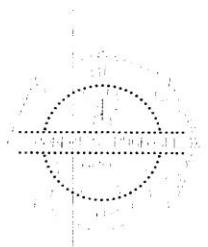
1. South 33°45'28" East for 782.12 feet to a point for an interior angle;
2. North 52°02'14" East for 444.28 feet to a point for a northern corner of this tract on the southwest ROW of OLD FREDERICKSBURG ROAD (60' wide public ROW);

**THENCE** South 33°26'21" East for 73.68 feet along a northeastern boundary of this tract, the southwest ROW of FREDERICKSBURG ROAD for the eastern corner of this tract, the northern corner of the SOUTHBOUND TEXAS, LTD. 17.859 acre tract recorded in Volume 10123, Page 1193, OPRBCT;

**THENCE** South 53°05'52" West for 781.61 feet along the southeast boundary of this tract, the northwest boundary of said SOUTHBOUND TEXAS, LTD. 17.859 acre tract to a point for the southern corner of this tract, the western corner of said SOUTHBOUND TEXAS, LTD. 17.859 acre tract, on the northeast ROW of INTERSTATE HIGHWAY 10;

**THENCE** North 30°51'48" West for 727.83 feet along the southwest boundary of this tract, the northeast ROW of INTERSTATE HIGHWAY 10 to the **POINT OF BEGINNING**.

**CONTAINING:** 6.652 acres of land.



The Basis of Bearings is Texas State Plane Coordinate System, South Central Zone, NAD 1983 (4204). This description was based on a survey made on the ground under my supervision completed on August 25, 2015 from which an exhibit was prepared.

Robert S. Rugloski, RPLS #6002  
Job #11508212 (DAK/RSR) | September 11, 2015

# TX LANDMARK SURVEYING

26254 IH 10 West, Suite 105 | Boerne, TX 78006 | 830.428.0290  
TBPLS Firm No. 10164600

## FIELD NOTES FOR 7.159 ACRES OF LAND COMMERCIAL USE

**BEING** 7.159 acres of land out of the J.M. McCULLOCK and CO. SURVEY No. 29, ABSTRACT No. 528, Bexar County, Texas, said 7.159 acres being out of the SOUTHBOUND TEXAS, LTD. 13.811 acre tract, recorded in Volume 7309, Page 37, Official Public Records, Bexar County, Texas (OPRBCT) (R2), said 7.159 acres being more particularly described by metes and bounds as follows:

**BEGINNING** at a found 1/2" rebar with no identification for the northeast corner of this tract, the northeast corner of said SOUTHBOUND TEXAS, LTD. 13.811 acre tract, the southeast corner of the SOUTHBOUND TEXAS, LTD. 7.543 acre TRACT II, recorded in Volume 7179, Page 120, OPRBCT, on the southwest ROW of OLD FREDERICKSBURG ROAD (60' public ROW)

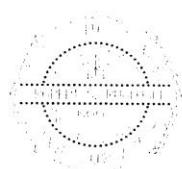
**THENCE** South 33°26'21" East for 620.02 feet along the northeastern boundary of this tract, the southwestern ROW of OLD FREDERICKSBURG ROAD to a point for the southeast corner of this tract;

**THENCE** along the southeastern and southwestern boundaries of this tract respectfully through the interior of said SOUTHBOUND TEXAS, LTD. 13.811 acre tract the following courses and distances:

1. South 52°02'14" West for 444.28 feet to a point for the southern corner of this tract;
2. North 33°45'28" West for 782.12 feet to a point for the northwest corner of this tract on the southern boundary of said SOUTHBOUND TEXAS, LTD. 7.543 acre TRACT II;

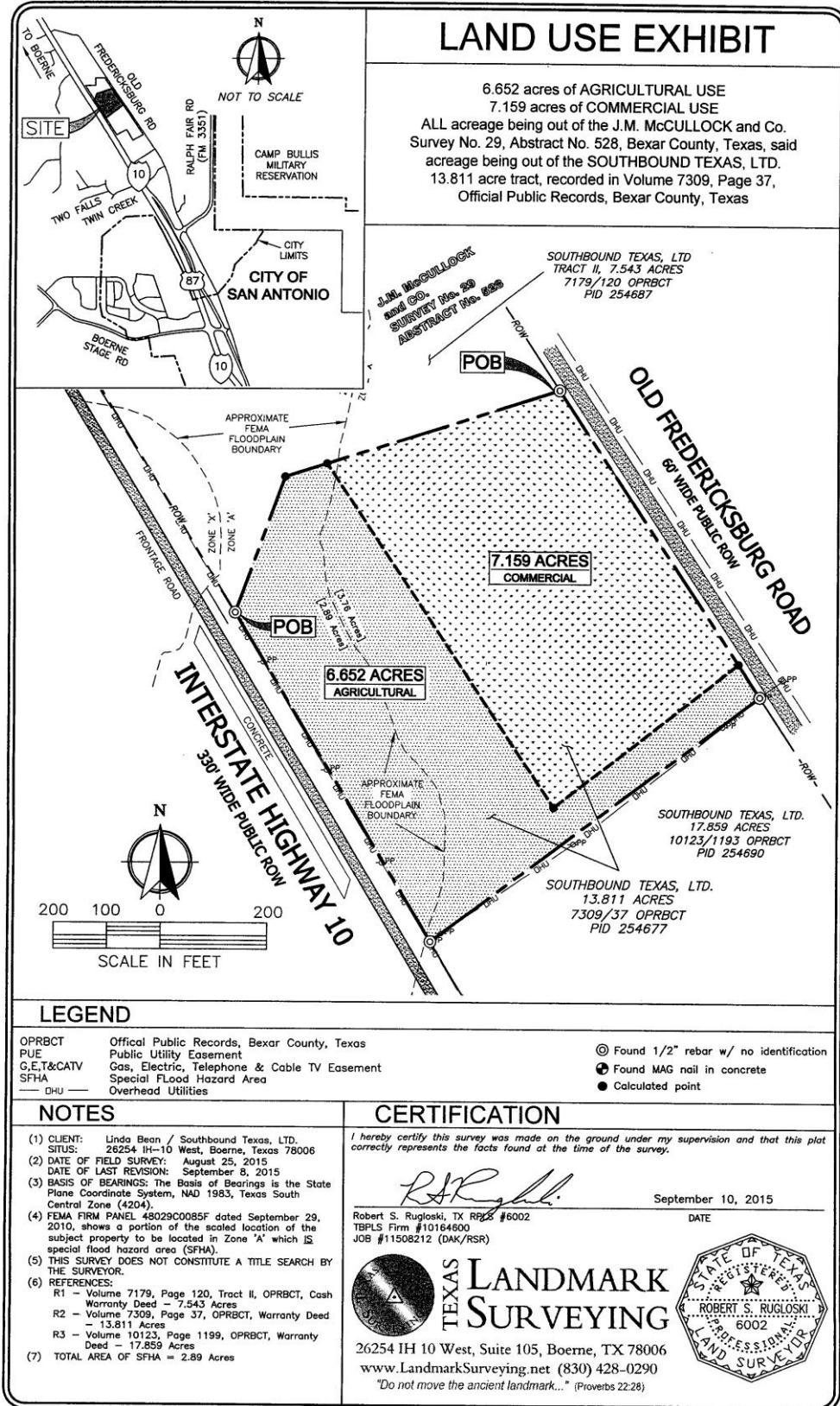
**THENCE** North 72°25'11" East for 464.94 feet along the northern boundary of this tract, the southern boundary of said SOUTHBOUND TEXAS, LTD. 7.543 acre TRACT II to the **POINT OF BEGINNING**.

**CONTAINING:** 7.161 acres of land.



The Basis of Bearings is Texas State Plane Coordinate System, South Central Zone, NAD 1983 (4204). This description was based on a survey made on the ground under my supervision completed on August 25, 2015 from which an exhibit was prepared.

  
\_\_\_\_\_  
Robert S. Rugloski, RPLS #6002  
Job #11508212 (D&K/RSR) | September 11, 2015



## Exhibit B-3

# TX LANDMARK SURVEYING

26254 IH 10 West, Suite 105 | Boerne, TX 78006 | 830.428.0290  
TBPLS Firm No. 10164600

## FIELD NOTES FOR 1.743 ACRES OF LAND DRAINAGE

**BEING** 1.743 acres of land out of the J.M. McCULLOCK and Co. SURVEY No. 29, ABSTRACT No. 528. Bexar County, Texas, said 1.743 acres being out of the SOUTHBOUND TEXAS, LTD. 7.543 acre TRACT II, recorded in Volume 7179, Page 120, Official Public Records, Bexar County, Texas (OPRBCT) (R1), said 1.743 acres being more particularly described by metes and bounds as follows:

**BEGINNING** at a found 1/2" rebar with no identification for the southernmost corner of this tract, the southernmost corner of said SOUTHBOUND TEXAS, LTD. 7.543 acre TRACT II, a northwest corner of SOUTHBOUND TEXAS, LTD. 13.811 ACRE TRACT, recorded in Volume 7309, Page 37, OPRBCT, on the northeastern ROW of INTERSTATE HIGHWAY 10 (330' wide public ROW);

**THENCE** North 30°45'35" West for 129.16 feet along the southwestern boundary of this tract, the northeastern ROW of INTERSTATE HIGHWAY 10 to a point for the southwest corner of this tract;

**THENCE** along the along a western boundary of this tract, through the interior of said SOUTHBOUND TEXAS, LTD. 7.543 acre TRACT II the following courses and distances:

1. North 19°58'27" East for 328.74 feet to a point;
2. North 00°49'51" West for 121.19 feet to a found 1/2" rebar with no identification for a point on the western boundary of this tract, the southeast corner of LOT 1, C&L COMMUNICATIONS SUBDIVISION, recorded in Volume 9525, Page 106, Deed and Plat Records, Bexar County, Texas (DPRBCT);

**THENCE** North 00°49'51" West for 250.50 feet, continuing along a western boundary of this tract, the eastern boundary of said LOT 1 to a found MAG nail in concrete for the northwest corner of this tract, the northeast corner of said LOT 1 on the southern boundary of the LAREDO OFR, LTD. 0.6224 acre tract recorded in Volume 12826, Page 1850, OPRBCT;

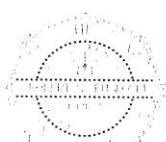
**THENCE** North 89°16'08" East for 100.00 feet along the northern boundary of this tract, the southern boundary of said LAREDO OFR, LTD. to a point for the northeast corner of this tract, the southeast corner of said LAREDO OFR, LTD. and the southwest corner of the CITY OF FAIR OAKS RANCH remainder of 1.500 acre tract recorded in Volume 7294, Page 1736, OPRBCT;

**THENCE** along the eastern boundary of this tract, through the interior of said SOUTHBOUND TEXAS, LTD. 7.543 acre TRACT II, the following courses and distances:

1. South 00°49'51" East for 389.88 feet to a point;
2. South 19°58'27" West for 154.42 feet to a point on the eastern boundary of this tract, a northwest corner of said SOUTHBOUND TEXAS, LTD. 13.811 acre tract;

**THENCE** South 19°58'27" West for 274.42 feet along the eastern boundary of this tract, the western boundary of said SOUTHBOUND TEXAS, LTD. 13.811 acre tract to the **POINT OF BEGINNING**.

**CONTAINING:** 1.743 acres of land.



The Basis of Bearings is Texas State Plane Coordinate System, South Central Zone, NAD 1983 (4204). This description was based on a survey made on the ground under my supervision completed on August 25, 2015 from which an exhibit was prepared.

Robert S. Rugloski, RPLS #6002  
Job #11508212 (DAK/RSR) | September 9, 2015  
Page 1 of 1

# TX LANDMARK SURVEYING

26254 IH 10 West, Suite 105 | Boerne, TX 78006 | 830.428.0290  
TBPLS Firm No. 10164600

## FIELD NOTES FOR 1.950 ACRES OF LAND AGRICULTURAL USE

**BEING** 1.950 acres of land out of the J.M. McCULLOCK and CO. SURVEY No. 29, ABSTRACT No. 528, Bexar County, Texas, said 1.950 acres being out of the SOUTHBOUND TEXAS, LTD. 7.543 acre TRACT II, recorded in Volume 7179, Page 120, Official Public Records, Bexar County, Texas (OPRBCT) (R1), said 1.950 acres being more particularly described by metes and bounds as follows:

**BEGINNING** at a found 1/2" rebar with no identification for the northwest corner of this tract, the northwest corner of said SOUTHBOUND TEXAS, LTD. 7.543 acre TRACT II, the southwest corner of LOT 1, C&L COMMUNICATIONS SUBDIVISION recorded in Volume 9524, Page 106, Deed and Plat Records, Bexar County Texas (DPRBCT), on the northeast ROW of INTERSTATE HIGHWAY 10 (330' wide public ROW);

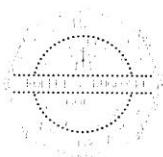
**THENCE** North 89°10'28" East for 363.47 feet along the northern boundary of this tract, the southern boundary of said LOT 1 to a found 1/2" rebar with no identification for the northeast corner of this tract, the southeast corner of said LOT 1, an interior corner of said SOUTHBOUND TEXAS, LTD. 7.543 acre TRACT II;

**THENCE** along the eastern boundary of this tract, through the interior of said SOUTHBOUND TEXAS, LTD. 7.543 acre TRACT II, the following courses and distances:

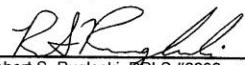
1. South 00°49'51" East for 121.19 feet to a point;
2. South 19°58'27" West for 328.74 feet to a point for the southernmost corner of this tract, on the northeast ROW of INTERSTATE HIGHWAY 10;

**THENCE** North 30°45'35" West for 494.47 feet along the southwestern boundary of this tract, the northeast boundary of said INTERSTATE HIGHWAY 10 to the **POINT OF BEGINNING**.

**CONTAINING:** 1.950 acres of land.



The Basis of Bearings is Texas State Plane Coordinate System, South Central Zone, NAD 1983 (4204). This description was based on a survey made on the ground under my supervision completed on August 25, 2015 from which an exhibit was prepared.

  
\_\_\_\_\_  
Robert S. Rugloski, RPLS #6002  
Job #11508212 (DAK/RSR) | September 9, 2015

# TX LANDMARK SURVEYING

26254 IH 10 West, Suite 105 | Boerne, TX 78006 | 830.428.0290  
TBPLS Firm No. 10164600

## FIELD NOTES FOR 3.850 ACRES OF LAND COMMERCIAL USE

**BEING** 3.850 acres of land out of the J.M. McCULLOCK and Co. SURVEY No. 29, ABSTRACT No. 528, Bexar County, Texas, said 3.850 acres being out of the SOUTHBOUND TEXAS, LTD. 7.543 acre TRACT II, recorded in Volume 7179, Page 120, Official Public Records, Bexar County, Texas (OPRBCT) (R1), said 3.850 acres being more particularly described by metes and bounds as follows:

**BEGINNING** at a found 1/2" rebar with no identification for the northeast corner of this tract, the northeast corner of said SOUTHBOUND TEXAS, LTD. 7.543 acre TRACT II, the southeast corner of the CITY OF FAIR OAKS RANCH remainder of 1.500 acre tract recorded in Volume 7294, Page 1736, OPRBCT, on the southwest ROW of OLD FREDERICKSBURG ROAD (60' wide public ROW);

**THENCE** South 33°39'27" East for 447.35 feet along the northeast boundary of this tract, the southwest ROW of OLD FREDERICKSBURG ROAD to a found 1/2" rebar with no identification for the southeast corner of this tract, the northeast corner of the SOUTHBOUND TEXAS, LTD. 13.811 acre tract recorded in Volume 7309, Page 37, OPRBCT;

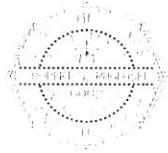
**THENCE** South 72°25'11" West for 547.99 feet along the southern boundary of this tract, the northern boundary of said SOUTHBOUND TEXAS, LTD. 13.811 acre tract to a point for the southwest corner of this tract;

**THENCE** along the western boundary of this tract through the interior of said SOUTHBOUND TEXAS, LTD. 7.543 acre TRACT II the following courses and distances:

1. North 19°58'27" East for 154.42 feet to a point;
2. North 00°49'51" West for 389.88 feet to a point for the northwest corner of this tract, the southeast corner of the LAREDO OFR, LTD. 0.6224 acre tract recorded in Volume 12826, Page 1850, OPRBCT, the southwest corner of said CITY OF FAIR OAKS RANCH tract;

**THENCE** North 89°16'08" East for 227.38 feet along the northern boundary of this tract, the southern boundary of said CITY OF FAIR OAKS RANCH tract to the **POINT OF BEGINNING**.

**CONTAINING:** 3.850 acres of land.



The Basis of Bearings is Texas State Plane Coordinate System, South Central Zone, NAD 1983 (4204). This description was based on a survey made on the ground under my supervision completed on August 25, 2015 from which an exhibit was prepared.

  
\_\_\_\_\_  
Robert S. Ruggles, RPLS #6062  
Job #11508212 (DAK/RSR) | September 10, 2015

## LAND USE EXHIBIT

### 1.950 acres of AGRICULTURAL USE

### 1.743 acres of DRAINAGE USE

3.850 acres of COMMERCIAL USE

ALL acreage being out of the J.M. McCULLOCK and Co. Survey No. 29, Abstract No. 528, Bexar County, Texas, said acreage being out of the SOUTHBOUND TEXAS, LTD. 7.543 acre TRACT II, recorded in Volume 7179, Page 120, Official Public Records, Bexar County, Texas

## LEGEND

OPRBCT Official Public Records, Bexar County, Texas  
PUE Public Utility Easement  
G,E,T&CATV Gas, Electric, Telephone & Cable TV Easement  
SFHA Special Flood Hazard Area  
— OHU — Overhead Utilities

④ Found 1/2" rebar w/ no identification

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## NOTES

(1) CLIENT: Linda Bean / Southbound Texas, LTD.  
SITUS: 26254 IH-10 West, Boerne, Texas 78006

(2) DATE OF FIELD SURVEY: August 25, 2015

(3) DATE OF LAST REVISION: September 8, 2015

(4) BASIS OF BEARINGS: The Basis of Bearings is the State Plane Coordinate System, NAD 1983, Texas South Central Zone (4204).

(4) FEMA PANEL 4802900085F dated September 29, 2010, shows a portion of the scaled location of the subject property to be located in Zone 'A' which is special flood hazard area (SFHA).

(5) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR.

(6) REFERENCES:

R1 - Volume 7179, Page 120, Tract II, OPRBCT, Cash Warranty Deed - 7.543 Acres

R2 - Volume 7309, Page 37, OPRBCT, Warranty Deed - 13.811 Acres

R3 - Volume 10123, Page 1199, OPRBCT, Warranty Deed - 17.859 Acres

(7) TOTAL AREA OF SFHA = 4.24 Acres

## CERTIFICATION

I hereby certify this survey was made on the ground under my supervision and that this plat correctly represents the facts found at the time of the survey.

September 10, 2015

Robert S. Rugloski, TX RPLS #6002  
TBPLS Firm #10164600

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# TEXAS LANDMARK SURVEYING

26254 IH 10 West, Suite 105, Boerne, TX 78006  
www.LandmarkSurveying.net (830) 428-0290

*"Do not move the ancient landmark..." (Proverbs 22:28)*



## Exhibit C

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE REAL PROPERTY RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

### **DEVELOPMENT AGREEMENT TEXAS LOCAL GOVERNMENT CODE §§ 43.035 & 212.172**

**THIS AGREEMENT** is made and effective upon passage of the Annexation Program Phase I Ordinance to be considered by City Council, by and between the City of San Antonio, Texas, a home rule municipal corporation of the State of Texas located within Bexar County, Texas (hereinafter referred to as "City") and, \_\_\_\_\_, hereinafter called "the Owner," whether one or more natural persons or other legal entities, and is as follows:

**WHEREAS**, the Owner's property, hereinafter called "the Property," is located within the extraterritorial jurisdiction of the City and is subject to municipal annexation; and

**WHEREAS**, the Property is appraised for ad valorem tax purposes as land for agricultural or wildlife management use under Subchapter C or D, Chapter 23, Texas Tax Code, or as timber land under Subchapter E of that chapter;

**WHEREAS**, the Texas Local Government Code § 43.035 provides that the City may not annex property appraised for such purposes unless it first offers to make a development agreement with the Owner pursuant to such section; and

**WHEREAS**, the City has notified the Owner of its intent to annex the Property and has offered to enter into an agreement guaranteeing the continued extraterritorial status of the Property upon the terms and conditions hereinafter provided; and

**WHEREAS**, the City desires that any development of the property be in conformance with the City's Comprehensive plan; and

**WHEREAS**, the Owner desires to enter into this Agreement to secure the continued extraterritorial status of the Property:

**NOW THEREFORE**, in exchange for the mutual covenants, conditions and promises contained herein, City and Owner agree as follows:

**1. Identification of the Property.** The Property is described as the property owned by the Owner within the boundaries of the area, and more particularly described as \_\_\_\_\_ which is appraised for ad valorem tax purposes as land for agricultural, wildlife management, or timber use.

**2. Continuation of Extraterritorial Status.** The Property shall not be annexed and shall remain in the extraterritorial jurisdiction of the City as long as this agreement is effective, the Property is not subdivided, the Property continues to be appraised for ad valorem tax purposes as land for agricultural or wildlife management use under Subchapter C or D, Chapter 23, Texas Tax Code, or as timber land under Subchapter E of that chapter and the Owner is not in violation of this agreement. This provision does not prohibit annexation with the consent of the Owner.

**3. Annexation Upon Subdivision or Change of Use.** This agreement is void if the Owner fails to continue to use the Property solely for agricultural, wildlife management or timber use and/or subdivides or develops the Property in any manner that would require a plat of the subdivision or a related development document including any permit required by Chapter 34 or Chapter 35 of the San Antonio City Code or any permit required by SAWS or CPS Energy to be filed with any governmental entity having jurisdiction over the Property.

Existing legal residential uses may continue. No new residential development shall be permitted, except for the addition of living space to an existing legal residence, the addition of accessory residential structures such as garages and carports where the total combined floor area of all accessory structures does not exceed 2500 feet, and an accessory dwelling (either attached or detached) that does not exceed 1200 square feet in living area.

If the Property ceases to be appraised for agricultural, wildlife management or timber use or if the Owner subdivides the Property as described in this section, then the City may annex the Property, either in whole or in part, and such annexation shall be deemed to be with the consent of the Owner. Any plat or related development document shall be consistent with the City of San Antonio's adopted Land Use Plan.

**4. Term.** This Agreement shall terminate 10 years after the effective date of this Agreement or upon annexation of the Property in conformance with this agreement and/or Section 43.035 of the Texas Local Government Code, whichever comes first. Upon termination the City may annex the Property, either in whole or in part or for full or limited purposes, and such annexation shall be deemed to be with the consent of the Owner.

City and owner may extend the term of this agreement by mutual consent, in writing, and subject to approval by the City Council, as evidenced by passage of an ordinance.

**5. Agreement a Covenant Running With the Land.** This Agreement shall be recorded in the Real Property Records of the applicable county and shall be a covenant running with the land binding upon all parties having any right, title or interest in the Property or any part thereof, including their heirs, successors and assigns, and shall inure to the benefit of the owners of the Property and to the City. This Agreement may not be revised or amended without the written consent of both parties.

**6. Notice of Sale of the Property.** Prior to the sale or conveyance of any portion of the Property, the Owner shall give written notice and a copy of this Agreement to the prospective purchaser or grantee and shall provide a copy of such disclosure to the City.

**7. Form and Delivery of Notice.** Any notice required or permitted under this Agreement shall be in writing and shall be delivered by facsimile or by registered or certified US mail. Notice to the Owner may be addressed to Owner at the address indicated on the most recent applicable county property tax roll for the Property. If more than one entity is named in this Agreement, service of any notice on any one of the entities shall be deemed service on all entities. Any notice so given shall be deemed to have been received when deposited in the United States mail so addressed with postage prepaid:

CITY:

John M. Dugan, Director  
Department of Planning and Community Development  
City of San Antonio  
PO Box 839966  
San Antonio, Texas 78283-3966

---

OWNERS' CONTACT:

Print Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

Facsimile Number: \_\_\_\_\_

**8. Enforcement.** This Agreement may be enforced by Owner or City by any proceeding at law or in equity. Failure to do so shall not be deemed a waiver to enforce the Agreement thereafter.

**9.** Pursuant to Chapter 43.035(e) Tex. Loc. Gov. Code, this Agreement is not a permit for purposes of Chapter 245 Tex. Loc. Gov. Code.

**10. Provisions Severable.** If any provision contained in this Agreement is held unconstitutional, invalid or unenforceable, then the remaining provisions shall be deemed severable and shall remain in full force and effect.

**11. Governmental Powers.** It is understood that by execution of this Agreement, the City does not waive or surrender any of its governmental powers.

**12. Captions.** Captions and headings used in this Agreement are for reference purposes only and shall not be deemed a part of this Agreement.

**13. Modification of Agreement.** This Agreement cannot be modified or amended without the written consent of all the parties hereto and attached and made a part of this Agreement.

**14. Governing Law and Venue.** Venue shall be in the state courts located in Bexar County, Texas and construed in conformity with the laws of the State of Texas.

**IN WITNESS WHEREOF**, the parties have signed and executed this Agreement effective as of the date first set forth above.

**CITY OF SAN ANTONIO**

By: \_\_\_\_\_

Date: \_\_\_\_\_

Name: John M. Dugan, Director  
Dept. of Planning and Community Development

**The Owner**

By: \_\_\_\_\_

(signature)

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**State of Texas  
County of Bexar**

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by John M. Dugan, Director of the Department of Planning and Community Development with the City of San Antonio, a Texas municipal corporation, on behalf of said corporation.

**State of Texas  
County of Bexar**

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_, the Owner within the District.

\_\_\_\_\_  
Notary Public, State of Texas  
Personalized Seal)

\_\_\_\_\_  
(Print Name of Notary Public here)

My commission expires the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas  
Personalized Seal)

\_\_\_\_\_  
(Print Name of Notary Public here)

My commission expires the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

After Recording Return to:  
Nina Nixon-Méndez, Planning Administrator  
City of San Antonio  
Department of Planning and Community Development  
P.O. Box 839966  
San Antonio, TX 78283-3966